

BOROUGH OF WILKINSBURG COUNCIL MEETING
Planning Session
October 6, 2010

CALL TO ORDER

President Moore called the meeting to order at approximately 7:15 PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkesburg, PA.

President Moore announced that an executive session was held prior to the meeting for the purpose of discussing contracted fire protection services between the Borough of Wilkesburg and Pittsburgh Bureau of Fire. She further announced that public meetings on this issue will be held on October 26, 2010 and October 28, 2010 at the Hosanna House Auditorium commencing at 6:30 PM.

President Moore requested a moment of silence for the unfortunate tragedies that have occurred in the Wilkesburg community over the last few days.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

David Wilson – Eastern Area Pre-Hospital Services – Introduced himself to Council and the audience and provided the monthly service report in place of Brian Maloney. There were 262 calls in the month of September. Average emergency response time was six minutes and forty six seconds. Non-emergency average response time was nine minutes and forty five seconds. Life threatening emergency response time was six minutes and thirty three seconds.

In the third quarter, there was a total call volume of 742 calls. Emergency call response time was clocked at six minutes and twenty nine seconds. Non emergency call response time was recorded at nine minutes twenty eight seconds. Life threatening emergency response time was recorded at six minutes fifteen seconds.

Special events for the month of September included the blood pressure screen clinic at the Wallace Avenue Soup Kitchen. For the month of October events scheduled will

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include Flu Vaccine Clinics at Wilkesburg Borough Building on Thursday October 21, 2010 from 10:00 AM – 12:00 PM and 2:00 PM – 4:00 PM., Wood Towers Wednesday October 27, 2010 from 10:00 AM – 12:00 PM., and Wallace Ave. Soup Kitchen on Friday October 29, 2010 from 11:00 AM – 1:00 PM. The flu vaccine clinics are on a first-come, first served basis and participants must be at least eighteen (18) years of age. Flu vaccines include the H1N1 vaccine so there is only one vaccination. Flyers will be posted.

Shirley Doubt-Elston – 1726 Wright St. – Thanked everyone who sent cards in memory of her husband. She commented that her husband spent forty (40) years working for the City of Pittsburgh Environmental Services. She commented that trees behind her home are falling and requested that the Department of Public Works cut the trees away from her fence. President Moore gave Ms. Elston a phone number to contact DPW.

Judy Rodriguez – 2000 Laketon Rd. – Commended that an adequate number of signs for newly-established residential parking on Laketon Road have not been posted.

Stephen Murray – 1526 Foliage St. – Commented that the gas company has left bricks on the sidewalk and children are throwing them through windows. He further commented that he was cited for not cutting his grass and that he was not able to as he had back and knee surgery. Chief McAfee advised that he would speak with the District Justice on his behalf.

Gail Mitchell-Hall – Wilkesburg Weed & Seed Initiative – Ms. Hall provided a brief synopsis of what is happening with the program. Subcommittee meetings resumed in September. There will be eighty-eight volunteers from the University of Pittsburgh to assist with the fall clean-up scheduled for October 16, 2010. The Halloween party will be held from 5-7 PM on October 29, 2010 in the Municipal Building Auditorium. The Weed & Seed Initiative will be sponsoring a “DMC” (“Disproportionate Minority Contact”) event in collaboration with the Wilkesburg School District which will be held in Penn Hills. The purpose of the event is to improve relationships with the Police Department. Two bus trips are planned to the Andy Warhol Museum for approximately thirty (30) students to participate in a silk screening event in collaboration with the Wilkesburg School District titled “Make Your Mark”. October 25, 2010 is the deadline with the Marines for residents to sign up for the Toys for Tots Program for the 2010 Holiday Season. Weed and Seed AID team meetings are held every third Monday at noon. All are invited to attend.

Ed Larkins – 908 Wood St. House of Style owner/operator thanked Council for allowing him to provide service to his customers.

Kate Luxemburg – 432 Rebecca Ave. – Commented on pavement restoration required to be made by utility companies when roadway cuts have been made. Questioned the payment made to Portnoff Law Associates and Ms. Macklin referenced docket numbers GD 10-7517 and GD 10-7520. Ms. Storch advised that this represented reimbursements

for payments made to Portnoff Law Associates for their court costs.

Zita Berry – 1511 Graham Blvd. – Expressed that she was appalled at the recent violence in the community and felt that Council members were not appearing on the streets to address this issue. She suggested that an oversight committee may be needed for Council. She complained of the backbiting among Council members and the need to focus on the community.

REPORT FROM THE MAYOR

Mayor Thompson first commented on the perception that he had no reaction to recent violent crime events in the community. He commented, with emotion, about visiting with the family of the seventeen year old victim. Mayor Thompson spoke of plans for a forum with Reverend Grant and other community leaders, including clergy, to discuss what can be offered to the young people in the Wilkinsburg community. Mayor Thompson reported:

- All vehicles are up and running and the Department is in the process of acquiring an outfitted K-9 vehicle from Baldwin Borough at a cost of \$7,500.
- We are halfway through with the testing process for the recruitment of new police officers.
- Directed patrols are being conducted and efforts are continuing to remove jitneys in the business district.
- There were fifty six (56) arrests, with two homicides in the month of September.
- Mt. Calvary Baptist Church and Reverend Haymon will be celebrating their fortieth (40th) anniversary on October 29, 2010 from 11:00 AM -3:00 PM at the Comfort Inn. Mt. Calvary Baptist Church is one of the first Baptist churches in Wilkinsburg. For more information please call 412-371-5855.
- The Halloween Party will be held on Friday October 29, 2010 on the third floor of the Municipal Building from 5:00 -7:00 PM. Trick or Treat will be observed on Saturday October 30, 2010 from 5:00-8:00 PM.
- He distributed information to Council to review in reference to a Three Rivers Wet Weather project.
- Jitneys are an illegal service with some of the drivers selling drugs.

Ms. Evans commented on the pervasive issue of loitering by jitney drivers and other impediments to access to businesses. Ms. Evans commented that the store manager from Rainbow submitted a petition with two hundred seventy one (271) signatures from business customers as well as other business owners to address the issue of jitney drivers. Customers and senior citizens are intimidated walking through the Business District. The same store manager later submitted another petition with 300 signatures. Ms. Evans commented that there is an off-street location where jitneys are available and clarified that she is not endorsing the use.

Mayor Thompson commented that as a youth in Wilkinsburg, he had utilized the jitney services.

RESOLUTIONS

10-106 Approving employment agreement – Chief Owen McAfee

Moved: Ms. Evans

Second: Mr. Lefebvre

Ms. Trice commented that revisions had been made to the contract terms. Ms. Storch advised that she had reviewed the agreement and recommended adding language which would reflect the personnel changes that will occur if the City of Pittsburgh provides contracted fire protection services to the Borough of Wilkinsburg.

Mr. Lewis questioned what severance would be owed to Chief McAfee if the merger occurs in January. Ms. Storch advised that severance pay would only be paid if Chief McAfee is terminated from his position as Fire Chief under the provisions of Section VII.

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

Motion carried

10-107

Authorizing Delta Development Group, Inc. to prepare and submit, on behalf of the Borough of Wilkinsburg, a single application through the DCED Early Intervention Program requesting grant funds in the amount of \$75,000 for implementation of certain Plan recommendations and committing a local match in the amount of \$20,000.

Ms. Evans recommended hiring a consultant to work on the implementation of this phase of the EIP given the number of action items/recommendations provided in the Plan.

Action on the Resolution was tabled to the next meeting.

Report from Council President-

Council President Moore reported:

- A grant writing seminar with Susan Ott will be held at the Red Roof Inn in Monroeville, October 23, 2010 from 10:00 AM – 2:30 PM. The cost is \$60 with lunch included. Seating is limited to twenty participants. Contact number is 412-403-6337. The event is sponsored by Western PA Community of Hope in conjunction with Mt. Calvary Baptist Church on Swissvale Ave.
- On October 13, 2010 the Library will be participating in Pittsburgh Day of Giving. The minimum donation is \$25.00 which will be matched by the Pittsburgh Foundation.
- The Library is seeking volunteers for their tax preparation program. Please contact Betsey Schwartz at 412- 244-4377.

REPORTS FROM COMMITTEES

Capital Planning Committee- Ms. Macklin reported:

- No meeting was held in September. The next meeting is scheduled for October 28, 2010 at 6:00 PM.

Finance Committee – Mr. Cohn reported:

- The Committee will meet on October 7, 2010.
- Budget work sessions will be held on October 13, 2010 and October 27, 2010 at 7:00 PM. Meetings are open to the public.

Personnel Committee –Ms. Trice reported:

- The Committee met on September 8, 2010 and conducted the following business:
 - Provided an opportunity for an employee to meet with the Committee.
 - Reviewed and approved revisions to the Fire Chief's employment agreement.
 - Distributed samples of safety procedures and procedures for review of personnel files for the meeting in October.
 - Status of discussions on contracted fire protection services with the City of Pittsburgh.
 - Discussed the duties of all department heads and administrative supervisory staff and pending evaluations.
 - Discussed the need for a foreperson position in DPW
- The next meeting will be held on October 12, 2010 at 6:00 PM.

Public Safety Committee –Mr. Lefebvre reported:

- The next meeting will be held on October 20, 2010 at 5:30 PM.

WPJWA (Wilkesburg Penn-Joint Water Authority) - Mr. Lewis reported:

- WPJWA is entering the budget season solvent with no expected rate increases to customers.
- The website has gone live at www.wpjwa.com
- Condolences extended to the family of Leroy Green, WPJWA Board Member.

OLD BUSINESS

- Evaluation of one-way restrictions on Hill Ave.

Ms. Trice commented on the Borough Engineer's recommendation for traffic movement restrictions and the potential problems with emergency response time response. Mr. Lewis spoke in favor of the one-way restrictions. President Moore also spoke in favor of the one-way restriction. Ms. McCarthy-Johnson commented on the dangers of crossing the street for children. Ms. Storch read aloud the recommendations from the Borough Engineer, David Gilliland.

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Ms. Macklin commented on the conflict of interest that exists of the Wilkinsburg Ethics Code with Council member Tracey Evans being employed as the Executive Director of the Wilkinsburg Community Development Corporation.

A motion was made by Ms. Macklin, second by Ms. Ervin, to ratify the action which was taken of filing a motion for an injunction and a complaint for a declaratory judgment in regard to Council member Tracey Evans and her conflict of interest pertaining to the Wilkinsburg Ethics Code.

Mr. Cohn commented that full Council had not agreed to take this action and that the Borough was seeking to remove Ms. Evans from her Council seat without all members being fully informed of the action being taken. President Moore commented that Council is seeking to confirm whether a conflict of interest exists with Ms. Evans serving as the Executive Director of the WCDC and as a Council member in the third ward. President Moore commented that the issue was not personal in nature and that a decision of the court is needed. Mr. Cohn commented that he had questioned whether the intent behind any action was to strip Ms. Evans of her duties as a member of Council. Mr. Cohn commented that the judge who heard the motion and complaint described the Wilkinsburg Ethics Code as being "overly broad" and denied the motion for an injunction to prevent Ms. Evans from performing her duties as a Council member pending a fair hearing. Mr. Lefebvre commented about not receiving specific information from the Borough Solicitor when the Solicitor was specifically asked certain questions by Council regarding the process for any action against Ms. Evans and relating to the conflict and Council was never advised that a motion would be filed for an injunction and complaint for declaratory judgment. Mr. Lewis commented that Council had authorized the Solicitor to move forward with the court action. Ms. Macklin called the question. Ms. Storch commented that, at the time Council questioned the process, she did not have specific information on same in order to provide a response and additional research was required. It was the consensus of Council to direct the Solicitor to proceed without a formal vote. Ms. Macklin requested action on the motion to confirm moving forward on the issue. Mr. Cohn commented on the Ethics Code being overly restrictive and actions taken by Council with regard to enforcement of the ordinance were inconsistent.

Yes: Ms. Ervin, Ms. Trice, Mr. Lewis, Ms. Macklin, President Moore

No: Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre

Abstain: Ms. Evans

Motion carried 5:3

A motion was made by Mr. Cohn, second by Mr. Lefebvre, to rescind the Wilkinsburg Borough Ethics Code and rely solely on the State Ethics Code.

Discussion followed with comments from Ms. Storch, Mr. Cohn and Ms. Macklin.

A motion was made by Mr. Cohn, second by Mr. Lefebvre, to amend the motion on the table to authorize the advertisement of an ordinance which would provide for the rescinding of the Wilkinsburg Borough Ethics Code and relying solely on the State Ethics Code.

Yes: Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre

No: Ms. Trice, Mr. Lewis, Ms. Macklin, Ms. Ervin, President Moore

Abstain: Ms. Evans

Motion failed 3:5

Ms. Macklin commented on a recommendation in the EIP to reinstate an Economic Development Committee. Ms. Macklin proposed to establish an Economic Development Committee which would consider and make recommendations as to the direction to take with regard to new development and economic development. President Moore questioned how this purpose relates to the work being performed by the Capital Planning Committee. Ms. Macklin commented that it was timely to officially reinstate an Economic Development Committee. Ms. Evans suggested Council refer to the EIP with regard to its role in economic development. President Moore suggested a further review of the EIP and recommendations for long-term planning.

Ms. Macklin spoke of the responsibility of the Mayor and Council to ensure the Police Department is fully staffed. She commented that currently staffing is down 15-20%. She commented on her efforts to press the Mayor and Borough Manager to move the recruitment process forward for the past 9 months. She recommended that the process be expedited. She further commented on the receipt of a federal grant to hire police officers. Ms. Evans commented that the process has been moving forward and that she has requested a schedule from the Borough Manager on the process.

NEW BUSINESS

Borough Council has received a request from the Wilkinsburg Chamber of Commerce to rent office in the municipal building. They are proposing a renewable 12-month lease beginning in mid-October and offering up to \$300.00 per month with an additional amount to be negotiated if the Borough provides telephone and internet service. The space will be utilized 10 to 15 hours per week, Monday through Friday, usually during regular business hours. Ms. Storch read the letter received from the Chamber of Commerce aloud. The Chamber requested a timely response to the request.

Mr. Lewis expressed opposition. Mr. Cohn questioned whether there would be any legal ramifications with granting the request. Ms. Storch advised that there is no legal reason not to grant the request. Ms. Macklin commented on the condition of the work areas in the police department with dampness and that the space requires renovation. She further commented that the office space being requested by the Chamber could be additional space utilized by the police department. Ms. Evans commented that the WCDC had decided not to rent office space to the Chamber of Commerce due to organizational issues. President Moore suggested tabling action on the request until a review can be made of the recommendations contained in the space allocation study.

Ms. Macklin received two (2) calls from residents regarding the lack of a crossing guard stationed at the corner of Kelly and Hay St. She suggested that the Public Safety Committee review the matter. She further commented that she has received a request for residential permit parking in the 700 block of Franklin Ave. Ms. Macklin will follow up with the Borough Manager. Ms. Macklin expressed concern on an apparent shortage of school crossing guards and suggested a report is needed from the Police Chief as to number of vacancies and employment applications.

Ms. McCarthy-Johnson commented on an article in the newspaper regarding registered sex offenders residing in a personal care home in Wilkesburg at the corner of Hill Ave. and Wood St. She stated that Allegheny County is placing individuals who have mental disabilities in the facility. Ms. McCarthy-Johnson commented that the facility is located three blocks from Wilkesburg High School. Mr. Lewis suggested taking a look at Megan's Law and noted that there are three other registered sex offenders living in close proximity to the Gibbs Home. Ms. Storch will research the matter and provide a response to Council.

ADJOURNMENT

Being no further business, on motion by Mr. Cohn, second by Ms. McCarthy-Johnson, the meeting was adjourned at approximately 9:58 PM.

Eugenia Moore, Council President