

Borough of McKees Rocks  
Public Meeting  
December 14, 2021

**7:00 PM Public Meeting**

**Pledge of Allegiance**

**Roll Call:** Councilmembers Present: President Archie Brinza, Vice-President Leslie Walker, Councilman Nicholas Radoycis, Jr., Councilwoman Sarah Harvey (via phone), Councilman Joe Mixter, and Councilman Chas Maritz (via phone)

Councilmembers Absent: Councilman Craig Myers

Also present for this meeting were Mayor John R. Muhr, Assistant Borough Secretary (Substitute Borough Manager) LeeAnn Wozniak, Administrative Clerk Jennifer Slavicek, Controller William Beck, Solicitor Megan Turnbull, of Weiss Burkhardt Kramer, LLC, and Borough Engineer Mr. Douglas Evans, of NIRA Consulting Engineers, Inc.

**Agenda Comments/Changes:**

President Brinza reminded all in attendance that all communications must remain respectful and professional as the public meetings are being recorded.

President Brinza also expressed his gratitude and appreciation to the Councilmembers who will be ending their term as of December 31, 2021, and also recognized Mayor Jack Muhr for his many years of service.

Police Excellence Awards: President Brinza presented recognition awards to Sgt. David Finerty and Officer Ryan Coll for assisting Stowe Township during a structure fire in November 2021 and providing life saving measures to two residents of the burning structure.

**Guest Speaker:** Ms. Maribeth Taylor, resident of Holmes Street presented her concern to Council regarding Council considering raising the Borough's sewer rate for 2022, stating it's not the right time to do so. Ms. Taylor is asking Council to consider other options for borough saving's in cost offering ideas such as recording property sales once homestead act is removed, use the Boys & Girl's Club space to add windmills or a solar park to save in electricity costs, and let Get-Go who recently open generate tax revenue for the upcoming year. Ms. Taylor is requesting Council to really review other ideas instead of taxing the residents.

Ms. Sandy Saban, President of McKees Rocks Historical Society was present to briefly talk to Council about ideas how to celebrate the Borough of McKees Rocks 130<sup>th</sup> anniversary and is inviting any Council member to their upcoming kick-off meeting on January 18, 2022 at Mickey's Place. Ms. Saban is also requesting that any historical event that happens in the Borough, that the Historical Society be alerted by Council.

Other Public Comment:

Ms. Kate O'Brien addressed Council regarding a water back-up problem she has at her residence (320 Washington Rear) with the combined sewer connection of 320 Washington Front. Ms. O'Brien has already accrued plumber expenses that indicate her property in the rear is clear, it's the front property that the sewer connection is backing up due to a possible blockage. Plumber inspection shows the connection in the front property is broken. Ms. O'Brien is just asking where to go from here, since the owner will not repair anything. Borough Solicitor offered suggestion that the Borough could review the inspection status of this property for rental registration requirements to see what code violation(s) may be noted for resolution, as well as follow up with the Allegheny County Health/Plumbing Department to see if they are able to pursue the issue any further.

Ms. Thomas and Mr. Hamilton, residents of 906 3<sup>rd</sup> Street were present to update Council regarding the ongoing sewage issue with 904 3<sup>rd</sup> Street. Mr. Hamilton commented sewage still runs down the street and with the cold weather is now freezing. This resulted in the Street Dept being called out to salt, etc. Mr. Hamilton has made every contact possible, including the Health Department to resolve this issue, and last update he received was the owner had 30 days to respond to the Health Department. President Brinza responded that the Borough did have the water turned off recently, but the water authority received medical documentation indicating water is medically necessary for an occupant therefore, water service was restored. President Brinza is reassuring Mr. Hamilton the Borough is doing anything we can to resolve the issue. Another resident questioned if the property can be condemned, due to a public health issue. Borough Solicitor responded the only way the Borough can condemn, property would be in conjunction with the Health Department approval. Borough Solicitor also commented that an administrative search warrant could be requested through magistrate office to authorize Code Enforcement Officer to access property for inspection, with assistance of the police department to assess any damages.

Ms. Dawn Jones, resident of 304 Bell Avenue was present to address Council regarding various sewer bills she has recently received from Berkheimer for the property she now owns. Ms. Jones indicated to Council she brought the sewer bills to the Borough Office for assistance, and feels she received no help from the Administrative Staff. Ms. Jones was told by Berkheimer that the sewer bills and information is provided by the Borough, not Berkheimer. Ms. Jones feels these bills were generated erroneously and the debt is inaccurate. Asst Borough Manager Wozniak confirmed that the bills were presented to the office for assistance, and a phone call was made that day to Berkheimer regarding the bills, but the Borough office has yet received a call back at this time. President Brinza has also tried reaching out to Berkheimer on Ms. Jones' behalf. Borough Solicitor responded that she is willing to assist Ms. Jones to research the bills she received and confirm any payments Ms. Jones already made to Berkheimer on sewer billing.

**Reports:**

- McKees Rocks Police Department – Chief of Police Deliman read the monthly activity report for November 2021. A copy of the report is on file at the Borough Manager office.
- McKees Rocks Independent Volunteer Fire Department – VFD President Jim Tarbert read the monthly activity report for November 2021. A written copy was not provided to the Borough Manager office.

- Mayors Report: Mayor Muhr first thanked the residents for the years of voting for him (and not voting for him) mentioning there's under 6,000 residents in the Borough and more people need to get involved. Mayor also congratulated Mr. David Flick for his win in the election, saying the Borough is moving ahead in the right direction. Mayor Muhr commented about the recent development in the Borough i.e Chase Bank, Get-Go and need to continue to get more businesses in the community for tax revenue. Mayor Muhr also showed appreciation for the Councilmembers.

- Borough Manager (Asst) Report: Asst. Borough Manager Wozniak presented a draft of the 2022 Council meeting schedule to for Council review/consideration. The schedule will be advertised in the local Gazette 2.0. A Resolution for sewer module planning was submitted by Reed Building Supply for Council to approve for land development plans. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to approve the Resolution.

- Borough Solicitor: Borough Solicitor Turnbull reviewed various topics:

- A. Bond Refunding Update – Bond Refunding will roughly save the Borough \$300,000 for the life of bond and closing is set for December 29, 2021

- B. Zoning Ordinance Amendment for Murals/Residential Parking – The Ordinance is currently at the county for review and comments and potentially will be ready for Council adoption possibly January 2022 meeting.

- C. Borough Manager Unpaid Leave of Absence – Solicitor Turnbull is requesting Council to consider an extension of Borough Manager's Pompey unpaid leave of absence through January 31, 2022 with same conditions previously approved by Council regarding ongoing Council review/updates. A motion was made by Councilman Radoycis and seconded by Councilman Mixer to approve the unpaid leave of absence through January 31, 2022 with same conditions. Motion was adopted by acclamation.

- D. Cohen & Law Group Comcast Franchise Agreement Renewal – Solicitor Turnbull briefly explained the document for review, indicating the Cable Franchise Agreement expired possibly 1 or 2 years ago and working with the Cohen Law Group specializes in this purpose. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to authorize engagement with Cohen Law Group regarding the Cable Franchise Agreement. Motion was adopted by acclamation.

- E. Char-West COG Intergovernmental Cooperation Agreement Update – Solicitor Turnbull provided Council an updated agreement provided by COG and the reason behind the agreement for UCC purposes. COG is requesting municipalities to adopt the agreement by Resolution. A motion was made by Councilman Radoycis and seconded by Councilman Mixer to approve the Resolution to accept the updated agreement. Motion was adopted by acclamation.

- F. Chartiers Avenue Crossing Development Parcel 43-L-100: Solicitor Turnbull presented to Council a Resolution to consider regarding new development on the parcel listed by owner Trinity Development to move the current sewer main for new development at the cost of owner. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick. Motion was adopted by acclamation.

- Code Enforcement Officer: Mr. Zac Cummings read the monthly Code Enforcement activity report for November 2021, and a copy is on file at the Borough Manager's office.

- Borough Engineer: Borough Engineer Evans reviewed the monthly capsule report with Council and recommended the following action items:

Borough Engineer Action Items:

A motion was made by Vice-President Walker and seconded by Councilman Radoycis to authorize Borough Engineer to prepare pre-bid documents for “Phase II Pedestrian Stairway Replacement” for available county funds in the amount of \$50,200.00. Motion was adopted by acclamation.

A motion was made by Councilman Radoycis and seconded by Councilman Malesnick (to amend the agenda) and approve payment by COG in the amount of \$29,250.00 to Minniefield Demolition for CDBG Year 46 Project 405-407-411 Island Avenue demolition. Motion was adopted by acclamation.

A motion was made by Councilman Radoycis and seconded by Councilman Malesnick (to amend the agenda) to approve pay application by COG in the amount of \$13,350.00 to Minniefield Demolition for CDBG Year 46 Project 207 Jane Street. Motion was adopted by acclamation.

Regarding Mannacore Building Demolition Site Safety: (New Business):

A motion was made Councilman Radoycis and seconded by Vice-President Walker to accept a donation of jersey barriers from local company MRIE, as a safety precaution of the hillside at the Mannacore Building demolition site. Motion was adopted by acclamation.

**Reading of the Minutes:** A motion was made by Vice-President Walker and seconded by Councilman Radoycis to approve the meeting minutes from November 16, 2021 public meeting. Motion was adopted by acclamation.

**Controllers Report:** As of November 30, 2021, General Fund, both income and expenses have an annual budget of \$4,503,377.00. Income was \$3,728,381.83 or 82.79% of the budgeted income. Expenses totaled \$3,737,028.07 or approximately 82.98 % of the budgeted expenses. Balance in the General Fund Checking and Savings Account as of November 30, 2021 was \$838,241.87.

As of November 30, 2021, Sewer Fund, both income and expenses have an annual budget of \$1,976,085.00. Income was \$1,957,405.53 or 99.06% of the budgeted income. Expenses totaled \$1,406,924.98 or 73.93 % of the budgeted expenses. Balance remaining in the Sewer Checking and Savings Account as of November 30, 2021 was \$688,387.24.

As of November 30, 2021 Liquid Fuels Fund balance \$388,480.41.

A motion was made by Councilman Mixer and seconded by Vice-President Walker to accept the Controllers Report. Motion was adopted by acclamation.

**Bills:** A motion was made by Councilman Malesnick and seconded by Councilman Radoycis to pay the bills. Motion was adopted by acclamation.

Asst. Borough Manager Wozniak commented the monthly MEIT bill is not showing on the transaction list due to MEIT having issues with printing.

**Agenda Voting:**

**1. Public Safety Committee (Chas Maritz, Chair)**

- a. President Brinza confirmed the Civil Service Testing is complete for the promotion of Captain and Sergeant, and a swearing in ceremony is being set up for January 2022 meeting for the newly ranking officers.
- b. President Brinza advised the Police Department Collective Agreement Renewal is complete and agreed upon by the Police Department Bargaining Unit and ready for Council adoption. A motion was made by Councilman Malesnick and seconded by Councilman Radoycis to adopt the Police Department Collection Bargaining Agreement renewal. Motion was adopted by acclamation.
- c. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to appoint Mr. Craig McVicker, Code Enforcement Agency as Borough Zoning Official, retro October 1, 2021. Motion as adopted by acclamation.
- d. (New Information) Councilman Radoycis advised Mr. George Mosko contacted him to advise he would like to resign from Civil Service Commission effective end of current term, January 3, 2022. Solicitor Turnbull suggested Mr. Mosko send in a written statement requesting his resignation, and Council could post a Civil Service Commission vacancy notice for 30-days.

**2. Finance and Administration Committee (Nick Radoycis, Chair)**

- a. Council Vacancy 3<sup>rd</sup> Ward Letters of Interest: President Brinza asked Council to review the letters of interest received by three residents, Ms. Stacey Dick, Mr. Jeff Dusch, and Ms. Maryann Holland. A motion was made by Councilman Mixer and seconded by Councilman Malesnick to open nominations and nominate Mr. Jeff Dusch. A motion was made by Vice-President Walker to nominate Ms. Stacey Dick. A motion was made by Councilman Radoycis and seconded by Councilman Mixer to close nominations. Roll Call requested to nominate Mr. Jeff Dusch as 3<sup>rd</sup> Ward Council resulting in 6 Yes (Mixer, Harvey, Brinza, Radoycis, Maritz, Malesnick) and 1 No (Walker). Motion carries.
- b. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to approve Borough Resolution No 1666 – 2022 Tax Rate (no change). Motion was adopted by acclamation.
- c. A motion was made by Councilman Radoycis and seconded by Councilman Maritz to approve Borough Resolution 1667 – 2022 Sewer Rate (increase). Vice-President Walker opposed borough rate increase (.50/1000 gallons) saying it's not the right time during a pandemic. Motion carries.
- d. A motion was made by Councilman Radoycis and seconded by Councilman Mixer to approve the 2022 General Fund Budget as presented for final adoption. Motion was adopted by acclamation.

- e. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to approve the 2022 Sewer Fund Budget as present for final adoption. Motion was adopted by acclamation.
  - f. A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to authorize advertisement of a Debt Ordinance for 2022 TAN Loan in the amount of \$250,000 with interest rate not to exceed 2%. Motion was adopted by acclamation.
- 3. Parks and Recreation Committee (Joseph Mixter, Chair) – No Report**
- 4. Real Estate Committee (Nick Radoycis, Chair)**
- a. President Brinza advised several members of Council and Borough Solicitor met with the Boys & Girls Club to discuss potential future plans for the property. The Boys & Girls Club thought they owned the building, though after thorough research found out they do not own the building and the Borough owns the property. President Brinza confirmed additional meetings will be set up with the Boys & Girls Club for continued discussion, and the Borough will be involved in any plans of the property. Ms. Taylor, resident is asking when future meetings are held that the residents be notified and whatever plans are made that it be beneficial for the residents in the community. At this time, there is no definite proposal.
- 5. Public Works Committee (Archie Brinza, Chair)**
- a. President Brinza advised that Mayor Muhr is requesting the temporary 1-way traffic restriction of Church Avenue previously put in effect be changed back to 2-way traffic pattern as various residents are complaining to Council/Mayor. Councilwoman Harvey voiced concern regarding the change back to 2-way traffic, reminding Council the reasons why residents requested the 1-way traffic pattern in the first place. Solicitor Turnbull confirmed that an Ordinance was never put in place to make the 1-way traffic pattern permanent, and the Mayor has the right to rescind the temporary traffic pattern. A motion was made by Councilman Maritz and seconded by Councilman Mixter to change the traffic pattern back to 2-way. Motion carries.
- 6. Borough Association (Craig Myers, Chair) – No Report**
- 7. Char-West COG (Joseph, Chair) – No Report**
- 8. Borough Development (Craig Myers, Chair) – No Report**
- 9. Codification Committee (Nick Radoycis, Chair)**  
 Councilman Radoycis mentioned this committee needs to be reappointed in 2022 and any members who choose to join be ready to put forth effort.

**New Business**

Councilman Radoycis commended Councilwoman Harvey and Councilman Malesnick for their time and effort during their term(s) on Council.

Vice-President Walker requested that her name be removed from all accounts, as she is not able to be on the Finance/Administration Council Committee.

Old Business

None

Meeting adjourned, by President Brinza.