



**Borough of Bellevue
Council Meeting Minutes
January 10th, 2012 7:00 PM
Rosemary Heflin Council Chambers**

I. Call to Order –President Woshner

President Woshner called the Regular Meeting of the Town Council of the Borough of Bellevue to order at 7:01pm.

II. Flag Salute

III. Roll Call

Mrs. Braunlich, Mr. Camello, Mrs. Coder, Mr. Helbling, Mr. Panichella, Mr. Scisciani, Mrs. Viscusi, Mr. Viscusi and President Woshner were present. Mayor Doscher, DAS Doug Sample, and Solicitor McDermott were also present.

IV. Public Contribution (5 minutes per person)

Connie Rankin complained that sometime in December at Citizen's Way and Hawley a No Parking Sign went up. She wants to know how this was authorized because she believes the city cannot declare no parking areas without passing an ordinance, which council did not. She believes the sign was posted on behalf of the QRS fire vehicle. This sign is a big problem to her and other businesses located in this location as they now have nowhere to unload heavy loads. She said her business has been using that space for 36 years in order to load heavy newspapers. Overall she does not believe the sign can be legally enforced and wants to know where it came from and who put it up.

Mr. Sample said he would look into the matter and get back to her with some answers.

Brian Buck discussed some ideas for fundraising for the skateplaza. He has been looking into the cost of obtaining personalized bricks the borough could sell to donors.

President Woshner told him to come and report to the Parks and Recreation committee and present what he has learned there.

V. Approval of Bill List: January 10, 2012

Motion made by Mr. Panichella, seconded by Mr. Helbling to approve the bill list as of January 10, 2012.

Motion carries with a roll call (5-4) vote. Mrs. Viscusi, Mr. Viscusi, and President Woshner voted Aye with exception to the Solicitor's bill. Mrs. Braunlich voted Aye with exception to all of December's bills.

VI. Approval of Minutes: December 30, 2011 Council Meeting and January 3rd, 2012 Reorganization Meeting

Motion made by Mr. Panichella, seconded by Mrs. Viscusi, to approve the 12/30/11 and 1/3/12 meeting minutes.

Motion carried by Unanimous Voice Vote (8-0)

VII. **Reports**

a. Mayor

Mayor Doscher said he did not prepare a formal report but wanted to remind council that just because an action item appears on the agenda, it does not have to be followed. He said the council could choose to create a new ordinance instead.

b. Solicitor

Solicitor McDermott gave a verbal report on the status of the county assessment trial; it is still up in the air.

c. Treasurer

d. Tax Collector

e. Engineer

John Rusnak gave an update regarding the meeting with the Allegheny County Health Department. He said the ACHD was pretty satisfied with Bellevue's progress and only had a few small critiques. He also said the ACHD will soon require the borough's plans for meeting the rest of the sewage requirements as part of the consent order. Overall he believes Bellevue has some good momentum but needs to continue moving forward.

Mr. Sample reminded council that a folder was created on SharePoint for this matter.

Mrs. Coder expressed her concern that in the ACHD's review, they noted Bellevue does not meet the funding requirement. Mr. Rusnak said a budget will have to be drafted soon and included in the borough's plan for the operation and maintenance of the sewage system. He explained that the budget must be very detailed.

President Woshner asked the Public Works committee to become very familiar with this situation as it is important Bellevue stays on top of this.

f. Administration

g. Council Members

Motion made by Mr. Viscusi, seconded by Mrs. Braunlich, to advertise an RFP for a new Solicitor at a cost not to exceed \$100.

Mr. Helbling questioned why this motion was being made for a second time in two weeks when it was voted down the last time. He asked if the pro-new-solicitor group did not hear all of the community members stand up at last week's meeting and express how much they liked Solicitor McDermott. He wants to know why this issue is being pushed again.

Mr. Viscusi responded that the council needs to look at cost with only having the solicitor at 1 meeting. He also explained that in order to look at new contracts an RFP has to be issued.

Mr. Panichella responded that answer does not make any sense because Tom only charges the borough for one meeting a month as it is. He reasoned that if it's not broke, why try to fix it. He also reiterated the fact that many members from the public expressed how much they liked Solicitor McDermott and felt as though he was doing a lot of good for Bellevue. He said he felt as though he and Mr. Helbling were not getting clear, transparent answers to their questions as to why certain council members want to replace Tom. He also wants to know why council members wish to ignore public opinion on the matter.

Mr. Viscusi responded that it is "all about the numbers."

Mr. Helbling agreed with Mr. Panichella that "all about the numbers" was not a clear, transparent answer. He believes more of the story has to do with the fact that certain council members have voted not to pay Solicitor McDermott for the past 2 years. He reiterated that Bellevue only pays Solicitor McDermott for 1 meeting, not 2, a month. He also added that he believes it will be hard for a new person to come in and figure everything out. He closed by repeating he knows there's more to this than the numbers, and the community loves Solicitor McDermott.

Mayor Doscher interjected that Mr. Helbling was right. The public supports Solicitor McDermott. He said he's heard rumblings that the issue is about cost, but questioned whether the Finance Committee has actually looked into the matter. He acknowledged that in the past, the Solicitor before McDermott was cheaper, but he was not doing a good job, and that's why he was let go. Mayor Doscher also questioned why council was reviewing this professional contract after only 2 years when council decided to review professional contracts every 3 years. Finally, Mayor Doscher said he believes if the issue is with the Solicitor's performance then council owes it to Solicitor McDermott to sit down with him and explain what they are unhappy with. But, because council has not done this, this whole "cost argument" seems very flimsy, and the truth seems to be that this is only linked to an old agreement by some council members who did not agree with McDermott's hiring in the first place because it was done by a "lame duck council." He also mentioned that such an argument has been proven wrong. Solicitor McDermott's hiring was legal.

Mrs. Coder emphasized that council needs to look at ROI (Return on Investment) for the Solicitor. She explained that although the borough has paid him more than the previous solicitor, he has brought in \$250,000 in delinquent taxes which is more than double the \$50,000 the old solicitor brought in.

President Woshner responded that the old solicitor had recommended to them that they not vote on the solicitor that month because of various legalities. Other than that, she isn't going to defend that position again. She said the borough paid Solicitor McDermott \$92,000 last year which is extremely high compared to some other boroughs she has talked to. Therefore, this is not personal against Tom McDermott, she believes council needs to be good business people. On top of that, she doesn't remember voting on the 3 year rule. Also, she has heard from other people who are not happy with the solicitor's performance. She agreed the Finance Committee had not been doing their job on this matter.

Mr. Sample asked that should this motion pass, should the RFP be given to the Finance Committee first? President Woshner responded no, because council overrides the committee. Mr. Sample then explained that no RFP has been drafted for a new solicitor and the usual process is for the Finance committee to review the RFP before it is

advertised. President Woshner then conceded for the RFP to go to the Finance Committee first.

Motion fails by a (4 – 5) Roll Call Vote with Mr. Camello, Mrs. Coder, Mr. Helbling, Mr. Panichella, and Mr. Scisciani voting No.

VIII. **Override of Mayor's Veto(s)**

a. **Wage Schedule**

Mrs. Coder asked Mayor Doscher to explain why he vetoed the Ordinance.

Mayor Doscher explained he vetoed the ordinance because of only one specific clause requiring non-union staff members (basically the administrative staff) to contribute 10% toward health care when the new contract with one union sets their level at 5% and the other two unions contribute 0%. He believes that the administrative staff area already paid less than the union members and requiring them to pay more for their health care is taking advantage of them just because they are not part of a union. He would like to see the ordinance amended to reflect a 5% contribution for non-union staff members.

Mrs. Braunlich asked for clarification on how council could do this? Would council have to make a motion to amend? Solicitor McDermott explained that if council members disagree with the Mayor, they should vote to override the veto. He then explained that council members who agree with the mayor have two choices:

- a.) Vote against the override. However, this means none of the other provisions of the ordinance go into effect, like the 2012 raises for many employees.
- b.) Override the veto, but then also make a motion to draft a new ordinance which would change the 10% to 5%. This way the other pieces of the ordinance would go into effect.

President Woshner commented that drafting a new ordinance to edit the old one would require more advertising and coming up with more money from the budget. She also questioned how long it would take to pass a new ordinance. Solicitor McDermott responded that the ordinance process would take as long as it normally does, about a month.

Mr. Helbling said his only concern is that the borough is not done negotiating a contract with DPW yet; although he is in favor of reducing it to 5%. He asked if council could just keep it the same for now and alter it sometime in the future.

President Woshner explained that when council passed the ordinance, they agreed that they would reconsider the health care contribution level after the other union contracts were finalized. Mr. Helbling asked where the borough was in those negotiations. Solicitor McDermott said that should only be discussed in an Executive Session.

Mrs. Coder asked if should the council wait, could they make the change retroactively? Meaning the employees would be entitled to a refund. Solicitor McDermott said council could do that.

Mayor Doscher asked council to remind him when the contract with DPW actually expired. Mr. Sample told him, 12/31/09. Mayor Doscher emphasized that it has already been 2 years with no contract, he doesn't want council to take another 2 years.

President Woshner asked him where they would get \$5,800 to cover the difference in the budget.

Motion made by Mr. Panichella, seconded by Mrs. Viscusi, to override the Mayor's veto and adopt Ordinance No. 10-18 which establishes the wages and certain benefits for the Borough of Bellevue employees for the 2012 calendar year.

Motion carried by Unanimous Roll Call Vote (9-0).

Motion made by Mr. Panichella, seconded by Mr. Helbling, to draft an ordinance reducing non-union employees' health care contribution from 10% to 5%.

Mrs. Viscusi said this should go to the Finance Committee first. Mrs. Braunlich agreed because it means coming up with \$6,000 in the budget. Mr. Helbling clarified that they were not voting to actually approve the ordinance, they were voting to draft an ordinance.

Mayor Doscher responded that anyone can draft an ordinance at any time. He said that council doesn't have to send it to committee first; he was hoping council would vote on amending it tonight.

Motion carried by a Unanimous Roll Call Vote (9-0).

IX. Committee Assignments

President Woshner made the following committee assignments:

Parks and Recreation: Chair: Mr. Scisciani, Mr. Camello, Mrs. Coder

Public Works: Chair, Mrs. Braunlich, Mr. Helbling, Mr. Viscusi

Finance: Chair, Mrs. Viscusi, Mrs. Woshner, Mr. Scisciani

Public Safety: Chair, Mr. Viscusi, Mrs. Braunlich, Mr. Panichella

CONNECT: Mrs. Woshner, Mrs. Braunlich, Mr. Sample

Chamber: Mrs. Braunlich

COG: Mr. Viscusi, Mrs. Coder (alternate)

Allegheny Together: President Woshner has decided to suspend the January meeting because she would like to replace all of the current volunteer chairs. She is looking for business owners and residents.

Mrs. Coder asked if there could be some discussion of the committee assignments. She also informed President Woshner that despite being appointed, she will still be on the CONNECT committee as CONNECT voted her as Vice President for the next 2 years.

Mr. Helbling asked President Woshner why she is suspending the Allegheny Together/BBDAC meeting. President Woshner responded that it was because she was just elected and hasn't had the time to appoint people to the committee. Mr. Helbling suggested it might be wise for her to attend the January meeting instead of canceling it so she could see who is already there. He believes it would be better to add more people to the group rather than kick people out.

Mrs. Coder agreed with Mr. Helbling's position saying that in her two years of being on the AT/BBDAC committee, she has never seen President Woshner at a meeting. President Woshner said she has attended some of the meetings and that she does not like being questioned around this matter as it is her right as President to assign committee members. She lamented that nobody

has ever questioned the President's assignments before. Mrs. Coder asked her to specify which meetings she has attended because she has never seen her there.

Mr. Panichella responded that he feels it's his duty as a council member to stick up for the people already volunteering with BBDAC as they have already committed 2 years of their life to the group. He also worries that there could be a dry well out there making it difficult to recruit new members. Therefore, keep the ones there and just keep adding to them, if you can. President Woshner thanked him for his opinion but said she wants to properly appoint the members.

Mrs. Coder asked if she may offer a point of clarification. She explained that President Woshner may appoint the chairs that make up AT/BBDAC, but the committee is actually open to the public, so technically everyone in this room could show up to the meeting and contribute. Mrs. Coder also emphasized that the County is expected Bellevue to continue moving forward with BBDAC and the streetscape. President Woshner responded that she was only canceling one meeting—that is not a big deal. Meetings will resume on the 3rd Thursday of February.

Mrs. Coder asked President Woshner how she planned to notify the public that the meeting was canceled. She also said she was at the last Chamber meeting where they advertised the event to their members. President Woshner responded she would just post a note on the door the night of saying the meeting was cancelled.

Motion made by Mrs. Braunlich, seconded by Mrs. Viscusi, to advertise the open positions of the Allegheny Together committee.

Mrs. Coder asked if she could offer another point of clarification. She explained that right now, there are no openings, so who is responsible for telling the current chairs that they are essentially fired? President Woshner asked Mr. Sample for a roster of all committee members. Mr. Sample questioned if she meant the 4 chairs, not the entire committee. President Woshner responded that she was talking about BBDAC. Mrs. Coder explained the structure of BBDAC; that the 4 chairs are what make up BBDAC. Mr. Sample asked for clarification from President Woshner that it is the 4 chairpeople who are off. President Woshner responded that she would like to look at the whole structure of Allegheny Together because all she knows about is BBDAC and doesn't know what other chairs and meetings Mrs. Coder and Mr. Sample are referring to. Mr. Sample tried to explain she was half right, BBDAC is the only group; there's no meeting outside of those meetings. Mr. Scisciani commented that it was obvious to him that council does not have sufficient information on how this runs, so how could they make decisions about it?

President Woshner decided to reverse her original decision. She said she would allow the group to meet in January and that she would attend the meeting to do research. She will then make a decision about the structure and possibly change the structure. She will give a report at the committee meetings.

Mrs. Braunlich withdrew her motion.

X. **Committee Chair Reports**

a. **Finance**

b. **Parks and Recreation**

c. **Public Safety**

d. **Public Works**

i. **Skate Plaza**

Motion made by Mr. Panichella, seconded by Mr. Helbling, to approve the proposal submitted by GeoMechanics, Inc. to perform 3 standard test borings at a cost not to exceed \$7,480.00 to be paid for from the CDBG Yr 37 Skate Plaza grant.

President Woshner questioned how many estimates the borough solicited. John Rusnak responded this was the only estimate as the borough is pressured to move quickly and HRG has worked with this provider before and knows their prices to be fair.

Motion passes by a (8 – 1) Roll Call Vote with Mrs. Braunlich voting No.

XI. **Special Committee Reports**

XII. **Bids**

XIII. **Resolutions**

Motion made by Mrs. Coder, seconded by Mr. Panichella, to approve Resolution 02-12.

Motion carried by a Unanimous Roll Call Vote (9-0).

XIV. **Ordinances**

XV. **Old Business**

Mrs. Braunlich asked audience member, Susan Schafer, how the Friends of the Library meeting went. She asked that since Susan asked council to be more involved, would she please provide council with updates, a group member list, and meeting minutes. Ms. Schafer responded she would check with the group's President and get back to council.

President Woshner commented that this council has not really been kept informed of committee meetings in the past and that she will be stricter on that.

XVI. **New Business**

XVII. **Public Contribution (5 minutes per person)**

XVIII. **Adjournment**

Motion to adjourn at 8:09pm.

Respectfully Submitted,

Valerie Faust