

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
DECEMBER 19, 2011**

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

Green Tree Borough Council met on Monday, December 19, 2011 at 7:30 p.m. at the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania.

**Roll Call**

**Members Present:**

C. F. Hammer, Mayor  
Mark Sampogna, President of Council  
Daniel Behanna  
John Novak  
Ron Panza  
Janine Palmer  
Edward Schenck  
Arthur Tintori

**Also Present:**

W. David Montz, Borough Manager  
Babette Legler, Finance Director  
Kary Rahner, Public Works Director  
Andrew Lisiecki, Chief of Police  
Louis A. Casadei, Borough Engineer  
Deborah N. Gawryla, Stenographer

**APPROVAL OF THE MINUTES**

**December 5, 2011**

**Motion:**

**Mr. Behanna made a motion, seconded by Ms. Palmer, to approve the minutes from the December 5, 2011 meeting with the following correction:**

p. 3 Change "...the 1% earned income tax has increased," to "...revenues from the 1% earned income tax have increased."

**Motion carried, with Mr. Sampogna abstaining from the vote since he had not attended this meeting.**

**HEARING OF THE CITIZENS**

There was no one present who wished to be heard.

**REPORT OF BOROUGH COUNCIL COMMITTEES**

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

1. Mr. Panza reported that the Recreation Board has many new and exciting ideas in store for 2012.

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

**1. Ordinance #1667**

**Sanitary Sewer Treatment and Surcharge Rate Increases**

Mr. Novak said that this increase would take effect in April 2012. The surcharge would increase from the current \$3.00 per 1000 gallons to \$3.50 per 1000 gallons.

**Motion:**

**Mr. Novak made a motion, seconded by Mr. Behanna, to place Ordinance #1667 on first and final reading by title only.**

**Motion carried unanimously.**

Mr. Montz read Ordinance #1667 by title only.

**Motion:**

**Mr. Novak made a motion, seconded by Mr. Behanna, to pass Ordinance #1667 by title only.**

**Roll Call Vote**

<b>Mr. Novak</b>	<b>Yes</b>
<b>Mr. Behanna</b>	<b>Yes</b>
<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Schenck</b>	<b>Yes</b>
<b>Ms. Palmer</b>	<b>Yes</b>
<b>Mr. Tintori</b>	<b>Yes</b>
<b>Mr. Sampogna</b>	<b>Yes</b>

**Motion carried unanimously.**

**Motion:**

**Mr. Novak made a motion, seconded by Mr. Behanna, to authorize the proper officers to sign Ordinance #1667 and that it be advertised according to law.**

**Motion carried unanimously.**

- 2. Mr. Novak said that Arla Drive has a patch of paving that must be redone. He asked that this problem be addressed with the contractor, although nothing could be done until the weather improves in the spring.

**C. FINANCE - Mr. Behanna**

**1. Appointment of current member of Council to Tax Appeal Board**

**Motion:**

**Mr. Behanna made a motion, seconded by Mr. Novak, to appoint Mr. Mark Sampogna to the Green Tree Tax Appeal Board.**

**Motion carried unanimously.**

Mr. Montz said that there is currently a tax appeal before the Borough that will have to be heard by the end of January 2012. He said he must recuse himself from the board for this tax appeal since he had initiated the audit and he recommended that Council consider appointing another Council member to the board instead. Mr. Montz said that after discussing this issue with the Solicitor, it was felt that there could be recurring conflicts of interest for Mr. Montz to be on the Tax Appeal Board if he is required to produce documents for the board for hearings and testify that they are the true and correct copies. When asked, Mr. Montz said the Tax Appeal Board hears appeals regarding any Act 511 tax, i.e., earned income tax, business privilege tax, or occupational privilege tax.

Mr. Montz said that Council would also be asked to consider appointing Attorney Chuck Means to act as legal counsel for the Tax Appeal Board at the next Council meeting.

**2. Ordinance #1668****Adopting the budget for the year 2012 pursuant to Section 501 of the Home Rule Charter of the Borough of Green Tree.**

Mr. Behanna said it has been challenging for Council to establish a millage rate for 2012 because of the anticipated County reassessment. It is likely that this rate will have to be changed in March 2012 after the reassessments have been established in February, but for now the tax rate will remain at 4.35 mills.

Mr. Montz said that there was one item that needed to be clarified on the proposed budget before passage. He asked Council to consider where a surplus of \$9,275 should be placed in the 2012 budget. After a discussion, Council decided to place the \$9,275 on line 452.509 Special Activities of the budget, giving that line a new balance of \$69,275. Mr. Montz said that the 2012 budget takes into account the anticipated 5% windfall from the upcoming reassessment, but the millage rate that will be set tonight would likely have to be changed next year after the reassessment process has been completed and certified. The ordinance sets the millage rate and also the time period that the tax bills must be sent out, but the mailing of the real estate tax bills may have to be delayed until the assessment figures can be certified. Mr. Montz felt it could become a cumbersome process, but at this point it appears that the Borough's reassessment should be completed by sometime in March. The 2012 budget before Council for approval includes the 5% windfall anticipated from the reassessment. Discussion continued regarding the specifics of various ways to handle the budget and millage without certified reassessment numbers. Mr. Schenck noted that municipalities throughout Allegheny County are currently having similar discussions over the same concerns about the reassessment and how to determine their budgets.

**Motion:**

**Mr. Behanna made a motion, seconded by Mr. Novak, to place Ordinance #1668 on first and final reading by title only. This ordinance includes the 5% windfall, and will add \$9,275 to line item 450.260 Special Activities making that line item a total of \$69,275.**

**Motion carried unanimously.**

Mr. Montz read Ordinance #1668 by title only, noting that this budget includes the 5% windfall and adds \$9,275 to line item 450.260 Special Activities for a total of \$69,275 for that line item.

**Motion:**

**Mr. Behanna made a motion, seconded by Mr. Novak, to pass Ordinance #1668 on first and final reading by title only.**

**Roll Call Vote**

<b>Mr. Behanna</b>	<b>Yes</b>
<b>Mr. Novak</b>	<b>Yes</b>
<b>Ms. Palmer</b>	<b>Yes</b>
<b>Mr. Tintori</b>	<b>Yes</b>
<b>Mr. Schenck</b>	<b>Yes</b>
<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Sampogna</b>	<b>Yes</b>

Motion carried unanimously.

**Motion:**

Mr. Behanna made a motion, seconded by Mr. Novak to authorize the proper officers to sign Ordinance #1668 and that it be advertised according to law.

Motion carried unanimously.

**3. Ordinance #1669**

**Fixing the real estate tax rate for the fiscal year of 2012 and providing for discount and penalties as authorized by law.**

Mr. Behanna said the total millage tax rate for Green Tree Borough would be 4.35 mills.

**Motion:**

Mr. Behanna made a motion, seconded by Mr. Novak, to place Ordinance #1669 on first and final reading by title only. The real estate tax rate is being set at 4.35 mills without a certified assessment number because it is required by Borough Charter to be set by year's end.

Motion carried unanimously.

Mr. Montz read Ordinance #1669 by title only.

**Motion:**

Mr. Behanna made a motion, seconded by Mr. Novak, to pass Ordinance #1669 on first and final reading by title only.

**Roll Call Vote**

Mr. Behanna	Yes
Mr. Tintori	Yes
Ms. Palmer	Yes
Mr. Panza	Yes
Mr. Novak	Yes
Mr. Schenck	Yes
Mr. Sampogna	Yes

Motion carried unanimously.

**Motion:**

Mr. Behanna made a motion, seconded by Mr. Novak, to authorize the proper officers to sign Ordinance #1669 and that it be advertised according to law.

Motion carried unanimously.

**4. *Council addressed the following six ordinances, regarding employees' salaries, in one ordinance action.***

**Ordinance #1670**

**Setting the annual rate of pay and establishing the hourly rate of pay for certain administrative employees.**

**Ordinance #1671**

**Reappointing Louis Casadei as the Borough Engineer and Code Enforcement Officer and setting the terms and conditions of employment for the year 2012 and continuing thereafter, unless otherwise changed by Council.**

**Ordinance #1672**

**Setting forth the salary and benefits of W. David Montz, effective January 1, 2012.**

**Ordinance #1673**

**Fixing the annual salary of the Director and Assistant Librarian of the Green Tree Public Library, effective January 1, 2012.**

**Ordinance #1674**

**Fixing the annual salaries of certain Borough employees of the Green Tree Public Library and setting the terms and conditions for funding from the Allegheny County Library Association (ACLA) for the calendar year of 2012.**

**Ordinance #1675**

**Setting the hourly rate of pay for the Special School Police.**

Mr. Schenck stated that all these ordinances include increases for a one-year period or until changed by Council, except for the Borough Manager, which is for a two-year period.

**Motion:**

**Mr. Behanna made a motion, seconded by Mr. Novak, to place Ordinances #1670, #1671, #1672, #1673, #1674, and #1675 on first and final reading by title only.**

**Motion carried unanimously.**

Mr. Montz read Ordinances #1671, #1672, #1673, #1674, and #1675 by title only.

**Motion:**

**Mr. Behanna made a motion, seconded by Ms. Palmer, to pass Ordinances #1670, #1671, #1672, #1673, #1674, and #1675 on first and final reading by title only.**

**Roll Call Vote**

Mr. Behanna	Yes
Mr. Tintori	Yes
Mr. Schenck	Yes
Mr. Novak	Yes
Ms. Palmer	Yes
Mr. Panza	Yes
Mr. Sampogna	Yes

**Motion carried unanimously.**

**Motion:**

**Mr. Behanna made a motion, seconded by Mr. Novak, to authorize the proper officers to sign Ordinances #1670, #1671, #1672, #1673, #1674, and #1675 and that they be advertised according to law.**

**Motion carried unanimously.**

5. **Resolution #1168**

**Authorizing the issuance of a Tax Anticipation Note for the year 2012 on a principal amount of \$1,000,000.**

Mr. Behanna stated that he must abstain from this vote because of a conflict of interest.

Mr. Novak said that the Borough had sought bids for its annual tax anticipation note with the low bidder being Brentwood Bank at 0.95%

**Motion:**

**Mr. Novak made a motion, seconded by Mr. Tintori, to adopt Resolution #1168 by title only.**

Mr. Montz read Resolution #1168 by title only.

**Roll Call Vote**

Mr. Novak	Yes
Mr. Tintori	Yes
Mr. Schenck	Yes
Ms. Palmer	Yes
Mr. Panza	Yes
Mr. Behanna	Abstain
Mr. Sampogna	Yes

**Motion carried, 6-0-1, with Mr. Behanna abstaining from the vote.**

Mr. Montz said that the tax anticipation loan should be sufficient if the tax bills only need to be delayed by one month. However, if the reassessment process takes longer than expected and the mailing of the tax bills must be delayed for a longer period of time, Mr. Montz said he might have to approach Council about making other arrangements, such as an additional loan. Mr. Behanna thanked everyone involved in the preparation and work in preparing and presenting the 2012 budget.

6. **Resolution #1169**

**Authorizing the proper officers to execute the Automated Red Light Enforcement Program Project Funding Agreement - Individual Projects with PA Department of Transportation for the Aiken Elementary School Zone Modification Plan in the amount of \$36,773.00.**

Mr. Behanna said this agreement would help provide funding for upgrades and improvements to the school zone near Aiken School along Greentree Road. Mr. Montz said the Borough had been holding off on this project because the future of Aiken School had been uncertain until recently.

**Motion:**

**Mr. Behanna made a motion, seconded by Ms. Palmer, to adopt Resolution #1169 by title only.**

Mr. Montz read Resolution #1169 by title only.

**Roll Call Vote**

Mr. Behanna	Yes
Ms. Palmer	Yes
Mr. Novak	Yes
Mr. Schenck	Yes

Mr. Panza	Yes
Mr. Tintori	Yes
Mr. Sampogna	Yes

Motion carried unanimously.

**D. PLANNING & ZONING - Ms. Palmer**

**1. Planning Commission - Burns & Scalo's Proposed Medical Office Building**

Ms. Palmer stated that Planning Commission had met with Burns & Scalo to review the site plan for the proposed medical office building to be built below the Olive Garden and the existing medical office building. The plans have been tabled until Planning Commission's January meeting to allow time for further review of the drawings and the consent decree regarding the development of the property.

Mr. Sampogna asked if Planning Commission had any particular concerns about the site plan, such as lighting, etc. Mr. Casadei, Borough Engineer, who was in attendance, stated that Planning Commission had looked at the lighting plan and photometric plan and had expressed some concerns.

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

**1. General Report**

Mr. Tintori said that both the Public Works Department and the Police Department have their equipment ready for the winter weather. Mr. Rahner, Public Works Director, who was in attendance, stated that the Public Works Department has its trucks ready to go in the event of snow or ice. They were already out on Saturday for the first time this season and he noted that it was the latest that he could remember the salt trucks going out for the first time in any winter season.

**F. PUBLIC SAFETY - Mr. Schenck**

**1. General Report**

Mr. Schenck asked when the new police car would be delivered. Mr. Montz said it should be delivered tomorrow, but it will not be put into service immediately until the older police car has reaches the required mileage to retire it.

**MAYOR'S REPORT - Mayor Hammer**

Mayor Hammer had nothing to report at this time.

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

1. Mr. Sampogna reported that after the school district's recent reorganization meeting, the Keystone Oaks School Board had rescinded the consolidation plan. He said that this was good news for everyone who had worked very hard to keep Aiken School open.
2. Mr. Sampogna had sent a letter to State Rep. Matt Smith regarding amendments to the prevailing wage act and had received a response thanking Mr. Sampogna for his thoughts. Rep. Smith said he would keep his comments in mind when the legislation comes before the house for a vote.
3. Mr. Sampogna said that he and Mayor Hammer had attended the ribbon-cutting ceremony this past Saturday for the opening of the new AT&T store on Greentree Road. One of U.S.

Rep. Tim Murphy's aides were at the event and he told Mr. Sampogna that it appears that after the redistricting is completed, it appears that Rep. Murphy will no longer be the representative for Green Tree Borough and Rep. Mike Doyle will become Green Tree's new representative because of Green Tree's proximity to the city. However, the redistricting is still in a state of flux, so this may change.

4. Mr. Sampogna wished everyone a Merry Christmas and a Happy and Prosperous New Year.

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

1. Mr. Montz said that he and his staff appreciated the entire budget process. It had been a great learning experience. He said that he would be providing more budget graphs and additional reports in the future to help highlight budget areas throughout the year.
2. The reorganization meeting of Borough Council will be held on Tuesday, January 3, 2012. A regular Council meeting will be held at 7:30 p.m., followed by the reorganization meeting of Council beginning at 8:00 p.m. The public is invited to attend and refreshments will be served following the meeting.

**ADJOURNMENT**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Behanna, to adjourn the meeting at 8:20 p.m.**

**Motion carried unanimously.**

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Mark Sampogna, President

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W. David Montz, Manager