

**BOROUGH OF WILMERDING
MINUTES OF THE MAY 1, 2007 REGULAR MEETING OF BOROUGH COUNCIL**

The meeting was called to order by President C. Tuscan at 7:37 p.m.

The Pledge of Allegiance was led by the President.

ROLL CALL: G. JAKUB, present; L. FIASCO, present; J. CLEMENIC, absent; C. SPICUZZA, present; S. VOLPE, present; S. SHURGOT, absent; C. TUSCAN, present. Mayor D. POMPOSELLI was absent.

L. FIASCO/S. VOLPE TO ACCEPT THE MINUTES OF THE APRIL 3, 2007 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 5-0.

PETITIONS & MEMORIALS

MS. D. LAGORGA, AIRBRAKE AVE.: do we still have the curfew.

MR. C. TUSCAN: yes, it has always been in effect. We discussed at previous meetings that we would only sound the whistle from Memorial Day to Labor Day.

MS. D. LAGORGA: the reason I am asking is that every night around 10:30 p.m. there are kids walking down the middle of the street on Airbrake Avenue that come from the playground. There are about twelve to fifteen kids swearing and carrying on.

CHIEF J. COMUNALE: every night around that time is when we actually kick the kids out of there and log when we do it. When that happens give us a call so that the officers would know. We may not be there at that moment and they might be gone but keep calling us.

MR. L. FIASCO: are these children twelve or under or are they mostly older kids. I think that the age limit for the playground is twelve and under.

MS. D. LAGORGA: they are all ages but mostly teenagers.

MRS. T. HICKMAN, AIRBRAKE AVE.: have you talked to other town councils about the cleaning of Turtle Creek. Remember I asked you to do that.

MR. C. TUSCAN: no, I was at one meeting at the Castle and we did not get out in time to see them at the COG meeting. One thing that did come up was that they were talking about changing the lock which would raise the water level and the Engineers say that this would help flush the creek bed.

MRS. T. HICKMAN: that was a tremendous project. I am sorry to say but it is like every other government project. A great thing is done and you are supposed to continue to keep it as a great project and nobody does. I asked you to talk to COG and I can't understand why some of these other communities are getting involved. We have really been lucky that we have not been flooded. I hope we continue to be lucky. I wish you would make it a priority at these meetings.

MR. L. FIASCO: I believe that Turtle Creek get a lot more than we do.

MR. C. TUSCAN: I will get with them.

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MRS. A. BRUCE, AIRBRAKE AVE.: we as residents down there have written letters about it and our problem is that council is not doing anything about it. We have asked you in our letters to back us up and it seems that you are not doing that.

MR. C. TUSCAN: I have never seen your letters so I don't know what you are saying.

MS. G. HOMITZ: I would like to ask that the street department work with the George Westinghouse Days again and I also want to thank you for your donation. I understand that Wilkins Township has canceled their festival this year so we will be the biggest fair in the area.

MR. J. GAGETTA, WILMERDING RENEWED: I just want to give you our monthly update on what we are doing. The landscaping of the Castle has been decided on for the first phase. We have money that is being donated which will cover a lot of the first phase. The goal is to get that ugly hill, which your guys did a tremendous job on stripping it, the target is to finish it by July 1st. The problem with the first phase is that it is mostly stone. We can't do any of the planting without the stone being put in first. So if any of you guys know where we can get some stone let us know. Secondly, I met with Triangle Tech concerning King's Way and they think they can use the lights that were donated by the Chief to light King's Way. Hopefully this week they will come out with a prototype and I would like to have lit for George Westinghouse Days. We are working on that. Lastly, the interviews are being held by Pittsburgh Gateways and they have gone very well. They have a few more interviews to conduct and then they will be working on a preliminary plan for the school. Everything is going along very well.

MR. C. TUSCAN: when we met with Pittsburgh Gateways it was very insightful and there were different ideas and it was very positive for the town.

MR. J. GAGETTA: to get back to the landscaping. We may be able to do landscaping this year than we anticipated. Next year we are going to be looking for a full time person to take care of these gardens once they are in and that would come from Bidwell and the State. Also, we are also have a plant sale to raise some money and I have the flyers here.

MR. S. KERRIGAN, LANDLORD: I received in the mail a bunch of letters for that occupancy fee and it said that I had to pay it within twenty days. There are people that haven't paid from last year. I think it is unfair saying that we have to pay the fee within twenty days when there are people over a year late that did not have any penalties.

MR. C. TUSCAN: what we found out when we were going through these that records were kept in multiple places and there was no centralized location for reference. Some of those things were back taxes, sewage and garbage. They were all put together on one list. Finance Chairman Mr. Shurgot said that when they were working on the occupancy permits they found out that the prior years were not carried over and there are penalties in the ordinance for not complying with paying the fees. In the ordinance it does state that these fees have to be paid within a certain amount of time. One of the problems was when the fee was collected our Building Inspector decided on their own that they would do them throughout the year. I do not know what criteria they used. However, it is our belief that is not what the ordinance stated. The intent now is to get it back on where they are all mailed out at one time. The list they are working from is not accurate and it took awhile to get it back in order. That is his next step, to get it back on track.

MR. S. KERRIGAN: obviously, if John is one person trying to do all that, he should concentrate on what is past due, because people that are not past due pay them with no problem. You should go after the past due first to make it fair for everyone that paid them. I paid mine last year and there are people that didn't and I am asked to pay mine again. There are people that are still renting that never paid and sitting there and still working on the borough.

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MR. S. VOLPE: the list that he had was not updated. He has a pile of papers and somewhere down the way he stopped updating. We found checks over there from October and there was nothing attached to it to tell us what it was for. For this occupancy I am not handling it, John is handling it and Steve is handling it. I am like you, I don't like coughing up the money either but I have to.

MR. S. KERRIGAN: I paid mine, did you pay yours.

MR. S. VOLPE: yes.

MR. S. KERRIGAN: you didn't as of a week or two ago.

MR. S. VOLPE: it depends on what list you look at. I paid it.

MR. S. KERRIGAN: you appointed the Building Inspector because he was always available because he is in town. Last week, for instance, I needed a couple of occupancy inspections done. He told me he wasn't available until Friday, that was Monday when I called. You knew when Mike was going to be here and he was here when he was supposed to be here.

MR. S. VOLPE: did you ever call Mike at 6:30 or 7:30 at night.

MR. S. KERRIGAN: yes.

MR. S. VOLPE: first of all I do not work twenty-four hours a day. You have all day to call me. I have a question for you. You sent up an occupancy inspection for a certain time and you said someone would be there to let you in at this certain time. When you want to do an occupancy inspection you don't call me Monday and say we are closing Wednesday. When you are doing a building permit or an occupancy permit you fill out the paperwork and submit your check. Then I call you to set up the inspection.

MR. S. KERRIGAN: you are telling me we need an occupancy inspection to close a deal.

MR. S. VOLPE: yes. Every time I ask you something you tell me that me and Mike did it this way. When I said to be over there a certain time you said someone would be there. I banged on the door, the tenant, who shouldn't have been in there, without an occupancy permit was in there and she said that she did not know anything about it. I woke her up out of bed.

MR. S. KERRIGAN: there was an occupancy permit. I didn't even know you were doing it.

MR. S. VOLPE: I called your office and told them I was coming to do the inspection.

MR. S. KERRIGAN: when I tell you a hundred times to call me, you call my office.

MR. S. VOLPE: when you fill out the paper it says who is the property owner and there is a number, that is who I call. The second one was nine o'clock Saturday morning and you said someone would be there. I banged on the door and I banged on the door and I left there at nine thirty-five and I put my business card in the door and I said for me to come back it would cost you another thirty-five dollars and you are going to fill out another report. That was a Saturday and I don't work twenty-four hours a day. I don't work Saturdays and I don't work Sundays.

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MR. G. EVASHAVIK: this is an unusual situation because the Building Inspector is also a member of Council. They are two separate and independent functions. If you have questions for the Building Inspector on how he interprets the ordinances and codes, that is not an issue you address to Council. That is my legal opinion. Borough Council does not tell the Building Inspector, no matter who it is, on how to do their job. We have codes, we have ordinances and we have laws and we say that you are to enforce these laws. The Building Inspector has independent authority to enforce those laws and use their best judgement to do that. We can't oversee every decision that the Building Inspector makes. I always said that Council does not have the right to oversee every action taken by the Building Inspector. Council can hire and fire the Building Inspector, that is what their authority is. When you have individual complaints on how the Building Inspector interprets the code you would have to file an appeal to the Zoning Hearing Board. That is who hears appeals of any action taken by the Building Inspector.

MR. S. KERRIGAN: who do you talk to when you have a problem with the Building Inspector.

MR. G. EVASHAVIK: if he is not doing something that he is supposed to do, legally your complaint goes to the Zoning Hearing Board. They have the authority to override the Building Inspector. They have the right to review any action by the Building Inspector to give you the relief that you are asking for.

MR. S. KERRIGAN: how would I meet with that board.

MR. J. HARTZELL: there is a fee of \$450 to schedule a hearing with the Zoning Board. This fee covers the advertisement of the hearing, the court reporter and attorney fees.

MR. S. VOLPE: do you know what my hours are. I can work Mondays and Fridays and I can do occupancy inspections in the early evening and I can do it on Saturday.

MR. S. KERRIGAN: you just said that you don't work on Saturdays.

MR. S. VOLPE: I don't have set hours.

MR. S. KERRIGAN: when I try to get something done you don't work.

MR. S. VOLPE: I have a personal life. If you can't call me during the day don't call me at 7:30 at night. You have to submit certain information, how many times do I have to tell you.

MR. S. KERRIGAN: I do everything you tell me to do. I tried to get a building permit for three weeks. I paid for it three weeks ago and I still don't have the permit to display in the window.

MR. S. VOLPE: what did I say. The law says that you have to submit a copy of the contract and information on the dimensions.

MR. S. KERRIGAN: to get back to the original question, do I need an occupancy permit to close on a house.

MR. G. EVASHAVIK: the code provides for an inspection of the premises when there is a change in occupancy. Which is also associated with a change in ownership. If you are selling the premises most codes provide for an inspection under that circumstance. A lot of times the mortgage company or the lender would ask for an inspection.

MR. S. KERRIGAN: if you are buying a house as is and no one is going to live in it, the house needs work. Do you need an occupancy inspection to close or when someone is ready to move in.

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MR. G. EVASHAVIK: I don't do the job and I am only telling you my interpretation and it is not my decision to make. In that case it is the right of the official to make an inspection and to give you a list of items that need to be completed until the time you are ready to occupy the premises. You couldn't move people in until you did that.

MR. S. KERRIGAN: you would have to pay twice.

MR. G. EVASHAVIK: no. My understanding is that you would pay a fee up front and you would get your inspection and he would give you a list of what you need to do to come into compliance. He would come out a second time when you are ready and made the improvements. That second inspection is included in the initial fee. Is that how you do it.

MR. S. VOLPE: just say you are buying a piece of property and you want to do work in there. The best thing to do is apply for an occupancy permit and I would do an inspection. You will tell me that you are gutting this out and do this. There are a lot of times that people fix up their property, then I come in afterwards and say you need this and you need that to bring it up to code. They tell me that they wish they knew that before they did all the work. When you are buying a piece of property and you are going to fix it up, I can go there and tell you this is what you need. Then you would apply for a building permit to do this stuff. After you are finished I come back and do a second inspection. If it is a vacant building and you are going to do work it is not limited to thirty days. If you are buying a piece of property off of somebody and I do the occupancy inspection and if there are any corrections then you have thirty days to fix it up or before they occupy the structure, whatever comes first. I am going to write you a letter and put down how the procedure goes. It goes by the ordinance and there is a copy of the ordinance on our website and you can look under Chapter 4 under occupancy. Anytime someone occupies or vacates a structure you need an occupancy permit inspection done. It is one flat fee of \$35. If I have to go back it is included in that fee. If no one shows up, like on Watkins Avenue after thirty-five minutes, then we start the process over.

MR. S. KERRIGAN: what do you do if there is a discrepancy. They are telling me no one came.

MR. C. SPICUZZA: in that kind of discrepancy, you are the landlord and you should make yourself available to make sure it gets done.

MR. S. KERRIGAN: all that it would have taken was a phone call. I was at the Parkhouse and he was over on Watkins. He has my number.

MR. G. JAKUB: you are saying one thing and he is saying something else.

MR. S. KERRIGAN: I called Joe and asked him if I needed an occupancy permit to close on a house.

MR. G. EVASHAVIK: do you need it to close, that is up to the people who are doing the closing. I can sell my house tomorrow to you and we can have a private closing. Usually the bank would want it. We do not regulate the closing, we regulate the change in occupancy.

MR. S. KERRIGAN: he told me he would stop the closing if there is not an inspection.

MR. S. VOLPE: I never said I would stop the closing. You shouldn't have a closing until an occupancy inspection is done. If I do an occupancy inspection afterwards and I find out there are ten different items, and you are buying the place, then you are stuck fixing it.

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MR. G. EVASHAVIK: if there is a change in occupancy then the official has the right to conduct an inspection. The closing is a private matter that does not involve the borough. You can close but he has the right to inspect.

MR. S. KERRIGAN: that is what I wanted to do but he said I couldn't do that.

MR. S. VOLPE: I did not say that. When you do occupancy inspections there are attorneys from the settlement company that say you have to have an occupancy certificate at the time of the closing.

MR. S. KERRIGAN: that is not true. My attorney does not require it to close. If you noticed he just said one thing a couple of minutes ago and he said something different right now. I am the bad guy because I do not know what to do.

MR. S. VOLPE: you are making it that way. When there is a closing on a house an occupancy inspection has to be done. I don't care if it is the seller or if it is the buyer, you have to apply for one.

MR. L. FIASCO: Greg said you didn't. He said it is up to the closing company. He has to get an occupancy permit before he moves someone in. He can buy the house without getting an occupancy permit.

MR. S. KERRIGAN: I just want to know what I have to do. You have a new inspector and there are new rules.

MR. S. VOLPE: I am writing up something and I will explain it and I will explain the times I am available. If you want to call, call during the day not at seven-thirty at night.

MR. C. TUSCAN: this will make it more clearer on what needs to be done.

MR. S. KERRIGAN: I have closing that are being held off because I can't get this inspection done. Now I am not sure if I need them.

MR. G. JAKUB: based on what is being said here, before the next meeting this letter is going to be made, procedures are going to be set and there is going to be a time frame listed. We will look these over and everyone will take responsibility.

MR. C. SPICUZZA: going by our ordinance, if there are is a zero change in occupancy, at that closing it is not required. Be it also know that if he walks in there to do the inspection after you bought it and there are twenty things wrong you inherit any problems.

MR. S. KERRIGAN: one other question, say that I am refinancing a house and there is no change in occupancy, do I need an inspection.

MR. C. SPICUZZA: no. I refinance houses everyday at the bank and we do not require an occupancy permit. If they are changing ownership then they want to see an occupancy permit so that everything is up to code and inspected.

MRS. A. BRUCE: do we have an active Zoning Board.

MR. C. TUSCAN: yes. They do not have set meetings. We are still looking for one more person to serve on the Zoning Board.

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MRS. A. BRUCE: who do they go to if they want a hearing.

MR. C. TUSCAN: they would file their request with Joe. They are very specific on the issue and it is considered a court hearing. In essence, it is a mini court of law. I can't tell you when the last hearing was. They do not come up that often.

MR. G. EVASHAVIK: any business conducted by the Zoning Hearing Board has to be conducted in public. They have to have a separate attorney.

MRS. T. HICKMAN: would someone review this letter that Mr. Volpe is submitting on the procedures before it is adopted.

MR. S. VOLPE: it would be copied right out of the code book and out of the ordinance.

MR. C. TUSCAN: Greg has offered to review it.

MR. G. EVASHAVIK: I will look at it to give my legal opinion. I don't tell the Building Official what to do and I don't tell Council what to do. I give them my legal opinion when asked. You have to remember that the Building Official is independent and he doesn't answer to Council with each decision. They say here are our laws now please go and apply them.

CORRESPONDENCE

1. Proclamation declaring the week of May 20 -26, 2007 as Emergency Medical Services Week.

2. received a letter from the Fire Department requesting Council approve five new members to their department. They are Joseph Hyzy, Michael Burkkell, Richard Wynn, Chris Baird and Jason Stone.

C. SPICUZZA/G. JAKUB TO APPROVE THE FIVE NEW MEMBERS TO THE FIRE DEPARTMENT AND TO SCHEDULE A TIME WITH THE MAYOR TO BE SWORN IN. MEMBERS VOTED APPROVAL, 5-0.

REPORT OF COMMITTEES

PUBLIC SAFETY - L. FIASCO: the Fire Department responded to 18 calls and had 43 man hours. The ambulance responded to 52 calls. Chief Comunale will give the police report.

CHIEF J. COMUNALE: we responded to 267 general complaints, 35 citations were issued and 9 parking tickets. One 979 letter went out for a drug bust at 518 Airbrake Avenue. Everyone should have received in the mail a brochure on the emergency response evacuation plan. We are hearing that a lot of people threw them away, that is a shame. We do have some extras up at the station. If any resident needs one they can pick one up at the station.

MR. L. FIASCO: there will be a crime watch meeting on May 10th at 7:00 p.m. in the Castle. We talked about adding a bicycle patrol during the summer months on Fridays and Saturdays from 3 to 11 starting June 1st to Labor Day.

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MR. C. TUSCAN: we talked to the Police Chief about adding a bike patrol on the 3 to 11 shift on Friday and Saturday from June 1st to Labor Day. This would be in addition to the other officer that is assigned to Wilmerding. They would be at a rate of \$13.35 per hour and the cost for the entire summer, 28 shifts, would be \$2,990.40.

CHIEF J. COMUNALE: normally there are five officers scheduled on those two nights from 3 to 11. In the summer I usually put one extra part time officer on and that brings the total to six. I would add another officer and those two would be on the bicycles, because they are certified. The bike patrol would always stay intact. There would never be a time that you would not have the bike patrol.

G. JAKUB/C. SPICUZZA TO ACCEPT THE PROPOSAL FOR THE BIKE PATROL AT \$2,990.40. MEMBERS VOTED APPROVAL, 5-0.

MR. L. FIASCO: Memorial Day Services will be held in the park on Monday May 28th at 8:30 a.m. in the Wilmerding Park. The curfew will start sounding on Memorial Day and go to Labor Day. The lights are on at the field but there still seems to be some drainage problems. My concern is the age of the kids at the playground on Airbrake Avenue knowing that the playground has been designated for younger children. The older kids are playing basketball and my concern is the language they use around the younger kids in the playground. I know the playground area is designated for children twelve years and younger, that is what it was designed for. I believe that the basketball court disgraces that. I think that whole playground area should be designated twelve and under and that existing lot could be turned into a small parking area. We have a senior walking trail, a playground for twelve and under and the basketball court in the middle for the teenagers and older. It sort of doesn't fit in.

MR. C. TUSCAN: I don't know if the playground was ever designated for any age group. The problem I have is what do you do with the older guys that can't play basketball.

CHIEF J. COMUNALE: I talked to Steve Shurgot about this last week and he suggested maybe lowering the hoops. I said that would be a mistake because the older kids would just go there and dunk. The other thing we can do, and I seen this at a park in Monroeville, is that the fence in the whole area where the kids are and put up a little cut out showing the height restrictions, like they have at Kennywood Park. This would be easier to police because you can look at the kids and see how tall they are. To try and segregate both areas and make it full proof you are never going to do it. The only way to solve it is to take away the basketball hoops and frankly I think that is going to be a mistake.

MR. C. TUSCAN: you have that middle age group, the twelve to eighteen year olds, that if you take away their recreation they would have nothing to do and that is how they get in trouble.

MR. L. FIASCO: last year we really didn't have this much of a problem because the school had their hoops up. It seems that the older kids separated themselves and played there at the school. Now these older kids are hitting these younger areas and parks. The Avenue U park is not that far away from there and my suggestion would be to move some of these kids from the Airbrake playground to Avenue U and put in another basketball hoop.

MR. C. TUSCAN: the Avenue U playground is a lot smaller and you see the bigger kids on a full court. Recreation is meant for all ages.

MR. L. FIASCO: we do not have any property big enough to handle these older kids.

MR. G. JAKUB: at the Y field you only have two hoops and you can't use that because of the water puddles.

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MR. C. TUSCAN: we put in for a grant for the drainage up there. I don't know if that will eliminate the problem.

CODE ENFORCEMENT - J. NALEVANKO: for everybody's information the borough adopted the International Code Council Ordinances and Regulations, the 2006 edition. Everything is spelled out in there and that is what we are going by. If we file anything on any landlord or resident it will be by the book. One problem I see is that we are allowing people that move out to place their garbage, their trash and their belongings on the sidewalk on any given day because they are moving out. Which is setting a double standard.

MR. C. TUSCAN: there is no ordinance that allows that. It would be your interpretation.

MR. G. EVASHAVIK: there is an ordinance when it could be placed out for pick up and there are no exceptions for moving.

MR. J. NALEVANKO: I am going to be spending more time on the occupancy licenses. It is my intention to have these people clean up these people. These people that rent have no respect for themselves, no respect for their neighbors, they litter and no respect for me. I am also going to ask the Chief if we can have a few hours a week, up to eight hours, possibly putting an officer on at the expense of the borough. This officer would not be the officer on duty. He would be going out with myself in the event that I am threatened. It is just not safe.

MR. C. TUSCAN: I was unaware of this problem, as I am sure most of council is. If you think you are in a threatening situation you can call and have an officer go with you. We have never investigated to have an officer dedicated for a certain time. We need to talk more about it as council.

CHIEF J. COMUNALE: he is right about the safety issue. It doesn't have to be any added cost. This can be done real easy. If he gets a list of properties we can have an officer go out with him. It won't be a random thing, it would be the properties that he has to do an inspection on, and they can go knock on the door with him.

MR. L. FIASCO: 136 Card Avenue should not have any more re-visits. I have been complaining about this property for three years and nothing is getting done. I am counting on you to get something done with this property. There has been a hole in the roof for three years.

MR. J. NALEVANKO: I believe that Mr. Glenn went to that house recently.

MR. D. GILLILAND: if Don did an inspection then he did a report. We will get you a copy of the report.

PUBLIC WORKS - L. FIASCO: the grass has finally been cut. As most of you know we are down to one full time employee, at least until May 15th. Can we start the summer help a little sooner.

MR. C. TUSCAN: if you know if those kids want to work again this summer, tell them to put their application in. Also, Magistrate Barner wanted to know if we wanted anyone to do community service. We set a budget for the summer help.

MR. L. FIASCO: we were going to do some cement work in house to repair the steps on Station Street and there are also four sections of curb on Westinghouse and the hole on Westinghouse in the business district where the stump was removed. Since we only have one man working can we get bids on those projects. It is not going to be that much money. I can get some proposals and bring it back to the next meeting.

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MR. S. VOLPE: our backhoe was lent out to a contractor.

MR. L. FIASCO: as far as I know, as long as there is a licensed operator to operate the borough equipment we lend them out. I remember, I was not on Council at the time, that I requested the use of the backhoe and I was told as long as there is someone certified to operate it I could use it.

MR. S. VOLPE: who authorized the contractor to use it.

MR. L. FIASCO: he asked me and I said okay since he is a licensed CDL driver.

MR. S. VOLPE: a few years ago borough employees were using borough equipment to do private work. There was a big stink about it then and somewhere down the line didn't you guys vote that people can't use borough equipment. What happens if the equipment gets damaged, do they have the insurance to cover it.

MR. L. FIASCO: I don't know if that happened because I wasn't here at the time. Recently, we just lent the backhoe and our guys to do work over at the Castle. What I am saying is that you can't do it for one person and not do it for another.

MR. C. TUSCAN: that was brought up at council and we all knew about it.

MR. S. VOLPE: I didn't know about it, but up there the borough employees used the borough equipment. This other one someone else used our backhoe. Two years ago borough employees were told not to lend any borough equipment out. We used to lend out our dump trucks but we stopped that.

MR. L. FIASCO: you are saying that it was changed two years ago, I did not know that.

MR. C. TUSCAN: part of the problem, I believe, is that in my time on Council, that Council would pass something and when a new Council comes on they may make a change and the trouble is that most of those things are only in the minutes. What we need to do is that each committee should comprise a book of the rules and procedures for that committee and put in on the bookshelf in the back room. So if we need to find something we can just look under, say borough property, and it will give us the procedures that need to be done. We need to put everything in writing and keep it in a central location.

MR. L. FIASCO: I assumed, going by past procedures, that it was allowed.

MR. G. JAKUB: can I suggest that we have a workshop where all the committees are together when we put this booklet together.

MR. C. TUSCAN: I think each committee needs to come up with their own handbook with the procedures and regulations. I think that part of the problem is that this is the first time in a long time that we had so many new members of Council. The last time there were this many new members was twelve years ago when I first came on.

COG REPORT - C. TUSCAN: they opened some bids and we did not have anything for us. They will be opening bids for the drainage project at the June meeting. Also, year 34 CD proposals are due and everyone needs to make a list of what you want. I have a list of my own and you can call me or e-mail me and I will forward them on to Glenn Engineering. Those need to be in by May 18th at the COG so we need to get them to Don's office like a week before.

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ENGINEER - D. GILLILAND: the CD 33 project for the YMCA bleachers will be opened at the June COG meeting. Mr. Glenn and I have reviewed the PUC order regarding Avenue U and the responsibility for the guide rail. It appears that the County is not responsible for Avenue U. I would recommend that Council authorize submission of a CD 34 Grant Application for the replacement of all of this guide rail at a cost of \$10,000. The owner of 253 Orient Avenue has paid the \$100 street opening fee for her driveway. An on site utility meeting was held on April 11th for the Safe Route to School Project. PennDOT has also requested some additional notes be added to the plans which has been completed. No word on the advertising yet. Quotes for the fencing at the Avenue U and Airbrake Playgrounds were opened yesterday. We received four quotes for that project and the lowest quote was from Allegheny Fence for \$5,247. That would be just around the play areas of those two playgrounds and it would border the safety surface of the playgrounds. It would be a four foot fence and there would be two gates at Avenue U and one gate for Airbrake. We looked at the drainage problem on Welsh Ave., this is where the slide was repaired. The estimated cost to repair this is \$3,050 which includes 110 linear feet of four inch pipe, which will be connected to an existing pipe, and sidewalk restoration.

MR. L. FIASCO: I think we should get some proposals to fix that drainage.

MR. D. GILLILAND: we can get you some quotes for next meeting. Bids were opened for the second phase of the Sewer System Significant Deficiency Repairs. There were two items that were recommend that they be deleted from the bid. There are seven items that total more that what was budgeted. There are two repairs for a sewer that runs along the sides of a set of steps from Airbrake to Middle, where the viaduct used to be. That sewer goes back and forth under the steps and the prices for those two items was \$13,000 which puts you over budget. We are recommending that those two items be deleted and that you replace the entire sewer along side the steps so that you get it from underneath the steps. The total without those two items is \$48,200 and the low bidder was Soli Construction from Irwin. They have done work for us before and we would recommend that Council award the bid.

MR. C. TUSCAN: is that money from the grant.

MR. D. GILLILAND: this money would come from your sewer fund. I believe that the grant money just covered the first phase. You are required to complete this before November. We are a little ahead of schedule.

C. SPICUZZA/L. FIASCO TO ACCEPT THE LOW BID FROM SOLI CONSTRUCTION IN THE AMOUNT OF \$48,200 WITH THE MONEY COMING OUT OF THE SEWER FUND. MEMBERS VOTED APPROVAL, 5-0.

MR. D. GILLILAND: the Census Bureau has asked us for an report on the sewer projects that we are doing. Mr. Glenn completed the report for the month of April stating that construction on the first phase will begin in May.

UTILITIES - C. TUSCAN: the cable contract with Comcast, they said they redid a few things and they will be sending us a new contract. COG is getting a grant to cover the legal expenses to look at the Verizon cable proposals.

SOLICITOR - G. EVASHAVIK: at last month's meeting Council instructed me to change the skateboard ordinance. We sent you a draft for your review and to make sure that everything is correct on it. I also sent a memo for you to contact your insurance carrier to see if it would affect your insurance premium and also some suggestions on signage and warnings for the area. Also, Joe informed me that this area is leased from the school district. If you look at the draft of the ordinance, it adds a subsection #3, it provides that it shall be lawful for persons to use or ride skates or other apparatus in the area described as Memorial Field on Ice Plant Road. I just want to make sure the description of the area is correct.

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MR. L. FIASCO: we were approached last month at the meeting and gave us about 200 signatures of the kids that want a skateboard park. Out of those 200 signatures there were less than 5 from Wilmerding. North Versailles is going to build a skateboard park in West Wilmerding for North Versailles children. Monroeville, I believe, has two skateboard parks, one at Boyce and one at the Monroeville Park. If we are going to change the ordinance I don't think we should do it for four kids.

MR. C. SPICUZZA: my kids were not asked to sign it. I have to take my kids to do roller blades and I skate with them.

FINANCE - S. VOLPE: we are updating the delinquent list and it should be done sometime in mid May. We will publish it on the internet. We have several meetings with collection agencies in May and we will have recommendations at the June meeting. Joe will be picking up two computers this week that we authorized to buy at the last meeting. We received one bill from SMV Associates in the amount of \$335. We have to vote on that one separate.

L. FIASCO/C. SPICUZZA TO PAY SMV ASSOCIATES \$335 FOR APRIL SERVICES.

ROLL CALL: G. JAKUB, yes; L. FIASCO, yes; C. SPICUZZA, yes; S. VOLPE, abstain, C. TUSCAN, yes. MEMBERS VOTED APPROVAL, 4-0-1.

S. VOLPE/C. SPICUZZA TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 5-0.

BOROUGH PROPERTY - S. VOLPE: I am going to talk to Mike about the door out here. I am going to send a memo to the fire department to move their office from the front room to the back room and crime watch can have the front room. Larry, do you know why the dump truck has been sitting out all week. Our vehicles shouldn't be sitting out, we have a garage for them. Also, what is with the vehicle over at the other garage. Can we just get it towed out.

MR. L. FIASCO: our vehicle is out because our borough employee who drives that vehicle is not proficient in backing the trailer in. As far as the vehicle that is in the other garage, the fire department wanted to have a training session and wanted to use the vehicle for training. I will ask the fire department to schedule the training as soon as possible.

S. VOLPE/G. JAKUB TO REMOVE THE VEHICLE FROM THE GARAGE BY JUNE 1ST. MEMBERS VOTED APPROVAL, 5-0.

MR. S. VOLPE: Steve mentioned that COG sent out a notice that there is a copier machine available. If it is working we will take it.

MR. J. HARTZELL: actually Monroeville has the copier. I will check with them to see if it is still available.

RECREATION - L. FIASCO: we have the clean up scheduled for the weekend of May 18th. We are going to have three dumpsters this year since the one down on Pitcairn Street was overflowing. We will have two dumpsters down on Pitcairn Street and one under the bridge at Avenue U. Also, we will be meeting at the end of the month to discuss our summer activities and movies in the park.

PLANNING - G. HOMITZ: we almost have our disc ready to put on the website. Also, can we have a key for this building. The last time we had to have it in the George Westinghouse room.

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MR. S. VOLPE: we will get you a key.

PERSONNEL - C. SPICUZZA: we would like to add the following nine polices to the employee handbook.

MR. C. TUSCAN: during the course of the meeting I had the Solicitor review it.

MR. G. EVASHAVIK: I looked it over and everything is okay with it.

MR. L. FIASCO: is this something we are going to pass tonight. I really didn't have a chance to look at. It was on my desk tonight. I would like to look it over first.

MR. C. SPICUZZA: the following nine items will be added to the employee handbook. They are alcohol substance abuse and testing, background checks, authorization for reference checks, criminal history check, drug and alcohol testing, handbook acknowledgment form, personal and medical records, non-discrimination commitment, equal opportunity employment, medical examination, immigration law compliance and at will employment. We will also add subsections for the Wilmerding Borough injury guideline, worker's comp panel and vehicle accident reports. Also, recommended job descriptions for street foreman, street laborer and Borough Secretary for the June meeting.

MR. G. JAKUB: I reviewed this today.

MR. C. TUSCAN: there are some items I believe that we should hold off on until everyone has a chance to review them. My concern is the work related injuries. The guidelines are too vague. How it is to be reported and what needed to happen. You just can't say I hurt my elbow on this date lifting something. You have to be more detailed and have witnesses and so forth. This would make the comp claim a lot easier. You can't fault anybody because you do not have a procedure in place. The adopting of the injury guidelines and the acknowledgment of what the rules are in Pennsylvania and choosing a panel of providers. Things like this make control the cost and keep things in line. I would suggest that if you don't adopt these other things I think you should adopt the work place guidelines.

MR. C. SPICUZZA: I would also like to include the handbook acknowledgment. You don't want anybody to plead ignorance saying that they never received anything. That needs to be a necessary part of anything we adopt.

MR. G. JAKUB: lets go for the whole works. We are looking at this now and coming up with drug testing and this and that. Everything else is basically what they agreed to with their pre-hire. I think we should implement the whole thing.

C. SPICUZZA/S. VOLPE TO ADOPT THE NINE POLICIES TO THE EMPLOYEE HANDBOOK AND THAT WOULD BE ALCOHOL SUBSTANCE TESTING, BACKGROUND CHECKS, AUTHORIZATION FOR REFERENCE CHECKS, CRIMINAL HISTORY CHECKS, DRUG AND ALCOHOL TESTING, HANDBOOK ACKNOWLEDGMENT FORM, PERSONAL AND MEDICAL RECORDS, NON-DISCRIMINATION COMMITMENT, EQUAL OPPORTUNITY EMPLOYER, MEDICAL EXAMINATION, IMMIGRATION LAW COMPLIANCE AND AT WILL EMPLOYEES. THEN SECTION A, B, C AND D WOULD BE WILMERDING BOROUGH INJURY GUIDELINES, WORKER'S COMP PANEL AND VEHICLE ACCIDENT REPORTS. MEMBERS VOTED APPROVAL, 5-0.

MR. L. FIASCO: it seems like we have gotten away with the chairperson running the committees. The last couple of months there was a lot of confusion of who was doing what.

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MR. C. TUSCAN: like I have said before, it is time for the chairman to step up and run their committees.

OLD BUSINESS

MR. L. FIASCO: we still need to put up a “Children At Play” sign on Watkins Avenue from the incident that happened last month.

NEW BUSINESS

MR. C. TUSCAN: this Thursday the Women’s Club will be holding their annual philanthropy dinner at the Castle starting at 6:30 p.m. and it is open to anybody on Council. If you are going just let them know. Also, a reminder that there is a meeting with the school next Tuesday at 4:00 p.m.

MR. S. VOLPE: can we take a look at changing certain parts of the occupancy ordinance.

Meeting adjourned at 10:10 p.m.