

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

The meeting was called to order at 7:40 p.m. by President S. Shurgot.

The Pledge of Allegiance was led by the President.

MR. S. SHURGOT: Council met for ten minutes prior to the meeting to discuss personnel matters.

At this time I would like to observe a moment of silence for Mr. Al Volpe who passed away last week. Mr. Volpe had many years of service with the Borough and the School District.

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

MR. S. SHURGOT: at this time we are scheduled to have condemnation hearings. I will now turn the meeting over to our Solicitor who will conduct the hearing.

MR. G. EVASHAVIK: we actually had two hearings scheduled tonight for condemnation. We are not going to conduct any of those hearings tonight and I will explain why. The first hearing we were scheduled for pertains to the property know as 353 Marguerite Avenue. An attorney contacted me and indicated that he is representing the property owner, Rachel Estates and Mr. Ron Yocca. He had a conflict with this evening and could not attend and that Mr. Yocca wants to retain his own engineer to assess the property and get estimates for the repairs. Based on that we agreed to postpone the hearing until September 2, 2008. The second one we were to conduct is at 38 Sprague Street. We haven't received any response from the property owners and we haven't received a report from the engineer about the structural soundness of the property. We are postponing that hearing until August 5, 2008. That concludes the scheduled condemnation hearing at this time.

C. SPICUZZA / M. TRKULA TO ACCEPT THE MINUTES OF THE JUNE 3, 2008 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 5-0.

PETITIONS & MEMORIALS

MS. S. SMITH, PAT MEWS DRIVE: I would like to thank Council for painting the lines on Avenue U. I think that this has resolved our parking problem. I also want to talk about the fundraiser, "Pins for Paws" that I am putting together with North Versailles Police to buy a dog for the police department. Ticket sales have begun and the community support for this is split. It is very important that Council supports this event. North Versailles has a lot to gain by getting this dog and so does Wilmerding. Tickets are \$20 and that includes a small buffet, and raffles for a steeler bowling ball, pirate tickets and a Crosby game shirt. There will also be a Chinese auction and a DJ. Even if you do not bowl stop buy support this cause.

CORRESPONDENCE

1. as you know last month Mr. Carl Tuscan stated that he would be resigning from Council sometime in the middle of June. We received a letter from Mr. Tuscan dated June 15, 2008 resigning his position as Councilman due to work considerations. It was necessary for him to move within the jurisdictions that his employer, and EMS service, serves. He states that it has been a pleasures to serve with you and to serve the residents of Wilmerding Borough over these thirteen years.

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

C. SPICUZZA / K. PETERSON TO RECEIVE AND FILE AND ACCEPT THE RESIGNATION OF MR. TUSCAN. MEMBERS VOTED APPROVAL, 5-0.

2. an ordinance was advertised pursuant to Act 98 of 1992 providing that in certain fire losses the insurance company, association or exchange shall transfer insurance proceeds to the Borough Treasurer as a portion of the insurance proceeds to be held as security against the total cost of removing, repairing or securing the damaged building; providing for fees; providing for penalties for violation and setting forth procedures and requirements pertaining to such insurance proceeds and to the implementation of Act 98 of 1992 in the Borough of Wilmerding.

MR. S. SHURGOT: at this time we will conduct a public hearing on this ordinance. Does anyone have any questions or comments concerning this ordinance.

MR. P. LIVERATTI, AIRBRAKE AVE.: what is this ordinance about.

MR. G. EVASHAVIK: the ordinance provides that if a structure burns down and there is fire insurance on it, the fire insurance company cannot pay the proceeds to the property owner until they get a release from the borough that the structure has not been left standing.

MR. S. SHURGOT: if you remember, we got stuck with a structure on Wood Street and we had to tear it down at our expense.

MR. P. LIVERATTI: when will that go into effect.

MR. G. EVASHAVIK: immediately if Council takes action tonight.

G. JAKUB / K. PETERSON TO ADOPT THE ORDINANCE PERTAINING TO FIRE LOSSES. MEMBERS VOTED APPROVAL, 5-0.

3. received a letter from the Wilmerding Fire Department asking Council to accept two new members to their department. The new members are Jonathan Smeltzer and Frank McElroy.

C. SPICUZZA / M. TRKULA TO ACCEPT THE NEW MEMBERS TO THE FIRE DEPARTMENT. MEMBERS VOTED APPROVAL, 5-0.

4. received a notice from the Allegheny County & Western Pennsylvania Association of Township Commissioners on the annual joint conference to be held at Seven Springs from Sept. 25th to Sept. 28th.

M. TRKULA / G. JAKUB TO RECEIVE AND FILE. MEMBERS VOTED APPROVAL, 5-0.

COMMITTEE REPORTS

PUBLIC SAFETY - S. SHURGOT: the Chief couldn't be here tonight to give his report. One of the citizens asked him a question last month about a car that was parked in the playground on Airbrake Avenue and whether it was cited or not. He wanted everyone to know that on April 17th the gentleman appeared before the Magistrate and found guilty and paid the full fine and costs. For the month of June the police responded to 318 calls and issued 31 citations. The ambulance responded to 59 calls for the

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

month of June and 295 calls for the first half of the year. Mike, are you going to give the fire report.

MR. M. TRKULA: the Fire Department responded to 25 calls in June with 65 man hours; no drills; one training session, 16 man hours; one work detail, 14 man hours and 1 community detail, 4 man hours.

MR. S. SHURGOT: the Fire Department is requesting a meeting with the Public Safety Committee. Mike, can you let the Fire Department know that we will meet with them next Tuesday, July 22nd at 6:30 p.m.

CODE ENFORCEMENT - J. NALEVANKO: everyone has received a copy of my report. There were 46 citations filed and the year to date collection for occupancy licenses is \$21,446. The total collected year to date including occupancy permits and building permits is \$22,668.

PUBLIC WORKS - G. JAKUB: we have gone on a campaign for some of the neglected areas, people that we cannot get a hold of, to clean the lots, the creek bank areas and other places. We had to go out and rent a piece of equipment. Based on that, I want to make a suggestion to Council, that we prepare a bill for the cost of renting the equipment, man hours and etc. to Mr. Yocca for 353 Marguerite Ave. All of a sudden he appears, but doesn't respond to anything when we send him a citation or whatever.

MR. J. NALEVANKO: according the Allegheny County website, the school district was listed as the owner of the property.

MR. G. JAKUB: I would make a recommendation that we put something together because he is going to fight to keep this property and he is going to have to pay us for what we had to do to clear it.

MR. C. SPICUZZA: was there ample notice given to him that he would be charged for any work that we did if he did not clean it up. Is there any documentation that would support this.

MR. G. JAKUB: he cut it last year when he got a notice.

MR. C. SPICUZZA: we have been notifying the school and citing them and dealing with them.

G. JAKUB / C. SPICUZZA TO FILE A MUNICIPAL CLAIM AGAINST MR. YOCCA FOR THE CLEAN UP OF 353 MARGUERITE AVE. MEMBERS VOTED APPROVAL, 5-0

MR. G. JAKUB: all the vehicles have been inspected and all the repairs have been made. We should be good for a while. We are going to start repair on the steps at both Sprague Street and Card Avenue. We will start that Thursday or Friday. We moved the benches that were on the front end, closer to the school, over to the walking trail. Steve, have we sent a letter to the school about maintaining these properties that are jointly owned. We cut it in July so I think in September we need to send them a reminder.

COG REPORT - G. JAKUB: there was nothing at the meeting that affected us. As of June 30, 2008 Norine Kelly retired as the Executive Director and Amanda Settelmaier is the new Executive Director.

ENGINEER'S REPORT

MR. S. SHURGOT: Dave had to leave to go to another meeting. He gave us his report in the workshop. I will try to highlight some of the items that he talked about.

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

1. Dave met with PennDOT on June 16th at which time they made a list of items we and they need to complete for this project to move forward. We are working on our list and expect to complete it by July 31st. PennDOT hopes to advertise for bids in August.

2. bids were opened for the Phase 3 Significant Deficiency Sewer Repair Project. Three bids were received and the apparent low bidder is Fleming - Walker Inc. for a total bid price of \$547,710.00 and specifically the Borough of Wilmerding bid is \$58,650.00 The prices appear reasonable for the work to be performed. It is recommended that the Borough of Wilmerding accept their portion of the bid and award same to Fleming - Walker for the total price of \$58,650.00

K. PETERSON / G. JAKUB TO ACCEPT THE LOW BID FROM FLEMING - WALKER IN THE AMOUNT OF \$58,650 FOR THE PHASE 3 SIGNIFICANT DEFICIENCY SEWER REPAIR PROJECT. MEMBERS VOTED APPROVAL, 5-0.

3. on May 5, 2008 we sent easement forms to the 18 property owners for the storm sewer in the alley behind Welsh Avenue. To date we have received 5 back, signed and notarized.

4. the repairs of two inlets at Clara and Welsh have been completed.

5. the following CD 35 applications have been submitted to COG along with resolutions that we need to pass tonight so that COG can submit the applications on our behalf. The applications are for demolition, the Welsh Avenue Storm Sewer, catch basins, demolition of the YMCA bleachers, step reconstruction, the Ice Plant Hill retaining wall, Middle, Sprague and Card Avenue retaining walls, YMCA basketball court paving and Middle Avenue reconstruction.

G. JAKUB / K. PETERSON TO PASS RESOLUTIONS FOR THE CD 35 PROJECTS AS STATED.

MR. M. TRKULA: do you want to pave that basketball court.

MR. S. SHURGOT: we talked about moving the basketball court over to where the tennis court is.

MEMBERS VOTED APPROVAL, 5-0.

6. the Avenue U guide rail project was awarded and work should begin in late July or early August.

7. we did receive notice from the DCED for preliminary approval of \$10,000 to be used toward the purchase of a pick up.

UTILITIES - M. TRKULA: we received a notice from Comcast that subscribers will be getting the Big Ten Network on or after August 15th on channel 72.

SOLICITOR - G. EVASHAVIK: I was asked at the last meeting to make a review of all the regulations and ordinances pertaining to occupancy permits. I conducted a complete review of all the regulations that we have and I submitted an opinion page about those ordinances and effectiveness. The existing Wilmerding Borough Ordinance Code Book, Sections 4.301 thru 4.307 addresses occupancy of buildings. We have these regulations in place which prohibit any person or entity occupying a building without securing a permit. Before that is done an inspection must be conducted physically of the premises. Our

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

ordinance does provide that for each day of occupancy without a permit shall be considered a separate offense. Which means \$600 a day for each violation. For each day of violation constitutes a separate offense. In my opinion the ordinance is appropriately drafted and does regulate the occupancy of buildings. The teeth of the ordinance is the daily fine which we can impose on the property owner. We also have Ordinance 979, which deals with Occupancy Licenses. If someone does not have a license then they cannot have tenants in their residential property. I think the daily fine, if imposed by the Magistrate, is the tool that we need. I was also asked to review if we have any regulations on PODS. These are portable storage units. Instead of self storage buildings they rent these units and bring them to your house. There is nothing on the books that regulates portable storage units. The only thing close to that is the regulation of temporary construction dumpsters. There are requirements in there about location, size, the length of time, reflectors and all good things that we have. It doesn't apply to these pods because it talks specifically about temporary construction dumpsters. If you want to do something about this let me know and I will draft an ordinance. In the meantime you may want to think what kind of requirements you want to have on these pods. We drafted an ordinance which amends the Property Maintenance Code with regard to vacant commercial and non-residential buildings providing for some type of cover on the windows. If Council is interested in adopting this ordinance then you would need to vote to advertise it. We also drafted an ordinance which establishes guidelines for police officers in the Borough of Wilmerding to make arrests without a warrant. If you recall at the last meeting Chief Comunale appeared and indicated that North Versailles passed a similar ordinance and he felt that it was in the best interest of the police department for Wilmerding Borough to pass the same ordinance. If you want to enact this as Chief Comunale requested you have to vote to advertise it. Lastly, Don Glenn, who is the Borough Engineer, issued a letter on two separate occasions regarding the Park Building to Sean Kerrigan regarding an electrical inspection that was performed. His inspection determined that the building was a safety, health and fire hazard due to the electrical condition of the building. He mandated that Mr. Kerrigan repair the electrical condition of the property and until then may not take in any new tenants. In response to the most recent letter, Mr. Kerrigan has retained an attorney who contacted me and said he wanted to have a hearing an appeal the order by Mr. Glenn. I informed him that the appeal would be heard before the Wilmerding Zoning Hearing Board. It is the Zoning Hearing Board's duty to schedule the hearing at which time the borough would be represented by me and calling Mr. Glenn and any other witnesses that have any information concerning the building.

K. PETERSON / M. TRKULA TO ADVERTISE THE ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE CONCERNING STORE FRONTS. MEMBERS VOTED APPROVAL, 5-0.

K. PETERSON / C. SPICUZZA TO ADVERTISE THE ORDINANCE ESTABLISHING GUIDELINES FOR POLICE OFFICERS TO MAKE ARRESTS WITHOUT A WARRANT. MEMBERS VOTED APPROVAL, 5-0.

FINANCE - C. SPICUZZA / K. PETERSON TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 5-0.

BOROUGH PROPERTY - no report.

RECREATION - K. PETERSON: no report.

PERSONNEL - G. JAKUB: no report.

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

PLANNING - K. PETERSON: James Wright is the new Chairman.

OLD BUSINESS

None

NEW BUSINESS

MR. G. JAKUB: we got involved with the community service program with Judge Barner and we had our first individual this week and I believe he has sixty hours to work off. He will be working with public works, sweeping the streets or whatever we need him to do.

M. TRKULA / C. SPICUZZA TO NOMINATE JOHN THOMAS TO FILL THE VACANT COUNCIL SEAT OF CARL TUSCAN.

MR. S. SHURGOT: are there any other nominations. Are there any other nominations. Are there any other nominations. Nominations are closed. We will take a roll call vote.

ROLL CALL: M. TRKULA, yes; C. SPICUZZA, yes; K. PETERSON, abstain because I would like to meet with the candidates; G. JAKUB, abstain, I would like to meet with the candidates; S. SHURGOT, no. Two votes for, one vote against and two abstentions.

MR. G. EVASHAVIK: if my recollection, and do not hold me to this because I have to check the Borough Code, I think the nomination passes. I need to be sure on this. We have five Council people present and I believe that the abstentions are null and we have three votes, two for and one against, abstentions don't count. If you are considering two votes of the five then the motion doesn't pass. The question is, do the abstentions count in the total number of votes. I cannot say with certainty and I would have to check the Borough Code.

MR. S. SHURGOT: as a reminder there is a workshop next Tuesday at 7 pm. The August 5th meeting is National Night out and we decided to have the meeting here starting at 6:30 p.m. followed by refreshments and some music and other activities down at the park, weather permitting.

MR. G. JAKUB: Greg, if in fact that we find out that it doesn't, does our motion go into effect then, that we meet with the candidates.

MR. M. TRKULA: there was no motion made.

MR. G. JAKUB: Karen did.

MS. K. PETERSON: I asked if I could make that motion.

MR. M. TRKULA: it is too late now.

MR. G. EVASHAVIK: under the rules of order he asked if there were any other motions or any other nominations, and the vote was under way and the vote was taken. Under the Robert's Rules of Order, once he closes any other nominations or motions then the vote has to be completed. I think what Greg is

BOROUGH OF WILMERDING
MINUTES OF THE JULY 15, 2008 REGULAR MEETING OF BOROUGH COUNCIL

asking, in the event that my research concludes that the motion didn't carry, you are under a time table and you can make a motion, in the event ,that my research concludes that the motion did not pass, then what will happen. If I conclude that the motion passed then your motion would be null. You can do that as a precaution.

K. PETERSON / G. JAKUB IN THE EVENT THAT THE MOTION DOES NOT PASS THEN WE WILL MEET WITH THE CANDIDATES. MEMBERS VOTED APPROVAL, 4-0-1 WITH M. TRKULA VOTING AGAINST.

MR. G. EVASHAVIK: I will get an answer to you this week. If the motion passes then the second motion is null. If the motion did not pass , then you would have to schedule interviews and schedule a public meeting for the 29th.

MAYOR' REMARKS - D. POMPOSELLI: everything is running smoothly.

Meeting adjourned at 8:15 p.m.