

JULY 18, 2023

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COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on July 18, 2023 at 6:30 p.m. prevailing time with President Scott Stephenson presiding.

ROLL CALL:	Topolnak	Absent	Davis	Present
	Santoro	Present	Inglis	Present
	Kostelnik	Present	Moses	Present
		Stephenson	Present	

Six members present. Mayor Kelly Absent.

CITIZEN COMMENTS ON AGENDA ITEMS:

Diane Stanesic 2803 Glenny Lane Extension asked once Century III is condemned, who is responsible for taxes and fines, have they paid taxes to borough? Who will pay to tear the building down?

Solicitor Nino responded that we cannot address the questions if it is approved to condemn due to litigation and 30-Day Appellant Right.

Jim Jasinski 4100 Home Street asked how much will the Borough have to pay Moonbeam if the condemnation of Century III is approved?

Solicitor Nino responded that we cannot address the questions due to litigation and 30-Day Appellant Right.

APPROVAL OF MINUTES:

Motion by Inglis, seconded by Kostelnik that the minutes of the June 20th Council Meeting be approved. Roll Call Six ayes, no nays. Motion carried.

AGENDA ITEMS:

A. Motion by Davis, seconded by Kostelnik to condemn Century III Mall and approve Adjudication. Roll Call: Six ayes, no nays. Motion carried.

B. Motion by Kostelnik, seconded Inglis to ratify Resolution #1398, authorize filing of application with Allegheny County Health Department’s Fleet Electrification Program in the amount of \$748,339.00. Roll Call: Six ayes, no nays. Motion carried.

- C. Motion** by Santoro, seconded by Kostelnik to approve Easement agreement between Borough of West Mifflin and Haddad Inc, pending final approval from Borough Solicitor and Engineer. Roll Call: Six ayes, no nays. Motion carried.
- D. Motion** by Moses, seconded by Kostelnik to approve Centimark to perform roof repairs at 1020 Lebanon Road, at a cost of \$10,500.00. Roll Call: Six ayes, no nays. Motion carried.
- E. Motion** by Kostelnik, seconded by Inglis to approve Centimark to perform fascia repairs at 1020 Lebanon Road at a cost of \$4,500.00. Roll Call: Six ayes, no nays. Motion carried.
- F. Motion** by Davis, seconded by Moses to participate in the RFP process with GET Solar-Connect Application for installation of solar panels on Borough Buildings. Roll Call: Six ayes, no nays. Motion carried.
- G. Motion** by Kostelnik, seconded by Moses to approve recommendation from the Civil Service Committee to update Section 3.12 of the Civil Service Rules and Regulations to amend the applicants minimum passing test score to 70%. Roll Call: Six ayes, no nays. Motion carried.

DEPARTMENTAL REPORTS:

Community Development.....Walter B. Anthony

Mr. Anthony read the Community Development Report for the Month of June 2023.

Mr. Anthony stated that the abandoned property registration company, Pro Champs has filed for bankruptcy the Borough will be soliciting bids for a new company to provide service on vacant houses.

Police..... Assistant Chief Robert Husfelt

Asst. Chief Husfelt read the Police Report for the Month of June 2023.

Public Works.....Anthony DiCenzo

Mr. DiCenzo read the Public Works Report for the Month of June 2023.

EMS.....Chief Todd Plunkett

Chief Plunkett read the EMS Report for the month of June 2023.

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REPORT OF THE MAYOR:

Mayor Kelly was absent

REPORT OF THE SOLICITOR:

Solicitor Nino had nothing new to report.

REPORT OF THE ENGINEER:

KLH had nothing new to report.

REPORT OF THE BOROUGH MANAGER:

Mr. Kamauf read the Finance Report for the month of June 2023.

PAYMENT OF BILLS:

Motion by Davis, seconded by Moses that all bills properly approved by the Finance Committee be paid. Roll Call: Six ayes, no nays. Motion carried.

NEW BUSINESS:

Motion by Moses, seconded by Kostelnik to Amend tonight's agenda to include motion to advertise the updates to storm water ordinances. Roll Call: Six ayes, no nays. Motion carried.

Motion by Moses, seconded by Kostelnik to advertise update to the storm water ordinance. Roll Call: Six ayes, no nays. Motion carried.

CITIZENS COMMENTS:

Diane Stanesic 2803 Glenny Lane Extension would like to know why the names are not recorded on which council member votes.

Ms. Stanesic does not believe all seven Council Members voted for Pickleball at the park. Ms. Stanesic feels that it is a waste of Borough funds.

Ms. Santoro and Council stated agenda items are discussed in executive session. Council agreed they voted for Pickleball at the Community Park.

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Jim Jasinski 4100 Home Street added that he thinks Pickleball was a great decision for the park.

Mr. Jasinski asked Council to contact the US Post Office on Homeville Road to create some type of standard hours.

Mr. Jasinski inquired about the schedule for summer paving and filling of potholes.

Mr. Kamauf replied potholes have been filled and the contracts were just signed with the paving company.

Mr. Jasinski commented the paving company that completed the project near Homeville was terrible and should not be used again.

KLH responded that they will contact the paving company again to have the repairs done.

Jay Grossic 1610 Greensprings Avenue stated he had to use EMS services recently and is very pleased with the EMS services provided to our Borough.

Lon Pristas 123 Lutz Lane stated he is in attendance with other members of Lutz Lane. Mr. Pristas explained a water problem due to a water main break. Mr. Pristas stated on May 28, 2023 Pa American Water shut off water to all 6 residents. Mr. Pristas stated he was told by Pa American Water that the water line is private. Mr. Pristas's opinion is that should not be a private line because it is not stated in their deeds. Mr. Pristas and the other residents feel the resident at 121 Lutz Lane should be held accountable because the break happened due to a garage being built. Mr. Pristas stated the resident at 121 Lutz Lane would not permit a plumbing company to come on to and dig through the driveway of their property to tap into the water line. Mr. Pristas stated there are still 2 families without water due to the issue. Mr. Pristas asked Council to help with this issue and to possibly replace the water line. Mr. Pristas also stated there is not a fire hydrant on Lutz Lane.

Mr. Kamauf stated a hydrant cannot be placed on a private lane unless the residents of the lane pay to have a hydrant placed.

Mr. Pristas stated Mayor Kelly has worked with the residents and they appreciate his help. Mr. Pristas presented copies of a summary and photographs of what the residents believe to have caused this water break. Mr. Pristas stated the residents are also appealing violations they received from the Health Department due to the lack of water.

Mr. Kamauf stated to try and reach out again to Pa American Water, but since this is private property, the Borough cannot get involved with property disputes.

Mr. Pristas asked if the Borough could get involved with the permit that was issued to build a garage on top of a water line.

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Mr. Kamauf replied he looked into this with the Community Development Department and the permit is valid and meets all requirements.

Mr. Anthony stated unfortunately when the water line was placed it was not laid in the easement, but no one knew that until this situation.

Mr. Pristas stated he understands the Borough does not require a permit to put in a driveway, but what happens when a driveway is put on property a resident does not own.

Mr. Kamauf stated that would be a civil case that would be filed by the HOA or a homeowner next door.

Mr. Moses asked Mr. Pristas if he has covenant within the HOA that would be restrictive as far as getting approval prior to construction.

Mr. Pristas stated up until this incident, no but after there were amendments added to their bylaws. Mr. Pristas stated about 2 years ago the individual that built the garage dropped out of the HOA.

Mr. Moses stated from his understanding residents in an HOA are not able to drop out of it. Mr. Moses stated the residents should seek legal assistance.

Tom Kazar 125 Lutz Lane asked if there is any way this situation can be addressed. Without being able to dig up the driveway at 121 Lutz Lane, this will cost the residents a lot of money.

Mr. Kamauf replied due to this being private property we cannot force someone to allow their driveway to be dug up.

Mr. Kazar replied this is part of a road.

Mr. Kamauf and Council replied the road is private and not maintained by the Borough and again advised the residents of Lutz Lane to seek legal counsel.

Mr. Davis stated Movie Night is this Friday at the West Mifflin Community Park.

Ms. Stanesic stated she was confused why Lutz Lane pays Borough Tax but are responsible for their road.

Mr. Stephenson replied correct, but their lane is Private and not maintained by the Borough.

Dave Keifer 120 Lutz Lane stated when the permit application was filed, the structure was supposed to be a car port. Mr. Keifer said now 6 months later the structure is a garage and after the resident got caught he amended the permit. Mr. Keifer asked if this is allowed.

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Mr. Anthony replied a car port is an accessory structure with 3 walls and a roof. An accessory structure is also a garage which just adds a door to a car port. Since this was not a major change or concern the change was approved.

Mr. Keifer asked if there was a difference in tax revenue for a car port or a garage.

Mr. Kamauf stated the only thing the County would get is the estimated cost of construction regardless of what kind of structure was built.

ADJOURNMENT:

Motion by Davis, seconded by Santoro that the Meeting be adjourned. Meeting adjourned at 7:22 pm prevailing time.