

JANUARY COUNCIL MEETING

January 2, 2018

The Reorganization and the January Council Meeting of the St. Clair Borough Council was held on Tuesday, January 2, 2018, in Council Chambers, St. Clair Municipal Building, 16 S. Third Street, St. Clair.

Mayor Richard Tomko administered the oath of office to councilmembers John Houseknecht, Thomas Adamchick, Anthony Klazas, and Tax Collector William Umbenhaur

Mayor Tomko chaired the meeting and called it to order at 6:30 pm.

Pledge of Allegiance

Answering the roll call were council persons: Thomas Adamchick, Joann Brennan, John Burke, Thomas Dempsey, William Dempsey, Anthony Klazas, and Mayor Richard Tomko.

Also present included Solicitor Edward Brennan, Treasurer Carol Sutzko, Electric Light Department Superintendent Robert Petrozino, Deputy Superintendent William Umbenhaur, Joe Haffey and Police Chief William Dempsey.

Mayor Tomko assumed the chair.

The chair entertained a motion for the position of president of Borough Council. Houseknecht, seconded by T. Dempsey, nominated William Dempsey as council President. There being no other nominations, Burke, seconded by Brennan, made a motion to close nominations; approved. The borough secretary was directed to cast a unanimous ballot for William Dempsey as Council President.

T. Dempsey made a motion to nominate John Houseknecht for the position of Vice President, seconded by Burke. Burke made a motion to close nominations, seconded by Brennan; approved. The borough secretary was directed to cast a unanimous ballot for John Houseknecht as Council President.

Council President William Dempsey assumed the chair.

On a motion made by Houseknecht, seconded by T. Dempsey, to nominate John Burke as Council Pro Tem; approved.

On a motion made by Burke, seconded by Brennan, to reappoint Carol Sutzko as the Borough Treasurer; approved.

On a motion made by Houseknecht, seconded by T. Dempsey, to reappoint Roland Price, Jr. as borough secretary; approved.

On a motion made by Burke, seconded by Klazas, to reappoint Attorney Edward Brennan as borough solicitor; approved.

On a motion made by Burke, seconded by T. Dempsey, to reappoint the firm of Alfred Benesch and Company as the borough's engineering firm. Council approved the motion.

On a motion made by Houseknecht, seconded by Burke, to reappoint Riverview Bank and the Pennsylvania Local Government Investment Trust as the borough's depositories for borough funds; approved.

January Council Meeting

Copies of the minutes of the previous council meetings have been given to borough council members and Mayor Tomko, are there any errors or corrections? The minutes stand approved.

Public Comment

No Public Comment

BOROUGH SOLICITOR'S REPORT

On a motion made by Klazas, seconded by Brennan, to accept the report; approved.

Solicitor Brennan reported negotiations with the Teamster's Union will continue in the New Year.

Secretary Price is corresponding with Attorney Setley to arrange for a line of credit for funding to complete the ongoing projects.

A brief executive session is requested to discuss union negotiations.

MAYOR'S REPORT

On a motion made by Burke, seconded by Houseknecht, to accept the report; approved.

Mayor Tomko asked council to consider adopting a resolution opposed to HB1620 titled the Wireless Infrastructure Deployment Bill.

DEPARTMENTAL REPORTS

STREET DEPARTMENT REPORT

On a motion made by Houseknecht, seconded by T. Dempsey, borough council unanimously approved the report and it was made part of the minutes by reference.

Deputy Superintendent William Umbenhaur commented the cement blocks protecting the damaged Russell Street pole are being hit and moved. Councilman Adamchick suggested several large tires should be spliced and rapped around the pole to protect it. They would cushion any hit by a tractor trailer truck. After the new pole is erected, the old pole should be cut about 4 foot from the base and filled with cement to act as a bollard.

ELECTRIC LIGHT DEPARTMENT REPORT

On a motion made by T. Dempsey, seconded by Adamchick, borough council unanimously approved the report and it was made part of the minutes by reference.

TREASURER'S REPORT

On a motion made by T. Dempsey, seconded by Burke, borough council unanimously approved the report and it was made part of the minutes by reference.

TAX COLLECTOR'S REPORT- Mo Report**POLICE DEPARTMENT**

On a motion made by T. Dempsey, seconded by Adamchick, borough council unanimously approved the report and it was made part of the minutes by reference.

ZONING DEPARTMENT -No Report**FIRE DEPARTMENT REPORT**

On a motion made by T. Dempsey, seconded by Klazas, the report was unanimously approved by Borough Council and it was made part of the minutes by reference.

CODE OFFICIAL

On a motion made by Houseknecht, seconded by Klazas; the report was unanimously approved by Borough Council and it was made part of the minutes by reference.

COMMUNICATIONS

The Community Conservation Partnership Program administered by the Department of Conservation and Natural Resources awarded the borough a \$30,000 grant to replace a damaged play structure in the Third Street Playground.

On a motion made by Burke, seconded by Brennan, to accept communications; approved.

OLD BUSINESS

On a motion made by T. Dempsey, seconded by Klazas. to reappoint Michele Price to the Zoning Hearing Board; approved.

On a motion made by Brennan, seconded by Klazas to reappoint John Burke to the Planning Commission; approved.

On a motion made by T. Dempsey, seconded by Brennan, to reappoint William Dempsey to the Recreation Commission; approved.

On a motion made by Burke, seconded by Brennan, to reappoint Anthony Klazas to the Police Civil Service Commission; approved.

On a motion made by T. Dempsey, seconded by Burke, to reappoint Police Chief William Dempsey to the School Crossing Guard Agency; approved.

On a motion made by T. Dempsey, seconded by Adamchick, to reappoint Richard Jones to the Sewer Authority; approved.

On a motion made by Houseknecht, seconded by Burke, to reappoint Brian Kovich to the Vacancy Board; approved.

Council President Dempsey will name the members to the Standing Committees at next months' meeting.

On a motion made by Klazas, seconded by T. Dempsey, to hire Brad Blanner as a full-time police officer at a P-3 salary level. A ROLL CALL VOTE WAS TAKEN WITH THE FOLLOWING RESULT: ADAMCHICK – YES, BRENNAN-YES, BURKE-YES, T. DEMPSEY - YES, KLAZAS -YES, HOUSEKNECHT-YES, and W. DEMPSEY – YES. The motion was approved.

NEW BUSINESS

On a motion made by Burke, seconded by T. Dempsey, to adopt A resolution in opposition to House Bill 1620, entitled the "Wireless Infrastructure Deployment Bill" and that the resolution be forwarded to

Senator Argall and Representative Neal Goodman. , A ROLL CALL VOTE WAS TAKEN WITH THE FOLLOWING RESULT: ADAMCHICK – YES, BRENNAN-YES, BURKE-YES, T. DEMPSEY - YES, HOUSEKNECHT-YES, KLAZAS -YES, and W. DEMPSEY – YES. The motion was approved.

WHEREAS, broad band service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, St. Clair Borough supports the deployment of broadband services—both wired and wireless—in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to federal law, municipalities have the right to regulate the "placement, construction, and modification" of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion, The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

WHEREAS, specifically House Bill 1620, entitled the "Wireless Infrastructure Deployment" bill would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for these facilities; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, thereby forcing taxpayers to subsidize wireless companies for the management of their facilities; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.

WHEREAS, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620.

WHEREAS, if the Pennsylvania General Assembly is permitted to abolish municipal right-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow.

NOW THEREFORE BE IT RESOLVED,

- 1. That the Borough Council of the Borough of St. Clair hereby express its opposition to HB 1620 because it is not in the best interests of Pennsylvania.**
- 2, That this Resolution shall be sent to our State Representative(s), State Senator, Governor, and all Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned.**

Council President Dempsey informed Electric Light Superintendent Robert Petrozino to be prepared to recommend a firm to replace the damaged Russell Street pole at the February Council Meeting.

Council again discussed remedies to protect the damaged Russell Street pole until it is replaced. Petrozino only recommendation was to wait until the cold frigid weather abated. It for some unforeseen reason, during the repairs, the power was interrupted for a period of time; many electric customers would be without power. After discussion Council President Dempsey directed Petrozino and Umbenhaur to get together to remove the block coming down the hill, splice some large tires and wrap them around the pole. The tires must be painted safety orange.

Council President William Dempsey called an executive session at 7:04 pm to review union negotiations.

The executive session adjourned at 7:21 pm.

Council President Dempsey named the members on the union negotiating committee: T. Dempsey, Klazas and Adamchick.

ENGINEER'S REPORT

On a motion made by Houseknecht, seconded by t. Dempsey, the report was unanimously approved by Borough Council and it was made part of the minutes by reference.

On a motion made by Houseknecht, seconded by T. Dempsey, in regard to the Route 61 Green Light-Go Project — to authorize the Borough Secretary to request qualifications from three design consultants for this project; approved.

On a motion made by Burke, seconded by Brennan, to authorize the signing of the Keesock Land Development plan. The plan should then be returned to the applicant for recording; approved.

On a motion made by T. Dempsey, seconded by Houseknecht, to pay all bills and claims properly approved by borough council; approved.

On a motion made by T. Dempsey, seconded by Houseknecht, to adjourn the meeting at 7:23 pm, council approved the motion.

**Roland Price, Jr.
Borough Secretary**