

BOROUGH OF HOMESTEAD
AGENDA FOR THE COUNCIL MEETING OF
July 16, 2020
6:00 P.M.

President Cunningham called the July 16, 2020 Homestead Borough Council Meeting to order at 6:24p.m. The meeting was held in the Borough Council Chambers located at 221 E. Seventh Avenue, Homestead, PA 15120. Prior to the start of the meeting those interested in the open Ward 1 Council Seat addressed Council with the reasoning of why they were interested in serving the Borough.

President Cunningham asked Mayor Esper to lead in the Pledge of Allegiance.

1. Roll Call

Those present for roll call were President Cunningham, Rev. Louise Benton, Mr. Drew Borcik, Min. Connie Burwell, Mr. Don Dais, Ms. Mary Nesby, Mayor Betty Esper, Solicitor Joseph Heminger, Police Chief Jeffrey DeSimone and Code Enforcement Officer Shunta Parmis.

2. A motion was made by Mr. Borcik and seconded by Mr. Dais to approve the minutes from the March 2020 and June 2020 meetings. Upon a voice vote all were in favor, motion carries.

3. Department Reports- Please keep to 3 minutes or less

President of Council- Masonic Hall is finished and opened, paving at Waterfront, Honest John's closing at end of week due to pandemic, restaurants experiencing financial difficulties.

Borough Solicitor- none

Borough Engineer- submitted written report

Mayor Esper- visited winery across street they are working with the veterans of community, participated in the walk between the schools, school district issues, Salvation Army Food handout and others.

Fire Department- none

Chief of Police- read submitted written report

Code Enforcement- read submitted written report

Manager- submitted written report

Tax Collector- submitted written report, Solicitor stated discount period was extended to July 31, 2020. Residents still submitting face amounts and being refunded the difference between the face and discounts amount.

Civil Service- Duane Shulte provided report, list was certified about 1 month ago, request Constance Portis be put on as regular member and advertise for 2 alternates, one of the officers may be retiring soon.

4. Citizen Participation- Agenda Items Only (sign in)

Charla Tibs, 12th Street Extension – alley behind 12th Street Extension very dark, request streetlight for safety. Mr. Dais informed Ms. Tibs to contact Borough Manager with ID number found on the pole.

Linda Taylor, 253 E. 21st- concern over elderly woman presented to police- looking for possible agency that could assist woman. Chief responded with reason why police are unable to assist further. Second concern is the empty lot next door to her home, tree on the property that is large and causing concerns for her at her residence.

5. Motions

- a. A motion was made by Mr. Borcik and seconded by Mr. Dais to pay the bills as per the bill list dated July 6, 2020 in the amount of \$407,228.74. Upon a roll call vote those in favor were Mr. Borcik, Rev. Benton, Mr. Dais, Min. Burwell and President Cunningham, Ms. Nesby was opposed, motion carries.
- b. A motion was made by Mr. Borcik and seconded by Ms. Nesby to open the floor for nominations to fill the first ward vacant council seat.
Mr. Dais nominated Ms. Jou-Al Burwell; no other names were put on the floor.
- c. A motion was made by Mr. Cunningham and seconded by Mr. Borcik to close the floor for nominations.
- d. Motion was made by Mr. Borcik and seconded by Mr. Dais to adopt resolution appointing Jou-Al Burwell to fill the first ward vacant council seat until the first Monday in January after the next municipal election. Upon a roll call vote all were in favor and Ms. Burwell abstained, motion carries.

Mayor Esper sworn Ms. Jou-Al Burwell into office.

- e. A motion was made by Mr. Borcik and seconded by Ms. Nesby to adopt a resolution seeking funding under the Allegheny County Sanitary Authority (ALCOSAN) Green Revitalization of Our Waterways (GROW) Program to fund a project that proposes to reduce the sewer overflow at the ALCOSAN point of connection M-49 sewer shed. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries.
- f. A motion was made by Mr. Borcik and seconded by Mr. Dais to authorize the engineer to pursue either a PA Small Water and Sewer Grant or PA H2O for the required match. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries
- g. A motion was made by Mr. Borcik and seconded by Min. Burwell to adopt an ordinance of the Borough of Homestead, Allegheny County, Pennsylvania, amending Article III, Chapter 240, Section 240-27 of the Homestead Borough Code to add vehicle parking restrictions applicable to both sides of East 10th Avenue that runs along the front of Propel School and repealing all sections, subsections or provisions

of ordinances or resolutions inconsistent herewith. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries.

- h. A motion was made by Ms. Nesby and seconded by Min. Burwell to adopt an ordinance of the Borough of Homestead, Allegheny County, Pennsylvania, amending Chapter 240-05 of the Code of the Borough of Homestead to prohibit vehicle parking at all times upon highways in the Borough of Homestead known as Joseph Street, Rose Way, Spruce Way, Stone Way, Tamnay Way, Water Way and Water Works Alley and repealing all sections, subsections or provisions of ordinances or resolutions inconsistent herewith. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries.
- i. A motion was made by Ms. Nesby and seconded by Mr. Borcik to adopt an ordinance of the Borough of Homestead, Allegheny County, Pennsylvania, amending Chapter VIII of the Borough of Homestead Code to provide for limited residential permit parking upon alleyways in the Borough of Homestead known as Hickory Way, Laurel Way, Locust Way, Oak Way, Park Way, Pine Way, Pink Way, Plum Way, Ridge Way and Walnut Way and repealing all sections, subsections or provisions of ordinances or resolutions inconsistent herewith. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries.
- j. Motion to certify the Civil Service Test as recommended by the Civil Service Commission. Upon a roll call vote all were in favor except Ms. Burwell who abstained, motion carries.
- k. A motion was made by Ms. Nesby and seconded by Mr. Dais to accept the quote received from Sports and Recreation Associates, LLC in the amount of \$3,200 for the rubber surface repairs needed at Frick and McLean Parks with a 50% deposit due at time agreement is made. Upon a roll call vote all were in favor except Ms. Burwell who abstained, motion carries.
- l. A motion was made by Mr. Borcik and seconded by Ms. Nesby to pay \$1,350 to Paul Fisher Insurance Services for mortality coverage on Canine Officer Novi. Upon a roll call vote all were in favor except Ms. Burwell who abstained, motion carries.
- m. A motion was made by Mr. Borcik and seconded by Ms. Nesby to accept the resignation of Ashley Redshaw effective July 14, 2020. Upon a voice vote all were in favor except Ms. Burwell who abstained, motion carries.

Motions added

A motion was made by Ms. Nesby and seconded by Rev. Benton to appoint Drew Borcik as Council Vice President.

Question from audience member, he was present at the last meeting when Ms. Benton was removed and Mr. Borcik for the same reason. Why would he be put back in the position?

Solicitor explained the President and Vice President serve at the pleasure of their colleagues and can be changed; Council has the right to pick who they sit fit for the positions. Discussion for clarification continued.

Upon a roll call vote all were in favor except Ms. Burwell who abstained, motion carries.

President Cunningham stated at the Monday, July 13th meeting, Ms. Benton, questioned him following procedures in day to day Borough Business. Ms. Benton shuffled through folders of papers, which she claimed documented I had work performed without proper due diligence. I have carefully reviewed my actions and by properly requesting documents from the office through a Right-To-Know request instead of having employees shuffle through records and giving them to me possibly incomplete obtained the following. Roofing repairs from February 2016 and July 2017 with the Manager's of Matt and Warren, notes of bids and the least bid being awarded and presented to Council for payment and explanation at the next Council Meeting. In each instance the roof was leaking and needed immediate attention to prevent further damage. Also received through a Right-To-Know request work orders presented by Ms. Benton to the Borough ordering her son's company AW Construction for remodeling and renovation of the recreation center. In my opinion, this was not budgeted, not discussed by council or recreation committee and not necessary nor time sensitive as to be awarded without council approval. The first work appears to be invoiced March 18, 2020 allowing several meetings for Ms. Benton to inform Council of her actions. During an executive session on May 28, 2020, I heard Ms. Benton respond during conversation that "I decided the place needed to be ready for our children after this is over and our children are back to school". I have been led to believe that some of the signatures on the checks may have been forged and hope law enforcement agencies investigate this.

Rev. Benton responded to Mr. Cunningham and asked for the dates he stated. She stated those were not the dates.

Ms. Nesby stated those were not the dates she was referring to and they had looked over the information. It is disheartening that some of these elected officials believed their constituents would not research what was happening and there are so many hands in the pot and because of her lack of trust for most sitting there and pushing blame. Ms. Nesby stated they had asked for things from the manager that they have not received yet.

Mr. Dais stated he did not receive two checks that he had asked for.

Ms. Nesby stated is baffles her that when he gives her a right to know poof it's here. Back and forth continues.

Ms. Nesby stated again it baffles her that he asked her for something it is present, and we've asked her for checks, two of which we have not got back, and it's been over a month, a month and a half. Don completed the right-to-know

A motion was made by Ms. Nesby and seconded by Rev. Benton to remove Lloyd Cunningham as President of Council. Upon a roll call vote those in favor were Ms. Nesby, Rev. Benton, Min. Burwell, Mr. Dais. Mr. Borcik and Mr. Cunningham were opposed, and Ms. Burwell abstained, motion carries.

A motion was made by Ms. Nesby and seconded by Ms. Burwell to appoint Don Dais as President of Council. Upon a roll call vote those in favor were Ms. Nesby, Rev. Benton,

Min. Burwell, Mr. Dais. Mr. Borcik and Mr. Cunningham were opposed, and Ms. Burwell abstained, motion carries.

Mary Nesby question to Solicitor; looking to have Lauren Zang not sign any checks anymore. Do I need to make a motion?

Solicitor Heminger responded he did not recommend making that motion at this time.

Mary Nesby asked for what reason. Reason why is because checks have been signed that we have not gotten back, we do not know what the checks were for, why they were put out there and I am not comfortable with all that she has done to have her be a signer on our bank account at all. I feel that it should be our President and Vice President and maybe Ms. Burwell from Council. I do not have the faith in our Borough Manager to oversee any of this. We requested something Drew, Lloyd everyone for over a month, it should not have taken that long to get these checks back.

Lloyd Cunningham informed Nesby to complete a Right-To-Know request.

Mary Nesby stated they did, Don did that.

Lloyd Cunningham explained a response is given within 5 days and a 30-day extension is possible.

Mary Nesby stated we do not need 30 days for the information, it's been beyond 30 days.

Lloyd Cunningham stated it is up to whoever put the Right-To-Know request in to take the next step.

Don Dais quoted Section 902A and it states the Borough Manager has the right to redact any information that she so chooses which is incorrect. She does not have the right to redact anything. We have a manager and when you are the manager you are the owner of the documents and at that particular time you have the right to review and does not have to be redacted. When I received that it had to be redacted and I had another extension that was improper. She had 5 days and she is in violation because the manager has the information.

Solicitor Heminger stated he strongly recommended an executive session to meet with Lauren and talk about these issues one by one and carefully go through them in detail and then make a determination of who is entitled to things and who should sign checks or not. I do not think this is the proper time or place to address.

Mary Nesby stated that was my question because Drew came up with something excellent, that these checks should be in sequential order and no longer all over the place.

Solicitor Heminger stated these are all valid issues and need to be talked about in executive session.

Don Dais stated and I do agree with that and I think it should be an executive meeting. At this point we do not have a process and I saw inconsistencies and when I see that it is a disturbing factor and I think that we need to put checks and balances in order and we need everything explained. We need documents, we need line items, we need checks from the bank. I need verification of whatever was written and who received it and I want to see the document. I also going to ask for an independent audit in the borough. We have to get to the bottom of this and get things working in a fashionable business-like way. There have been things that have been done that have not been recorded and they will start to be recorded and everyone will be subjected to whatever penalties that come out of the audit. Wherever the evidence falls that's just the way it falls.

Solicitor Heminger reminded the President he wanted to continue this meeting to a date and time and need to make that announcement.

Don Dais meeting continued to the 28th and will deal with the personnel order and come to a conclusion on any other thing.

MOTION TO ADJOURN

The meeting has been continued to July 28, 2020 at 6:00 p.m.