

**BOROUGH OF EDGEWOOD
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BOROUGH OF EDGEWOOD
MINUTES OF THE COUNCIL MEETING OF SEPTEMBER 19, 2011

CALL TO ORDER

President Schaefer called the meeting of the Borough of Edgewood to order at 7:35 PM in the Municipal Building.

ROLL CALL

Upon roll call, the following responded: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, and Ms. Schaefer.

Mayor Hellett and Solicitor Wornor were also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ITEMS FROM THE FLOOR

Amy Andrews – Edgewood Foundation

Ms. Andrews reported that the Edgewood Foundation sponsored a sleepover in the park this past weekend which over 50 people attended. This is double the number of participants from last year. Ms. Andrews thanked the Edgewood Volunteer Fire Department and Police Department for their help with this event.

Al Caruso –Edgewood Foundation

Mr. Caruso reported that the Edgewood Foundation was sponsoring a Newcomers reception from 7:00 PM -9:00 PM on Thursday, September 22 at 150 Gordon Street. Mr. Caruso stated that there was still time to RSVP for this event, and to let him know if anyone was interested in attending. Mr. Caruso also reported that an Oktoberfest event would be held on Sunday, September 25 from 3:00 PM to 6:00 PM at Koenig Field. Mr. Caruso stated that the funds raised from this event would go toward the purchase of new playground equipment.

President Schaefer thanked the Edgewood Foundation for all they do the help develop a sense of community in the Borough.

President Schaefer gave a brief presentation to the eight residents in attendance on the zoning hearing board process. A question and answer session followed.

Wilkesburg Penn Joint Water Authority

Mr. Sorce of the Wilkesburg Penn Joint Water Authority (WPJWA) gave a presentation to Council on their method of billing and collecting sewage charges. Mr. Sorce stated that WPJWA collecting sewage bills would mean consumers would only receive one bill for their water and sewage that shows their current consumption. Mr. Sorce stated the WPJWA began billing for water and sewage in 2000 and currently collects in 11 municipalities, all with a 99 percent collection rate. Mr. Sorce stated that WPJWA is in the business of providing water, billing for usage and continuing or terminating service. Mr. Sorce stated that service is terminated to customers with bills outstanding over 67 days.

He believes this is an advantage WPJWA has over third party collectors, and these collectors only terminate service once a year.

Mr. Sorce pointed out that if WPJWA took over the collection of sewage bills, consumers would receive two bills in a two week period at the time of the switch, since currently consumers are billed three months after the usage for their sewage bill. Mr. Sorce stated that this issue could be addressed through a letter to residents. A sample letter was distributed to Council.

Mr. Sorce also stated that WPJWA answers customer service calls with one phone call, as opposed to third parties who would commonly direct residents with questions about their bills to the water authority.

Ms. Waldock stated that Council never doubted WPJWA did an outstanding job, but that Council had several concerns with their contract. She stated that one section Council had concern over was when delinquent accounts were turned over to a collection agency. Ms. Waldock stated that she was concerned that the Borough would get charged for these services without knowing the fees ahead of time or having a say in the collection agency.

Mr. Sorce apologized for Council receiving a copy of the contract that included this language, but clarified that the Borough was not charged for accounts turned over to a collection agency.

Ms. Waldock stated that the contract read that the Borough would be charged 3 percent, plus \$1.50 per bill. She asked if these fees would change if and when WPJWA switched from quarterly billing to monthly billing.

Mr. Sorce stated that the fees would stay the same, since WPJWA is still producing the bill and needs to cover its costs for doing so.

Ms. Waldock read a section of the contract that said the Borough would be charged if it requested reports more than quarterly.

Mr. Sorce explained that a fee would be charged if the Borough requested a report that was above and beyond what WPJWA's software system could generate. He said a fee would be charged if the report required special programming.

Ms. Gleba asked about the increases in customer fees, and asked Mr. Sorce if he could explain the possible one percent increase per year written in the contract.

Mr. Sorce stated that WPJWA has not increased its per customer fee in ten years, and that this section is included in the contract in case the cost to WPJWA for generating bills increases for unforeseen reasons.

Ms. Waldock asked what the rate schedule was for penalties and late fees, as they are not part of the regular rate schedule.

Mr. Sorce said that WPJWA does bill and collect for penalties. He explained that if an account is 30 days late, a "friendly reminder" notice is sent to the customer. A \$4.00 fee is added to the account for this notice. If no payment

is received for 30 days after this first notice, another notice is sent stating that the service will be turned off if payment is not received in 30 days. A \$6.00 fee is added to the account for this notice.

Ms. Waldock asked if these notices were on postcards.

Mr. Sorce said that they were sent in sealed envelopes. He stated that these notices were effective, as WPJWA has the ability to terminate service. Mr. Sorce pointed out that the contract Council was given explains that partial payments were repaid based on the age of the account. He stated that this is incorrect, and currently partial payments are prorated by the percentage of the total bill.

Ms. Waldock asked about the charges to the Borough associated with changes in billing rate.

Mr. Sorce explained that the Borough would only be charged a fee if the rate schedule was so complex it required reprogramming of WPJWA's software. Mr. Sorce said simple changes in rates would not cost the Borough.

Mr. Sorce said that he would give Council an updated copy of the contract, and that he would be happy to change certain language in the contract to meet Council's concerns, but that the billing rates would remain the same. Mr. Sorce said he would be happy to return if Council had further questions after reviewing the new contract.

Solicitor Womer said that he believed the WPJWA was open to some of the language changes the Borough wished to incorporate into the contract, and that could easily be completed.

Manager Cecconi said that the 3 percent rate was not going to change, but the language could change.

Ms. Gleba said that Council needs to determine how much more residents would pay if WPJWA billed and collected for sewage charges. If the increase to residents would be nominal the advantages offered by WPJWA should be considered.

Ms. Waldock stated that residents would receive one bill for sewage and for water, and that it would be easier to understand the bill and consumption amounts. She asked when WPJWA was going to switch to monthly billing.

Manager Cecconi stated that WPJWA was ready to switch to monthly billing, and that the change should occur soon.

Mr. Wilson said residents might have a difficult time if they receive two bills within two weeks.

Ms. Gleba agreed, and said the Borough would need to work hard to educate residents about the two bills. She suggested sending a letter and placing an explanation in the newsletter.

Manager Cecconi stated that 11 other communities have also dealt with this issue when changing to WPJWA billing, and all went rather smoothly.

M-1 Ms. Gleba moved to approve the minutes of August 15, 2011, as amended. Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

- M-2 Ms. Gleba moved to approve the minutes of September 6, 2011, as amended. Second by Ms. Waldock.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

- M-3 Ms. Gleba 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, from the General Fund, in the amount of \$23,107.87 and from the Sewer Fund in the amount of \$177.12 for a total of \$23,284.99. Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

GENERAL GOVERNMENT

Ms. Gleba reported that revenues and expenditures were on track. She stated that the general government committee had been discussing the property reassessments and asked Solicitor Wornor if he had any comments.

Solicitor Wornor said that Judge Wettick said not all of the County's assessment has been completed, but that the City of Pittsburgh's reassessments must be certified. Solicitor Wornor said that as of now, the plan is for all other municipalities to be completed later in the year, possibly by the middle of May.

Ms. Gleba stated that an article in the paper this weekend had a list of municipalities where reassessments had not been completed, and that Edgewood was not on the list. She asked if the County would be certifying the completed properties.

Solicitor Wornor said that Judge Wettick has not indicated that certain municipalities had completed assessments. He said he has not heard anything about when certification will take place.

Ms. Gleba said that this will have to be taken into consideration during the budget process. She stated that she would have a list for Council of certain budget numbers that needed revision. She also discussed the possibility of conducting payroll in-house.

Ms. Gleba said that a report was pending with the results of the community survey and should be available within the next few weeks.

POLICE REPORT

Chief Payne reported that the Police Department plans to execute a DUI checkpoint in conjunction with the Braddock Hills and Swissvale Police Departments. Chief Payne stated that this past weekend served as proof for why the check point is needed, as the Edgewood Police Department assisted in five DUI arrests.

Mayor Hellett stated that he and Chief Payne had attended a meeting of the Regent Square Civic Association. Mayor Hellett said that he stressed to the Association the importance of them attending the Edgewood Borough Council meetings, so that they can ask questions of Council and everyone can be kept on the same page.

Chief Payne stated that the Police Department has been busy. He stated that during an armed robbery the previous weekend, the officers conducted themselves well and were very efficient. The officers worked with the SWAT team as well as the Swissvale and Wilkinsburg Police Departments on this incident.

Chief Payne reported that he and three members of the Police Department would be attending a table-top exercise through to COG on emergency operations.

Mayor Hellett read the highlights of the report and explained the categories and statistics on the report.

PUBLIC SAFETY

Ms. Waldock reported that the public safety committee interviewed seven outstanding candidates for part time police officers, and that three candidates were chosen who have a great amount of experience and training.

COMMUNITY DEVELOPMENT

There was no report.

PUBLIC WORKS

Ms. Schaefer had nothing to report.

PERSONNEL

Mr. Wilson had nothing to report.

PENSION

Mr. Bright said a pension meeting would be held on October 11, 2011 at 7:00 PM in the Borough Manager's office.

AD HOC COMMITTEES

INTERCOUNCIL

Mr. Wilson had nothing to report.

COMMUNITY SERVICE

Mr. Wilson had nothing to report.

3 RIVERS WET WEATHER DEMONSTRATION PROJECT/CONNECT

Ms. Schaefer reported that the board of 3 Rivers Wet Weather would be meeting with the Board of ALCOSAN for the first time ever.

Ms. Schaefer reported that CONNECT would be meeting on Thursday September 22, 2011.

Ms. Waldock asked if there had been any follow-up with the permeable sidewalk on Maple Street. A discussion followed about the color of the permeable sidewalk and acceptable concrete color. Manager Cecconi stated that he wished to see what the sidewalk was like after another winter and would contact the home owners in the spring.

SOLICITOR'S REPORT

Solicitor Wornor said that he had personnel matters to discuss in executive session.

BOROUGH MANAGER'S REPORT

Manager Cecconi stated that he was waiting for a scope of work for the baseball field grant. He said that a start date for the retrofitting of lights in the borough building was yet to be determined.

Manager Cecconi stated that six trees would be removed from East End Avenue, and that he believes this is a sign of things to come, and that many of the Borough's older trees will become liabilities.

President Schaefer said that there are gaps in the ground on Race Street where trees were removed that need filled in.

Manager Cecconi certified the Borough's MMO and reported that numbers are down this year compared to last year.

Manager Cecconi reported that leaf collection would begin October 17, 2011.

NEW BUSINESS

President Schaefer said the Fall Festival would take place on October 22nd and 29th. The Edgewood Borough Recreation Department would provide crafts, and the Edgewood Foundation would provide food and cider.

Ms. Waldock reported that the library's board of trustees accepted the Borough's relinquishment of its seats on the board. She said that the library does not see any reason to petition the orphan's court about this relinquishment, and will not take further action. Ms. Waldock stated that the library board believes the Borough can petition the court themselves if they feel it is necessary.

Manager Cecconi asked Solicitor Wornor if the Borough had standing to file.

Solicitor Womer said that this raised an interesting question that he would have to research in order to find an answer. He asked Ms. Waldock if the library's acceptance also meant that all future seats would not be filled by Borough Council.

Ms. Waldock stated that the library did relinquish the Borough's requirement to sit on the board for all future seats.

Solicitor Womer said he would research whether or not the Borough had standing to petition the court.

Mayor Hellett said that the library would hold its Halloween Bash on October 27, 2011.

COMMITTEE ACTION

M-4 Third Reading of Ordinance 1037

Ms. Gleba read the following ordinance into the record:

ORDINANCE NO. 1037

AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING AND ADOPTING A SCHEDULE OF ATTORNEY'S FEES IN CONNECTION WITH THE COLLECTION OF TAXES, TAX CLAIMS, TAX LIENS, MUNICIPAL CLAIMS, AND MUNICIPAL LIENS PURSUANT TO ACT 1 OF 1996 AND ACT 20 OF 2003 AND APPROVING AND ADOPTING A SCHEDULE OF CHARGES, EXPENSES AND FEES PURSUANT TO THE ACT OF MAY 16, 1923, AS AMENDED 53 P.S. §7101, §7103, AND §7106, WHICH ORDINANCE REPEALS ANY OTHER ORDINANCES OR RESOLUTIONS INCONSISTENT HEREWITH RELATING TO A SCHEDULE OF ATTORNEYS' FEES PURSUANT TO ACT 1 OF 1996.

Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

M-5 Ms. Schaefer made a motion to enact Ordinance No. 1037.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

M-6 Ms. Waldock moved to hire Richard Susalla, Christopher Burns and Brennan Thrower as part time police officers contingent on passing physical, psychological test and background check. They will

be paid \$13.00 per hour to start and it will go to \$14.00 after 500 hours worked. Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer. Motion carried.

M-7 First Reading of Ordinance 1038

Ms. Gleba read the following ordinance into the record:

ORDINANCE] NO. 1038

A ORDINANCE] OF THE BOROUGH OF EDGEWOOD, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE EARNED INCOME TAX ORDINANCE NO. 787 TO REFLECT THE CHANGES OF ACT 32 EFFECTIVE JANUARY 1, 2012.

WHEREAS, Act 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, known as the *Local Tax Enabling Act* authorizes political subdivisions to levy, assess and collect a tax on salaries, wages, commissions, compensation, net profits and earned income referred to as the "Earned Income Tax;" and

WHEREAS, Act 32 of the 2008 General Assembly of the Commonwealth of Pennsylvania, 53 P.S. § 6924.501 et seq., (hereafter "Act 32") amended and restated the Local Tax Enabling Act; and

WHEREAS, Edgewood Borough intends to update its current income tax Ordinance to reflect the changes of Act 32.

NOW THEREFORE, this Ordinance is hereby enacted pursuant to the authority granted by the Local Tax Enabling Act, P.L. 1257, known as Act No. 511 of 1965, effective January 1, 1966, as amended through in Act 166 of 2002 and Act No. 32 of 2008, 53 P.S. Sec. 6924.101 et seq. (known as the Local Tax Enabling Act and herein referred to as the "Act").

SECTION 1. Incorporation by Reference.

Act 32 (53 P.S. §6924.101 through 53 P.S. §6924.901) and its definitions, duties, directives, rules, regulations, powers and penalties is hereby adopted by reference as if same had been set forth fully herein.

SECTION 2. Definitions.

The following words and phrases are included herein when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Earned Income. The compensation as required to be reported to or as determined by the Department of Revenue under section 303[fn2] of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, and rules and regulations promulgated under that section. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code of 1971 shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.

Domicile. The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered as the center of business affairs and the place where its functions are discharged.

Net Profits. The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Department of Revenue under section 303 of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971, and rules and regulations promulgated under that section.

Nonresident. A person or business domiciled outside the political subdivision levying the tax.

Resident. A person or business domiciled in the political subdivision levying the tax.

Tax Collection Committee (TCC). The Southeast Tax Collection Committee established to govern this tax collection district for the purpose of income tax collection.

Tax Collection District (TCD). The Southeast Tax Collection District is established under section 504 of Act 32.

Tax Officer/Tax Collector The agency engaged to administer and collect earned income taxes for this tax collection district. Unless otherwise specifically provided, for purposes of the obligations of an employer, the term shall mean the tax officer for the tax collection district within which the employer is located, or, if an employer maintains workplaces in more than one district, the tax officer for each such district with respect to employees principally employed therein.

In addition to the above definitions, this section incorporates by reference those words, phrases and definitions as listed in Act 32 (53 P.S. §6924.101 through 53 P.S. §6924.901).

SECTION 3. Imposition of Tax

Resident Tax - A tax at the rate of one percent (1%) is hereby levied on all earned income and net profits, as defined by Act 32, on residents of Edgewood Borough.

Nonresident Tax - A tax at the rate of one percent (1%) is hereby levied on all earned income and net profits earned by nonresidents for work done or services performed or rendered in Edgewood Borough.

All changes shall remain in effect on a calendar year basis without annual reenactment unless the rate of tax is subsequently changed.

SECTION 4. Administration - Powers and Duties of Officer

The collection and administration of the tax provided for in this Ordinance shall be performed by the Tax Officer appointed by the Tax Collection Committee. Said Tax Officer shall receive compensation for services and expenses as determined by agreement between the TCC and the Tax Officer. The Tax Officer shall have the powers as provided for by the Local Tax Enabling Act.

SECTION 5. Exemptions and credits

No exemptions or credits based on age or income, or any other conditions are granted by this Ordinance. Nothing in this Ordinance is intended to preclude or inhibit any credit or exemption imposed by act of law or regulation.

SECTION 6. Severability

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.

Section 7. Effective Date

This Ordinance shall be effective January 1, 2012. It is the intention of the governing body of Edgewood Borough that this Ordinance shall provide procedural modifications only to the previously adopted Earned Income Tax Ordinance, and no gap as to imposition of the tax set forth herein should be inferred.

Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

M-8 Ms. Gleba made a motion to advertise ordinance 1038 in newspaper for public comment. Second by Mr. Wilson.

DISCUSSION: None

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

M-9 Mr. Wilson made a motion to adopt concurring Resolution 2011-16, authorizing the filing of an application for funds with the RAAC for the Koenig Field Tot Playground Relocation. Second by Mr. Bright.

DISCUSSION: Ms. Gleba asked what the Borough's contribution would be to the project.

Manager Cecconi said that the project cost \$100,000, and that the grant application was for \$85,000. The remaining \$15,000 would come from the Borough, and from money raised by the Edgewood Foundation.

Mr. Bright asked if the basketball court area was large enough for the relocation.

Manager Cecconi said that it was, and that a specific relocation plan would be made if the funds were received from the grant.

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.

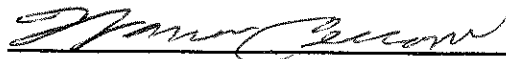
EXECUTIVE SESSION

Executive Session was called at 10:12 PM to discuss personnel matters.
The session ended at 10:28 PM.

M- 10 It was moved by Ms. Waldock and seconded by Ms. Gleba to adjourn at 10:29 pm.

DISCUSSION: None.

Upon roll call vote, the following voted yes: Mr. Bright, Ms. Waldock, Mr. Wilson, Ms. Gleba, Ms. Schaefer.
Motion carried.



Warren Cecconi, Borough Manager

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