

BOROUGH OF EDGEWOOD
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**BOROUGH OF EDGEWOOD
MINUTES OF THE MEETING OF COUNCIL HELD
MONDAY, JANUARY 5, 2009**

President Schaefer called the Meeting of the Council of the Borough of Edgewood to order on Monday, January 5, 2009 at 7:30 PM in the Municipal Building.

ROLL CALL

Borough Manager Kurt Ferguson called the roll and the following responded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer.

Mr. Szefi and Mr. Hellett were absent.

Also present were Mayor Jean O. Davin and Borough Solicitor Barry and Junior Councilperson Hazlett.

ITEMS FROM THE FLOOR

None.

AUTHORIZATION TO PAY BILLS

M-1 Ms. McDonald moved to authorize the payment of bills for goods and services received by the Borough having been reviewed and approved by the General Government Committee in the amount of \$98526.46. Second by Mr. Cook.

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer voted yes. **MOTION CARRIED.**

2009 RE-APPOINTMENTS

M-2 Ms. McDonald offered Resolution 2009-01 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-01

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of maintaining a productive, experienced and professional management staff; and

WHEREAS, KURT FERGUSON has satisfactorily served in the position of Borough Manager since September 30th 2002;

NOW THEREFORE BE IT RESOLVED that **KURT FERGUSON** be reappointed to the position of Borough Manager for fiscal year 2009 at a rate of \$76,213.20 per year.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-3 Ms. McDonald offered Resolution 2009-02 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-02

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of maintaining a Chief of Police on behalf of the Borough; and

WHEREAS, ROBERT C. PAYNE has exhibited both the knowledge and ability to serve in the capacity of Chief of Police; and

NOW THEREFORE BE IT RESOLVED that **ROBERT C. PAYNE** be reappointed to the office of Chief of Police for the Borough of Edgewood for fiscal year 2009 at a rate of \$65,000 per year and providing for four (4) weeks of vacation.

ADOPTED THIS THE 5th day of January 2009 by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: Ms. McDonald corrected the vacation time from four (4) to three (3) weeks.

Mr. Reynolds withdrew his second and Ms. McDonald withdrew the motion and re-read it with the correct vacation allowance included.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-02

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of maintaining a Chief of Police on behalf of the Borough; and

WHEREAS, ROBERT C. PAYNE has exhibited both the knowledge and ability to serve in the capacity of Chief of Police; and

NOW THEREFORE BE IT RESOLVED that **ROBERT C. PAYNE** be reappointed to the office of Chief of Police for the Borough of Edgewood for fiscal year 2009 at a rate of \$65,000 per year and providing for three (3) weeks of vacation.

ADOPTED THIS THE 5th day of January 2009 by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

M-4 Ms. McDonald offered Resolution 2009-03 and asked for its immediate adoption.
Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-03

WHEREAS, the Borough of Edgewood has a need for a professional financial and accounting staff; and

WHEREAS, this position is integral to the overall professional management and administration of the Borough;

NOW THEREFORE BE IT RESOLVED that **JERRY KEZMARSKY** be reappointed to the position of Finance Officer for fiscal year 2009 at a rate of \$41,590 per year.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-5 Ms. McDonald offered Resolution 2009-04 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-04

WHEREAS, the Borough of Edgewood recognizes the contributions of the Public Works Department; and

WHEREAS, the Borough of Edgewood understands the importance of having a highly qualified Director of Public Works; and

WHEREAS, Larry E. Guerriero has performed satisfactorily in the position of Public Works Director;

NOW THEREFORE BE IT RESOLVED that **LARRY E. GUERRIERO** be reappointed to position of Director of Public Works for fiscal year 2009 at a rate of \$48,849.57 per year.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

- M-6 Ms. McDonald offered Resolution 2009-05 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-05

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of maintaining a Fire Chief on behalf of the Borough; and

WHEREAS, David Andrews has exhibited both the knowledge and ability to serve in the capacity of Fire Chief;

NOW THEREFORE BE IT RESOLVED that **DAVID ANDREWS** be reappointed to the position of Volunteer Fire Chief for the Borough of Edgewood for fiscal year 2009.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

- M-7 Ms. McDonald offered Resolution 2009-06 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-06

WHEREAS, the Borough of Edgewood Council desires a tool to inform residents of happenings in the Borough; and

WHEREAS, the Edgewood Newsletter editor is appointed by the Borough Council and is charged with managing the layout and distribution of the Newsletter; and

WHEREAS, Tara Sidonio has shown her ability to produce a high-quality Newsletter with a distribution to all residents and commercial properties in the Borough;

NOW THEREFORE BE IT RESOLVED that **MARJIE STEWART** be reappointed as Newsletter Editor for fiscal year 2009 at a rate of \$7,250 per year.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-8 Ms. McDonald offered Resolution 2009-07 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-07

WHEREAS, the Borough of Edgewood desires a tool to inform residents of happenings in the Borough; and

WHEREAS, the Edgewood Newsletter Advertising Manager is appointed by the Borough Council and is charged with managing the advertisements sold in the Newsletter; and

WHEREAS, Nichole Augustine has served in the position competently and enthusiastically.

NOW, THEREFORE BE IT RESOLVED that **NICHOLE AUGUSTINE** be reappointed as Advertising Manager for fiscal year 2009 at a rate of \$6,250 per year.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-9 Ms. McDonald offered Resolution 2009-08 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-08

WHEREAS, the Borough of Edgewood has approved the budget for the 2009 fiscal year; and

WHEREAS, the Borough of Edgewood has established the salaries for those employees individually appointed.

NOW, THEREFORE BE IT RESOLVED that the Edgewood Borough Council hereby authorizes staff salary increases by the percentages approved by Council during the budget process for the fiscal year 2009 for those employees not individually appointed.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-10 Ms. McDonald offered Resolution 2009-09 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-09

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of retaining legal counsel on behalf of the Borough; and

WHEREAS, W. TIMOTHY BARRY ASSOCIATES has exhibited both the knowledge and ability to serve in the capacity of Borough Solicitor.

NOW THEREFORE BE IT RESOLVED, that W. TIMOTHY BARRY, ESQ be reappointed to the office of Borough Solicitor for 2009. The 2009 retainer shall be at a rate of \$1,150 per month. All work performed by the Solicitor outside the parameters of regular Borough business will be paid at a rate of \$135 per hour for Mr. Barry and \$110 per hour for Associates and shall be discussed with the appropriate committee for authorization.

ADOPTED THIS THE 5th day of January, 2009 by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

M-11 Ms. McDonald offered Resolution 2009-10 and asked for its immediate adoption.
Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-10

WHEREAS, the Council of the Borough Edgewood recognizes the importance of independent financial monitoring; and

WHEREAS, Pennsylvania Borough Code requires the Borough to conduct every year an independent financial audit; and

WHEREAS, the accounting firm of Maher Duessel has exhibited the skill and ability necessary to undertake said independent audit;

NOW THEREFORE BE IT RESOLVED that MAHER DUESSEL be reappointed as the independent auditor of the Borough's finances for fiscal year 2009.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-12 Ms. McDonald offered Resolution 2009-11 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-11

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of retaining an engineering firm on behalf of the Borough; and

WHEREAS, LENNON, SMITH, SOULERET ENGINEERING, INC. has exhibited both the knowledge and ability to serve in the capacity of Borough Engineer over the past year;

NOW THEREFORE BE IT RESOLVED that **LENNON, SMITH, SOULERET, INC.** be reappointed to the position of Borough Engineer for fiscal year 2009.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

- M-13 Ms. McDonald offered Resolution 2009-12 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-12

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of maintaining a productive, experienced and professional administrative staff; and

WHEREAS, BUILDING INSPECTION UNDERWRITERS, INC. has exhibited both the knowledge and ability to provide Building Inspection and Code Enforcement services for the Borough of Edgewood;

NOW, THEREFORE, BE IT RESOLVED, that **BUILDING INSPECTION UNDERWRITERS, INC.** be responsible for Building Inspection and Code Enforcement for fiscal year 2009.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: Ms. McDonald questioned whether the rate should be cited and was answered in the negative by Solicitor Barry.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

- M-14 Ms. McDonald offered Resolution 2009-13 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-13

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of retaining a depository on behalf of the Borough;

NOW, THEREFORE, BE IT RESOLVED, that CITIZEN'S BANK, NATIONAL ASSOCIATION be appointed as Borough Depository for a one-year term effective immediately.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-15 Ms. McDonald offered Resolution 2009-14 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-14

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of scheduling all public meetings throughout the year beginning in January; and

WHEREAS, the Council of the Borough of Edgewood acknowledges that all meetings are open to the Public in accordance with the Sunshine Law;

NOW, THEREFORE, BE IT RESOLVED, that the following schedule be established:

- Borough Council:** First and Third Monday of every month; if the meeting day is a national holiday, the meeting will be held the following day.
- Planning Commission:** Third Wednesday of every month.
- Recreation Commission:** First Wednesday of every month at 7:30 PM at Koenig Fieldhouse.
- Zoning Hearing Board:** Upon demand.
- Committee Council Meetings:** Second and fourth Monday of every month, as needed.
- Civil Service:** Upon demand.

All meetings will convene at 7:30 PM in Council Chambers (unless otherwise

specified above), Edgewood Borough Building, 2 Race Street, Edgewood, Pennsylvania.

The Borough will advertise all meetings and changes to the meetings in the Woodland Area Progress Newspaper or the Tribune Review.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: Following a discussion of the various committee meetings and their advertising, the motion and second were withdrawn and re-read as follows.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-14

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of scheduling all public meetings throughout the year beginning in January; and

WHEREAS, the Council of the Borough of Edgewood acknowledges that all meetings are open to the Public in accordance with the Sunshine Law;

NOW, THEREFORE, BE IT RESOLVED, that the following schedule be established:

- | | |
|------------------------------------|--|
| Borough Council: | First and Third Monday of every month; if the meeting day is a national holiday, the meeting will be held the following day. |
| Planning Commission: | Third Wednesday of every month. |
| Recreation Commission: | First Wednesday of every month at 7:30 PM at Koenig Fieldhouse. |
| Zoning Hearing Board: | Upon demand. |
| Committee Council Meetings: | Second and fourth Monday of every month, as needed. |
| Civil Service: | Upon demand. |

All meetings will convene at 7:30 PM in Council Chambers (unless otherwise specified above), Edgewood Borough Building, 2 Race Street, Edgewood, Pennsylvania.

The Borough will advertise all meetings and changes to the meetings, if legally required, in the Pittsburgh Post Gazette or the Tribune Review.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-16 Ms. McDonald offered Resolution 2009-15 and asked for its immediate adoption. Second by Mr. Cook.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-15

WHEREAS, the Council of the Borough of Edgewood recognizes the importance of conducting meetings in an orderly and efficient fashion; and

WHEREAS, the Council of the Borough of Edgewood has Rules of Order that have been used by previous Councils; and

NOW THEREFORE BE IT RESOLVED, that the Borough of Edgewood hereby reaffirms and approves the Rules of Order, a copy of which is attached hereto as an exhibit for the conduct of Borough meetings.

ADOPTED THIS THE 5th day of January 2009, by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

M-17 Ms. McDonald offered Resolution 2009-16 and asked for its immediate adoption. Second by Mr. Reynolds.

BOROUGH OF EDGEWOOD

RESOLUTION 2009-16

WHEREAS, Pennsylvania State Act 3 of 2008, known as "the Pennsylvania Right to Know Law," was signed by Governor Edward G. Rendell on February 14, 2008; and

WHEREAS, this law became effective on January 1, 2009; and

WHEREAS, this law, Chapter 5, Section 502, requires the appointment of an Open-Records Officer to oversee all requests for public information, and the state recommends that this Officer be a senior Borough employee; and

WHEREAS, Donna Lewis has been an administrative employee of the Borough for over nine years and has the knowledge, expertise and abilities to fulfill the Open Records Officer position.

NOW THEREFORE BE IT RESOLVED that the Borough of Edgewood hereby appoints Donna Lewis as its Open Records Officer for the Borough of Edgewood.

ADOPTED THIS THE 5th day of January 2009.

ATTEST:

Borough Secretary

Council President

DISCUSSION: Solicitor Barry said that this has been discussed with Mr. Ferguson and that some fine tuning was needed to make this more effective. He also informed Council that standard Right to Know language is being developed and that this will need to be posted on the website, along with his information.

A more detailed discussion followed regarding amending the photocopy charges.

Mayor Davin questioned whether requests for records pursuant to a lawsuit will be placed under the Right to Know law.

Mr. Ferguson said that the majority of requests for records are related to Borough Code and since the entire Code is on the website, the requests have dwindled almost completely.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **RESOLUTION PASSES.**

BUSINESS MEETING

VOLUNTEER FIRE DEPARTMENT

Mr. Halle reported that the Fire Department responded to thirty eight (38) calls for service and outlined what those calls were. He stated that there have been two hundred thirty eight (238) calls for the year.

According to Mr. Halle, the Department held the annual Christmas Party in conjunction with the Foundation.

He also said that luminaria sales were busy.

Two (2) new members have been added to the Department.

It was reported by Mr. Halle that a slight accident occurred with one of the vehicles.

A list of the new officers was given to Council.

WATER AUTHORITY

Mr. Fuller said that there was no December meeting. He stated that a notification of rate increase was sent last month. As well, Mr. Fuller reported that water bills can now be charged on credit card, but only at the Authority.

RECREATION

Mr. Ferguson reported that basketball will be starting on Saturday at Edgewood Primary School.

PLANNING COMMISSION

Ms. Schaefer said that the Committee did not meet.

COUNCIL OF GOVERNMENT

Ms. Schaefer reported that there will be a meeting this month and invited Mr. Shultz to attend. She also reported that the COG dinner will be held in February.

BOROUGH SOLICITOR REPORT

Mr. Barry had no separate report.

NEW BUSINESS

A General Government meeting was set for January 12, 2009 at 7:30 PM and a Public Works meeting was set for the same date at 8:00 PM.

Ms. Schaefer stated that an Executive Session will be held and no action will follow.

Another reception will be held with Dr. Callinger for updates on January 27, 2009 at Wilkins School, according to Ms. Schaefer. She asked that as many Council members as possible attend. She stated that she and Mr. Cook spoke with Dr. Callinger and discussed Edgewood Primary School.

Ms. Schaefer also reported that she spoke with Mr. Belmont regarding the Open Records law.

Mr. Barry offered Mr. Worner's services in this regard.

Mr. Cook spoke with reference to Dr. Callinger, stating that he is thinking of hosting a meeting with Dr. Callinger and Dr. Wallace regarding withdrawal of the children from Edgewood Primary on January 13, 2009.

ADJOURNMENT

M-18 Following an Executive Session, which lasted from 8:15 PM to 9:30 PM, Ms. McDonald moved to adjourn. Second by Mr. Cook.

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Ms. Schaefer. **MOTION CARRIES.**

Kurt M. Ferguson, Borough Manager