

BOROUGH OF WILKINSBURG COUNCIL MEETING
Planning Session
April 6, 2011

CALL TO ORDER

President Moore called the meeting to order at approximately 7:10 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. Trice, Mr. Cohn, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Mayor John Thompson, Marla P. Marcinko, Borough Manager and Patricia McGrail, Esquire from the Law Offices of Patricia McGrail, L.L.C. and Borough Solicitor. Absent were Council members Ms. Ervin, Ms. Evans and Mr. Lewis. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, President Moore requested a moment of silence be observed to remember victims of violent crime and the Police Officer in Clairton, Pennsylvania who was injured in the line of duty.

SPECIAL PRESENTATION

Ben Price with the Legal Defense Fund was present to address Council on natural gas drilling in Marcellus Shale. Mr. Price advised that he had been invited to the meeting by members of the community. Mr. Price commented that he works with communities to establish the greatest degree of local control over gas drilling operations and offers free legal services as well as services to assist in the defense of local legislation and has worked with the City of Pittsburgh on their legislation. He commented that local officials have an obligation to protect the health, safety and welfare of their citizenry but may be restricted in doing so, often times by State law. Mr. Price noted several obstacles in the regulation of drilling activities:

- The regulatory fallacy
- Issues with State pre-emption
- Corporate supremacy
- The doubt that we have the right to self-govern

He commented on the options in going forward as being:

- Do nothing
- Use existing regulatory law
- Assert rights beyond regulatory law

Mr. Price commented that he has met with community members to discuss drafting an ordinance to present to Council for consideration.

Ms. Macklin questioned the impact that natural gas drilling could have in Wilkinsburg considering the coal mining which occurred in the community years ago. Mr. Price commented that this raises additional concerns with vacancies resulting from prior mining operations. Ms. Macklin questioned whether corporations have equal rights as individuals and whether those rights can be used to usurp the rights of individuals. Mr. Price responded that it is sometimes a matter financial resources. Mayor Thompson requested clarification on the Borough's regulatory option and the role of the Legal Defense Fund in providing assistance. Ms. McGrail questioned whether the community rights legislation which Mr. Price referred to has been tested in court. Mr. Price advised that it had with various outcomes but not related to natural gas drilling in Marcellus Shale. Mr. Cohn commented that he believes that communities will be dealing with many environmental issues in the future as a result of these processes. Mr. Cohn questioned whether natural gas drilling could be performed in Wilkinsburg and what strategies have been employed in other urban areas. Mr. Price could not speak directly to the possibility that operations could be performed in Wilkinsburg but that it has occurred in other urban areas. He cited Fort Worth, TX as an example. Mr. Cohn questioned whether there was a maximum level of defense that the Legal Defense Fund could provide. Mr. Price responded that would be dependent upon the number of municipalities that would enact the legislation and that there would be a limit on the amount of resources which could be provided to any one municipality and that local legal counsel may be needed. He further advised that the LDF cannot pay filing fees. Ms. Macklin commented on leases in Churchill and Churchill Country Club.

PUBLIC COMMENT

David Wilson – Eastern Area Pre-Hospital Services - Mr. Wilson reported that EAPS was unable to conduct the blood pressure clinic this month. Blood pressure screening will be held on April 29, 2011 from 11:00 AM -1:00 PM. He commented that there were errors in the emergency response times provided last month and advised that one minute should be deducted from those reported times. There were a total of 855 calls this quarter and 625 transports. President Moore questioned where the medics are physically stationed when they are not in the Wilkinsburg fire station. Mr. Wilson advised that he will be discussing this matter with the Borough Manager next week.

Kelly Maloney – Expressed concerns related to Marcellus Shale drilling and the adverse impacts on the environment. She suggested looking at Dish, Texas as an example.

Terri Supowitz – Expressed concerns related to drilling and the impact on surface and source water. She provided a copy of the proposed ordinance to ban drilling in the Borough to the Solicitor.

Richard Bradford 502 Holmes St. – Congratulated the Borough on the window replacement. He advised that there was a celebration at the high school on March 30, 2011 to commemorate its 100 year anniversary.

John Ward 1221 Swissvale Ave. – Mr. Ward questioned the status of the one-way restriction for Hill Avenue. Ms. Marcinko advised that public safety response issues relating to the proposed restriction are currently under review. Mr. Ward suggested that the legislation could be amended to limit the one-way restriction to the 1000 block of Hill Avenue. He also suggested consideration be given to changing Hunter Street from one-way to two-way.

Ashley Deal – Commented on the issue of assault charges filed against Mr. Lewis and President Moore's comment at the last meeting that the matter is private in nature and not public. Ms. Deal expressed her opinion that the matter is one for the public as it represents the latest incident in a long history of this type of behavior on the part of Mr. Lewis. She commented on a lawsuit which was brought against Mr. Lewis several years ago by a Borough employee which resulted in a \$22,500 settlement in favor of the employee. Ms. Deal commented that personal matters are no longer personal when you hold public office. She commented that elected officials must comport themselves appropriately. She commented that this is not just a public matter but a community matter particularly in a community which deals with many issues relating to violence.

Eve Goodman – Expressed concerns regarding natural gas drilling operations and her support of a ban of these operations in the Borough. Ms. Goodman suggested that independent water testing should be conducted at multiple locations in order to establish a baseline on water quality. She also expressed concern regarding horizontal drilling.

Joseph Krajcovic – Expressed concerns related to drilling with the main concerns being environmental and water quality.

Abby Schacter – Expressed her support of drilling and the industry.

Loretta Weir – Commented that she is a City resident who worked on the ban effort in the City. She expressed concerns regarding environmental impacts of drilling.

Gail Hawthorne – Stated that she did not feel that information is effectively disseminated in the community with regard to events and issues.

Joanie Rubiniwitz – Commented that she is a City resident and is opposed to drilling and supports a ban.

REPORT FROM MAYOR JOHN THOMPSON

Mayor Thompson reported:

- There were 96 arrests in March.
- The Department is working with the U.S. Marshall's office on Meghan's Law offenders.
- The lease on the police cruisers expires in September and, at that time, the Borough can purchase them at a cost of \$1.00 per vehicle. Ford is introducing their new line in May.
- The Department will be applying for a grant for new bullet-proof vests for all officers.
- The Police Department acquired some surplus Fire Department equipment, specifically, portable radios which are UHF.
- The Department is continuing its initiatives with Weed & Seed and the WCDC public safety meetings.
- The planning committee is working on Community Day.

- Provided a brief comment regarding the recent shooting and commented in general on concerns regarding safety in the community and that most violent acts are not random in nature. He encouraged residents to use the 911 system to report all crimes and suspected crimes.
- Announced the Community Day Clean Up on April 30, 2011 and the MAD DADS Father's Day Celebration on June 18, 2011. Both are annual events.

Shirley Doubt-Elston questioned whether the Police Department is fully-staffed. Mayor Thompson commented on the status of the hiring process.

Ms. McCarthy-Johnson referred to the Uniform Crime Reporting system as a source of information for residents. She also commented on the nixle.com system as a way to receive alerts regarding crime events in the community.

REPORT FROM COUNCIL PRESIDENT

President Moore reported:

- Weed & Seed is sponsoring a Community Empowerment workshop.
- The Community Clean Up will be held on April 30, 2011 and problem areas will be identified and addressed.
- PA Weed & Seed is organizing a lobbying effort for Harrisburg.

Adult Library Report -

- The Library is again sponsoring the Wise Walk Program for residents aged 50 and older.
- The annual Book Sale and Flea Market will be held June 3 through 11, 2011. Donations are being accepted for both and volunteers are needed.
- Easter programs are being planned for the Children's Department.

President Moore advised that she is the Hard Head Patrol Officer for Wilkinsburg. The program provides vouchers for helmets for children. The program runs May through September.

President Moore advised that Isobel Storch is retiring from the Law Offices of Patricia McGrail effective April 8, 2011.

REPORTS FROM COMMITTEES

Capital Planning Committee – Ms. Macklin reported:

- The Committee has received requests for capital equipment and projects but without any costs associated with it.
- A representative from PNC Capital Markets and Attorney Wayne Gerhold attended the last meeting to provide an overview of the bond market. This matter will be referred to the Finance Committee.

Finance Committee – Mr. Cohn reported:

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- The Committee would like to finalize the projects and costs for the proposed issuance of debt within the next month.

- The Committee met on March 17, 2011 and March 31, 2011.
- The Committee is working on the EIP recommendations and will be submitting a list to Council of proposed fee increases.
- The next meeting will be held on April 21, 2011 at 9:30 AM.
- The Pension Board met on April 1, 2011 and the following matters were discussed:
 - The need to redefine the roles and responsibilities of the Pension Board as part of the plan document.
 - A recommendation for a firefighter retiree to appoint to the Board.
 - The need for a resident representative with some financial/pension experience.
 - The need to meet more regularly.
- The Finance Director has requested hiring of a part time Finance Clerk I. The authorization to advertise can be considered at the next meeting.

Personnel Committee – Ms. Trice reported:

- The March meeting was cancelled.
- Information from the TCVCOG was distributed.
- The next meeting will be on April 13, 2011 at 6:00 PM.

Public Safety Committee Report – Mr. Lefebvre reported:

- The next meeting will be on April 20, 2011 at 5:30 PM.

Linda Law questioned whether a report on the Parks & Recreation Advisory Board would be provided. Ms. McCarthy-Johnson provided an update from the last meeting and commented on the cooperative effort with PUCS for improvements to Ferguson Playground. Ms. McCarthy-Johnson provided proposed capital improvements for parks to Ms. Macklin and Ms. Marcinko. The next meeting is scheduled for April 14, 2011 at 5:30 PM.

Ms. Macklin requested that Mayor Thompson and Chief Coleman notify Council of major public safety incidents in the future if only for a point of information and to advise that the matter is under control. The Mayor concurred that this would be a good idea and advised that his main concern with this would be providing inadequate/inaccurate information too early.

Mr. Cohn questioned whether the nixle system could be utilized for this purpose.

Gail Hawthorne commented on feeling safer in the community with Chief Coleman as Chief of Police.

