

BOROUGH OF WILMERDING  
MINUTES OF THE MARCH 2, 2010 REGULAR MEETING OF COUNCIL

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

The Pledge of Allegiance was led by the President.

**ROLL CALL: MICHAEL TRKULA, absent; JAMES FILIA, present; KAREN PETERSON, present; SANDRA SMITH, present; GREGORY JAKUB, present; JOHN THOMAS, present, STEPHEN SHURGOT, present. MAYOR DOMINICK POMPOSELLI was also present.**

**K. PETERSON / TO ACCEPT THE MINUTES OF THE FEB. 2, 2010 MEETING AS PRESENTED.**

**MR. J. THOMAS:** I have a question on the minutes. On page 6 this was involving the walking trail. In Karen's comments on it, it reads what is going on with the walking trail and Dave, the Engineer, stated that the CD grant was turned for matching funds. Does that mean it was returned or are we holding on to it.

**MR. D. GILLILAND:** it was turned down for matching funds.

**MS. K. PETERSON:** so we lost that money.

**MR. D. GILLILAND:** no, we applied for a CD grant for the matching funds and it was turned down.

**MR. J. THOMAS:** then Karen said is there any other place to get the extra funds and Dave stated that at this point he doesn't see any extra money out there. Then Karen said that it looks like we will finish the walking trail.

**MS. K. PETERSON:** I said then it is finished.

**K. PETERSON / G. JAKUB TO ACCEPT THE MINUTES OF THE FEB. 2, 2010 MEETING WITH THE CORRECTIONS. MEMBERS VOTED APPROVAL, 6-0.**

**PETITIONS & MEMORIALS**

**MR. S. VOLPE, LYDIA ST.:** I have a couple of complaints and a couple of questions. Concerning snow removal, I was wondering why Lydia Street wasn't touched. The last time it was plowed was on Friday night around 9:30 pm. I know there was some cable wires down at the top of the street but why didn't they plow the alley and the bottom half of the street. There is a gentleman in the audience who missed two day's work and his wife missed two days work and there is two other people who missed a day of work.

**MR. S. SHURGOT:** for what reason Steve.

**MR. S. VOLPE:** because the street wasn't plowed.

**MR. G. JAKUB:** the top of Lydia wasn't plowed because there were wires down in the snow.

**MR. S. VOLPE:** the street was not done until after I complained.

**MR. G. JAKUB:** I told people who have called my home, and you can deny it or whatever, but we are a spoiled community. I go to Pittsburgh everyday and there are still streets in downtown Pittsburgh that have never been plowed and they have ten times the man power and ten times the equipment that we do.

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**MR. S. VOLPE:** first of all I don't live in Pittsburgh, I live here and I pay my taxes here. They could have made a pass. All the other streets were clean except Lydia and Friday was the last time that they touched it.

**MR. G. JAKUB:** we did make a pass, there was twenty-one inches of snow.

**MR. S. VOLPE:** you know that I have a little back hoe and I did the streets.

**MR. G. JAKUB:** you did your properties, I saw you.

**MR. S. VOLPE:** I did Lydia Street which isn't my property.

**MR. G. JAKUB:** you did the residents parking areas where you own property.

**MR. S. VOLPE:** yes, and I did other ones where I don't own property. The reason I did Lydia Street is because these poor people couldn't get out. I made a path up the street and they dug themselves out so they wouldn't miss another day of work. Also, at the end of Card Avenue there is a handicap lady that lives there and that was not plowed either. One snow they plow it and another snow they don't.

**MR. G. JAKUB:** when I was riding around all the streets got plowed. We could have piled the snow at the end of that street.

**MR. S. VOLPE:** it is that one area where it is in discussion, at the end of Card Avenue. We were supposed to have a meeting on it and we never did.

**MS. K. PETERSON:** I was called by a couple of residents up there and the lower part was not plowed for the first two days and the upper part had wires in the snow.

**MR. S. VOLPE:** it snowed Friday and Saturday and Sunday it was nice and we did not have anybody out. I called some Councilmen and offered my services for free on evenings and weekends.

**MR. G. JAKUB:** who did you call.

**MR. S. VOLPE:** I called a couple of people from Council.

**MR. S. SHURGOT:** he called me and I passed that information on to the Foreman that if he needed extra guys that Steve offered his services.

**MR. G. JAKUB:** I was not told that.

**MR. S. VOLPE:** you also had the borough guys cleaning private lots.

**MR. G. JAKUB:** the gentleman who helps fix things, we made him an entrance so that he can get into his garage in case we needed to get there, which we did.

**MR. S. VOLPE:** there is a handicap lady who lives at the end of a borough road that you should have plowed and you didn't.

**MR. G. JAKUB:** I am telling you that we went through and plowed.

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**MR. S. VOLPE:** another thing, the borough was supposed to get an occupancy permit from Glunt Properties, now Kolek Properties. Did you ever get that. When Glunt sold the property there were a few stipulations that Kolek had to do and they are still not done. They had to do these to get the occupancy permit and he never did. Right now he is still in violation. I was wondering if the borough is going after him.

**MR. D. MILLER:** do you have any files on these properties.

**MR. S. VOLPE:** I inspected some of the apartments randomly. I gave him a report on what needed to be done.

**MR. S. SHURGOT:** do you have any copies of the reports that you filed.

**MR. D. MILLER:** Louise looked through all the files and couldn't find anything.

**MR. S. VOLPE:** when I was the Building Inspector there were certain people who had files and there were certain stipulations, like the curb, which Don Glenn made a report on. Right now he does not have an occupancy permit. I inspected twelve units and I wrote him up on the same items in each unit that he was supposed to take care of. He was supposed to send a check, which he never did, and he was supposed to call me back to do a second inspection.

**MR. D. MILLER:** if you can provide me with the documentation I will follow up on this.

**MR. S. VOLPE:** I will provide you with the documentation on my part.

**MR. D. BIANCO, STATE STREET:** first of all I want to thank you for doing an excellent job on plowing State Street. I own a double lot over there and I was wondering if I could make that a parking lot for Angie's restaurant to use.

**MR. G. EVASHAVIK:** if it is permitted under the zoning ordinance then you can do it. If it is not then you would have to discuss with Dave Miller if it is permitted under the zoning ordinance. You would have to start with him to see if the zoning for a parking lot is permitted under our zoning ordinance for that district.

**MR. S. SHURGOT:** if it is not zoned for a parking lot then you have to go to the Zoning Board to request a variance.

**MR. J. MAURIZI, MIDDLE AVENUE:** I thought you guys did a pretty good job on snow removal. The only problem was that it took three weeks to get it cleared. I own a business over there and there was no parking on Middle Avenue. I was wondering why it took three weeks to clear the snow around my business when the businesses on this side of town were done in a week.

**MR. G. JAKUB:** what we did was pick one street on one side of the town one week and picked one street on the other side another week.

**MR. J. MASON, PAT MEWS DRIVE:** I think the guys did a good job on the snow removal. I only have one complaint. When the plow came through they plowed us back in. My wife is sick and if I needed an ambulance for her there was no way they come in. They could have pushed it across the street. When I looked up there was someone plowing right in front of MC Styles Hair Salon. Why did he plow right in front of MC Styles and plowed the snow in front of some guy's car.

**MR. S. SHURGOT:** we will be having a personal meeting with the gentleman who plows on that side of town. Also, I want to assure you that the ambulance would have been able to get to your home if you needed it.

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**MR. D. PARISI, WESTINGHOUSE AVE.:** during the recent snow storm I have something good to say about members of Council, especially you, President Steve Shurgot. My neighbor you lives above me, with all the snow had leakage all week long. She called me and asked what I could do about it. I saw that the ceiling was ready to fall in. I called the landlord and I had to leave a message. My last thought was to call you Steve and you responded very nicely. The Fire Department responded very quickly and removed the ceiling and stopped the leak. I want to thank you Steve for taking action as quicky as you did and also to thank the Police and Fire Departments.

**MR. P. LIVERATTI, AIRBRAKE AVE.:** I don't know if any of you Councilmen have seen the boys when they come through with the snow plow. When they come down Airbrake Avenue they are going thirty miles per hour. That is pretty fast for that street especially with the blade down. If they should hit something they are going to cause a lot of damage to something. They should take their time going through there. They should use common sense when they are plowing. Also, they could have pushed the snow onto the hillside instead of piling it in the park.

**MR. S. SHURGOT:** I have a different opinion from the people that are speaking tonight. I am going to recognize a lot of people tonight for the work they did doing the snow. This was not a normal storm. You have to understand that we were 5.3 inches away from having more snow than anyone has ever had. We moved seventy some inches of snow and thirty-one inches in a two week period. Our guys were out a total of two hundred ninety-three extra hours on top of the regular forty hours. People got out, the fire department got out and the ambulances got out. The police were able to patrol the streets. I want to take a minute here to recognize all the people and organizations that helped us during this snow storm. First of all I would like to recognize the Fire Department for their extraordinary efforts during the big snow fall in February. This is presented by the Mayor and Council members. Many people don't know that the Fire Department expended 194 hours. We had a live power line down at Middle and Second and they were out and we couldn't get Duquesne Light to come out. We had some residents without power. I am going to give this certificate to John Thomas for the Fire Department. The next one I have is for the North Versailles Police Department which I will present to Chief DiCenzo for their efforts in getting to the calls in Wilmerding. Eastern Area E.M.S. put two extra crews on to cover six municipalities. They responded to every call and every patient got transported. We had the use of the National Guard humvees. This certificate is for the E.M.S. for their efforts during the snow storm. Next I would like to recognize some individuals. First I would like to recognize our Street Foreman Jim Cortazzo. His efforts and his department did an outstanding job for the amount of snow we had. Also, our Laborer Mike Trkula for his efforts during the snow storm. I would also like to recognize Mr. Sean Kerrigan for the use of his dump truck and Robert R.J. Comunale for the use of his hi lift during the storm. These extra pieces of equipment helped us get the streets opened and opened up parking for people so that they wouldn't have to walk on the street. Also, I would like to recognize some of the workers who came out and helped during the snow storm but either operating the hi lift or driving the dump trucks or even shoveling some of the snow from our steps in town. They are Steve Pattakos, John Smeltzer, Rick Mattis, Frank McCurry, Joseph Volpe, Geremy Goldstein, Jonathan Trkula and Tylor Shoaf.. These gentlemen put in over 293 hours to get the snow cleaned up. I came up with a plan on how we could get in touch with people so they can move their cars for us to clean the streets. I got the Coles Directory and Louise Walker, Sandy Smith and my wife, Paula Shurgot and myself made the phone calls and we walked the streets posting signs. I am sure there were a few bumps along the way and I appreciate everyone's cooperation. Sure there were a few problems and we will address them so that it does not happen again.

**MS. S. SMITH:** Steve was instrumental in getting this whole process going. He is not recognized for the work that he does for this town. Without Steve, during this snow storm, we would not have had the snow removed as quickly as it was. I hope you have something in there for yourself because you were the brains to get this done.

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**CORRESPONDENCE**

1. received a letter from the George Westinghouse Days Festival Committee that the festival will be held three days instead of four and it will be from June 3<sup>rd</sup> to the 5<sup>th</sup>. They would like to invite the Mayor to be on the committee and a council person, as this has always been the case.

**MR. S. SHURGOT:** Dave, do you have a time when they will start the sidewalk project. Do we have to make alternate plans to move the festival to the ballfield or will we be okay.

**MR. D. GILLILAND:** I talked to some people from the festival last month and we will make sure that no work is going to be done. We will make the contractor work around them.

**MS. S. SMITH:** Steve, I will volunteer to be on the committee.

**G. JAKUB / K. PETERSON TO GRANT THEM THE USE OF THE PARK FOR THE FESTIVAL.  
MEMBERS VOTED APPROVAL, 6-0.**

2. received a letter from COG asking us to adopt a resolution that would ask the County to appoint an agent to begin the Stormwater Management Planning process. There is no financial commitment and this resolution would strengthen our request to foundations to foot the bill for this plan.

**J. THOMAS / G. JAKUB TO ADOPT A RESOLUTION FOR A STORMWATER MANAGEMENT PLAN.  
MEMBERS VOTED APPROVAL, 6-0.**

**COMMITTEE REPORTS**

**PUBLIC SAFETY - J. FILIA:** Eastern Area Pre-Hospital Services responded to 55 calls in February and they transported 35 patients. Their average response time to emergency calls was 7.3 minutes and to non-emergency calls it was 9.2 minutes. The Fire Department responded to 39 calls in February expending 177 man hours. They had 8 hours for driver training. I will now turn it over to Chief DiCenzo who will give the police report.

**CHIEF V. DiCENZO:** for the month of February the police responded to 208 calls. A brief breakdown on some of the calls. The police assisted the ambulance on 35 calls, answered 20 parking complaints, did 21 community oriented policing and security checks, ten disorderly conducts or loud noise, 8 traffic accidents, 3 burglary calls and five domestics. During the snow storm we utilized our 4 four wheel drive vehicles, which 2 are unmarked. A lot of the time we had our officers double up in them. We used them for approximately two and a half weeks before we could start using our regular cars. At no time was anyone's safety in jeopardy. We had extra officers out because for a whole week there was no school and we used that officer as an extra officer on a shift.

**CODE ENFORCEMENT - D. MILLER:** for the month of February I worked a total of 52 hours. Met with Rev. Thomas concerning the church at 400 Westinghouse Ave. Received a complaint that the steps are falling apart at the Faller Building. I did check those steps and they will need repairs once the weather breaks. Performed several occupancy inspections. I pulled the citation for 143 State Street, Our Place Homemade, because they asked for a zoning hearing and paid the appropriate fee. Attended a hearing at the Magistrate's office for Sean Kerrigan. Mr. Kerrigan was fined \$300 and he has thirty days to pay the fine or appeal the decision downtown. Issued nine citations for delinquent 2009 rental licenses and occupancy permits. Met with Officer Silvis concerning 220 Card Avenue. Spoke to the owner, Sean Kerrigan, to schedule an interior inspection.

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**PUBLIC WORKS - G. JAKUB:** I would like to thank everyone that was involved in getting us through the storm. We were able to stay on top of this storm because at times we were working 24 hours straight. I would like to thank all of our part timers. These are people who worked at similar positions and they came out and did a fantastic job for us. I heard complaints from some people and we will address those. I drive to Pittsburgh every day and I can tell that the local areas did not have the clean up that we did. We are a spoiled community. I have to chase our supervisor home because normally he is only supposed to be out for twelve hours. I have nothing but praise for Jimmy Cortazzo. During this storm we had some problems and we had to use some emergency repairs to our hi lift as well as purchase a brand new set of rear tires so that we could push the snow. We have been out now with the second round of cold patching of the holes in the streets. We got the County to come out and patch the bridge. I would also like to thank the public for their cooperation in moving their cars so that we could clean the streets. I rode around for several days with Mr. Cortazzo to make sure things were getting done. I only could count on one hand the number of cars that were not moved. We came across something that we might have to take a look at. The two parking lots on Station Street, based on some situations that people believed that they belonged to the apartment buildings. I would like to make a motion, based on the Solicitor's approval, to address making one lot permit parking and one lot potentially meter parking.

**G. JAKUB / J. THOMAS TO MAKE ONE LOT ON STATION STREET PERMIT PARKING AND THE OTHER LOT METERED PARKING, BASED ON THE SOLICITOR'S APPROVAL.**

**MR. S. SHURGOT:** do you have an amount in mind that you would charge for permit parking.

**MR. G. JAKUB:** I was thinking maybe \$15 a month for a permit in the lot closet to the hi rise and so many slots for meters in the other lot.

**MR. J. FILIA:** so only half of the lot will be metered, will the other half be permit parking.

**MR. G. JAKUB:** yes.

**MR. G. EVASHAVIK:** you do have an ordinance , Ordinance 899 enacted on Nov. 14, 1989 and I would suggest that you review it. It establishes meter parking lots and un-metered parking lots which would be available on a lease rental basis with a monthly charge. It also identifies which lots are metered and which lots are un-metered and available for lease from the borough. Some of this may be consistent on what you want to do. I would like to see the original ordinance, if you can find it, because it may be much more detailed.

**MS. K. PETERSON:** most of the residents in that area are low income and I was wondering if we could grandfather some of those spots for the people who are on fixed income.

**MR. S. SHURGOT:** there is a lot of free parking around the circle that is available to those residents. This is a parking lot that we pave, we snow plow and we clean up residue from the business and we spend dollars that we get nothing in return.

**MR. G. JAKUB:** we constantly have to clean up those lots.

**MR. J. FILIA:** there is about ten or twelve spots for the residents of the hi rise and they also have parking on Commerce Street.

**MR. J. THOMAS:** what does the castle do with their lot.

**MR. G. JAKUB:** they park at their own risk. At one time they had a chain blocking the lot.

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**MS. S. SMITH:** you are not talking about the hi rise just the other two apartment buildings. You would think the landlord would give them spaces to park.

**MAYOR D. POMPOSELLI:** does any one know what it would cost for the installation of the meters, the policing of the meters, picking the money up, one or two people, and how many meters. Is it worthwhile to even put the meters in

**MR. G. JAKUB:** it is all part of this review of the ordinances. This is only the initial stage, we are just looking at it .

**MR. J. FILIA:** we might decide to do all permit parking. We have to find the meters first.

**MR. J. THOMAS:** the problem is, like Steve said, it costs thousands of dollars to pave those lots and maintaining it through the snow and that. It is costing us money and we are short of funds.

**MAYOR D. POMPOSELLI:** you have permit parking on the other side and I don't see any funds coming in. The signs are up over there, permit parking only.

**MR. J. FILIA:** are those permit parking places for the residents.

**MAYOR D. POMPOSELLI:** people park there to catch the bus to go into Pittsburgh and no one does a thing about it.

**MR. S. SHURGOT:** the Chief can tell you, you can park any where in town no matter where you live.

**MAYOR D. POMPOSELLI:** then why do you need a permit. There are also two hour limit signs there. If you do it for one you do it for all.

**MR. J. FILIA:** we don't own the streets but we do own the parking lots.

**MAYOR D. POMPOSELLI:** the streets are parking lots, the same thing, we own them.

**MR. J. FILIA:** we don't own the streets.

**MR. D. POMPOSELLI:** who repairs them.

**MR. J. FILIA:** there is a difference between property that you own for parking and public streets.

**MR. G. EVASHAVIK:** we do own the public streets and we can regulate parking on them. The point is, if it is a public street and parking is permitted then anyone can park there, unless we regulate it. If we don't then it is open to anyone in town.

**MAYOR D. POMPOSELLI:** I brought up to this body about the parking. The only reason I am bringing it up now is that when you apply for a handicap parking space in front of your house some borough's charge \$10 some charge \$20 Wilmerding charges nothing. Right now anybody can park there. I am in touch with a State Representative and they are trying to change that. We have parking problems in Wilmerding and you have to try to solve them the best you can. You have to think about this a little bit, just don't rush into it. It costs a lot more money for the meters than you think. You have to take everything into account and see if it is worth installing them.

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**MEMBERS VOTED APPROVAL, 6-0 TO MAKE ONE LOT ON STATION STREET PERMIT PARKING AND THE OTHER LOT ON STATION STREET METERED PARKING BASED ON THE FINDINGS OF THE SOLICITOR.**

**ENGINEER'S REPORT - D. GILLILAND:**

1. PennDOT is working with the Borough Office to arrange for funding for inspection services for the Safe Route to School Project. Joe Hartzell went to the PennDOT offices to get a list of approved inspectors. After reviewing the list of inspectors I would recommend that Council select PA. Soil & Rock of Monroeville. We have subcontracted this firm for slide evaluation studies on numerous occasions (including Orient Avenue after Hurricane Ivan) and they have always done a professional job.

**S. SMITH / J. THOMAS TO SELECT PA. SOIL & ROCK OF MONROEVILLE AS THE INSPECTORS FOR THE SAFE ROUTE TO SCHOOL PROJECT. MEMBERS VOTED APPROVAL, 6-0.**

2. the CD 35 Significant Sewer Deficiency Sewer Repair Project should be under construction in April 2010.
3. the CD 35 demolition of the Tonneluka Club should begin within one week. The asbestos removal was completed on February 26<sup>th</sup>. The demolition of 10-14 Morningside and 38 Sprague Street should be underway within two weeks.
4. we have notified Norfolk Southern that they must maintain their sidewalk along Pitcairn Street adjacent to their property and keep it free from snow and ice.
5. the annual Wasteload Management Report was filed with Alcosan as required.

**UTILITIES - K. PETERSON:** no report.

**SOLICITOR - G. EVASHAVIK:** no report.

**PERSONAL - J. FILIA:** no report.

**FINANCE - J. THOMAS:**

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

**MR. J. THOMAS:** to keep our health insurance costs down we opted to make the borough and the employee have a higher deductible. We set up an account so we would have to transfer \$1,875 into this account to cover our portion of the deductible. Hopefully, no one will get sick so that we won't have to use those funds.

**J. THOMAS / S. SMITH TO TRANSFER \$1,875 INTO THE HEALTH ACCOUNT FUND TO COVER OUR PORTION OF THE HEALTH INSURANCE DEDUCTIBLE. MEMBERS VOTED APPROVAL, 6-0.**

**MR. J. THOMAS:** can we have our Borough Secretary send a letter to PA. Municipal Service to send all the delinquent tax accounts to Maiello so that he will have all the back taxes to start the procedure to lien the properties.

**BOROUGH PROPERTY:** no report.



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**RECREATION - S. SMITH:** we will be having a meeting at the end of the month. Our Easter Egg Hunt will be on Saturday April 3<sup>rd</sup> with registration starting at 10:30 a.m. in the park.

**PLANNING - K. PETERSON:** as we discussed earlier there were questions on the use of the website and posting of the ordinances. They also would like a copy of the audit. Joe said for them to stop in any time and he will give them a copy. There is also the issue with Reverend Reed and his property. Council said that no letter needs to be sent to Reverend Reed because there is no issue at this time. They would also like to meet with Council on several issues.

**MR. S. SHURGOT:** some of those issues are citizens issues. The Planning Commission, that isn't the forum they should be using to address these issues. They should address this body as a citizen of the town. I am taking exception that they are using the Planning Committee to address issues that they should be addressing the body of Council as individuals. That is how I feel. I will be glad to meet with them.

**COG REPORT - G. JAKUB:** last Friday I attended the annual meeting at Olympia Hall and Mayor Ravensthal was the guest speaker. He did discuss some things that were beneficial to the surrounding communities of the City of Pittsburgh. He brought up about the electrical coop between East McKeesport, Wilmerding and some of the other boroughs that got involved in that. He talked about sharing services such as the garbage, and based on the fact that our contract would be up in 2011. I talked to him for about fifteen minutes and discussed with him about garbage collection for the borough. I heard from numerous people in Wilksburg and also from some of their members of Council that the city does a great job of garbage collection. Mayor Ravensthal said that based on our location that it may not be a bad idea to sit down and discuss this since they use the landfill in Monroeville. I have set up a meeting to continue this discussion. I also met with Paul Costa and talked to him about some funding for us this year. Last year he brought us \$10,000 and we hoping that he can do the same for this year. There will be a special COG meeting on Thursday at 6:30 p.m. to discuss the regional earned income tax collector. Mr. Shurgot and myself will be in attendance. Also, this is not under COG, but our next crime watch meeting will be on Wednesday March 24<sup>th</sup> at 7 p.m. in the Firemen's Room downstairs.

**OLD BUSINESS**

**MR. S. SHURGOT:** whenever we were going around town posting the signs for the snow removal, I watched one household come down the steps, walk through the snow in front of their house and get in their car and drive away. I was wondering if the newspaper can put something in. You have twenty-four hours after the last snowfall to clean your sidewalks. We still have sidewalks in town, one being the Patton Street Bridge, which has not removed the snow. I have seen people with strollers, I have seen people walking across from the north side to south side and they are walking in the street. The Patton Street Bridge is a high traveled road at a high rate of speed. Our Code Officer is going to enforce the snow ordinance, effective tomorrow, for anyone who hasn't removed their snow. It is almost a month after the big snow and some of our residents are too lazy to clean the snow.

**NEW BUSINESS**

**S. SMITH / J. FILIA TO APPOINT JULIE POWELL AS THE NEW TAX COLLECTOR EFFECTIVE IMMEDIATELY. ROLL CALL: J. FILIA, yes; K. PETERSON, abstain, I did not see her application, S. SMITH, yes; G. JAKUB, yes; J. THOMAS, yes; S. SHURGOT, yes. MOTION PASSED TO APPOINT JULIE POWELL AS TAX COLLECTOR, 5-0-1.**

**MAYOR D. POMPOSELLI:** I want to veto the motion.

**MR. S. SHURGOT:** you can't veto a personal matter.

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**MAYOR D. POMPOSELLI:** yes I can. I checked with the Solicitor.

**MR. G. EVASHAVIK:** you cannot veto this because it is an appointment. We talked about if it is a ordinance. This is an appointment to fill a vacancy. If there is a tie then you can break the tie.

**MAYOR D. POMPOSELLI:** I submitted a letter as Chairman of the Democratic Committee stating our recommendation for the position of Tax Collector.

**MR. S. SHURGOT:** Mayor, who appointed you to the Democratic Committee.

**MAYOR D. POMPOSELLI:** Burns

**MR. S. SHURGOT:** do you have a letter stating that.

**MAYOR D. POMPOSELLI:** no

**MR. S. SHURGOT:** myself and my wife, being the elected people to the Democratic Committee, are no longer on it, and the people that needed to be replaced were Mr. & Mrs. Tuscan, from the north side of town who moved away. How can you take it upon yourself to become the Chairman of the elected Democratic Committee. You have people on that committee who were not elected.

**MAYOR D. POMPOSELLI:** you submitted a letter of resignation.

**MR. S. SHURGOT:** I never submitted a letter. If you have the letter then show it to me. I sent a letter to Mr. Burns to appoint you and Anna Marie Tucker to the committee. We talked to Mr. Burns at Seven Springs and he never received those letters. I go down and vote for the endorsed candidates because I am still on the list as the endorsed democratic person in Wilmerding. I don't know where this new committee came from with the letter that you sent in.

**MAYOR D. POMPOSELLI:** if it was determined that the letter is illegal then it should have been read. They are legally appointed by Mr. Burns. I have it in writing when he appointed me.

**MR. J. FILIA:** we need to take at the garbage situation on how we are billed. I think we are being billed for a lot more residents and addresses than what we are being paid for. I think that any address in the borough should be billed for garbage. I know that there are a lot of old homes on Middle Avenue that have been converted into two families.

**MR. J. THOMAS:** every house should be billed whether it is occupied or not. We are being billed for 986 houses from Waste Management.

**MR. J. FILIA:** we pay between \$11,000 and \$12,000 a month for garbage pick up.

**MS. K. PETERSON:** if they are vacant properties why are we getting billed.

**MR. J. FILIA:** because that is what the contract calls for.

**MR. G. EVASHAVIK:** you have the right under the contract to challenge the count. If you can show that the property is going to permanently vacant then they can remove it from the list.

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**MR. J. FILIA:** how often is it updated. Is it an accurate count. If we are sending out 750 bills and we are being billed for 1,000 houses.

**MR. J. HARTZELL:** you have to realize that some of those bills have two or three units on them.

**MR. J. FILIA:** we need to look at it more closely to make sure we are paying for the right amount.

**MR. G. EVASHAVIK:** to get an accurate count you need to walk up and down every street and count each house. Before you challenge Waste Management you have to make sure you are right. It requires a lot of time and leg work to see if it is accurate.

**MR. J. THOMAS:** are we within our rights to bill vacant properties.

**MR. G. EVASHAVIK:** you have to look at our ordinance. If our ordinance requires that they pay whether it is occupied or not, then it is legally to do so. Some ordinances have exceptions. If a vacancy is more than six months then you can suspend payment. I don't know what our ordinance provides. Look at our ordinance and that would be your guide.

**MS. K. PETERSON:** given the expense that we have to put out, I would like Council to reconsider going to Seven Springs and put that money to better use. Right now we do not have a lot of extra money.

**MR. G. JAKUB:** based on all our conversations with the Auditor, and how we need to address our record keeping and so forth. When we went up to the storage area above the Mayor's office, we have records that are getting damaged by water. We are going to have to take some space from some of these offices here so that we can start putting records in there so it will be dry and safe. I don't know how you want to handle this but we can't afford to keep that stuff up there because it is getting damaged by water.

**MR. A. FRYDRYCH, WELSH AVE.:** you were talking about the ordinance where the sidewalk should be shoveled after the last snow. What do we do with the snow that the borough put on the sidewalk. I shoveled my sidewalk and now there is five feet of snow that the borough put on there.

**MR. S. SHURGOT:** we can have them go back and clean it.

**MR. P. LIVERATTI, AIRBRAKE AVE.:** do we elect a new Tax Collector.

**MR. S. SHURGOT:** we appointed the new Tax Collector tonight, Julie Powell.

**MAYOR'S REMARK'S - D. POMPOSELLI:** my apologies to the new Tax Collector. I do not know you and I did not see your resume. Steve and I had a personal argument and I am sorry we had to do it in public. At the next meeting I will have a letter from the Democratic Chairman appointing me. I will also check on the attorneys ruling that I am not allowed to veto it. I am sorry that it had to come up between Steve and I. We did talk about this and he did resign, that is my word and he told me he didn't.

**MRS. A. BRUCE, AIRBRAKE AVE.:** where there other people who put their applications in for Tax Collector.

**MR. S. SHURGOT:** one name was submitted by the deadline, and there were two names that were submitted after the deadline. There was a deadline of the 21<sup>st</sup>.

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**MRS. A. BRUCE:** where was that posted at.

**MR. S. SHURGOT:** it was published in the Daily News. As far as Council was concerned only one made the deadline.

**MRS. A. BRUCE:** did everybody know when the deadline was.

**MR. S. SHURGOT:** it was in the Daily News and I believe it was also in the minutes.

Meeting adjourned at 8:44 p.m.