

**REGULAR COUNCIL MEETING
February 5, 2008
MINUTES**

President Woshner called the Regular Meeting of the Town Council of the Borough of Bellevue to order 7:10 p.m. L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter, L. Woshner, Mayor Doscher and the Solicitor were present. D. Gillingham and J. Scioscia were excused.

The meeting opened with the Pledge of Allegiance to the Flag and silent Invocation.

VISITORS:

Brandon Gillingham a resident presented a proposal that he prepared to Council to see about holding a 5K race in Bellevue. He explained his reasoning to Council why he feels that a race would be good for Bellevue. He stated that he projects to have this race on July 19, 2008 which will correspond with the sidewalk sale days. He gave the details to Council of what the race will consist of. He stated that he would like to coordinate the course with the Borough and would like to have Council's approval. He explained further what he needs from the Borough and what he has coordinated already in order to hold this race. Mrs. Fleming stated that the Mayor is the one that makes the determination whether or not to bring this up to the Public Safety Committee. L. Woshner stated that no decision can be made at this time and for Mr. Gillingham to discuss this at the Public Safety Committee. There was discussion by Council.

Mrs. Barb Doscher from 220 Irwin Avenue stated to Council that she is here to discuss about the budget. She questioned Council if they had consulted the residents in order to determine the budget. She stated that she feels that the budget cut to the Police Department was a bad idea. She further addressed Council about the concerns that she has about the budget that was passed. L. Woshner stated that the residents are welcome to attend the meetings to discuss the budget. She stated that Council has had Public Hearings and budget

meetings where residents had the opportunity to voice their opinion. She further explained the reason of the budget cut to the Police Department and the reason why there was an increase of money budgeted for the streets. L. Woshner stated that there are plenty of opportunities for the residents to speak to the Council members whether it is coming to the meetings or talking to their representative directly, but Council was available to the residents in order for them to voice their opinions about the budget. J. Walter stated that Council has gone line by line to minimize the budget and make it balanced. He stated that the only line item that could be reduced was the Police Department budget. There was further discussion by Council. There was further discussion by Council about the numbers that were projected in order to compile the budget.

Walt Daughenbaugh from 85 Crawford Avenue stated that he would like to see a copy of the minutes on the web site in order to be informed of the decisions made by Council. L. Woshner stated that the Ordinances are to be placed online as well as she is working on having the up to date minutes available online. He further stated that he has an issue with a condemned piece of property that is next to his house. He stated that it was condemned a couple of years ago and it still is this way.

MINUTES:

Minutes from the previous meetings of Council were presented. M Kutschbach seconded by J. Walter made a motion to adopt the minutes. A voice vote was taken with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor.

MAYOR:

The January report of the Mayor was read, received and filed. A total collection for the month was \$ 14,857 67.

SOLICITOR:

The January report of the Solicitor was read, received and filed.

ACTING DAS REPORT:

The January report of the Acting DAS was read, received and filed. Mrs Fleming notated to Council that the Civil Service is a separate Commission and that the Administrative Office helps assist them, not actually writing the advertisements. She stated that the error that was made with the Fire Fighter advertisement was not her fault since the Administrative Office had given them correct information that was not reflected in the advertisement.

TREASURER'S REPORT:

The Treasurer read the January report and a copy is attached for review.

TAX COLLECTOR'S REPORT:

The January report for the Elected Tax Collector was received and filed. A copy is attached for review.

FINANCE COMMITTEE:

The January report of the Finance Committee was read by M. Helbling. A copy of the minutes is attached.

M Helbling seconded by L. Blaney-Stewart made a motion to exonerate the taxes that are owed to the Saltzman property as long as Northgate School District maintains the property. Mayor Doscher questioned if Northgate will take possession of this property. The Solicitor stated that Northgate is trying to do more than just maintain the property but to take ownership of the property through a court proceeding. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries.

PUBLIC SAFETY COMMITTEE:

The January report of the Public Safety Committee was read by J. Walter. A copy of the minutes is attached.

J. Walter seconded by M. Kutschbach made a motion to agree with the Solicitor's opinion of the language in the Nuisance Tenant Ordinance pursuant to his letter dated December 6, 2008. Mrs. Fleming notated that the letter is in the Council packets for Council's review. J. Braunlich asked for clarification that when this Ordinance was originally passed it was passed under the stipulations that the residents have will have three convictions in order to be seen at the Magistrates. The Solicitor stated that the Ordinance was passed with those amendments. He stated that convictions mean serving a citation, attending a hearing, being found guilty and a fine levied. He stated that his letter explained that if convictions are issued before the presumption the landlord can evict someone the Ordinance would be difficult to enforce. He further explained that if a tenant appeals the first conviction everything stops until the appeal is taken care of. He stated that it can continue to be appealed and it will be very difficult to enforce and by leaving "convictions" in the Ordinance it would not be helping the Ordinance achieve its intended purpose. J. Braunlich questioned what happens to the Ordinance with the amendments stating "convictions". The Solicitor stated that the records show that Council has amended the Ordinance. He stated that he is willing to rewrite the Ordinance to include convictions as long as Council understands how serious the word "conviction" is. The Solicitor stated that his letter stated nothing about an opinion of how to change the Ordinance, but informed Council how serious the word "convictions" are. Mrs. Fleming stated that by voting yes then they are going to vote to go with the Solicitor's opinion to take out the "convictions" out. If Council votes nay then the Ordinance stays the same with "convictions" in it. S. Mosolansky questioned how much stronger would the Ordinance be with taking the word "convictions" out. The Solicitor states that if it left the word "incidents" in the Ordinance then it will be easier for the landlord to evict the tenants. He stated that the Ordinance is intended to aid the landlords. L. Woshner reiterated that yes is to take out the

word convictions in the Ordinance, and nay is to keep the word convictions in it. A roll call commenced with L. Blaney-Stewart, M. Helbling, M. Kutschbach, S. Mosolanksy, and J. Walter all voting in favor. J. Braunlich and L. Woshner voted against. Motion carries.

Mrs. Fleming stated that the Solicitor will give the Administrative Office an updated copy of the Ordinance and after it is signed she will disperse it to the Council members.

PUBLIC WORKS COMMITTEE:

The January report of the Public Works Committee was read by M. Kutschbach. A copy of the minutes is attached.

M. Kutschbach seconded by L. Blaney-Stewart made a motion to approve the contract to do the plaster work at a cost of \$1,200.00 from bond funds. J. Walter stated that he did not give a contractors name since he was under the impression from the Pre-Council discussion that it was the intention of Council not to issue the contract until there is a total of three bids received. M. Kutschbach withdrew his motion.

M. Kutschbach seconded by J. Walter made a motion to accept the John Glass Block bid for installing glass block windows at the Borough Building at a cost of \$1,845.00 from bond funds. There was discussion by Council. Mayor Doscher questioned whether this was discussed at the appropriate Committee. M. Kutschbach stated that this was discussed at the January Department of Public Works Committee meeting. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. L. Woshner questioned if it is alright to approve the motion without receiving three bids. The Solicitor stated that the Administrative Code requires that the Committee can approve expenditures between \$500.00 and approximately \$14,000. He stated that as long as there are two proposals, the lowest one or the first responsible bidder Council can authorize them to complete the work.

PARKS AND RECREATION COMMITTEE:

The January report of the Parks and Recreation Committee is not held due to a lack of a quorum. There are no motions to be made at this time.

IT COMMITTEE:

Nothing at this time.

PENSION MEETING:

Nothing at this time.

TRI-BOROUGH:

Mrs. Fleming read the minutes from the Tri-Borough meeting that was held.

COG:

Nothing at this time.

CIVIL SERVICE COMMISSION:

Nothing at this time.

BUILDING COMMITTEE:

Nothing at this time.

FIRE SERVICES:

Nothing at this time.

THREE RIVERS WET WEATHER:

Nothing at this time.

BIDS:

Nothing at this time.

UNFINISHED BUSINESS:

Nothing at this time.

RESOLUTIONS:

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, APPOINTING STEPHEN FERENCE AS A RELIEF FIRE FIGHTER, REPLACING JEFFREY MACK IN HIS POSITION OF RELIEF FIRE FIGHTER was read. M. Kutschbach seconded by M. Helbling made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 02-08

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, EXPRESSING APPRECIATION TO ANGIE BEATTY OF QUAKER VALLEY COUNCIL OF GOVERNMENTS was read. S. Mosolanksy seconded by L. Blaney-Stewart made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 03-08.

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, EXPRESSING APPRECIATION TO VERIZON FOR THEIR KIND ASSISTANCE IN THE INSTALLATION AND MAINTENANCE OF THE BOROUGH CHRISTMAS DECORATIONS was read. S. Mosolanksy seconded by M. Helbling made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 04-08.

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, APPOINTING DAVID SCHWAB TO THE CIVIL SERVICE COMMISSION OF THE BOROUGH OF BELLEVUE EFFECTIVE FEBRUARY 5, 2008 FOR THE TERM OF FEBRUARY 5, 2008 TO FEBRUARY 4, 2014 was read. S. Mosolanksy seconded by L. Blaney-Stewart made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 05-08

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, EXPRESSING APPRECIATION AND PUBLICLY COMMENDING RON DEER FOR FAITHFUL SERVICE TO THE CITIZENS OF THE BOROUGH OF BELLEVUE was read. S. Mosolanksy seconded by L. Blaney-Stewart made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, S. Mosolanksy and L. Woshner all voting in favor. Motion carries. M. Kutschbach and J. Walter were absent for the vote. Resolution is adopted as 06-08.

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, EXPRESSING APPRECIATION AND PUBLICLY COMMENDING JOE KOVACS FOR FAITHFUL SERVICE TO THE CITIZENS OF THE BOROUGH OF BELLEVUE was read. S. Mosolanksy seconded by M. Helbling made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 07-08

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, EXPRESSING APPRECIATION AND PUBLICLY COMMENDING JAMES SCISCIANI FOR FAITHFUL SERVICE TO THE

CITIZENS OF THE BOROUGH OF BELLEVUE was read. S. Mosolanksy seconded by J. Walter made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 08-08

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, HIRING CONNIE FLASHER AS DIRECTOR OF ADMINISTRATIVE SERVICES AND SECRETARY OF THE BOROUGH OF BELLEVUE was read. M. Kutschbach seconded by L. Blaney-Stewart made a motion to adopt the Resolution. A roll call commenced with L. Blaney-Stewart, J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Walter and L. Woshner all voting in favor. Motion carries. Resolution is adopted as 09-08.

NEW BUSINESS:

L. Woshner stated that it is mentioned at the Pre-Council meeting rather than reading the Resolutions and Ordinances word for word, have them presented to Council prior to the meetings and on the web site for residents to access. The Solicitor stated that Council would have to amend the Administrative Code which requires a Public Hearing being held. He stated that it could be done, but right now it is in the code to read the Ordinances and/or Resolutions. L. Woshner stated that she would like this on the Finance Committee Agenda. Mrs. Fleming stated that she could do that. He stated that it would have to be made sure that everyone has the information prior to them voting on it.

ORDINANCES:

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT DURING THE YEAR 2008 was read.

J. Braunlich seconded by J. Walter made a motion to bring the Ordinance up for the first reading. A voice vote was taken with J. Braunlich, M. Helbling, M. Kutschbach, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart and S. Mosolansky voted against. Motion fails. The Solicitor stated that Council has not overridden the Mayor's veto.

L. Woshner noted that the millage rate for the 2008 year was enacted by Council and was vetoed by the mayor. She stated that it is in front of Council in order to make a motion to override the mayor's veto and bring the Ordinance on the first reading. M. Helbling made a motion to bring the Ordinance on the first reading. The motion was not seconded.

J. Braunlich questioned what will happen if the budget does not pass and whether employees will get paid. The Solicitor confirmed that no employees will get paid and there will probably be late fees that will accumulate on the bills. There was further discussion by Council about the ramifications if the budget is not passed. The Solicitor stated that Council will have to decide when they want to meet again in order to take action on these Ordinances. There was further discussion by Council.

S. Mosolansky seconded by J. Braunlich made a motion to bring the Ordinance up concerning the 2008 budget for the first reading. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Braunlich made a motion to adopt the Ordinance on the first reading, captions only. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Braunlich made a motion to bring the Ordinance up on the second reading, captions only. A voice vote was taken with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Braunlich made a motion to adopt the Ordinance on the second reading, captions only. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Walter made a motion to suspend the rules of Council and bring the Ordinance up on the third reading, captions only. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Braunlich made a motion to suspend the rules of Council and adopt the Ordinance on the third and final reading, captions only. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voting in favor. L. Blaney-Stewart voted against. Motion carries. Ordinance is adopted as 08-05.

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, FIXING THE REAL PROPERTY TAX RATE FOR THE YEAR 2008 was read.

M. Kutschbach seconded by J. Walter made a motion to adopt the Ordinance on the first reading. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voted in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Walter made a motion to bring the Ordinance up on the second reading, captions only. A voice vote was taken with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voted in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Walter made a motion to adopt the Ordinance on the second reading, captions only. A roll call commenced with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voted in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Walter made a motion to suspend the rules of Council and bring the Ordinance up on the third and final reading, captions only. A voice vote was taken with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voted in favor. L. Blaney-Stewart voted against. Motion carries.

M. Kutschbach seconded by J. Walter made a motion to suspend the rules of Council and adopt the Ordinance on the third and final reading, captions only. A roll call was taken with J. Braunlich, M. Helbling, M. Kutschbach, S. Mosolansky, J. Walter and L. Woshner all voted in favor. L. Blaney-Stewart voted against. Motion carries. Ordinance is adopted as 08-06.

NEW BUSINESS:

J. Braunlich stated that the Building Committee will now be held during the Public Works Committee meeting times. L. Woshner stated that she has the resignation letter from Jerry Walter, the Chairperson of the Building Committee. She stated that she is accepting the resignation with regret and thanked him for what he has done. She stated that she will be appointing another Chairperson over the next month. She stated that she is going to resurrect the IT Committee. She named Mayor Doscher as the Chairperson, with members being Michael Bookser and Jennifer Fleming. J. Braunlich questioned whether the DAS should be involved. There was discussion by Council. L. Woshner stated that Mrs. Fleming and the new DAS will be both on the Committee.

L. Woshner stated that she would like to see how the Emergency Operations plan was initiated and what was paid under that plan and how it was executed. She stated that she wanted to verify that everything was done under the plan as it was established. She stated that she would like to be updated with this.

Mayor Doscher stated that the advertisement for the changes made in the budget from what he has proposed to what was adopted needs to be placed into two newspapers in general circulation. He requested for the Acting DAS to work

with him in order for this to be published. Mrs. Fleming stated that she will take care of this.

LETTERS:

Nothing at this time.

LIST OF BILLS:

L. Blaney-Stewart seconded by J. Walter made a motion to pay the bills as approved by the various Committees. A roll call commenced with L. Blaney-Stewart, J. Braunlich, D. Gillingham, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Scioscia, J. Walter and L. Woshner all voted in favor. Motion carries.

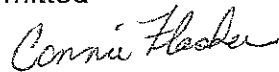
VISITORS:

There are no visitors present that wish to speak.

ADJOURN:

L. Blaney-Stewart seconded by M. Kutschbach made a motion to adjourn the meeting. A voice vote was taken with L. Blaney-Stewart, J. Braunlich, D. Gillingham, M. Helbling, M. Kutschbach, S. Mosolanksy, J. Scioscia, J. Walter and L. Woshner all voted in favor. Motion carries. Meeting adjourned at 9:00 p.m.

Respectfully submitted



Jennifer Fleming/Connie Flasher

Secretary

