

BOROUGH OF WILMERDING
MINUTES OF THE OCTOBER 7, 2008 REGULAR MEETING OF COUNCIL

The meeting was called to order at 8:25 p.m. by President S. Shurgot.

MR. S. SHURGOT: Council met in Executive Session prior to this meeting and the condemnation hearing to discuss personnel matters.

The Pledge of Allegiance was led by the President.

ROLL CALL: M. Trkula, present; C. Spicuzza, absent; K. Peterson, present; S. Smith, present; G. Jakub, present; J. Thomas, present; S. Shurgot, present. Mayor D. Pomposelli was also present.

MR. S. SHURGOT: Mr. Spicuzza had to leave due to an emergency.

G. JAKUB/ M. TRKULA TO ACCEPT THE MINUTES OF THE SEPT. 2, 2008 MEETING AS PRESENTED.

MS. S. SMITH: I have a correction that needs to be made to the minutes. Under the ten pin paws report, it was \$26 for tablecloths and balloons and an additional \$5 for the credit union. This will bring the total expenses up to \$317.

MEMBERS VOTED APPROVAL TO ACCEPT THE MINUTES WITH THE CORRECTIONS, 6-0.

PETITIONS & MEMORIALS

MRS. S. ZIBRAT, AIRBRAKE AVE.: I think it was brought up before about the garbage that is put out their garbage before they are supposed to. On Middle Avenue and Airbrake Avenue, I can't say anything about this side because I don't see it that much. Pick up is on Friday morning and on Saturday there is a whole house full of rubbish put out and it stays there until the following week. This has been done several times. We have an ordinance that it is not supposed to be put out until 6 pm the night before pick up. Why do they have to have three warnings for rubbish when we have, and this was said the last time by the Solicitor, that they have to have three warnings before they are cited. Why, when we have rules and regulations.

MR. M. TRKULA: John said that. We talked about that prior to the meeting.

MR. G. EVASHAVIK: I never said that you had to give them three warnings. This subject came up before the meeting. Typically, you give someone one warning, as a courtesy to make sure that they are aware of the rule, and subsequent to that they will be cited.

MRS. S. ZIBRAT: we see it and I don't know why no one else sees it. It is a person that is being evicted from their house and the landlord comes and cleans out the house. It sits there for a week.

MR. G. EVASHAVIK: I can tell you what the law is, which I just did and the procedure. That is not my job, we have a Code Enforcement Officer and he has the authority to issue citations. You would have to direct your question to him after the meeting.

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MRS. S. ZIBRAT: I am directing this to Council.

MR. S. SHURGOT: Council is aware of the situation and we are working on a couple of things that I cannot comment on at this time. We will have a answer of what is going to happen at the November meeting.

MR. P. LIVERATTI, AIRBRAKE AVE.: I have rental property and I received a notice that I need an inspection and all that. It really galls me because I do it and you have other people in town that don't even bother to do it. I have a neighbor next door who has two rental properties and four months ago I called Steve Volpe about that and no one has looked at that property since. They have a for rent sign and this is only one property that I know. Why do we have to wait so long.

MR. S. SHURGOT: Council is in agreement with you and I will give you the same answer I gave Sylvia. We have had problems with Building Inspectors and we thought we had the solution and obviously it is not working. We are in the process of getting something better.

MR. P. LIVERATTI: it hasn't worked for six months and now you are going to get something done.

MR. S. SHURGOT: we are in the works of trying to correct the situation and I can only apologize that it is taking so long.

MR. P. LIVERATTI: you spent all this money on this literature that you sent out. How many replies are you going to have by January 1st.

MR. G. JAKUB: that is the correct way to do it. We are making a change and by the next meeting you will see some other information.

MR. S. SHURGOT: John, when were the first letters sent out for this year. Just give me a rough idea.

MR. J. NALEVANKO: I believe sometime in March.

MR. S. SHURGOT: are we still getting them in. How long did it take to get them all in.

MR. J. NALEVANKO: probably August.

MR. S. SHURGOT: what we are trying to do is get them out early so that they can meet the January deadline.

MR. J. NALEVANKO: let me make a correction. You said you called Steve Volpe and he didn't come out and nobody has been there since. I was there with the homeowner and we went over the problems there. Both tenants are gone and I told him he could not rent it out without an inspection.

MR. P. LIVERATTI: yes they are vacant but the owner hasn't done anything to the property. Another thing, is Council interested in having new people coming into town for businesses. There is a beauty shop and a tanning salon that wants to move into town. Why are they having so much trouble.

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MR. S. SHURGOT: we have the applications for those properties on file and the Building Inspector should be getting to it.

MR. P. LIVERATTI: how can you tell these people who want to bring businesses into town that it might be inspected in January or February. They don't want to wait three months to start their business.

MR. S. SHURGOT: we have an inspector and he is being ordered to do the inspections.

MR. P. LIVERATTI: what happens if he doesn't do it.

MR. S. SHURGOT: then Council can take whatever action they like. We are working on some stuff and I promise you we will have this resolved next month.

MR. P. LIVERATTI: I will come back next month and you will still be working on it.

MS. V. JONES, MIDDLE AVE.: I was here last month representing "Citizens for Tenants Rights" and I wanted to bring you some more specific data. With the help of Amy, in your office, and the Allegheny County website, I prepared these documents which shows all the properties that Sean Kerrigan owns, which ones have occupancy permits and which ones have been inspected. Out of the 86 properties only 5 have the required paperwork. There is a ordinance in town that says if the landlord is cited twice he is prevented from buying any further property. Why isn't that being enforced.

MR. G. EVASHAVIK: we do not have any ordinance that stipulates that. We cannot prevent anyone from buying property.

MS. V. JONES: I am sorry, I meant renting property. He is not allowed to rent any property in town.

MS. S. SMITH: where did you get the date of last occupancy permit.

MS. V. JONES: Amy supplied that information to me.

MS. S. SMITH: I have a cousin that I moved out of one the places listed on Middle Avenue and I know that when Sean bought that place she had to pay for the occupancy permit. You do not have it noted.

MS. V. JONES: he charges the tenants for that but he doesn't apply for them. I know one woman who he charges \$20 a month for an occupancy permit and she doesn't have it. We want to know what is going to happen.

MR. S. SHURGOT: I can tell you that we know there is a conflict between our current Building Inspector and Mr. Kerrigan. We know there is a hearing coming up on ten properties that were not inspected and everything was filled out properly. We are trying to come up with a solution and we are trying to do that by the November meeting.

MS. V. JONES: I have talked to about 75 people and they are afraid to come forward because he has threatened them with eviction. He took my front door last Sunday and tried to keep it overnight and I had to call the police to get my door back.

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MR. S. SHURGOT: I can feel for you with your tenant - landlord problem. All we can do as Council is enforce, but we are not, inspections and that. If someone files for inspection and our guy doesn't go that is sort of our fault too. We have had several problems because we didn't follow up on that and we had appeals to the Zoning Board. If the inspections would have been done it would have saved the taxpayers dollars. We realize that we have a problem. If it is a personal matter then you need to go to the Magistrate and take action.

MS. V. JONES: I understand that, but this is your responsibility. You have ordinances to stop this but you are not enforcing them. Last month you promised me an answer this month.

MR. S. SHURGOT: it has taken a little longer than expected. There has been some hearings and we are trying to take action on a building and that was appealed. We have ten cases going to the Magistrate. We are working on it and we hope to have a positive solution at our November meeting.

MS. V. JONES: this is very frustrating. We are paying him hundreds of thousands of dollars and he threatens the tenants.

MS. A. M. TUCKER, CARD AVE.: has an occupancy permit ever been issued to that one house on Card Avenue. There is a lot of people going in and out. I asked John about the occupancy permit and building inspection. You go to one person and they tell you to see the other person and that person tells you to see the other person. There is about three or four families living in this house, fifteen people, and it has never been inspected and it has no occupancy permit.

MR. S. SHURGOT: John, has anyone applied for any applications for 220 Card Ave.

MR. J. NALEVANKO: I believe so. I believe that the one written for 220 Card is a three unit and it is rented out as a one unit. If an occupancy inspection was performed there is ordinances set up as to the square footage of the building and how many people can live there. If you have proof please bring it. You cannot say this many people live there without the proof.

MR. S. SHURGOT: Chief, with the help of your police department, does our Zoning Officer have the right to go up and do an inspection after proof of occupancy for those people to see if they match our records

CHIEF J. COMUNALE: he can ask how many people live there.

MR. S. SHURGOT: on our form we ask for the names of the people living there. If their name is not on that form then they are in violation, and I believe from our Solicitor, they falsified an application.

CHIEF J. COMUNALE: it is very hard to enforce that. They can tell you that they are staying overnight or just visiting for a few days.

MS. A. M. TUCKER: I was talking to John one time and I asked him how he cites people. He told me that if I rent off of somebody else the property owner is going to get cited but if it is Kerrigan you are citing his tenants and if Council doesn't like it they could fire me.

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MR. J. NALEVANKO: the first of the year all that information what you are talking about and what the other lady was talking about will all be in here. If there is a more in depth report for an occupancy license and inspection any where else in this country so it to me.

MR. A. M. TUCKER: there are buildings that are not getting inspected.

MR. J. NALEVANKO: if it needs inspected it has to be brought to the attention of the Building Inspector. Steve already made the point that we are working diligently to correct that problem.

MR. S. SHURGOT: Chief, can you give us a list of all the police calls to that residence.

MR. H. SLACZKA, CARD AVE.: I do not want to belabor the points that were already discussed. The situation with the garbage in our area is getting worse. There are garbage cans in the alley, people are parking illegally, there are people conducting business illegally and dogs are barking all hours of the day. I have called the police numerous times on the dogs at 220. They have several dogs there and they put them outside and they just bark and bark and bark incessantly. How many calls do we have to register against these people before any action is taken. I have lived there for many years and in my entire lifetime I have never been subjected to this kind of nonsense.

MR. G. JAKUB: has anyone kept track of the three strike action on this property.

MR. S. SHURGOT: the Chief is going to get us a report for that property.

MR. A. FRYDRYCH, WELSH AVE.: I was just wondering if Council made any attempt to contact the other borough's in the valley on the same problems that we are having. I wonder if it is possible to get together with one another and share ideas. What is working in Pitcairn may work here and what is working here may work there. Help each other to solve the problems. There were a couple of articles in the Penny Saver paper about some of the programs that Pitcairn has going. There was one article in there about buying properties up with government grants, rehabing them and re-selling them to families. I asked Council this a few times and you said that it couldn't be done. How can Pitcairn do it.

MR. K. CHARLES, AIRBRAKE AVE.: I am always hearing these complaints about teenagers and they stress to me that there is nothing to do in this town. You need to give them something to do. Fining them and fining the parents is not the answer. I don't see anything here for them to do. You need to find something for them.

MR. S. SHURGOT: I don't disagree with you but if you have any ideas that you want to share with Council or the Recreation Committee.

MS. S. SMITH: I have asked him to sit on the Recreation Committee.

CORRESPONDENCE

1. the CD for the Police Pension fund is up for renewal.

J. THOMAS/ M. TRKULA TO RENEW THE POLICE PENSION CD FOR SIX MONTHS. MEMBERS VOTED APPROVAL, 6-0.

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2. received a request for a handicap sign at 906 Airbrake Avenue. All the necessary paperwork has been received and is in order.

K. PETERSON / S. SMITH TO APPROVE THE HANDICAP SIGN FOR 906 AIRBRAKE AVE. MEMBERS VOTED APPROVAL, 6-0.

3. received a letter from the Allegheny County Library Association informing us that the last day for bookmobile service will be December 17th. In order for the bookmobile to continue in 2009 they will need a signed agreement between Wall and Wilmerding Boroughs and the Library Association. The fee for 2009, for a two hour stop in each borough once a week, will be \$16,000. The cost to each borough would be \$8,000 annually if divided equally.

S. SMITH/ G. JAKUB TO REFER THIS TO SEN. LOGAN WHO HAS HELPED US IN THE PAST WITH THIS PROJECT. MEMBERS VOTED APPROVAL, 6-0.

4. we have an ordinance that needs to be advertised if you wish to enact it. It is an ordinance providing for the implementation of the 2006 International Fire Code, providing for the authority of a Fire Marshall, providing for inspections and penalties and fees.

K. PETERSON / J. THOMAS TO ADVERTISE THE ORDINANCE. MEMBERS VOTED APPROVAL, 6-0.

5. we have another ordinance for your consideration. It is an ordinance regulating open burning in the borough, providing for the authority of enforcement and penalties.

MS. K. PETERSON: does that include the things that people burn in their back yards.

CHIEF J. COMUNALE: right now the borough does not have anything so you would have to go back to the Allegheny County ordinance, which is very vague. It will allow the Fire Marshall and myself and any police officer to enforce this ordinance. It will say what you are allowed to burn, where you can burn and what you can do with it. Basically it is the approved fire places and fire pits.

MR. G. EVASHAVIK: to basically answer your question, it specifically says that burning will be permitted in an approved outdoor rated fire place, fire pit, chimney or fifty-five gallon drum. No burning shall be permitted between the hours of 11 pm and 7 am., must be at least 15 feet from the nearest structure, must be an adult in attendance, things of that nature.

K. PETERSON / G. JAKUB TO ADVERTISE THE ORDINANCE ON OPEN BURNING. MEMBERS VOTED APPROVAL, 6-0.

6. I just received a letter from Wilmerding Renewed Inc. that they would like the Fire Marshall to come over to the Castle to inspect the route they have set up for their Haunted Castle.

MR. D. MILLER: I have talked to them and I will be over there this week.

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COMMITTEE REPORTS

PUBLIC SAFETY - G. JAKUB: the ambulance responded to 42 calls and I do not have the reports from the fire department. Chief Comunale, can you give us your report.

CHIEF J. COMUNALE: we don't get all the ambulance calls but we are exactly at half, 21 calls. I don't know why we do not get them all. The police answered 261 calls for the month of September, we issued 37 citations and 2 parking tickets. We only had one animal complaint and that was from the Postmaster about pit bulls on Welsh Avenue. There were no calls for 220 Card.

MR. H. SLACZKA: I don't remember if I called in September. The opinion in our neighborhood is that the police cannot do anything about the barking dogs during the day.

CHIEF J. COMUNALE: that is not true. The ordinance says that if the dog barks continuously for ten minutes or on and off for twenty minutes. Our procedure is that we answer the call, make a complaint based on what you tell us and we forward that information to the animal control officer.

MR. H. SLACZKA: I will inform my neighbors to call the police every time that those dogs bark continuously.

CHIEF J. COMUNALE: you have to understand that if we get the call and refer it to Ferree Kennels then we would need somebody from the public to testify in court to what happened.

MS. S. SMITH: Chief, how are you coming along with the dog.

CHIEF J. COMUNALE: Officer Locke had training today and the three mile run that we talked about is a five mile run. Once the other officer starts the training then we will start the process to see which one will be the handler.

CODE ENFORCEMENT - J. NALEVANKO: all the occupancy license renewals were sent out Oct. 1st and they have ninety days to comply. There are four pages and they have to sign off that they totally understand Ordinances 979 & 825. There will not be another letter sent out and if they are in violation of those ordinances they will be cited immediately. It states that by signing your name that you have read and understood the summary of the borough ordinances and that you are aware of your responsibility as a landlord and the responsibility of your tenants. The Solicitor has approved this form before it was sent out.

PUBLIC WORKS - J. THOMAS: we received a letter from our insurance company about some signs that needed to be looked at and some items at the playgrounds. All of that has been corrected and the report sent back to the insurance company. The shrubbery around the "Wilmerding" sign has been cut and that was through the efforts of the Turtle Creek Fire Department aerial truck, a couple of guys on the street department and a couple members of the fire department. The idea of purchasing a pick up truck and new salt spreader for the dump is going to be considered. I have all the paperwork and the committee will discuss it this month with a recommendation at the November meeting. The salt shed at the field is a work in progress and it should be started on this weekend and be ready for the upcoming season.

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J. THOMAS/K. PETERSON TO DONATE \$50 TO THE TURTLE CREEK FIRE DEPARTMENT FOR THEIR HELP IN CUTTING THE SHRUBBERY AROUND THE WILMERDING SIGN. MEMBERS VOTED APPROVAL, 6-0.

MS. S. SMITH: is the electrical problem fixed up there by that light.

MR. J. THOMAS: I talked to our electrician and he ordered the parts and just waiting for them to come in.

COG REPORT - G. JAKUB: there is a grant program out there right now called the Community Infrastructure Grant, basically through the Redevelopment Authority. We need to sit down at the next workshop meeting and figure out if we want a street repaired or something else done and put a resolution together to pass at the November on what we would like to apply this grant towards. We were told that rock salt will go up to \$60 a ton by 2010 if everybody stays in the COG program. Other than that it could be upwards of over \$100 a ton. The COG is involved in this redevelopment grant. They put in two grants roughly totaling \$270,000, one for a brush hog and one for a vector. They would like the boroughs to start getting more active in COG and it would be a lot easier for them to make a purchase and for us to rent the equipment.

ENGINEER - D. GILLILAND: on Sept. 30th bids were opened for phase 2 of the Castle landscaping project. Although this work is for Wilmerding Renewed the grant was channeled through the borough and Council must award the project. We had seven bidders for the project and the low bidder was John Zottola Landscaping at \$37,447.25 and the grant was for \$40,000, so we came in under budget. The contractor is qualified to do this work and we recommend that Council award the project to the low bidder

M. TRKULA/K. PETERSON TO AWARD THE CASTLE LANDSCAPING PROJECT TO THE LOW BIDDER, JOHN ZOTTOLA LANDSCAPING, AT A COST OF \$37,447.25. MEMBERS VOTED APPROVAL, 6-0.

MR. D. GILLILAND: PennDOT has finally approved our plans for the Safe Route to School Project. We submitted our plans and specifications to DCNR for the Airbrake Avenue Walking Trail Phase 2. Once they approve it the project will be advertised for bid. The borough did receive a \$10,000 grant for this.

UTILITIES - S. SHURGOT: Chuck is not here and he wanted to report that Comcast has raised their late fee by \$2 and their bank drafts by \$2.

SOLICITOR - G. EVASHAVIK: no report. Everything was covered in the workshop.

FINANCE - J. THOMAS:

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

BOROUGH PROPERTY - M. TRKULA: no report

RECREATION - S. SMITH: we had Oktoberfest on Sunday and approximately 100 people came through. The extra buns and eggs were donated to Holy Angels Church. The Halloween parade will be on

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Oct. 31st and registration will begin at 4:30 p.m. at the borough building and trick or treat will be right after that from 6-8 p.m. We are working on the Christmas party which will be held on Nov. 29th from 12 to 3 p.m. at the Castle. We will have entertainment for the kids and a gentleman who does art work and stories and we will raffle off his artwork after the program. We are also working on a reading program for preschoolers.

MR. M. TRKULA: you said that the Christmas party will be Nov. 29th.

MS. S. SMITH: yes, it is the first day that the Castle will have their Christmas trees up.

MR. M. TRKULA: it seems a little early.

PLANNING - K. PETERSON: we discussed the Russian Hill project and also the use of the school. We will be having quarterly meetings rather than monthly.

OLD BUSINESS

MR. G. JAKUB: Dave Miller had mentioned what is going on in other boroughs. Dave can you give us a brief summary of what is going on with the garbage issues.

MR. D. MILLER: in the workshop this evening about delinquent garbage. I work in Swissvale and our borough has taken a pro active approach to collect past garbage fees. What we have done through our Code Enforcement Office is that they have sent out notices to every property that is delinquent, which was the first step. If no one came in within so many days then the next step was to file a citation at the Magistrate's office. When they received that notice that they had to appear in court they were coming in. Part of the stipulation in waving the fees and penalties is that they had to bring their account up to date. I can give you the phone number and you can call and get more specifications on this program.

MR. J. NALEVANKO: in the letter that we did send out it says that no license will be issued if the owner has any delinquent cost or fees.

NEW BUSINESS

MR. S. SHURGOT: one of our Councilmembers cannot make the workshops on Tuesday's and wanted to change them to Monday's, Oct. 20th, Nov. 17th and Dec. 15th.

J. THOMAS/G. JAKUB TO HAVE OUR SOLICITOR SEND A LETTER TO OUR BUILDING INSPECTOR INFORMING HIM THAT HE MUST INSPECT ALL PROPERTIES THAT HAVE FILED FOR AN OCCUPANCY PERMIT AND PAID THE PROPER FEE. MEMBERS VOTED APPROVAL, 6-0.

MAYOR'S REMARKS - D. POMPOSELLI: I asked Council if they could control the signs that are going up on the hillside that belongs to the County.

S. SMITH/K. PETERSON TO SEND A LETTER TO THE COUNTY ASKING THEM TO GIVE US PERMISSION TO REGULATE THE SIGNS ON THE HILLSIDE. MEMBERS VOTED APPROVAL, 6-0.

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MR. M. TRKULA: what if they say no.

MR. S. SHURGOT: then we tried.

MR. M. TRKULA: what do you mean by regulate.

MR. S. SHURGOT: if anybody wants to put a sign up they have to ask our permission.

Meeting adjourned at 9:20 p.m.