

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

The meeting was called to order by President C. Tuscan at 7:30 p.m.

The Pledge of Allegiance was led by the President.

ROLL CALL: G. JAKUB, present; L. FIASCO, present; K. PETERSON, present; C. SPICUZZA, absent; S. VOLPE, present; S. SHURGOT, present; C. TUSCAN, present. MAYOR D. POMPOSELLI was also present.

S. SHURGOT / L. FIASCO TO ACCEPT THE MINUTES OF THE AUG. 7, 2007 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 6-0.

MR. C. TUSCAN: at this time I am stepping down as President of Council. Very simply, work is taking a lot of time. I believe, to be President of Council that someone needs to be available in town quite a bit. During the day time that is not possible for me right now. In my early years as Council President, through most of my term, I was able to do that. By no means does this mean I am stepping down from the council position and by no means should you read anything else into this. I will be working behind the scenes and I will do everything I can for Wilmerding and work in cooperation with council. I am also the President of the Allegheny County Borough's Association and I will do everything I can to help this town. For now I need to step back a little and get some breathing room. At this time I will turn over the chair to the Vice President Steve Shurgot.

MR. S. SHURGOT: at this time we will take nominations for President of Council.

MR. L. FIASCO: I would like to nominate Greg Jakub.

MR. S. VOLPE: I would like to nominate Steve Shurgot.

MR. S. SHURGOT: are there any other nominations. Are there any other nominations. Are there any other nominations. At this time we have two nominations, Greg Jakub and Steve Shurgot.

MR. G. JAKUB: I would like to decline the nomination.

MR. S. SHURGOT: Steve Shurgot has been nominated for Council President. All in favor vote by saying aye. Members voted approval, 6-0. At this time I will open nominations for Vice President of Council.

MR. L. FIASCO: I would like to nominate Carl Tuscan.

MR. S. SHURGOT: are there any other nominations. Are there any other nominations. Are there any other nominations. Carl Tuscan has been nominated for Vice President of Council. All in favor vote by saying aye. Members voted approval, 6-0. Before we resume our regular meeting I would like to remind everyone that this is a business meeting of Wilmerding Council. I would really appreciate it while we are having our discussions that the audience keep their comments to a minimum. It is really hard to hear in here. At the last meeting I owe Angie Bruce an apology. I sort of singled here out but there were other people here that didn't have much decorum. We will conduct this as a business meeting and we will answer your questions the best we can.

PETITIONS & MEMORIALS

MR. J. GAGETTA, WILMERDING RENEWED: I haven't been here in a couple of months I would like to bring you up to date on what we are doing. As we said from the beginning our goal was to use these facilities, the

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

castle and hopefully the school, to pump economic life back into Wilmerding. We are heading right towards that goal. Our long term look right now is very strong. We have a lot of people on board with us, the County and the State, and some independent people that are going to led us, hopefully, to this economic development in Wilmerding. Short term we are having some problems, like every new organization does, but we feel because of our long term look we can put a plan together to get through the next six months. Come spring, if a lot of things come through fruition, you are going to see a lot of things happening. I have a meeting next Friday and hopefully next month at your meeting I will have some good things to tell you. If you remember, we had a meeting with Pittsburgh Gateways to do an economic feasibility study on the castle and the school. I will give you a copy of their preliminary report and you can look at it at your convenience and if you have any questions give me a call. We are starting to get some looks. We did some landscaping and we fixed the clock and people are starting to believe that we are real. Our goal is to start bringing people into Wilmerding and I think we have to start working together and try to clean it up. If we bring buses in we are going to have to paint the windows black to get them to the castle. You have a dumpster sitting in the middle of town, which has been a debate for ten months. You don't know what that building means. I talked to the Smithsonian and that is a heck of a building there. You use that building as a hub of a wheel and build out from there.

MS. B. ALEXANDER, LANDLORD: we have some problems over on Middle Avenue. It is a shame on what is happening over there. The crap that is coming in. My grandfather sat on Council and he would be ashamed to see what is happening over there. In the 600 block we have some major issues. I brought my deed with me and it says that there has to be "free and uninterrupted use, liberty and privilege of the passage along the private alley way that is located ten feet from the building. Why is there all kind of fences up there with locks on them and there are animals in there and the waste is horrible and the smell is horrendous. Somebody has got to do something in this borough. Somebody has to stop the slum landlords. I can't even get Duquesne Light back there to get a reading. I am getting all estimated readings.

MR. G. EVASHAVIK: it sounds like you have a valid complaint against the other property owners that are blocking your access, but it is a private dispute between you and the other owners. This is not something that the borough, or a local government, can order these people to do. You would have to take this matter to the Magistrate or some other judicial body to compel that Judge to enforce those rights that you have since it does not deal with public property.

MS. B. ALEXANDER: what about the animal waste.

MR. G. EVASHAVIK: that would be a health department issue and something you should talk to Mr. Nalevanko about.

MS. B. ALEXANDER: I have called the health department and Mr. Nalevanko are working together on this. Once you have dog poop and urine and everything, what comes next is rats and mice, and I am tired of dealing with this. Something has got to happen. It is 638 Middle Avenue who is the main culprit. I have been offered places here in Wilmerding to buy but I am staying away because I can see the borough going down, and that is a shame. This is a nice old town and I have been in this borough since I was born. I am watching this town decline and the crap of people that are coming into town are doing what they want. I try to do the best I can to keep up my end of the bargain. I would hope that everyone would get on these slum landlords and stop this now before it gets to bad. It is bad now and you don't want it to go any further.

MR. A. VOLPE, CARD AVE.: I would like to comment with regards to the alley. Years ago they tried to block it but for safety reasons that is why they have to leave it open.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MS. T. WHARTON, WELSH AVE.: we are having the same problems up in the 200 block. I have lived up there for eighteen years and we have put improvements into the house. The borough, every year, sends out letters for enforcing the codes. The grass can not be more than six inches high and the garbage cannot be taken out until the night before and the cans must be removed no more than one day after the pick up. We have garbage cans that lay there and never move. I have been working with John and he is doing the best he can. From what I understand from John, but I could be mistaken because I don't know all the legal terms, but he explained to me that he is not allowed to directly cite these people and have it payable to Wilmerding Borough and not to the Magistrate. Seventy-five percent of these people are not keeping their property up to code and nothing is being done. What I am hearing is that we have to send them a letter and give them thirty days. After thirty days if nothing is corrected then they go to the Magistrate. The Magistrate asks them if they have ever been here before and they say no then he gives them another chance, then you go back to square one. You go back to look at the property a couple of days later and the property is still not cleaned up and still not up to standard and you send them another letter. You are talking sixty days. I have been here eighteen years and nothing is being done. It is getting worse and worse. I pay taxes and I have to look at these transient renters that come in and out and leaking oil all over the road, bad inspection stickers on their cars, dogs running wild in the neighborhood, pit bulls, and I have called the police numerous times and they have responded. It is just one thing after another. Also, the sewer system up in the alley. This has been an ongoing dispute since I bought that property. I pulled out my deed and it does not say that I own the sewer systems. It is a dangerous situation if a fire truck or an ambulance had to get back there. I understand a few years ago that our town had grants to fix the sewer. The sewers don't work and it stinks and it is getting worse and worse.

MR. C. TUSCAN: we did have a grant for that work but the problem was that it is a private alley.

MR. G. EVASHAVIK: I do not recall all the facts but I did work with the Engineer on this to determine whether this was private property, which I do recall was private and we had to get consent from all the abutting property owners to go in and do the work.

MR. C. TUSCAN: it was our intention to go to every property owner to get their consent. What happened was that the DCED, which monitors the grant money, did not give us enough time to get to everyone and they pulled the grant back. We asked them to give us a month to do this but they did not give us the opportunity to do this. We believed that we could do this because there were council members at the time that said they would go up there and get the signatures. In the past, many years ago, there was an attempt to do that but there were a few property owners up there that refused to give us their consent. We submit many grants every year for approval and only a handful are approved, that is the problem.

MS. T. WHARTON: I don't think this system is working by sending a letter giving them thirty days. I believe that John should be able to put a hundred dollar citation on the door payable to Wilmerding Borough. If they do not pay that then they go to the Magistrate on the second offense.

MR. G. EVASHAVIK: that is illegal.

MS. T. WHARTON: Oakland is doing it. They are taking their Building Inspector and Code Enforcement Officer and went door to door and wrote citations. Why is it illegal for Wilmerding and not for Oakland. It was on the news, I am not just saying that.

MR. G. EVASHAVIK: we have the same ordinances as other communities that you are talking about. Every person who is cited has the right to go before the Magistrate. The first thing the Magistrate asks, did you give the person notice that they were in violation of a Borough Ordinance and time to fix it. If you did not give them notice

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

to fix it the Magistrate may dismiss it. Then the Magistrate may ask the property owner, if they show up, what is going on here. The Magistrate has the right to set the final fine. We have ordinances that establish fines for violations but the Magistrate has the final say on every case to set the fine.

MS. T. WHARTON: all these ordinances that the borough has set concerning grass, garbage, leaking oil all over the street, and parking on the sidewalk, that is all the Magistrate, no one has any control over that. You have people moving in at twelve thirty and one o'clock in the morning and do whatever they want. I have lived here for eighteen years and I can't do what I want. I work for a cleaning business and I work very hard. At the end of the day I don't want to come home and look at trash. I want to go out on my porch, have a cup of coffee and relax. I have some very nice neighbors that do keep their properties clean, but they are the owners and they have lived there for years. It is the landlords, once again, and we have to crack down on these landlords. They do not live here and they don't care what the property looks like. Who is responsible to get these landlords to keep their property up to standard.

MR. S. SHURGOT: our Code Enforcement Officer, John Nalevanko, is responsible for that. It is John's responsibility to issue the warnings, it is John's responsibility to issue citations when they don't comply. Different towns have different ordinances and they are for different things. Parking on the sidewalk is not a landlord violation. John is making sure the properties are up to code. John has to give them notice then John has a right to cite them before the Magistrate. Unfortunately, everyone is entitled to their day in court.

MS. T. WHARTON: if that is the system that is in place it is not working.

MR. S. SHURGOT: we have a landlord ordinance that states, and we know there are some that live out of town, that they have to have someone manage the property within so many miles. I do not know the mileage off hand but if they do not provide a manager then they will be cited.

MR. S. KERRIGAN, LANDLORD: I know from experience, when they were talking about the fences on Middle Avenue. Some of my tenants did put fences up but Mike, the old Building Inspector, did give them permits. If that is an issue I have no problem telling the tenants to tear it down.

MR. S. SHURGOT: I would suggest that everyone look at their deed. As our Attorney said, it is a private matter between the homeowners since it is a private alley.

MR. S. KERRIGAN: if they got a permit and got the okay from a Borough Official, even though he is not here anymore, who would those tenants go after if I tell them to tear it down.

MR. G. EVASHAVIK: there are two separate matters. If someone applies for a fence permit, his only requirement is, does this fence comply with the borough ordinance on fences. It is not his job nor does he has the qualifications to study private property deeds and determine, does this encroach on someone else's property. That is a private property dispute and that is two distinct and separate matters. If someone put up a fence from a permit from this borough, the only thing the permit says that it is in compliance with the borough ordinance on what fences have to look like and how high they have to be.

MR. S. KERRIGAN: you are not blocking the neighbor's property.

MR. G. EVASHAVIK: you may be blocking an access or an easement they may have by the writing in the deed. That is a private property dispute that the neighbor may have over that fence. It is not a borough issue.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. J. CERESA, SPRAGUE STREET: the last time I was here I requested that some crosswalks be painted on Sprague. The very next day they were painted. The County came and stoned and chipped the road so we do not have any crosswalks. From what I am hearing from these other people is that we have ordinances and the problem is that there is no enforcement. I have three properties next to my house and they have six foot and eight foot weeds next to my house. I used to cut a hundred and fifty foot strip between the sidewalk and the rail for five years, I got tired of doing it. I drove around Wilmerding and looked and there are no buildings in this borough that look like that. It is a shame that I have to live like that. The last time I was here I brought it to everybody's attention and I did not get any answers.

MR. S. SHURGOT: we told you that we had to research who owns the property.

MR. J. CERESA: I have been talking about this to different council members since March and here it is October. This stuff is six and eight feet tall. Why can't we get a crew up there, I don't care if it is a borough crew or if you hire somebody, get those properties taken care of and bill them or lien them or do whatever you have to do but let me have a little piece of mind that when I come out of my house that I do not have to worry about snakes and groundhogs. Something needs to be done. You can walk into any one of those houses. I need an answer and I need an answer tonight.

MR. S. SHURGOT: do you feel that this is a health hazard.

MR. J. CERESA: yes.

MR. S. SHURGOT: then we would need a motion to authorize our street department to go up there and cut the weeds and lien the property.

G. JAKUB / that we go to all three properties on Sprague Street with our municipal employees and cut the weeds.

MS. T. WHARTON: what about the weeds and grass up by my house.

MR. G. JAKUB: I understand what you are saying and that is the problem. What I am going to get, and I can see it coming like a freight train, is that every property that has high weeds I am going to get called to send the borough crew in and cut them down.

MR. J. CERESA: If John and Wilmerding Renewed wants to bring people into town, are you going to bring buses in with black windows, no. If you come down Sprague Street and you see eight foot tall weeds bending over the railing and hitting the top of the trucks as they come by. That is such and eye sore.

MR. S. SHURGOT: I agree that it is taking too long but we have to go through the proper channels.

/ S. VOLPE second the motion to have our employees cut the weeds on Sprague Street. Members voted approval, 6-0.

MR. G. JAKUB: from a safety stand point, if something is damaged or our employees get hurt, do we have a chance to be sued.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. A. VOLPE: the alley up on Welsh Avenue, when the company sold those houses they stipulated that the borough maintain the sewers. Even though it is a private alley the borough had to clean them because of a sanitary problem. I believe it is in their deeds. The alley in the 600 block of Middle has to be opened for safety reasons.

MS. A. TUCKER, LYDIA STREET: last month I was here and asked about the stop sign on Card Avenue, it still has not been taken care of yet. It is still turned the other way.

MR. G. JAKUB: I had that on the list for them to do. They actually went up there and counted the “Children At Play” signs. There are four of them up there.

MS. A. TUCKER: not the “Children At Play” the stop sign. In the 400 block there is a fifteen mile per hour speed limit, but that doesn’t matter because they fly up there. The stop sign still hasn’t been fixed. Also, is everybody here on Council on a committee.

MR. S. SHURGOT: not at this time.

MS. A. TUCKER: why not. Is there a list that you can get out to the community of who is in charge if there is a particular problem to call.

MR. S. SHURGOT: we can take care of that.

MS. A. TUCKER: when you have something to vote on, do you have the whole Council vote on it and not just one Council Member. I am talking about the garbage dumpster. You voted last month to take it out of the alley. I was made aware that one Council Member called two other Council Members to put it on borough property in the parking lot. Should that have been voted on by Council.

MR. S. SHURGOT: yes.

MS. A. TUCKER: and it wasn’t.

MR. S. SHURGOT: no. We had an immediate situation where it presented a potential health hazard. Whether people like the landlord who owns that building here or over town or wherever. We had a potential problem where people living in an apartment that had no where to put their garbage. They are not like a homeowner where they have a garbage can on the back porch. We have a responsibility as borough officials to take care of our residents and a place to put their garbage. We made a decision to allow them to put a dumpster there, temporally, until we can rectify the situation at tonight’s meeting.

MS. A. TUCKER: four days garbage was out on the side of the building while the dumpster was there.

MR. G. JAKUB: what you folks don’t know is that there is a process of getting a dumpster. Being that it was a holiday weekend they couldn’t bring it out until Friday. We did not know when it was going to come in on Friday. Joe contacted Waste Management to set up for one residential pick up, which the landlord is going to be billed for. Waste Management didn’t follow through and they did not pick up until Monday morning. What you saw on the side of the building, imagine what it would of looked like if we didn’t try to control that. When that dumpster would have pulled up, bags would have been thrown out of the windows. There is no space in the building and we have to give them some opportunity to put their waste somewhere.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. S. SHURGOT: there is a restaurant in that building and according to the Health Department they are not permitted to put garbage where the propane tank used to be. The building where the incinerator used to be the gentleman who owns the building put in furnaces in for each apartment and took the boiler system out and all the duct work. So there really isn't no place to store the garbage.

MR. A. VOLPE: I understand that, but on the side of that was an area where they put their rubbish, right next to the pizza shop.

MR. S. SHURGOT: when the tanning shop was there they took over that area.

MS. A. TUCKER: as far as the codes go and the enforcement, it is not being done. How many letters can be sent out. Letters have been sent, sent, sent. One letter should be enough and cite them the next time.

MR. C. TUSCAN: after the first letter and they were notified, it can right to a citation.

MS. A. TUCKER: there are a lot of places in Wilmerding that nothing is being done, no citations are being written.

MR. G. JAKUB: John, are we writing any citations.

MR. A. VOLPE: for one individual you are changing everything around and you are making this town a ****. It is a shame to say it and he is bringing all this crap into town and the streets are a mess. You should be ashamed of yourself the way this town is looking. I know I worked here, we had it cleaned. Now you go out there, cans all over the place, trash all over the place, people moving in and they don't care and they just throw everything around here. I own property in town and I look after my property. It is about time you look out for the taxpayers, not one individual.

MR. S. VOLPE: they stored their garbage inside until the tanning salon expanded. Why don't you take out an area where the tanning salon was. We voted to get rid of the dumpster and two weeks later the dumpster re-appears. I am in charge of borough property, the dumpster is sitting on borough property, and I know nothing about it.

MR. G. JAKUB: would you rather see what was all over that sidewalk every week.

MS. A. TUCKER: why didn't you notify him since he is in charge of borough property. There is a lack of communication here.

MR. S. VOLPE: why do we have to have a dumpster taking up two of our parking spaces. Why doesn't he take part of the tanning salon and cut it back like it was and put the garbage there in proper containers. I also, want to know who owns the building. Sean, do you own it or does Frank Pelly own it.

MR. S. KERRIGAN: I own it. I bought the building the way it is. You cannot cut a side of the building out. There was an exterior wall at one time, it is no longer there. I had a contract with the garbage company and they were not picking up like they were supposed to and that is why the dumpster is with a different company. I was in a contract with that company and I couldn't change it unless there was a letter from the borough stating that they did not want them to pick up at my property. After they got that letter they refused to pick it up until it was time and that is why it was overflowing for two weeks.

MR. S. VOLPE: what was the dumpster for.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. S. KERRIGAN: garbage.

MR. S. VOLPE: from who.

MR. S. KERRIGAN: from whoever wants to put it in.

MR. S. VOLPE: that dumpster was originally there for the people of that building and there would have been no problem. You started remodeling all your buildings in town and start dumping the material in the dumpster which caused it to overflow. You cannot do that. You also had other contractors, which were paying you every month, to dump stuff in your dumpster.

MR. S. KERRIGAN: not that I am aware of.

MR. S. VOLPE: that is why it looked like it did. If only the people in the building used it we wouldn't have this problem.

MR. S. SHURGOT: Sean, if it is okay with you we will have Mr. Glenn look at the building to see if there is anywhere that you can store the garbage.

MR. S. KERRIGAN: the Health Department was already there and you cannot store garbage in the same facility as a food making business. Mr. Glenn can come over and take a look.

MR. S. SHURGOT: we have a dumpster sitting in our parking lot and we need to decide if we want it to stay at this time or not.

S. VOLPE / G. JAKUB TO KEEP THE DUMPSTER IN THE PARKING LOT UNTIL OUR NEXT MEETING, ON OCT. 2ND, AT WHICH TIME WE WILL ACT ON THE RECOMMENDATIONS FROM MR. GLENN. ROLL CALL: G. JAKUB, yes; L. FIASCO, yes; K. PETERSON, yes; S. VOLPE, yes; C. TUSCAN, yes; S. SHURGOT, yes. MOTION PASSED TO ALLOW THE DUMPSTER IN THE PARKING LOT UNTIL THE OCT. 2ND MEETING, 6-0.

MS. A. TUCKER: who is in charge of the occupancy licenses occupancy permits. Does that money go to the borough.

MR. S. SHURGOT: it goes to the Building Inspector. Occupancy licenses are yearly fees that come to the borough. The landlord has to file every year of who is living there and whenever someone moves in or out.

MS. A. TUCKER: there is a store that just opened in the building, a second hand store, did they get a occupancy permit.

MR. G. EVASHAVIK: let me clarify something. The occupancy license only pertains to residential rental properties. That is for tenants that live in residential property. A occupancy license would not apply for a commercial business, but they would need an occupancy permit.

MS. A. TUCKER: if they opened a business without an occupancy permit, can they be cited for that.

MR. S. VOLPE: I was never made aware that there was a business opening down there.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MS. A. TUCKER: the curbs need repaired.

MR. G. JAKUB: they are on the list.

MS. T. WHARTON: after you receive so many complaints on a particular landlord in a given time within a year, is it up to our Building Inspector to deny them a permit for next year.

MR. G. EVASHAVIK: there is only one incidence when we would have the legal right to do that. It pertains to our Ordinance 979, the occupancy license. That pertains to regulation of the tenants conduct and behavior and if there are violations then they have to take appropriate action to correct that. If not then they can be cited for that and lose the right to rent residential property in Wilmerding.

MR. S. SHURGOT: if you want to look at the ordinances you can go to the borough website, www.wilmerdingboro.com and all the ordinances are listed there in detail.

MS. S. ZIBRAT, AIRBRAKE AVENUE: can we put some signs up down by the Airbrake playground “do not feed the ducks” and “no walking the dogs”. We are having a problem over there with the geese and the ducks, and I don’t know if you know about their droppings, but it is a mess. I am not against animals or anything but there are people that come there and park along our sidewalk and bring bread and feed the ducks and that brings them closer to the houses. Also, what are you going to do about the playground.

MR. S. SHURGOT: we talked about covering it with hot patch.

MR. C. SPICUZZA ENTERED COUNCIL CHAMBERS AT 8:30 P..M. AND WAS RECOGNIZED BY THE CHAIR.

MS. S. ZIBRAT: the grass at 740 Middle Avenue is high and it looks terrible. Can you include that in your grass cutting. There are animals in there also.

C. TUSCAN / S. VOLPE TO INCLUDE 740 MIDDLE AVENUE WITH THE OTHER THREE PROPERTIES THAT OUR WORKERS ARE GOING TO CUT. MEMBERS VOTED APPROVAL, 7-0.

MS. S. ZIBRAT: all of you officers were voted in by the people of Wilmerding. I would really appreciate it if all of you would take into consideration all of the people of Wilmerding on how they feel on what this town looks like.

MS. K. CHUSKO, FORMER RESIDENT: this occupancy license, who is responsible for paying that.

MR. G. EVASHAVIK: the property owner.

MS. K. CHUSKO: how can the landlord send you letters with late fees telling you that you owe this and you will be evicted if it is not paid. How can the landlord, when I had a lease since 2000 that included garbage fees, send you bills for garbage with late fees on top of that. A landlord that has a maintenance line, that you call for simple repairs, and does not respond to your requests. I chose to terminate my lease and now I am being denied my security deposit when I have done everything in my lease. I want to know what the borough does to stand behind the people to help them not move out.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. G. EVASHAVIK: what you have is potential private dispute between you and the landlord. The borough doesn't have any legal right to adjudicate your private dispute or make a decision. That is something that is normally handled at the Magistrate level.

MS. K. CHUSKO: I called the maintenance line and told them there were mice and he doesn't even come by to address that issue. When I moved out on August 31st I was sweeping up and in the basement there was a dead mouse, and I left it there. I never had any problems with the previous owner and I lived there since 2000.

MR. G. EVASHAVIK: it sounds like there are safety violations and that is something that can be addressed by our borough employees, our inspectors or the Allegheny County Health Department. They will take an interest in health hazards.

MR. S. SHURGOT: since you put us on notice that there is potential safety and health hazard we can send our Building Inspector and our Code Enforcement Officer over there to inspect the property.

MS. K. CHUSKO: I don't live there any more but there is a tenant upstairs. The address is 614 Middle Avenue.

MS. K. PETERSON: if we have a property that the tenant says is a health hazard or whatever it is going to be, our borough can go in there and inspect the property without contacting the owner.

MR. G. EVASHAVIK: we have to contact them. We cannot just go in.

MS. K. PETERSON: if a tenant calls us and says that they have rats or whatever it is going to be. Do we have the right to go in and inspect.

MR. G. EVASHAVIK: we have the legal right to do that. We cannot force our way in. We have to knock and given permission to come in. If they deny us access we can go to the Magistrate to get a court order to allow us to go in. If it is a health issue then the Health Department will get involved. Health and safety issues are a paramount importance and give the borough and the county the right to investigate those.

MS. K. CHUSKO: the tenant can give you the right to enter even though the landlord doesn't.

MR. G. EVASHAVIK: the tenant has the right to allow anyone into the premises on a normal situation.

MR. C. SPICUZZA: the problem that we run into here is that people should call the borough as soon as possible when something happens.

MS. S. ZIBRAT: how can we enforce the fact that a person moving out on the 30th and a person coming in on the 1st, in the same apartment. Nothing is being checked on whether that apartment was safe to begin with and that happens a lot.

MR. S. SHURGOT: the landlord has the responsibility to notify the borough when the property becomes vacant. We have the right to deny the occupancy permit if it is brought to our attention. If someone sees someone moving in at night they need to call the police to see if they have an occupancy permit. If they do not have a permit they are going to stop them from moving in.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. G. EVASHAVIK: if we catch someone moving in, in the middle of the night, without a permit then the police have the legal right to stop them. Once they moved in then we have to issue a citation against the property owner for failure to obtain a permit.

MR. S. KERRIGAN: the occupancy license is in the lease under additional rent caused by borough fees or anything like that. We have already been to the Magistrate on this and he said that as long as it is in the lease you can charge the tenant.

MR. G. EVASHAVIK: if you make a private agreement with your tenants and pass the costs on to them, you have the right to do that, it is legal. You are responsible to see that it gets paid.

MR. S. KERRIGAN: I never had anyone move in the same day someone moved out, but what do you do when the Building Inspector does not call you back.

MR. S. SHURGOT: don't move anyone in.

MR. S. KERRIGAN: do you want the whole town to be vacant. It has been a month and a half since I have gotten a return phone call from certain people, that it got to the point that I had my Attorney try to call him and he still hasn't gotten a response.

MR. S. SHURGOT: my advice would be not to move anyone in until you have the permit. We are trying to stop people from doing what they want to do and that is what our Code Enforcement Officer and Building Inspector are trying to do is have everyone follow the rules of the borough.

MR. S. VOLPE: what number are you calling.

MR. S. KERRIGAN: I make an attempt to call every time someone moves in. If someone wants to open a business, and this town needs businesses, but the Building Inspector does not call back to give them the permit that they need to open the business. It is the number on his door where it says that he will call back within forty-eight hours.

MR. S. VOLPE: I never received any message from you or your Attorney, and John never received any either. I sent you a notice out and I gave Council the proper procedure on how to apply for an occupancy permit and how to apply for a building permit.

MR. G. EVASHAVIK: these individuals have been hired by the borough to conduct these functions. If you do not get a permit to move someone in then you are in violation of the ordinance. If you do not think that someone is not responding in a timely manner, then that is something you would have to take up with the Magistrate. If they issue a citation against you because you failed to get a permit, it is going to go in front of the Magistrate. That is not an issue we can resolve here. They are hired by this Council to do their jobs and if you are dissatisfied with the way they are doing their jobs then you can go to the Magistrate and present your defense.

MR. S. KERRIGAN: I have called the number in front of other Council Members.

MR. S. VOLPE: first of all, you never called me, and second, if you ever want to get in touch with me you call Joe Hartzell and you have him put it down on a piece of paper. I want it on record that he never called that telephone number.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

CORRESPONDENCE

1. received two proposals to replace the storm inlets at 522 Middle Avenue, 544 Middle Avenue and 400 Airbrake Avenue. The low bidder was Lutterman Excavating at a cost of \$5,450.

C. TUSCAN / G. JAKUB TO AWARD THE BID TO REPLACE THE STORM INLETS TO THE LOWEST BIDDER, LUTTERMAN EXCAVATING, AT A COST OF \$5,450. MEMBERS VOTED APPROVAL, 7-0.

2. bids were opened for the YMCA drainage project and the lowest bidder was Plavchak Construction at a cost of \$23,775. There is only \$20,000 in CD funding for this project, therefore, the borough would have to put in \$3,775 to do this project.

C. TUSCAN / L. FIASCO TO AWARD THE BID FOR THE YMCA DRAINAGE PROJECT TO THE LOWEST BIDDER, PLAVCHAK CONSTRUCTION, IN THE AMOUNT OF \$23,775 OF WHICH THE BOROUGH'S SHARE WOULD BE \$3,775 WITH THE FUNDS COMING OUT OF THE SEWER FUND. MEMBERS VOTED APPROVAL, 7-0.

3. received a request to purchase an ad for the annual East Borough's Hall of Fame banquet to be held Oct. 11th.

L. FIASCO / K. PETERSON TO PURCHASE A HALF PAGE AD AT A COST OF \$50 FOR THE BANQUET. MEMBERS VOTED APPROVAL, 7-0.

4. received a notice on the annual joint Fall Conference of the Townships and Boroughs at Seven Springs from Sept. 27th - 30th.

C. TUSCAN / L. FIASCO THAT ANYONE WHO HAS NOT ATTENDED A CONFERENCE CAN ATTEND THIS ONE. MEMBERS VOTED APPROVAL, 7-0.

COMMITTEE REPORTS

PUBLIC SAFETY - S. SHURGOT: received the Fire Department report for the months of July and August. For the month of July they responded to 16 calls with 66 man hours and for the month of August they responded to 17 calls and 57 man hours. For the month of August the ambulance responded to 45 calls. I will now turn it over to Chief Comunale to give his report.

CHIEF J. COMUNALE: for the month of August the police responded to 314 calls, issued 51 citations and 7 parking tickets.

MR. C. SPICUZZA: have you found out about the recent vandalism up on Card where they shot out some car windows with bb guns.

CHIEF J. COMUNALE: we do not have suspects on that. We did develop some suspects on the other vandalism and those arrests were made. They were juveniles.

MR. S. VOLPE: there was some vandalism on Caldwell Avenue where they broke into two cars. One of the neighbors heard some noise and called the police and the police caught two kids taking a stereo and got the other one going through someone's yard. They did a great job.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

CHIEF J. COMUNALE: I commended my officers also. The foot chase started there and ended up somewhere, I don't know exactly because I don't have the report in front of me. It ended up that they did the same thing in Penn Hills, Monroeville, Pitcairn and one other town. We have an e-mail system that sends out notices throughout the County and it ended up that there were a few more, so we broke a pretty good case. I heard a lot of comments about the building code stuff and we had a similar incident in the township with alarm systems. Under our ordinance we can cite them. We have to give a letter first and it still went off so I called the guy and told him that he is going to get a citation for every day that it goes off from now on, and we issued 18 citations to him. We personally took the last ten and went to Greensburg to the realty office and asked who the owner was and we delivered them and told him we were citing him for this. An hour later the alarm was fixed. What I am trying to stress here is that documentation and follow up are the two most important things. I don't know how many hours you give these gentlemen to do this work but we talked about increasing their hours for a couple of months until they get caught up with the documentation and send letters out.

MR. S. SHURGOT: would it be helpful if we had one of your guys that are experienced in writing citations help them get started on how to write on. Do you think that is a good idea or not.

CHIEF J. COMUNALE: it is a good idea. They can come up anytime that they want and we will sit down with them and help them out on writing a citation and putting everything together. Maybe we really need to have a police officer ride with them and document everything. You really have to document it, you have to photograph it, you have to do everything. It is a lot of work but if it is not documented it did not happen.

MR. G. JAKUB: can we look into maybe getting an intern to log the information into the computer.

C. TUSCAN / S. VOLPE TO GIVE THE CODE ENFORCEMENT OFFICER AN EXTRA EIGHT HOURS A WEEK THROUGH DECEMBER UNTIL THINGS ARE CAUGHT UP. MEMBERS VOTED APPROVAL, 7-0.

MR. G. JAKUB: recently the three to eleven shift has been walking the parks and checking the trail across town. I have seen them every night faithfully getting out of the car and checking everything out. Recently, any time I needed something, and I talked to other people, when I called the police are on the spot.

CHIEF J. COMUNALE: after we had this last meeting we had a discussion and we changed a few things. I ask them how many times have they walked the Airbrake Park. One day I worked the three to eleven shift and there were some kids down at the Airbrake Park and I got out and I walked up to them and they asked what am I doing here and I said that I am taking a walk and they left. Two of the people in the playground thanked me for that and I didn't say a word to them except that I was taking a walk.

CODE ENFORCEMENT - J. NALEVANKO: there are citations pending, and as the Chief said and Council knows, there is a procedure to follow. We are following that procedure. My job is not to create problems, my job is to solve the problem that exists. I do that the way Council set forth in their ordinances and adoption of codes. On August 13th I worked diligently with the Health Department to correct some of the problems in our town concerning the rodents and concerning the garbage. I want it to be known on record that my business was targeted by the Health Department from anonymous calls and the Health Department gave me a clean bill of health. Those false accusations will be further studied and they have an idea of who is making the calls and it will taken care of in a court of law. I think the extra eight hours will be a big help and am I correct to assume that extra eight hours are supposed to be with a police officer.

MR. C. SPICUZZA: the Chief said as long as his officers are available.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. J. NALEVANKO: if you look at what I turn in I put a lot more than twenty hours a week in. Sylvia mentioned 740 Middle Avenue, which is a house. There is a citation pending against 738 Middle Avenue. The owner received a citation the other day and he has so many days to take care of the problems. There is a garage on that property, which is ready to fall down, and it has a vehicle in it. According to the Allegheny County Appraisal's Office the property is owned by Sean's Real Estate Service.

MR. S. KERRIGAN: I purchased that property three years ago through Sheriff Sale and I still do not have the deed to it.

MR. J. NALEVANKO: you have been warned and the letter is out and it is now public record. Concerning Sprague Street, I asked for a list of all the properties owned by the school district and the borough. Am I correct to assume that some of those properties on Sprague Street are owned by the East Allegheny School District. If indeed they do then the borough also has an interest in it and those properties need to be cleaned up.

MR. G. EVASHAVIK: the school district should be involved in this also.

MR. J. NALEVANKO: other than myself, as Code Officer, sending the school a letter, I believe that Borough Council should send a letter to East Allegheny School District and partner with them to clean up these properties.

MR. S. SHURGOT: Greg, why don't you and myself, and anybody else on council that wants to attend, sit down with the school district and draw up a plan of action.

MR. G. JAKUB: we had 740 Middle Avenue on the list to clean up but now that it has been clarified that it is 738 Middle Avenue and the owner has been notified, do we have the right to go and do it.

MR. G. EVASHAVIK: we do not have the right to trespass on private property unless in extreme situations where we have made every effort to require the property owner to rectify the situation, but we can't for various reasons. Sometimes the property owner is deceased or moved away and we tried for a long period of time to locate them. It then turns into a health and safety hazard for our neighboring residents. Only under those circumstances and authorization by Council, can our public works employees trespass on someone's property to address a safety and health hazard to protect our citizens after exhausting all possible options to compel the property owner to do what they have a legal obligation to do.

MR. G. JAKUB: then nothing will be done to 740 Middle Avenue and the property owner at 738 will take care of his problem.

PUBLIC WORKS - G. JAKUB: we have three bids to repair the fuel tank on the dump truck. The low bid was from C & S, on Westinghouse Avenue, for \$571.

G. JAKUB / C. SPICUZZA TO HAVE THE FUEL TANK REPAIRED ON THE DUMP TRUCK AT A COST OF \$571 FROM C & S. MEMBERS VOTED APPROVAL, 7-0.

MR. G. JAKUB: we have a list out there that is going to be updated tomorrow morning of things that need to be done. Curbs are a part of that, hot patch is a part of that and we just when on to a property and cleared off some issues on the other side of town. Vehicles, other than the dump truck, are being housed in the garage, as we recommended. As soon as the dump truck is repaired it also will be housed in the garage on a regular basis. We are going to be doing crack sealing as well as hot patch wherever it is needed within the next two weeks. We got the creek bank cleaned off before the holiday without the proper equipment. We may need to look at some options.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. S. SHURGOT: did anyone bring to your attention that the chain on the baby swing at the Airbrake Playground is broken. Also, last month the President of the Crime Watch brought to our attention that the trucks coming out of the Airbrake Avenue gate are going over the sidewalks. There are two signs down there, on Airbrake and Fourth Street that are very faded and also there is a stop sign at Fourth and Middle that needs to be corrected. A couple of years ago or maybe it was last year, a resident took pictures around town of all the bad street signs. Can you have our guys audit the signs and see what we need.

MAYOR D. POMPOSELLI: is there any way you can check the handicap signs around town to see if the people still live there.

COG REPORT - C. TUSCAN: no report, there were no meetings in the summer.

ENGINEER - D. GLENN: my items were discussed at the work session and you did take some action on two of them. Also, there are some other items that you can accept or reject. One is the safety surface at the Airbrake Playground. We received a proposal to fix the surface for \$1,650 from Tony Pampena. The other item, which I am recommending approval, is a invoice from Lawson Excavating in the amount of \$4,290, to be paid out of the sewer fund, for a sewer connection on Airbrake Avenue.

G. JAKUB / C. SPICUZZA TO HAVE OUR ENGINEER EXPLORE OTHER OPTIONS FOR THE AIRBRAKE PLAYGROUND AND TO TABLE REPAIRING IT FOR NOW. MEMBERS VOTED APPROVAL, 7-0.

C. TUSCAN / C. SPICUZZA TO POST SIGNS DOWN THERE. MEMBERS VOTED APPROVAL, 7-0.

C. TUSCAN / G. JAKUB TO PAY LAWSON EXCAVATING \$4,290, FROM THE SEWER FUND, FOR REPAIRS DONE AT 420 AIRBRAKE AVENUE PURSUANT TO THE CONSENT ORDER. MEMBERS VOTED APPROVAL, 7-0.

UTILITIES - L. FIASCO: no report.

SOLICITOR - G. EVASHAVIK: no report.

FINANCE - S. SHURGOT: it is time to start putting the budget together for next year. Any committees that would like anything included for consideration to put in their request. I will be realigning the committees within the next two days and if there is anything that you would like to be on let me know.

C. TUSCAN / C. SPICUZZA TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 7-0.

BOROUGH PROPERTY - S. VOLPE: the front door and the door downstairs have been fixed. We have not received the bill yet. I also asked them to give us a proposal to put in new doors at both locations. The proposal was a little over \$6,000. We will see how long these repairs will last before we do anything.

MR. S. SHURGOT: in the workshop we discussed looking into getting a small backhoe and trading this one in. Can your committee look into that. As far as the salt situation is concerned. Have we come up with a solution.

MR. G. JAKUB: we are going to go back to the garage since we are not working with East McKeesport any more.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

RECREATION - L. FIASCO: we will be meeting to discuss our Halloween festivities. I will let you know next month what we will be doing.

ZONING - C. SPICUZZA: no report. We did not have a meeting.

PERSONNEL - G. JAKUB: no report.

MAYOR D. POMPOSELLI: I have a question for personnel. I have not been invited to any of the meetings and there is a rumor around town that one of our personnel was checked for drug substance.

MR. S. SHURGOT: I can tell you that all three of our employees went for a random drug test. Any other discussion on that would have to be behind closed doors.

OLD BUSINESS

MR. S. SHURGOT: a couple of meetings ago the Solicitor advised us that if there is a rental property in town and the taxes were not paid, we have the right to send a letter to the tenant of the property that they are to pay their rent to the borough until the taxes are paid. I would like to recommend that we hire a Constable to deliver these letters.

C. SPICUZZA / K. PETERSON TO HIRE A CONSTABLE TO DELIVER LETTERS TO THE TENANTS OF RENTAL PROPERTIES THAT ARE DELINQUENT WITH THEIR BOROUGH TAX.

MR. C. TUSCAN: as Council, do we have to outline each individual property to take that action.

MR. G. EVASHAVIK: there is a statute in place that authorizes any municipal government to take that action. You are just authorizing the Constable to deliver the notices.

MR. L. FIASCO: if we decide to hire a Constable, we have one in town that we can use.

MR. S. SHURGOT: we can hire him.

MR. L. FIASCO: we would have to pay him for his services.

C. SPICUZZA / K. PETERSON TO HIRE OUR CONSTABLE TO DELIVER LETTERS TO THE TENANTS OF THE RENTAL PROPERTIES THAT ARE DELINQUENT WITH THEIR BOROUGH TAX AND TO PAY ANY FEES ASSOCIATED WITH THE COSTS.

MAYOR D. POMPOSELLI: it doesn't have to be a Constable, it could be any police officer or anybody authorized by Council and they will collect the costs.

MR. S. SHURGOT: we authorized our Constable.

MEMBERS VOTED APPROVAL, 7-0.

MR. A. VOLPE: Steve, can I interrupt you for a second. At the end of Card Avenue the road needs paved because there is a lady out there who had her foot cut off and she can't get out of the house because the road has a lot of ruts in it.

BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 11, 2007 REGULAR MEETING OF BOROUGH COUNCIL

MR. S. SHURGOT: we will take a look at it to see what it needs.

MR. A. VOLPE: I would like to apologize for getting upset.

NEW BUSINESS

MR. S. SHURGOT: everyone keeps talking about the unsightliness of the dumpster and we keep zeroing in on the area around Commerce Street. There is another dumpster there that is also in the open. As a matter of fact I don't like to drive down any street and see dumpsters out in the open. We could possibly amend our ordinance to require all dumpsters to be fenced in. I don't know how much of a hardship that is going to cause us but that will take the unsightliness all over town away.

MR. G. EVASHAVIK: Council has the right to regulate that area. If you want dumpsters to be enclosed then you have the right to do that.

C. TUSCAN / G. JAKUB TO HAVE OUR SOLICITOR PREPARE AN ORDINANCE REQUIRING ALL DUMPSTERS TO BE FENCED IN. MEMBERS VOTED APPROVAL, 7-0.

MR. S. SHURGOT: I would like to have a personnel meeting, once I get the committees together. I will call everybody to see what is convenient for everyone.

MAYOR'S REMARKS

MAYOR D. POMPOSELLI: no comments at this time.

Meeting adjourned at 930 p.m.