

WILKINSBURG BOROUGH
Council Legislative Session
December 11, 2013

CALL TO ORDER

Vice President McCarthy-Johnson called the meeting to order at approximately 7:02 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. Ervin, Ms. Evans, Ms. Trice, Ms. Moore, Ms. Goodman, Ms. McCarthy-Johnson, Ms. Macklin, and President Cohn (via remote connection). Marla P. Marcinko, Borough Manager and Michael J. Witherel, Solicitor were also present. Mayor John Thompson was absent. A quorum was established.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime.

PUBLIC COMMENT

Wilbert Wright – 1315 Clark St. – Mr. Wright distributed to the Council members a copy of a letter containing his complaint of a violation of the Older Adults Protective Services Act. Mr. Wright contends he has been mistreated by Community Life.

Kate Luxemburg – 432 Rebecca Ave. – Ms. Luxemburg questioned whether there is a buyer for 710 Swissvale Avenue. Ms. Evans stated that the interested party is Regent Square Concrete. Mr. Witherel stated that the taxing authorities can only exonerate tax encumbrances. Ms. Luxemburg commented on the tax compromise process. Finally, she suggested that Council obtain technical expertise from local electricians in administering the electrical code. Ms. Moore questioned whether Ms. Luxemburg had comparisons from other communities as to the cost of electrical inspections. President Cohn agreed that alternatives could be explored next year. Ms. Marcinko commented that Borough staff has been discussing these options. She stated that there are provisions in the agreement with Plans Examiners which require that inspections be conducted by their inspectors.

AGENDA ITEMS

1. **Adopting Ordinance No. 2919 – Removing Handicap Parking spaces.**

Moved: Ms. Ervin

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried.

2. Adopting Ordinance No. 2920 – Establishing Handicap Parking Space – 551 Mifflin Ave.

Moved: Ms. Evans

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried.

3. Adopting Ordinance No. 2921 – establishing regulations for the placement of Portable Storage Units and Waste Dumpsters.

Moved: Mr. Lefebvre

Second: Ms. Goodman

All voted in favor of the motion. Motion carried.

4. Adopting Ordinance No. 2922 – Establishing Tax Rate for Fiscal Year 2014.

Ms. Marcinko stated that there is no increase in the tax rate for FY 2014. In response to a question from Ms. Macklin, Ms. Marcinko confirmed that the proportions of the distribution for real estate taxes are the same as 2013. The distribution is General Purposes - 11.48 Mills; Debt Service - 1.48 Mills; and, Library Purposes - 1.04 Mills.

Moved: Mr. Lefebvre

Second: Ms. Ervin

All voted in favor of the motion. Motion carried.

5. Adopting Ordinance No. 2923 – Establishing Handicap Parking Space – 1526 Foliage Street.

Moved: Ms. Macklin

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried.

6. Authorizing the advertisement of Ordinance No. 2924 – Establishing Handicap Parking Space – 324 South Avenue.

Moved: Ms. Evans

Second: Mr. Lefebvre

All voted in favor of the motion. Motion carried.

7. Approving Resolution No. 13-090 – Adopting the 2014 Municipal Budget.

Moved: Ms. Goodman

Second: Mr. Lefebvre

Ms. Macklin stated that she will not vote in favor of adopting the budget as she is not comfortable with the methodology used in preparing the budget. She expressed concern with the potential \$800,000 variance in the year-end cash balance from projected to actual and does not

believe that the residents have a clear picture of the Borough's financial status. Ms. Marcinko stated that responses to these concerns had been previously provided and that consistently the audited fund balances at the beginning of the fiscal year are in the range of \$1.3 million. She stated that the variance between projections and actuals cannot be attributed to one or a couple line items but that it is typically the result of multiple line items. She stated that the year-end projection for ending fund balance increased by nearly \$100,000 due to updating the year-end revenue and expense projections for the past month.

Ms. Moore asked Ms. Macklin to specify the budgeting approach with which she is not comfortable. Ms. Macklin stated that, with her background in finance, she would utilize historical and actual data when preparing budgets. She believes the variance between the projected year-end fund balance and actual is significant and does not allow Council to make realistic spending decisions. Ms. Macklin also commented on the impact of the variances between budget and actuals on bond ratings. Both Ms. Marcinko and Mr. Egler commented on the exceptional bond rating obtained by the Borough in 2011. Ms. Marcinko stated that the process she follows in preparing the budget requires a review of historical data as well as every expenditure made during the year. Mr. Egler commented that typically the most significant variation between projections and actuals can be attributed to positions which are funded but remain vacant. He also commented that revenues are up this year due to joint tax collection as required by Act 32 and increased real estate tax revenues due to reassessments. Ms. Evans stated that good work has taken place and she would like the community to continue to move forward. She stated that staff and Council should be commended for a job well-done. Ms. Macklin commented on staffing levels in the Police Department and Department of Public Works her commitment to increase public safety. Ms. Ervin questioned the budgeted salary for the Director of Code Enforcement. Ms. Marcinko responded that \$59,000 had been budgeted, which included a \$2,000 one-time merit increase. Council did not support the merit increase so the amount was reduced to \$57,000.

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

No: Ms. Macklin, Ms. Trice, Ms. Ervin

Motion carried 6:3

8. Approving Council Meeting Minutes of November 13 and November 20, 2013.

Moved: Mr. Lefebvre

Second: Ms. Goodman

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

Abstain: Ms. Ervin (Minutes of 11/20/2013)

Motion carried 8:0 with 1 Abstention

9. Approving November Checks Issued:

Regular Disbursements 11/01 – 11/30/13	\$1,322,761.83
Payroll Disbursements	260,559.79
Voided Checks	-0-
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Total Disbursement	\$1,583,321.62

Moved: Mr. Lefebvre

Second: Ms. Moore

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

No: Ms. Macklin, Ms. Ervin, Ms. Trice

Motion carried 6:3

10. Approving Resolution No. 13-091 – Setting employee contribution rate – Police Pension Plan.

Moved: Ms. Moore

Second: Mr. Lefebvre

Ms. Macklin questioned whether the contribution rate had increased over prior year. Ms. Marcinko stated that it had not and the current rate has been implemented in accordance with the most recent arbitration award wherein the rate was increased from 5.4 percent to 6.5 percent.

All voted in favor of the motion. Motion carried.

11. Approving Resolution No. 13-092 – Establishing Sewer Fees.

Moved: Mr. Lefebvre

Second: Ms. Goodman

Ms. Macklin commented that the rate increase is the result of the increased rates the Borough pays to ALCOSAN. ALCOSAN increased its rates by 17%. The Wilkesburg component of the sanitary sewer rate will not be increasing and will remain at \$1.50/thousand gallons.

All voted in favor of the motion. Motion carried.

12. Approving Resolution No. 13-093 – Executing Indenture with RAAC regarding parking lots.

Moved: Ms. Evans

Second: Ms. Goodman

Ms. Macklin questioned the Option Agreement on the parking lots. Ms. Marcinko stated that Council had previously authorized a Memorandum of Agreement for the transfer of the option

parcels to the County and that the action required at this time relates to the execution of the Indenture to transfer the parcel immediately adjacent to the Penn Lincoln and the underground parking garage. Ms. Macklin questioned the extent of the input Council would have into the ultimate use of the property. Mr. Witherel stated that the review would go through Zoning and the Planning Commission. Ms. Macklin questioned whether the property would transfer to the Borough if it is not redeveloped. Ms. Marcinko commented that this question relates to the next item on the agenda. The Option Agreement provides for the transfer of multiple parcels which comprise about half of the parking lot on Wallace Avenue between Wilkinsburg Christian Church and the School District Administration Building. Council had previously agreed to transfer approximately ½ of the parking area. This comprises 5 parcels which are immediately adjacent to Wilkinsburg Christian Church. Ms. Macklin expressed concern with turning over this asset.

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

No: Ms. Macklin

Motion carried 8:1

13. Approving Resolution No. 13-094 – Executing Option Agreement with RAAC regarding parking lots.

Ms. Marcinko commented that the Option Agreement provides for the transfer of the five lots discussed under the last agenda item. She stated that the Option Agreement is only effectuated if the property is developed to a level of use which requires this parking.

Moved: President Cohn

Second: Ms. Goodman

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

No: Ms. Macklin

Motion carried 8:1

14. Approving Resolution No. 13-095 – Executing Seller’s Survey Affidavit with RAAC regarding parking lots.

Ms. Trice commented that the Exhibit material was just received. Ms. Marcinko stated that the information was just recently received from the County. Ms. Trice stated that the wards in which the parcels are located are incorrect and should be changed. Ms. Marcinko will ensure the correction is made.

Moved: Ms. Evans

Second: Ms. Goodman

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

No: Ms. Macklin

15. Approving Resolution No. 13-096 – Reappointing Pamela Macklin – Planning Commission.

Moved: Ms. Ervin

Second: Ms. Trice

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

No: Ms. Evans, Ms. Goodman, Ms. McCarthy-Johnson, Mr. Lefebvre, President Cohn

Motion failed 4:5

16. Approving Resolution No. 13-097 – Reappointing Michael Lefebvre – Planning Commission.

Moved: Mr. Lefebvre

Second: Ms. Goodman

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

No: Ms. Ervin, Ms. Trice

Motion carried 7:2

17. Approving Resolution No. 13-098 – Reappointing Patrick Shattuck – Planning Commission.

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

All voted in favor of the motion. Motion carried.

18. Approving Resolution No. 13-099 – Appointing Glenn Freund – Planning Commission.

Moved: Mr. Lefebvre

Second: Ms. Goodman

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

All voted in favor of the motion. Motion carried.

19. Approving Resolution No. 13-100 – Appointing Gail Ross – Planning Commission.

Moved: Mr. Lefebvre

Second: Ms. Goodman

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

All voted in favor of the motion. Motion carried.

20. Approving Resolution No. 13-101 – Appointing Denise Sheffey – Parks and Recreation Advisory Board.

Moved: Mr. Lefebvre

Second: Ms. Goodman

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

All voted in favor of the motion. Motion carried.

Ms. Trice inquired as to the number of Council members who may serve on a committee or commission. Ms. Marcinko stated that 3 Council members may serve on a nine-member planning commission, in accordance with the provisions of the PA Municipalities Planning Code.

OLD BUSINESS

Ms. Moore stated that the dumping issue continues at 1114 Bessica St.

Ms. Marcinko provided a recommendation to Council for the Verdi Way Storm and Sanitary Sewer Repairs which had been authorized for bid.

A motion was made by Mr. Lefebvre, second by Ms. Macklin, to award the contract for the Verdi Way Storm and Sanitary Sewer Repairs to the low bidder, Creative Enterprises, in the amount of \$89,400.

All voted in favor of the motion. Motion carried.

Ms. Macklin questioned whether Council will meet next week. Ms. McCarthy-Johnson stated that Council may elect to cancel the meeting if all action items can be addressed tonight.

In response to Ms. Moore's inquiry, Mr. Witherel advised that the budget could be reopened next year.

NEW BUSINESS

Ms. Marcinko emailed correspondence and provided hard copies to Council relating to recommended arbor week provided by the Citizens Advisory Committee on Shade Trees. Proposals were sought from four contractors, one of which did not respond. The low bidder is Adler Tree Service with a bid of \$10,500.

A motion was made by Ms. Evans, second by Mr. Lefebvre, to award the contract for tree removal and maintenance to Adler Tree Service in the amount of \$10,500.

Moved: Ms. Evans

Second: Mr. Lefebvre

Ms. Macklin inquired as to whether removal of the stumps on Penn Ave, which were part of the DLCO tree maintenance project years ago, would be considered. Ms. Marcinko will follow up with the Borough arborist.

All voted in favor of the motion. Motion carried.

Chief Coleman announced the Holiday Parade will take place on Saturday, December 7 beginning at 11:00 a.m. The route will be the same as prior years'. A concert will be held at 2:00 p.m. at Wilkinsburg High School Cafeteria. The Chief also commented that the Citizens' Police Academy graduated last week.

Mr. Lefebvre made a motion to establish a policy for appointments to Committees, Commissions, and Boards which would require that the appointee does not have any outstanding code violations or owe taxes. He further suggested that, should either of these issues occur after the official has been seated to office, the individual be provided 30 days to remedy the issues or be removed from office. Mr. Cohn seconded the motion. Ms. Moore expressed agreement with implementing such a policy. Ms. Ervin asked the Solicitor if such a policy is permissible. Mr. Witherel stated that Boards, Committees, and Commissions are covered by different codes for removal from office. Ms. Macklin stated that elected officials should be held to the same standard. Ms. Evans commented that these issues can be made public during an election campaign. President Cohn stated that he is in favor of such a policy to ensure representatives are reasonably compliant. Ms. Marcinko suggested that a policy be drafted for consideration by Council. The motion and second were withdrawn by Mr. Lefebvre and President Cohn.

Ms. Bahn announced that the Wilkinsburg High School Band will be playing on Friday, December 13, 2013 at the Society for Contemporary Craft in the Strip District.

It is the consensus of Council to cancel the meeting scheduled for December 18, 2013.

The Council Reorganization Meeting is scheduled for Monday January 6, 2014 at 6:30 p.m. The regular meeting will be held January 8, 2014 at 7:00 p.m. An Affidavit of Residency for all newly-elected officials must be completed and notarized after January 1, 2014 and prior to being sworn in.

ADJOURNMENT

Being no further business, on motion by President Cohn, second by Ms. Evans the meeting was adjourned at approximately 8:24 p.m.

Vanessa McCarthy-Johnson, Vice-President