

BOROUGH OF WILMERDING
MINUTES OF THE OCTOBER 2, 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: prior to this meeting we met in Executive Session to discuss personnel issues.

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

K. PETERSON / C. SPICUZZA TO APPROVE THE MINUTES OF THE SEPTEMBER 11, 2007 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 6-0.

PETITIONS & MEMORIALS

MS. J. DARBY, PAT MEWS DRIVE: there is a parking issue on Pat Mews Drive. There is one sign there now "No Parking At Any Time". I would like to have a couple more signs put up because cars are parking there and sometimes it is difficult to get out of your driveway.

MR. S. SHURGOT: Public Safety, can you take a look at that.

MR. M. TRKULA, MIDDLE AVE.: the Code Enforcement Officer was out and did Middle Avenue and Airbrake Avenue and surprisingly, most of the people did cut their weeds. I was wondering why the Code Enforcement Officer didn't do the other parts of town. From what I understand the Chief did Welsh Avenue and there are a lot of other streets that need addressed. There is a business in the 900 block of Airbrake Avenue that has weeds eight foot high that never received a notice. It also says on these notices that a citation will be issued each day that the violation continues beyond this date. How many citations were issued for each day after the date.

MR. J. NALEVANKO: there were four citations issued.

MR. M. TRKULA: I got this notice off of my neighbor's house, they said I could take it, and they still haven't cut their weeds. It says to please comply by Sept. 17th and today is Oct. 2nd.

MR. J. NALEVANKO: the grass hasn't been cut in the park for three weeks and it is over six inches.

MR. S. SHURGOT: if someone doesn't comply, what is your next step.

MR. J. NALEVANKO: I contact them personally.

MR. S. SHURGOT: at the last meeting we asked the Chief to assist John with the properties that are not done yet. They started over on the other side of town and will be over here after that. We did not forget this side.

MR. R. J. COMUNALE, CALDWELL AVE.: I also have a question on weeds. There is a house on Westinghouse, across from the church, where the weeds are at least ten inches high and nothing is being done with it.

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MR. J. NALEVANKO: we have acted on it and are following procedure.

MR. C. SPICUZZA: we are not permitted to go on to private property until we follow procedure by notifying all interested parties to take care of the problem.

MR. R. J. COMUNALE: how many times does it take to get something accomplished. The homes on Card got done, and they are not as bad as the ones on Westinghouse. This is the main street right across from a church.

MR. S. SHURGOT: the people on Sprague Street cited a health hazard. In the case of a health hazard we had to take some action so we sent our public works crew up there to cut the weeds. The other one was not raised as a health hazard to the borough at this time. The people on Sprague Street, who for many months have been trying to get the responsible party to take care of that problem, came to the borough and asked us to do what we can.

MR. R. J. COMUNALE: I asked about five months ago if something could be done on Pitcairn Street to clean that area up.

MR. G. JAKUB: we did address that. We want to make a pass down there to clean something out for you. We now have two vehicles and two workers and you are now on the list. I am sorry, but the list is a big list right now.

MR. R. J. COMUNALE: I have been hearing that for five years.

MR. G. JAKUB: I have only been on Council for eight months.

MR. R. J. COMUNALE: as far as the two "no dumping" signs down there, there is still dumping going on.

MR. G. JAKUB: where the two signs are is our property and we know there is still dumping going on and we are trying to take care of that. You would have to put someone down there twenty-four hours a day to monitor that.

MR. S. SHURGOT: correct me if I am wrong, Pitcairn Street is a street that we never maintained.

MR. R. J. COMUNALE: years ago I helped clean it. You continue to dump on it.

MR. G. EVASHAVIK: who owns the property.

MR. R. J. COMUNALE: the borough owns it. It has been for many years. Now it is a dump site for anybody that has a dump truck or a pick up truck in this town or any other town.

MR. G. EVASHAVIK: I don't think the borough workers are going down there and dumping.

MR. R. J. COMUNALE: it was a dump site for the borough. All of the castle shrubs are down there. It is an eyesore. I am trying to run a small business back there and I have to look at that all day. Half the time when they dump I have to go down there and push it back so I can get back to my property.

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MRS. S. ZIBRAT, AIRBRAKE AVE.: at the last meeting I spoke about several properties on Middle Ave. with high grass and weeds. Nothing has been done at 738 Middle Ave. Also, on Maple Ave., when they cut the grass they are not cleaning up and it is a mess. That is one of our roads where a lot of traffic goes through. Someone needs to check out the 700 block of Maple Ave., there is a lot of activity going on up there. 738 Middle is the house that I am referring to, and you mentioned a health hazard. If there are not any rodents in that yard then there are none in Wilmerding. There used to be a garage there that had ducks and chickens in it. You mentioned taking care of Sprague Street because it was a health hazard, I think 738 Middle is a health hazard.

MR. S. KERRIGAN: I own that property. I realized over the weekend that you now need a permit to clear weeds.

MR. S. SHURGOT: you need a plan to do any type of excavating.

MR. S. KERRIGAN: do you need a permit to clear weeds.

MR. C. SPICUZZA: pull out a weed whacker and you can clear weeds all day. Pull out a backhoe and take out a piece of the hillside, you need one.

MR. S. KERRIGAN: I did not take out any of the hillside.

MR. G. EVASHAVIK: we have an ordinance on grading, which includes if you are removing vegetation or ground cover, then you would have to submit a plan to determine if a grading permit is needed. This is in Chapter 9 of the Borough Ordinances. If you are removing ground cover with a back hoe it requires a submission of a plan. I don't know if it requires a permit but someone here has to look at that plan to make that decision whether or not a permit is required.

MR. S. KERRIGAN: when you don't go into the dirt and actually dig, I am getting these little green notices to clear the weeds, and then you come in and clear the weeds, it doesn't say you can't use a machine to clear them. It is like saying you have to cut your grass but you can't use a riding lawn mower. What is the difference. If you want the weeds to be cleared within five days, why is it a problem if the weeds are being cleared.

MR. G. EVASHAVIK: someone gave me photographs and it shows a dump truck full of dirt. That is more than just removing weeds. If this is the job you did, and it is more than removing weeds, this requires you to submit a plan so we can decide if it requires a grading permit.

MR. S. KERRIGAN: it is not full of dirt, there are actually weeds under that. From my understanding, you have to remove a certain amount of dirt to need a permit.

MR. S. SHURGOT: the Solicitor just told you that if you remove vegetation you have to submit a plan and you didn't.

MR. S. KERRIGAN: all I did was clear vegetation off of the hillside. So now you want a plan submitted to clear vegetation, so at 738 Middle Avenue you have to get a plan submitted to clear the vegetation. The four citations that he said he wrote, he wrote two of them on the same day for 738 Middle Avenue. According to the ordinance it is supposed to be a citation per day. When he wrote the citation I did not

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own the property. I explained to him that I did not have a deed to that property.

MR. G. EVASHAVIK: if you have a dispute with Mr. Nalevanko, that is really not an issue for this Council. He acts independently of Council. Council has retained him and hired him as an inspector in this capacity. If you are dissatisfied with the way he is issuing citations then you would have to go to the Magistrate. This Council doesn't oversee every action that he takes. Their authority is to hire him or fire him. Any disputes with him would have to go to the Magistrate. This is not the forum to address these issues. We do not have any authority to address any individual citations or specific complaints that you may have with Mr. Nalevanko.

MR. S. KERRIGAN: according to the borough ordinance that I read, it says that Council is his boss. My complaint with him, and you cannot take this up with the Magistrate, is that when he came and shut me down I was clearing vegetation off of the hillside, he goes to a particular Council members house, Mr. Shurgot, talking to him in the driveway. Did he write up any of the violations at Mr. Shurgot's house that is visible from the street, broken window in his basement, high weeds all around his house and garbage cans without lids. He is writing green tags up for everybody but he is hanging out with his buddy up there and not writing him up. Then he comes down to Card Avenue to do a stop work order for something that doesn't need a permit to begin with and the house that he is standing on the porch, explaining us to stop, has piles of garbage behind it. It is not mine so he did not do anything about it. He doesn't care about that house. That is the problem that I am having and I need to speak to his boss about this, which is Council. There are piles of garbage behind the white house with a hole in the roof, which this Council has complained about for the last year, that I remember, and he has done nothing about it. We are trying to clear the hillside because he wants the weeds cleared, from curb to curb, and we are trying to comply with his first wish and he shuts us down, when there is a house there in clear violation of his actual job, and he does nothing about it. Then he goes and talks to Mr. Shurgot, in his driveway, with violations all around him. He doesn't get cited and he does not get a green warning on his door.

MS. J. DARBY, PAT MEWS DRIVE: there is a playground in back of our houses and I would like to request the police to come more often and patrol that area to make sure the kids are all okay and are behaving themselves. They come into my yard and take things and use foul language. There are small children back there and there is no supervision. I would just like the police to patrol over there more often.

MR. S. SHURGOT: the Chief is here and he took note of it.

CORRESPONDENCE

1. we received a request to adopt a resolution for a grant for the Castle landscaping project.

MR. G. EVASHAVIK: I don't think you should act on the language that is in this at this point. I would suggest that you table this until the appropriate language is in there and I am comfortable with it.

G. JAKUB / C. SPICUZZA TO TABLE THE RESOLUTION FOR THE GRANT FOR LANDSCAPING THE CASTLE. MEMBERS VOTED APPROVAL, 6-0.

2. received a proposal from Pennsylvania Municipal Service Co. lowering their commission fees from two percent to one and a half percent and passing the delinquent collection fees to the delinquent taxpayer.

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K. PETERSON / S. VOLPE TO RECEIVE AND FILE SINCE WE ARE LOOKING AT OTHER OPTIONS. MEMBERS VOTED APPROVAL 6-0.

3. the CD for the Police Pension Fund is up for renewal on Oct. 10th. The secretary is recommending that Council renew the CD put at \$175,000 instead of the \$200,000 that it is at currently.

C. SPICUZZA / S. VOLPE TO RENEW THE POLICE PENSION FUND CD FOR \$175,00 FOR A SIX MONTH TERM. MEMBERS VOTED APPROVAL, 6-0.

COMMITTEE REPORTS

* PUBLIC SAFETY - L. FIASCO: we are going to have Operation Clean Sweep on October 20th and 21st. There will be dumpsters on Pitcairn Street and Avenue U that weekend. On October 21st we will be celebrating Oktoberfest in the park from one to six. There will be refreshments, child fingerprinting, bicycle safety tips and other activities. Trick or treat will be on the 31st from six to eight. This is a joint effort by the Public Safety Committee and the Recreation Committee.

L. FIASCO / C. SPICUZZA REQUESTING \$1,000 TO GET THE FLYERS PRINTED UP AND SUPPLIES FOR OPERATION CLEAN SWEEP. MEMBERS VOTED APPROVAL, 6-0.

CHIEF J. COMUNALE: we answered 308 calls in September, issued 19 traffic and non-traffic citations and 11 parking tickets. I will address the playground issue and we will have officers at Watkins and Pat Mews. I know I assigned officers there on a daylight shift from time to time but we have been short three officers the last three weeks because of accident reconstruction school. The question was asked why we did Airbrake and Middle first for code violations. That was my decision because they are two of the longest streets in the borough. I did Welsh Avenue and issued seven citations.

* CODE ENFORCEMENT - J. NALEVANKO: my report stands as presented to Council.

* PUBLIC WORKS - G. JAKUB: we have been involved with some clean up since the last meeting. We were up on properties on Sprague and Middle. We took pictures of these properties before we did the clean up and rented the equipment. We will be issuing invoices to the owners of these four properties for the work that was done. I would like to go on record that I do not like the fact that we are sending our public works onto private property. In agreement with everyone, if there is a health hazard and the owner doesn't take care of the problem then we have to do something. As the public works chairman I am not going to have health hazards breaking out, we have to react. We also went down to 600 Airbrake, where there were weeds that were overgrown, we cleaned that off. They ran the brush hog all the way up Airbrake. This would be a nice piece of equipment for the borough to have, but I don't think we can afford it. I got the guys doing as much as they can. We had to go up on Sprague Street and repaint the crosswalks. I got them on a little more of a schedule than they have been in the past. They are doing maintenance and they are sending me copies of what they are doing on a daily basis. We are doing preventive maintenance that we haven't done in a long time. We are going to have the leaf sucker operating and it should be going out shortly. If you have something you need do not hesitate to tell me. We just replaced the fuel tank on the dump truck and we are going to try and get the dump truck and the salt equipment ready. We are not going to wait until the last minute. All I can do is hope that we can get through a earl winter, until January and maybe we can budget for some things that we are going to need.

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* COG - S. SHURGOT: the bids were opened for the YMCA drainage project and it was awarded.

* ENGINEER - D. GILLILAND: the grant for the safe route to school, sidewalks and lighting in the park, was approved in February 2005 and PennDOT has now issued a grant agreement for this project which will have to be signed by the borough. It is accompanied by a resolution authorizing the proper officials to sign the agreement. PennDOT returned our latest plans with more revisions since their construction item numbering system has changed. Bidding and construction is still anticipated for 2088.

MR. L. FIASCO: has the Solicitor reviewed the resolution.

MR. G. EVASHAVIK: I have reviewed the resolution and I approve it.

C. SPICUZZA / K. PETERSON TO HAVE THE PROPER OFFICIALS SIGN THE RESOLUTION FOR THE SAFE ROUTE TO SCHOOL GRANT. MEMBERS VOTED APPROVAL, 6-0.

MR. D. GILLILAND: the Welsh Avenue drainage project should be completed this month. We have submitted recommendations for the Airbrake Avenue Playground safety surface. The Phase 2 Significant Deficiency Repairs will be underway later this month. Mr. Glenn completed a report on the placement of dumpsters on public or private property. Private dumpsters cannot be placed on public property. We sent a letter to PennDOT regarding Station Street hill. Lutterman Excavating is scheduled to begin the catch basins on Airbrake and Middle next Monday or Tuesday.

MR. C. SPICUZZA: on the report from Mr. Glenn on the dumpsters, there are thirteen dumpsters on public or private property, and his recommendations for the ones that are on public property be moved on to private property.

MR. C. SPICUZZA / G. JAKUB TO HAVE ALL DUMPSTERS MOVED TO PRIVATE PROPERTY, AS RECOMMENDED BY THE ENGINEER, WITHIN THE NEXT SEVEN DAYS AND TO COMPLY WITH OUR ORDINANCE. ROLL CALL: K. PETERSON, yes; G. JAKUB, yes; S. VOLPE, yes; C. SPICUZZA, yes; L. FIASCO, abstain, S. SHURGOT, yes. MEMBERS VOTED APPROVAL, 5-0-1.

* UTILITIES - C. SPICUZZA: no report.

* SOLICITOR - G. EVASHAVIK: there was a proposal made in the workshop about the landscaping improvements to the Castle and I talked about this in the public portion of the meeting, and I expressed my concern about the language in the resolution. It appears to expose the borough and imply the borough to absorb some of the costs, which was inconsistent with the presentation in the workshop. I reviewed the application through the Department of Community and Economic Development and their schedule included Council approval tonight and submission to the Commonwealth of Pennsylvania tomorrow to get the grant process going. My concern is that it seems like a project that Council would support, the improvement of the Castle and the surrounding grounds. I do not want to hold it up but you can't pass the resolution in its current form. The only alternative I have, and it is up to Council, you could make a motion to pass the resolution supporting the application for the grant and the landscaping improvements to the grounds, subject to the Solicitor's final approval of the language with the comments I made.

C. SPICUZZA / K. PETERSON TO SUPPORT THE RESOLUTION ONCE IT IS APPROVED BY THE SOLICITOR. MEMBERS VOTED APPROVAL, 6-0.

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* FINANCE - S. VOLPE / G. JAKUB TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 6-0

* BOROUGH PROPERTY - S. VOLPE: both doors are finally fixed, the door up here and the one downstairs facing Station Street. The hole over at the playground, we are going to try to glue the edges to prevent any further damage until we can get something permanently installed. We will try to do the work ourselves, the Street Department.

* RECREATION - K. PETERSON: I just need to meet with whoever knows where the things for the Halloween festivities are kept.

K. PETERSON / S. VOLPE TO DONATE \$400 TO THE RECREATION COMMITTEE FOR THE HALLOWEEN FESTIVITIES. MEMBERS VOTED APPROVAL, 6-0.

* PLANNING COMMISSION - C. SPICUZZA: we are waiting for another disk from the Planning Commission to put on the website.

* PERSONNEL - G. JAKUB: nothing current but we do have some meetings scheduled. We had a meeting with the police, code enforcement and personnel so that we can make sure we are all on the same page. Those will be continuing, on going meetings.

OLD BUSINESS

MR. S. SHURGOT: I should have brought this up under the Engineer's report. I had talked to Don and there is a problem with Station Street, in front of the Post Office where it is uneven. He suggested milling it and getting some proposals. The other thing is, I sent two letters out to WABTEC this past month. One was asking them to help us with the traffic coming out at the Fourth Street exit of the plant. We asked them if they could designate the Avenue U entrance to the plant as the main entrance in and out. I have not heard back from them yet. I also sent a letter to Thomas Rigging to see if they could do something about the lighting around the guard shack. This is from the request we got from the gentleman over there and we haven't heard anything yet. I have a question for the Solicitor. In our previous ordinance it called for the grass to be no more than six inches and the weeds no more than ten inches and hedges no more than six foot. Does that automatically carry over to the new Property Maintenance Code or do we have to pass an ordinance.

MR. G. EVASHAVIK: I did some research on that and I will talk to John and Dave about that after the meeting.

MR. S. SHURGOT: we are going to set up a meeting with the school district to discuss the high weeds and grass on the properties that are owned by the three taxing bodies.

NEW BUSINESS

C. SPICUZZA / G. JAKUB TO CHANGE THE RECOVERY OF ALL OF OUR DELINQUENT GARBAGE AND TAXES TO THE NCO COMPANY. MEMBERS VOTED APPROVAL, 6-0

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MR. S. SHURGOT: as you know Chief Comunale is working with the joint emergency management plan with the four areas and the maps. We are in the process to share resources. I was able to secure a \$14,000 grant from Senator Logan for a generator. This generator will be big enough to power the hi rise or any major building where we would have to evacuate people to. The problem with that is that one municipality has to apply for the grant and take ownership of it. I am asking if Council would be in favor of applying for this grant and taking ownership of the generator for the four communities.

C. SPICUZZA / G. JAKUB TO APPLY FOR THE GRANT FOR THE EMERGENCY GENERATOR AND TAKE OWNERSHIP OF IT. MEMBERS VOTED APPROVAL, 6-0.

MR. S. SHURGOT: in the workshop we had some discussion about hiring someone to set up information on the landlords.

MR. G. JAKUB: during our personnel meeting we discussed bringing someone in to help with the ordinances and getting everything straightened out so that we can capture 2007 and get everything ready for 2008 and distribute everything early so that we won't have any issues. We probably would have to bring somebody in on a part time basis. We may have one particular individual already but we may have to advertise for the position.

G. JAKUB / TO BRING IN A TEMPORARY OR PART TIME SEASONAL CLERICAL PERSON TO ASSIST WITH THE ORDINANCES AND TRACKING.

MR. L. FIASCO: would this position be advertised.

MR. G. JAKUB: yes.

/ C. SPICUZZA SECOND THE MOTION. MEMBERS VOTED APPROVAL, 6-0

MAYOR'S REMARKS - D. POMPOSELLI: I would like to think everybody for coming. It seems like a lot more people are getting interested in the community. Maybe some day I will come to this meeting and there will not be any bickering. You are not going to solve anything by bickering with one another. All the calls that I have gotten at my home I have taken care of through the Chief of Police. None of them had any merit, if they did then I would have brought it up here tonight at the meeting. If you have any complaints get a hold of me and I will do my best to solve your problem.

MR. S. SHURGOT: just a note to Council, on October 23rd at 7:00 p.m. will be our committee workshop.

Meeting adjourned at 8:50 p.m.