

**BOROUGH OF WILMERDING
MINUTES OF THE SEPT. 13, 2016 REGULAR MEETING OF BOROUGH COUNCIL**

The meeting was called to order by President Stephen Shurgot at 7:00 p.m.

The Pledge of Allegiance was led by the President.

ROLL CALL: REV. DOROTHY REEVES, present; KAREN PETERSON, present; LINDA KIRK, present; SANDRA SMITH, present; PAULA SHURGOT, present; JOHN THOMAS, present; STEPHEN SHURGOT, present. MAYOR GREGORY JAKUB was also present.

REV. D. REEVES / S. SMITH TO ACCEPT THE MINUTES OF THE AUGUST 9, 2016 MEETING AS PRESENTED. MEMBERS VOTED APPROVAL, 7-0.

PETITIONS AND MEMORIALS

MRS. E. BARRETT, HERMAN AVE.: I printed out the ordinance on landlords and when I read through it you have the means and power to revoke their license for the safety of the community. You have an addendum to the license renewal that states that the premises must be kept in a good and safe condition. Why are you not invoking this law? It says that if they are not in compliance, Council or the Code Enforcement Officer can revoke their license. I want to know when you are going to do something. Someone needs to get a handle on this. There is too much criminal activity going on and nothing is being done. I don't care who the landlord is, they are harboring people with warrants and to me that is not safe for the citizens of the town.

MRS. M. MEIGHAN, FOURTH ST., N. VERSAILLES: I am here to support what Mrs. Barrett has said and we do have recourse. According to the Pennsylvania Consolidated Statutes says that if you have property that has an adverse impact, including the display of dangerous weapons on or near the property, the discharge of firearms on or near the property, and you have investigated that there are drugs on or near the property, housing or health code violations, accumulation of trash in common areas or if you increase fear of residents to walk through this area, including sidewalks and streets, you are able to file a drug nuisance complaint with the state. Also, I asked at the last meeting if anything can be done with that \$30,000 outstanding garbage fee. You have adopted an ordinance that states that the municipality can collect the rent from the tenants if the landlord fails to pay the taxes. Please do something.

MR. G. EVASHAVIK: you can only collect the rent for delinquent real estate taxes not for garbage. We could file a municipal lien in the Court of Common Pleas Civil Division.

MR. P. LIVERATTI, AIRBRAKE AVE.: I have the delinquents for garbage and taxes for the last year. Why are you not pursuing this? You turn it over to the tax collector and they do not do anything. There must be some way we can take action on these people.

MR. J. THOMAS: Council is aware of this. We have talked to the delinquent tax collector and there is a certain process that we have to go through. It is tied up in the courts and it is very time consuming. For the month of August they collected \$1,070 in delinquent garbage and \$2,218 in delinquent taxes.

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MR. G. EVASHAVIK: there has to be a valuation on the collection of these taxes. We have to pay all the expenses. We just don't have the money to do this.

MRS. K. MAXWELL, HERMAN AVE.: we all have concerns of what is going on in this town and what is perceived you are not doing. We are coming here asking questions and we are not getting any response. When you do it is like we will check into it and at the next meeting we get nothing. We talked about Kerrigan the last three months that I have been here and we have offered solutions to you guys. He owes over \$40,000 to this town. He is collecting rent from all of his properties and he is not paying you. You need to hit him in the pocket and stop issuing him occupancy permits. You have to do something with him.

MRS. M. MEIGHAN: Mr. Evashavik, how much would it cost to file a law suit in the Court of Common Pleas to get our money back? His debt is not going down it is just going to get worse.

MR. G. EVASHAVIK: they have a fee schedule, I do not know what it is but we can inquire to find out. If it is worthwhile Council can direct them to do that. I know they haven't done that because they are on a payment plan.

MR. S. SHURGOT: we met with our delinquent collector and I asked them to get me a list of how much Mr. Kerrigan owes us in garbage and taxes and how much he has made payments on. I asked them to take him off the payment plan immediately. We also instructed them to file municipal claims against him. We also are going to see if we can take some of his properties to sheriff sale.

MR. A. FRYDRYCH, WELSH AVE.: if I remember right, if he pays monthly on the amount he owes at the end of twelve months he is accruing more debt. I have a neighbor up there that has gone eleven months without an occupancy permit, 277 Welsh, no one has inspected the place yet and there are people living in it. No one is doing anything about it.

MR. S. SHURGOT: Michael, have we filed a citation.

MR. M. JAKUB: I do not do occupancy inspections.

MRS. M. MEIGHAN: but you can still collect the rent off of his tenants.

MR. S. SHURGOT: I don't know why we haven't. I know that we did that with my neighbor.

MR. S. VOLPE, CARD AVE.: I asked a long time ago if there are code enforcement issues if you could put it online.

MR. S. SHURGOT: whenever we let our other guy go we had trouble getting reports. Now that we have COG doing the inspections they know what we want every month.

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MR. S. VOLPE, CARD AVE.: we had a meeting in Glassport and we invited the landlords, the District Magistrate, Code Enforcement, Building Inspector, the Police Chief and a representative from the District Attorney's office. I gave Mr. Evashavik the information that they gave us concerning the procedures to follow for eviction of drug trafficking. That was real helpful. In my community when they apply for the residential rental license I check to see if they owe anything to the borough and if they do I cite them for that before I issue the license.

MAYOR G. JAKUB: I like what Mr. Volpe brought up. Can we ask our delinquent collector if anything is owed before we issue a permit?

MR. S. SHUROT: I will contact COG to see if they can put that on the application.

MS. P. TIERNO, PATTON ST.: I don't know how many vacant houses there are on my block but there are many of them. Around the corner is Middle Avenue and I wish I could blow the whole block up. Every single one of the kids and every single one of the parents are nothing but trash. My son rides the bus with these kids and I see it every single day. Middle Avenue is getting ridiculous. I drive down Middle and there are kids playing in the street and there is no parent in sight. I won't even let my son, who is nine, out of the house without an adult. We have Howard Street behind us, which is a dead end, and I will not let him play there because cars come speeding up there and do not know it is a dead end and they have to turn around. There is drugs and trash all over the street.

MR. A. HUSSEY, FIRE MARSHAL: if you see a moving truck late at night or midnight movers let us know. I will go out at night and check on these people who are moving in.

MR. M. NAFZIGER, AIRBRAKE AVE.: when you take them to court for delinquent taxes and garbage, do you also add on court costs and attorney fees.

MR. S. SHURGOT: yes.

MR. J. HARRIS, CARD AVE.: we have a parking problem on Card Ave. There is a family there who has six or seven cars and they take up all of the parking and we have no place to park. There is also speeding on that street. They use it as a short cut.

CHIEF MATRAZZO: there is no assigned parking and there is nothing we can do. As long as the vehicles are inspected and legal they can park there.

MR. J. PARRISH, AIRBRAKE AVE.: you mentioned that when you cite someone that you can't get them out of the house. When you do get someone out of the house is there a way that you can seal or lock that unit. If they break the lock they would be trespassing. There is nothing we can do about that.

MR. G. EVASHAVIK: there is nothing you can do unless it is deemed uninhabitable.

MR. S. VOLPE: when they get an occupancy inspection and they find certain violations but they still move someone in and they borough cites me. Why would they cite me?

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MR. S. SHURGOT: it would be uninhabitable. Can we padlock the property until it passes the inspection?

MR. G. EVASHAVIK: you cannot padlock private property.

MR. A. FRYDRYCH: it was mentioned that there is going to be no loitering signs put up. Where are you going to put these signs at?

MR. A. HUSSEY: we are going to post them on the Parkhouse and also on the Faller Building. We do have an ordinance for loitering and there is nothing I can do unless the property is posted. I can give them a warning and then give them a summary citation.

MR. A. FRYDRYCH: that question came up within the last year and I was told at the council meeting that there is no such thing as a loitering ordinance.

MR. G. EVASHAVIK: it is private property. You cannot do it for public property.

MR. A. FRYDRYCH: what about the sidewalk?

MR. G. EVASHAVIK: you can stand on the sidewalk out here for hours on end and we have no right to come and remove you. If they are intimidating people, blocking traffic or blocking the sidewalk there are other avenues that we can pursue.

MR. A. FRYDRYCH: I seen that, they are stopping people from walking on the sidewalk and they are going out into the street.

MR. G. EVASHAVIK: if you see it happening then you need to call the police because that is a crime.

CHIEF MATRAZZO: if they are intimidating someone then I can cite them for it. For example, if you are walking down the sidewalk and they tell you to go around then I can cite them for it. If you decide on your own to walk around then there is nothing I can do.

MR. A. FRYDRYCH: just to summarize what went on here tonight, people are sick and tired of putting things off month after month after month and after a year the same thing keeps coming up. People are disgusted by what is happening in this town.

MR. M. JAKUB, WESTINGHOUSE AVE.: I think those loitering signs are a great idea, what is the borough's plan when they all go to the park. The park is trashed every single morning. There is garbage all over the park.

MR. J. PARRISH: the park closes at dusk, and if the police see someone in the park after dusk then they should pick them up.

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MRS. K. MAXWELL: a question on loitering by the Post Office. I know it is a government building and I am not sure how it is affected. People sit on the steps of the Post Office waiting for the bus and make you walk around to get in the door because they will not move.

MS. K. PETERSON: we really can't do anything because it is government property.

MS. K. MAXWELL: but you as Council ask them to post the building about blocking the steps and loitering. Also, last month I asked what was going to be done about Herman Avenue where the cars are going the wrong way. There is a brown van that comes up the wrong way on Herman about every other day and crosses the street and parks at the apartments.

MRS. E. BARRETT: there is a hover board rider in the middle of Station Street and he won't move. Are they allowed on the street?

MR. G. EVASHAVIK: no. When you see him call the police.

MR. M. NAFZIGER: I want to follow up on Mike's comment about the park. I really feel for him because I clean up the park many times, especially over the holiday weekend, and it really crushes your will it is so awful. You can clean it and the next day it is worse. There is a sign posted that there is a \$100 fine for littering but the State fine is \$300.

MR. A. HUSSEY: I dedicated several Saturday's and Sunday's sitting around the park and it is very difficult to catch someone littering. I don't know if it was because they saw my truck but I never saw anyone littering.

MS. K. PETERSON: there is nothing we can do to make them stop littering because it all starts at home. I am frustrated as everybody else. Until parents start cracking down on their kids this problem is going to go on.

CHIEF MATRAZZO: everyone seems to be complaining about the loitering in the park. You have an ordinance here for loitering and for the curfew. I take the children into custody and take them to the station. I can tell you from personal experience that I had parents tell me to keep them. I cannot release them until their parent or guardian comes to pick them up. We know there is a problem but the solutions are very difficult. Give me something that has teeth that I can fight for. You are fighting a winless battle right now.

MAYOR G. JAKUB: we are frustrated as much as you are. I live here, I pay my taxes, I pay my garbage and when people call me I responded to them or I go and talk to them. If we can do something on the spot we will. I have ridden with the Chief at least two times a month and we know what the problems are. To come here and say that we are not doing anything will not get anything solved. Justice is slow. The Chief will tell you and Mr. Hussey will tell you that. The landlords know all the loopholes. If you cite them and take them to court they don't care. It is not like we aren't doing anything but we limited in resources. If we had the money we could file suit on all of this. We are not

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just sitting here, we live in this community, we see it, we deal with it and we have to be responsible for it.

MRS. M. MEIGHAN: if you need a committee to help you there are a lot of people here that are willing to do that but we need a plan of action. If you need people to go down to court with you to give our side we are willing to do that.

CORRESPONDENCE

1. Received a request from K & J Fundraising for donations to assist with the costs to send their dancers to the Dance Masters of America Nationals Competition in the summer of 2017.

P. SHURGOT / J. THOMAS TO RECEIVE AND FILE. MEMBERS VOTED APPROVAL, 7-0.

2. Received an e-mail from William Pricener to be appointed to the Planning Committee.

S. SMITH / K. PETERSON TO APPOINT WILLIAM PRICENER TO THE PLANNING COMMITTEE. MEMBERS VOTED APPROVAL, 7-0.

3. Received from the Turtle Creek COG the Code Enforcement / Property Maintenance Agreement which would take effect on Nov. 1, 2016.

S. SMITH / L. KIRK TO ACCEPT THE CODE ENFORCEMENT / PROPERTY MAINTENANCE AGREEMENT WITH THE TURTLE CREEK COG EFFECTIVE NOV. 1, 2016 MEMBERS VOTED APPROVAL, 7-0.

COMMITTEE REPORTS

PUBLIC SAFETY – L. KIRK: Eastern Area responded to 55 calls for the month of August and made 34 transports. Their average response time for emergencies was 7.1 minutes and for non-emergencies it was 8.2 minutes. They also administered NARCAN two times.

For the month of August the fire department responded to 19 calls, 8 were in town and 11 were out of town.

MS. S. SMITH: do you get a report of where they went to and the nature of the call.

MS. L. KIRK: I do not.

MS. S. SMITH: can you ask them to include in their report of what properties they responded to and why they were called.

MRS. P. SHURGOT: can you contact the fire department and tell them that we would like them to move over to the County 9-1-1 effective January 1, 2017.

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CHIEF MATRAZZO: for the month of August the police responded to 187 calls and made 6 arrests. A summary of the calls are: 3 assaults, 1 burglary, 10 criminal mischief, 13 domestics, 2 drug investigations, 5 harassment, 1 homicide, 10 juvenile complaints, 1 overdose, 4 parking complaints, 4 suspicious activity, 3 suspicious vehicles, 4 thefts, 2 thefts from vehicles, 2 wanted persons, 3 warrants and 14 tow tagged vehicles.

PUBLIC WORKS – P. SHURGOT: our school district is getting a new playground at Logan Middle School and our street department is going to help with the preparation on Oct. 19th. They may also have to go up there on Oct. 21st. They painted curbs, mulched and weeded the flower bed at the viaduct, weeded and mulched the flower bed at the post office, filled pot holes, weekly grass cutting and daily trash pick up, painted the Wilmerding sign, put up 3 new No Parking signs and 2 new Stop signs and flushed and cleaned the lines out in the 400 block of Airbrake. The summer workers are done for the year. We still have a little bit of money left over in case we have to call them out for snow removal.

ENGINEER’S REPORT – D. GILLILAND: work is scheduled to start on Ice Plant Hill the first week in October. Duquesne Light is scheduled to install a temporary pole in front of the Y to relocate their wires.

Paving will begin in 2 – 3 weeks as soon as they are done in North Versailles. Summit Street will be started in mid-October.

The catch basin project has been completed.

We have filed two pre-applications for grants for next year, one for the demolition of four structures and one for improvements to the Airbrake Avenue Park.

We have prepared the specs to bid out for garbage collection. We will need authorization to advertise.

S. SMITH / P. SHURGOT TO HAVE GLENN ENGINEERING ADVERTISE FOR GARBAGE COLLECTION. MEMBERS VOTED APPROVAL, 7-0.

COG REPORT – K. PETERSON: there are going to be some changes in the way COG is going to allocate the money. There will also be a separate fund for demolition. They told us to keep applying for everything in the event there is any extra money left over we made be able to get some extra projects. They are also going to help us with enforcing Act 90.

BOROUGH PROPERTY – S. SMITH: there is no word yet if we are going to get the grant for the trees. Michael spoke to RJ about cleaning up the property at 428 Airbrake. RJ came back with a verbal quote of \$600, and we have not yet gotten that in writing. We expect to be receiving that soon.

UTILITIES – K. PETERSON: no report.

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SOLICITOR – G. EVASHAVIK: I need a motion to advertise an ordinance amending the public park rules.

P. SHURGOT / L. KIRK TO ADVERTISE THE ORDINANCE AMENDING THE PUBLIC PARK RULES. MEMBERS VOTED APPROVAL, 7-0.

FINANCE – J. THOMAS:

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

MR. J. THOMAS: as of the end of August we have collected 95% of budget for real estate taxes.

RECREATION – P. SHURGOT: Halloween for the town will be on October 31st from 6-7:30 pm. The children's parade and party will be on October 29th.

P. SHURGOT / REV. D. REEVES TO DONATE \$400 FOR THE CHILDREN'S HALLOWEEN PARTY. MEMBERS VOTED APPROVAL, 7-0.

PLANNING – REV. D. REEVES: the committee would like to thank Council for the appointment of Bill Pricener to the Planning Committee. We still are in need of one more person.

OLD BUSINESS

P. SHURGOT / REV. D. REEVES TO ADOPT THE EMPLOYEE HANDBOOK EFFECTIVE JANUARY 1, 2017. MEMBERS VOTED APPROVAL, 7-0.

MRS. P. SHURGOT: can we have a committee take a look at the Fire Marshal Ordinance.

MR. S. SHURGOT: we can. The committee to look at that ordinance will be made up of Linda Kirk, Karen Peterson and Paula Shurgot.

NEW BUSINESS

MR. S. SHURGOT: I attended the East Allegheny Business Association meeting and Mr. Graf presented his plans for the castle. He is getting the funding in line and we are going to work with him to help get this project started.

A couple of years ago we passed the LERTA Tax to help businesses get a tax break when they move into Wilmerding. North Versailles passed the LERTA Tax and it is good for ten years. Maybe that is something that we may want to do.

MRS. P. SHURGOT: it was pointed out that the State fine for littering is \$300. How can we go about changing our signs and change our fines from \$100 to \$300.

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MR. G. EVASHAVIK: you need to make a motion to change the fines. We can change those signs by resolution.

P. SHURGOT / K. PETERSON TO CHANGE OUR LITTERING FINE FROM \$100 TO READ THAT THE FINE WILL BE UP TO \$600. MEMBERS VOTED APPROVAL, 7-0.

MS. S. SMITH: as everyone knows Allegheny County is coming in January 1, 2017. They have asked us to sponsor a Citizen Police Academy. The first class will start on October 19th. The first one is for elected officials and business owners. The letters have already gone out and the class will be held to 30 participants. In January it will be opened up to the residents. It is a ten week course and the class lasts between two to three hours a week. The class will be held on Wednesdays at Holy Angels Church.

MR. S. SHURGOT: a year or so ago we passed a resolution to start the Keystone Enterprise Zone, along with other municipalities, to apply for \$25,000 to get it started. Can anyone get us an update on the progress of this? Is it dead or are they still working on it.

MS. S. SMITH: I will talk to Henry about this.

MAYOR'S REPORT – G. JAKUB: it was talked about forming a committee to help with the problems in town. I was the liaison before for Crime Watch, which we have tried to form several times in the past. No one wanted to be an officer of Crime Watch so we had to fold. If someone is willing to step forward and serve as an officer we can try and get this started again.

I have met with the Chief and we have talked about this numerous times about the cars parked illegally against the flow of traffic and also on the yellow line. In the event that we have cars parked against the flow of traffic or on the yellow line, no matter who says what, the police department is going to ticket them. No one is going to get a break.

MR. A. FRYDRYCH: I would like to thank Linda Kirk and Sandy Smith for taking care of the parking problem on Welsh Avenue. I told them one day and the next day the police were up there tagging the cars.

Meeting adjourned at 8:50 p.m.