

BOROUGH OF WILMERDING  
MINUTES OF THE SEPT. 2, 2008 REGULAR MEETING OF COUNCIL

The meeting was called to order by President S. Shurgot at 7:50 p.m.

The Pledge of Allegiance was led by the President.

MR. S. SHURGOT: prior to the meeting we met in Executive Session to discuss some personnel issues.

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

M. TRKULA / J. THOMAS TO ACCEPT THE MINUTES OF THE AUG. 5, 2008 REGULAR MEETING OF BOROUGH COUNCIL. MEMBERS VOTED APPROVAL, 5-0.

PETITIONS & MEMORIALS

MS. V. JONES, MIDDLE AVE.: I am here to represent a new group called Citizens for Tenants Rights. We are all having numerous problems and it seems to be with the same landlord, Sean Kerrigan. I checked the codes for the Borough of Wilmerding and I brought a just some of the infractions of these codes. He has no occupancy permits. My house was never inspected. I will use myself as an example. The electricity was wired in such a way that every light and every plug in every room was on 115 amp service, including my two air conditioners. My electricity went out twenty-five times in one day. I told Mr. Kerrigan about this and he told me to just get used to it.

MR. S. SHURGOT: what have you done with your dissatisfaction with the landlord. I am not going to sit here and use this forum to hear your complaints against your landlord.

MS. V. JONES: but aren't you supposed to enforce the rules.

MR. S. SHURGOT: yes. We have a code official that is supposed to cite those violations.

MS. V. JONES: that is not happening. In your codes it also says all public records are open for inspection. I submitted a spread sheet that I requested information on and I was told that I had to go through Mr. Evashavik because all the information cannot be revealed.

MR. G. EVASHAVIK: your request was unusual and unique because of the volume of information that you requested. Naturally, the borough employee turned it over to me and asked for some guidance. How much do I have to provide here, what are the statutes and laws that are applied. My office has actually prepared a written letter to you, which went in the mail today. I know you don't know what that says but I have a copy here and you can read it and I will be happy to talk to you about it after the meeting. Essentially, what the letter says is explaining the information that we can't give you, explaining what information we are going to give you but it also explains that with the volume of information that you requested it is going to take some time. The person who is going to respond is a part time employee and naturally she has borough duties that she has to attend to, but we will respond.

MS. V. JONES: thank you. I guess what we all want is that whoever enforces the codes to come to our houses and enforce the codes. Every time I call one person they tell me to call another person and it seems that we cannot get what we want. My house still has not been inspected and I do not have an

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occupancy permit. What we want is some action. We want to know why it is not being done and when it will be done.

MR. S. SHURGOT: we will get you an answer.

MS. V. JONES: can I expect an answer by the next meeting.

MR. S. SHURGOT: yes.

MR. F. MARUCCI, AIRBRAKE AVE.: I own a business at 772 Airbrake Avenue for a little over thirty years and there is a lot next to me that Duquesne Light owns. It is a right of way with high tension wires on it. My question is, I made an agreement with Duquesne Light thirty years ago. I have a letter some where, and I can't find it, and Duquesne Light has no record of this. I made an agreement with Duquesne Light that I would cut the weeds, plant grass and maintain the property for the use of a right of way to get to my garage. I would like to know what is going on with that property. I heard that they may donate it to you. Can you elaborate on that.

MR. S. SHURGOT: we were contacted by Duquesne Light after our Code Officer visited the property. There were problems with high weeds and uneven sidewalks. They told the Code Officer that after they got it fixed that they wanted to know if the borough would take over that property. That is where it is at now. We are waiting to see if they do the work and we haven't made a decision one way or the other.

MR. F. MARUCCI: after thirty years I have my own landscaper there. I just want to make sure that I am not locked out of my garage if the borough takes it over, that I am still going to have that right of way, the driveway.

MR. J. THOMAS: are you interested in the property.

MR. F. MARUCCI: no, not at all. You can't build anything on it because of the high tension wires.

MR. J. THOMAS: they cut two large trees out and three are still there.

MR. F. MARUCCI: one contractor was the tree men and I guess the next contractor will be the cementers

MR. J. THOMAS: from what I heard they took out all that they are going to take out.

MR. F. MARUCCI: there are lilac bushes there and when they got overgrown I always took care of them and the same way with the grass and weeds. We tried to keep it nice. We have been down there thirty some years and if there is anyway someone can keep me up to date on what is going on.

MS. S. SMITH, PAT MEWS DRIVE: I just want to give you an update on the Pins for Paws fund raiser. I would like to thank Greg for his support, Sylvia who did a great job for me selling 50/50 raffle tickets, Stella, who I worked to death the week up to the event with the Chinese Auction, John for supplying the snacks and North Versailles Bowl for donating the lanes and the food to us to make it a success and we had a great DJ too. The stores in North Versailles and Wilmerding should be commended for all the prizes that they donated to support this. Our expenses were minimal. We paid \$120 for the Crosby shirt, we got the Steeler bowling ball at cost for \$100, we spent \$26 for ribbons and tape for the coverings and \$66 for

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the chicken that was on the buffet. The total expenses was \$317. On the income side, we fell short of our goal for ticket sales. Our ticket sales generated \$2,900, we had donations from various individuals which totaled \$1,140, the Chinese Auction generated \$335 and our 50/50 raffle was \$119. The total income was \$4,494 less our expenses of \$317, our fund raiser netted \$4,177. We all look forward to seeing that dog here in Wilmerding.

MR. S. SHURGOT: Sandy, as Council, we wanted to recognize your efforts for taking on this task. We have a plaque that we would like to present to you. The plaque reads, In appreciation to Sandy Smith for your heartfelt gratitude for your outstanding dedication and service.

MR. K. CHARLES, AIRBRAKE AVE.: in the little research that I have done I understand his position and I would like to apologize to him. As far as I am concerned he is doing a pretty good job but he could work on getting better. I will try to help him out as much as I can and keep up the good work.

MR. P. LIVERATTI, AIRBRAKE AVE.: my understanding is that we have money to continue the walking trail on Airbrake.

MR. D. GILLILAND: yes.

MR. P. LIVERATTI: are they going to do it this year.

MR. D. GILLILAND: we are working on the State to approve our specifications. Once they approve our specifications then it will go out to bid.

MR. R. J. COMUNALE, CALDWELL AVE.: I just to follow up on Pitcairn Street and the clean up that was supposed to occur.

MR. G. JAKUB: we are working on something to see exactly what we own on the bottom corner there. There is an option of putting a salt shed there. Once we find out exactly where it stops then we will try to get the rest of that cleaned up, going upward.

MR. R. J. COMUNALE: how long do you think it is going to take.

MR. G. JAKUB: I can't give you an honest answer.

MR. R. J. COMUNALE: it is just getting worse. Someone came back there and dumped drywall.

CORRESPONDENCE

1. received a letter of resignation from Mr. Steve Volpe resigning from Council since he was appointed to the school board to finish his father's term. His resignation is effective August 12, 2008.

J. THOMAS / G. JAKUB TO ACCEPT HIS RESIGNATION. MEMBERS VOTED APPROVAL, 5-0.

2. an ordinance providing for a mandatory permit for the use of containers for storage.

MR. S. SHURGOT: Greg, can you elaborate on this.

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MR. G. EVASHAVIK: this ordinance was properly advertised for consideration by Borough Council tonight. It address the use of storage containers, whether they are portable storage containers for storing personal property items or anything of that nature. It provides for the regulation of those storage containers, where they can be placed and for what duration. It also calls for an issuance of a permit to place any type of temporary storage container. It also requires certain fixtures on them, such as reflectors and things of that nature. It also provides for penalties. At this time we will call for a public hearing. Does anyone have any questions or comments on this ordinance. No one from the public has indicated that they wish to speak on the ordinance. At this time it concludes the public hearing and Council is free to take action if you desire to enact the ordinance.

G. JAKUB / M. TRKULA TO ADOPT THE ORDINANCE REGULATING THE USE OF CONTAINERS FOR STORAGE. MEMBERS VOTED APPROVAL, 5-0.

3. received a notice from the Borough's Association that they will be holding their Fall Leadership Conference from Oct. 17-19 in Gettysburg.

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

4. received a request from the East Borough's Sport's Hall of Fame to purchase an ad for their annual banquet. Mr. Larry Sobek from Wilmerding will be inducted this year.

MR. S. SHURGOT: I believe in the past we have purchase an ½ page ad for \$50.00. We need a motion to do that or receive and file.

K. PETERSON / J. THOMAS TO PURCHASE AN ½ PAGE AD. MEMBERS VOTED APPROVAL, 5-0.

5. received a request from the East Allegheny Football Boosters to participate in their banner program. Since we have participated in the past the cost will be \$50.00

J. THOMAS / K. PETERSON TO PARTICIPATE IN THE SIGN BANNER PROGRAM. MEMBERS VOTED APPROVAL, 5-0.

COMMITTEE REPORTS

PUBLIC SAFETY - CHIEF J. COMUNALE: for the month of August the police responded to 257 calls, issued 15 citations and 6 parking tickets. The juvenile problem calls are a lot less this summer than in the past summers. Concerning the K-9 unit, with Sandy's money, the money we received from the D.A. and Wal-Mart, we have a total of \$16,735 towards the dog. That is more than enough. In my estimate, to put one dog on the road it would cost \$9,700 a year and it would give us approximately \$7,000 left over to possibly get another dog in the future. That \$9,700 is a pretty safe estimate since we already have the car and a cage for the dog. After Sept. 19<sup>th</sup> the two officers are going to be possibly taking the K-9 or going to training with the City of Pittsburgh. Based on their recommendations we are going to have a meeting to decide which one of them will be picked to be the K-9 officer. Hopefully, after they pass the test we will purchase the dog sometime in December. Sometime in February the officer will be training with the dog and hopefully by next spring they will be on the road.

MR. J. THOMAS: who has control of these funds.

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CHIEF J. COMUNALE: the \$4,177 that Sandy raised she has control of that. I explained to her to keep it in the non-profit account. The \$5,000 we got from Wal-Mart was turned over to the Township and the \$7,558 from the District Attorney's office was also turned over to the Township as well as \$250 from Save-A-Lot. I asked them to put it into a separate account and I don't know if they did or not. The guidelines for the grant from the District Attorney's office states that it has to be used for a K-9 unit or we have to give it back.

MR. G. JAKUB: would we be able to get any kind of report from the Township that the money is in a separate account.

CHIEF J. COMUNALE: I can ask them.

MS. K. PETERSON: on behalf of Johnny's Restaurant they wanted me to thank you for assisting them on the situation down there.

MR. D. MILLER, FIRE MARSHALL: I submitted two ordinances to your Solicitor to review and hopefully you will adopt them.

CODE ENFORCEMENT - J. NALEVANKO: the majority of the letters that were sent out were problems with the tenants and landlords. They cooperated and most of the problems were abated. This month, again, we are working on getting out the 979 Ordinance that the landlords understand that once we send the letter out that there is a problem with the garbage and one month you have a problem with the weeds and the grass and the third month we have to go there for whatever reason, we will start the process of revoking their license. Again, for the citizens that are here, we need cooperation from the Code Enforcement, doing my part of the job, the Building Inspector, who must do his part of the job and now Council brought on a Fire Marshall, which will make it much stronger and work as a team. The licenses for 2009 are ready to go out. We also need to make sure that once the property is vacant that they are inspected properly. It is something that is going to take time.

MRS. A. BRUCE, AIRBRAKE AVE.: what about the garbage on Middle Avenue.

MR. J. NALEVANKO: a letter has to be sent. If they get three letters then we are going to revoke their license to rent in Wilmerding.

MR. G. EVASHAVIK: whenever you go up to the Magistrate and all you have there is John outlining the evidence. The Magistrate hears that and then he hears the side of the property owner. In my experience in attending these hearings, if there are neighbors and residents there to voice their concerns and complaints, the Magistrate is more inclined to come down harder on the violator. If you are interested in attending a hearing, you have a right to be there, contact Mr. Nalevanko and it will help his cause.

MRS. A. BRUCE: my point is, we have a law that you don't put your garbage out before a certain time. You should be allowed to cite them right there and then without following up with a letter. We have the law why not enforce it. You are not enforcing the laws that you have. Why should you go to the Magistrate to enforce the laws that we have had on the books for years.

MR. J. NALEVANKO: I agree. But you have to understand the due process of the law.

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MR. G. EVASHAVIK: he is correct. Every person in the United States, due to our Constitution, is entitled to due process. We can issue the citation but the Magistrate is the only one who can issue the fine. They have the right to a hearing to be heard.

PUBLIC WORKS - G. JAKUB: through the help of the County, we had a piece of equipment come in and knock down the weeds that we couldn't do because of the location. Places like Morningside, Airbrake and Orient. I believe that the things that were discussed at the last meeting, those were some of the issues, especially up on Morningside, the corner area. I need to get Council's opinion on what we want to do with our salt containment area. I have an idea that potentially we look at the idea of putting a roof on the current blocks that we have up at the YMCA field.

G. JAKUB / K. PETERSON THAT WE PUT A ROOF ON THE CURRENT SALT HOLDING AREA NOT TO EXCEED \$2,000 BASED ON APPROVAL OF THE FINANCE COMMITTEE. MEMBERS VOTED APPROVAL, 5-0.

G. JAKUB / K. PETERSON TO PAINT THE CROSSWALK AND THE NO PARKING AREA IN THE MAIN BUSINESS DISTRICT. MEMBERS VOTED APPROVAL, 5-0.

MR. J. THOMAS: in line of what you said about the County helping us with the piece of equipment to cut the weeds. Can we send a thank you letter to Mr. Olcheck and also to Mr. Thompson.

MR. G. JAKUB: we also need to get some over the counter weed killer. Our committee will take care of it.

COG REPORT - G. JAKUB: no report. We will start meeting again in September.

ENGINEER - D. GILLILAND:

1. we have submitted additional specification changes PennDOT had requested and 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 only 5 have been received back, signed and notarized.
3. the Avenue U guide rail project has been completed.
4. Mr. Glenn sent a letter to PennDOT regarding the condition of the retaining wall along Maple Avenue supporting the Tri-Borough Expressway. Mike Trkula reported to me that PennDOT did come out and weld some more plates on the wall in the private alley portion but not on Maple Avenue where conditions are worse. No written response has been received from PennDOT.
5. A response to our specification submitted for the Airbrake Avenue Walking Trail Phase 2 was received. DCNR is requesting native wildflowers be used on the hillside instead of crown vetch. We are making the changes and will resubmit. We have completed the Advance Payment Request for this project.

UTILITIES - M. TRKULA: no report.

SOLICITOR - G. EVASHAVIK: I have already covered everything.

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FINANCE - J. THOMAS:

J. THOMAS / K. PETERSON TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 5-0.

RECREATION - K. PETERSON: we will be meeting within the next two weeks to plan our Halloween Party.

PLANNING - K. PETERSON: no report.

OLD BUSINESS

CHIEF J. COMUNALE: I got quotes on the generator.

MR. S. SHURGOT: we received a grant for \$14,000 for a generator to be used by the communities in the event of a disaster.

MR. G. JAKUB: we received the paper work for the grant for the pick up truck. We are going to have to sit down in the next couple of weeks, public works and finance, to determine what we want to get with the new truck.

NEW BUSINESS

MS. K. PETERSON: since Steve Volpe resigned from Council we have an open seat. At this time I would like to nominate Sandy Smith to fill the vacancy on Council.

MR. S. SHURGOT: are there any other nominations. Are there any other nominations. Are there any other nominations. At this time nominations are closed. We will take a roll call vote and you can signify either yes or no for Sandy Smith to replace Steve Volpe on Council.

ROLL CALL: M. TRKULA, yes; K. PETERSON, yes; G. JAKUB, yes; J. THOMAS, yes; S. SHURGOT, yes. MOTION PASSED 5-0 TO HAVE SANDY SMITH FILL THE VACANT SEAT OF STEVE VOLPE ON COUNCIL.

G. JAKUB / K. PETERSON TO APPOINT MR. HENRY SLACZKA TO THE ZONING BOARD. MEMBERS VOTED APPROVAL, 5-0.

MAYOR REMARKS - D. POMPOSELLI: it looks like we are making a little bit of progress. We have a nice crowd tonight. If anyone has any problems give me a call and I will try to get you an answer.

MR. S. SHURGOT: one last thing that was not brought up under new business.

MR. G. JAKUB: I have a few invoices that we would like to send to the property owners. These are the properties that we took care of when there was no response from the owner. The properties are at 14 and 18 Sprague Street, 353 Marguerite Avenue, 418 Westinghouse Avenue and 124 Middle Avenue. I would like to send this out as a bill to the owners.

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MR. G. EVASHAVIK: certainly you can. If they do not pay it then you can file a municipal claim. We have six months to file a municipal claim. In the meantime you can try and collect from them.

MR. G. JAKUB: we should send them out certified mail.

Meeting adjourned at 8:35 p.m.