

BOROUGH OF WILMERDING
CONDEMNATION HEARING FOR 38 SPRAGUE STREET

Before the hearing, John Thomas was sworn in as a new Council member, to finish the term of Carl Tuscan, by Mayor D. Pomposelli.

The hearing was called to order by President S. Shurgot at 6:30 p.m.

The Pledge of Allegiance was led by the President.

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

MR. S. SHURGOT: at this time we have a condemnation hearing scheduled for 38 Sprague Street. I will now turn the hearing over to our Solicitor, Greg Evashavik, who will conduct the hearing.

MR. G. EVASHAVIK: this is the time and place that was advertised to conduct a public hearing regarding the condemnation of 38 Sprague Street. The titled owners are Deborah A. Tate and Stephen A. Tate. Are the Tate's present here tonight. For the record they are not present in the audience. What we will do is provide evidence for the condemnation and we will allow the public to comment on this at the appropriate time. After the evidence is presented Borough Council will be given the opportunity to take any legal action that it seems necessary. A title search was conducted by my office, and we will identify the title search as exhibit #1. The title search shows the property presently owned by Deborah A. and Stephen A. Tate. Notice was provided to them by certified mail at three addresses indicated on the notice. Notice was also sent by regular mail to the property owners and by regular mail to those entities that have any interest in the property, which would include East Allegheny School District, GLS Capital, HSBC Bank USA, the mortgagee, the Wilkesburg Penn-Joint Water Authority and the Allegheny County Law Department. The notice itself will be marked as exhibit #2. The hearing was advertised in the newspaper. At this time I am going to have two witnesses sworn in that I will be calling upon to provide evidence, the Borough Secretary and the Borough Engineer.

THE WITNESSES, DAVID GILLILAND, BOROUGH ENGINEER, AND JOSEPH HARTZELL, BOROUGH SECRETARY, WERE SWORN IN BY MAYOR D. POMPOSELLI.

Let me begin by calling the Borough Engineer. Can you tell us your name and your profession.

David Gilliland, Civil Engineer.

MR. G. EVASHAVIK: can you tell us your educational background and any certifications that you hold.

MR. D. GILLILAND: I have a BS in Civil Engineering and a Master's in Business. I have twenty-eight years experience in municipal engineering.

MR. G. EVASHAVIK: does that encompass also inspecting properties to determine if they are structural deficiencies, code violation and to determine structural integrity of a structure.

MR. D. GILLILAND: yes.

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MR. G. EVASHAVIK: did you in fact perform an inspection on the property located at 38 Sprague Street.

MR. D. GILLILAND: yes.

MR. G. EVASHAVIK: can you tell us what deficiencies, possible code violations, health hazards, nuisances and other problems that you observed and found as a result of your inspection.

MR. S. VOLPE ENTERED COUNCIL CHAMBERS AT AND WAS RECOGNIZED BY THE CHAIR.

MR. D. GILLILAND: there are eleven violations that I found. These violations are found in the property maintenance code.

1. all window frames are rotted, code violation 304.13
2. there are four broken windows on the right side, code violation 303.13.1
3. the front door is boarded and not usable, code violation 304.15
4. the front porch gutters have collapsed, code violation 304.7
5. the rear porch roof is rotted, code violation 304.9
6. there are numerous holes along both sides and rear of this structure, code violation 304.6
7. the front porch railings are missing on each side and loose in front and unsafe, code violation 304.10
8. the property perimeter is surrounded with high weeds, code violation 302.4
9. the exterior wood trim is in poor condition, code violation 304.2
10. there is junk and debris on and under the front porch and along the perimeter of the house, code violation 302.1
11. the front porch roof is in poor condition, code violation 304.10

The building was locked, therefore an interior inspection was not possible. Without conducting an interior inspection it is not possible to determine if this unit is structurally safe or unsound. However, the physical evidence supports the fact this structure has been abandoned and the interior is exposed to the elements along all four sides. Additionally, the holes along the three sides allow this unit to trap water and allows mold to grow. In its present state it is determined to be a nuisance and unfit and unsafe for occupancy. All unsafe structures shall be taken down and removed, or made safe by the owner.

MR. G. EVASHAVIK: you have a written report I see in your hand.

MR. D. GILLILAND: yes.

MR. G. EVASHAVIK: what is the date on the report.

MR. D. GILLILAND: July 17, 2008.

MR. G. EVASHAVIK: we will identify that report as exhibit #3. In your opinion, does the structure in its present condition constitute a health, fire and safety hazard.

MR. D. GILLILAND: yes it does.

MR. G. EVASHAVIK: does the structure in its present condition constitute a nuisance.

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MR. D. GILLILAND: yes it does.

MR. G. EVASHAVIK: in your recommendation to Borough Council, should the structure be razed.

MR. D. GILLILAND: yes.

MR. G. EVASHAVIK: at this time Mr. Hartzell would you please state your name for the record.

Joseph Hartzell

MR. G. EVASHAVIK: did you mail a notice of the condemnation hearing as mentioned previously as exhibit #2 to the titled property owners, Deborah A. Tate and Stephen A. Tate at the various addresses.

MR. J. HARTZELL: yes.

MR. G. EVASHAVIK: did you also send notices to the other entities as mentioned in exhibit #2.

MR. J. HARTZELL: yes.

MR. G. EVASHAVIK: did you complete a Secretary's Certification indicating that the notices were mailed and that the hearing was advertised.

MR. J. HARTZELL: yes.

MR. G. EVASHAVIK: we will identify the Secretary's Certification as exhibit #4. What newspaper was the notice of this hearing advertised.

MR. J. HARTZELL: the McKeesport Daily News.

MR. G. EVASHAVIK: have you received any written response, letters or any type of communication from Mr. & Mrs. Tate or any other person or entity with regard to the scheduled condemnation hearing.

MR. J. HARTZELL: I have not.

MR. G. EVASHAVIK: was the property posted with notice of tonight's hearing to condemn the structure.

MR. J. HARTZELL: yes.

MR. G. EVASHAVIK: at this time does anyone in the audience that wants to speak to the condition of 38 Sprague Street. We have heard the testimony of the Borough Engineer who is recommending the structure be razed. Does anyone hear want to speak in support of or against the possible razing of 38 Sprague Street. No one in the audience has indicated any desire to speak or comment on the condition of the structure or the recommendation of the Borough Engineer. The owners are not present nor is anyone present that we have given notice to. At this time the evidence, in my opinion as Solicitor,

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supports the recommendation of the Borough Engineer that the property is a health, fire and safety hazard and constitutes a nuisance. It is in need of being demolished. At this time Council has the right to

consider a motion, if you choose at your pleasure, to condemn the structure at 38 Sprague Street to raze the structure and order the Solicitor to prepare an adjudication confirming the same.

MR. C. SPICUZZA ENTERED COUNCIL CHAMBERS AND WAS RECOGNIZED BY THE CHAIR.

G. JAKUB / S. VOLPE TO RAZE THE STRUCTURE AND HAVE THE SOLICITOR PREPARE AN ADJUDICATION. MEMBERS VOTED APPROVAL.

MR. G. EVASHAVIK: I will prepare a written adjudication which will describe the finding that we made and the action by Borough Council. That will be mailed out to the titled owners and those that we have given notice. This will conclude the hearing. Thank you.