

BOROUGH OF WILMERDING
MINUTES OF THE AUGUST 5, 2008 REGULAR MEETING OF COUNCIL

The meeting was called to order at 6:45 p.m. by President S. Shurgot.

MR. S. SHURGOT: prior to this meeting we had a condemnation hearing for 38 Sprague Street and Mr. John Thomas was sworn in by Mayor Pomposelli as a new Council member to replace Mr. Tuscan.

ROLL CALL: M. TRKULA, absent; C. SPICUZZA, present; K. PETERSON, present; G. JAKUB, present; S. VOLPE, present; J. THOMAS, present; S. SHURGOT, present. Mayor D. POMPOSELLI was also present.

S. VOLPE / C. SPICUZZA TO ACCEPT THE MINUTES OF THE JULY 15TH AND JULY 29TH MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 6-0.

MR. S. SHURGOT: at this point of the meeting we usually have Petitions & Memorials but we have a guest here tonight from North Braddock Council. Karen, would you introduce her.

MS. K. PETERSON: I asked Nina Burdell to come to the meeting tonight and talk about how North Braddock is dealing with their code enforcement.

MS. NINA BURDELL: thank you. Mayor and Council members, I was asked to come here tonight to talk a little bit about what we are doing in North Braddock to generate monies. We adopted one of the harshest residential and commercial ordinances that I have ever been affiliated with. I have been in council for eight years and I will give you a little bit of background on how much money you can generate with the help of your council and a full time Ordinance Officer. COG has done a lot for us in our town. We just had a \$75,000 paving project done on Bell Avenue and Sixth Street that was an emergency. COG brought it in and we paid half and Allegheny County provided all the manpower and we just had to pay for the material. To generate money for your town, this ordinance for us, we have 73% rental properties in North Braddock. We have 225 Section 8 properties and we have 1 senior living tower with 67 residents. We have 237 abandoned buildings in our town. We had 197 vacant properties that people were willing to take it and tear it down and sell it. We only had this for a month and the first week we got \$13,000 for the general fund. The biggest one we had was a \$7,000 permit to put a roof on the school. It is a lot of hard work. We have one man that we used to split with Rankin. We are trying to help out towns who are in the same predicament as we are. Our budget for the police department alone is \$560,000. With the money that is going into the general fund we are doing damage control. We are boarding up the buildings to make it safer until we can get grants to tear them down. By adopting this it will give us about \$38,000 to \$42,000 dollars. This is only documented residents that are renting. We probably have about 80 or 90 that have been renting for a lot of years that do not have any form of occupancy permits. We do not have a big corporation like you do. You have to figure out among yourselves what you think your town needs to do to make money. You can put this money into the general fund to help your police department and fire department. I am a big believer in the police department and I think everyone needs their own police department. If the money is not coming in then you cannot do it. The safety of the residents is the most important thing. I gave four copies out and it explains the fees and everything you can get from this ordinance. We have a computer system that we are lending out and East Pittsburgh is going to adopt this. A lot of towns are adopting this who have the same problems that we do, it is the rental properties. We have a three strike and your out policy. If the police are called three times you will lose your Section 8 housing. I turn in between 38 and 64 complaints to our Ordinance Officer to check on weekly. I have ties to Wilmerding, and when I was asked to come and talk to you about this I was thrilled to do so. Hopefully this will work for us, it is a strong ordinance and a lot of people are going to be really mad. We need

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every borough to work together and to make the towns livable again. Take a look at the ordinance and see if you want to know more about it and we will be more than glad to come down and talk to you. I want to thank you for inviting me her tonight to talk about this and hopefully it is something you want to do.

PETITIONS & MEMORIALS

MR. T. NELIGH, PAT MEWS DRIVE: I wouldn't be here tonight except that someone was on my property and looked on my back porch. We have some boxes back there. We received a letter dated 7/29/08 saying that the debris, it is not debris, must be removed because it is a fire and safety hazard. Please contact this office once the violation has been abated or with any questions or concerns. I don't know why he would come on my property because I have a solid fence and you couldn't see through the solid fence. If you come over and take a look at my property now you would think it was pretty nice. I told Joe that we do a good job. We clean up after the street department, the mow the park we clean it up. We mow ours we clean it up. I think our property is pretty nice. I talked to Joe and he told me you pay this Code Enforcement Officer, that is who I am assuming was on my property, \$200 a week, and at the time I talked to Joe, this was a few months back, he never issued a citation. Now he comes looking for Tom, on his back porch where he has some stuff sitting, so I must be his first. I don't owe you any money, I pay all my bills. If I need something done I don't call the Code Enforcement Officer I call Joe. He takes care of ninety-nine percent of the things that I have a concern about. I don't bother this Code Enforcement Officer, I don't know why we have one. I would suggest that whoever was on my property remove this citation. I would also like to suggest that the \$200 a week you give the Code Enforcement Officer you give to Joe. Or, the other night we had a problem on Patton Street and one cop showed up. If I was that one cop that showed up for that mess on Patton Street I would call more cops. You know that we could really use two men in a car down here before we get one of these guys hurt. I am a strong advocate of more police. Mr. Shurgot if you want to come over and look at my property, it is pretty nice. I would like to know why I am his first. We have been complaining about the dogs over there. He never cited any of those people, the dogs are still going there. To tell you the truth me and Carol gave up. We have called so many times and didn't get any results, it was like barking up a tree. I am pretty much against the Code Enforcement Officer because he made me, as far as I know, his first citation. I don't give anyone a hard time. She comes home from work we lock the door and that is it.

MR. S. SHURGOT: as long as I have known you we never had a problem with you or your property.

MR. T. NELIGH: I am sorry I have to come here and complain. Usually me and Joe take care of everything, he deserves a raise because his performance is a hundred percent as far as I am concerned. He always listens to me and sometimes he doesn't have time to listen to me but he still does. Steve, I wish you would come over and take a look at my property and see if you can get this off the books.

MS. S. SMITH, PAT MEWS DR.: I just want to give you an update on the fund raiser for the police department. It is this Friday night at 7 pm and we are almost to our target and there are still tickets available. We have a lot of donations which will allow us to give out a lot of comp things for our prizes. Bowling will be from 7 to 10 pm and there is a free buffet. You will have a chance to win a Steeler

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bowling ball, a Crosby game shirt just for the purchase of the ticket. We will have a drawing every ten minutes for the prizes that were donated. If you can make it I think you will have a fun time. It will be held at the North Versailles Bowling Center and we will have hot dogs, potato salad, pizza, chicken and soda. This fund raiser is to help the police get a K-9 unit.

MS. J. UTT, CLARA ST.: what I think is a safety problem is that they keep turning the street signs so that it looks like Clara is Westinghouse and Westinghouse is Clara. I had several people come to my house who were lost.

MR. S. SHURGOT: we will have Mr. Jakub have the street department take a look at all the signs.

MR. S. ZIBRAT, AIRBRAKE AVE.: the house at 715 Middle Avenue, I noticed that the owner came and did some painting and boarded up the windows. Is there anything that can be done in getting that house demolished. That house doesn't have any plumbing and electricity.

MR. S. SHURGOT: we can have our Building Inspector take a look at it.

CORRESPONDENCE

1. received a letter from Mr. Richard Stokes submitting his name to fill the vacancy on the Planning Committee.

G. JAKUB / S. VOLPE TO APPOINT MR. RICHARD STOKES TO FILL THE VACANCY ON THE PLANNING COMMITTEE. MEMBERS VOTED APPROVAL, 6-0.

MR. S. SHURGOT: just for the record, we still have an opening on the Zoning Board and there is still one more opening on the Planning Committee.

2. we have an ordinance tonight, that was advertised, amending the property maintenance code.

MR. G. EVASHAVIK: this ordinance would add a new section that provides in the event any commercial or non residential building becomes vacant, the owner, tenant or manager shall provide cover or some substance on the windows to prevent a passerby from being able to see inside the structure. At this time we will call for a public hearing. Does anyone wish to speak for or against this ordinance. No one has indicated that they wish to comment.

C. SPICUZZA / K. PETERSON TO ADOPT THE ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE. MEMBERS VOTED APPROVAL, 6-0.

3. we have another ordinance to consider tonight. This ordinance would establish guidelines for the police to make arrests without a warrant.

MR. G. EVASHAVIK: this is an ordinance that the Police Chief requested that we enact. It is an ordinance that essentially mirrors what was enacted in North Versailles Township. Since we have the same police department the Police Chief thought it would be useful for us to adopt this as law within the Borough of Wilmerding. Essentially, what it would provide is that police officers acting in this borough are authorized to make arrests without a warrant pursuant to the guidelines established by the PA. Code

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when the statutory requirements are met. It talks about probable cause requirement. At this time we will hold a public hearing. Does anyone have any comments on this ordinance or ask a question or make a statement about it. No one has indicated that they would like to question the ordinance.

K. PETERSON / G. JAKUB TO ADOPT THE ORDINANCE ESTABLISHING GUIDELINES FOR POLICE TO MAKE ARRESTS WITHOUT A WARRANT. MEMBERS VOTED APPROVAL, 6-0.

4. received a letter from Duquesne Light that they are going to repair or replace the sidewalk, trim or remove the shrubbery from their property on Second Street. Once this is completed they would like to grant the property to the borough subject to the right of way across the property for overhead power lines.

MR. S. SHURGOT: this is the property next to Marucci's on Airbrake Avenue. Duquesne Light has opted to clean up and fix the sidewalk. Are we interested in accepting their proposal.

MR. J. THOMAS: you said they are going to fix the sidewalk. I noticed that they are in pretty bad shape.

MR. S. SHURGOT: they agreed to fix the property and get it up to code before we take it over. Some of the residents in that area voiced their concerns about us taking that over. Since we are planning on having a crime watch meeting in September, do you also want to have a public hearing on this.

MR. C. SPICUZZA: we can wait till our September meeting and hopefully the repairs will be made and we can decide then.

MR. J. THOMAS: irregardless of whether we take it over or not, they are going to do the repairs.

MR. S. SHURGOT: yes.

C. SPICUZZA / G. JAKUB TO ACCEPT THE PROPERTY PENDING THEM FIXING IT AND TO HAVE A HEARING IN SEPTEMBER AND TALK TO THE RESIDENTS BEFORE WE MAKE A FINAL DECISION.

MR. G. EVASHAVIK: if we are going to accept property then we are going to have to have a title search done.

MR. S. VOLPE: we should follow this step by step. We should make sure all the repairs are done and brought up to code, then have the residents voice their opinion and then decide at a later date if we want to accept the property. If we don't do a title search now then we will have to wait.

MEMBERS VOTED APPROVAL, 6-0

COMMITTEE REPORTS

PUBLIC SAFETY - C. SPICUZZA: we received the ambulance report for the month of July. I will now let Chief Comunale give the police report.

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CHIEF J. COMUNALE: for the month of July the calls were down, there were 288 calls, 11 citations and 3 parking tickets were issued. As far as the K-9 is concerned, there is roughly \$8,000 in hand from the District Attorney's office for the dog. The dog costs \$5,500 and the rest of that money will be used to convert the car over, food for the dog and vet insurance. We are trying to get the vet bill paid for free by a vet up in Ross Township, however, if you take the traveling time we are not sure if it is worth it. The officer who gets the dog gets a per diem, I think it is \$250 a month, that is to keep the dog at home. There is also insurance for the dog. Basically, that is the only cost for the dog. We were able to get the City of Pittsburgh to train the dog for free in narcotics, rescue and looking for a suspect. We have already set this up for September. There are two officers in my department who want the dog that would have to go and see if they fit the bill because the dog has to be good with the officer. It is a three mile run a day with the dog. Basically, anything Sandy would make with her group would be over and above of what we need. Possibility does exist, maybe in the future, we could have two dogs. Also, I went to a meeting with County Council on the same thing Nina was here for. Basically, it was identical to what she said and identical to what we have been saying since 2000 that it is the number one problem and the number one solution to all this is code enforcement. There were about forty towns there and that was the number one problem for all of them. Shaler Township has tons of problems with group homes and they are a little bit more affluent up there than the areas around here are and they have their problems also. Carnegie is another area and they have tons of problems with one home. The bottom line is code enforcement.

MR. S. VOLPE: one of my neighbors cornered me and said that there was a situation up on Card Avenue last Thursday and there were kids fighting. They came from a rental property, 220 Card Avenue. He told me he called the police about eight o'clock and they did not show up. Can you check into that.

CHIEF J. COMUNALE: I am aware of it. They didn't show up right then but they did follow up on it. It was handled by talking to the parents and everything worked out.

CODE ENFORCEMENT - J. NALEVANKO: there were 22 citations filed and they were all found guilty except one, that was 660 Airbrake Avenue, the violations were corrected. We did address the problem from last month at 115 Watkins Avenue, which is a safety issue. The front porch had no support pillars and is ready to fall in. I met with Allegheny County again and Mr. Shurgot is working on it about the responsibility of ownership to maintain the bridge on ramps and the weed problem we have been having.

MR. S. SHURGOT: I have a copy of the PUC order from 2001 stating that the bridge approaches are the responsibility of the County.

MR. J. NALEVANKO: the other problem is in the 600 block of Airbrake Avenue, where the viaduct is. Who is responsible for that property. We have a property owner adjacent to that property with a fruit tree that all the apples are falling all over that property.

MR. G. JAKUB: I got a call from some of the people that you cited for uneven sidewalks. That is a major ordeal to pull out those pads and try to put new concrete in.

MR. J. NALEVANKO: that is a safety issue.

MR. G. JAKUB: I know it is. You are going to give them a citation according to this. I think you better think of how quick you are going to jump on this. That is not a small detail fix.

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MR. J. NALEVANKO: some of these property owners were questioning whether it is their responsibility because the trees were planted by the borough a hundred years ago. As we discussed before it is their responsibility. Then again, there is a safety issue, anyone can trip on those pads because they are well above an inch or more. It is a problem and it is something that needs addressed.

MR. G. JAKUB: I agree that it is a safety issue but I don't think you can jump down and say I am going to cite you. That is something that is going to take some time for them to repair.

MR. J. NALEVANKO: the letter was sent from the Code Enforcement office acknowledging the problem.

MR. G. JAKUB: it say pending citations. What kind of time frame are you telling these people.

J. NALEVANKO: thirty days.

MR. G. JAKUB: I don't agree with that at all.

MR. J. NALEVANKO: does anyone have any questions.

MRS. V. RUSSIN, MORNINGSIDE AVE.: I am speaking for all the neighbors on that side of Morningside Ave. We feel that all of Council and everybody has forgotten about us. We can count on one hand how many times the police car comes up on that side. We noticed a house at the very end that is being taken over by young children doing whatever they are doing, I don't know. I am handicapped and I complained to Mr. Nalevanko for two years about the property next door to me. Last year at a crime watch meeting he had me fill out a paper. I filled that out and I still haven't seen or heard from anybody. I want to know why that property is not being taken care of where the weeds are now over six feet tall and coming over into my yard and growing in my front yard. I pay a grass cutter because I can't do it and I do not want cited, Mr. Nalevanko, because my grass cutter hasn't shown up for three weeks. Also, if the neighbors don't call at least twenty times the weeds on the corner do not get cut and the cars can't see around the corner, that is how bad that corner is and all that street plus the property next to me. There used to be two houses next to me. I am 54 Morningside and you are talking about 56 Morningside and 58 Morningside. Who owns those properties. Who tore those houses down. That property has to belong to somebody. If the borough took it over for taxes then I feel that the borough should clean it up at least twice a year. I don't need it in my yard.

MR. J. NALEVANKO: some of those weeds are on borough property, on the corner where you turn.

MRS. V. RUSSIN: what about the house below me. Why doesn't she get cited. She don't cut that yard and it is on her property.

MR. J. NALEVANKO: we have citations pending for 70 Morningside and 69 Morningside.

MRS. V. RUSSIN: that is on the other end.

MR. J. NALEVANKO: the two vacant properties on the end on in the process of being demolished.

MR. G. JAKUB: Mrs. Russin, I can ask one of the summer workers if they want to do it, on their time, to try and help you out until your grass cutter gets back.

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MR. K. CHARLES, AIRBRAKE AVE.: your Code Enforcement Officer came to me several times and asked me to tell my neighbors to cut their yard. That is really not my job. If he doesn't want to confront them, I will do the job, I will confront them. Nobody likes this man because the way he treats them. On my street I am the voice of reason because I try to be nice to people. Every time he sees me he says something to me. I told him that he needs to go to the people yourself. I am not getting paid to do the job. My yard is cut, my hillside is cut. These people over there that don't cut their grass he doesn't go to them door to door. He sees me out and he comes to me about my neighbors. I don't want you to fine me, that is why my yard stays the way it does. I just want you guys to know that he has no right to come to me about my neighbors. If he is not going to do his job then I will take his job, I have no problem with that. I am the type of person that if I see a problem I will try to help them fix the problem.

COG REPORT - G. JAKUB: no report. There are no meetings in the summer.

MR. S. SHURGOT: Mr. Spicuzza received a letter from the Fire Department that we have to take action on.

MR. C. SPICUZZA: I received a letter from the Fire Department that they voted in a new member, Jennifer Ackerman, and they are asking for Council's approval.

MR. S. SHURGOT: do they do criminal history checks on the applicants or don't they do that.

MR. J. THOMAS: I don't know how far along that is, you would have to talk with the Chief.

C. SPICUZZA / K. PETERSON TO ACCEPT JENNIFER ACKERMAN AS A NEW MEMBER OF THE FIRE DEPARTMENT. MEMBERS VOTED APPROVAL, 6-0.

ENGINEER - D. GILLILAND:

1. we are working on the additional specifications changes PennDOT has requested for the Safe Route to School Project. They are working on the reports and forms that they need to complete for this project to be advertised.
2. on May 5, 2008 we sent the easement forms to the 18 property owners for the storm sewer in the alley behind Welsh Avenue. To date we only received 5 of them back, signed and notarized.
3. the Avenue U guide rail project should begin in late July or early August.
4. Mr. Glenn has inspected the retaining wall along Airbrake Avenue where the viaduct used to cross and has found that it is the borough's responsibility and suggests a mortar mix patch. The good news is that only the exterior face of this wall is crumbling and the fix is rather simple. The loose aggregate material should be removed and the disturbed areas refaced. This will resolve the problem of debris washing into the inlet.
5. Mr. Glenn inspected the water runoff problem at 419 Welsh Avenue. Recall, this is the same area where the slide occurred as a result of the aftermath of Hurricane Ivan. Last year Larry Urban installed a flexible pipe which is directed to discharge into a drain under Welsh Avenue. For whatever reason, probably due to ground shifting, runoff water is bypassing this line and once again surfacing onto Welsh Avenue. Mr.

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Glenn contacted Larry Urban today and he agreed to return and remedy this condition, which may involve a line replacement. According to Mr. Urban he will return within two weeks while the weather is dry. He did state that he attempted to correct this situation in April, however, it was too wet and the deep mud prevented him from ascending the hillside.

6. Mr. Glenn inspected 710 Middle Avenue where water is still emanating from the wall. He recommends that the site be monitored by Jim Cortazzo until early fall to see if the problem continues and if so then an appropriate course of action will be taken. If you recall repairs were made but the water is still discharging onto the sidewalk. If this discharge is not sanitary water then it must be storm or spring water seeping from the underground.

7. Mr. Glenn sent a letter to PennDOT regarding the condition of the retaining wall along Maple Avenue supporting the Tri-Borough Expressway. To date no response has been received.

PUBLIC WORKS - G. JAKUB: we have done some cement work and we still have some more to do. We took care of the steps on Card Avenue and on Sprague Street. I will have them start on this wall.

UTILITIES - Mr. Trkula is on vacation and there is no report.

SOLICITOR - G. EVASHAVIK: we have a condemnation hearing rescheduled for Sept. 2nd at 7:30 p.m. for 353 Marguerite Avenue. The property owner has retained an attorney who has indicated that the owner has hired his own Engineer to inspect the property. I will speak with our Engineer to determine the status of that property.

The other pending condemnation, which was never scheduled for a hearing, is for 10 Morningside Avenue which is jointly owned by the school, county and the borough. We received a consent from the county to raze the structure and to my knowledge the school has not responded to our request. I don't know why they haven't responded but that is on hold until we hear from the school district.

At the request of Council I have drafted an ordinance for a mandatory permit for the use of containers for storage. If you recall there was a question that was discussed about the units that are referred to as PODS (Portable On Demand Storage) units. These are temporary storage units that are put on private property. I have conducted a thorough review of the borough ordinances prior to last month's meeting and informed Council that we really don't have an ordinance that regulates the use of these temporary portable storage units. I drafted an ordinance last week and I know that you haven't had a chance to review it. What it does is amend our existing ordinance. It may not be placed under any circumstances on public property or right of way. A permit is required, an application has to be made to the Code Enforcement Officer. He would have to inspect the location of it and make sure it is safe and not interfere with traffic. The ordinance also mandates lighting or reflectors on the containers. There is a section on the placement of the containers, the size and an appeal procedure. If you want to enact it would have to be advertised and then you can act on it at next month's meeting.

C. SPICUZZA / K. PETERSON TO ADVERTISE THE PODS ORDINANCE. MEMBERS VOTED APPROVAL, 6-0.

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FINANCE - J. THOMAS: I reviewed all the bills that were presented to me and referred them to the rest of the committee.

J. THOMAS / K. PETERSON TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 6-0.

BOROUGH PROPERTY - S. VOLPE: nothing at this time.

RECREATION - K. PETERSON: I would like to apologize to the public. I have kind of been out of touch due to some family issues. I wasn't able to get anything going for National Night Out and hopefully we can resume it next year.

MR. C. SPICUZZA: are we going to have some kind of activity for the end of summer.

MS. K. PETERSON: we are going to have some kind of community day at the end of summer. Volunteers are always welcomed.

PLANNING - K. PETERSON: we had a meeting last week and we are requesting a final report from the school district on their plans for the Westinghouse school. I don't know if Council has also requested that. There is still an opening on the Planning Committee and we adopted new by-laws. We will be meeting quarterly instead of monthly.

MR. S. VOLPE: what is going on with the property on Russian Hill.

MS. K. PETERSON: we are discussing that. We will review the report from the Engineer again.

MR. S. SHURGOT: before we go to old business, Mr. Thompson is here representing Allegheny County Maintenance.

MR. G. THOMPSON: I have a map here showing what the county is responsible to take care of. This is what they have on record.

MR. S. SHURGOT: I have a ruling from the PUC on who is responsible for what. You can have this to take back with you. It states that the county is responsible for all approaches to the bridge.

OLD BUSINESS

None

NEW BUSINESS

MR. S. SHURGOT: we are going to have to change our next workshop. It was scheduled for next week, the 19th at 7 pm, but there will be a hearing here in Council Chambers on the appeal by Sean Kerrigan concerning the Park House Building. The next workshop will be on September 26th at 7 pm.

MR. C. SPICUZZA: since Carl Tuscan has resigned we are in need of a Vice President. At this time I would like to nominate Greg Jakub as Vice President of Council.

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MR. S. SHURGOT: are there any other nominations for Vice President.

MS. K. PETERSON: I would like to nominate Steve Volpe.

MR. S. VOLPE: I decline.

MR. S. SHURGOT: are there any other nominations. Are there any other nominations for Vice President. At this time the nominations are closed.

MEMBERS VOTED TO APPOINT G. JAKUB AS VICE PRESIDENT OF COUNCIL, 5-1, WITH G. JAKUB ABSTAINING.

MAYOR'S REMARKS - D. POMPOSELLI: I know you people in the back can't hear what is going on. I will try to get together with my colleagues to see with we can come up with some type of P.A. system. I know the fans are on and the air conditioner is on and it makes it a little tougher to hear. I was glad to see Mr. Thompson here tonight to check on the property that is or isn't owned by the Borough of Wilmerding in regards to cutting the grass and weeds. I was glad that the head of the County, Mr. Onorato, sent him out to get things straight. The police department is doing a fantastic job. If anyone has any type of complaints call me and give me your name and I will act on it, otherwise I won't. Thank you very much for coming.

Meeting adjourned at 7:45 p.m.