

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
DECEMBER 9, 2013

I. CALL TO ORDER:

The meeting was called to order by Mr. Bevec at 7:00 P.M.
(This meeting was held at the Frank Sarris Public Library.)

II. MOMENT OF SILENCE:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL:

Present:

Paul Sharkady, Joseph McGarry, John Bevec, Fran Coleman, Timothy Bilsky, and Peter Lucas

Others Present:

Borough Manager Robert Kipp, Engineer Harvey Treschow, Attorney Jeffrey Derrico, Mayor David H. Rhome, and Police Chief R. T. Bell

Absent:

Richard Russo, Joseph Graff, and Patricia Romano

V. GUESTS:

There were none.

VI. PUBLIC COMMENTS:

There were none.

VII. VOTING ITEMS:

A. Approval of Minutes

Mr. Lucas motioned to approve the minutes of the Regular Meeting of November 12, 2013.

Mr. McGarry seconded the motion.

The motion was passed unanimously.

B. Approval of Engineer's Report

Mr. Bilsky motioned to approve the Engineer's Report of December 2, 2013.

Mr. Lucas seconded the motion.

The motion was passed unanimously.

C. Approval of Tentative Canonsburg Borough 2014 Budget

Mrs. Coleman motioned to approve the tentative Canonsburg Borough 2014 Budget.

(continued)

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Mr. Lucas seconded the motion.

Remarks: Mr. Sharkady thought that the tentative budget was passed last month.

Mr. Bevec replied that this is actually the **final adoption**. Therefore, the motion should be changed as follows:

Mrs. Coleman moved to approve the **final adoption** of the Canonsburg Borough 2014 Budget.

Mr. Lucas seconded the motion.

Remarks: Mr. Bilsky asked if the budget includes borrowing money for the sewage plant.

Mr. Bevec replied that it does not, as it has not been voted upon yet.

ROLL CALL ON THE CORRECTED MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

D. Approval of Tentative CHJA Operations Budget for 2014

Mr. Bevec explained that the Joint Authority has to approve the budget and then give it to Council to tentatively approve. Once this is done, they are to approve final passage; it would then come back to Council.

Discussion was held.

Mr. Sharkady motioned to table tentative approval of CHJA Operations Budget for 2014.

Mr. Bilsky seconded the motion.

The motion was passed unanimously.

(continued)

E. Motion to Form Committee

Re: Investigate Working Agreement with PA Water Company

Mr. Sharkady said he had been asked to contact Bernie Gadowski of the Water Company and learned that Attorney Patrick Derrico had already talked with him. They had a price of \$12,000,000 on the table for this.

Mr. Sharkady reported that he and Mr. Gadowski agreed that a committee should be formed to talk this over with both Houston and Canonsburg. They should talk this over first and then take it to the municipalities.

Mr. Bevec asked Mr. Sharkady if he wished to serve on the committee.

Mr. Sharkady agreed to do this if no one else is willing.

Mr. Lucas motioned to name Paul Sharkady as the representative from Canonsburg to serve on the committee to investigate a potential working agreement with PA Water Company.

Mr. Bilsky seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	Abstain
Peter Lucas	Yes
John Bevec	Yes

RESULTS OF THE MOTION: Four Yes, One No, One Abstain, and Three Absent. Motion carried.

F. Motion to Form Committee

Re: Investigate Potential Relocation of Donaldson Supply

(continued)

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Mr. Bevec reported that he and Mr. Russo talked with the County, who has engaged the Economic Development Director to explore the option.

Mr. Bilsky felt that this was more of a private nature.

Mr. Bevec explained that part of the reason they looked into this was because the School District is looking at expanding the stadium, and also to try to put an end to an ongoing battle

Mr. Bevec stated that he and Mr. Russo would be willing to continue to serve on this committee to help resolve this issue.

Mrs. Coleman motioned to form a committee to investigate the potential relocation of Donaldson Supply, with Richard Russo and John Bevec serving on the committee.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

G. Motion to Float 4.2 M Bond Issue to Dissolve the CHJA
This matter was tabled. No action was taken.

H. Approval of Fort Pitt Business Park Subdivision

Mr. Treschow explained that Council has a copy of his Report concerning the December 5, 2013 Planning Commission Meeting. The Subdivision for four lots was rec-

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ommended for approval by the Planning Commission based on H.M.T.'s letter of December 4, 2013. There were two conditions based on a previous Planning Commission meeting: Create a 35 ft. right-of-way and take care of the storm water problem that existed. Both conditions have been addressed satisfactorily.

Mr. Bilsky motioned to approve the Fort Pitt Business Park Subdivision as per the Borough Planning Commission.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	Yes
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	Yes
Peter Lucas	Yes
John Bevec	Yes

RESULTS OF THE MOTION: Six Yes, Zero No, Three Absent. Motion carried.

I. Approval of Fort Pitt Business Park Site Plan

Mr. Treschow reported that the Site Plan is to put up a second building, which will be very similar to the building that's there on the other side of the cul de sac. They have also addressed the 35 ft. right-of-way, they are installing half the new road to Borough specifications, and they have also corrected the storm water problem the Borough had down there. The Planning Commission recommended this for approval based upon H.M.T.'s review of December 4, 2013.

Mr. Lucas motioned to approve the Fort Pitt Business Park Site Plan as per the Borough Planning Commission.

(continued)

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	Yes
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	Yes
Peter Lucas	Yes
John Bevec	Yes

RESULTS OF THE MOTION: Six Yes, Zero No, Three Absent. Motion carried.

J. Motion to Form Committee for Civil Service Regulation Revisions

Chief Bell explained that the mandatory list has expired, and the Civil Service Commission has asked for a new list. Under federal law, there must always be a Civil Service list.

Mr. McGarry motioned to allow the Civil Service Commission to conduct testing to create a new Civil Service List.

Mrs. Coleman seconded the motion,
The motion was passed unanimously.

K. Motion to Appoint John Bevec to 5-Year Term on CHJA

Mrs. Coleman motioned to appoint John Bevec to a 5-year term (1-1-2014 – 12-31-2018) on the Canonsburg-Houston Joint Authority.

Mr. McGarry seconded the motion.

Remarks: In reference to this motion and the next two motions listed on the agenda, Mr. Bilsky felt that Council should not be appointing anyone until there is actually a vacancy, which doesn't occur until the end of this year.

Mr. Sharkady stated that a letter has just been received

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from Attorney Witheral saying that it's illegal to appoint anyone until that term expires. The term does not expire until the end of the year.

Mr. Bevec acknowledged that he has read this letter, but it isn't to Council. It's to the Canonsburg Authority, so he doesn't feel it has any bearing on Council. He cited minutes in 2010 where Council appointed similar appointments in the December meeting because the actual vacancy occurred before the new Council was seated.

Mr. Sharkady said the reason that was done was because of people resigning for other reasons – not because it was the end of the term. He said that he didn't imagine that the law stated in the letter by Mr. Witheral would change, no matter who it's for. Mr. Sharkady felt that the sections in there should be noted. He asked Attorney (Jeffrey) Derrico if this was correct.

Attorney Derrico replied that he was notified of Mr. Witheral's letter at the last minute and hasn't had much of a chance to explore the issue. He said at one point Section 7 of that Act suggested that whenever a vacancy has occurred, or is about to occur by reason of the expiration term of any member, said governing body shall appoint a member of the Board. Attorney Derrico explained that it's talking about "has expired or is about to expire". He said the term is about to expire, and it seems to him that the Borough has a history of appointing these people at the end of the year so that their agencies or boards can have a running start at the beginning of the year. Attorney (Jeffrey) Derrico recommended staying with the prior practice.

Mr. Sharkady wanted to make a motion to table this. Mr. Bevec explained that there is already a motion and second on the floor.

(continued)

Mr. Sharkady said he thinks a tabled motion precedes the regular motion on the floor. He asked Attorney Derrico if this is correct.

Attorney Derrico said he could understand asking for discussion on a motion, and he thought that a vote should be taken on the motion at this time.

Mr. Sharkady felt that the table to the motion takes precedence first; a vote is taken first on the table and then on the original motion.

Mr. Bevec disagreed.

Attorney Derrico felt there was no harm in taking the Motion to table.

Mr. Sharkady motioned to table the appointment.

Mr. Bilsky seconded the motion.

ROLL CALL ON THE MOTION TO TABLE:

Richard Russo	Absent
Paul Sharkady	Yes
Joseph Graff	Absent
Joseph McGarry	No
Patricia Romano	Absent
Fran Coleman	No
Timothy Bilsky	Yes
Peter Lucas	No
John Bevec	No

RESULTS OF THE MOTION TO TABLE: Two Yes, Four No, Three Absent. Motion denied.

Mr. Bevec once again read the original motion.

NOTE: The motion was made and seconded again.

Mr. McGarry motioned to appoint John Bevec to a 5-year term (1-1-2014 – 12-31-2018) on the Canonsburg-Houston Joint Authority.

Mrs. Coleman seconded the motion.

(continued)

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Abstain

RESULTS OF THE MOTION: Three Yes, Two No, One Abstain, and Three Absent. Motion carried.

- L. Appointments to Canonsburg Borough Zoning Hearing Board
1. Two Year Term

Mrs. Coleman motioned to appoint Mr. Tony Trona to a 2-year term (1-1-2014 – 12-31-2015) on the Canonsburg Borough Zoning Hearing Board.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

2. Three Year Term

Mr. McGarry motioned to appoint Mr. Jeffrey Derrico to a 3-year term (1-1-2014 – 12-31-2016) on the Canonsburg Borough Zoning Hearing Board.

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Mrs. Coleman seconded the motion.

The motion was passed unanimously.

3. Three Year Term (Listed on Agenda)

No action taken.

M. Appointments to Canonsburg Borough Planning Commission

1. Four Year Term

Mr. Lucas motioned to appoint Mr. Tim Bilsky to a 4-year term (1-1-2014 – 12-31-2017) on the Canonsburg Borough Planning Commission.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	Yes
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	Abstain
Peter Lucas	Yes
John Bevec	No

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

2. Four Year Term

Mrs. Coleman motioned to appoint Mr. Steve Moskal to a 4-year term (1-1-2014 – 12-31-2017) on the Canonsburg Borough Planning Commission.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent

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Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

3. Four Year Term

Mr. Lucas motioned to appoint Mr. George Loutsion to a 4-year term (1-1-2014 – 12-31-2017) on the Canonsburg Borough Planning Commission.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

4. Four Year Term

Mr. Lucas motioned to appoint Mr. John DeFilippo to a 4-year term (1-1-2014 – 12-31-2017) on the Canonsburg Borough Planning Commission.

Mr. Bilsky seconded the motion.

The motion was passed unanimously.

5. Four Year Term (Listed on Agenda)

No action taken.

N. Motion to Appoint Possible Candidates to Fill Position
On Canonsburg Borough Uniform Construction Code
Board for 2-year Term (1-1-2014 to 12-31-2015)

(continued)

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Mr. Kipp stated that this Board meets once every five years.
Discussion was held.

No action was taken at this time.

- O. Motion to Extend Appointment to Civil Service Commission
Mrs. Coleman motioned for a 2-year extension to the term
of Mr. James Chemento (2014 – 2016) (?) to the Civil
Service Commission Board.

Mr. McGarry seconded the motion.

The motion was passed unanimously.

VIII. MAYOR'S REPORT:

Mayor Rhome reported on the following:

- A. Police Department Report
- B. Parking Enforcement Department Report for November
- C. Redevelopment Community Block Program

Discussion was held pertaining to trying to qualify
areas in the three wards.

- D. Council Presentations

Mayor Rhome presented a Mayor's Certificate of Ap-
preciation to the following who had served on Council
for many years:

- 1. John Bevec
- 2. Peter Lucas
- 3. Richard Russo
- 4. Joseph Graff
- 5. Patricia Romano

IX. ENGINEER'S REPORT:

Mr. Treschow had nothing additional at this point.

X. SOLICITOR'S REPORT:

Attorney Jeffrey Derrico gave Council an update on his father's
\condition. (Attorney Patrick Derrico was not present tonight
due to illness.)

XI. FINANCE REPORT:

- A. Presentation of Bills for Approval – Peter Lucas

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Mr. Lucas motioned to pay all the bills for the month of December, which includes the following:

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

Mrs. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	Yes
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	Yes
Peter Lucas	Yes
John Bevec	Yes

RESULTS OF THE MOTION: Six Yes, Zero No, Three Absent. Motion carried.

XII. UNFINISHED BUSINESS:

There was none.

XIII. NEW BUSINESS:

- A. Christmas Festivities – Brought Up by Mr. Bilsky
Mr. Bilsky reported that he attended the Christmas festivities on Saturday and thanked all the citizens and the Mayor for all the work they did.
Mayor Rhome also commended all those involved.
- B. Mr. Sharkady recognized Mr. John Severine for the work he has been doing in town.

XIV. RESOLUTIONS AND ORDINANCES:

- A. Resolution 09-13 CHJA Extension

(continued)

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Mr. Bevec stated that the Canonsburg-Houston Joint Authority has to ask for an extension first.

No action was taken at this time.

B. Resolution 10-13 2014 Fee Schedule

Mr. Bilsky motioned to approve Resolution 10-13, 2014 Fee Schedule.

Mrs. Coleman seconded the motion.

The motion was passed unanimously.

C. Resolution 11-13 2014 Police Pension Plan

Mr. McGarry motioned to approve Resolution 11-13, 2014 Police Pension Plan.

Mrs. Coleman seconded the motion.

The motion was passed unanimously.

D. Resolution 12-13 2014 Non-Uniform Pension

Mr. McGarry motioned to approve Resolution 12-13, 2014 Non-Uniform Pension Plan.

Mr. Lucas seconded the motion.

The motion was passed unanimously.

E. Ordinance 1316 Salaries for 2014

Mrs. Coleman motioned to approve Ordinance 1316, Salaries for 2014.

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

F. Ordinance 1317 Affixing Tax Rates for 2014

Mr. Lucas motioned to approve Ordinance 1317 Affixing
Tax Rates for 2014,

Mr. McGarry seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Absent
Paul Sharkady	No
Joseph Graff	Absent
Joseph McGarry	Yes
Patricia Romano	Absent
Fran Coleman	Yes
Timothy Bilsky	No
Peter Lucas	Yes
John Bevec	Yes

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

G. Ordinance 1818 Bond Issue for Canonsburg-Houston
Joint Authority

No action was taken at this time.

XV. ADJOURNMENT:

Mr. Sharkady motioned to adjourn.

Mr. Bilsky seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 7:50 P.M.

Mary A. Solomon

ATTACHMENT:

1. Engineer's Report – Update – Dated December 9, 2013