

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
MAY 10, 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, Frances Coleman, 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

Absent:

None

V. PRESENTATION:

A. Canon-McMillan Hockey Team

Mayor Rhome asked Council President, Joseph Milioto and Council Vice President Richard Russo to join him. He congratulated the Canon-McMillan Hockey Team and coaches for their hard work and dedication in achieving championship status.

Mayor Rhome introduced Councilman A. J. Williams, Chairman of the Special Events Committee, who made the formal presentation. As each player's name and the coaches' names were called, they came forward to be acknowledged and congratulated. (Pictures were also taken.)

(Applause)

VI. PUBLIC COMMENTS:

A. Mr. John Dino, 609 Park Avenue, Telephone Number 724-745-3998, informed Council that he received a letter from the Borough approximately three weeks ago informing him that they were going to have the neighbors move the wall to allow him to access his property in

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the back. However, nothing has been done. In addition, the shed that was built over the storm sewer (at 701 Fountain Street) hasn't been moved.

Mr. Dino wanted to make note that when the officer showed up and claimed he was obstructing the highway, he was arrested on the spot. He said that this is the third week and asked if anything is going to be done.

Mr. Milioto asked Mr. Dino if he was referring to the letter dated April 21, 2010.

Mr. Dino indicated that he was making reference to the letter Mr. Milioto was holding in his hand.

Mr. Milioto stated that this issue is supposed to be under litigation. He also had another letter from Attorney Derrico concerning the same issue on the same street.

Mr. Milioto asked Attorney Derrico if he wished to make any clarification or if he wished to move it on.

Attorney Derrico preferred to move this matter on, as he hasn't heard from any of the lawyers involved. He said that on his way up to the meeting in the elevator this evening, Mr. Dino said he is going to sue the Borough. Mr. Derrico stated that this makes it litigation, and he's not going to discuss it publicly.

Mr. Dino stated that Mr. Derrico said in the elevator that the Borough will not do anything, and he has witnesses to this.

Attorney Derrico clarified the statement by saying that he said the Borough wasn't doing anything right now.

Further discussion ensued.

Mr. Milioto stated that the Borough stands on the two documents he had in front of him. Therefore, the next step is for the attorneys to settle this – if it has to go to the magistrate or county courts.

Mr. Dino asked Council if the road is obstructed if the obstructions can be removed.

Attorney Derrico advised not discussing this publicly.

Mr. Dino demanded answers and results.

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Mr. Milioto advised Mr. Dino that the Solicitor is speaking for Council, and Council cannot give him answers here. The next step is for the Dino solicitor, the Wagner solicitor, and the Ewas-solicitor to talk to the Borough's solicitor.

- B. Mr. Joseph Dino, of 603 Park Avenue, stated that he picked up the minutes of last month's meeting and asked what procedures he would have to follow to obtain the audio from the meeting. Mr. Milioto informed him he would probably have to put a request in with the Borough Manager.

Mr. Dino asked Mr. Hazlett for this information.

Mr. Hazlett replied that the Borough is only required to keep the tapes until the minutes are drawn up. He said we may have it because it's not that old. Mr. Hazlett advised Mr. Dino that if the Borough has the audio portion of the meeting, he would be entitled to it.

Secondly, Mr. Dino wanted to ask a question about the wall. (This is the same matter brought up in Item VI -A on Pages 1 and 2.)

Mr. Milioto made reference to Item Number 2 on the official Borough letterhead, which pertains to the concrete retaining wall.

Mr. Dino stated that the wall is in front of his garage, and it's impossible to back a trailer into his garage. He asked if the Borough is doing anything to make them move the wall out of the alley.

Mr. Milioto replied that the best way to resolve the problem is for all the solicitors to get together.

Mr. Dino asked Council to please come up to see how the wall is built.

Mr. Milioto asked if anyone on Council has seen the wall.

Mr. Williams, Mr. Russo, and Mr. Kazmarski have been to the site.

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Mr. Milioto suggested that these three Council representatives state the facts of what they have seen and what their opinions are when the solicitors get together.

Mr. Williams questioned why the letter was sent out telling them to take the shed and the wall down and the other residents are here again in May.

Mr. Milioto replied that the letter is the official statement from the Borough. If there is litigation on this issue, take it to court and get it settled once and for all.

Mr. Milioto asked if this was agreeable to Council and took a poll. With the exception of Mr. Williams, all Council members (including Council President Milioto) agreed.

Mr. Milioto informed Mr. Dino that the next step is for the solicitors to meet with Borough Attorney Derrico. The three gentlemen who have seen the wall can attest to whatever is right or not.

Mr. Dino asked for clarification: Does he have to take this up with his attorney, or is the Borough going to pursue legal action against Ewaskeys for building it in the alley?

Mr. Dino made reference to the letter that states the Borough is going to take other action. He asked Mr. Milioto if he is saying that the letter was just sent to please him (meaning Mr. Dino) to keep him from coming to the Borough.

Mr. Milioto said he was not going to discuss this again and referred the matter to Attorney Derrico.

Attorney Derrico explained that after the Engineer, Solicitor, and all the other administrative people, it's Council's decision to determine what the policy will be. He said he has not heard from the legal staff of the Dinos, Ewaskeys, or Dukes in almost a whole year. Mr. Derrico stated that he has always said that this is a private matter. Attorney Derrico has made a decision of what Council's policy should be and has made this recommendation in writing.

Mr. Dino made reference to the salt truck hitting his car. He said

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it has been repaired and paid for by the insurance company. However, he said they purposely came up to salt Mrs. Ewaskey's driveway. Mr. Dino felt that it wasn't fair that the Borough is salting her driveway – not the road – and the taxpayers have to pay for the truck hitting his vehicle. Council was to look into this a few months ago. He asked what has been done about this.

Mr. Milioto stated that it is his understanding that it is not the practice of the Borough to salt anyone's driveway. He said he can ask the Public Works Director to investigate this situation.

Mr. Dino replied that Council told him that a while ago and asked what has been done.

Mr. Milioto informed Mr. Dino that his understanding is that no salting was done.

Mr. Coleman read from previous minutes where he brought this matter up, as he felt Mr. Dino was asking a legitimate question. The minutes state: "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."

Mr. Dino said there were multiple witnesses to this.

Mr. Coleman felt that Mr. Dino should bring the witness forward.

Mr. Milioto advised Mr. Dino to put the information in writing and submit it to the Borough Manager to have the matter looked into again.

- . C. Mr. William Dukes, of 410 Peco Street, Telephone Number 724-916-4713, made reference to the letter from the Borough that has been mentioned in Items A and B above. He also made reference to the fact that nothing has been done by the Ewaskeys. Mr. Dukes asked if the Borough is going to do anything about the storm sewer. Because this issue is included in the letter and has already been discussed tonight, Mr. Milioto stated that there will be no further comments on this matter.

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Mr. Dukes asked what procedure would be taken if he got a letter from the Borough for something such as not cutting the grass.

Mr. Milioto replied that if he violates a Borough Ordinance, he would be cited by the Borough.

Mr. Dukes asked if the Ewaskey family has been cited for any of the infractions, such as the wall and the shed..

Mr. Milioto explained that the attorneys need to get together to resolve this.

Mr. Dukes said he got a letter from the Borough once in reference to his grass, and it took the Borough four years to take him to court. It was resolved in three days, but he had to show up four years later in reference to the situation. Mr.

Dukes asked if the current issue is going to take four years.

Mr. Milioto encouraged Mr. Dukes to have his attorney speak with the Borough Solicitor.

Mr. Dukes asked if the Borough's decision is, after fourteen days, to make the residents handle it.

Mr. Milioto explained that the Borough will pursue whatever it has to pursue. Because there are private issues involved, the attorneys must get together.

Attorney Derrico informed Mr. Dukes that his attorney has never called him, has never been in touch with him, and has never taken the time to write him a letter about this issue.

Mr. Dukes explained that he is trying to come up with the money to pay his attorney so he can send a letter.

Attorney Derrico advised against a public discussion, as this may turn into a law suit.

All of Council was in agreement.

- D. Mr. Joseph Dino informed Council that the storm sewer in question was scoped by the Borough, and it has collapsed. Mr. Milioto said that if this is Borough property, it will be investigated.

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VII. VOTING ITEMS

A. Approval of Minutes

Mr. Williams motioned to approve the April 12, 2010 meeting minutes of Borough Council.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

B. Range Resources Lease Proposal

Mr. Graff motioned to accept Range Resources lease proposal for 11.4 acres of Canonsburg-owned property in Cecil Township and the baseball field complex off Cecil Street in Canonsburg.

Mr. Williams seconded the motion.

Mr. Hazlett informed Council that he checked since the last meeting, and this is non-surface drilling. The lease has been changed to reflect that.

Remarks: Mr. Coleman said that Mr. Hazlett's answer is the response to his concern: There will be no disruption of the ball playing, no excessive noise, no one disturbed, no trucks driving in and out of there at all hours of the night, and the water will not be contaminated and can be expected to taste the same. He asked if he can be guaranteed of this.

Mr. Hazlett replied that all he can guarantee is what's in the lease, which is exactly the same as the lease for the Park.

Further discussion was held pertaining to the lease.

Mr. Coleman asked if there is an insurance or claimer that none of the concerns mentioned will be present.

Mr. Milioto asked Attorney Derrico if he was satisfied with the agreement.

Attorney Derrico replied that he is satisfied. If there is some kind of contamination, we have rights to sue them. There is nothing in the lease guaranteeing everything Mr. Coleman indicated.

Mr. Hazlett stated that the lease does say sub-surface, so there will be no trucks. Everything Mr. Coleman mentioned, with the ex-

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ception of the water, is in the contract.

Discussion was held pertaining to media coverage of claims of water contamination, the question whether Council wants to engage in the lease to get the revenue, and the acreage involved.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Yes
Patricia Romano	Yes
Frances Coleman	Yes
George Coleman	No
Michael Kazmarski	Yes
Joseph Milioto	Yes

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

C. Closing of Pike Street – Fourth of July

Mr. Graff moved to close Pike Street on Saturday, July 3, 2010 for the Canonsburg Fourth of July parade.

Mr. Sharkady seconded the motion.

The motion was passed unanimously.

D. Toll Road Fundraiser

Mr. Williams motioned to approve a “toll road” fundraiser at various sites in Canonsburg from 5:30 P.M. to 8:00 P.M. on June 11, 2010, with a rain date of June 25, 2010.

Mr. Russo seconded the motion.

Remarks: Mr. Sharkady expressed concerns about children being a part of the fundraiser and running back and forth across the road. This is dangerous even for adults stepping out into traffic.

Mr. Hazlett will inform the Fourth of July Committee that no children should be involved.

The motion was passed unanimously.

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E. Naming Future Roads, Streets, Alleys, and Pathways

Mr. Coleman moved to name future roads, streets, alleys, and pathways in Canonsburg in honor of Canonsburg residents to be designated by Canonsburg Borough Council.

Mr. Kazmarski seconded the motion.

Remarks: Mr. Williams asked if there is a list.

Mr. Hazlett replied that there is a list, but his impression after Monday's meeting was that the motion was to be generic in order that people can be chosen from the list as the roads or streets came up. Names can be added to the list.

Mr. Graff felt that this could cause Council some trouble, as there may be people who designate very good people and feel they should have it, but someone else gets it instead. This could result in a lot of complaints.

Mr. Russo stated that at this point we're just saying we will continue the practice of naming streets as they come up after individuals.

ROLL CALL ON THE MOTION:

Michael Kazmarski	Yes
George Coleman	Yes
Frances Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Yes
Joseph Graff	No
Paul Sharkady	Yes
Richard Russo	Yes
Joseph Milioto	Yes

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

F. Plaque Honoring Frank Scarci

Mr. Coleman motioned to honor former Canonsburg Town Park Pool Manager Frank "Fritz" Scarci with a plaque acknowledging his contribution to the Park.

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Mr. Kazmarski seconded the motion.

Remarks: Mr. Williams said before he left Monday night's meeting, he had made a comment about this and said he would take it to the Park Board. No one had any comments, and it's now a motion.

Mr. Russo explained that the conversation after Mr. Williams left the meeting centered around the fact that it was a Borough decision as opposed to the Park Board.

Discussion was held pertaining to cost and who will pay for the plaque.

Mr. Williams indicated that the Park Board was in favor of the plaque.

Mr. Hazlett will respond to Mr. Scarci's daughter that her request is being considered.

Mr. Williams said the Park Board is just a recommending body, and anything they want to do at the Park will be brought before Council for approval. As part of the 75th celebration, they are honoring past employees of the Park.

Mr. Coleman stated that 27 years of Mr. Scarci's employment with the Borough were as Pool Director.

Further discussion was held pertaining to funding, as well as tabling this matter.

Mr. Hazlett expressed concern that if this is delayed until June, he's not certain the plaque will be ready for July 17th.

Mr. Williams will take this back to the Park Board again, and he will get the funding for the plaque. He asked Mr. Hazlett to inform the family that Mr. Scarci will be honored, rather than just indicating that the request is being considered.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Yes

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Patricia Romano	Yes
Frances Coleman	Yes
George Coleman	Yes
Michael Kazmarski	Yes
Joseph Milioto	Yes

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

G. Borough Manager's Report

Mr. Kazmarski motioned to approve the May 3, 2010 Borough Manager's Report.

Mr. Sharkady seconded the motion.

The motion was passed unanimously.

H. Engineer's Report

Mr. Williams moved to approve the May 3, 2010 Engineer's Report.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

VIII. FINANCE REPORT:

A. Presentation of Bills for Approval – Richard Russo

Mr. Russo stated that Mr. Treschow has done a very good job of breaking down the services on his invoices.

Mr. Russo motioned to approve the bills for payment, which includes the following:

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

Mr. Kazmarski seconded the motion.

ROLL CALL ON THE MOTION:\

Michael Kazmarski	Yes
George Coleman	Yes

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Frances Coleman	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.

IX. UNFINISHED BUSINESS:

- A. Committee Reports
 1. Public Works

Mr. Kazmarski reported on the work done by the Street Department for the month of April, including erection of street and stop signs.
 2. Fire Department

Mr. Graff read the Fire Department report for the month of April. There were 18 calls, and total damages were zero.
- B. Garbage Collection – Brought up by Mr. Hazlett

Mr. Hazlett reported that he has set up a meeting with Waste Management to discuss collecting garbage on main streets as opposed to alleys.
- C. Lighting – Brought up by Mr. Milioto

Mr. Milioto stated that he is pleased to see how the town has been lit up at night.
Mr. Hazlett explained that the bulbs fade over a period of years; therefore, the bulbs were replaced.
- D. Two Free Hours of Parking – Brought up by Mr. Sharkady

Mr. Sharkady has received many inquiries about this.
Mr. Milioto explained that Mr. Jordan withdrew his offer because he was pursuing other personal interests. He also said

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he read in the newspaper that parking will continue as normal.

Discussion was held pertaining to possible alternatives.

It was decided that Mr. Graff (Chairman of the Parking Committee) will invite Ms. Steffey (Main Street Manager) to the next committee meeting.

E. Need for Traffic Light – Brought up by Mr. Coleman

Discussion was held pertaining to the need for a traffic light at Route 980 and Cecil Street.

Mr. Coleman also brought up the fact that lights are needed under the bridge that goes over South Central, as children and adults are having to walk up South Central in the dark.

Mr. Hazlett informed him that the electric company is working on this.

Mayor Rhome also mentioned the traffic lights through town and the Weavertown and 109 traffic lights. He reported that Representative Solobay is working on getting a meeting together, and he invited Public Safety and the engineer to the meeting.

F. Honoring Police Officers – Brought up by Mayor Rhome

Mayor Rhome informed Council he had wanted to honor at least four police officers tonight, but due to military duty and one being out of town, he would like to postpone this until the June meeting.

X. NEW BUSINESS:

There was none.

XI. EXECUTIVE SESSION:

Mr. Kazmarski requested an Executive Session pertaining to personnel, which began at 8:26 P.M.

XII. ADJOURNMENT:

The meeting was adjourned at approximately 9:00 P.M.

Mary A. Solomon

ATTACHMENTS:

None

