

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
MARCH 8, 2010

I. CALL TO ORDER:

The meeting was called to order by Mr. Milioto at 7:00 P.M.

II. MOMENT OF SILENCE:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL:

Present:

Richard Russo, Paul Sharkady, Joseph Graff, Allen J. Williams, Joseph Milioto, Patricia Romano, Ronald Cianelli, George Coleman, and Michael Kazmarski

Others Present:

Borough Manager Terry Hazlett, Engineer Harvey Treschow, Attorney Patrick Derrico, Mayor David H. Rhome, and Police Chief R. T. Bell (who joined the meeting at 7:30 P.M.)

V. PRESENTATIONS:

Mayor Rhome, along with Mr. Milioto, made presentations to the following for their work with the Borough during the state of emergency due to the extraordinary snowfall on February 6, 2010:

- A. Randy Hutter, Director of Building and Grounds of Canon-\
McMillan School District, provided a warming center at
South Central School;
(Applause)
- B. John Mansfield, Director of Transportation for Canon-McMillan
School District, arranged and provided bus service on Pike Street
between Belmont Avenue and Adams Avenue for Canonsburg
residents who needed to get to the warming center;
(Applause)
- C. John Belleno (who was unable to attend), an employee of Canon-
McMillan School District, voluntarily drove a bus along Pike Street
to pick up residents who needed a safe place to stay and took them
to the warming center at South Central Elementary School.
Mr. Mansfield accepted the presentation for Mr. Belleno.
(Applause)

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D. Canon-McMillan School District for providing a warming center and bus transportation.

(Applause)

VI. GUEST:

A. Chris Sidick – C-Side Sports Academy

Mr. Sidick was not present tonight due to a prior commitment.

Mr. Dennis D’Orazio, of the Parks and Recreation Board, reported on what transpired at their meeting of March 3, 2010.

He stated that all members of the Park Board were unanimously in agreement with Mr. Sidick’s proposal. He’s going to take care of the upper field, but they want to see how much money he’s proposing to add to the lower field. Mr. D’Orazio said the Board would like to put together a priority sheet of things they think might need to be done first. Mr. Sidick will use the facility nine months of the year, and the Borough would have availability three months of the year.

Discussion was held.

Mr. Sharkady said he was surprised the Park Board went along with this project when they turned down the proposed senior center at the Park.

Mr. D’Orazio explained that the senior center was not turned down; it was a lack of funding. They still have plans and want to move ahead on this, but not at this time.

Mr. Sharkady made reference to the fact that the plan cost \$25,000. It was for public use, but what the Park Board approved now is for private use.

Mr. Williams stated that the Park Board never rejected the senior center. They had a master plan done, and the people of Canonsburg also wanted a recreation center. However, Local Shares denied this,

Mr. Sharkady expressed concern about financial and liability problems, as well as girls’ softball. He felt that this would be a great project if the Borough were doing it, rather than a private

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person.

Mr. D'Orazio replied that it's the Park Board's stand to get the girls' softball taken care of, and this is one of the reasons the Board didn't want to give Mr. Sidick control of the field.

Mr. Sharkady asked Attorney Derrico about legal ramifications. Attorney Derrico explained that information will have to be provided in advance, such as proof of insurance and policies that hold us harmless. He wasn't happy with the agreement and wrote to them this week, outlining information he is requesting they supply. Another issue was the matter of financing, how they are going to finance, and the type of provision in the event they default. Everything will be improved upon and reviewed before Attorney Derrico will make a recommendation.

Mr. Miliot made reference to the information given to Council tonight containing eight points pertaining to this matter.

NOTE: A copy is attached to these minutes.

Mr. Williams said that number 5 on the list can be crossed off.

Mr. Milioto asked all of Council to review this information, and if they want to add any items to the list, to give them to Attorney Derrico.

Mr. Derrico said that some of them may need Mr. Treschow's expertise also.

Further discussion was held.

Mr. Coleman has concerns with this project, especially liability. It was his feeling that all points listed and any other concerns must be addressed before Council goes any further.

Mr. Cianelli expressed his support of the project.

VII. PUBLIC COMMENTS:

- A. Mr. Sam Amorose, 320 Summit Avenue, approached Council about the following:
 1. Asked Council to let the citizens come to a couple meetings before they vote (on C-Side Sports);
 2. Ideal spot for seniors and youth would have been

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the Armory, which the Borough could have gotten for \$1.00;

3. Liability – Don't leave the Borough open for a class action suit.

Mr. Milioto informed Mr. Amorose that the Armory is under discussion, but nothing has been transacted. It is being looked into, and it is still State property

In reference to the proposed senior center, Mr. Amorose informed Council that there is federal funding for this.

Mr. Milioto said this will be taken under advisement.

- B. Mr. Joseph Meyer, 250 North Jefferson Avenue, Telephone Number 724-809-7733, stated that he is co-owner of the houses on College Street that have been under questioning and under committee review. Mr. Hazlett has given him a copy of the certified letter that was sent out to Pam Jones Meyer, (who will soon be his ex-wife), because he is also an owner. Mr. Meyer stated that he will be up front and honest with Council about anything they want to know about the three-quarter houses being run on College Street. He would also like to be informed of anything that is happening. Mr. Meyer said he only co-owns three of the houses: 230, 232, and 238.
- C. Councilman Ronald Cianelli stated that he sold his house, and he will be relocating out of Canonsburg. Therefore, this is his last meeting. Mr. Cianelli thanked Mr. Hazlett and gave accolades to the Mayor and fellow Council members.
Mr. Milioto said that Mr. Cianelli's resignation is accepted with deep regret, and he gave the other members of Council the opportunity to express their sentiments.
Mr. Milioto stated that it is the job of the remaining Second Ward Council representatives (Mr. Russo and Mr. Coleman) to make recommendations to name a replacement for Mr. Cianelli to serve on Council. This must be done within 30 days. If the time constraint is not met, this will have to go to the courts.

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VIII. VOTING ITEMS:

A. Approval of Minutes

Mr. Kazmarski motioned to approve the February 8, 2010 meeting minutes of Canonsburg Borough Council as amended.

Mr. Sharkady seconded the motion.

The motion was passed unanimously.

B. Approval of Ordinance – 28 West Pike Street

Mr. Russo motioned to approve an Ordinance authorizing appropriation of 28 West Pike Street for use as a park (as advertised).

Mr. Graff seconded the motion.

Remarks: Mr. Russo stated that Council had asked for a plan.

He said that Mr. Derrico has pursued the advertising of the Ordinance and the process through the courts.

Mr. Russo made reference to the before and after pictures on the easel. Also, he has provided some basic information pertaining to funding and what will be done with the space. Attachments to this include a letter from the Canonsburg Volunteer Fire Department in support of the project, a petition signed by the downtown merchants also supporting the project, and a photo taken of the building and what it looks like today.

Mr. Sharkady felt that taking someone's property to plant a tree and setting up a bench that is considered a park is not sufficient reason to take someone's property by eminent domain.

Mr. Coleman made reference to a letter from Fire Chief Harold Coleman, who supported the proposal when it was going to be steps, lights, and railing so they could be used by the firemen to get up behind the building and for the senior citizens to come down to the shopping area in town. This isn't true any longer.

Mr. Coleman felt that some of the people who signed the letters were under the impression that they were going to have a little more than a bench and a tree. Mr. Coleman stated that he agrees with Mr. Sharkady.

Mr. Graff said that eventually they want to put in a set of steps,

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and he thinks it will be done in the future. This is all that can be done at the present time with the amount of money available. Mr. Graff felt that it is proper to take the property by eminent domain when the property owner doesn't want to fix it. Mr. Cianelli stated that he agrees 100% with Mr. Graff.

ROLL CALL ON THE MOTION:

| | |
|-------------------|---------|
| Richard Russo | Yes |
| Paul Sharkady | No |
| Joseph Graff | Yes |
| Allen J. Williams | Yes |
| Patricia Romano | Yes |
| Ronald Cianelli | Abstain |
| George Coleman | No |
| Michael Kazmarski | No |
| Joseph Milioto | No |

RESULTS OF THE MOTION: Four Yes, Four No, One Abstain.

Mr. Milioto asked Mr. Derrico if it would be proper for the Mayor to vote.

Attorney Derrico stated that it is not a "tie" vote. The MOTION FAILED because of the Abstention. However, Mr. Cianelli has the right to ask to change his vote.

Mr. Cianelli chose to do so and said he would like to vote Yes.

Mr. Milioto asked to have the motion read again.

(The secretary read Mr. Russo's motion.)

RESULTS OF THE MOTION AFTER MR. CIANELLI'S VOTE:
FIVE YES, FOUR NO. MOTION CARRIED.

Mr. Coleman asked that it be put in the record that he objects to the change in procedure and is taking it under exception. He said he doesn't feel it's legal. A motion was made, there was a second, a vote was taken, and it should have stood. Mr. Coleman said that under parliamentary procedures a motion cannot be talked about again until it's re-brought up by the person who made the motion and it is seconded.

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Attorney Derrico explained that Mr. Cianelli did not change his vote; he abstained. If he decides he wants to vote on it before it get re-recorded, he has the right to do so. He hadn't voted Yes or No; it was an Abstention.

Mr. Coleman replied that this doesn't change his mind one bit.

Mr. Milioto asked if anyone else on Council had any other remarks.

There were none.

FINAL RESULT: Mr. Milioto stated that the vote will stand according to the Solicitor stating that Mr. Cianelli would be able to vote.

C. Approval of Ordinance Setting Non-Uniformed Employee Pension Contribution Rate

Mr. Graff motioned to approve the Ordinance setting the non-uniformed employee pension contribution rate (as advertised).

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

| | |
|-------------------|-----|
| Michael Kazmarski | Yes |
| George Coleman | Yes |
| Ronald Cianelli | Yes |
| Patricia Romano | Yes |
| Allen J. Williams | Yes |
| Joseph Graff | Yes |
| Paul Sharkady | Yes |
| Richard Russo | Yes |
| Joseph Milioto | Yes |

RESULTS OF THE MOTION: Nine Yes, Zero No. Motion carried.

D. Approval of Salary Ordinance

Mr. Graff motioned to approve the Salary Ordinance for 2010 (as advertised).

Mr. Kazmarski seconded the motion.

Remarks: Mr. Milioto asked if the dollar amount should be included in the motion.

Mr. Coleman asked where the dollar amount can be found.

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Mr. Hazlett stated that it is downstairs and available for viewing. He went downstairs to get this information for Council.

NOTE: The Chairman continued on with the next item on the Agenda in Mr. Hazlett's absence. ***SEE CONTINUATION OF ITEM D AFTER ITEM E ON THIS PAGE.**

E. Approval of Amendment to Sewage Rate Ordinance

Mr. Russo motioned to approve the Amendment to Sewage Rate Ordinance adjusting various fees to accommodate water company assuming billing (as advertised).

Mr. Graff seconded the motion.

Remarks: Attorney Derrico explained that this is not a rate increase. The fees are being adjusted according to what the water company charges for unpaid balances/delinquencies.

ROLL CALL ON THE MOTION:

| | |
|-------------------|-----|
| Richard Russo | Yes |
| Paul Sharkady | Yes |
| Joseph Graff | Yes |
| Allen J. Williams | Yes |
| Patricia Romano | Yes |
| Ronald Cianelli | Yes |
| George Coleman | Yes |
| Michael Kazmarski | Yes |
| Joseph Milioto | Yes |

RESULTS OF THE MOTION: Nine Yes, Zero No. Motion carried.

***CONTINUATION OF ITEM D (2010 SALARY ORDINANCE)**

Mr. Hazlett returned with the information Council requested, which was reviewed by Mr. Coleman.

Mr. Coleman stated that everything is in line. This information pertains to the salaried employees, and it needs to be published.

Mr. Milioto said that the salaries can be seen in the budget, and it is public information downstairs.

ROLL CALL ON 2010 SALARY ORDINANCE:

| | |
|-------------------|-----|
| Michael Kazmarski | Yes |
|-------------------|-----|

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| | |
|-------------------|-----|
| George Coleman | Yes |
| Ronald Cianelli | Yes |
| Patricia Romano | Yes |
| Allen J. Williams | Yes |
| Joseph Graff | Yes |
| Paul Sharkady | Yes |
| Richard Russo | Yes |
| Joseph Miulio | Yes |

RESULTS OF MOTION ON 2010 SALARY ORDINANCE:

Nine Yes, Zero No. Motion carried.

F. Approval of Excavation Grading and Filling Permit

Mr. Hazlett stated that this item needs to be pulled and put on the agenda for April.

Mr. Treschow explained that many changes have been made since the ordinance was prepared in 1998. Therefore, a new Ordinance and application are being prepared.

Mr. Milioto asked that dust, noise, and odor control be addressed in the new Ordinance.

G. Approval of Resolution to Move "Loading Zone" Sign

Mr. Graff motioned to approve a Resolution to move the "Loading Zone" sign about 75 feet north of its current location on North Jefferson Avenue.

Mrs. Romano seconded the motion.

Remarks: Mr. Russo asked what would replace the sign.

Chief Bell said that for now there will be no parking there.

Mr. Coleman felt that this was very important because by moving the sign, the people coming down behind Jeffrey's Drug Store can turn left onto Jefferson Avenue. He felt that it would be defeating the purpose to allow parking there. Mr. Coleman stated that this needs to be posted as No Parking and enforce it.

Mr. Milioto asked the Solicitor if this could be incorporated in the motion.

Attorney Derrico advised that an amendment can be made to the

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motion.

Mr. Coleman moved to amend the motion to post this as a “No Parking” zone and have Public Works paint a yellow line.

Mr. Kazmarski seconded the motion.

ROLL CALL ON THE AMENDMENT:

| | |
|-------------------|-----|
| Richard Russo | Yes |
| Paul Sharkady | Yes |
| Joseph Graff | No |
| Allen J. Williams | Yes |
| Patricia Romano | Yes |
| Ronald Cianelli | Yes |
| George Coleman | Yes |
| Michael Kazmarski | Yes |
| Joseph Milioto | Yes |

RESULTS OF ROLL CALL ON AMENDMENT: Eight Yes, One No. Motion carried.

The Amended Motion will read as follows:

To move the “Loading Zone” sign about 75 feet north of its current location on North Jefferson Avenue, to post this as a “No Parking” zone, and have Public Works paint a yellow line.

ROLL CALL ON MOTION INCLUDING AMENDMENT:

| | |
|-------------------|-----|
| Michael Kazmarski | Yes |
| George Coleman | Yes |
| Ronald Cianelli | Yes |
| Patricia Romano | Yes |
| Allen J. Williams | Yes |
| Joseph Graff | Yes |
| Paul Sharkady | Yes |
| Richard Russo | Yes |
| Joseph Milioto | Yes |

RESULTS OF ROLL CALL ON MOTION INCLUDING AMENDMENT: Nine Yes, Zero No. Motion carried.

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H. Approval of Manager's Report

Mr. Williams moved to approve the March 1, 2010 Borough
Manager's Report.

Mr. Russo seconded the motion.

The motion was passed unanimously.

IX. FINANCE REPORT:

A. Presentation of Bills for Approval – Richard Russo

Mr. Russo moved to approve the bills, which include the following:

1. General Fund
2. Waste Water Plant Operations
3. Garbage Service
4. Fireman Allocation
5. I & I

Mr. Graff seconded the motion

ROLL CALL ON THE MOTION:

| | |
|-------------------|-----|
| Richard Russo | Yes |
| Paul Sharkady | Yes |
| Joseph Graff | Yes |
| Allen J. Williams | Yes |
| Patricia Romano | Yes |
| Ronald Cianelli | Yes |
| George Coleman | Yes |
| Michael Kazmarski | Yes |
| Joseph Milioto | Yes |

RESULTS OF THE MOTION: Nine Yes, Zero No. Motion carried.

X. COMMITTEE REPORTS:

A. Budget and Finance

Mr. Russo stated that he gave his report last week.

B. Building and Energy Management

1. Mr. Sharkady said he gave his report last week.
2. Mr. Sharkady and Mr. Kazmarski reported on a field trip they took with the Borough Manager and Mr. Coleman.
Mr. Coleman expanded on this visit to a Hermitage Family

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House.

Each of the three Councilmen who attended spoke favorably of this type of project and felt it would be good for Canonsburg.

Discussion was held pertaining to this matter, as well as meetings to be held in the future.

C. Public Safety

Mr. Graff read the Fire Department Report for the month of February. There were 27 calls, and total damages were \$10,000.00.

D. Parks and Recreation and Borough Events

1. Mr. Williams reported on the committee meeting held Tuesday.

a. Concerts

b. Changes and additions to Pool and Baby Pool and source of funding

c. Comcast Day in Canonsburg at Park– April 24, 2010

E. Code Enforcement

Mrs. Romano reported that the situation brought up this evening by Mr. Marra will be handled by the Solicitor.

F. Redevelopment

Mr. Cianelli had no additional items to report.

G. Landlord/Tenant Enforcement

Mr. Coleman stated that he had nothing to add to the report he gave last week.

H. Road and Infrastructure

1. Mr. Kazmarski made reference to a complaint made at last week's meeting by Mr. Dino, who said that Public Works didn't salt or plow his road during the snow storm. Mr. Kazmarski investigated this and spoke with the neighbors, who said the street wasn't done at all during the snowstorm. He also talked with the Public Works driver who handles that area, and he, along with Mr. Osiecki, assured Mr. Kazmarski that the street was salted and plowed and

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that all accusations were false.

2. Mr. Kazmarski reported on salting, cleaning storm drops, blacktopping, and removing trees.
3. Mr. Coleman made reference to an accusation that the salt truck salted private property.
Mr. Kazmarski reported that he looked into this, and there was no evidence that this was done.

XI. UNFINISHED BUSINESS:

- A. Project on Route 980 from a few years ago and rezoning (Brought up by Mr. Russo)
Discussion was held.
- B. Emergency Management – (Brought up by Mayor Rhome)
The Mayor asked that a letter be sent to the Emergency Management Director, Public Safety Director, Public Works Director, Police Chief, and Fire Chief requesting that they attend a meeting to talk about the emergency incident in February and the emergency plan.
After discussion, it was decided that the meeting will be held Tuesday, April 6, 2010 at 4:00 P.M. in the Borough Building.
Mr. Milioto requested that this meeting be mandatory for all supervisors
Mr. Hazlett will send the letters as requested and will also be in attendance.
- C. Park Issue – (Brought up by Mr. Russo)
Attorney Derrico wants to wait for further documentation before addressing this matter.
- D. Collection of Sewage Bills and Fees by Water Company – (Brought up by Mr. Coleman)
- E. Clearview Credit Union – (Brought up by Mr. Milioto)
Discussion was held pertaining to the driveway, entrance, storm water, and elevation.
Mr. Milioto requested that Clearview Credit Union be put

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on the agenda for the next Planning Commission meeting
in April.

XII. NEW BUSINESS:

- A. Parking/Meter Maid Report – (Brought up by Mr. Kazmarski)
Mr. Kazmarski said he did not receive this report.
Mr. Hazlett stated that the report is usually generated monthly.
If he has one, he will a copy to Mr. Kazmarski.
- B. Census Bureau Questionnaire -- (Brought up by Mr. Sharkady)
- C. Vacant House Report/Ordinance – (Brought up by Mr. Milioto)

XIII. EXECUTIVE SESSION:

Mr. Williams requested an executive session pertaining to personnel and property.

The Executive Session began at 9:05 P.M.

XIV. ADJOURNMENT:

The meeting was adjourned at approximately 9:35 P.M.

Mary A. Solomon

ATTACHMENTS:

- 1. (Eight) Conditional Items C-Side Baseball Complex
- 2. Letter from Diane E. Altland, Engineer for Canonsburg-Houston
Joint Sewer Authority
Re: Revised Sewer Tap Fee