

BOROUGH OF WILKINSBURG COUNCIL MEETING
Planning Session
November 3, 2010

CALL TO ORDER

President Moore called the meeting to order at approximately 7:05 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkesburg, PA.

ROLL CALL

The roll was called to establish a quorum. Present were: Mr. Lefebvre, Ms. Evans, Ms. Trice, Mr. Cohn, Ms. McCarthy-Johnson and President Moore. Also present were Marla P. Marcinko, Borough Manager and Isobel Storch from the Law Offices of Patricia McGrail, L.L.C. Borough Solicitor. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, President Moore requested that a moment of silence be observed to remember victims of violent crimes in the community and surrounding areas.

PUBLIC COMMENT

David Wilson – Eastern Area Pre-Hospital Services – For the month of October, there were a total of 290 calls with emergency response times averaging 6 min. 35 sec. and 9 min.15 sec for non-emergency calls. Calls for life threatening emergencies averaged 6 min. 23 sec. EAPHS provided flu vaccinations at St. James Church, the Wilkesburg Municipal Building, Wood Towers and the Wallace Avenue Soup Kitchen. EAPHS also provided blood pressure screenings. There were over five hundred (500) vaccinations provided. The vaccines were provided by UPMC McKeesport Hospital. EAPHS also attended the public meetings on contracted fire protection services with the City of Pittsburgh. Mr. Wilson advised that the last opportunity to receive free flu shots will be on December 4, 2010, following the holiday parade at the Wilkesburg High School cafeteria. President Moore inquired as to how the flu vaccination program was promoted to the community and Mr. Wilson advised that flyers had been posted. Mr. Wilson wished everyone a happy Thanksgiving.

Kate Luxemburg – 432 Rebecca Ave. – Ms. Luxemburg advised that she had received the notification from the Borough regarding the change for refuse collection for 6+ unit buildings. With regard to the penalty for failing to comply, she inquired as to what would constitute an “offense”. Ms. Storch advised that, with weekly collection required, that a new offense would occur weekly. Ms. Luxemburg questioned the proposed fee increases.

Linda Law – 908 Wood St. – Ms. Law commented on the problems which occurred with the poll location at the municipal building. All machines were delivered to the third floor location and the building was not open at 6:00 AM. Ms. Marcinko advised that she had not been made aware of these problems but would look into it and provide a response. Ms. Law announced the Weatherization Program to be held on Saturday, November 6, 2010 at 3:00 PM at Hosanna House.

REPORT FROM THE MAYOR

Mayor John Thompson reported:

- Two Wilkesburg police officers, Sgt. Daniel Cuiffi and Detective Michael Adams, were recognized for excellence in police work for their work on a serial rapist case last year. He asked Sgt. Cuiffi to stand and be recognized by Council and the audience.
- Fifty-four arrests were made last month.
- No arrests had yet been made for the two homicides which occurred last month.
- 175 children attended the Halloween Party which was held at the municipal building. A larger space is needed and consideration is being given to using the high school cafeteria. No incidents were reported during the Halloween events and MAD DAD's provided assistance to the Police Department.
- The Disproportionate Minority Conference (DMC) Forum was held on October 29, 2010 with approximately 75 students and law enforcement officials participating.
- Oral examinations for police officer testing are scheduled for November 7 and 8, 2010.
- The Department will be hiring two additional school crossing guards.
- The Pittsburgh Symphony Orchestra concert will be held on November 16, 2010. Tickets are \$7.00.
- The Holiday Parade will be held on December 4, 2010.
- A community meeting is being planned to work on a strategy to address the recent wave of violence in the community.

Mr. Cohn suggested that Wilkesburg observe trick or treat on the same night as surrounding communities. He commented about the neighborhood action following a shooting at Center St. and Woodworth St. and the group Resolve Crisis Network assisting the neighbors in the area to cope with the incident. He suggested utilizing the group for all tragic events in going forward.

Ms. Trice left the meeting at 7:35 PM due to illness.

Ms. Moore inquired about the beating incident on Wesley St. Mayor Thompson commented that it was suspected that the victim may have been beaten elsewhere and

transported to and left in the Borough. President Moore commented that Wilkesburg is not the only community suffering from this degree and type of violence. Ms. Evans commented that Council must work harder to address vacant properties and blight as this can contribute greatly to the problem. She commented about dangers associated with squatters, overgrowth of shrubbery and weeds on vacant property, poor lighting, and the need for Council to focus strongly on these issues in 2011.

REPORT FROM COUNCIL PRESIDENT

Council President Moore commented that she takes issue with the bickering between Council members. She further commented on a statement made in a recent email regarding her role as Council President and that she has a good working relationship with the Borough Manager.

REPORTS FROM COMMITTEES

Finance Committee – Mr. Cohn reported:

- The third and final budget session will be held on November 10, 2010 at 7:00 PM. Mr. Cohn commented that budget figures may still need to be adjusted following preliminary adoption. The budget document will be released for public inspection following tentative adoption. President Moore commented on the need to address the accessibility issues at the municipal building as part of a capital improvement plan. Mr. Cohn advised that the Capital Planning Committee is working on a capital plan and suggested that the plan include some of the recommendations contained in the Space Allocation Study.

Personnel Committee

- The next meeting will be held on November 9, 2010.

Public Safety Committee –Mr. Lefebvre reported:

- The next meeting will be held on November 17, 2010 at 5:30 PM in Council Chambers and the Committee will be reviewing legislation adopted by Allentown, PA to address blighted properties.
- Firefighters have started the EMT training which should be completed in December.
- A new Parking Enforcement Officer has been hired.
- The nuisance property ordinance will be presented to Council for adoption in December.
- Consideration should be given to the hiring of a Director of Code Enforcement. Ms. Ervin questioned whether the Personnel Committee discussed the hiring of a Code Enforcement Director. Mr. Cohn commented on the need for Council to proceed with recruitment. Ms. Evans requested that a copy of the job description be provided to full Council.

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Mr. Lewis commented on moving forward with the Junior Council Person Program. Mr. Lewis thanked School Board President Karen Payne for her assistance. Ms. Evans questioned whether Junior Council Persons are required to be Wilkinsburg High School students as there are residents who attend private schools and may wish to participate. Mr. Lewis will see how this is addressed in other communities.

Ms. Evans announced that the Wilkinsburg Municipal Authority and the Wilkinsburg Commercial and Industrial Development Authority had advertised to meet on November 9, 2010 and that the meeting will need to be rescheduled.

President Moore requested that the Personnel Committee meeting be moved to November 10, 2010 so she can attend.

OLD BUSINESS

Evaluation of one-way restrictions on Hill Avenue.

President Moore advised that a request had been received from a resident to review traffic movement on Hill Ave.

Mr. Lewis commented on the high traffic volume on Hill Ave. and that the Borough Engineer, David Gilliland, had recommended a one-way restriction from Swissvale Avenue to Center Street. Mr. Lewis suggested that the one-way restriction be from Swissvale to Wood Street and that he was generally supportive of the Engineer's recommendation.

President Moore commented on the number of accidents at the intersection of Hill Avenue and Coal Street and that she also supports the one-way restriction.

Ms. McCarthy-Johnson commented that she is also in favor of the one-way restriction.

Ms. Evans questioned the proposed one-way northbound restriction on Mill St. from Penn Ave. to Glenn Ave.

Mayor Thompson commented that he is not in agreement with the proposed restriction. He commented that problems will still exist on Hill Ave. and Coal Street and that the one-way restriction should be eastbound.

Mr. Lefebvre commented that the steepest part of Hill Ave is between Swissvale Avenue and Coal St. and expressed concern with parking uphill.

Ms. Marcinko requested clarification on the consensus of Council to establish Hill Avenue one-way westbound from Swissvale Avenue to Wood Street.

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Mayor Thompson questioned if Hunter Street is one-way and questioned if parking on Hunter Street would be contrary to the flow of traffic. Mayor Thompson suggested a portion of Hunter Street be changed to a two-way street.

A motion was made by Mr. Lewis, second by Ms. Evans, to establish a one-way westbound restriction on Hill Ave from Swissvale Avenue to Wood Street and a one-way northbound restriction on Mill Street from Penn Avenue to Glenn Avenue.

Ms. Ervin questioned the need for the Borough Engineer to conduct the traffic/engineering study.

Mr. Lewis questioned whether emergency vehicles are bound by traffic restrictions with the answer being no.

Yes: Ms. Evans, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, President Moore

Abstain: Ms. Ervin, Mr. Lefebvre

Motion carried: 5:0 with 2 abstentions

Request for office space rental – Wilkesburg Chamber of Commerce.

Ms. Marcinko opened the discussion with an understanding that the motion had been tabled by Council at the last Council meeting. She requested Council's direction on the matter.

President Moore commented that when last discussed it had been suggested to look at the recommendations contained in the Space Allocation Study for this office space. Ms. Marcinko advised that she had reviewed the draft of the study and that no recommendation was made regarding future use of this particular office.

Mr. Lewis renewed his objection to the request. He stated that the space had been used for a variety of purposes over the years and that the need may arise in the future for government use. He does not approve of an "entity" using public space. He further commented that there is a need for a formal review process for these types of requests. He commented that all entities should have an opportunity to make a request for the space.

Ms. McCarthy-Johnson agreed with Mr. Lewis on the need for a process/procedure for review while also recognizing the need to look at other revenue streams.

Mr. Lefebvre questioned how long the office space has been vacant and commented that the Chamber of Commerce is offering to pay rent.

Ms. Ervin questioned if there was an advertisement to rent office space and that the space should be available to everyone.

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Mayor Thompson commented that if renting of space is going to be made available to anyone interested, there needs to be specific guidelines and there should be a specific relationship between the Borough and the requesting entity. He further commented that it makes sense to move forward with the rental of the space with a termination clause.

Mr. Cohn commented on the relationship between the Borough and the Chamber of Commerce and that it makes sense to do something to facilitate their success and realize revenue for the Borough. He questioned the Solicitor as to whether there were any legal concerns. Ms. Storch advised that such an arrangement is certainly permitted and that this is done in other communities. Mr. Cohn questioned whether there is a specific process which is followed in other communities and was advised that there is no specific process required and no obligation to advertise the rental of a space. Ms. Storch commented that in determining rent, a review of fair market value for office space is appropriate and the space has to be available to all. She further commented that Council has the ability to lease the space now if they so choose and develop a policy for future requests.

Mr. Lewis commented that the Chamber of Commerce had approached the WCDC for office space and was denied. He questioned whether the Chamber explored opportunities with the school district.

President Moore commented that EAPHS had used the space in the past, that the space has been empty for over a year and that she would like to see the Chamber excel as a partner to the Borough and is in favor of leasing the space. She suggested a short-term lease be considered.

Ms. Evans suggested that conditions relating to responsibilities be contained in the lease agreement.

Mayor Thompson commented that a decision needs to be the Borough's focus and not whether there is other suitable property available to the Chamber.

Mr. Cohn questioned having access to the building after hours. Mr. Cohn expressed his concern with other entities, not associated with the Borough, having access to the building after hours.

Ms. Ervin questioned whether the charge would be market value or what had been offered. Ms. Storch advised that those specifics would need to be negotiated and, if it is the consensus of Council to proceed, that she and the Manager will negotiate an agreement and return with a recommendation to Council.

A motion was made by Mr. Lefebvre, second by Mr. Cohn, to authorize the Borough Manager and the Solicitor to negotiate an agreement with the Chamber of Commerce for the leasing of office space in the Municipal Building and to return to Council with an agreement for action.

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Mr. Lewis suggested a mechanism for handling future requests be conducted concurrently.

Yes: Ms. Ervin, Ms. Evans, Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, President Moore

No: Mr. Lewis

Motion carried 6:1

NEW BUSINESS

Recommended fee structure.

Mr. Cohn commented that the Finance Committee had met and prepared a revised fee structure. He requested that Council review the information and submit questions prior to the next budget work session. Recommendations by Delta Development were considered for the fee revisions. He further commented that the fee structure had not been updated in several years. Mr. Cohn advised that the Committee also reviewed fee structures of other communities.

Ms. Evans requested that the current fee structure be included for comparison and that further information be provided prior to taking action.

Ms. McCarthy-Johnson questioned changing rates for metered parking. Ms. Marcinko advised that metered parking rates are not proposed to be changed at this time and capital costs are required to change meter heads in order to be able to accommodate any rate change.

Oak Wilt treatment on Mifflin Ave.

Oak Wilt was detected in a tree at 1015 Mifflin Avenue which will require treatment. The Shade Tree Committee has reviewed the recommended treatment and has recommended its approval.

Justin Hrynicka with Nine Mile Run Watershed Association advised that removal of the tree at 1015 Mifflin and treatment for three adjacent trees is recommended. The total cost is \$2,800.00, \$550.00 for the injection and \$2,250.00 for the tree removal.

Borough Arborist Bob Crusan spoke to concerns/threats of the Oak Wilt disease. While there are some treatment programs to suppress the disease, there is no cure and the disease is spread a number of ways. If no action is taken, the disease will continue to progress until all the oak trees are gone. It is recommended that treatment be repeated annually or bi-annually. This was not done following the treatment which was performed in 2003. Mr. Crusan recommended moving forward to protect the trees.

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President Moore questioned how the disease is spread. Mr. Crusan advised that the infection travels between root systems which are similar to vascular systems. The treatment will require severing of the tree roots which have grown together and sidewalk pad replacement. President Moore questioned how the disease is diagnosed. Mr. Crusan advised that it is first detected visually with the wilting of leaves and tree limbs and was observed during the tree inventory performed by NMRWA. The disease is confirmed through laboratory analysis. Edgewood Borough is also experiencing the same problem and treatment will be required for their trees. Mr. Lewis voiced his concern with authorizing action without a true final cost. He further commented that he hopes Council is being equitable in the Borough's distribution of resources relating to shade trees. Ms. Marcinko advised that, for budget purposes, the balance of the budget for contracted services for shade trees has been projected to be expended by year end. There is approximately \$18,000 remaining. She further commented that the costs for tree maintenance in the Borough far exceeds the amount of funds budgeted. Mr. Crusan advised that his original estimate included trenching, sidewalk replacement and disease treatment for a total cost of \$4,500.00. Mr. Hrynicka advised that the residents are very concerned about the problem and that if this is not addressed this year, spores will spread more rapidly. Mr. Cohn commented that Council should be very concerned about this threat and what may be at stake.

A motion was made by Mr. Cohn, second by Ms. Evans, to approve the proposal for Oak Wilt treatment on Mifflin Ave. at a cost not-to-exceed \$4,500.00 and to return to Council if the cost exceeds \$4,500.00.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy- Johnson, Mr. Lefebvre, Ms. Ervin,
Ms. Evans, President Moore

Motion carried

Ms. Evans commented on the need for a tree maintenance and removal inventory based upon priority. Mr. Hrynicka advised that a complete inventory will be finalized in the upcoming week and NMRWA will work with the Borough on a tree management plan.

Ms. Ervin questioned whether volunteers would be removing trees. Mr. Hrynicka advised that volunteers are assisting with collecting data for the inventory and will not be removing trees.

Mr. Lewis commented on the inequity with distribution of resources citing the tree removal project on South Braddock Avenue when residents have approached Council for as long as ten years for tree removal and have received no response.

Mr. Lefebvre commented on resources dedicated to the Regent Square area and disagrees that there has been an inequitable distribution of resources.

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Mr. Cohn suggested to Council that if there is perceived inequity regarding distribution of resources for maintenance of shade trees, that Council should budget the required resources to perform a comprehensive study. Council President Moore commented the volunteers will be collecting data and performing a complete inventory of Borough trees and that equal attention will be given to all areas of the Borough.

Ms. Ervin questioned the payment of legal fees for the Community Art and Civic Design Commission. Ms. Marcinko advised that the Commission had raised questions about the approval process for commercial design projects on private property and that the Solicitor had attended their meeting in order to provide a response. Ms. Storch commented that there is not a provision for the Commission to have a separate Solicitor since the Community Arts and Civic Design Commission is an agency of the Borough. The Commission is comprised of volunteers. Ms. Evans commented that the Borough pays for the review of all ordinances for any Borough entity and that Authorities are separate entities with their own legal counsel.

Mr. Cohn questioned the status of the sale of 1316 North Ave. Ms. Storch advised that the monies for the sale were wired to Ms. McGrail's office this morning and that the deed has been prepared for a closing tomorrow.

Mr. Lefebvre commented that the tax payers have paid the Solicitor's office \$4,550.00 for tax assessment appeals. He requested the property addresses for those appeals as well as status. Mr. Lefebvre read an email from a resident who had appealed a tax assessment and Ms. McGrail's handling of the assessment appeal.

A motion was made by Mr. Lefebvre, second by Mr. Cohn, to require the Borough Solicitor to provide to Council the property addresses and status of all tax assessment appeals for 2009 and 2010 and to provide monthly reports on same in going forward.

Mr. Cohn commented that he had made the same request about a year ago and had inquired as to whether the Borough had been successful in appealing any tax assessments. He advised that the Borough had been informed at that time that the Borough had not been successful in its appeal efforts for quite some time. Ms. Storch commented on her experience with tax assessment appeals in the County. She commented on her strategy and approach in preparing for the appeals. She commented that she aggressively protects the Borough's interests. There is no charge to file a tax assessment appeal. She is comfortable in her representation of the Borough and will provide status reports. Council President Moore questioned how the information will be utilized by Council once obtained. Mr. Cohn commented that Council needs to make sure its strategies are effective.

Yes: Mr. Cohn, Mr. Lewis, Ms McCarthy-Johnson, Mr. Lefebvre, Ms. Ervin, Ms. Evans,
President Moore

Motion carried

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Ms. Ervin questioned when the matter of special labor counsel would be discussed.
President Moore advised that the discussion will be after the next meeting of Council.

ADJOURNMENT

Being no further business, on motion by Ms. McCarthy-Johnson, second by Mr. Cohn,
the meeting was adjourned at approximately 9:48 PM.

Eugenia Moore, Council President