

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
DECEMBER 12, 2011

I. CALL TO ORDER:

The meeting was called to order by Mr. Milioto at 7:02 P.M.

II. MOMENT OF SILENCE:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL;

Present:

Richard Russo, Paul Sharkady, Joseph Graff, Joseph Milioto, Patricia Romano, Fran Coleman, George Coleman, and John Bevec (who joined the meeting at 7:45 P.M.)

Others Present:

Borough Manager Terry Hazlett, Engineer Harvey Treschow, Attorney Patrick Derrico, Mayor David H. Rhome, and Police Chief R. T. Bell

Absent:

Allen J. Williams

V. PRESENTATION:

Mayor Rhome asked Police Chief R. T. Bell and Public Safety Chairman Joseph Graff to join him in the presentation of a Certificate of Commendation to a citizen for her quick outstanding acts of good citizenship.

(Applause)

VI. PUBLIC COMMENTS:

- A. Mr. Robert Stopperich, of 450 Linden Road, approached Council in reference to a voting item on the agenda concerning the awarding of a bid for lawn maintenance.

(At this point Chairman Milioto turned the gavel over to Mr. Russo.)

Mr. Stopperich stated that he was surprised on Saturday to receive his bid bond check back from the Borough for the work at the park for the upcoming 2012, 2013, and 2014 years. When he contacted Mr. Hazlett, he was informed that none of the other potential bidders had submitted a bid bond. However, the information in the newspaper stated that "A bid must be accompanied by a bid bond or certified check made payable

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without condition in the name of the Borough of Canonsburg in the amount no less than 10% of the first annual contract”.

Mr. Stopperich stated that he did follow this stipulation, but no one else did. Therefore, he felt that the other contracts that were submitted should have been disqualified based on a bidding procedure.

Mr. Stopperich again made reference to the information published in the newspaper which stipulated that all bids must be sealed, identified with the name and address of the bidder and clearly marked in the lower left hand corner”. He was in attendance at last week’s Agenda Meeting when the bids were opened, and there was one bidder who did not conform to this. Mr. Stopperich stated that, according to the information he read today pertaining to the Borough Council’s Agenda, that particular contractor was the lowest bidder.

Mr. Stopperich felt that he had a qualified objection to this. He had with him a copy of the information published in the newspaper and offered to let anyone on Council read it if they wished to do so.

Mr. Hazlett said that he saved the envelopes and will check on this.

In reference to the newspaper ad, Mr. Hazlett thought that perhaps the newspaper uses a standard procedure with the bids, and they know which lines to add when Kim sends them in to be published. However, this was also advertised on the web site, and two bidders actually came in to the office to obtain the bids. The stipulation was not on the web site or the bid description given to those people who came to the office. Mr. Hazlett stated that not everyone got the same information on whether or not a bid bond was needed.

Mr. Russo recommended tabling this item until January for further clarification.

Mr. Russo asked about the bid document and whether the

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requirement for the name and address on the sealed envelope is included in there.

Mr. Hazlett did not have the document in front of him, but he believed it was included.

Mr. Stopperich stated that it is a four-page proposal form. First are general instructions, then it goes into the name of the company, where located, number of employees, etc.

Mr. Hazlett indicated that Mr. Stopperich was correct.

Mr. Russo again made his recommendation to table this matter and asked if Council agreed.

Mrs. Coleman questioned why, if there is one protocol to follow, there were three or four.

Mr. Russo explained what Mr. Hazlett said that whatever was sent to the newspaper may have been generic in nature, and the newspaper filled in the requirements they had in the past.

Mrs. Coleman felt it shouldn't be done that way.

Mr. Hazlett stated that the information pertaining to the bid bond was not on the web site or the four-page specs. Because no one else sent a bid bond or check, Mr. Hazlett returned Mr. Stopperich's check to him to prevent it from getting lost.

Mr. Stopperich felt that the advertisement, which Mr. Hazlett referred to as generic, was pretty specific in the beginning. It states that "Bids will be received for lawn, ground maintenance at Canonsburg Park, Gateway Gardens for 2012, 2013, and 2014.

Mr. Coleman felt it should be rebid.

Attorney Derrico stated that since the specifications are different to different people, possibly because of communications, it may very well be that the committee recommend rebidding this. The bid is not for snow removal, but for grass, which doesn't start until approximately March.

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It was decided to table this matter.

(Mr. Russo handed the gavel back to Chairman Milioto.)

- B. Ms. Kathleen Norton, of 101 Ivy Court, whose business is located at 16 West Pike Street, approached Council in reference to the increase or doubling of parking fines from \$5.00 to \$10.00. (This is one of the Voting Items on tonight's Agenda.) She understands that the budget has to be balanced, but she felt there's a better way to balance it rather than on the backs of the few customers that this town gets. Ms. Norton recommended an increase of \$1.00, as a \$5.00 increase will affect her business and all the other businesses in Canonsburg.

Mr. Milioto informed Ms. Norton that this was discussed at the budget hearings, and it does affect balancing the budget. He stated that at that time, all of Council was in agreement to put this on the Agenda and balance the budget.

Mr. Graff responded to Ms. Norton's concern and stated that all the other merchants have the same idea that there won't be enough people. He said he has seen in the past that people still come back to Canonsburg.

Ms. Norton informed him that she has one of the most active walk-in businesses on this main street. She has been here almost 10 years now and has seen the changes in the parking meter fees, which she always considered the cost of doing business. But she felt that if she is standing in front of Council and has a problem with parking, they need to listen to her because she's always been supportive in the past. Ms. Norton felt that when the fines jump from \$5.00 to \$10.00 so easily, there is a problem. She said that if she doubled her prices, she would be out of business in a week.

Mr. Graff stated that some people come to town, park, and

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forget about putting quarters in the meters.

Ms. Norton explained that sometimes things can take longer than expected. This is about her customers. She asked if Council member pay for parking and if this is an issue that can affect them on a personal level.

Further discussion was held.

Ms. Norton again stated that she isn't saying don't raise the fines; just don't double the amount. This is something that can affect her customers, and she is going to fight for them. Discussion was held pertaining to this matter and balancing the budget.

VII. VOTING ITEMS:

A. Approval of Minutes

Mr. Graff motioned to approve the Canonsburg Borough Regular Council Meeting minutes of November 14, 2011.

Mr. Russo seconded the motion.

The motion was passed unanimously.

B. Approval of 2012 Canonsburg Borough Budget

Mr. Graff moved to approve the 2012 Canonsburg Borough budget of \$4,218,727 with a general purpose tax of 30 mils, a special road fund of 2 mils, a debt service of 2.33 mils, and a special fire department equipment fund of 3 mils for a total of 37.33 mils, with the balance that would not increase taxes for 2012.

Mr. Sharkady seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	No
Fran Coleman	Yes
George Coleman	Yes

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John Bevec	Absent
Joseph Milioto	Yes

RESULTS OF THE MOTION: Six Yes, One No, Two Absent.

Motion carried.

C. Motion to Approve 2012 Tax Ordinance

Mr. Russo motioned to approve the 2012 Tax Ordinance.

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, Two Absent. Motion carried.

D. Motion to Approve 2012 Salary Ordinance

Mr. Graff motioned to approve the 2012 Salary Ordinance.

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	Yes
John Bevec	Absent
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, Two Absent. Motion carried.

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E. Approval of Police Contract

Mr. Graff motioned to approve the Canonsburg police contract for 2012, 2013, and 2014.

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	No
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	No
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Five Yes, Two No, Two Absent. Motion carried.

F. Approval of Resolution – Police Pension Fund

Mr. Graff motioned to approve a resolution stipulating 2 ½% employee contribution to Police Pension Plan (as per contract).

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	No
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	No
John Bevec	Absent
Joseph Milioto	Yes

RESULTS OF THE MOTION: Five Yes, Two No, Two Absent. Motion carried.

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G. Approval of Resolution – Non Uniformed Employee Pension Fund
Mr. Graff motioned to approve a resolution stipulating 1% employee contribution to the Non-Uniformed Employee Pension Fund (as per contract).

Mrs. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	No
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Six Yes, One No, Two Absent. Motion carried.

H. Approval of Drop Pension Ordinance

Mr. Graff moved to approve the Drop Pension Ordinance.

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	No
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	No
John Bevec	Absent
Joseph Milioto	Yes

RESULTS OF THE MOTION: Five Yes, Two No, Two Absent; Motion carried.

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BOROUGH OF CANONSBURG - 9 - MINUTES OF DEC. 12, 2011
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I. Approval of Canonsburg-Houston Joint Sewer Budget

Mr. Graff motioned to approve the 2012 Canonsburg-Houston Joint Sewer budget of \$3,315,600.

Mr. Russo seconded the motion.

Remarks: Mr. Russo mentioned that there was no rate increase.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, Two Absent. Motion carried.

J. Approval of Resolution – Community Block Grant

Mrs. Coleman motioned to approve a resolution for distribution of \$486,000 in Community Block Grant Funding.

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	Yes
John Bevec	Absent
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, Two Absent. Motion carried.

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BOROUGH OF CANONSBURG - 10 - MINUTES OF DEC. 12, 2011
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K. Motion to Award Bids for Lawn Maintenance (Bids Attached)

This matter was tabled per Mr. Russo's recommendation.

L. Approval of Ordinance Amendment Adjusting Parking Fines

Mr. Graff motioned to approve an Ordinance Amendment adjusting parking fines.

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	No
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Six Yes, One No, Two Absent. Motion carried.

M. Approval of Ordinance Adjusting Nuisance Fine Payments

Mrs. Coleman motioned to approve the Ordinance adjusting nuisance fine payments.

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	No
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	No
Fran Coleman	Yes
George Coleman	No
John Bevec	Absent
Joseph Milioto	Yews

RESULTS OF THE MOTION: Four Yes, Three No, Two Absent. Motion carried.

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N. Approval of Advertising Amendment to Subdivision Ordinance and Land Development Ordinance

Mr. Russo motioned to approve advertising amendment to current Subdivision Ordinance and Land Development Ordinance.

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Absent
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, Two Absent. Motion carried.

O. Appointment of Solicitor to Zoning Hearing Board

Mrs. Coleman motioned to appoint Holly Stabile as solicitor for the Canonsburg Zoning Hearing Board.

Mr. Russo seconded the motion.

Question on the Motion: Mr. Russo asked Attorney Derrico about the fact that Ms. Stabile is the solicitor for the Planning Commission.

Attorney Derrico replied that she will have to give that up; she cannot be solicitor for both Planning and Zoning.

Attorney Derrico stated that he will attend the Planning Commission meetings until Council decides what to do.

Discussion was held pertaining to how Ms. Stabile was selected.

NOTE: Mr. Bevec joined the meeting the meeting at this point.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
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Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	Yes
John Bevec	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTIOIN: Eight Yes, Zero No, One Absent. Motion carried.

- P. Approval of Borough Manager's Report
Mrs. Coleman motioned to accept the Borough Manager's Report of December 5, 2011.
Mr. Bevec seconded the motion.
The motion was passed unanimously.

- Q. Approval of Engineer's Report
Mr. Bevec motioned to approve the Engineer's Report of December 5, 2011.
Mr. Coleman seconded the motion.
The motion was passed unanimously.

VIII. COMMITTEE REPORTS:

- A. Public Safety – Joseph Graff
Mr. Graff read the Fire Department report for the month of November. There were 13 calls, and total damages were zero.
- B. Parks and Recreation – Fran Coleman
Mrs. Coleman reported on the recent meeting of the Park Board.

IX. MAYOR'S REPORT:

Mayor Rhome's report consisted of the following:

- A. Mayor Rhome went to Camp Hill, PA on November 21, 2011 and accepted an award from the Pennsylvania Fire and Emergency Services Institute on behalf of the Borough and Borough Council. He reported that the Canonsburg Fire Department was also rep-rented for the same award, which is the Chandler Associate

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Municipal Cooperation Award. In addition, he presented to Chairman Joseph Milioto a congratulatory letter from State Senator Timothy J. Solobay.

Mr. Milioto read the letter aloud.

- B. The Mayor reported that Mr. Tom Lawrence will be the new Fire Department Chief as of January, 2012.
(Applause)
- C. Paperwork in packets from Parking Enforcement Department, which is headed up by Chief Bell and Deputy Chief Coleman.
- D. The Mayor read the Police Department Report for November, 2011
- E. Mayor Rhome thanked Council on behalf of the Police Department for the vote on the contract and also on the drop pension. .
- F. Reported that a meeting with Attorney Derrico in regard to weapons in the building will be upcoming in January.
- G. Playground in Apple Hill that has not materialize needs to be revisited.
- H. Issue at 123½ East College Street
Certificates of Commendation were presented to the following outgoing Councilmen:
 - 1. Joseph Milioto, Council President
(Applause)
 - 2. George Coleman
(Applause)

X. FINANCE REPORT:

- A. Presentation of Bills for Approval – Richard Russo
Mr. Russo mentioned that he held one bill out because of the issue and not the bill itself. The issue is that, over the last twelve months or so, he and Mr. Hazlett have been talking about the Mercantile tax. Someone doing services for the Borough does not pay Mercantile tax. Upon doing an audit of the businesses in town, Mr. Russo found that a lot of the businesses in town don't pay this tax. Therefore, he has asked Mr. Hazlett to put together a plan to

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address this. Mr. Russo said he will approve the bill after tonight's meeting.

Discussion was held pertaining to the collection of Mercantile taxes.

Mr. Russo motioned to approve the bills, which include the following:

1. General Fund
2. Waste Water Plant Operations
3. Garbage Service
4. Fireman Allocation
5. I & I
6. Capital Projects

Mr. Sharkady seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Yes
George Coleman	Yes
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Absent
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Eight Yes, Zero No, One Absent. Motion carried

XI. UNFINISHED BUSINESS:

- A. Mr. Bevec requested an Executive Session.
- B. Mr. Coleman said he has talked with Mr. Hazlett several times, including this afternoon, in reference to a statement he has submitted. Mr. Coleman requested that the statement and the issues from the September 19, 2011 meeting be attached to tonight's minutes. He also stated that there is no need for discussion; it's over.

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BOROUGH OF CANONSBURG - 15 - MINUTES OF DEC. 12, 2011
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NOTE: The information Mr. Coleman alluded to is attached to these minutes.

- C. Mr. Graff asked if a vote would be taken tonight to replace Councilman A. J. Williams.

It was decided that the two First Ward Council members should have the right to make a recommendation in January after the reorganization.

- D. Mr. Sharkady felt that ice on the streets should be addressed, particularly the spot on Cecil Street below Route 980.

Discussion was held.

Mr. Hazlett said he talked with Chester (Osiecki), and Public Works will be dealing with this tomorrow morning.

XII. EXECUTIVE SESSION:

An Executive Session was held from 8:20 P.M. to 8:35 P.M.

Mr. Milioto called the meeting back to order at 8:21 P.M.

Mr. Bevec motioned to offer a retirement incentive to all Borough employees, which will be available for a 90-day window beginning in early January through March 31, 2012. The incentive would be two years health care for the spouse, and all terms and conditions will be presented when Attorney Derrico has the chance to put them together.

Mrs. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Absent
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	Yes
John Bevec	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Eight Yes, Zero No, One Absent. Motion carried.

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BOROUGH OF CANONSBURG - 16 - MINUTES OF DEC. 12, 2011
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XIII. NEW BUSINESS:

There was none.

XIV. ADJOURNMENT:

Mr. Russo motioned to adjourn.

Mr. Graff seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 8:30 P.M.

Mary A. Solomon

ATTACHMENT:

1. Copy of information Mr. Coleman submitted to Mr. Hazlett, which includes the following:
 - A. Letter from George R. Coleman, Jr. to Attorney/Solicitor Pat Derrico dated October 25, 2011
 - B. Letter from Attorney Patrick C. Derrico (Greenlee, Derrico & Posa) to George R. Coleman dated October 12, 2011
 - C. Letter from George R. Coleman, Jr. to Solicitor Patrick Derrico dated January 5, 2011
 - D. Pages 4, 5, and 6 of Borough of Canonsburg Regular Council Meeting Minutes of September 19, 2011