

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
DECEMBER 5, 2016**

**Call to Order / Silence for Meditation / Pledge of Allegiance**

Green Tree Borough Council met on Monday, December 5, 2016 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna stated that Council had met in Executive Session prior to this meeting to discuss personnel matters related to the police department and a real estate matter.

**ROLL CALL**

**Members Present:**

Mark Sampogna, President of Council  
Rino Lindsey  
David Lorenzini  
John Novak  
Ron Panza  
David Rea  
Arthur Tintori

**Also Present:**

W. David Montz, Borough Manager  
Peter Molinaro, Jr., Borough Solicitor  
Colin Cleary, Chief of Police  
Janice Adamski, Stenographer

**Absent:**

Mayor Edward A. Schenck

**Approval of the Minutes**

**November 7, 2016**

**Motion:**

**Mr. Novak made a motion, seconded by Mr. Lorenzini, to approve the November 7, 2016 minutes with the following correction:**

p. 7 - Mr. Lorenzini stated that he had voted "No" on the second motion under Finance to approve payment of the November 2016 invoices and the vote should be indicated as **"Motion carried, 5-1-1, with Mr. Lorenzini voting "No" and Mr. Lindsey abstaining."**

p. 9 - Under Public Property > Nature Center Improvements the name of the company that Council members met with should be corrected from "Hollow Oak Trust" to **"Hollow Oak Land Trust."**

**Motion carried unanimously.**

**HEARING OF THE CITIZENS**

**Penny Lucas, 214 Parkedge Road**

Mrs. Lucas said she was present this evening, along with other Parkedge and Sheldon residents, to discuss the proposed sound barrier wall. She said she has lived on Parkedge for 20 years and it has been discussed throughout this time, but has never materialized. The Parkedge Sound Barrier Committee had been hopeful about getting a sound barrier as part of PennDOT's improvements to the Parkway, but nothing happened. She requested that it should be part of the official minutes to indicate that there are many people who are still very interested and concerned about getting a sound barrier between the Parkway and Parkedge Road. She asked if Green Tree Borough might help the Sound Barrier Committee in the future. Mr. Panza stated that he would be presenting some new ideas regarding the sound barrier during his report this evening.

**Gregory Sheffer, 116 Kenmore Street**

Mr. Sheffer stated that he had attended last month's Council meeting and spoken about the public health concern regarding cars idling at the students' bus stop. Since that time he has spoken to a few officials in the borough and appreciates their efforts. He asked if Mr. Montz had spoken to the Keystone Oaks superintendent and if there was any new information on this issue. Mr. Montz replied that he planned on updating Council about this issue during his Manager's Report this evening.

**MAYOR'S REPORT - Mayor Schenck**

In the absence of Mayor Schenck this evening, there was no report.

**REPORT OF GREEN TREE BOROUGH COUNCIL COMMITTEES****A. PLANNING & ZONING - Mr. Lorenzini****1. Appointment to Planning Commission****Motion:**

Mr. Lorenzini made a motion, seconded by Mr. Lindsey, to reappoint Ms. Rebecca Chembars to the Green Tree Planning Commission for a four-year term.

Motion carried unanimously.

**2. Appointments to Zoning Hearing Board**

Mr. Lorenzini made a motion, seconded by Mr. Lindsey, to reappoint Mr. John Becker and Ms. Ashley Griffin to the Green Tree Zoning Hearing Board for three-year terms.

Motion carried unanimously.

**B. PUBLIC SAFETY - Mr. Lindsey****1. Appointment for Medical Rescue Team South Authority Board****Motion:**

Mr. Lindsey made a motion, seconded by Mr. Tintori, to reappoint Mr. David Palmer to the Medical Rescue Team South Authority (MRTSA) Board for a five-year term.

Motion carried unanimously.

**2. Ordinance #1760**

**Repealing in its entirety Chapter 3 and adding General Order 3-16 - Leave to the existing Green Tree Borough Police Department Manual, Policy, Rules and Procedures.**

Mr. Montz said this revision incorporates some of the practices that the police department has been doing that were not in the manual. Discussion continued regarding the updates.

**Motion:**

Mr. Lindsey made a motion, seconded by Mr. Novak, to place Ordinance #1760 on first and final reading by title only.

Solicitor Molinaro and Mr. Sampogna discussed some of the language in the ordinance. Mr. Sampogna said that in Section 2, sentence a., it alluded to "...the current collective bargaining agreement." Mr. Sampogna said the wording should be changed to read, "...the collective bargaining agreement then in effect."

The same wording correction should be made under Section 6, Sick Leave, sentence a. to read, "...the collective bargaining agreement then in effect."

Mr. Sampogna said that with those two corrections would be included in what was being voted on at this time. When asked, Mr. Molinaro said that the ordinance would include these revisions and the motion did not need to be amended or revised.

**Motion carried unanimously.**

Mr. Molinaro read Ordinance #1760 by title only.

**Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Novak, to pass Ordinance #1760 on first and final reading by title only.**

**Roll Call Vote**

|                      |            |
|----------------------|------------|
| <b>Mr. Lorenzini</b> | <b>Yes</b> |
| <b>Mr. Tintori</b>   | <b>Yes</b> |
| <b>Mr. Novak</b>     | <b>Yes</b> |
| <b>Mr. Rea</b>       | <b>Yes</b> |
| <b>Mr. Panza</b>     | <b>Yes</b> |
| <b>Mr. Lindsey</b>   | <b>Yes</b> |
| <b>Mr. Sampogna</b>  | <b>Yes</b> |

**Motion carried unanimously.**

**Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Novak, to authorize the proper officers to sign Ordinance #1760 and that it be advertised according to law.**

**Motion carried unanimously.**

**C. FINANCE - Mr. Tintori**

**1. Motion:**

**Mr. Tintori made a motion, seconded by Mr. Rea, to ratify the actions of the Borough Manager in paying the November 2016 invoices from the General Fund totaling \$73,226.43, Fire Department Apparatus Fund totaling \$56,831.96, Payroll Account totaling \$286,549.75, and Educational Service Agency totaling \$6,965.05.**

Mr. Lorenzini asked what was being leased for the Fire Department Apparatus Fund. Mr. Montz said it is a lease/purchase agreement and is a financing mechanism for the most recent fire truck purchased. Sometimes it is considered a lease and sometimes it is considered a loan.

**Motion carried unanimously.**

**2. Motion:**

**Mr. Tintori made a motion, seconded by Mr. Lindsey, to approve payment of the December 2016 invoices from the General Fund totaling \$60,064.96, and Capital Projects Fund totaling \$56,261.37.**

**Motion carried unanimously.**

**3. Ordinance #1761**

**Adopting the budget for the year 2017 pursuant to Section 501 of the Home Rule Charter of the Borough of Green Tree.**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to place Ordinance #1761 on first and final reading by title only.**

Mr. Montz noted that under Section 1 of the ordinance there is a typo stating "fiscal year 2016," and it should be corrected to read "fiscal year 2017."

Mr. Lorenzini asked about State Legislature offering a discount to volunteer fire fighters and whether that should be included in the budget. Mr. Montz replied that this discount would not take effect for two more months. The budget before Council does not reflect this possible discount from the State Legislature. Should Council decide to take part in this discount the budget would need to be amended at that time. Mr. Montz said that even if Council chose to take part in this discount, the payment would probably not be effective until the 2018 budget. Discussion continued regarding the details of this discount.

**Motion carried unanimously.**

Mr. Molinaro read Ordinance #1761 by title only.

Mr. Sampogna asked if there was anyone present who wished to comment on the proposed 2017 budget for the Borough of Green Tree. There was no one present who wished to be heard.

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to pass Ordinance #1761 on first and final reading by title only.**

**Roll Call Vote**

|                      |            |
|----------------------|------------|
| <b>Mr. Tintori</b>   | <b>Yes</b> |
| <b>Mr. Novak</b>     | <b>Yes</b> |
| <b>Mr. Panza</b>     | <b>Yes</b> |
| <b>Mr. Rea</b>       | <b>Yes</b> |
| <b>Mr. Lindsey</b>   | <b>Yes</b> |
| <b>Mr. Lorenzini</b> | <b>Yes</b> |
| <b>Mr. Sampogna</b>  | <b>Yes</b> |

**Motion carried unanimously.**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to authorize the proper officers to sign Ordinance #1761 and that it be advertised according to law.**

**Motion carried unanimously.**

**4. Ordinance #1762**

**Fixing the real estate tax rate for the fiscal year of 2017 and providing for discount and penalties as authorized by law.**

Mr. Tintori noted that Green Tree's real estate tax rate would remain the same as it has for the past several years at 3.61 mills.

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to place Ordinance #1762 on first and final reading by title only.**

Mr. Montz said that the borough's real estate taxes have not been raised in 12 years and he expressed concern regarding how many more years the borough's millage rate could remain at that level without be raised. The borough has been seeing a reduction in its business privilege taxes (BPT), and in the past the collection of BPT has allowed the borough to keep its millage rate at this low rate. The borough has not been stagnant in providing its residents with regular improvements during this time, such as the purchase of new fire trucks, road and sidewalk programs, and upgrades to borough buildings, parks, and properties.

Mr. Lorenzini thanked that administration for managing the borough's finances for as well as they have over the past years.

**Motion carried unanimously.**

Mr. Molinaro read Ordinance #1762 by title only.

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to pass Ordinance #1762 on first and final reading by title only.**

**Roll Call Vote**

|               |     |
|---------------|-----|
| Mr. Tintori   | Yes |
| Mr. Panza     | Yes |
| Mr. Lorenzini | Yes |
| Mr. Rea       | Yes |
| Mr. Lindsey   | Yes |
| Mr. Novak     | Yes |
| Mr. Sampogna  | Yes |

**Motion carried unanimously.**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to authorize the proper officers to sign Ordinance #1762 and that it be advertised according to law.**

**Motion carried unanimously.**

**5. Assistant Manager Position**

Mr. Tintori said that with a forthcoming retirement, he would like to present a motion to begin advertising as soon as possible.

**Motion:**

Mr. Tintori made a motion seconded by Mr. Lindsey, to advertise for an Assistant Manager position.

Motion carried unanimously.

**D. STREETS & PUBLIC HEALTH - Mr. Novak**

**1. Ordinance #1763**

**Setting the Sanitary Sewer Use Fee/Surcharge at \$5.00 per one thousand (1,000) gallons of water used, effective January 1, 2017, for water usage on and after January 1, 2017, through December 31, 2017.**

**Motion:**

Mr. Novak made a motion, seconded by Mr. Lindsey, to place Ordinance #1763 on first and final reading by title only.

Mr. Sampogna said the fee is being increased as part of the consent decree, and is being increased from \$4.50 to \$5.00 per 1,000 gallons of water used.

Motion carried unanimously.

Mr. Molinaro read Ordinance #1763 by title only.

**Motion:**

Mr. Novak made a motion, seconded by Mr. Tintori, to pass Ordinance #1763 on first and final reading by title only.

**Roll Call Vote**

|               |     |
|---------------|-----|
| Mr. Novak     | Yes |
| Mr. Lindsey   | Yes |
| Mr. Rea       | Yes |
| Mr. Lorenzini | Yes |
| Mr. Tintori   | Yes |
| Mr. Panza     | Yes |
| Mr. Sampogna  | Yes |

Motion carried unanimously.

**Motion:**

Mr. Novak made a motion, seconded by Mr. Tintori, to authorize the proper officers to sign Ordinance #1763 and that it be advertised according to law.

Motion carried unanimously.

**2. Three Rivers Wet Weather**

Mr. Novak reported that he and Mr. Sampogna had attended the Three Rivers Wet Weather meeting. They talked about source reduction and target updates. There were several speakers who talked about EPA's information requirements. Mr. Novak said that those communities receiving a GROW Grant would be notified by the end of January.

3. Mr. Novak stated that the borough's 2016 paving program has been postponed until the spring of 2017. The money that was earmarked for this program will be moved to the

borough's Capital Fund to cover those costs next year. The paving was postponed after the utility work on Rocklyn and Ringold was completed too late in the season to allow paving.

**E. PUBLIC PROPERTY & EQUIPMENT - Mr. Rea**

**1. Authorize Borough Manager to purchase ProWall Rink System for Street Hockey Court at Green Tree Park.**

Mr. Rea said that Carnegie is installing a similar rink and is using plastic boards installed by their Public Works Department.

**Motion:**

**Mr. Rea made a motion, seconded by Mr. Lindsey, to authorize the Borough Manager to purchase ProWall Rink System for the street hockey court at Green Tree Park in the amount of \$29,550.00.**

Mr. Rea said that although this purchase was about \$13,000 over budget, these rink systems require less maintenance and should last longer than the previous court, which lasted 15 years.

Mr. Sampogna said that he was impressed by Carnegie's rink and it looks like a very durable system. Mr. Montz said the court surface will be asphalt and the area has been leveled. The Public Works Department will install the court.

**Motion carried unanimously.**

2. Mr. Rea asked if Mr. Montz had any updates regarding the school property. Mr. Montz replied that the school district has not gotten back to the borough.

**F. RECREATION & COMMUNITY AFFAIRS - Mr. Panza**

**1. Sound Barrier**

Mr. Panza said that the Parkedge/Sheldon area was developed in the 1960's and issues regarding the Parkway noise started in the 1980's. PennDOT has consistently told officials that there would not be a sound barrier installed unless there was an additional traffic lane on the Parkway. Mr. Panza said that in Title 23 of the U.S. Code of Federal Regulations, Part 772, Procedures for Abatement of Highway Traffic Noise and Construction Noise, it states that the construction of a highway on a new location, or the reconstruction of an existing highway, to either significantly add traffic lanes or to change the horizontal or vertical alignment, could be reason for the installation of a sound barrier. Based on these federal regulations, with the change in the horizontal construction of the Parkway last year by widening the lanes, could mean that PennDOT might be forced to address the noise issue with a sound barrier.

Mr. Panza said that the Community Affairs Committee would work on some fact-finding in 2017 and present this information to the Solicitor for his opinion about the borough's right to have a sound barrier due to the reconstruction of the Parkway with an increase in the horizontal alignment. If an agency is forced to take action by law, the borough has a right to ask them to seek relief, to correct what they are required to correct.

Mr. Sampogna said that PennDOT's District Engineer had indicated that there would be funds for a sound barrier, but he did not say when those funds would be available.

Mr. Panza said the review of these requirements is just another avenue to pursue in an effort to get a sound barrier for Parkedge.

Ms. Penny Lucas, from the audience and a member of the Sound Barrier Committee, said the committee had discussed the health hazards from the fumes and noise as well as the decibels of noise generated from the Parkway traffic. They had discussed having these things measured. She said it is frustrating when other communities recently had a sound barrier installed for just a few homes, while the length of Parkedge does not get one. Discussion continued regarding the sound barrier issue.

**LIAISON REPORTS**

**A. MRTSA - Mr. Montz**

Mr. Montz reported that MRTSA passed its 2017 budget and is looking forward to the new year.

**B. Char West COG - Mr. Novak**

Mr. Novak said Mr. John Schombert was the speaker at the most recent COG meeting and many of the same items discussed at the Three Rivers Wet Weather meeting were discussed at the Char West COG meeting.

Mr. Novak said the COG had discussed dues and ways to make it more equitable for the communities.

**C. Library - Mr. Sampogna**

Mr. Sampogna reported that the library received \$1,000 in matching funds from the Jack Buncher Foundation as part of Love Your Library month.

**PRESIDENT'S REPORT - Mr. Sampogna**

- A.** Mr. Sampogna said he had attended Light Up Green Tree night and there were a lot of borough officials and residents in attendance. He thanked the Rec Board volunteers who helped set up the event.

**SOLICITOR'S REPORT - Mr. Molinaro**

Mr. Molinaro had nothing to report at this time.

**MANAGER'S REPORT - Mr. Montz**

**A. Rook Bus Stop**

Mr. Montz said that thanks to a collaborative effort, some progress had been made with this issue. The Solicitor found an ordinance that stated that no vehicle is permitted to idle within 20 feet of a bus or taxi stop. After the discovery of this ordinance, Chief Cleary went to the bus stop and spoke to the residents who were there and explained the situation. Since then, vehicles are now parking at least 20 feet from the bus stop at the intersection of Hawthorne and Brunswick. Apparently the bus does not stop exactly at the intersection, so the resident is concerned that they are violating the ordinance by being closer than 20 feet from the stop.

Mr. Montz said he spoke today to the school superintendent and the transportation director at the school district and was told that the bus drivers will be informed to stop at the intersection, which should make it 20 feet from the idling vehicles.

- B.** Mr. Montz said the borough has started some audits of those who appear to have their earned income tax (EIT) automatically deducted from a paycheck, but are missing from the EIT report.



Letters were sent to residents asking for additional information, such as whether they are retired, unemployed, being paid to the wrong community, etc. It is an effort to find out why some of the EIT is not being paid to the borough. Mr. Montz said he would keep Council informed as the results come in.

- C.** There have been adjustments made to the borough's sewage bills. There had been concerns about payments made on the last day of the cycle that did not hit the borough's lockbox account and were marked delinquent. The borough has modified the next billing cycle to create a lag period to allow those last day payments to be counted correctly.
- D.** Mr. Montz said the borough voted on accepting a Sync-Up grant to synchronize the traffic signals along Greentree Road from Potomac to McKinney Lane. Preliminary meetings will begin next week and some temporary cameras will be set up to count vehicles to allow the signals to be correctly synchronized.
- E.** Mr. Montz requested that the review meeting for the proposed zoning ordinance, scheduled for December 12, be postponed until the new year.
- F.** Mr. Lorenzini asked if there could be an additional cardboard recycling dumpster added since those dumpsters seem to consistently fill up quickly. Mr. Montz said the company did not pick up the third collection they were supposed to collect this month and Public Works thinks that was what created the overflow. Mr. Montz said the borough doesn't have room for another bin, but he notified the cardboard collection company and said the borough would terminate their contract if there were any more deficiencies. Discussion continued regarding the recycling service in the borough.

**ADJOURNMENT**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Tintori, to adjourn the meeting.**

**Motion carried unanimously.**

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Mark Sampogna, President

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W. David Montz, Manager