

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
October 19, 2011

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., 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. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Lawrence Focareta, Administrative Assistant to the Borough Manager and Matt Racunas, Esquire, from the Law Offices of Patricia McGrail, L.L.C., and Borough Solicitor. Absent were Marla P. Marcinko, Borough Manager and Mayor John Thompson. A quorum was established.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Sidney Davis – 1027 Ross Ave. – Commented about the condition of the property at 1025 Ross Ave and problems in prior years with drug use and vermin at this location. Mr. Focareta will refer this matter to the Code Enforcement Department.

John Ward - 1221 Swissvale Ave. – Expressed concern regarding purported jitney stands at 1317 and 1321 Swissvale Avenue. Mr. Ward stated that jitney drivers are littering on the vacant lot at 1319 Swissvale Avenue. Mr. Ward commented that the foundation at the structure located at 1312 Hunter Street is bowed. He advised that he relayed the information to Director Gramz.

Audry Frazetti – 1722 Arlington Rd. – Expressed concern regarding squatters at Orlando and Atkinson Streets and that the owner has moved to North Carolina. Ms. Frazetti fears that this constitutes a threat to the neighborhood.

Judi Roth – 1722 Arlington Rd. – Ms. Roth presented a petition to Council requesting changes to parking regulations in the Blackridge area. Ms. Roth commented on the difficulty to remove snow in the winter months with the current parking configuration. Mr. Focareta will relay the information to the Borough Engineer. Mr. Cohn commented that the Police Department should also be consulted and suggested that consideration may be given to restrict overnight parking. Ms. Roth reported an abandoned house at 1025 Osage Street.

Kate Luxemburg – 432 Rebecca Ave. – Commented on a series of events relating to a criminal complaint filed regarding an abandoned property. She stated that the charges were dismissed against both defendants. Her purpose in addressing Council is to make Council aware of statements made by Borough employees.

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Debra Clark-Russell – 64 Locksley Dr. – Ms. Clark-Russell stated that she was raised in Wilkinsburg, moved out of the community and is now interested in returning. Ms. Clark-Russell further commented about the high tax structure in Wilkinsburg. She commented on a plan she has for the renovation of the Penn-Lincoln Building to be used for a women’s and children shelter and educational facility to teach economics and encourage women in business. Ms. Trice provided Ms. Clark-Russell the schedule for the Wilkinsburg School Board meetings. Ms. Evans commented that the costs to renovate the Penn-Lincoln Building according have been estimated to be in excess of \$14,000,000. Ms. Evans encouraged Ms. Clark-Russell to contact PHLF and Wilkinsburg Community Development Corporation for more information.

ORDINANCES ON FIRST READING

Ordinance No. 2879

Amending Borough of Wilkinsburg Code, Part II, Chapter 237 - §46 and §56 which consisted of Ordinance No. 2802 and Ordinance No. 2817 to the Wilkinsburg Tax Base Expansion Act which permits the submission of an application within sixty (60) days if the issuance of an occupancy permit in certain situations.

Ms. Macklin questioned what constituted “certain situations” and the criteria by which these “situations” are defined. Mr. Cohn responded that the language was drafted by Attorney Wayne Gerhold and he does not know why that specific verbiage was used. He further stated that the intention of the Committee was to make sure adequate time is provided to allow eligible applicants sufficient time to take advantage of the program. Ms. Macklin commented that she recognized that the program was a pilot program at the time that it was initially enacted and would like to make the eligibility retroactive to the time of original adoption. Mr. Racunas commented that the ordinance amends certain sections of the current ordinance and that it is difficult to respond to specific questions without prior review. Mr. Cohn commented on the urgency to pass the legislation at this meeting and that it can always be amended in the future. Mrs. Evans commented that the solicitor had advised against retroactivity at the time of the first draft of the ordinance. Ms. Evans commented that there is a window of time from when a developer performs a project and the time that an owner takes occupancy and is eligible for the tax abatement. Mr. Cohn again commented on the need to move this forward in order that an incentive may be provided to developers currently working on projects in the Borough who are planning additional phases.

Moved: Mr. Cohn

Seconded by: Ms. Evans

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

Motion carried

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Mr. Cohn commented that Director Gramz has educated his staff about the Tax Base Expansion Programs and that the information is provided to persons obtaining permits for home improvements or new construction.

Ordinance No. 2880

Removing Handicap Parking Spaces: 564 Princeton Blvd., 713 Whitney Ave., 446 Biddle Ave., 7405 Lighthouse Point, 1656 Maplewood Ave., 516 Holmes St., 2453 Laketon Rd., 805 Grande Ave., 1316 Franklin Ave., 2063 Boggs Ave.

Moved: Mr. Lewis

Seconded by: Ms. McCarthy-Johnson

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

Motion carried

Ordinance No. 2881

Establishing stop intersections – Hill Ave. and Mill Street

Moved: Ms. McCarthy-Johnson

Seconded by: Ms. Evans

Mr. Lewis questioned the reasoning behind passage of an ordinance to establish stop intersections when stop intersections already exist at most of the intersections noted in the ordinance. Mr. Cohn explained that these stop intersections were technically eliminated with the repeal of the ordinance that changed the one-way restrictions on Hill and Mill. This action is needed to ensure the Codified Ordinances are correct. Ms. Trice commented about the repeal of the one-way restrictions.

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

Motion carried

ORDINANCES ON SECOND READING

Ordinance No. 2876

Removing Handicap Parking Space – 1607 Clark Street

Moved: Mr. Lewis

Seconded by: Ms. Trice

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

Motion carried

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**Ordinance No. 2877
Establish Handicap Parking Space – 7311 Beacon Hill Dr.**

Moved: Mr. Cohn

Seconded by: Mr. Lewis

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

Motion carried

**Ordinance No. 2878
An Ordinance of the Borough of Wilkinsburg, Allegheny County, Pennsylvania,
amending the Earned Income Tax Ordinance No. 1734 to reflect the changes of Act
32 effective January 1, 2012.**

Moved: Ms. Trice

Seconded by: Ms. McCarthy Johnson

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

Motion carried

RESOLUTIONS

11-087

**Approving the Borough Council Meeting Minutes of September 7 and September
21, 2011.**

Ms. Macklin commented about corrections for the September 21, 2011 meeting minutes reflected on a hand-out provided to Council members.

Moved: Mr. Lewis

Seconded by: Mr. Cohn

Yes: Ms. Ervin (9/21/11), Ms. Evans, Ms. Trice (9/7/11), Mr. Cohn, Mr. Lewis,
Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Abstain: Ms. Ervin (9/7/11), Ms. Trice (9/21/11)

Motion carried

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11-088

Approving the September Checks Issued in the amounts as follows:

Regular Distributions 09/01/11-09/30/11	\$ 366,248.17
Payroll Disbursements	\$ 231,130.81
Voided Checks	\$ <u>(2,045.00)</u>
Total	\$ 595,333.98

Moved: Mr. Cohn

Seconded by: Mr. Lefebvre

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

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

Motion carried

11-089

The Wilkinsburg Borough Council hereby adopts the Transitional Work Assignments Policy for all Borough employees which is attached hereto and shall be incorporated into the Employee Policies and Manuals.

Moved: Mr. Lewis

Seconded by: Ms. Trice

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

Motion carried

11-090

The Wilkinsburg Borough Council hereby authorizes the execution of a joint contract for mutual police aid and assistance with the Borough of Braddock, Borough of Churchill, Borough of East McKeesport, Borough of East Pittsburgh, Borough of Edgewood, Borough of Forest Hills, Municipality of Monroeville, Borough of North Braddock, Township of North Versailles, Township of Penn Hills, Borough of Pitcairn, Borough of Plum, Borough of Rankin, Borough of Swissvale, Borough of Turtle Creek and Township of Wilkins.

Ms. Macklin questioned if car chases are included in this agreement as the Borough of Wilkinsburg has an ordinance that prohibits car chases within the Borough. Mr. Focareta will look into the matter.

Moved: Mr. Lewis

Seconded by: Ms. Trice

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson,

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Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

11-091

The Wilkinsburg Borough Council hereby appoints Catherine Burke to the Citizens Advisory Committee on Shade Trees to serve a three-year term commencing on February 1, 2011 and continuing through January 31, 2014.

Moved: Mr. Lewis

Seconded by: Ms. McCarthy-Johnson

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

Motion carried

OLD BUSINESS

Mr. Cohn advised Council of the link added to the Borough's website, under Announcements, for polling place locations through the Commonwealth of Pennsylvania's website.

NEW BUSINESS

Mr. Racunas, Borough Solicitor, advised Council of the requirement to have a Board of Appeals under the Uniform Construction Code. The UCC Board of Appeals renders decisions regarding UCC Construction matters and Wilkinsburg does not have such a Board constituted. Director Gramz approached Plum Borough, which does have an Appeals Board, and are willing to assist Wilkinsburg.

Mr. Focareta explained that the Turtle Creek Valley Council of Governments is in the process of establishing a UCC Board of Appeals for member communities.

Ms. Evans suggested that any motion should provide that additional information regarding the recommendation for this action will be received by Council no later than October 21, 2011". She expressed reluctance to vote in favor of the action on such short notice.

A motion was made by Ms. Evans, second by Mr. Cohn, to appoint the Plum Borough UCC Board of Appeals to serve Wilkinsburg Borough for UCC construction matters contingent upon receiving information by Friday October 21, 2011 and amending the fee structure to incorporate any costs associated with the review.

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

No: Mr. Lewis

Motion carried 8:1

Ms. Evans informed Council about Smart Growth America and the free technical assistance program available through the Environmental Protection Agency (EPA). There is an application for different types of programs for communities to sponsor workshops on a number of issues. The WCDC has researched this and decided a good fit project would be a parking audit for the Borough of Wilkinsburg. The program is nationwide and, as Executive Director of WCDC, Ms. Evans is requesting the Borough write a letter of support. The letter has been drafted by the WCDC and the application deadline is October 26, 2011.

A motion was made by Ms. Macklin, second by Mr. Cohn, to approve the issuance of a letter of support for the WCDC application to the EPA's Smart Growth America grant program for the funding of a parking audit.

Moved: Ms. Macklin

Seconded by: Mr. Cohn

Mr. Lewis questioned if there were other options for projects. Ms. Evans advised that application can only be made for one study and she read the different options available for assistance. She advised that a one-day workshop on the program is being sponsored by Smart Growth America.

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

Motion carried

Ms. Macklin commented about discussion by the Public Safety Committee of the need to repair sidewalks to their original condition following demolition of a property. Ms. Macklin will forward information to Code Enforcement, DPW and the Borough Engineer.

Mr. Lefebvre provided copies to Council for two proposed programs discussed at the Public Safety Committee for Council's review. The two programs are recommended by the Code Enforcement Director and the Public Safety Committee.

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ADJOURNMENT

Being no further business, on motion by Mr. Lewis; second by Ms. McCarthy-Johnson, the meeting was adjourned at approximately 8:45 PM.

Eugenia Moore, Council President