

BOROUGH OF WILMERDING  
MINUTES OF THE DECEMBER 4, 2007 REGULAR MEETING OF COUNCIL

The meeting was called to order at 8:00 p.m. by President S. Shurgot.

The Pledge of Allegiance was led by the President.

MR. S. SHURGOT: Council met before the meeting to discuss personnel matters.

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

C. SPICUZZA / C. TUSCAN TO ACCEPT THE MINUTES OF THE NOV. 13, 2007 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 6-0.

MR. S. SHURGOT: we are going to change the agenda around a little tonight because we have some representatives here from Verizon to discuss providing the borough with cable television.

MR. CHAD McCAULEY, VERIZON COMMUNICATIONS: I was one of the negotiators who worked with Turtle Creek Valley COG on the Franchise Agreement. This will allow Verizon too upgrade its fiber optic network to provide cable video service.

MR. G. EVASHAVIK: we have reviewed this ordinance and it has been advertised and Council can act on it if it chooses. It would authorize this borough to enter into this agreement with Verizon. In summary, the ordinance provides in that it grants a non-exclusive cable franchise to Verizon in the Borough of Wilmerding and establishes a fee that the borough would receive from Verizon revenues. The borough has the right to audit Verizon books and the borough would retains control of its right of ways. Verizon will eventually serve the entire borough and will provide free service to governmental buildings. Would you agree with my summary in the terms that I described.

MR. C. McCAULEY: absolutely.

MR. G. EVASHAVIK: at this time, we would call for a public hearing on this ordinance.

MR. D. PARISI, WESTINGHOUSE AVE.: how soon will it take effect.

MR. C. McCAULEY: it would become effective, provided there is a positive vote this evening, and filing the necessary papers with the FCC. We should be up and running by the end of the year or the beginning of the new year.

MR. D. PARISI: would you be in direct competition with Comcast.

MR. C. McCAULEY: yes.

MR. D. PARISI: for those that want to make the switch, who would pay for the cost of switching the service.

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MR. C. McCAULEY: it would be no different than if you would switch to a satellite provider or switching phone companies.

MR. D. PARISI: what would be the established premium.

MR. C. McCAULEY: it would vary because there are a lot of different packages.

MR. C. SPICUZZA: is there going to be information available to the residents, like packaging and pricing.

MR. C. McCAULEY: sure.

MRS. K. SEIBLES, WATKINS AVE.: I have been reading about Verizon coming to Wilmerding and I don't understand it. Comcast offers a package deal, similar to the one that you offer. What I wanted to know is that there are a lot of people who can't afford cable, they will have it cut off. They are offering one package deal. I am wondering when you offer this and everything is on one bill, will they turn off your television, the internet or the phone all at one time.

MR. C. McCAULEY: no, there will still be standard packages available. We prefer to have one bill for all the services. We will have the same level of service as Comcast.

MRS. K. SEIBLES: Comcast told me that they would come into your house and if there are any other phone service or any other equipment from any other phone bills that they were going to disconnect it.

MR. C. McCAULEY: our network is a complete upgrade to the existing telephone network. If you would upgrade, what we would do is string a piece of fiber from the utility pole to the side of your home and use the existing wiring.

MR. S. SHURGOT: do you plan on doing any public education for the people who are not sure what to do. There are so many stories out there.

MR. C. McCAULEY: there will be a marketing campaign explaining the service, why it is different, why it might be better in certain situations. It will also be on the Verizon website where there will be different tutorials that you will be able to look at and understand what you are looking for and get something you want.

MR. G. JAKUB: will FIOS support any analog televisions. Would there be cable boxes that would have to be purchased.

MR. C. McCAULEY: yes, it would support the analog television. All the cable boxes are rented because we have four different versions.

MS. K. PETERSON: would Verizon be utilizing sub contractors.

MR. C. McCAULEY: our own people would be doing the installations. We use various sub contractors to do the fiber installation.

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CHIEF J. COMUNALE: if you bring fiber to the house, at the demarcation point where it all splits up to go to the phone, cable and internet, will people be able to use the same cable line to the television, phone and internet.

MR. C. McCAULEY: everything will remain the same. All the adjustment of the signals are done at the demarcation point.

MR. G. EVASHAVIK: one of the things that I did not mention in the summary is that the borough is entitled to a Franchise Fee of five percent.

MR. C. McCAULEY: that is correct. It is paid out quarterly and it comes with a detailed report on the cable side.

MR. S. SHURGOT: what is your time table to get this up and running.

MR. C. McCAULEY: we are looking at the end of this month or the first couple of weeks in January. We are really trying to push to get as much lined up as we can by the end of the year.

MR. G. EVASHAVIK: at this time the public hearing has been held and it has concluded and at Council's pleasure you make take action to vote to approve to enter into an agreement with Verizon.

C. TUSCAN / C. SPICUZZA TO ENTER INTO AN AGREEMENT WITH VERIZON BASED ON THE CONTRACT. MEMBERS VOTED APPROVAL, 6-0.

MR. S. SHURGOT: at this time we had planned to honor our past Mayor and Councilman at this meeting. Unfortunately he passed away before we could get this award to him. He was a good friend of mine and I considered him one of my mentors with my years on council with him, Albert Tomosky. At this time we would like Anna Marie Tucker, on behalf of his family, to come up and accept a plaque and certificate that we wanted to present to him.

MR. S. SHURGOT: it is with deep sympathy that I give this plaque to you. Albert was a true friend of Wilmerding and he will surely be missed.

MS. A.M. TUCKER: on behalf of my mother, his sister, and our family, we appreciate what council has done for him. I am happy to accept this award which honors my uncle Albert.

MAYOR D. POMPOSELLI: the only thing I can say about Albert is that he was the pattern, and I don't know if we can get another pattern like him in this town. He was really a good guy and he was for the people. When somebody needed something they went to Albert and he did the best he could all the time and he never turned anybody down. On behalf of the people of Wilmerding and Borough Council we would like to present you, his living relatives, his sister Mildred, who is better known as Tu Tu, from the Borough of Wilmerding this accommodation awarded to Albert Tomosky.

PETITIONS & MEMORIALS

None

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CORRESPONDENCE

1. we have an ordinance, formally know as the Emergency Municipal Services Tax, which is now referred to as the Local Services Tax. This ordinance has been advertised and everyone has a copy for review from last month.

MR. G. EVASHAVIK: council is going to consider an ordinance that was advertised so we are going to have another public hearing on this ordinance. This is an ordinance to enact the Local Services Tax that was formally known as the Emergency Municipal Services Tax, it is set at \$52.00 per person per year, which is the same rate as it was in the previous years. The collection will now be conducted at \$1.00 per week, which is pursuant to State Law, the method and the amount of collection has changed and that is a requirement. It also provides for certain exemptions. At this time we will hold a public hearing. Is there anyone that has any questions or comments on this ordinance.

C. TUSCAN / K. PETERSON TO ADOPT THE LOCAL SERVICES TAX ORDINANCE.

MR. G. JAKUB: did we agree that it would be collected quarterly.

MR. S. SHURGOT: we did some research with Sen. Logan and it has to be paid to us quarterly.

MEMBERS VOTED APPROVAL, 6-0.

2. we have an ordinance that would update the Standardized Codes for Buildings and Construction. This ordinance was also advertised.

MR. G. EVASHAVIK: again we are going to hold a public hearing on this one as well. This ordinance was advertised and it was discussed last month. Essentially, all that it is doing is updating the description and titles of the codes that this borough has already enacted and continues to enact through existing ordinances. It is just providing a current name because these codes change names over the years. This is just for clarification purposes and most codes as known as International Codes. At this time I will call for a public hearing. Does anyone have any questions or comments about this ordinance.

G. JAKUB / C. SPICUZZA TO ADOPT THE ORDINANCE UPDATING THE STANDARDIZED CODES FOR BUILDING AND CONSTRUCTION. MEMBERS VOTED APPROVAL, 6-0.

3. we received a letter from Union Real Estate which represent Trinity Development which owns a small parcel of ground that was once part of the Pittsburgh Railways. This parcel is 110 feet long along Third Avenue and Middle Avenue. They would like to donate this parcel to the borough in exchange for any back taxes which have accrued against this property.

MR. G. EVASHAVIK: if you accept this property we have to ask the other taxing bodies to forgive any back taxes or liens.

C. TUSCAN / K. PETERSON TO TABLE UNTIL THE SOLICITOR DOES A TITLE RESEARCH ON THIS PROPERTY. MEMBERS VOTED APPROVAL, 6-0.

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MR. S. SHURGOT: we had a workshop with Sen. Logan and I am pleased to announce that he has agreed to fund the bookmobile for another year.

COMMITTEE REPORTS

PUBLIC SAFETY - C. TUSCAN: we received the ambulance report for the month of November. Chief Comunale will give the police report.

CHIEF J. COMUNALE: for the month of November we responded to 262 calls, 47 citations and 7 parking tickets were issued. There were two incidents of shooting of firearms in the 400 block of Middle and Airbrake. One of the suspects was caught but the other one we have no suspects. These incidents do not seem to be related. Also, as you know we also had the incident at the high rise and there was an arrest made. We are going to be holding a program on identity theft on Thursday at 6:30 p.m. in our community center. Everyone has to be more aware of their surroundings, especially this time of year. Don't carry any credit cards that you do not have to carry. On the back of the cards, instead of signing the cards, use a black marker and put in the space where you sign it, ask for id.

CODE ENFORCEMENT - J. NALEVANKO: everyone has a copy of my report. This month we will be working on the occupancy licenses backlog of 2007.

PUBLIC WORKS - G. JAKUB: we are continuously working on leaves. The people over at Pat Mews helped us collecting leaves. We picked up all the bags for them. We have been working to have the vehicles ready for winter. The plows are on the truck, there is a load of salt on the truck and we have a spreader that has some problems and we have fixed it temporarily until the chain comes in. We have the Christmas lights up and fixed the ones in the park. We still have a few more things to put up because we took them out of the park before they got stolen or vandalized. If anyone has noticed, the Wilmerding sign has Christmas lights all around it this year. Once a week our employees will now be cleaning inside the borough building. On a daily basis we are now including the front of the Park House. Our concrete work was done. The curbs and steps on Station Street are done. On the other side of town, the park where the merry-go-round was has finally been filled in with hot patch. We met with Sen. Logan and now we have a contingency program in the event our vehicles would go down in the event of a storm.

ENGINEER - D. GILLILAND: an electrical inspection was attempted at the end unit of the Park House Building which was recently vacated. It was impossible to make an inspection of the wiring because Mr. Kerrigan removed all the wires. Secondly, the panel box was bolted shut and a review of this panel was impossible. Since Council is entrusted with the health, safety and welfare of the general public, this unit must not be rented without an approved underwriters inspection. Also, the owner should produce an approved electrical underwriters inspection of the entire building before any change of occupancy is allowed. An inspection was made of the Shaw Avenue garage and following are the comments pertaining to this building. First, this building has a history of structural problems during its use as a municipal garage. The rear wall of this building is constructed of eight inch unreinforced block. This wall as well as the remaining three walls are not reinforced nor was any dura wall reinforcing installed every third course. This, in combination with weak footers allowed the rear wall to bow and both sidewalls evidence step cracks due to differential settlement caused by lacteal pressures and water containment. The front wall between the two large double doors is in a state of disrepair due to the fact it appears to

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have received impact forces from heavy equipment. There is one other structural defect, which is attributed to the beam spanning the center of the garage. This steel beam has shifted and separated from the wooden plank below it. It would take a minimum of \$15,000 - \$20,000 to allow this structure to be safely used as a public facility. Don has recommended that council not spend any money to perform upgrades to accommodate the storage of salt. Rather the money required to make this building safe as a public facility would be better directed toward a jumbo block free standing building designed to accommodate the storage of salt. PennDOT has returned the approved grant contracts for the Safe Route to School project. The money is committed and they did increase it since it has been three years since we got the grant awarded and they did adjust it for inflation. Hopefully, there will be enough money in there for what they give the final approval for. They do have our latest plan review and they have not gotten back to us on that. There is still one site (Patton Street #70) that needs to be completed in the Phase 2 Significant Deficiency Repairs. The citations that were issued for the properties where the dumpsters were stored have been withdrawn as suggested by Council. The asphalt repairs at Station and Westinghouse have been completed. The invoice has been submitted and it is recommended for approval. A letter was sent to Equitable Gas concerning the repairs on Card Avenue. Equitable reported that these repairs were not theirs but they belong to the contractor who performed the significant deficiencies. They have since been restored. We contacted Waste Management to see what their requirements are for dumpsters. They require a two yard container for every six units in a commercial apartment. Also, a two to three yard container is required for three or four unit retail stores.

MR. S. VOLPE: did they seal around the new asphalt that they put up on Card Avenue.

MR. D. GILLILAND: they will do it when the weather permits.

UTILITIES - C. SPICUZZA: no report.

SOLICITOR - G. EVASHAVIK: nothing else, it has all been covered.

COG REPORT - S. SHURGOT: there was nothing for Wilmerding. They will have nominations for officers in December and election in January.

FINANCE - C. TUSCAN: we have been working on the budget. I would like to have a workshop on Tuesday the eleventh and possibly the twelfth if we need to finish up. We will meet on Tuesday the eighteenth to adopt the proposed budget and on the twenty-eighth to adopt the budget. Everything will begin at 7:00 p.m.

MR. S. SHURGOT: can we also have a general business meeting on the eleventh. Also, the January meeting will be held on January 7<sup>th</sup> starting at 6:30 p.m. with the swearing in of the new members. Our regular meeting will follow after that.

C. TUSCAN / C. SPICUZZA TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 6-0.

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BOROUGH PROPERTY - S. VOLPE: we have some problems with the structure of the garage across town. We will look at the cheapest and easiest way out of it.

RECREATION - K. PETERSON: we had a very successful Christmas party in conjunction with the Castle. I again want to thank publicly my team, Anna Marie Tucker, Yvonne Corletti and Linda Travisano. I also would like to thank Santa, Mr. Bruce, and Hennigan Studios for taking the pictures with Santa at no charge.

PLANNING - C. SPICUZZA: we have two people who's terms expire at the end of the month. They are Joyce Tomasic and Al Volpe.

C. SPICUZZA / C. TUSCAN TO RE-APPOINT JOYCE TOMASIC TO THE PLANNING COMMITTEE FOR A FOUR YEAR TERM. MEMBERS VOTED APPROVAL, 6-0.

C. SPICUZZA / K. PETERSON TO RE-APPOINT AL VOLPE TO THE PLANNING COMMITTEE FOR A FOUR YEAR TERM. MEMBERS VOTED APPROVAL, 5-0-1 WITH S. VOLPE ABSTAINING.

C. SPICUZZA / K. PETERSON TO ADVERTISE THE OPENINGS ON THE PLANNING COMMITTEE AND THE ZONING HEARING BOARD. ALSO, FOR A ZONING OFFICER. MEMBERS VOTED APPROVAL, 6-0.

PERSONNEL - G. JAKUB: the committee met last night and we interviewed seven candidates for the part time clerical position for our code enforcement. We did come up with a candidate for that position. We would like to offer the position to the candidate, Ms. Terry Good.

G. JAKUB / C. SPICUZZA TO HIRE MS. GOOD PART TIME AT \$8.25 PER HOUR. MEMBERS VOTED APPROVAL, 6-0.

OLD BUSINESS

MR. G. JAKUB: when we had our meeting with Sen. Logan we were at one point involved with the Agility Program from PennDOT. We will get back on this program.

NEW BUSINESS

MR. S. SHURGOT: at the workshop everyone received a draft of the new occupancy license application. One question that was brought to my attention is why are we asking for their Social Security number.

MR. G. EVASHAVIK: I understand their concerns, but my concern is that anyone that is a resident of the Borough of Wilmerding potentially there is the responsibility of paying the wage tax. I don't know how else we could verify that.

MR. C. TUSCAN: in our ordinances we used to require a form just for the wage tax purpose.

MR. G. EVASHAVIK: if you live here you are responsible to pay the wage tax.

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MR. S. SHURGOT: also in the workshop we talked about the Faller Building and the Park House. Since they are the only true landlocked buildings in town that do not have any parking spaces, is there a possibility that the owner of those buildings, since he has permission to store the dumpster on private property, that we amend the ordinance, that those two properties only, allowing that to happen. We also wanted to get a recommendation from somebody on how big of a dumpster they would need for those buildings. One thing we did not get in your report is how many times a week do they need to be emptied. If we made that amendment we would put those two stipulations in there just for those buildings. We cannot act on it at this time until Greg has done some research on that.

MAYOR'S REMARKS - D. POMPOSELLI: a lot of times you people come over here and I don't say anything and sometimes I say too much. Everything that I have done this month and last month has been handled by the Chief of Police. There have been some complaints about rottweiler that the Chief has taken care of. I am afraid to let you people know about these rottweiler complaints, they will panic. Wilmerding is running wild with rottweilers. It is best that we say nothing, we just took care of it. Someone called me about the dumpster and said she could not walk that far. I said a lot of us can't walk that far but we manage somehow. Just because you don't see me saying anything or fooling around with papers, I do what I am supposed to do, that's it. We take care of the problems. If we don't take care of them they will let us know about it. I am working very well with the Chief of Police and Council and I have no problems with them. If anyone has any complaints just come to me and if I can't handle it I will turn it over to Council.

Meeting adjourned at 8:50 p.m.