

BOROUGH OF CANONSBURG
REGUAR MEETING
APRIL 12, 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, George Coleman, and Michael Kazmarski (who joined the meeting at 7:10 P.M.)

Others Present:

Borough Manager Terry Hazlett, Engineer Harvey Treschow, Attorney Patrick Derrico, Mayor David H. Rhome, and Police Chief R. T. Bell

Absent:

Patricia Romano

V. GUESTS:

Mrs. Jean Popp, former Council Representative, introduced Zac Nimal, a seventh grader, who has been chosen to represent the United States as an Ambassador to China. Zac and his mother explained the selection process and what he is required to do. Zac informed Council that the cost is over \$6,700, and he has raised about \$4,200 so far through various fundraisers. Several Council members commended Zac and gave him words of encouragement.

Mr. Williams suggested that perhaps a basket of items that represent Canonsburg can be put together for Zac to take with him to China.

Mayor Rhome also wished Zac well on behalf of the citizens of Canonsburg. (Applause)

VI. PUBLIC COMMENTS:

A. Mr.. Joseph Dino, of 603 Park Avenue, addressed Council about the ongoing problem concerning the alley.

Mr. Milioto informed Mr. Dino that Council cannot comment due to the ongoing litigation.

Mr. Dino said that the man (Mr. Dale Wagner) jumped out of his truck and hit his (Mr. Dino's) truck with a shovel on a public road.

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Mr. Dino then called 911, but the officer told him if he calls again, he will be arrested for harassment. He has no 911 protection, because they won't take a complaint from him. This problem has been going on for 3 years. This is why he has contacted the ACLU. Chief Bell felt this should not be discussed at this meeting, as there is an ongoing court case.

Mr. Dino then asked about the wall on Fountain Street, which he said is clearly in the alley in front of three of his garages. Mr. Dino asked if he's allowed to turn around on a public road, and if he can call 911 if the man hits his vehicle again.

Further discussion was held.

Attorney Derrico stated that he hasn't heard from their attorneys in four or five months.

- B. Three members of the girls' softball team approached Council in reference to what is being proposed at the ball field. They said they have all grown up together and consider each other family. If Council goes through with this, the girls will all be split up and put on different teams. They urged Council not to go through with what has been proposed, as it will be like breaking up their family. Mr. Milioto informed the girls that Council will take their concerns into consideration. He also advised that, at this point, nothing has been done about the ball fields. As far as Council is concerned, the fields are just the way they are. If something would change, it would be on the agenda, and all of their considerations would be brought forward at that time. Mr. Milioto assured them that Council has no intention of leaving girls' softball out of Canonsburg.
- C. Ms. Jacqueline Duke, of 410 Peco Street, Telephone Number 724-470-8719, stated that she came before Council in September to ask if the Borough had granted permission for them (referring to Mrs. Ewaskey and Mr. Wagner) to build on her property (Ms. Duke's) or the alley in question. She asked where she could go as a matter of public record to get a copy of it.

(continued)

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Mr. Milioto said he didn't know if any permits had been issued.

Mr. Hazlett will look into this tomorrow.

Ms. Duke asked about the survey that was done in late July or early September and asked if she could have a copy of it.

Mr. Treschow informed Ms. Duke that the only thing they did was stake out the limits of the easement.

- D. Mr. John S. Dino, of 609 Park Avenue, Telephone Number 724-745-3998, had an issue with the police making him move his truck. They told him there was a court order, but there wasn't. He wanted an answer as to why. Mr. Dino said he is a businessman, has lived here for 52 years, has a lot of friends, but none here. He said he has the same issue as the others. He can't go down and get any equipment out of his garage, and he can't back out of his garage. Mr. Dino said he put a cinder block in the yard, and one of the officers arrested him for being in his yard. He stated that Council said nothing can be done because this is in litigation, but the road is a separate matter, and he wanted to know what is going to be done. The Borough raised the manhole and blacktopped up to the garage, which was built on the edge of the property. How a permit was issued for this is another question. (Mr. Dino suggested the Borough look for that permit.)

Mr. Dino said his rights are being violated under the First Amendment.

Mr. Sharkady said that Mr. Dino first came to Council about the building on the alley over the storm sewer. He asked if they (Ms. Ewaskey and Mr. Wagner) have moved it off the alley and off the manhole.

Mr. Dino replied that they moved it 3 feet but not off the alley and not off the storm sewer.

Another issue is the turn-around. Mr. Dino stated that Mr. Dale Wagner, of 701 Fountain Street, painted a yellow line so no one can cross it.

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Mr. Milioto suggested that all attorneys get together on this.
Mr. Williams suggested going to the site tomorrow with paint to mark the perimeter of the road and where the property lines start.

(Applause)

Further discussion was held.

Mr. Williams asked Mr. Dino to have his attorney talk with Attorney Derrico.

Mr. Milioto again informed the residents that if there is a private issue between landowners, they have a right to take action against the landowners who are infringing on their property.

- E. Ms. Jacqueline Duke, who said she had been before Council in September, spoke again. She said her attorney sent a letter to the Borough and never received a response. She also stated that because nothing has been done to this point, Mrs. Ewaskey and Mr. Wagner think the property is theirs. Ms. Duke said she went down yesterday and took pictures of the alley markers. Mrs. Ewaskey came out, yelled at her, and threatened to beat her up. Ms. Duke said she wanted to make sure with Chief Bell that if she calls 911, they will respond to her call.

Chief Bell replied that they will.

- F. Mr. William Duke, of 410 Peco Street, Telephone Number 724-916-4713, stated that they have pictures of the area where the lines are painted. Mr. Wagner has his truck parked there. Mr. Duke said that they can squeeze past it but felt that they shouldn't have to do so. He asked if they can call the police, because the truck is parked on a public roadway. Mr. Kazmarski stated that Mr. Hazlett, Mr. Treschow, and he will go to the site and look at it tomorrow. Mr. Duke said he would like to be present and gave Mr. Hazlett his phone number.

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Attorney Derrico stated that he has never gotten a letter from Ms. Duke's attorney.

She informed him that her attorney is Mr. Liekar.

Mr. Duke asked for a list of their rights and when they can call the police.

Mr. Milioto replied that they know when their lives are being threatened with bodily harm and when they need the Police Department.

VII. VOTING ITEMS:

A. Motion – Approval of Minutes

Addition to be made on Page 2, Item VI – A, fifth line down.

“He stated that all members of the Park Board were unanimously in agreement with Mr. Sidick’s proposal.” **ADD TO THIS SENTENCE – providing that girls’ softball was taken care of.**

Mr. Russo motioned to approve the March 8, 2010 Regular Council Meeting minutes of Canonsburg Borough as amended.

Mr. Williams seconded the motion.

The motion was passed unanimously.

B. Motion to Fill Second Ward Council Seat

Mr. Coleman motioned to appoint Frances Coleman to fill the Second Ward Council seat vacated by Ron Cianelli.

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	Absent
George Coleman	Yes
Michael Kazmarski	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Seven Yes, Zero No, One Absent. Motion carried.

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Mrs. Coleman was sworn in by Magistrate David Mark.
(Applause)

Mrs. Coleman took her seat at the Council table at this point.

- C. Motion to Accept Donation from Sean Jordan for Parking
Mayor Rhome presented the check from Sean Jordan, owner of Big Fella's Pizza and McGrogan's Taproom, that is to be used for free parking for the residents of Canonsburg for the next year. Mr. Milioto stated that he has received this check in the amount of \$55,000.00. It is dated for April 20, 2010 – eight days from now.

Mr. Graff motioned to accept the check from Sean Jordan in the Amount of \$55,000.00 after April 20, 2010 as a donation to pay for all metered parking in 2010 provided that the seven conditions in the letter dated April 12, 2010 are met.

NOTE: This letter from Joseph Graff, Chairman of the Canonsburg Parking Committee, is attached to these minutes.

Mr. Russo seconded the motion.

Discussion was held pertaining to the following:

1. Meeting scheduled for tomorrow on this subject should be cancelled;
2. Check is not certified;
3. Commitment needed from Mr. Jordan that he intends to do this each and every year;
4. The fact that Mr. Jordan has not appeared at any of the meetings and has someone else (the Mayor) representing him;
5. Enforcement and the possible need for a part-time person to help out; and
6. Permit parking, which will not be affected by this.

In reference to Item 3 above, Mr. Milioto stated that this is a temporary experiment. If we don't have the money in hand for the 2011 budget, alterations will have to be made.

Mayor Rhome addressed Item 4 by explaining that Mr. Jordan

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has told him that he is uncomfortable speaking in front of people. This matter will be discussed further at Council's Agenda Meeting in May.

ROLL CALL ON THE MOTION"

Michael Kazmarski	Yes
George Coleman	Yes
Frances Coleman	Yes
Patricia Romano	Absent
Allen J. Williams	Yes
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Eight Yes, Zero No, One Absent. Motion carried.

- D. Motion to Support 2011 Work Camp in Canonsburg
Discussion was held pertaining to this project.
Mr. Graff motioned to support the 2011 Work Camp project in Canonsburg, and no Canonsburg Borough General Fund monies will be expended for the project.
Mr. Kazmarski seconded the motion.
The motion was passed unanimously.
- E. Approval of Resolution Mandating Background Checks
Mr. Williams moved to approve a resolution mandating background checks for all new Borough employees.
Mr. Kazmarski seconded the motion.
The motion was passed unanimously.
- F. Motion to Approve Closing of Pike Street
Mr. Russo moved to approve the closing of Pike Street for the Memorial Day Parade on May 31, 2010 and for the closing of Pike Street and three parking lots for the Pennsylvania Bavarian Oktoberfest from September 14, 2010 through September 17, 2010.
Mr. Graff seconded the motion.

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The motion was passed unanimously.

G. Motion – Stop Sign

Mr. Williams moved to place a Stop Sign at Giffin Avenue and Second Street.

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	Absent
Frances Coleman	Yes
George Coleman	Yes
Michael Kazmarski	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Eight Yes, Zero No, One Absent.
Motion carried.

H. Motion to Approve Manager’s Report

Mr. Williams motioned to approve the April 5, 2010 Manager’s Report.

Mr. Graff seconded the motion.

The motion was passed unanimously.

I. Motion to Approve Engineer’s Report

Mr. Graff motioned to approve the April 5, 2010 Engineer’s Report.

Mr. Williams seconded the motion.

The motion was passed unanimously.

VIII. FINANCE REPORT:

A. Presentation of Bills for Approval

Mr. Russo motioned to approve the bills, include the following:

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

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Mr. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

Michael Kazmarski	Yes
George Coleman	Yes
Frances Coleman	Yes
Patricia Romano	Absent
Allen J. Williams	Yes
Joseph Graff	Yes
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

RESULTS OF THE MOTION: Eight Yes, Zero No, One Absent.

Motion carried.

IX. UNFINISHED BUSINESS:

A. Property on First Street – 20 Acres on Rt. 980 (Brought up by Mr. Sharkady)

Mr. Hazlett stated that they have not responded. He sent it to Range.

B. Committee Reports

1 Parks and Recreation

Mr. Williams reported on Comcast Day, which will be held at the Park from 8:00 A.M. to 1:00 P.M. on April 24, 2010.

2. Fire Department

Mr. Graff gave the Fire Department Report for the month of March.

Total Damages: \$17,000.00

3. Finance

Mr. Russo reported that a presentation of the final budget will be made next month by Cypher & Cypher.

4. Mayor

Mayor Rhome said he has talked with Mr. Graff,

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(Public Safety) in reference to the need to erect two
25-mile speed limit signs on Craighead Street.

Mr. Hazlett will handle this.

X. NEW BUSINESS:

A. Mr. Milioto stated that a gentleman who opened a new automotive business called him because he was threatened with towing a vehicle. He asked if the gentleman can be allowed more time.

Mr. Hazlett said he believes it's 30 days, but he will check in the morning.

B. Mr. Sharkady brought up a bad section of road on Adams Avenue In Ash Alley that someone patched.

Mr. Hazlett said it was done by someone contracted by the Water Company.

Discussion was held pertaining to the Ordinance and whether it required the contractors to repair curb to curb or center of the road.

Mr. Hazlett stated the current Ordinance says to the center of the road.

Enforcement of the Ordinance was also discussed.

C. Mr. Milioto said that last week Aging Society was mentioned and someone brought in and paid for the workers. He asked if there is any possibility of getting another person to do our services.

Mr. Hazlett replied that he has already asked about a clerk.

He will look into this.

XI. ADJOURNMENT:

Mr. Coleman moved to adjourn.

Mr. Williams seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 8:32 P.M.

Mary A. Solomon

ATTACHMENTS:

1. Letter to Borough Council from Joseph Graff, Sr., Chairman of
Canonsburg Parking Committee

Re: Seven conditions pertaining to donation from Sean Jordan
for parking meter fees

