



## **CARNEGIE BOROUGH PUBLIC MEETING**

**Monday, May 11, 2015**

**Workshop Meeting @ 6:00 PM / Voting Meeting @ 7:00 PM**

**(Junior Council Member, Sara Mannes, Carlynton High School  
Presiding over meeting this evening.)**

**CALL MEETING TO ORDER**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF COUNCIL:**

**Councilperson Boyd – Present, Councilperson D’Loss – Present, Councilperson Demko – Present, Councilperson Luvara – Present, Councilperson Sarsfield – Present, Council President Mannes – Present, Mayor Kobistek – Present.**

**PUBLIC COMMENT ON LISTED MOTIONS**

### **Administration (Councilman Sarsfield)**

**MOTION to approve the Minutes from the Council Meeting on April 13 and May 4, 2015.  
Seconded by Councilman D’Loss. Vote: UNANIMOUS. MOTION CARRIED.**

### **Finance (Councilman D’Loss)**

**MOTION to approve the May Bill List and Bill List Addendum.  
Seconded by Councilman Sarsfield. Vote: UNANIMOUS. MOTION CARRIED.**

**Public Works (Councilwoman Demko)**

**MOTION to offer Employment to Albert Rossi in a probationary status at a pay rate in accordance with the labor agreement for a period of 90 days and upon successful completion thereof Full Time Employment subject to the collective bargaining agreement with the International Brotherhood of Teamsters.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to approve Payment Application No. 1 to Insight Pipe Contracting, L.P. in the amount of \$15,820.42 for sewer cleaning and CCTV inspection work completed for the South Hills Area Council of Governments (SHACOG) Joint Municipal O&M Preventative Maintenance – Year 4 contract.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to approve Payment Application No. 2 to Insight Pipe Contracting, L.P. in the amount of \$3,956.88 for sewer cleaning and CCTV inspection work completed for the South Hills Area Council of Governments (SHACOG) Joint Municipal O&M Preventative Maintenance – Year 4 contract.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to accept the proposal of KLH Engineers to complete foundation design work and prepare bid documents for the procurement of materials for a 60' L x 40' W x 14'-8" steel building at the Public Works Garage Site.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to advertise Ordinance No. 2414, an ordinance of the Borough of Carnegie, County of Allegheny, Commonwealth of PA, amending Chapter 21, Part 1 of the Borough Code of Ordinances relating to street excavations and openings.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to approve the Curb Cut application for the property located at 639 Dow Avenue (66-J-298).**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**Resolution presented by Councilwoman Sue Demko to Edward Fisher, retiring member of the Department of Public Works after 33-years of service.**

**Public Safety (Councilman Boyd)**

**MOTION to accept the proposal from Trans Associates to complete a traffic study (Part 1 – Data Collection) on Summitt Street and Grandview Avenue for an amount not to exceed \$2,000.00.**

**Seconded by Councilwoman Demko. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to appoint Mayor Jack Kobistek as Deputy Emergency Management Coordinator for the Borough of Carnegie.**

**Seconded by Councilwoman Demko. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to advertise Ordinance No. 2415, an ordinance of the Borough of Carnegie, County of Allegheny, Commonwealth of PA, amending Chapter 15, Section 2014 of the Borough Code of Ordinances relating to motor vehicles and traffic.**

**Seconded by Councilwoman Demko. Vote: UNANIMOUS. MOTION CARRIED.**

**Community Development and Code Enforcement (Councilman Luvara)**

**MOTION to adopt Ordinance No. 2413, an ordinance of the Borough of Carnegie, County of Allegheny, Commonwealth of PA, amending Chapter 5 of the Borough Code of Ordinances and establishing standards and requirements for the administration and enforcement of those requirements for the installation and maintenance of carbon monoxide alarms within the Borough.**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to ratify the decision of the Planning Commission recommending to Council the lot subdivisions submitted by NVR, INC. (Prestley Heights Land Development – Amendment No. 6), Lot and Blocks (103-E-201 / 103-E-202).**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

**MOTION to advertise for a public hearing on Monday, June 8, 2015 at 6:30 PM for a conditional use hearing for the proposed personal services business located at 843 Washington Avenue (65-E-104).**

**Seconded by Councilman Boyd. Vote: UNANIMOUS. MOTION CARRIED.**

## **COMMITTEE REPORTS**

### **Administration (Councilperson Sarsfield)**

**This past Saturday the Shade Tree Commission planted 10 new trees here in the Borough along Main Street. The plan is to continue down Main Street. Shrubbery would be added in front of the Borough Building along with the new trees. The plan is continue with trees all the way to I-79. This program has been a huge benefit to our community not only aesthetically, but also environmentally. The planting of trees also aids in storm water management.**

### **Finance (Councilperson D'Loss)**

**TAN Loan (Tax Anticipation Note), this is a loan that we take every year on January 1 to pay payroll and certain expenses of the Borough until property taxes come in, and at that time, we repay the loan. We need to consider in the near future that we push some of our capital expenditures, such as vehicle purchases, into the fall months instead of the spring so that we are not purchasing them on interest.**

**The purchase of a leaf Machine which is utilized by Public Works for leaf removal during the fall. We have already approved the purchase of a leaf machine which is a machine that is towed behind a truck. And there is also a proposal to replace one of our dump trucks as part of this project because we are receiving grant money. If we choose to replace one of our dump trucks as part of this purchase, the Department of Environmental Protection would grant us \$75,000.00 towards that purchase. Council will have to make a decision as to whether we purchase just the leaf machine or the leaf machine and the truck.**

**O&M Budget for Sewer Repairs. We have had some extraordinary sewer expenses due to the flood projects throughout the Borough (Charles, Knox, Cooks Lane, Alan Street), which will be about \$450,000.00 in addition to the repairs that were made on Wabash in December and the repaving of Franklin. That will cut into our normal expenditures for sewer repairs for the rest of the Borough. Last year we spent \$900,000.00 on the consent order items, that it Budget Item 429.375. We could maintain within that budget number of \$900,000.00 if we give KHL the go-ahead for \$300,000.00 in O&M expenditures this year. I would recommend that we do that. That will keep us within the budget numbers that we have discussed.**

### **Code Enforcement and Community Development (Councilperson Luvara)**

**Since working with Mr. Roma and Mr. Beuter, we have revised approximately 18 different ordinances. By doing this in-house, we save money as opposed to sending it out to a legal department, and to hopefully assist the code enforcement department in utilizing resources more effectively by making sure that the codes are up to the standard that they need to be today. By revitalizing and restating these ordinances and bringing them up to code, this will help the department to operate more efficiently.**

### **Public Works (Councilperson Demko)**

I wanted to thank our Department of Public Works for helping to make the Crawl a huge success. Thank you for your hard work in getting the Borough ready for that event.

Summer help will be starting on June 17, 2015. This will provide us with extra help during the summer months with grass cutting, upkeep of all parks, etc.

### **Public Safety (Councilperson Boyd)**

I took a road trip last Thursday and Friday to the KME Factory which was quite an impressive facility. Meeting the people that build these large expensive machines was really a pleasure, because they were all about what these trucks do and how safe they need to be. The purpose of the trip was to make final decisions on engineering. The meeting was on Friday from 7:30 a.m. to 4:00 p.m. I had no idea how many details there were, and how many questions needed to be answered, but it was unbelievably detailed. We went over and signed off on every line item. The important thing was that we are at budget. There will be no requests for anything. Soon we will be provided with an approximate delivery date.

Engine One is still not in the garage. Councilman Boyd gave an update on the status of Engine One. Should have Engine One back relatively soon.

### **President's Report (Acting President Mannes)**

Thank you for allowing me the opportunity to serve as President this evening and also for the experience since October serving on Junior Council. It has been a fantastic learning experience.

On May 19, 2015, High School Choral Concert at 7:00 p.m. in the High School Auditorium.

On May 21, 2015, Carlynton Kennywood Picnic Day.

On May 22, 2015, Promenade at 6:30 p.m. in the High School Auditorium.

On May 28, 2015, High School Band Concert at 7:00 p.m. in the High School Auditorium.

On May 30, 2015, Rummage Sale at Carnegie Elementary Gym from 8:00 a.m. to 3:00 p.m.

### **Manager's Report**

Nothing to report this month.

## **Carnegie Volunteer Fire Dept. & EMS Report**

**During the month of April the Carnegie Volunteer Fire & Rescue Bureau responded to 200 EMS calls, 18 fire calls, two small fires, and two false alarms. One of the false alarms was from Carnegie Towers. This is their third false alarm for the year. A letter was sent to Carnegie Towers Management regarding the fees associated with excessive false fire alarms.**

## **Junior Council Report / Remarks**

**The seniors at Carlynton High School finish classes today and tomorrow and Wednesday are the finals. Graduation is at Soldiers and Sailors on May 24, 2015.**

**The Carnegie from the Arts Center Recital is on May 30 and May 31, 2015.**

**Members of the track team will be participating in the WPIALs and will hopefully go one to State this Thursday. Senior/Junior Prom is this Friday, May 15, 2015 with Kennywood following the next day.**

## **Mayor's Report**

**For the Month of April 2015 -- Criminal Arrests and Citations: 20; Traffic Citations: 57; Parking Tickets: 245; Complaints and Self-Initiating Activities: 928. Over the weekend we did have an attempted armed robbery in the 100 block of East Main Street -- no injuries, but have leads we are looking into. Please remember to lock your vehicles at night.**

**Today we have relatives of Christian Shade. Christian Shade was a Carnegie Police Officer. In 1941 on Christmas Eve he was struck by a vehicle at the corner of Mary Street and East Main Street. He died from his injuries on December 27. The National Law Enforcement Memorial did some research, and they were able to discover that this individual was never added to the National Wall Enforcement Memorial. At this time his name has been added, and they will have the Candle Light Service this week. He is the one and only Carnegie Officer on the Memorial. We thank the research team of the National Law Enforcement Memorial for discovering this information for us. On June 13, 2015 at 10:00 a.m., we are going to have a Flag Ceremony here at the Borough Building, and we will present a flag to the family with the hopes that the family will present it back to us or present us with another flag that we can hang in the police department in his honor and memorial for him so that all the officers can understand what it means to make the ultimate sacrifice for your community.**

**Councilman Sarsfield: We have the Fire and Police Memorial, so let's see if we can't make a plaque that we can put on the back of that memorial.**

**Mayor: That would be great. Very nice.**

**Councilman Sarsfield. I will work on that this week.**

**Mayor:** So, we want to make sure that this officer who dedicated his life to this department is honored properly. Anyone that is here is invited on June 13 to the Flag Ceremony. We thank him for his service. We thank him for his dedication to the community. We are sorry we had to meet this way, but it is actually nice to find some relatives of Christian Shade. Thank you very much.

**(Family introduces themselves.)**

**Mayor:** I also want to thank the Chief for all of his work on this. Thank you, Chief.

**Re-cap on the Carnegie Volunteer Fire Department 5K Race.** We actually did very well with the 5K Race this year. With all bills paid, our profit will be \$22,338.50. I really want to thank all the people who worked on the Race, Chief Kennedy, Manager Steve Beuter, and Councilman Phil Boyd. I also really want to thank the Administrative Staff.

**This weekend will be an additional inbound closure on the Parkway for work that was missed by PennDOT due to bad weather.**

**The summer we are working really hard to provide recreational activities at the park.** We have the Girl Scouts working on a dog event – Carnegie’s First Annual Dogapalooza. We are hoping to get some tennis camps. On June 11, we have a skating event – Blackeye America Professional Skate Team. The tour includes Tony Hawke’s son, Riley Hawke. They will be here between 5:00 and 7:00 p.m. We are working on a Wild Things Game for the community on July 30, 2015 by partnering with the Historical Society. We are also working on a free bowling event for the community, as well as movies in the park. We will have a full schedule hopefully by next meeting.

**We have been working very hard with regard to the Campbell’s Run Corridor to try and find a solution for the storm water problem in that area.** We had a meeting with County Officials and County Councilman Finnerty was able to allocate \$150.00 in grant money for a study of the area to find a storm water solution for the Lexington Court area.

**Last week at Monday’s Workshop Meeting the Solicitor, who is under the direction of the President of Council, personally addressed me in what I believe was an attempt to restrict the Mayor’s participation in public meetings.** The Solicitor informed me in front of the public that any questions by the Mayor should be restricted to the areas of police and public safety only. Since that meeting I took the opportunity to contact the Pennsylvania State Mayor’s Association for their assessment of the situation and to see if that is legal under the Borough Code. Specifically, that type of restriction on the Mayor. I would like to read some excerpts from the letter from the Mayor’s Association, from James Nowalk, Executive Director, and Mayor of Whitehall.

*You asked the Pennsylvania State Mayor’s Association to advise you on whether the Council has any legal authority to restrict your participation at such meetings. Ordinarily, I would refer requests such as yours to Glenn Smith, the Solicitor for the PSMA for a response. Because I believe the Borough Code is*

*extremely clear on this subject, I will respond to you directly in my capacity as President of the PSMA. If you subsequently find that you need legal representation from your PSMA Solicitor, I can refer you to him at that time. Section 1003(c) of the Borough Code sets forth the right to a Mayor to attend all regular and special meetings of council. It reads, "The Mayor may attend any and all regular and special meetings of council and may take part in the discussions of the council on matters pertaining to the Borough affairs subject to any restrictions applicable to members of councils contained in the Rules of Order or Bylaws of the council."*

*This special relationship that the Mayor has with council is further underscored by Section 10A073 of the Code which charges the Mayor with the responsibility "to report to the council from time to time on the state of the Borough, to make recommendations to the council on the matters of Borough concern." In short, a Mayor cannot be restricted from participating in the meetings of council under both the letter and intent of the Borough Code, and he is well within his legal rights to ignore any request to restrict himself.*

With that being said, I want to be perfectly honest, I was totally shocked by the incident. No political body is perfect. I believe even with some differences of opinions, we make it work. I will say, I don't believe restricting any elected official from participating in the political process is in the best interest of the voters. My goal has always been to do what I believe is in the best interest of the voters and the residents, which I represent without making it personal.

Under the Borough Code, it says that if this conflict cannot be resolved, the Mayor may seek his own council at an expense of up to \$4,000.00 from the General Fund. That is Section 1117, which if anyone knows me, to spend \$4,000.00 in that manner would make me totally sick. I am hoping that we can put this incident behind us and move forward discussing and debating the issues of the Borough and work to solve the problems of this Borough. Some of my fear is that behind the scenes, it may not be that way. So, that is my statement on last week. Unfortunately, I did not really want to make this statement at a public meeting, but I was called out at a public meeting, and I think it needed to be addressed.

Solicitor: Mr. President, I would ask that the Mayor be as kind as to provide council with a copy of the letter so that I might address council regarding that matter after having had an opportunity to review the letter.

Mayor: Like I said, see, it probably will continue. I will be more than glad to provide you with a copy of the letter. But, once again, this is politics, and I am sorry at your meeting that this had to happen considering how close we are together with everything that you do for the community.

Lastly, with that being said, I will say that last month on the financial issues that we were supposed to talk about voting on some of the pension items from the new contracts, and I do



**not see that on the vote. I am a little concerned that we have somebody retiring today and the contract was ratified five months ago. Why hasn't this information been brought to the floor and to the public at this time? That's my last comment, and I thank everyone for giving me the time.**

#### **GENERAL PUBLIC COMMENT**

**Amy Coyne, 50 Sigrid Drive. Addressed the dangers of the tractor trailer traffic in our community. Her daughter's car was side-swiped this morning in a hit and run by a tractor trailer. The driver did not stop. He fled the scene with no witnesses.**

**Wendy Shulti, 302 Fifth Avenue. Addressed the dangerous pothole issue on Campbell's Run Road.**

**Councilman Sarsfield: That section of Campbell's Run Road is owned by Allegheny County. Pictures of the road have been shared with our County Council Representative, Mike Finnerty. The County is planning repairs to that road in 2016. It is a County-owned road, not Borough Property.**

**Wendy also addressed the issue of over-flow parking on our neighborhood streets from the Port Authority Busway, and they are not obeying the two hour parking restriction.**

**Mayor: If you encounter this situation, please call the Borough with a description of the vehicle and the license plate number.**

**She also addressed the issue of recognizing our police department with some sort of recognition for the excellent job that they do. Her recommendation was asking everyone to shine a blue light in their window in support of the department.**

**Kerry G. Schoppe, 302 Fifth Avenue. Presented questions to Council regarding the new carbon monoxide detector regulations.**

**Councilman Sarsfield: The new regulations affect rental units only. Landlords are required to install approved carbon monoxide detectors.**

**He then also questioned the pension issue mentioned by the Mayor earlier in the meeting.**

**Mayor: Ed Fisher from the Department of Public Works retired, but in the contract there were pension increases voted in the last contract, and they need to be approved by a Resolution, and that has not been done. So, the new increases cannot yet take effect.**

**Amanda Foley, 820 Capital Drive. Informed Council that they have started a Carnegie Towers Resident Organization approximately three weeks ago. They will hold one meeting a month on the first Wednesday at 7:00 p.m. Councilman Sarsfield attended their first meeting. He has been a great help to them.**

**Robert Mitchell, 320 Lincoln Avenue (Also owns 322 Lincoln Avenue). Addressed Council with regard to a vacant, dilapidated garage located at 11 Howard Street which is four feet from the back of his house at 322 Lincoln Avenue. He would like it torn down.**

**Mr. Roma: Garage should be torn down. Garage is literally falling down on its own. Owner's consent must be obtained prior to demolition.**

**Cheryl Stephan, 318 California Avenue. Requested that our website be updated with the Council Meeting Minutes. They have not been posted in quite some time. Residents want to stay informed as to how you are voting and what is going on in the Borough.**

**Mayor: Police activity reports have also not been posted in over a year.**

**Cheryl made a comment about the Mayor's statement regarding last week's meeting stating that she was shocked that anything like that would happen with this Council. She stated that she had never known a Solicitor to take action without a request or direction from Council. Wondering where the dysfunction is. Continued to state her strong support for the Mayor, and her dissatisfaction with this situation.**

**Mary Pitcher, Pitcher Park Memorial Skatepark. Stated the word on the street is Carnegie is becoming the new Lawrenceville. Pitcher Park is really seeing an influx of people from everywhere. Those from out of town (New York, Philadelphia, California) are requesting information on where to stay, dine and visit while here. Local hotels are offering discounts. Currently trying to promote the 4<sup>th</sup> of July Celebration (the 3<sup>rd</sup> in Carnegie) with a band festival and a skateboarding competition. Looking for a dunk tank. There will be food at the concession stand, games for children and adults, in addition to a corn hole tournament. Also, looking at having a Battle of the Barrel contest between the fire department and Council.**

**On June 11, 2015. Thrasher Magazine – the largest skateboarding magazine in the world – will be promoting Pittsburgh, Carnegie, Pitcher Park, and Blackeye America Professional Skate Team.**

## **COUNCIL GOOD AND WELFARE**

**Councilman Sarsfield:** I would just like to let everyone know I had the pleasure of travelling to Harrisburg with our Manager, and a contingency from Heidelberg and Scott Township to receive an award from the Governor for the Tri-Community Project.

**Councilman Luvara:** I want to thank everyone from the Mayor to the Police Department and everyone who participated in the May 2 Parade for the celebration of the Tri-Community Project. I know that one of the reasons why we did that was to thank Congressman Murphy, Councilman Finnerty and other people. It was well attended, well organized and a testimony to working together with other communities such as Scott and Heidelberg.

There was recently an article in the Tribune review stating that the “hot button” issue was the traffic. I don’t know how much of a hot button issue it is. I just want to say from the Mayor, the police department here, the police department in Scott, all in all, I know it is not pleasant, but is necessary. I think it has also helped the business district due to slower traffic. Down the road we will have the development of the Parkway, and it will be a bygone thing that no one will ever think about. As far as the communities working together, the police departments working together, I think the communities should be commended.

**Councilman D’Loss:** President Catena asked me to explain that there was an Ordinance that was suggested by the Pennsylvania Retirement Board that we passed. We were informed about that about a month ago as I was getting ready to leave on business trips and I asked Councilman Boyd if we could get together when I got back. However, we were unable to coordinate schedules, so we didn’t have it ready for this meeting. But, the contract was signed in December. Council voted on it, and it’s approved. I have not heard anything from the Pension Board that says that it is not in effect, but that Council needs to do a ratification as a formality. Councilman Boyd and I will be getting together on May 21, I believe, and we are going to go through all the details of the ordinance that they proposed to us, which is two pages of detail. We want to make sure everything is in order and correct, and we will present it to Council at a Workshop and explain everything to them, and move forward.

**Councilman Boyd:** For those of you who participated in the 5K Race, thank you very much. For those of you who volunteered and helped, to the businesses that made contributions to the sponsorship of the race, thank you very much. It was tremendously successful and above my expectations. We also had a Super Cash Bash fundraiser, and there were businesses that helped sponsor that as well. The money that comes from these events goes to repairs, building maintenance, and various other things.

Later this year we are going to do a different kind of a fundraiser yet to be named, yet to be styled, something different, but it will be a fundraiser for the firemen. We are going to try and raise some funds to purchase new uniforms. New uniforms will cost about \$6,000.00. In the meantime, we appreciate all the support we have been given in the meantime. Thank you very much.

**Councilwoman Demko:** I wanted to talk about June 11, 2015, but that event has already been addressed by the Mayor and Mary Pitcher.

**Council President Catena:** Just one thing I would like to address. Contrary to popular belief, the Mayor and I actually see a lot of things similarly. What happened last week, to give the full discussion, is we typically ask that we try to get questions answered before meetings because we try to run meetings as officially as possible. Obviously, Council meets twice a month, public meeting and workshop meeting. There were additional times earlier this year that I requested additional meetings, because so much time was being spent and we needed additional time. And, when I requested that additional time the Mayor was actually giving me a hard time about scheduling additional meetings. It is my responsibility as President of Council to try and run meetings as officially as possible. We are basically trying to run meetings as officially as possible. If you can get your questions answered ahead of time, or if you can e-mail us your questions to us so that we can provide answers so that we don't have to sit there for 20 minutes and basically try to go over things and try to figure out what needs to be done or what needs to be said. If you go to any business, it's basically about running meetings efficiently. And the Mayor is involved in everything, and you are copied on every e-mail, Mr. Mayor. Like I said, up until last week when all we were trying to do was basically run the meeting a little bit more efficiently so we weren't there until 9:00 or 10:00 p.m. Basically, that was the entire gist of what happened last week. And that is, like I said, contrary to popular belief. I think the Mayor and I get along fairly well considering. I mean, we are not going to always agree, which is typical of any body of government. However, I agree with him, and if a debate needs to be had, a debate needs to be had. One way or the other. But the funny thing is, he and I see alike a lot of the times.

On that note, the other thing I wanted to say this evening was that Mother's Day was obviously yesterday. Happy belated Mother's Day to everyone. I just wanted to take a minute to wish my mother a Happy Mother's Day. I mean, I could never say enough. I feel like Emmett at this point, because Emmett always used to say what I am basically going to say at this point, but you can never tell your mother how much you appreciate her, or how much she does for you, or how much you truly appreciate her. So, if your mother is alive, please never take her for granted, because it is easy to take things for granted, and you don't want to do that.

Sara, your mother has raised a flying child, a fine teenager, and a fine Junior Council Member, and a fine President of Council. So, you should be very proud this evening.

I would like to congratulate Sara on a fine job. Hanna will be coming next month and running next month's meeting. And we invite you back next month because we are going to be having a little appreciation ceremony for both of you.

**MOTION TO ADJOURN**

*The Borough of Carnegie Code of Ordinances is available "on-line" at  
[www.carnegieborough.com](http://www.carnegieborough.com)*