

BOROUGH OF WILMERDING
MINUTES OF THE JANUARY 6, 2009 REGULAR MEETING OF COUNCIL

The meeting was called to order at 7:30 .m. by President S. Shurgot.

The Pledge of Allegiance was led by the President.

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

C. SPICUZZA / K. PETERSON TO ACCEPT THE MINUTES OF THE DEC. 16, 2008 MEETING AS PRESENTED.

MR. M. TRKULA: on page five where you made the motion that any borough employee or official that owes money to the borough and so on. The question I have is that it is not just for this year. Is that correct.

MR. S. SHURGOT: I asked the Solicitor and he said that as long as there is no year in there that is correct.

MEMBERS VOTED APPROVAL 7-0.

PETITIONS & MEMORIALS

MR. P. LIVERATTI, AIRBRAKE AVE.: I don't know if you fellows have been going around the town at night or not but we have a lot of lights out. I gave Joe about two or three last week and since then there are a couple of more lights out.

CHIEF J. COMUNALE: I had my night turn guys go around and get all the street lights that were out. We faxes a bunch of them to Duquesne Light before the holidays and I think you will see them out here soon to take care of them.

MRS. A. BRUCE, AIRBRAKE AVE.: did you file the permit to the DEP for the flood control.

MR. S. SHURGOT: not yet.

MR. A. FRYDRYCH, WELSH AVE.: is there any chance of getting the 200 block of Welsh Avenue, the odd side, getting the garbage picked up in the alley. We were having trouble with the trash in the alley and the solution for the Code Enforcement Officer was to have the garbage picked up on Welsh Avenue. Now we have two problems, the alley is messed up and the front street is messed up.

MS. K. PETERSON: the garbage company said they wouldn't pick up in the alley.

MR. M. TRKULA: the story they told us is that they have one guy with a small truck and the amount of garbage he just couldn't handle by himself.

MR. A. FRYDRYCH: down in the front there are cars parked and I believe that it is harder from them to pick up the garbage because they can't get the truck close to the curb.

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MR. S. SHURGOT: we can call them and see what they say.

MR. A. FRYDRYCH: we never had any problems in all the years that I have been up there.

CORRESPONDENCE

1. received a notice on the annual conference of the League of Municipalities to be held at Seven Springs from April 2nd to April 5th.

J. THOMAS / M. TRKULA THAT ANY COUNCIL MEMBER WHO IS DEBT FREE TO THE BOROUGH BE ALLOWED TO ATTEND THE CONFERENCE AT BOROUGH EXPENSE. MEMBERS VOTED APPROVAL, 7-0

2. received a letter from Ms. Geraldine Homitz that her term has expired on the Planning Commission and that she would like to be considered for another term.

C. SPICUZZA / K. PETERSON TO RE-APPOINT GERALDINE HOMITZ TO A FOUR YEAR TERM ON THE PLANNING COMMISSION. MEMBERS VOTED APPROVAL, 7-0.

3. received a request to transfer the third mortgage for 306 Station Street.

MR. S. SHURGOT: for the new council members, years ago when they built the townhouses here, there were several grants and if you stayed there so long you didn't have to pay the money back, but if you wanted to sell them then the borough would have to okay the transfer.

MR. J. THOMAS: there is no monetary loss to the borough, that was all grant money.

MR. S. SHURGOT: right.

M. TRKULA / K. PETERSON THAT IF EVERYTHING IS IN ORDER THEN TO OKAY THE TRANSFER. MEMBERS VOTED APPROVAL, 7-0.

4. received a letter from James Wright resigning from the Planning Commission effective Dec. 31, 2008.

K. PETERSON / M. TRKULA TO SEND MR. WRIGHT A LETTER OF THANKS AND TO ACCEPT HIS RESIGNATION. MEMBERS VOTED APPROVAL, 7-0.

5. received a letter from Mr. Brian Fricke, who owns rental property in Wilmerding, that he is upset with the new prices for the occupancy permits. He feels that \$75 is outrageous and uncalled for. He feels that he should not have to pay \$75 every time someone moves out. A once a year fee and inspection of the building is more than efficient. He hopes that this matter can be looked at and changed.

G. JAKUB / J. THOMAS TO RECEIVE AND FILE. MEMBERS VOTED APPROVAL, 7-0.

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COMMITTEE REPORTS

PUBLIC SAFETY - G. JAKUB: received the ambulance report and they had a total of 62 calls and the fire department had 24 calls. As Chairman of public safety I got a couple of phone calls recently and it is starting to cause a little bit of an issue and it has given me a concern. The dump truck was out of service and we were using the squad. I am getting calls because the squad is going out on non fire related things. Our squad was at Green Valley Beer Distributor, I don't understand. Can anyone give me an answer to that. If that squad was in an accident we are going to get nothing but static from our insurance company. It is my opinion and as Chairman of Public Safety that squad is not going out for public works any more. I can't take the chance that it is going to be a problem. Also, the squad is being used on personal time and it is not being logged in. I saw the book and there is no log for the squad leaving one day. That is unacceptable. It is not to be used for public works and it is not to be used for personal matters. If it is a fire related matter or if we are picking stuff up like in the past I do not have a problem with that. But to take it out and drive it for a personal vehicle that is going to stop. Chief Comunale will now give us the police report.

CHIEF J. COMUNALE: the police department responded to 232 calls, issued 5 parking tickets and 7 citations. For 2008 we answered 3,093 calls, issued 218 traffic citations, 111 non-traffic citations and 45 parking tickets. For your crime watch meeting on Jan. 21st we are going to put on a program from the Federal Trade Commission on credit card fraud and burglary protection. It is a nice video and there are a lot of handouts. You can get your credit card used without ever leaving your possession.

MR. S. SHURGOT: Chief, I got a letter in the mail from RBS World Bank that your credit card could be on a list of cards that were stolen. For twelve months they would give you this service for free. Is that just a come on.

CHIEF J. COMUNALE: yes.

MR. C. SPICUZZA: it is not a come on. RBS is part of Citizens Bank and what happened was one of their computers was left unsecured and it was discovered that the files were opened. They could not find what files were opened so they sent out this notice to all of our customers that your credit card may have been on the list. We are offering this service for free on a ninety day trial. You do get those letters like that a lot, which are fraud, but this one was actually issued from RBS.

CHIEF J. COMUNALE: if it is possible can some of the Council members attend our meeting on the 15th. If we go down to fourteen officers we will be losing half of our force and there will only be two officers on a shift most of the time.

FIRE MARSHALL - D. MILLER: I worked a total of 36 hours for the month of December. I met with Sean Kerrigan to inspect 6 apartments at 324 Commerce Street. I also verified that the electrical system for the Park House Apartments was inspected by a proper agency. I also inspected 2 apartments in the high rise.

CODE ENFORCEMENT - S. SHURGOT: I have the report from Amy and she sent two letters to people who moved in without a permit. Received a complaint from 408 Welsh Ave. that no inspection was completed before they moved in. Issued 30 residential licenses and to date collected \$3,280. In 2008 they collected \$21,866.

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PUBLIC WORKS - J. THOMAS: we had some front end work done on the dump and we also put four new tires on it and the spreader was finally done at Zoresco's. We still have the Orient Avenue sewer problem and we will take down the Christmas decorations the first decent day we have. The back hoe needs it 1000 hour check up which will cost between \$1,200 to \$1,500 to do this. They will change all the fluids and filters and right now the handbrake is not working and the accelerator sticks. I would like to have this work done by Beckwith.

MR. G. JAKUB: we talked earlier about the front end work. John, as head of public works, you are authorized to spend up to \$500 and any amount over that has to be approved by the committee, which is Mr. Spicuzza and myself and let us know that this stuff is going on. We have never seen a bill and we don't even know if there is a bill in there and we are approving this stuff.

MR. M. TRKULA: it was an emergency repair and we got approval from the President.

MR. G. JAKUB: he is not the committee. He is there if none of us can be there. My other concern is that we need to see estimates. We have never seen estimates on any of these repairs.

MR. C. SPICUZZA: in the past we were just taking it somewhere just to use them. With estimates this will eliminate any problems.

MR. S. SHURGOT: the thing with the dump truck is that it was an emergency repair and I am sure John was not aware of letting the committee know.

J. THOMAS / G. JAKUB TO HAVE MAINTENANCE DONE ON THE BACK HOE AT A COST OF \$1,200 TO \$1,500 BY BECKWITH MACHINES. MEMBERS VOTED APPROVAL, 7-0.

COG REPORT - G. JAKUB: no report.

ENGINEER'S REPORT - D. GILLILAND:

PennDOT has approved our plans for the Safe Route to School Project and advised us that this project will be advertised this year.

We submitted a copy of the plans, specifications and other information for the Phase 2 Walking Trail Project to DCNR on Oct. 1, 2008 for their approval. We asked the DCNR for a response by Dec. 31, 2008 or we would assume the plans were approved and we would proceed accordingly so that we can get the job out to bid and begin work in the spring. I have received no response and therefore I am requesting that Council authorize advertisement for bids for this project. Bids would be opened and available for review at the February meeting.

C. SPICUZZA / S. SMITH TO ADVERTISE FOR BIDS ON THE PHASE 2 WALKING TRAIL. MEMBERS VOTED APPROVAL, 7-0.

The Castle Landscaping Project is dormant until the gazebo is received.

Several problems have surfaced recently relative to the Orient Avenue storm sewer. The first problem stems from the fact that the resident at 409 Orient Avenue has two illegal sanitary connections into the

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borough storm sewer. Since the borough lines are combination, this particular sewer is a separate storm line that ultimately discharges into Turtle Creek. Any sanitary connection into this line is illegal since it is a violation of the Commonwealth Clean Stream Law. I have asked the Allegheny County Health Department to investigate this matter and issue orders to remove the connection. The second problem is that an old storm sewer has collapsed just west of manhole 280. Since the sewer line is collapsed the flow is being forced to discharge which in turn has disturbed the slope equilibrium and allowed settlement to occur. If allowed to remain unchecked this problem could lead to a major slide. Corrective action must occur immediately, and before the spring wet season, otherwise the wet condition will accelerate the collapse of Orient Avenue. It also appears that with immediate corrective action stabilization of the slope will occur. There is also another problem just west or below the damage area. The underground surveillance reveals the old storm line is solidly blocked. Indications are that the underground water and infiltration is escaping over the hillside causing the road to settle. The street damage is only minor compared to the other area. As with the other area corrective action is required before the spring rains. It is recommended that council authorize Glenn Engineering prepare a request for proposals to take corrective action on these two areas. The estimated cost for the first area is about \$5,000 and the second area is about \$6,500. The street area would need to be resurfaced once these are completed but it is not prudent to include this work at this time due to the fact an outrageous price will be quoted since the repair is minor. Instead, quotes should be requested during the paving season from a paving contractor who is working in the area. The repairs can be funded from the sewer fund.

C. SPICUZZA / K. PETERSON TO HAVE GLENN ENGINEERING TO SEEK PROPOSALS FOR THE REPAIRS TO ORIENT AVENUE. MEMBERS VOTED APPROVAL, 7-0.

UTILITIES - C. SPICUZZA: we will wait another week or so to see if the street lights that the Chief mentioned are fixed.

SOLICITOR- N. EVASHAVIK: we received an application from the Castle requesting a tax exemption status.

M. TRKULA / C. SPICUZZA TO GRANT THE TAX EXEMPTION TO THE CASTLE IF THEY AGREE TO PAY US \$2,000 IN LIEU OF TAXES.

MR. N. EVASHAVIK: Council would have to go to them and work out an agreement. If they agree then that would be the time to grant the tax exemption.

MR. M. TRKULA: I will rescind my motion and we can discuss it at the workshop.

K. PETERSON / G. JAKUB SINCE THERE IS NO DEADLINE TO GRANT THEM AN EXEMPTION WE CAN DISCUSS IT AT THE WORKSHOP. MEMBERS VOTED APPROVAL, 7-0.

MR. N. EVASHAVIK: there was also discussions on making additional payments to North Versailles for police protection outside of the contract. It is my recommendation that you stick to the terms of the contract.

We reviewed an ordinance submitted to us on behalf of PA. Municipal Service to collect delinquent taxes and charging penalties and interest and attorney fees. We believe an ordinance already exists. Joe will take a look for it and if you don't have it we can draw one up for you.

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We were asked to review the contract from Building Inspection Underwriters. There is an appellant court case out there that says that you cannot compel your residents to use the borough inspectors. There is language in the contract that states that you must use them and only them and they are not going to sign off on any other inspector. This does not conform with the current law. You can appoint your own employee to approve any borough resident who hired an inspector, and you can make sure that they are properly certified and that they conform with all of your ordinances and codes. In just glancing over the contract I do not think it is any good but I would have to read all of it.

FINANCE - J. THOMAS:

J. THOMAS / C. SPICUZZA TO PAY ALL THE APPROVED BILLS. MEMBERS VOTED APPROVAL, 7-0.

BOROUGH PROPERTY - M. TRKULA: no report.

RECREATION - S. SMITH: we are still doing stories in the Castle. Fifteen people entered the house decorating contest. Those that won were pleasantly surprised. We are looking at a movie night and we are also going to work on our Easter program.

MR. S. SHURGOT: how was the Christmas program.

MS. S. SMITH: the Christmas program was a smashing success. Everyone enjoyed themselves and the Magician was a huge hit with the children. Santa Claus did a fine job too.

PLANNING COMMISSION - K. PETERSON: no report. We did not meet over the holidays.

OLD BUSINESS

MR. M. TRKULA: in the minutes of the September meeting, Greg had invoices that he wanted to send to the property owner for the work that public works did on their property. If they were not paid in six months then you can file a municipal claim against the property. Were any other these mailed out.

MR. J. HARTZELL: out of the five that were sent out by certified mail only two were claimed and the others were returned unclaimed.

G. JAKUB / J. THOMAS TO FOLLOW THROUGH WITH THIS AT THE MAGISTRATE. MEMBERS VOTED APPROVAL, 7-0.

NEW BUSINESS

MR. G. JAKUB: I talked with John and our Public Works Supervisor and he doesn't see any problem of not checking the streets as they drive by. If they find anything of issue or concern they can tell Amy about it and she can send out a letter.

G. JAKUB / S. SMITH TO HAVE OUR PUBLIC WORKS PATROL THE STREETS FOR ANY CODE ISSUES THAT ARE OUT THERE. MEMBERS VOTED APPROVAL, 7-0.

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M. TRKULA / G. JAKUB TO AMEND OUR CURRENT ORDINANCE TO DO AWAY WITH OCCUPANCY INSPECTIONS AND REPLACE THAT WITH A ZONING COMPLIANCE CERTIFICATE FOR A FEE OF \$40. MEMBERS VOTED APPROVAL, 7-0.

MR. D. MILLER: is there a way to get the new ordinances, the open burning ordinance, on the web site.

MR. S. SHURGOT: we tried to put them on there but we had a problem with the CD. We could not open them.

MAYOR'S REMARKS - D. POMPOSELLI: I received a phone call about parking on Welsh Avenue. People are parking with two wheels on the sidewalk. Sometimes you have to but I am not asking them to break the law. Sometimes if you don't the fire truck can't get through. There was one woman who received a ticket and she wanted to have a meeting with the Chief of Police, Council and myself. I told her that I can make it easier if you brought me the ticket and I could talk to the police officer and maybe he could reconsider it. She said okay and I don't even know her name but she never came with the ticket. I get a lot of phone calls on stuff that is not part of the Mayor's job. I try to help but the lack of information on their part I can't do anything. I get a lot of phone calls from people I could help and it is a nuisance to bring to Borough Council. I try to handle them myself and 99 out of 100 it usually works and I call the Chief of Police and it is no problem and I am sure Council would respond the same way as I did. Also, if any of you people want to run for Council or any other public office I will have petitions for you around Jan. 23rd. Once you get them filled out you can bring them back and I will notarize it and send it off to the county.

Meeting adjourned at 8:15 p.m.