

**BOROUGH OF GREEN TREE
COUNCIL MEETING
DECEMBER 4, 2023**

Call to Order / Moment of Silence / Pledge of Allegiance

Green Tree Borough Council met on Monday, December 4, 2023 at 7:30 pm in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220.

ROLL CALL

Members Present:

Edward Schenck, Mayor
Arthur Tintori, President
Shannon Barron
Rino Lindsey
Ron Panza
David Rea
Craig Romanovich
James Turocy

Also Present:

Judy Miller, Borough Manager
Kate Diersen, Esq., Borough Solicitor
Kim Beck, Stenographer

APPROVAL OF THE MINUTES

November 6, 2023

Motion:

Mr. Romanovich made a motion, seconded by Ms. Barron, to approve the November 6, 2023 minutes as presented.

Motion carried unanimously.

November 20, 2023

Motion:

Mr. Turocy made a motion, seconded by Mr. Lindsey, to approve the November 20, 2023 minutes as presented.

Motion carried 5-0-2 with abstentions from Mr. Romanovich and Mr. Tintori as they had not attended the meeting.

HEARING OF THE CITIZENS

Christine Short – 251 Parkedge Road

A. Ms. Short thanked Council for supporting the Recreation Board throughout 2023. The final event of the year was Light Up Green Tree, which was a success. Ms. Short also thanked the Green Tree Volunteer Fire Company for bringing Santa and Mrs. Claus to the event via fire truck.

NEW BUSINESS

A. Finance and General Policy – Mr. Turocy

1. Motion:

Mr. Turocy made a motion, seconded by Mr. Romanovich, to ratify the actions of the Borough Manager in paying the November 2023 invoices from the General Fund totaling \$48,147.60; Payroll Account totaling \$208,360.36; Educational Service Agency totaling \$5,151.06; and Credit Card October 2023 totaling \$3,992.65.

Mr. Rea asked what the process was for submitting a mileage reimbursement. Ms. Miller said that all reimbursements are submitted to the Finance Director. A lot of times employees will let them accumulate before turning them in for reimbursement. Mr. Rea asked how many months a particular reimbursement on this bill sheet had been for. Ms. Miller said that the mileage was for an entire year and was primarily for picking up supplies. Mr. Rea said that this particular reimbursement was for a little over \$1,000 which would be over 1,500 miles. He asked how the mileage was supported. Ms. Miller explained that the mileage was supported by receipts from stores which are required to be turned in to the Finance Director. Mr. Rea stated that he could not vote to pay someone for over 1,500 miles of reimbursement over 20 weeks of employment without proper justification because the math did not seem to add up. Council continued to discuss the possible locations of the supply stores.

Ms. Diersen said that if Council wanted to continue this discussion, they should consider doing so during an Executive Session because it is a personnel matter at this point. Mr. Rea asked if Council could adjourn for Executive Session and then reconvene. Mayor Schenck recommended that Council table this motion to continue the meeting and then adjourn toward the end because there are residents in attendance and Council should not delay the rest of the meeting. Ms. Miller also suggested that Council could approve the bill sheet except for the mileage reimbursements until further discussion could be had.

Subsidiary Motion:

Mr. Rea made a motion, seconded by Mr. Lindsey, to table all mileage reimbursements in the November bill for discussion in Executive Session to be held following tonight's meeting.

Motion fails 4-3, with nay votes from Ms. Barron, Mr. Romanovich, Mr. Turocy, and Mr. Tintori.

Mr. Rea said that he found it shocking that Council was going to vote yes on a bill that did not add up. He stated that Council is relying on advice that is coming in and making decisions without using logical, rational thought.

Roll Call Vote:

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	No
Mr. Panza	Yes
Mr. Rea	No
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion passes, 5-2.

2. Motion:

Mr. Turocy made a motion, seconded by Mr. Romanovich, to approve payment of the December 2023 invoices from the General Fund totaling \$89,460.77; Storm Sewer totaling \$6,160.86; Sanitary Sewer Maintenance Fund totaling \$28,652.42; Capital Projects totaling \$6,540.16; and Bond Fund totaling \$753.95.

Motion carried unanimously.

3. Reappoint Lennon, Smith, Souleret Engineering as the Borough Engineer

Motion:

Mr. Turocy made a motion, seconded by Mr. Lindsey, to reappoint Lennon, Smith, Souleret Engineering to serve as the Borough Engineer in accordance with the Borough Manager's correspondence dated November 29, 2023.

Motion carried unanimously.

**4. Ordinance #1889
Adopting the Budget for the year 2024**

Motion:

Mr. Turocy made a motion, seconded by Mr. Romanovich, to pass Ordinance #1889, adopting the Budget for the year 2024, pursuant to Section 501 of the Home Rule Charter of the Borough of Green Tree.

Mr. Lindsey stated that he had addressed the Fire Company's discretionary funds at the Budget meeting this year as well as last year to try and determine why these funds have been drastically cut from \$35,000 to \$14,000 since 2011.

Mr. Turocy noted that Ms. Miller had asked the Fire Chief to provide her with information to give her a better idea of what the discretionary fund should be. Ms. Miller stated that she did not receive any additional information to support raising the two line-items in question. She said that both line-items were increased from the 2023 budget. Ms. Miller stated that the budget is not set in stone, and Council can, at any point in time, approve payments that may exceed a specific line-item. Council agreed at the Budget meeting to allocate an additional \$100,000 to the Fire Company for large capital expenses that are likely to occur within the next ten years. Ms. Miller said that she does not believe there is any indication of a lack of support for the Fire Company. Don Gaupp, Green Tree Fire Company Chief, stated that he was on vacation after the Budget meeting and was unable to produce the information that was requested in time for tonight's meeting. Since he had never been asked for this information in the past, he did not have the information prepared.

Mr. Lindsey said that he was questioning why the line items had been cut back in 2022. Money had been moved temporarily into the apparatus fund for a breathing apparatus purchase, but Mr. Lindsey had asked for money to be moved back into the discretionary funds in 2024. He said that the Fire Company cannot run based solely on donations. Ms. Miller explained that the breathing apparatus purchase was considered a capital expense as it is not a reoccurring expense. The two line-items Mr. Lindsey is referring to would be considered yearly operational expenses. She said that if the day-to-day expenses for the Fire Company are greater than they can manage, then the Borough needs to be made aware of what the estimated expenses would be so money could be added to these funds accordingly. Mr. Lindsey stated that no other department is asked to justify their yearly expenses. If something breaks, the Fire Company will replace it. If they do not need to spend the money, they do not spend it. The Fire Company is not able to predict how much money they will spend each year. Mr. Lindsey said he would like the budgeted amount to be raised back up to the combined \$35,000 that they had available in 2011. Any unspent money from these funds have always gone into the General Fund the next year. Mr. Lindsey stated that he is concerned that the Fire Company is being punished for being fiscally responsible and not spending their budgeted money every year.

Mr. Rea asked if Council could vote to increase the Fire Company's budget line-items to a combined \$35,000. Ms. Diersen said that Council could technically amend the original motion, but this might affect the budget being balanced. She said that the changes could be made before Council adopts the budget, or Council could choose to reopen the budget in January. They could come to a consensus tonight to reallocate the funds after the budget has been approved.

Ms. Barron stated that when she was voted to Council two years ago, Ms. Miller had changed the way the budget was laid out to define operational versus capital expenses more clearly. Money had been shifted from operational expenses into capital expenses to help show what the accurate numbers would be for each category. Ms. Barron said that she is in full support of the Fire Company and does not believe that anyone on Council would deny them the money that they need to run the company. She said that it is her understanding that the money is still available to the Fire Company, however much of it has just been shifted into capital expenses.

Mr. Rea asked why the Civil Service Commission's budget was increased for 2024 after such a large overspend in 2023. Ms. Miller explained that the Borough will be hiring and promoting officers this year, which will involve the Civil Service Labor Council.

Ms. Miller reiterated that the budget is a spending guide. If the Fire Company is spending down their reserves, then a conversation needs to be had so the budget can be adjusted, and this can happen at any time. Voting yes on the budget tonight will not affect whether Council is able to approve any necessary purchases that arise.

Mr. Lindsey said that he was not expecting the Borough to reallocate funds from the budget at tonight's meeting. He wanted to have this discussion to get Council to come to an agreement that they would look into the Fire Company's budgeted line items and consider making an adjustment back to the original \$35,000 from 2011 so the funds would be available if needed.

Roll Call Vote:

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion carried unanimously.

**5. Ordinance #1890
Fixing the Real Estate Tax rate for 2024**

Motion:

Mr. Turocy made a motion, seconded by Mr. Lindsey, to pass Ordinance #1890, fixing the Real Estate Tax rate for the fiscal year 2024 and providing discount and penalties as authorized by law.

Mr. Turocy noted that this ordinance will keep the same tax rate, so there is no increase for the fiscal year 2024. Mayor Schenck stated that the millage is 4.61 which means that if a house is assessed at \$100,000 then the homeowner will owe \$461 in taxes.

Roll Call Vote:

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion carried unanimously.

6. **Ordinance #1891**
Setting sanitary sewer user fee/surcharge at \$6.50 per 1,000 gallons

Motion:

Mr. Turocy made a motion, seconded by Mr. Lindsey, to amend Ordinance #1891, setting the Borough of Green Tree's Sanitary Sewer User Fee/Surcharge at \$6.50 per 1,000 gallons of water used effective January 1, 2024 through December 31, 2024.

Mr. Turocy explained that this user fee/surcharge is increasing slightly from \$6.00 in 2023. This increase is primarily due to an increase from ALCOSAN. Mayor Schenck stated that an average customer uses 12,000 gallons per month, which would mean an increase of approximately \$6.00 per month for the average customer.

Roll Call Vote:

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion carried unanimously.

7. **Resolution #1337**
Establishing a Procedure for Scheduling Executive Session of Borough Council

Motion:

Mr. Turocy made a motion, seconded by Ms. Barron, to remove Resolution #1337 from tonight's agenda.

Mr. Turocy stated that the resolution had not been brought to the Finance and General Policy committee, so they were unable to review the resolution for recommendation prior to tonight's meeting. Mr. Rea asked why this resolution was not under his committee since he had brought the idea up to Council at November's meeting. Ms. Miller explained that this policy would fall under Finance and General Policy, not Planning and Zoning, so the appropriate committee would be responsible for reviewing and recommending the resolution.

Mr. Rea said that he had sent a draft of his resolution to Ms. Miller for review and was expecting to receive feedback. However, Mr. Rea did not receive anything back until it was put in the agenda packet last week. Ms. Miller explained that she misunderstood and did not realize that Mr. Rea was asking for her to send it back to him prior to the Council meeting.

Mr. Turocy recommended that the resolution be brought before the Finance and General Policy committee following the Re-Organization meeting in January. The committee can review the resolution and make a recommendation to Council based on their discussion.

Roll Call Vote:

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes

Mr. Rea	No
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion passes, 6-1.

MAYOR'S REPORT

- A. The Green Tree Police Department held their annual Christmas Card contest and announced the winner, Allie Penascino from Aiken Elementary School, at Light Up Green Tree. Each year fourth grade students at Guardian Angel Academy and Aiken Elementary School submit designs for a Christmas Card and a winner is chosen by the Police Department. Mayor Schenck thanked Officer Ryan Bacci and the rest of the Police Department for conducting this contest.
- B. The Civil Service Commission is in the process of testing applicants for the vacant Police officer position. A physical agility test and written exam were recently administered to the applicants and the results are pending.
- C. Mayor Schenck is hoping that the Borough will be able to hire a new Police Chief in 2024.
- D. Mayor Schenck stated that though Green Tree is a relatively safe place, the Green Tree Police Department has been responding to domestic disputes, mental health situations, and DUIs. The Police Department has been managing these incidents professionally. Mayor Schenck also noted that there have been several thefts from unlocked vehicles on Greenlawn Drive. A car that had the keys left inside had been stolen, but it was recovered by the Police. Mayor Schenck reminded residents to keep their cars locked.
- E. There are four major projects coming up in the Borough that were outlined in the budget; sanitary sewer, storm sewer, Trumbull Drive bridge, and the swimming pool. The sanitary sewer project is government mandated and well on its way. The storm sewer project, which is also government mandated, will cost over a million dollars. The Trumbull Drive bridge project will cost millions of dollars. The Borough will need to make a plan for the swimming pool. Fortunately, the Borough Manager and engineering firm have been working to secure funding to cover a portion of these projects. The Borough has received \$2.3 million in grants for these projects and has \$3 million in grants that are pending.
- F. Mayor Schenck attended the Comprehensive Plan public meeting that was hosted by the Planning Commission. He explained that the Planning Commission has spent a lot of time updating the Comprehensive Plan. Mayor Schenck thanked the Planning Commission for their hard work and continued work on the Comprehensive Plan.

A representative from PennDOT was present at the Comprehensive Plan public meeting and briefly discussed plans for the Green Tree interchanges. Mayor Schenck noted that PennDOT is considering tearing down the bridge on Greentree Road because it is not high enough and does not meet standards. While this will be a good improvement for the Borough, it may cause a big inconvenience in the next few years when the project begins.

A representative from Jersey Mike's, a restaurant that is proposed to go into the former 7-11 building on Greentree Road, was also present at this meeting. They are well on their way to getting the approvals necessary to open their restaurant. Mayor Schenck noted that this restaurant will not have an entrance or exit onto Greentree Road; all traffic will enter and exit via the side street.

- G. Mayor Schenck stated that at a recent executive session the Council President indicated that Council Members were permitted to speak but the Mayor was unable to voice his opinion. He gave the following statement which was sent via email to Council following that meeting:

“Mr. Council President,

As the Jim Croce song goes: ‘Don’t tug on the Mayor’s cape [or is it Superman’s cape??]. Don’t spit in the wind.’ You tugged on my cape once too often by attempting on November 6th to prohibit me from voicing my opinion on a matter being discussed. You did so by stating that I should not be able to voice my opinion because I did not have a vote on the issue being discussed. As I explain below, this attempt by you emphasizes your lack of knowledge (or intentional indifference to) the power of a council president, the role of a mayor, the statutory rights of a mayor, free speech issues, and the importance (at all levels of government) to permit and listen to opposing points of view. Your attempt further illustrates your lack of respect for both the position of mayor and for a person who has served as a council person for 8 years and as Mayor for 10 years.

An applicable Pennsylvania State statute provides: ‘The mayor may attend any and all regular and special meetings of council and take part in the discussions of the council on matters pertaining to borough affairs, subject to any restrictions applicable to members of council contained in the rules of order of by bylaws of the council.’ 8 Pa. C.S.A. Section 1002c. There is no restriction in this State statute prohibiting a mayor from taking part in a discussion regarding a matter on which he or she will not be voting. It is my understanding that there have been lawsuits filed by mayors against elected officials when they have attempted to exclude mayors from attending meetings and/or to prevent mayors from speaking and giving their opinions at meetings. If a council president could prohibit a mayor from speaking on the basis that he or she will not be voting on an issue, this would block over 50% of a mayor’s opinions. This would be an absurd result and would be completely contrary to how local governments should operate. I would have anticipated that you knew this from your long-standing association with the Local Government Academy.

The Pennsylvania Supreme Court in Lindner v. Mollan, 677 A.2d 1194 (PA 1996) stated: ‘There is no more important local public official than a mayor. He exercises the entire executive power of the borough or municipality and works closely with the city council on a wide range of social and economic policy issue.’ As in the past, I intend to continue to work closely with Borough Council despite any attempt to prevent me from doing so.

Mr. President: In order to move forward and past this matter, I request that you respond by acknowledging your misstep and assuring me that you will not in the future attempt to block or prohibit me from asserting my opinions. Thank you.”

Mayor Schenck said that he had not received a response or apology from Mr. Tintori following this email. He stated that this is the same kind of behavior as when Mr. Tintori caused an issue with the Fire Company earlier this year. He said that it took three meetings of people voicing their concerns before the President issued an apology. Mayor Schenck noted that he feels strongly about free speech and was glad the Borough Solicitor gave him permission to speak during the executive session.

COMMITTEE CHAIR REPORTS

A. Finance and General Policy – Mr. Turocy

1. The Borough Council Reorganization meeting will be held on Tuesday, January 2, 2024 where two re-elected Council members and one newly elected member will be sworn in.

B. Infrastructure – Mr. Romanovich

1. Mr. Romanovich wished everyone a Merry Christmas and Happy Holidays.

C. Planning and Zoning – Mr. Rea

1. Mr. Rea asked for prayers and thoughts for Planning Commission chair Cheryl Bakin who has recently been hospitalized.
2. The Planning Commission held a public meeting for the proposed Comprehensive Plan on Wednesday, November 15. This meeting was well-attended by residents and the commission received some great feedback.
3. Mr. Rea noted that Council had passed a motion at the October meeting requesting that the Borough Manager put together a proposal on best practices for communities that currently have working sessions for Council. Ms. Miller indicated that she is putting this together.
4. Mr. Rea asked for an update on the peer review. Ms. Miller stated that the committees are still working through the peer reviews to develop reports and recommendations for Council. Mr. Rea submitted his report for the Public Safety review. Ms. Barron said that she and Ms. Miller have reviewed her Administrative review, but she has not sent it out to Council yet. Mr. Romanovich is working on the Public Works review and expects to have it completed by the end of the year.
5. Mr. Rea stated that there has been some discussion regarding communication and lack of emails being sent to residents. Ms. Miller said that the Borough is launching a new mobile application. This mobile application, called Green Tree Connect, will allow residents to opt in to receive notifications for the topics they are interested in. For example, a resident can choose not to receive notifications about recreation programs and only receive notifications for upcoming meetings, road closings, and other emergency notifications. If a resident does not want to download the app to their phone, they can sign up for email notifications via the website.

Ms. Miller said that this new application would replace the current CodeRED notification system that the Borough is enrolled in. Mr. Lindsey asked if the new app would call homes in the Borough in case of an emergency. Ms. Miller clarified that the app could send text messages but could not call homes. She said that the Borough could keep the CodeRED notification system if Council was interested in doing so. Ms. Miller noted that she has very rarely used the system in her time working in the Borough. Mr. Lindsey stated that there are several members of the community that do not have cell phones or internet access, so the Borough should have some sort of emergency phone notification system in place.

6. Ms. Barron, Mr. Panza, and Mr. Rea met recently to discuss a plan for putting together a procedure for collecting employee feedback, which is something Council discussed at the October meeting. Mr. Rea is working to draft a statement of work for Ms. Barron and Mr. Panza to review before bringing it to Council.
7. There are two applicants for the Zoning Hearing Board vacancy and the committee will be interviewing both applicants soon.

D. Public Facilities and Equipment – Ms. Barron

1. Ms. Barron wished everyone a happy and safe Holiday season.
2. Ms. Barron was unable to attend this year's Light Up Green Tree event but heard nothing but positive things about the event.
3. On behalf of the Library Board, Ms. Barron thanked everyone in the community who visited the Library, checked out books, and participated in the hundreds of Library-sponsored events throughout the year.
4. The Public Facilities and Equipment committee will be meeting later in the month to discuss plans for 2024.

E. Public Safety/Public Safety Equipment – Mr. Lindsey

1. Mr. Lindsey has been working with Ms. Miller to update the false alarms ordinance. The Borough has some nuisance properties that have been setting off false alarms, which are causing volunteers

to go out in the middle of the night with apparatus for no reason. They are working to reduce the number of free alarms allowed per year and increasing the fines for false alarms. This item should be on January's agenda along with the rest of the fines and fees schedule.

F. Recreation Programming and Community Welfare – Mr. Panza

1. Mr. Panza thanked the Recreation Committee for putting together a fantastic Light Up Green Tree celebration. It was a very well-attended event.
2. The Borough is hosting a Holiday Home Decorating contest through the month of December.
3. The Borough is also hosting a Snowman contest. Mr. Panza noted that it has become challenging to build a snowman in the past couple of years due to lack of snow. He stated that residents can import their own snow if necessary to build a snowman for the contest.
4. Mr. Panza noted that the Shade Tree Commission currently has three vacancies. According to the Charter, the Mayor runs this committee. Mr. Panza stated that he hopes that these vacancies will be filled in 2024.
5. Mr. Rea asked for an update on the trees in the Nature Center. Ms. Miller said that they are working with DCNR to secure a forester or arborist in 2024. The Borough has already removed several trees that were deemed to be problematic after a review by DCNR.

PRESIDENT'S REPORT – Mr. Tintori

- A. Mr. Tintori acknowledged the many people who worked to make Light Up Green Tree a success this year. He thanked the Public Works Department for their efforts in meticulously decorating the Borough grounds. He thanked the Green Tree Garden Club for decorating the interior of the Borough building and helping to make the Holidays a lot brighter and more festive for the whole community. Mr. Tintori also thanked Green Tree resident Paul Linko for bringing his train display back to the Borough building for Light Up Green Tree. Mr. Tintori explained that it takes a week for Mr. Linko to set up his train display for the community to enjoy in the Poplar Room during the celebration.
- B. The Local Government is holding a newly elected officials' class and Mr. Tintori was fortunate to be asked to be an instructor. Newly elected Council member Emily Schwartz is attending the class.
- C. Mr. Tintori stated that he has known Mayor Schenck for many years and has never tried to tell him that he is not allowed to voice his opinion during a meeting. He explained that Council had met in executive session simply to vote on a specific issue. Mr. Tintori had said that he only wanted the people voting to speak for two minutes to say what they wanted to say before putting the issue to a vote. When Mayor Schenck stated that he would like to speak, Mr. Tintori and the Borough Solicitor agreed to allow the Mayor time to voice his opinion on the matter. Mr. Tintori said that he did not have any malicious intent toward the Mayor during this meeting. He apologized to Mayor Schenck for upsetting him. Mr. Tintori also explained that he was on vacation when Mayor Schenck had sent the email to Council and did not see the email until after he had returned. Mayor Schenck accepted his apology and stated that everything said at tonight's meeting could have been avoided if Mr. Tintori had reached out to him via email or phone call.
- D. Mr. Tintori wished everyone a Happy Holiday, Merry Christmas, and Happy New Year. He thanked Ms. Diersen for all her hard work.
- E. Mr. Tintori announced that longtime Council member Mr. Lindsey is retiring from Council and will be missed.

MANAGER'S REPORT – Ms. Miller

- A. Santa Claus will be coming through Green Tree on Sunday, December 17 from 12:00 until 4:00pm.

ADJOURNMENT

Motion:

Mr. Panza made a motion, seconded by Mr. Lindsey, to adjourn the meeting at 9:10 pm.

Motion carried unanimously.



Arthur Tintori, President



Judy Miller, Borough Manager