

**BOROUGH OF GREEN TREE
COUNCIL MEETING
AUGUST 2, 2010**

Call to Order / Pledge of Allegiance

Green Tree Borough Council met on Monday, August 2, 2010 at 7:30 p.m. at the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna stated that Council had met prior to this meeting in Executive Session to discuss personnel matters, particularly in regard to police contract arbitration.

Roll Call

Members Present:

C. F. Hammer, Mayor
Mark Sampogna, President
Daniel Behanna
John Novak
Ron Panza
Edward Schenck

Also Present:

W. David Montz, Borough Manager
Peter Molinaro, Jr., Borough Solicitor
Deborah N. Gawryla, Stenographer

Absent:

Janine Palmer
Arthur Tintori

APPROVAL OF THE MINUTES

July 12, 2010

Motion:

Mr. Behanna made a motion, seconded by Mr. Schenck, to approve the minutes from the July 12, 2010 Council meeting as presented.

Mr. Behanna noted that the heading for the Planning & Zoning report said "Planning & Zoning - Ms. Palmer," but Mr. Schenck had given the report in Ms. Palmer's absence. Mr. Schenck said that Ms. Palmer was named in the heading because she is the committee chair.

Motion carried unanimously.

HEARING OF THE CITIZENS

Adele Bonassi, 1085 Tomaino Drive

Mrs. Bonassi stated that as of March 2010, Council has spent \$63,000+ on challenging Officer Kern's performance while Officer Kern has spent \$108 to represent himself in these matters, and she felt that this amount might even be higher than \$63,000 by this time.

Mrs. Bonassi said another cost that has not been determined is the cost to the police department to be interviewed by a law firm representative as well as the time spent preparing for this process by the Borough Manager and the Chief of Police. Mrs. Bonassi said that the result of these expenses resulted in the judge in this case determining that having Officer Kern undergo psychological testing was inappropriate, violated Green Tree's policies and violated the Borough's police contract and police manual.

Mrs. Bonassi asked why the Solicitor had recommended continuing this legal challenge since he is familiar with Borough policies and procedures and many constituents felt that it was not the right thing to do, as the results of the last election proved.

Mrs. Bonassi felt that the \$63,000 would be better spent supporting Borough programs such as the library, parks, ball fields, and Borough-run programs. She said that she sat on Council for 12 years and knows that the Home Rule Charter states that the Mayor has sole authority over the police department. She felt that for Council and the Borough Manager to assert this authority was wrong.

Mr. Sampogna said that the bulk of the money Mrs. Bonassi was referring to went to the Eckert-Seamens law firm for an investigation in the leak of private information from the police department to the media and was a larger case than that involving one officer. Council engaged the services of an independent law firm to conduct this investigation to find out how and when and by whom the leak occurred. The results of the investigation were that the Borough could not specifically determine with certainty how the leak occurred. It also uncovered some holes in Borough security and procedures within the police department. Mr. Sampogna said that it is up to Council to protect the members of the community and, as a result of the investigation, the Borough has made changes in its policies so that if such an occurrence happens again the Borough will be able to determine who violated Green Tree policy by leaking private information to the media.

Cindy Homel, 228 Hawthorne & Dee Consillo, 205 Hawthorne

Mrs. Homel said that she and Mrs. Consillo were once again coming before Council regarding the issue of the Frac Tech industries in the railyard that abuts Rook Station. She said the problems seem to be worse. Mrs. Consillo asked Mr. Montz if he had distributed the 40-page list of the chemicals used in the frac sand process. Mr. Montz said that the every product on the list has been approved and he has kept Council informed of the situation.

Mrs. Homel asked if anything was going to be done about the noise and the sand in the air. Mrs. Consillo said that the weigh scale in the railyard should be moved away from the homes. Mr. Sampogna said that the Borough does not have the power to make the railyards move the scale or take other action. When asked, Mr. Sampogna said that the railyard is private property and they are permitted to do what they are doing there. Mrs. Consillo said the trucks still continuously run their engines. She has called the police, but questioned whether she should call every night if the truck engines are running. Mr. Sampogna said if it is a problem she should call the police as needed.

Mrs. Homel asked if there were any other solutions for reducing the noise and dirt other than calling the police about the trucks running their engines. Mr. Montz replied that the Health Department had reviewed the situation and found that there are no violations. The scale was in the railyard before Frac Tech was involved. Unfortunately, the railyard is being used more heavily than it was in the past and that results in more noise. The Borough is attempting to work with the railroad regarding these issues.

Mr. Sampogna said that the Borough had requested that they provide cost estimates on moving the scale to a different location in the yard, but the Borough has not yet received those estimates. Mrs. Homel asked that the Borough follow up on their request for the estimates. Discussion continued regarding the details of the problems in the railyard.

MAYOR'S REPORT - Mayor Hammer

Mayor Hammer had nothing to report at this time.

REPORT OF BOROUGH COUNCIL COMMITTEES**A. PLANNING & ZONING - Ms. Palmer, Chair**

Mr. Sampogna stated that Mr. Schenck would be doing the Planning & Zoning report in Ms. Palmer's absence.

1. SP-05-08**Applicant, SouthStar Development, requesting final approval for the development of City Vista at Parkway, Planned Residential District (PRD), in the area formerly known at the Parkway Center Driving Range.**

Mr. Schenck said that the Planning Commission has reviewed this plan and voted unanimously to recommend it for final approval. Mr. Schenck said that the development will have a traffic loop. Originally 75% of the loop was going to be a public road with the other 25% being private. However, the Planning Commission recommended that the entire loop be a public road. Mr. Irving Firman, attorney for SouthStar Development, stated that section of roadway that was originally presented as private was done so because of the need for the Borough to accept certain modifications in the setback and the slope in that section of the road. He said that the developer would accept either decision regarding the road being public or private.

Mr. Firman said that the sidewalk in the private area of the roadway would require the installation of steps, but if Council and Planning Commission wish to have them they will install the sidewalk with steps in that area.

Mr. Schenck noted that in large developments such as these, there are developer's agreements requiring that certain specifications be met on issues so that portions of the development will be built to Borough standards. The developer's agreement also determines who is responsible for maintenance of sewers, stormwater, roads, sidewalks, etc. Mr. Schenck said the Borough Manager, with help from the Borough Engineer, submitted a memo to Council dated August 2, 2010 requesting the items on the drawing that should be better clarified. The memo lists 21 conditions that should be considered for the developer's agreement. Mr. Schenck requested that the development be considered a separate sanitary sewer district because of the pump station since it might require additional charges to maintain the pump station.

Mr. Sampogna asked what the steepest grade of the looped road would be. Mr. Aaron Richardson from Gateway Engineers said it would be 15%. The sidewalk in this area would be the same, however, steps would be installed in that area.

Motion:

Mr. Schenck made a motion, seconded by Mr. Behanna, to approve SP-05-08, applicant, SouthStar development, for final approval of the development of City Vista at Parkway, a Planned Residential District, in the area formerly known at the Parkway Center Driving Range, contingent upon:

- 1) Recommendations made by the Planning Commission in their July 30, 2010 memo to Council.**
- 2) Recommendations made by Borough Manager David Montz in his August 2, 2010 memo to Council.**

Mr. Behanna asked if the Borough Manager's memo included the developer's agreement. Mr. Schenck replied that the Borough Manager's memo included items

that should be included in the developer's agreement with the details to be worked out at a later time.

Motion carried unanimously.

Ms. Lynn DiLorenzo from SouthStar Development thanked Council, Planning Commission, the Borough Manager, the Borough Engineer, and the Borough staff that were involved in this lengthy process. She said that SouthStar is very excited to begin the project. It will be a big project and a huge step for Green Tree Borough.

2. Planning Commission Vacancies

Mr. Schenck said he was recommending two applicants to fill the two vacancies on Planning Commission. There were a number of applicants and those who were not chosen at this time will be kept in mind as additional openings occur.

Motion:

Mr. Schenck made a motion, seconded by Mr. Behanna, to appoint Mr. Michael Tylka to the Green Tree Planning Commission to fill an unexpired term of one of the two Commission members who resigned.

Motion carried unanimously.

Motion:

Mr. Schenck made a motion, seconded by Mr. Behanna, to appoint Mr. David Rea to the Green Tree Planning Commission to fill an unexpired term of one of the two Commission members who resigned.

Motion carried unanimously.

Mr. Schenck commented that although a term on Planning Commission is four years, these two appointments are to fill the unexpired terms of two members who resigned before their term had expired. In order to maintain staggered terms for Commission members, these two appointees will be appointed through the end of the unexpired terms and not for four full years at this time.

B. PUBLIC PROPERTY & EQUIPMENT - Mr. Tintori

In the absence of Mr. Tintori, there was no report this evening.

C. PUBLIC SAFETY - Mr. Schenck

1. Officer Suspension

Mr. Schenck stated that he personally does not have the expertise to run a police department, but feels that when the Chief comes to Council with a problem regarding an inappropriate email they must deal with it. Council reviewed this problem and made a decision for discipline. The Civil Service Commission agreed it was an inappropriate email and Judge O'Brien in the Court of Common Pleas upheld a two-day suspension. The court did not approve all of the disciplinary recommendations, but they did approve the two-day suspension.

Mr. Schenck read the order of court as follows:

"And now, to wit, this 21st day of July 2010, the order of the Green Tree Civil Service Commission, dated November 16, 2009, is affirmed only to the extent that it imposes on

Patrolman [name deleted] a two-day suspension without pay. The remainder of said order is vacated."

Motion:

Mr. Schenck made a motion, seconded by Mr. Behanna, that Council not appeal this order of July 21, 2010 by Judge O'Brien unless the officer appeals. If the officer appeals, Council authorizes the Borough Solicitor to file a cross-appeal.

Motion carried, 4-1, with Mr. Sampogna voting "No."

D. RECREATION & COMMUNITY AFFAIRS - Mr. Panza

1. Appointment of Junior Council Person in accordance with Resolution #1023.

Motion:

Mr. Panza made a motion, seconded by Mr. Behanna, to appoint Ms. Michaela Stump as Green Tree's Junior Council Person in accordance with Resolution #1023 for the 2010-2011 term.

Motion carried unanimously.

E. STREETS & PUBLIC HEALTH - Mr. Novak

1. Authorize Manager to enter into salt contract for 2010-2011 through Morton International, Inc., under SHACOG Purchasing Alliance at a primary bid amount of \$51.40 per ton.

Motion:

Mr. Novak made a motion, seconded by Mr. Behanna, to authorize the Borough Manager to enter in a salt contract for 2010-2011 through Morton International, Inc., under SHACOG Purchasing Alliance at a primary bid amount of \$51.40 per ton.

Motion carried unanimously.

F. FINANCE - Mr. Behanna

1. Motion:

Mr. Behanna made a motion, seconded by Mr. Panza, to ratify the actions of the Borough Manager in paying the July 2010 General Fund EFT payments totaling \$28,257.88, Capital Projects Fund totaling \$82,980.52, Health Care Fund totaling \$534.15, Payroll Account totaling \$229,520.14, 2002/2009 Sanitary Sewer Bond totaling \$2,470.00, and other bills on the bill sheet totaling \$201,202.11.

Motion carried unanimously.

2. Motion:

Mr. Behanna made a motion, seconded by Mr. Novak, to approve payment of the August 2010 invoices from the General Fund totaling \$141,102.09 and Capital Projects totaling \$14,843.76.

Motion carried unanimously.

3. Resolution #1140

Authorizing adoption of a Conflict of Interest Policy as it relates to proposals to manage the investment function relative to the plan assets of pension plans.

Mr. Behanna said that a conflict of interest policy must be put into the review of the RFP so that if someone from one of the retirement companies works for the Borough or comes to the Borough within 12 months of the RFP they cannot be part the review process. Mr. Montz said that this will also impact the police pension plan as well and is a requirement under Act 44 that was passed in November 2009.

Motion:

Mr. Behanna made a motion, seconded by Mr. Schenck, to adopt Resolution #1140 by title only.

Mr. Molinaro read Resolution #1140 by title only.

Roll Call Vote

Mr. Behanna	Yes
Mr. Schenck	Yes
Mr. Panza	Yes
Mr. Novak	Yes
Mr. Sampogna	Yes

Motion carried unanimously.

LIAISON REPORTS

1. MRTSA - Mr. Montz

Mr. Montz had nothing to report at this time.

2. Char West COG - Mr. Novak

Mr. Novak had nothing to report at this time.

3. Library - Mr. Sampogna

Mr. Sampogna had nothing to report at this time.

PRESIDENT'S REPORT - Mr. Sampogna

- Mr. Sampogna stated that the Borough's proposed comprehensive plan is available for public review and comments. Copies are available in the library, the Borough office, and on the Borough's website. The public comment period ends on Friday, August 6, 2010. Mr. Sampogna said that the comments will be reviewed and incorporated into the comprehensive plan.

SOLICITOR'S REPORT - Mr. Molinaro

Mr. Molinaro had nothing to report at this time.

MANAGER'S REPORT - Mr. Montz

- Mr. Montz said the Borough received a letter from the Allegheny County Economic Development Planning Department reviewing the proposed comprehensive plan as required under the Municipal Planning Code. They found Green Tree's proposed plan to be consistent with Allegheny Places, their comprehensive plan. They made a few suggestions to be incorporated into the plan.

2. Mr. Montz said that the electrical problems on Parkedge appear to have been corrected. Duquesne Light replaced several transformers and other pieces of equipment that should prevent future blackouts. Mr. Sampogna commended Mr. Montz for his quick work with Duquesne Light on rectifying this problem.
3. Mr. Montz said that emails have been received from residents who are concerned about Port Authority cutbacks, specifically in the Parkedge/Sheldon area. Mr. Montz has contacted ACTA (Allegheny County Transit Authority) and is attempting to get someone from the Port Authority and ACCESS so that a meeting for the public can be held. Residents will be informed about using the Green Tree Park parking lot to commute.
4. Mr. Montz said he has looked into the runoff problem in several areas throughout the Borough after a resident commented on it at the last meeting. He has provided Council with a report on it and detailed the results of the report.
5. Mr. Montz said that he received a letter from State Sen. Fontana responding to the Parkedge resident who had complained about trucks jake-braking on the Parkway. The letter indicated that jake-braking on the Parkway near Parkedge is permitted because the grade of the road in the area is greater than 4%. Mr. Montz said he will forward the letter to the Parkedge resident. Discussion continued regarding the jake-brake issue.
6. Mr. Schenck said that he sympathizes with the Rook residents who live near the railroad yard. Since activity has increased in the yard, it is noisier and dirtier than it used to be. However, the railroad falls under federal regulations and the Borough cannot do much to change the situation. The Borough can only try to get the railroad to cooperate to improve the situation.

ADJOURNMENT

Motion:

Mr. Panza made a motion, seconded by Mr. Behanna, to adjourn the meeting at 8:30 p.m.

Motion carried unanimously.

Mark Sampogna, President

W. David Montz, Manager