

REGULAR MEETING BADEN BOROUGH COUNCIL APRIL 16, 2014

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella and Mrs. Montell (Not Present: Mr. Besong)

ALSO PRESENT: Mayor Sam Gagliardi, Solicitor James Amato, Engineer Tony Sadaka and CEO Jim Napolitan

Acknowledgement of Recordings

VISITORS

John Shelkons from 785 Athalia Street Baden questioned Council in regards to the PUC Right of Way from the Pinny Street Bridge to the river. Mr. Stuban stated that to their knowledge nothing has been changed. In February 2006, West View Water wanted to buy the property from Baden Borough. Action of quiet title was done and Mr. Shelkons asked why. Mr. Stuban explained that the property was documented to be railroad property and the attorneys did what was needed to process the documents. Mr. Shelkon presented a copy of documentation that states that neither the borough or West View Water was not able to find the title. Mr. Shelkons stated that he found the deed and it had a restrict covenant stating the property will be used for dockage, public water transportation, public recreational purposes and for no other purposes. Mr. Stuban noted that West View Water is using the property for water transportation. Mr. Shelkons questioned if access for recreation is still permitted. Further discussion followed reviewing past conversations and decisions. Mr. Shelkons addressed his concern of the property being sold. Council informed him that there are no intentions to sale any further property along the waterfront. Mr. Trzcianka noted that the dock area and the property on the other side of the pump house are still owned by the borough. Discussion took place regarding the property lines, water access for the fire department and possible development. Mr. Shelkons wanted Council to recognize what the original deed of the property states that it is to be used for specific use and previously noted. Mr. Trzcianka asked if a meeting can be set up with, the Railroad discuss this matter. Further discussion followed that involved reviewing what documentation, meetings and discussions took place in the past.

Fred Strecker, 1134 Harmony Road addressed Council in regards to wanting to purchase the property along the waterfront. He further asked about having money to purchase the gas station on State Street, followed by properties between parcels not being taxed. He then asked how many parcels are owned by the borough. Mrs. Rakovan counted the parcel numbers and stated that there are 24. Discussion took place regarding the maintenance of the property. Mr. Stuban stated that the property is maintained where needed. Mr. Strecker questioned selling property to neighboring residents. Mr. Stuban noted that there may be 1 or no properties that would apply to what Mr. Strecker is asking. Further discussion took place. Mrs. Rakovan explained how paper alleys work and noted that on two occasions at the total expense of the resident(s) who live along a paper alley has Baden officially vacated the alley so that the resident may put the extra footage on their deed.

Laura Bain, Librarian for Baden Memorial Library introduced herself and gave Council an enthusiastic overview of what the Library has accomplished and the plans she has for the future. She thanked Council for their support. As part of her new position, she is doing outreach to the community and schools. Over the past year, the library has grown and there is more flow of people coming into the building. The use of the computers has doubled. Tutors are utilizing the library quiet rooms. On average there are 40 new patrons signing up

**REGULAR MEETING
BADEN BOROUGH COUNCIL
MAY 21, 2014**

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella, Mrs. Montell

ALSO PRESENT: Solicitor James Amato, Engineer Tony Sadaka, CEO Jim Napolitan, Chief Christner

Acknowledgement of Recordings

VISITORS

John Shelkons from 785 Athalia Street addressed Council in regards to the Pinney Street access to the river. He had presented this information at last month's meeting and he asked if anyone reviewed is documents. Mr. Stuban commented that he did review the paperwork and it includes water transportation in the document. Mr. Shelkon noted that he takes water transportation as a canoe. Mr. Stuban noted that it was a pump house before and it is a pump house now. Mr. Shelkons asked that it go on record that the rest of the property will not be sold or impede access to the river. Mr. Stuban commented that this council could state that however they cannot speak on behalf of future councils. Mr. Shelkons understood this. Mr. Stuban noted and council agreed to place in the minutes that this Council has no plans to develop, sell or transfer the river front property and they this council retains that the public has rights access the property. Mr. Trzcianka stated that he contacted the fish commission regarding the dock. When the fish commission is caught up on things, they will stop by but they cannot guarantee any funding. Discussion took place regarding the access issue. Mr. Trzcianka stated that he called the railroad and they have not called him back. Mr. Shelkons stated that he spoke to the railroad and they state that Pinney Street Bridge is not an access for residents, but business use only. Discussion took place regarding parking along the tracks, walking across the bridge and access to the river. The Pinney Street Bridge is owned by Norfolk. Further conversation took place regarding past access and other property that the Borough owns.

Mr. Shelkons addressed a brush fire on Athalia Street and the fire truck could not get access up Forest Avenue because new homeowners were parked on the right side. Discussion took place regarding this matter. Mr. Josapak commented that he and the secretary looked at the ordinance and it states that on Forest Street there is no parking on either side but this is not what is being done. Mr. Stuban asked that Public Safety look into matter and decide what the resolve is needed. Mr. Trzcianka commented that from a Fire Department standpoint the uphill side being no parking would be preferred.

Mark Kolakowsky 375 Center Street thanked Mr. Josapak for cleaning up the property by the fire department.

MINUTES

MOTION by Mr. Trzcianka, second by Mrs. Michaels, carried unanimously to approve the minutes of April 14th and 16th, 2014 as corrected (deleted go into executive session under adjournment).

**REGULAR MEETING
BADEN BOROUGH COUNCIL
JUNE 18, 2014**

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella, Mrs. Montell

ALSO PRESENT: Solicitor James Amato, Engineer Tony Sadaka, CEO Jim Napolitan, Chief Christner

Acknowledgement of Recordings

VISITORS

Mr. Shelkons from 785 Athalia Street thanked Council and anyone else who assisted with getting the newspaper article in the Beaver County Times regarding access to the river from Pinney Street. A video was also done and is available online. It was good to get the coverage out about the river access in Baden. Mr. Shelkons stated that during Monday's meeting he had nothing to say however, that was the maddest he had ever left a council meeting. People saying they didn't get answers to questions only to say that they were given answers. He commented that months ago, he asked a question and it was not answered. At that time, he addressed the action to quiet title for the deed of the pump house property. He stated that this is not done on a regular basis. Either there is a flaw in the title or ownership needs to be cleared up. There was one issue for the Baden Borough and West View deal. The quiet title removed the restriction of the original deed regarding the use of the property. It also destroyed the Urling family legacy because the property is no longer protected on the deed. He also felt that the deal with West View is questionable or at least flawed. He addressed the protection of the Urling family wishes. Mr. Shelkons stated he spoke to people in the legal profession higher than just lawyers. If an action to quiet title is considered to be flawed and not done correctly, it can nullify a sale. Mr. Shelkons wanted to know why an action to quiet title was done. Why the deed could not be located when it was made out to Baden Borough from the Urling family? He asked Mr. Amato why this couldn't be located and it was noted in a letter that the deed could not be found? Mr. Amato commented that this was years ago and obviously there must have been more to this matter however he cannot recall what that could have been without researching the matter. Mr. Shelkons stated that someone needs to answer his questions. He commented to Mr. Amato that he is the solicitor and he needs to make sure that things were done correctly. Mr. Shelkons asked why a title search was not done and if so who did it? Mr. Amato again commented that this was years ago and he cannot recall this information. If Council wishes for Mr. Amato to research this matter then he will. Mr. Amato noted that the entire matter would have to be researched and reviewed from start to finish. You can't just look at isolated documentation. Mr. Shelkons stated that he has questioned West View about this too and they have not gotten back to him. He stated that it is his understanding that West View agreed when they purchased the property to permit access to the river. He asked that this be put in writing with West View Water so that they don't change their mind. Mr. Trzcianka stated that he would review the minutes, file and the sales agreement with West View Water. Mr. Shelkons presented the map that shows what West View Water now owns. Mr. Trzcianka commented that before we go into the expense of having the solicitor review the records he would like to review the files himself first. Mr. Trzcianka noted that on Monday at 11:00 he would meet with Mr. Shelkons to review the documents.

John Zeranick from Bauman Avenue addressed Council in regards to what criteria is used in the enforcement of high grass and weeds. Mr. Napolitan stated that anything over six inches is addressed. Mr. Zeranick then asked about trash. This led to him questioning a

REGULAR MEETING BADEN BOROUGH COUNCIL JULY 16, 2014

(Note: No Monday Meeting due to lack of quorum)

Council Vice-President Donna Michaels called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka
(Not Present: Mrs. Vilella and Mrs. Montell)

ALSO PRESENT: Solicitor James Amato, Engineer Tony Sadaka, CEO Jim Napolitan, Chief Christner

Acknowledgement of Recordings

VISITORS

Mr. Shelkons from 785 Athalia Street stated that after last month's meeting he met with Mr. Trzcianka and Mrs. Montell by the river. Mr. Shelkons asked if anyone got in contact with Norfolk Southern. The response was no. He asked Council if they would have an objection to him (Mr. Shelkons) filing a complaint with the PUC. Council responded that they did not have a problem with his request. Mr. Shelkons explained that it was his understanding that the PUC would have a mediation meeting on site and the Borough would be notified of the meeting. Secondly Mr. Shelkons addressed Council in regards to West View Water permitting access for a boat dock to be built. Mr. Trzcianka stated that he will be making a motion to have a letter sent to West View Water addressing this matter.

MINUTES

MOTION by Mr. Trzcianka, second by Mr. Besong, carried unanimously to approve the minutes of June 16th and 18th 2014.

BILLS TO BE PAID

MOTION by Mr. Trzcianka, second by Mr. Stuban, carried unanimously to pay all bills with two signatures.

RESOLUTIONS

Mr. Stuban asked Council to review the presented Utility Billing resolution for next month's adoption.

ORDINANCES

Mr. Stuban asked that Council review the presented Ordinance regarding Setting Police Ranks for next month action to advertise for adoption.

BIDS

- Sale of 1996 Ford F700 Dump Truck – Highest Bid \$6,600 from Eric Smith from Weston Virginia

**PRE MEETING
BADEN BOROUGH COUNCIL
OCTOBER 13, 2014**

Council Vice-President Donna Michaels called the Pre-Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella (Not Present: Mrs. Montell)

ALSO PRESENT: Chief Christner, CEO Jim Napolitan, Mayor Gagliardi

Acknowledgement of Recordings

VISITORS

Joe Kostial – 1097 Franklin Avenue informed council (in reference to his inquiry about the 175th Anniversary Account) that he is not accusing anybody of taking any money or anything. In his opinion the summary report is incomplete and inaccurate. He is requesting an audit because of inadequate record keeping. Mr. Kostial asked if this account was included in the 2013 Borough Audit. Mrs. Michaels stated that the account was included in the audit and additionally Mrs. Villella, Ted Kotula and Mrs. Michaels herself reviewed the account and found no discrepancies. Mrs. Michaels also commented that the police are also doing their own investigation and the matter has been taken care of.

John Shelkons – 785 Athalia Street gave an update on the hearing request that he made with the PUC. The hearing date is November 13th, 1:30pm at the site (Pinney Street). Mrs. Rakovan did inform council that documents was received from the PUC regarding this matter and due to the importance of time constraints they were passed on to the solicitor for completion and response. Mr. Shelkons was questioning the comment on the solicitor's documentation that says at one point there is no proof that there is public access, but at the end it stated that there is public access. Council did not see the document in question, so it will be addressed to the solicitor at Wednesday's meeting.

DEPARTMENTAL REPORTS

BOROUGH SECRETARY

330 State Street - Mrs. Rakovan stated that the advertisement for the sale of 330 State Street was in last week's paper and the bid opening meeting will be Monday, October 20th at 1:00. She will contact council if bids are received.

Trautman Subdivision - Mrs. Rakovan stated that on Wednesday, there will be a subdivision for Council to give final approval to for Trautman property. It was already reviewed by Baden and County Planning Board.

PUBLIC WORKS

Mr. Josapak was not present.

CEO

Mr. Napolitan stated that Council has a copy of his report.

**REGULAR MEETING
BADEN BOROUGH COUNCIL
JANUARY 21, 2015**

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Kotula, Mr. Stuban, Mr. Trzcianka, Mrs. Vilella and Mrs. Montell (Not Present: Mr. Besong, Mrs. Michaels)

ALSO PRESENT: Solicitor James Amato, Chief Christner

Acknowledgement of Recordings

Proclamation for Alan Hazelwood

Mayor Gagliardi read and presented Alan Hazelwood with a proclamation for serving on the Baden Parks and Recreation Board.

VISITORS

Tom Turney from 336 State Street asked Council for an update regarding 330 State Street. He asked for the name of the demolition company and the cost. He was told C&W at the cost of \$7,500. Mr. Turney knows that asbestos testing was being done but wanted to know of a time table for completion. Mrs. Rakovan stated weeks for the testing followed by demolition. Mr. Turney addressed his concern for mitigation regarding dust or black mold. He also asked if a permit was needed. He was told that a permit is needed and will be done as well as the concerns of dust and mold will be addressed with the contractor. The building will be demolished to the foundation. The cement slab will remain. He asked about the intent of the property after demolition. Mr. Kotula commented that some discussion has taken place regarding making the property into a park, putting up a pavilion; a place where people can gather. Mrs. Vilella mentioned a town clock. Mr. Turney asked if selling the property was still on the table. Some councilmembers said no and other said yes. Mr. Stuban commenting that the property is still on the table for discussion. Mr. Turney commented that the letter that he submitted to Council regarding the smaller undeveloped portion of property is still of interest to him. Mr. Turney then asked for an update of the Deczkowski property. Mrs. Rakovan stated that the Building Inspector looked at the property and is having conversation with the attorney regarding contacting the property owner or whoever is in charge to address the issues involving the property.

Mr. Turney commented on the possible liability issue of Harvey storing vehicles along State Route 65. His concern is safety and he had nothing against the property owner. Discussion followed and the police chief will be asked to look into this matter.

Chief Christner stated that he would look into this matter but he also commented that Harvey has told him in the past that because PennDot took some of his property to widen Route 65 he has some special exceptions regarding certain things.

John Shelkons, 785 Athelia Street asked Council about the two items on the correspondence. The first being the PUC requiring that the bridge be inspected. He had a question regarding a piece of the bridge falling onto Route 65. Chief Christner stated that the railroad was notified about a piece of the bridge falling onto Route 65. Second he asked if the agreement with West View Water that was on the agenda was in regards to the river access. He was told no and that the agreement involved right of ways.



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Baden resident states bridge, shoreline access case before state

Friday, October 9, 2015 10:27 PM

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David Taube | Posted: Thursday, November 13, 2014 11:45 pm

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Resident John Shelkons makes his case Thursday before state Public Utility Commission officials and others near the Pinney Street bridge, which crosses over the railroad tracks. Shelkons said the public has a right to use the bridge and roadway between Route 65 and the Ohio River.

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14 MORE IMAGES TAGGED WITH "BADEN"



Community briefs

- Beaver leaf pickup begins Oct. 19
Leaf pickup in Conway begins Oct. 19
Government offices closed for Columbus Day
Koppel Bridge inspection begins Monday
Commissioners fill two seats on Job Training for Beaver County board
October is Residents Rights Month for Beaver Countians living in nursing homes
Household chemicals disposal set for Saturday at Bradys Run Park
Aliquippa water authority office temporarily closed

Podcasts

Penguins Podcast [Image]

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PUC official: Railroad should not prevent public crossing of Baden bridge

Friday, October 9, 2015 8:48 PM



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Story Comments (1)

Posted: Friday, November 14, 2014 5:00 am

By David Taube dtaube@timesonline.com | 1 comment

BADEN -- A state official advised Norfolk Southern Corp. on Thursday that railroad police and workers should avoid confronting people using a bridge to access the Ohio River shoreline.

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Community briefs

Beaver leaf pickup begins Oct. 19

Leaf pickup in Conway begins Oct. 19

Government offices closed for Columbus Day

Koppel Bridge inspection begins Monday

Commissioners fill two seats on Job Training for Beaver County board

October is Residents Rights Month for Beaver Countians living in nursing homes

Household chemicals disposal set for Saturday at

More about Baden



Day of Hope event in Baden

PUC official: Railroad should not prevent public crossing of Baden bridge

2014-11-14 | Beaver County Times



Nov. 14--BADEN -- A state official advised Norfolk Southern Corp. on Thursday that railroad police and workers should avoid confronting people using a bridge to access the Ohio River shoreline.

Public Utility Commission staffer Dan Helfrich said the public appeared to have access on the Pinney Street bridge, which crosses over railroad tracks, and he suggested that those who park on a road west of the railroad tracks are on Baden borough property.

"I consider this a public bridge," said Ron Hull, PUC senior civil engineer for railroads, adding that the road he and others were standing on was a public roadway. The road extends from the bridge and is located between the Ohio River and Route 65.

The comments came during a meeting that involved residents, borough and railroad representatives, and state officials. Baden resident John Shelkons said railroad workers have threatened to arrest people who walk across the bridge and have cited vehicles that park near the shoreline.

"They've been telling people, 'You're not allowed on the bridge,'" said Shelkons, who has routinely used the shoreline to fish.

Shelkons had filed a complaint with the PUC, and the parties met Thursday to try to resolve issues.

[Tell Appropriators to Support Locks on the Upper Miss & Illinois Rivers \(../take-action:jsessionid=G62KengagementId=111953\)](#)

The Navigation-Ecosystem Sustainability Program (NESP) for the Upper Miss & Illinois Rivers needs funding for engineering & design. Contact the Appropriators!

The bridge was built by the railroad, which still maintains it, said Ben Dunlap, an attorney representing Norfolk Southern. But he suggested the borough owns the structure. A solicitor representing the borough, Bill Rodgers, said the borough appears to own it, but that's not definitive.

PUC officials said that based on a map of a property deed that Shelkons showed at the meeting, there was public access for the bridge.

In 1956, the PUC determined that a private road constructed by Pennsylvania Railroad Co. west of Pinney Street, as well as the bridge carrying it over the grade of its tracks, was dedicated for public use.

Borough and Norfolk Southern attorneys suggested they will work out an agreement, and Norfolk Southern engineer D. Shawn Starling also suggested that signs could be placed on the west side of a road near the water designating the borough's property.

State officials also recommended having the borough and railroad resolve the issue, rather than having the state issue another order.

Dunlap also said the railroad would need to review the issue, adding it could petition the PUC to change a previous order based on current circumstances.

Helfrich also said snow and ice removal is the borough's responsibility, and the railroad is supposed to maintain the bridge structure.



**REGULAR MEETING
BADEN BOROUGH COUNCIL
MAY 20, 2015**

No Monday meeting due to lack of quorum

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, Mrs. Villella and Mrs. Montell

ALSO PRESENT: Solicitor James Amato, Engineer Tony Sadaka, Chief Christner

Acknowledgement of Recordings

VISITORS

Tom Turney from 336 State Street addressed Council as the interim tax collector. Taxes with face value are due by the end of May. Since May 31st is on Sunday he will accept payments on Monday, June 1st. Penalty will start on June 2nd. He also commented that installment payments must be made within the installment dates. If not, the 10% penalty will apply. Mr. Turney addressed 330 State Street still needing attention after the demolition of the building. The asphalt parking lot area is broken down and blowing dust towards his property. He also noted raw ground, trees and land restoration that still need to be addressed.

John Orndorff an Ohio River Trails Councilman addressed Council in regards to extending the Bike Trail down to Baden as part of their Greenway Trail. The trail extension would come down Duss Avenue and into Baden. He asked for support from Baden and a \$200 contribution to support the trail, noting that all of the municipalities involved in the trail have made a \$200 contribution.

Bob Shmetzer from South Heights spoke on behalf of Ed and Micelle who live at 969 Collins Avenue who are also concerned about how fracking is affecting the Ambridge Water Reservoir. Information was given to the Secretary regarding this matter.

Reverend Jim Hamilton from Maplewood Avenue, Ambridge expressed his concerns of fracking affecting our drinking water.

MINUTES

MOTION by Mr. Trzcianka, second by Mrs. Villella, carried unanimously to approve the minutes of March 16th, 18th and April 15th, 2015.

BILLS TO BE PAID

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to pay all bills with two signatures.

RESOLUTIONS

- 15-03 Amending Baden Borough Code of Ordinances regarding fees for hearings and various borough business actions.

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to adopt Resolution 15-03.