

**WILKINSBURG BOROUGH COUNCIL MEETING**  
**Legislative Session**  
**May 18, 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., Wilkinsburg, PA.

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

Following the pledge of allegiance, President Moore requested the audience remain standing to observe a moment of silence for all victims of violent crime.

**SPECIAL PRESENTATION**

Citizens' Police Academy – Certificates of Achievement

Certificates of Achievement were presented by Chief Ophelia Coleman and Sergeant Wayne McKenith to the Citizens' Police Academy participants for the spring 2011 session. The City of Pittsburgh Emergency Management Agency was also in attendance for the presentation. Certificates were presented to: Marilyn Albert (accepting for Ms. Albert was Kate Granneman), Jonathan D. Bennett, Shannon C. Bennett, Paula Breuer, Jessica M. Burns, Ruth D. Clover, Ashley Deal, Amy Evans, Kate Granneman, Susan Malongowski, Heather Marin, and Laura Spinelli.

Mayor John Thompson arrived at 7:20 PM. Ms. McCarthy-Johnson arrived at 7:24 PM.

Sergeant Wayne McKenith boasted that this class was one of the best classes he has been involved with out of four. He thanked Pittsburgh EMS and everyone involved. Representatives from the City of Pittsburgh EMS also thanked all involved. Mayor John Thompson expressed his appreciation and his respect for the Wilkinsburg Police Department. A representative of the spring 2011 class thanked Sergeant McKenith on behalf of the entire class.

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**PUBLIC COMMENT**

**Terri Supowitz – 310 Hay St.** – Requested Council’s consideration to ban natural gas drilling in the Borough of Wilkinsburg and invited Council to attend a meeting in Hickory, Washington County, to observe an active site. Ms. Supowitz advised Council of a seminar to be held June 11<sup>th</sup> from 10:00 AM to 4:00 PM sponsored by CELDF on gas drilling bans. There will be a packet distributed with all the information. Ms. Supowitz asked Solicitor Racunas if he had spoken with Ben Price. Mr. Racunas replied that he had.

**Josh Zelesnick 312 West St.** – Expressed his support of a ban on natural gas drilling. He read aloud various articles relating to the banning of fracking. Ms. Evans requested a copy of the ordinance from West Homestead and the City of Pittsburgh. Ms. Macklin inquired as to whether water companies are taking action against fracking. A member of the audience replied that some have.

**Edith McCullum – 1306 Hunter St.** – Expressed her interest in rebuilding the Hunter Street area. She requested that Council give consideration to the current state of the area and expressed concerns relating to traffic issues. President Moore expressed her desire to improve the area.

**Chris Stukeet 1024 Hill Ave.** – Expressed concerns relating to traffic issues and accidents on Hill Avenue. He expressed his support of a one-way restriction or some other solution. He suggested speed control as a way to alleviate some of the problems. Ms. Evans commented on Council’s awareness of this issue and that the matter is under review. Mr. Lewis commented that emergency services response would not be affected by the one-way restriction. Mayor Thompson spoke of the issues with entering and exiting the street and the potential issues if it were to be designated one-way. Ms. Ervin commented that Council had considered a limited one-way designation. Mr. Lewis commented that the engineer had recommended the one-way restriction and that there is no issue with emergency vehicle response. President Moore stated that Council would continue to review the issue. Ms. Trice suggested that PA DOT perform a study to determine whether a traffic signal is warranted at the intersection of Hill Ave and Swissvale.

**John Ward – 1221 Swissvale Ave.** – Expressed his support of a one-way restriction on Hill Ave and offered other alternatives to address the traffic issues.

**Susan Erickson 1004 East End Ave.** – Expressed her support of a ban on fracking. Ms. Macklin suggested approving a resolution to support West Homestead’s and the City of Pittsburgh’s ban on natural gas drilling. Mr. Racunas advised that the Pennsylvania Oil and Gas Act preempts any local ordinance. He further warned of risks involved with a ban. The key issue is not with a ban on industry but a ban due to health and safety concerns. He further suggested utilizing zoning as a way to better regulate the activity.

A motion was made by Ms. Evans, second by Ms. Macklin, to approve a resolution supporting the City’s of Pittsburgh’s and West Homestead’s action in banning natural gas well drilling.

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Mr. Lewis stated that he would support the motion and expressed that if it is Council's intention to proceed with a ban on natural gas well drilling, that the process be started now.

Mr. Lefebvre expressed his agreement with Mr. Lewis' statement and commented that the first of two required votes could be taken at this meeting.

Ms. Evans suggested that the vote take place on the motion on the floor and a subsequent motion be made to adopt the ordinance.

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

**Abstain:** Ms. Ervin

**Motion carried 7:0 with one abstention**

A motion was made by Mr. Lewis, second by Ms. Macklin, to enact a ban on natural gas drilling within the Borough of Wilkinsburg.

Mr. Racunas inquired as to whether the motion was to advertise the ordinance and President Moore responded affirmatively.

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

**Abstain:** Ms. Ervin

**Motion carried 7:0 with one abstention**

**Linda Kirkland-Law – 908 Wood St. Apt. #2** – Announced a block party sponsored by the Wilkinsburg Ministerial Alliance on Saturday May 21, 2011 from 1:00-6:00 PM at the Borough parking lot on Wallace Avenue adjacent to the Wilkinsburg Christian Church. She also announced that there will be a Spring Concert on Sunday May 22, 2011 at 4:00 PM at St. Mark A.M.E. Church at 1409 Montier Street. Mayor Thompson requested support of the Wilkinsburg Ministerial Alliance by participating in these events.

**Mark Ozork 536 Ardmore Blvd.** – Expressed his support of a ban on natural gas well drilling and suggested that the Borough could band together with other municipalities for a legal defense to any challenges to the legislation if needed. Mr. Ozork requested Council speak to Nine Mile Run Watershed Association to support the health of the environment.

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Ms. Evans commented that the impact fee fund disbursements from the State will not be available to municipalities that ban drilling.

**ORDINANCES ON FIRST READING**

**Ordinance No. 2868**

**An Ordinance of the Borough of Wilkinsburg, County of Allegheny, Commonwealth of Pennsylvania, amending Chapter 146 of the Wilkinsburg Code of Ordinances, Section 3 relating to methods or administration and enforcement of the International Fire Prevention Code of 2009 as the Fire Prevention Code for the Borough of Wilkinsburg.**

**Moved:** Mr. Lewis

**Seconded by:** Mr. Lefebvre

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

**Motion carried**

**ORDINANCES ON SECOND READING**

**Ordinance No. 2867**

**Repealing Ordinance No. 2858 which established one-way restrictions on Hill Ave. and Mill Street and eliminated stop intersections on Hill Ave. and Mill Street.**

**Moved:** Ms. Trice

**Seconded by:** Ms. Ervin

Mr. Lewis made a motion to table the repealing of Ordinance Number 2867. The motion failed for lack of second.

Ms. Macklin commented that the passage of the Ordinance to establish the one-way restriction on Hill Ave. has not been implemented as the Police Department advised that the restriction would create a dangerous situation and that the Ordinance is being rescinded to move forward on the discussion held at this meeting.

**Yes:** Ms. Ervin, Ms. Trice, Ms. Macklin

**No:** Ms. Evans, Mr. Lewis, Ms. McCarthy-Johnson, Mr. Lefebvre, President Moore.

**Motion failed 3:5**

**RESOLUTIONS**

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**11-039**

**Approving the Borough Council Meeting Minutes of April 6 and April 20, 2011.**

**Moved:** Mr. Lewis

**Seconded by:** Mr. Lefebvre

Ms. Macklin requested a correction to the April 6, 2011 minutes on page four under Capital Planning Committee. The minutes as presented read "committee is collecting requests for capital equipment and projects" and should read "the committee has received requests for capital equipment and projects but without any costs associated."

Ms. Macklin also requested a correction to the April 20, 2011 minutes on page ten. The minutes as presented read "Ms. Evans awarded... and should read "Ms. Evans, Executive Director of Wilkinsburg Community Development Corporation (WCDC).

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

**Motion carried**

**11-040**

**Approving the April Checks Issued in the amounts as follows:**

Regular Distributions 04/01/11 – 04/30/11	\$ 909,055.72
Payroll Disbursements	\$ 328,653.37
Voided Checks	\$ ( -0- )
Total	\$ 1,237,709.09

**Moved:** Ms. Evans

**Seconded by:** Mr. Lefebvre

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

**No:** Mr. Lewis, Ms. Macklin, Ms. Trice, Ms. Ervin

**Being a tie vote, the Mayor cast his vote in favor of the motion.**

**Motion carried 5:4**

**11-041**

**Approving new fee structure.**

**Moved:** Ms. Evans

**Seconded by:** Mr. Lefebvre

**Yes:** Ms. Macklin, Ms. McCarthy-Johnson, Mr. Lewis, Ms. Trice, Mr. Lefebvre, Ms.

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Evans, Ms. Ervin, President Moore

**Motion carried**

A motion was made by Ms. Macklin, second by Ms. Evans to approve Resolutions 11-042 through 11-047 by way of Consent Agenda.

Mr. Lewis commented that he did not receive Resolution 11-047 in his agenda packet. He commented that he is not opposed to taking action on same provided as it is the same resolution as the others presented.

**CONSENT AGENDA**

**11-042**

**Authorizing the proper officials to execute the Agreement between the Borough of Wilkinsburg and the Wilkinsburg Chamber of Commerce for the operation of the Farmers' Market from June 16, 2011 through November 17, 2011.**

**11-043**

**Granting approval to Wilkinsburg School District for a street closure on May 26, 2011 between the hours of 5:00 p.m. and 6:30 p.m. on Wallace Ave. between Center Street and Wood Street for the purpose of holding a procession for the prom ceremony.**

**11-044**

**Sponsoring a banner across Penn Avenue between Hay Street and Wood Street to announce the Wilkinsburg Library Book Sale.**

**11-045**

**Reappointing Susan Holmes to the Community Art & Civic Design Commission for a three-year term commencing continuing through December 31, 2013.**

**11-046**

**Reappointing Carin Mincemoyer to the Community Art & Civic Design Commission for a three-year term continuing through December 31, 2013.**

**11-047**

**Reappointing Harold Young to the Community Art & Civic Design Commission for a three-year term continuing through December 31, 2013.**

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

**Motion carried**

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**11-048**

**Appointing Chelsea Burket to the Wilkinsburg Community Art & Civic Design Commission to serve a two-year term continuing through December 31, 2012.**

**Moved:** Ms. Trice

**Seconded by:** Mr. Lewis

Ms. Macklin requested a friendly amendment with the condition that the appointment maintains the majority balance of Wilkinsburg residents in accordance with the enabling legislation. Ms. Evans commented that the amendment is not necessary as the language in the ordinance clearly states that this particular seat on the Commission is filled by an Urban Planner. There is one vacant seat in Ward One for a professional with an arts background. The only other non-resident is Yvonne James who was the Chamber's delegate and has a business in the Borough of Wilkinsburg. Ms. Macklin withdrew her friendly amendment.

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

**Motion carried**

**11-049**

**Authorizing the extension of the Employment Agreement entered into on June 20, 2008, between the Borough and Marla P. Marcinko, through December 31, 2011.**

**Moved:** Ms. McCarthy-Johnson

**Seconded by:** Mr. Lefebvre

A motion was made by Ms. Macklin, second by Ms. Trice to table the extension of the Employment Agreement between the Borough and Marla P. Marcinko.

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

**No:** Ms. Evans, Ms. McCarthy-Johnson, Mr. Lefebvre

**Motion carried 5:3**

**11-050**

**Extending an offer of employment to Roy Clark to the position of Director of Public Works, subject to certain conditions and terms.**

**Moved:** Mr. Lewis

**Seconded by:** Ms. Trice

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

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**Motion carried**

**11-051**

**Extending an offer of employment to Sean Gramz to the position of Director of Code Enforcement, contingent upon the successful completion of a physical examination to include a drug and alcohol screen and background check, and subject to certain conditions and terms. Relocation expense reimbursement up to \$1,000.00 in accordance with Borough policy.**

**Moved:** Ms. Evans

**Seconded by:** Mr. Lewis

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

**Motion carried**

**OLD BUSINESS**

Ms. Macklin spoke of three issues of concern that require action by Council. The first issue being Mr. William Leverette and a request for residential parking as both sides of Pitt Street are posted for "No Parking" on the same day. She further commented on the request for a representative from the Port Authority to be invited to the next Planning Session to discuss the impact of recent service cuts to Wilkinsburg residents. President Moore commented that the Chief of Police was to look into the issue of parking for Mr. Leverette.

President Moore commented about parking information for Hazel Thomas and Mr. Leverette. Mayor Thompson commented about time issues involved when parking is permitted. He commented about the need for Council to consider residential parking based upon the neighborhood areas. President Moore commented on the parking on Laketon Rd. Ms. Evans commented about enacting a better policy with regard to parking restrictions. She suggested a comprehensive parking study. Ms. Ervin questioned if there is a procedure for establishing residential parking. Ms. Trice requested a copy of the procedures for establishing residential parking.

Ms. Macklin questioned the status of police officer hiring and the Clerk positions. Mayor Thompson reported that he did not have any additional information. The Solicitor advised that personnel matters should be discussed in executive session.

Mayor Thompson commented on the water flooding problem in the basement offices of the Police Department. Mayor Thompson advised that, with the amount of rain we have been receiving, staff must be moved out of the problem areas. Ms. Ervin commented that she had visited the Police Department and there were puddles of water on the floor. She described the conditions as very bad.

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Mr. Lewis left the meeting at approximately 9:08 PM.

A motion was made by Ms. Macklin, second by Ms. Trice, to move the Police Department personnel from the basement area and the roll call room to the Weed and Seed Office area and/or available office space in the Municipal Building. This should be done immediately. It was reported there was water damage to evidence in the evidence room.

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

**Motion carried**

**NEW BUSINESS**

**Approving street closure for Neighborhood Fair on 900 Block of East End Avenue.**

**Moved:** Mr. Lefebvre

**Seconded by:** Ms. Evans

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

**Motion carried**

President Moore reminded Council about the Hard Hat Program at Kohl's Department Store in Monroeville.

President Moore reported that the Children's Library will be hosting a production of Aladdin.

**ADJOURNMENT**

Being no further business, on motion by Ms. McCarthy-Johnson, second by Ms. Trice, the meeting was adjourned at approximately 9:25 PM.

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Eugenia Moore, Council President