

BOROUGH OF WILMERDING  
MINUTES OF THE SEPT. 1, 2009 REGULAR MEETING OF COUNCIL

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

The Pledge of Allegiance was led by the President.

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

M. TRKULA / S. SMITH TO ACCEPT THE MINUTES OF THE AUGUST 4, 2009 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 6-0.

PETITION & MEMORIALS

MR. R. GORDON, COMMERCE ST.: I have an issue with the gentleman who owns the deli down the street. I had a few choice words with the gentleman about the doors at the deli. He told me to come to the meeting because he is not going to do anything about it. I can't get my wheelchair in their because he has items blocking the doors and the aisles. People with walkers and canes also have a problem getting around in the store.

MR. D. GILLILAND: the borough does not do any work on private property to make it handicap accessible.

MR. D. MILLER: the Department of Labor and Industry is responsible for enforcing the A.D.A. Right now we do not have anyone certified to enforce the accessibility codes for commercial properties, existing or new. If you go to their website there is a procedure to file a complaint.

MR. R. GORDON: I also contacted the NAACP and they told me to mention it and to give them a few days to look into it.

MR. D. MILLER: I am also the Fire Marshal and he also has to have those doors opened as a means of egress.

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MR. J. PARRISH, AIRBRAKE AVE.: I am here to ask questions about the home maintenance issues in the 400 and 500 block of Airbrake Avenue. I was wondering if any Board of Appeals has been set up yet if someone wants to appeal.

MR. G. EVASHAVIK: we use our Zoning Hearing Board as our Board of Appeals for all appeals.

MR. J. PARRISH: if I was to use them, where would I start.

MR. G. EVASHAVIK: you would send a letter to the Borough Secretary requesting a hearing and stating the nature of your appeal.

MR. J. FILIA: there is also a cost for the hearing. I believe it is \$450 which would cover the cost of the hearing.

MR. J. PARRISH: is there any way I can get clarification on the issue before I request a hearing.

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MR. D. MILLER: this all stems from Officer Silvis doing her job as Ordinance Officer. We already talked and there is a difference between me and her on how things are wrote. We both interpret the ordinances different ways.

MR. J. FILIA: maybe you can talk with the Chief, Officer Silvis and our Code Officer and ask them to explain it to you.

CHIEF J. COMUNALE: this is the first I am hearing about. In fact there was some discrepancy and I talked to the officer and I was under the impression that everything was taken care of. I questioned her several times on it and she said it was taken care of. You and I will talk about this.

MRS. A. BRUCE, AIRBRAKE AVE.: you should make the property owners aware that the sidewalks belong to the borough but are to be maintained by the resident.

MR. S. SHURGOT: the property owner owns the sidewalk and is required to maintain it.

MRS. A. BRUCE: there are weeds growing up out of the sidewalk and not being cut. I think that they should be told about this.

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MR. P. LIVERATTI, AIRBRAKE AVE.: what is the status of the Airbrake Avenue Walking Trail.

MR. D. GILLILAND: we received one grant and it requires a matching grant. We have applied to the County for a matching grant and we won't here anything about that until January 2010.

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MRS. A. BRUCE: do you have any information on the flood control project.

MR. S. SHURGOT: we received a letter saying that the Army Corps of Engineers is going to clean the creek. I can get you a copy of the letter.

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MR. P. LIVERATTI: can you get the State to clean up the area on Maple Avenue.

MR. S. SHURGOT: we can probably get them to do the hillside.

CORRESPONDENCE

1. received a letter of resignation from Amy Stitely, our Code Enforcement Secretary. Her last day will be Friday Sept. 4<sup>th</sup>. She would be willing to be of assistance whenever a replacement is hired.

K. PETERSON / S. SMITH TO ACCEPT THE RESIGNATION OF AMY STITELY. MEMBERS VOTED APPROVAL, 6-0.

2. received a request from the PA. Sports Hall of Fame, East Borough's Chapter, to place an ad in their program book. This has been done in past and we usually take out a half page ad for \$50.00.

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M. TRKULA / J. THOMAS TO PLACE AN HALF PAGE AD IN THE EAST BOROUGH'S HALL OF FAME PROGRAM BOOK. MEMBERS VOTED APPROVAL, 6-0.

3. received a notice from the PA. State Association of Borough's on their Fall Leadership Conference to be held in Erie from Oct. 16-18.

K. PETERSON / M. TRKULA TO RECEIVE AND FILE. MEMBERS VOTED APPROVAL, 6-0.

4. received a notice from the Allegheny County and Western Pennsylvania Association of Township Commissioners on their annual joint fall conference to be held at Seven Springs from Oct. 1-4.

J. THOMAS / M. TRKULA TO RECEIVE AND FILE. MEMBERS VOTED APPROVAL, 6-0.

5. received a letter from the East Allegheny Family Center requesting permission to hold a "wee walk" in the park to benefit St. Jude's Research Hospital. The walk would be completed by preschoolers and some older children. The walk would take place on Oct. 12<sup>th</sup> from 9:30 to 11:30.

K. PETERSON / M. TRKULA TO GRANT THEM PERMISSION TO HOLD THE WALK. MEMBERS VOTED APPROVAL, 6-0.

6. received a letter from Mr. Mike Volpe requesting repairs be made to Card Avenue Extension. He states that in the past the borough did minor repairs such as patching and spreading road millings. This past winter the street department plowed all the stone and millings off of the alley and they piled them at the dead end. There are now large ruts in the road. He is requesting that the street department pull all the millings and stone back over the large ruts in the road.

MR. D. GILLILAND: I gave Greg all of the correspondence that we have on this.

MR. S. SHURGOT: didn't we vacate that part of Card Avenue. This has been going on for years.

MR. G. EVASHAVIK: there is nothing to vacate. The borough has never accepted ownership as I understand. I talked to Don Glenn this week and I recall this issue coming up years ago numerous times. There are numerous opinions and Don Glenn has supplied me with the history of this. He attached ordinances from 1902, 1908, 1928 and 1936 when these streets were originally accepted. This street was never formally accepted by ordinance. The streets that were accepted he actually has the dimensions. If you just look at that history you can see a ruling has been made based on engineering analysis that the borough never accepted and is not responsible for the subject portion of the street.

MR. S. SHURGOT: can we send Mr. Volpe a summary of what you have.

MR. G. EVASHAVIK: I would say that the best thing you can do is to send him copies of this report.

7. received a letter from Mr. Dominick Parisi commending Mayor Pomposelli, President Shurgot and members of Council, especially Ms. Sandy Smith, on the National Night Out program. It was nice to see so many people out enjoying themselves. Also, the North Versailles Police are to be commended for insuring the safety of all the citizens. Congratulations on a job well done.

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8. Mayor Pomposelli handed me a letter tonight from a gentleman who lives on Glenn Street. He is requesting a handicap parking space in front of his house.

MAYOR D. POMPOSELLI: they requested two spots from Council and you gave them one. I want permission from Council to go up there with the Chief of Police and the head of the street department to check it out to see if there is any way at all for them to get another handicap spot.

MR. M. TRKULA: there is not enough room up there to park. You can't give two handicap spaces to one house.

MR. J. THOMAS: there is only parking on one side of the street and they park on the sidewalk now.

MR. J. FILIA: they would be taking up a space from someone else.

M. TRKULA / TO RECEIVE AND FILE.

MAYOR D. POMPOSELLI: I would like permission from Council to go up there with the Chief of Police and the head of the street department to see if there is anyway at all that we can accommodate them.

MR. M. TRKULA: the public works foreman has already been there.

MAYOR D. POMPOSELLI: did he make a decision.

MR. M. TRKULA: I don't know if he did.

MR. S. SHURGOT: we made a decision at a council meeting several months ago.

M. TRKULA / TO RECEIVE AND FILE SINCE WE DO NOT GIVE TWO HANDICAP SPACES TO ONE HOUSE.

K. PETERSON / S. SMITH TO HAVE THE MAYOR, CHIEF OF POLICE AND THE HEAD OF THE STREET DEPARTMENT GO UP TO GLENN STREET TO SEE IF THEY CAN GET ANOTHER HANDICAP SPOT. MEMBERS VOTED APPROVAL, 5-1 WITH M. TRKULA VOTING NO.

PUBLIC SAFETY - J. THOMAS: Eastern Area Ambulance answered 66 calls for the month of August with the average response time for emergencies 8.04 minutes, the fire department answered 18 calls and expended 94 man hours, 10 hours on training and community details 16 hours.

CHIEF J. COMUNALE: the police responded to 301 calls for the month of August, with 35 citations and one parking ticket issued. There were 60 properties inspected, mainly Airbrake and Middle, and out of those inspections 29 citations were filed today. Also, we have had numerous problems on Middle Avenue. Is there any movement on that in the area where the two restaurants are.

MR. J. THOMAS: we talked about the idea of an egress an ingress of the parking lot should not be the whole length of the parking lot. There is a certain amount of footage.

MR. M. TRKULA: in Dave's report from the meeting he said that it should have gone to the Zoning Board

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MR. J. THOMAS: when the parcel changed hands it should have went to the Zoning Board. What it was used for before and what it is used for now is sort of different and at that time it should have been stated that there should only be so much room to go in and go out of the lot. On the Middle Avenue side if they only utilize so many feet, whatever is required by law, we could gain a couple of parking spaces on that side. The same thing on the State Street side.

MR. S. SHURGOT: obviously we didn't know what they bought the property for. The should have came to us in the beginning. What do we do at this point.

CHIEF J. COMUNALE: it seems that the parking issue is only getting worse. There is also another issue there and it concerns two houses. There is a common area there and they both say that it is their area.

MR. J. FILIA: the owner approached me and he doesn't want them walking between the houses. He said he put up a gate and that they took it off. It is a common walkway between the houses.

MR. J. THOMAS: they would have to get it surveyed. It is probably split down the middle.

CHIEF J. COMUNALE: I think that the parking problem led to this issue. I just wanted to bring it to your attention because it seems the problem is escalating. There is not much we can do.

MR. J. FILIA: can we send letters to both the business owners and the property owners and what the problem is and tell them to settle their feud.

MS. K. PETERSON: there actually should be a survey on file.

MR. S. SHURGOT: can we ask them to get a zoning variance to use it as a parking lot.

MR. G. EVASHAVIK: what was it used for before.

MR. J. THOMAS: a service station.

MR. M. TRKULA: in Dave's letter it said that there should be a thirty foot area for ingress and egress and that there should be proper curbing restored along both streets.

MR. G. EVASHAVIK: the use they are making of it now, is that permitted under the zoning. You can buy property and use it for anything as long as it is in compliance with the usage for that zone.

MR. D. GILLILAND: it was a non-conforming use as a gas station in a residential area. When they changed it from a gas station to a parking lot they would have to get a variance.

MR. G. EVASHAVIK: so it is in a residential area and they are using it for a commercial parking lot, then they are in violation. What they need to do is apply to the Zoning Hearing Board for a variance.

MAYOR D. POMPOSELLI: getting back to what the Chief was talking about, a fellow came over to my office and he discussed a little bit of a runway between the two homes where one of the residents was carrying garbage on that runway. He put a gate up and he said the gentleman just moved the gate aside and we walked through. I told him that is personal and that the borough had nothing to do with it and to get it surveyed to see if it is your property. He even put a sign up "no trespassing".

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MR. M. TRKULA: Chief, how many citations have been issued for curfew violations.

CHIEF J. COMUNALE: I think that two were issued last week, but I don't know exactly how many. I know it is less than 1- for the summer. You have to remember that the first offense we take them home and the second offense we write the citation.

MR. S. SHURGOT: I witnessed two nights ago an officer in front of the deli at 10:15 and there were kids sitting out by the post office and he wasn't sending anyone home.

CHIEF J. COMUNALE: I will look into that to see who the officer was. Also, I talked to Scott from WABTEC and he going to post that area. It is possible that the kids could have been over 18.

FIRE MARSHAL - D. MILLER: everyone has a copy of my report. Since Amy is leaving I cannot be here everyday and there is other things that she did. All the letters are ready to sent out for the rental licenses and the cost will be about \$700. The other thing is, what are we going to do about the certified letters that are not accepted. Is there a constable that can deliver these.

MR. S. SHURGOT: there are a few constables around that we can use.

MS. S. SMITH: also, a reminder that there will be a crime watch meeting on Wednesday Sept. 16<sup>th</sup> at 7 pm downstairs in the Fireman's Recreation Room.

MR. J. FILIA: I want to bring up a few things about the police and what happened with the North Versailles meeting last week. When we met with the North Versailles Commissioners we came up with a verbal agreement of \$170,000 between us and North Versailles for police services and they were either to approve or reject this offer. From what I was able to garner from different people, the Commissioners did not do anything and tabled it because some of them think that it is not close to what we should be paying them for police services. This is all we can afford and we have to raise our taxes to meet this figure. My thoughts are, that we go back to them and say that we had a verbal agreement. Just like everyone in here, that my word is the truth and if I tell you what I am going to do I am going to do it, if I give you my word. They backed out on us as far as I concerned. The Commissioners from North Versailles let us down and backed out on us. I am proposing that we go back to them and tell them that we overextended ourselves at \$170,000 and now we are offering you \$160,000 and say to them take it or leave it. We are going to give you three weeks to answer and if you do not come up with a yes vote, since President Shurgot came up with some figures, we will start our own police force. I think from the figures presented to us we can start our own police force for around \$160,000. This would include one full time officer, who would be the officer in charge, and some part time officers, vehicle and liability insurance, a car, uniform allowance, vehicle maintenance, radios, fuel and court time.

J. FILIA / S. SMITH THAT WE GO BACK TO NORTH VERSAILLES WITH AN OFFER OF \$160,000 AND THAT WE NEED AN ANSWER BY SEPT. 21<sup>ST</sup> WHETHER YOU ACCEPT IT OR DENY IT AND IF DENIED WE WILL MOVE FORWARD ON BRINGING BACK OUR OWN POLICE FORCE.  
MEMBERS VOTED APPROVAL, 6-0.

PUBLIC WORKS - J. THOMAS: our new pick up truck is at Zoresco's and they are waiting for the V box and the plow to be put on. The work on Bluff Street should be finished tomorrow. The road department will be working on the catch basin in the rear of the deli, there is an ongoing problem with sewers. There are several areas that have to be worked on and hopefully we will have enough money in our sewer

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budget to get them all completed with the grant that we received. Also, there was 348.5 hours expended in the street department with payroll cost of \$4,024.87. Mr. Brandon Steininger, one of our part time workers, filled in for our working foreman when he was on vacation, and we talked about giving him eight hours pay for that stand by in July.

J. THOMAS / K. PETERSON TO GIVE MR. BRANDON STEININGER EIGHT HOURS PAY FOR HELPING US OUT IN JULY. MEMBERS VOTED APPROVAL, 6-0.

ENGINEER - D. GILLILAND:

1. we have resubmitted the lighting plans to PennDOT using a standard "acorn style" light in order to get a special provision approved for the Safe Route to School Project.

2. we have received approval of the CD 35 Significant Deficiency Sewer Repair Grant using \$341,600 in stimulus money. Plans and specifications are complete and COG plans to advertise for a bid opening in October or November.

3. COG has awarded the CD 35 demolition project and the contractor is expected to begin work in October. The asbestos inspection at 353 Marguerite has been completed. Asbestos was found in floor tile on the third floor and wrapped around the pipes in the basement. We have solicited quotes for this work including the asbestos abatement. Sealed proposals will be opened Sept. 21<sup>st</sup> at 2 pm in the COG office.

4. Equitable Gas has not completed the repair of our storm sewer at Caldwell and Brown. They said it is on their "to do" list but were delayed by an emergency repair elsewhere.

5. a manhole with collapsed walls was discovered on Caldwell at Lydia Street. We solicited three quotes for emergency replacement of the manhole. The quotes were Lawson Excavating at \$4,200; Soli Construction at \$5,650 and J L Urban at \$5,320. It is our recommendation that Council award the contract to the lowest bidder, Lawson Excavating at \$4,200. They are qualified to do this work and the price is fair and reasonable. They are finishing up a job in North Versailles and could begin work immediately upon your approval.

K. PETERSON / J. THOMAS TO AWARD THE CONTRACT FOR EMERGENCY REPAIRS ON A MANHOLE AND CALDWELL AND LYDIA TO THE LOW BIDDER, LAWSON EXCAVATING, FOR \$4,200. MEMBERS VOTED APPROVAL, 6-0.

6. the County has announced that C.I.T.F. Grant Applications are being accepted until Oct. 1<sup>st</sup>. C.I.T.F. grants are a result of casino taxes. If you recall Wilmerding applied for C.I.T.F. funds for sewer repairs in 2008 and the applications was converted to a CD project which funding was approved in the amount of \$341,600. If you wish to apply for a grant at this time let us know ASAP. One suggestion for an application would be for money to build a salt storage facility.

MR. J. THOMAS: this application that has to be in by Oct. 1<sup>st</sup>, can we discuss it at our workshop to see what we want to do with it.

MR. S. SHURGOT: can we use that money for the walking trail.

MR. D. GILLILAND: yes.

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UTILITIES - J. FILIA: no report.

SOLICITOR - G. EVASHAVIK: our office received a letter from Attorney John Moore, who represents the estate of Anthony Ceresa, who is deceased. They are offering to give the borough a vacant lot on Morningside Avenue, which is owned by Mr. Ceresa, in exchange for release of any municipal claims or liabilities against the estate. The property is a 3,200 square foot lot assessed at \$800. I don't have any idea of the history of this property. If there are any liens against this property, but if Council is interested in accepting this property the first thing we would do is conduct a title search.

MR. S. SHURGOT: if you are familiar with Morningside, it is on the left side going up next to the garage. It is basically vacant hillside.

J. THOMAS / K. PETERSON TO RECEIVE AND FILE.

MS. S. SMITH: is there any maintenance on that like cutting the grass and weeds.

MR. J. THOMAS: yes, we would have to maintain it.

MR. G. EVASHAVIK: there has to be assets in the estate or the attorney wouldn't be involved. They are going to have to try and sell it or do something. Maybe someone will accept it as a donation, maybe the adjacent property owner.

MEMBERS VOTED APPROVAL, 6-0.

FINANCE - J. THOMAS:

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

MR. J. THOMAS: do you want to leave it up to me to set up another meeting with Keystone Collections to see if we can iron out some of the problems with their proposal. Possibly bring the Solicitor to this meeting if everyone is still interested in Keystone. Everyone got a copy of what the Solicitor said about the agreement. Do you think it is still feasible to meet with him or do you want to forget about it.

MS. K. PETERSON: I believe that it is cut and dry and it is going to cost us.

MR. J. THOMAS: I talked to him on the phone and he said that it would not cost the borough anything, but I read into it that it does. I don't know if he can explain it more and one more meeting or not.

MR. J. FILIA: why can't we talk to a few other places that are using them.

MR. S. SHURGOT: we used a company in Monroeville, AAS Debt Recovery, to collect our delinquent sewage. Why can't we have John set up a meeting with them and contact some other people.

MR. J. THOMAS: Steve gave me another outfit out east, United Revenue Collection Service, and they sent me a proposal. Their rate is thirty-three percent of what they collect.



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BOROUGH PROPERTY - M. TRKULA: we put out bids for the Shaw Avenue garage to sell it. We received two bids, one from Baron Landscaping for \$7,000 and the other one was from M J C Landscaping for \$10,000.

M. TRKULA / J. FILIA TO ACCEPT THE BID FROM M J C LANDSCAPING FOR \$10,000 FOR THE SELL OF THE SHAW AVENUE GARAGE. MEMBERS VOTED APPROVAL, 6-0.

M. TRKULA / TO HAVE THE GARAGE CLEANED OUT IN THIRTY DAYS SO THAT THE OWNER CAN DO WHAT HE WANTS TO DO WITH IT.

MR. G. EVASHAVIK: the ad says he has sixty days to come up with the money, so no. What happens if you clean out the garage and he doesn't come up with the money.

MS. K. PETERSON: do we really need a motion to do that. When a property is sold it is supposed to be cleaned, regardless.

MR. G. EVASHAVIK: I don't know what is in there but it is sold as is, so he is taking it as is. It is a courtesy to remove what ever property we have in there.

MR. J. FILIA: I would second that motion if it says thirty days from the date that we get the money.

M. TRKULA / J. FILIA TO HAVE THE GARAGE CLEANED OUT WITHIN THIRTY DAYS FROM THE DATE WE RECEIVE THE MONEY. MEMBERS VOTED APPROVAL, 6-0.

MR. M. TRKULA: our public works is redoing the Wilmerding sign. A roof is going to be over it.

MR. J. THOMAS: the borough has nothing to do with this. Do you think it should be mentioned who is doing it and who is paying for it.

MR. J. FILIA: there is a benefactor in town that is doing it, and if they want to come forward that is fine, but there is no taxpayer funds being used.

RECREATION - S. SMITH: National Night Out was a huge success. I had many favorable comments from people. Our Oktoberfest will be on Oct. 4<sup>th</sup> from 1 - 3 pm over in the park. We are also looking ahead to our Veteran's Day services and Christmas Party. Light up night will be the day after Thanksgiving. The YMCA had a free program for teenagers from 13 to 17 years of age this summer and there was very little participation in this. They will try again next year.

S. SMITH / K. PETERSON TO DONATE \$300 TO THE RECREATION COMMITTEE. MEMBERS VOTED APPROVAL, 6-0.

MS. S. SMITH: for the Halloween parade I am going to try and get the E. A. Band to led it.

PLANNING - K. PETERSON: we did not meet in the summer. Our next meeting is in September.

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OLD BUSINESS

MR. D. MILLER: I attended classes last week and the second class was a lot more educational and informative about establishing justifiable fees. I would like to start work now on a new fee schedule for next year.

MR. S. SHURGOT: why don't you get together with the Finance Committee so that we can get it ready for our budget.

MR. M. TRKULA: a few months ago you asked for volunteers to work with Dave on this and Greg and I volunteered.

MR. J. THOMAS: has anything happened with the intersection at Wall and Station with the island.

MR. S. SHURGOT: I have sent letters and I have talked to Sen. Logan's office and Kathleen McKenzie from the county. The county public works chairman is going to come out and take a look at it. They don't want to take the cement island out because there is a lot of traffic there. They may be willing to take out the cement guardrail along the sidewalk. We are making progress on that.

MS. S. SMITH: have we heard anything more on the cub scout project on cleaning up the monument.

MR. J. THOMAS: I talked to Billy Pricener and he had to get everything okayed through the scouts. He thinks it is probably going to be a fall or spring project.

NEW BUSINESS

MR. J. FILIA: Steve gave me a letter from Baron Landscaping who wants to erect a building on his lot on Pitcairn Street to house his equipment. The approximate size of the building would be 36 feet wide by 80 feet long. This is something that has to go to the zoning board. A letter has to be sent out to him to let him know what the proper procedure is.

MR. G. EVASHAVIK: why does it have to go to the Zoning Board.

MR. J. FILIA: that was just a former lot that was used for parking.

MR. G. EVASHAVIK: what zone is it in. Is it in a residential zone.

MR. J. THOMAS: it is zoned general industrial.

MR. G. EVASHAVIK: if the proposed use to build this storage facility for his landscaping business is a permitted use in that zone, if it is industrial it probably is, then it doesn't need zoning. He needs to make an application to Dave for proposed construction to make sure that it is appropriate within the zone.

MR. D. MILLER: what happened was that he called me and what he really wanted to know is, can he put it there before he spends any money. I told Steve I am not the Zoning Officer and I am not going to give him bad information. I told him to draft a letter and explain what you want to do.

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MR. G. EVASHAVIK: before we get a zoning officer you can confer with the Engineer and he can give you an opinion on where the property is located and in what zone. If it is a permitted use then it is subject to our ordinances and building codes.

MAYOR'S REMARKS - D. POMPOSELLI: I would like everyone who can to help our Recreation Chairman with donations for the Christmas Party, whether it is cash or prizes.

Meeting adjourned at 8:41 p.m.