

BOROUGH OF WILMERDING
MINUTES OF THE AUGUST 4, 2009 REGULAR MEETING OF BOROUGH COUNCIL

The meeting was called to order at 6:00 p.m. by President S. Shurgot.

The Pledge of Allegiance was led by the President.

MR. S. SHURGOT: I would like to express my gratitude to Council on behalf of my mother and my family for your kind expression of sympathy on the loss of my father.

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

S. SMITH / G. JAKUB TO ACCEPT THE MINUTES OF THE JULY 14, 2009 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 7-0.

PETITIONS & MEMORIALS

None.

CORRESPONDENCE

1. received a request from the East Allegheny Football Boosters to place an ad in the stadium for all events. Since we are a past patron of this program the cost is \$50.

J. THOMAS / S. SMITH TO CONTINUE WITH THE AD. MEMBERS VOTED APPROVAL, 7-0.

2. received a request for a handicap sign for 624 Airbrake. All the necessary paperwork has been received and is in order.

K. PETERSON / S. SMITH TO GRANT A HANDICAP SIGN FOR 624 AIRBRAKE AVE. MEMBERS VOTED APPROVAL, 7-0.

3. received a request for a handicap sign at 427 Patton Street. All the necessary paperwork has been received and is in order.

G. JAKUB / K. PETERSON TO GRANT A HANDICAP SIGN FOR 427 PATTON STREET. MEMBERS VOTED APPROVAL, 7-0.

COMMITTEE REPORTS

PUBLIC SAFETY - G. JAKUB: the ambulance responded to 70 calls and their average response time for emergency calls was 7.05 minutes and for non-emergency call it was 9.26 minutes. The fire department responded to 16 calls for 37 man hours and 1 community detail for 12 man hours. I will now turn it over to Chief Comunale to give the police report.

CHIEF J. COMUNALE: for July we responded to 222 calls for service with 39 citations and 2 parking tickets issued.

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MR. G. JAKUB: we had a bargaining session with North Versailles on the police contract. Basically, it came out that we were at \$160,000 and they wanted \$180,000, needless to say that we compromised on \$170,000. It will be a three year contract with a 4% increase each year. Everything that is in our present contract will stay the same.

MR. J. THOMAS: the cost is about a 20% increase over what we are paying this year. In looking at the figures there is no way around putting a tax increase into effect. We are looking at a range of one to one and a half mills.

G. JAKUB / J. FILIA TO INFORM NORTH VERSAILLES TOWNSHIP THAT WE ARE IN AGREEMENT WITH THEIR OFFER.

MAYOR D. POMPOSELLI: I would like to ask my colleagues not to vote for this because I feel they can do better. Where they got the \$170,000 figure I don't know. I would like my colleagues to hold off until I make a final investigation. Furthermore, I would like a copy so I can read what is in the agreement. You said it is the same as last year except the figures. In the last agreement the police department had the job to take care of our ordinances, you all know here what that story is. This is why I am asking you to hold off on this.

MR. J. THOMAS: I have a question for the Solicitor. We have a verbal agreement with the Commissioners up there. We were asked to come back with this proposal and vote on it then notify them so they can take action at their next meeting. Don't they still have to draw up a formal contract and if everything is not in there on what we stated then we have to start from square one again.

MR. G. EVASHAVIK: nothing is legal until you sign a contract.

MAYOR D. POMPOSELLI: I would like to read the contract to see what it says.

MR. J. THOMAS: we have a verbal agreement and they have to approve the verbal agreement. Then their Solicitor, or whoever, would draw up a formal agreement and then we would have to review that.

MR. G. EVASHAVIK: we are the Solicitor here and in North Versailles. The last time this occurred was the same situation. Our office is in a conflict of interest. We could not advocate for either side, if there is any dispute we would have to step back and you would have to get separate counsel. The last time that wasn't necessary. As long as you are in agreement we can do the work.

MR. S. SHURGOT: we can tell them we are willing to accept the \$170,000 but we have to put the nuts and bolts in it yet.

MR. G. JAKUB: I would like to rescind my motion to state that based on a verbal commitment we are willing to accept the \$170,000 with the four percent increase and subject to review of the final contract details.

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MR. J. FILIA: I will second that motion.

ROLL CALL: M. TRKULA, yes; J. FILIA, yes; K. PETERSON, no; S. SMITH, yes; G. JAKUB, yes, J. THOMAS, yes; S. SHURGOT, yes. Motion passed 6-1 to accept, verbally, the \$170,000 with a four percent increase over three years and subject to review of the final details of the contract.

CODE OFFICER/FIRE MARSHAL - D. MILLER: I have a question for Mr. Gilliland and the Solicitor on an issue that just came up and I will talk with them after the meeting.

CHIEF J. COMUNALE: we took a look at Airbrake Avenue and some of the complaints that you had last month about Airbrake Avenue was under exaggerated on how bad it is over there in the 500 block. I have assigned one officer to handle nothing but ordinances. Today we were in the 400 and 500 block of Airbrake and there will be two houses that will not received letters about their property maintenance. We will hand deliver letters to the tenants/landlord. You can't see this from the roadway, you have to walk the sidewalks to notice this. I have never seen so much garbage, especially the 500 block of Airbrake. If you see it you would not believe it. They eat something and they actually throw it out the window into the yard. It is disgusting and we have to do something.

PUBLIC WORKS - J. THOMAS: the sewer upgrades have started. I am sure people on the north side noticed them working on Airbrake Avenue and on this side Pitcairn Street and King's Way, they have been working. The county brush hog was in town last week and the week before for a couple days and they have completed all their assigned tasks. There is also some work that needs to be and the committee decided to bring back Frank McCurry two days a week at his \$9.50 an hour rate. There are several projects that require a skilled laborer and equipment driver, such as the trough up here on Bluff Street, the rear of the deli where the sewer is collapsing, the George Street steps, which we may be possibly closing, and cleaning out the Shaw Avenue garage, which we do have up for sale.

J. THOMAS / G. JAKUB TO BRING BACK FRANK McCURRY TWO DAYS A WEEK TO COMPLETE THE PROJECTS.

MR. M. TRKULA: do we need him to clean out the garage at \$9.50 an hour.

MR. J. THOMAS: we need him to drive the dump.

MR. J. FILIA: is this on a permanent basis or is it just temporary.

MR. J. THOMAS: it is just temporary.

MR. M. TRKULA: I can't see putting him on for two days right off the bat. It should be on a as needed basis.

MR. G. JAKUB: we can change the motion to state until all the skilled projects are completed.

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MS. S. SMITH: we lost one of our temporary guys for the summer, so that will bring us back down to three. Do our temporary guys work eight hours a day.

MR. J. THOMAS: no, normally between five and six hours.

MR. G. JAKUB: he is a skilled carpenter and also knows his way around masonry.

MS. S. SMITH: if we use him on an as needed basis, can it be more than two days.

MR. S. SHURGOT: the guy is skilled, we need him to get the work done.

MR. J. THOMAS: I would like to rescind my motion to hire Mr. Frank McCurry on an as needed basis.

MR. G. JAKUB: I will second that.

MEMBERS VOTED APPROVAL, 7-0, TO BRING BACK FRANK McCURRY ON AN AS NEEDED BASIS AT \$9.50 AN HOUR.

MR. J. THOMAS: the street department expended 337 hours for the month with a payroll cost of \$6,930.87. The cost for fuel used was \$313.09 and the benefit costs were \$967.66.

MR. M. TRKULA: when is the truck getting inspected.

MR. J. THOMAS: tomorrow.

MR. M. TRKULA: and where is it going to be inspected.

MR. J. THOMAS: up at Cher-Ban's.

MR. M. TRKULA: why are we taking the vehicles out of town to be inspected. Why can't we keep the work in tow.

MR. J. THOMAS: if someone wants to make a motion to tell me where to send it that's fine.

M. TRKULA / J. FILIA TO SEND THE VEHICLES FOR OIL CHANGES AND INSPECTIONS TO PALUMBO AUTO.

MR. G. JAKUB: do you have an appointment at Cher-Ban's tomorrow.

MR. M. TRKULA: he can cancel it. I can't see spending money out of town.

ROLL CALL: M. TRKULA, yes; J. FILIA, yes; K. PETERSON, no; S. SMITH, no; G. JAKUB, no; J. THOMAS, no; S. SHURGOT, no. MOTION WAS DEFEATED 5-2 TO SEND THE VEHICLES TO PALUMBO AUTO FOR OIL CHANGES AND INSPECTIONS.

COG REPORT- G. JAKUB: no report.

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MR. S. SHURGOT: have we heard anything on the money for the demolition.

MR. G. JAKUB: no.

ENGINEER'S REPORT - D. GILLILAND:

1. we need some clarification on the lighting for the Safe Route to Schools project. Where are the lights going, around the monument or on King's Way.

MR. S. SHURGOT: they are going around the monument. The lights on King's Way is a different project.

2. the grant for the Walking Trail Phase 2 project expires December 31, 2010. A CD 36 grant application has been submitted to match the DCNR funds.

3. we are still awaiting approval of the CD 35 Significant Deficiency Sewer Repair Grant using stimulus money. The plans and specifications are ready to advertise once approval is received.

4. COG has awarded the CD 35 demolition project as per Council's request. We have also submitted a request to add 353 Marguerite Ave. An asbestos inspection has to be done. We requested quotes from three firms and only received one response from GSP Environmental in the amount of \$625.00. This is a fair and reasonable price and we recommend the borough accept this proposal. This has to be done in order for any demolition to take place, whether it is now or five years from now.

MR. M. TRKULA: I know it is a condemned building, is there any way we can put the cost on the owner.

MR. G. EVASHAVIK: you can do that. We have six months from the time we incur the costs that a municipal lien claim can be filed at the prothonotary's office.

K. PETERSON / M. TRKULA TO AWARD THE BID FOR ASBESTOS REMOVAL TO GSP ENVIRONMENTAL FOR \$625. MEMBERS VOTED APPROVAL, 7-0.

MR. D. GILLILAND:

5. concerning the parking at Middle and State Street, Chief Comunale and Don made an on site inspection to assess the on street parking situation. The property which once houses a service station is utilizing a 79 foot curb opening along State Street and a 61 foot opening along Middle Avenue. Borough Ordinance #27-501 Section 6, Sub Section C stipulates that the width of any entrance driveway leading from a public street to a service station or other drive in use shall not exceed 30 feet at its intersection with the curb or street line. The day they viewed the site it was noted that a line of vehicles were parked at the front of the existing building. Since a vehicle is about 20 feet long, plus an additional 3 to 5 feet between these vehicles and the building, accounts for the fact that approximately 25 feet along State Street and 25 feet along Middle Avenue can be used to accommodate public parking since the on lot parking obviously prohibits any vehicle from ingressing and egressing within these

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limits. It appears that you can put one additional space on Middle Avenue and two additional spaces on State Street with the property owner enjoying a 30 foot wide means of egress and ingress along each street. The owner of this property at the intersection should have filed a plan with the building inspector delineating the parking spaces and the purpose or use of this property, if it is to be used as a parking lot, the owner should have submitted a plan delineating the access openings, control of storm water, paving and line stripping. Under Section A of the ordinance, if this lot is to be used for parking to serve an off site business then permission can only be granted by the Zoning Hearing Board of Adjustment. If this procedure was not followed then parking is illegal on this site. It appears that the first step is to have the Code Enforcement Officer and/or Building Inspector follow the occupancy and ordinance regulations regarding occupancy and parking. The borough in turn should have proper curbing restored along both State Street and Middle Avenue.

6. Joe, before the meeting, gave me a one call notification that the sewer that was damaged by Equitable Gas at Caldwell and Brown should start to be repaired around August 7th.

MR. M. TRKULA: down at Middle Avenue and First Street the contractor who is doing the sewer work put down chips and they are all over the street from the cars running over them. We are going to have to put cold patch down.

MR. J. THOMAS: Jimmy said that started putting concrete down on Airbrake Avenue and they probably will do the same thing on Middle.

RECREATION - S. SMITH: we are having our night out tonight at the park and I am inviting everyone down there for the festivities. I have to leave right now to go down there and I hope to see all of you down there.

S. SMITH LEFT THE COUNCIL MEETING AT 6:30 P.M. TO ATTEND AND ORGANIZE THE NIGHT OUT FESTIVITIES.

UTILITIES - J. FILIA: John did some research on the cost of our street lights.

MR. J. THOMAS: down the road there will be a cost increase. I will give everybody a copy of how many street lights we have and the cost. We have to make a decision if we want to lower the wattage or take so many lights out.

SOLICITOR - G. EVASHAVIK: we sent a letter to Equitable Gas about the sewer damage at Caldwell and Brown threatening legal action if the repairs are not made. I understand the Engineer said that they received notice today that they are going to start the repairs, is that correct.

MR. S. SHURGOT: yes.

FINANCE - J. THOMAS: the Public Works Committee looked over proposals for a new pick up for the road department and we decided to purchase a 2009 Ford F-350 from Kenny Ross in North Huntingdon. It is the SHACOG contract price and included with that would be a new V Box spreader plus a new plow. The total cost would be \$34,569.

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J. THOMAS / J. FILIA TO PURCHASE A 2009 FORD F-350 PICK UP FROM KENNY ROSS FOR THE SHACOG CONTRACT PRICE OF \$34,569. MEMBERS VOTED APPROVAL, 6-0.

MR. J. THOMAS: at our workshop we discussed the insurance coverage of our three borough employees. They are not being equally covered. To make everything equal according to the handbook that was given to the employees in 2006, the coverage would go from \$56.54 a month to \$91.59 a month, which is a \$35.05 increase per month.

J. THOMAS / K. PETERSON GIVE OUR EMPLOYEES, AS PER THE HANDBOOK, \$15,000 IN LIFE INSURANCE, \$30,000 IN ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE AND \$150 IN DISABILITY. MEMBERS VOTED APPROVAL, 5-0-1 WITH MR. M. TRKULA ABSTAINING.

MR. J. THOMAS: we received a letter from Equitable Gas concerning our service at the borough building. We had the Solicitor look it over and I agree with the Solicitor that it is very hard to read and our hands are tied and they are the only supplier we have.

J. THOMAS / K. PETERSON TO APPROVE THE CONTRACT WITH EQUITABLE GAS AT 28 CENTS PER CUBIC FEET. MEMBERS VOTED APPROVAL, 6-0.

MR. J. THOMAS: we are looking to send our Fire Marshal / Code Officer to a few classes on the construction code and the fire code and another class on permit fees. Each class will cost \$65.

J. THOMAS / M. TRKULA TO SEND OUR FIRE MARSHAL / CODE OFFICER TO CLASS. MEMBERS VOTED APPROVAL, 6-0.

MR. J. THOMAS: under our income for the month we received \$4,416 in sales tax, \$6,787 in garbage collection, \$10,484 in real estate taxes, \$865 from our code office and \$322 in delinquent taxes.

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

BOROUGH PROPERTY - M. TRKULA: when are we opening bids on the Shaw Ave. garage.

MR. S. SHURGOT: the will be opened at our workshop on the 18th.

PLANNING COMMITTEE - K. PETERSON: no report.

OLD BUSINESS

MR. G. JAKUB: at the last meeting we talked about having the Magistrate stop. Due to the shortness of this meeting we are going to try and have him at our September meeting.

MR. D. MILLER: so we have a constable.

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MR. S. SHURGOT: we can use any constable. I have a few names that we can use.

MR. D. MILLER: we had some certified mail that was returned because the people refused to sign for it.

NEW BUSINESS

MR. G. JAKUB: I have someone who did not make it to the petitions and memorials and he wants to present something to Council through the scouts.

MR. ANDREW PRICENER, WESTINGHOUSE AVE.: I am a Life Scout from Troop 107 out of Turtle Creek. I am asking for Council's approval for my Eagle Scout project which is pulling out the weeds around the monument in the park, plant new flowers, level the cobblestones around the monument and putting up a new sign for the park. All the materials will be donated.

MR. M. TRKULA: we have sand if he needs it for the belgian block.

J. FILIA / M. TRKULA TO GRANT ANDREW PRICENER PERMISSION TO COMPLETE HIS EAGLE SCOUT PROJECT WITH THE WORK AROUND THE MONUMENT IN THE PARK. MEMBERS VOTED APPROVAL, 6-0.

MR. J. THOMAS: I should have brought this up under public works. We received a fax today that the bids were opened up for the salt for the upcoming winter season. Cargill was the lowest bidder and we have to make a decision by September 28th if we want to participate. It is about a 24% percent increase from last year and is consistent with the current price for rock salt. Last year we were paying \$42.00 a ton and this year it went up to \$52.75 a ton.

J. THOMAS / G. JAKUB TO ACCEPT THE BID AND COMPLETE ALL THE PAPERWORK NECESSARY.

MR. J. FILIA: how many tons do we use a year.

MR. J. THOMAS: I would say about 150 to 200 tons.

MS. K. PETERSON: where are we storing the salt.

MR. J. THOMAS: right now it is at the field but we are looking at another spot.

MR. G. JAKUB: they made a comment at COG that anyone that was not signed up with SHACOG that prices for salt might exceed \$90 a ton.

MR. S. SHURGOT: you have to remember that we do not have to put this out for bid because SHACOG does that for us.

MEMBERS VOTED APPROVAL TO ACCEPT THE BID FROM SHACOG FOR ROCK SALT AND TO SUBMIT THE NECESSARY PAPERWORK, 6-0.

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MR. G. JAKUB: the crime watch meeting will be on September 16th at 7 pm down stairs.

MR. S. SHURGOT: I have been in contact with Sen. Logan about the trucks getting stuck on the island going into Wall. He has been in contact with the County and also the State.

MAYOR'S REMARKS - D. POMPOSELLI: there was an incident in town where a young lady wrecked her car. The police came and called Allmor but the lady wanted to get her own tow. The officer told her that she has to use Allmor because Wilmerding has a contract with them. I called Chief Comunale and he said we have a contract. It is funny because we don't have a contract. I asked the Secretary and I asked the President and they both said we do not have a contract with Allmor.

CHIEF J. COMUNALE: they have been towing for you since we took you over in 1999.

MAYOR D. POMPOSELLI : I did some checking and there are no rules or regulations for people that tow cars. They can do whatever they please, charge whatever they want and say whatever they want. This lady went up there to get some personnel belongings out of her car and she was told, I wasn't there but she told me this, that she can't take anything from the car. I told this to the Chief. I think we should look into this and advertise. We should make up our own rules and set the fees and what they are and are not allowed to do because they are not regulated by the State. I would like my colleagues to think about it and I would ask the President to call a special meeting soon to get this thing settled. Does Council know if there has been any problems with them.

MS. K. PETERSON: Chief, doesn't the owner of the car have the right to say who they want to tow their car and where to.

CHIEF J. COMUNALE: it depends on the situation. If there is an accident and the cars are on the road and deterring traffic flow, then we go with the tower that is assigned to us. In North Versailles we use two different towers. If the owner would call, say AAA, the police would stay there for a reasonable amount of time, then they would certainly be allowed to say who they want to tow their car.

MAYOR D. POMPOSELLI : we don't have a contract with them

CHIEF J. COMUNALE: they have a contract with the police.

MR. J. FILIA: the police contract that we have, does it cover towing.

MR. G. EVASHAVIK: we can add a designated tower. What the Chief is describing I am agreeing with him. The public has a right to call their own tower but under certain circumstances, such as an emergency, blocking traffic or there are criminal charges and the police are impounding the vehicle. As far as having a contract, when the tower comes and makes the tow, there is no contract between us and the tower. We do not pay for that service. The service is paid for by the owner of the car. The question then is do we have the right to set rates that the tower is going to charge the third party. This is a private arrangement between the tower and the owner of the car. The borough has no involvement.

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MR. S. SHURGOT: we can tell them who we want them to use in emergencies.

MR. G. EVASHAVIK: yes. Right now, as the Chief understands it, it is Allmor. If Council does not want Allmor then you can pick someone else and that is who the police will call.

CHIEF J. COMUNALE: I know in North Versailles, every year they hire certain people to do certain things. I don't know how you do it here.

MR. S. SHURGOT: we haven't done that since we had our own police department. That is the only time we designated who we wanted to tow in an emergency.

Meeting adjourned at 6:54 p.m.