

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
JULY 19, 2010

I. CALL TO ORDER:

The meeting was called to order by Mr. Russo at 7:15 P.M.

II. MOMENT OF SILENCE:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL:

Present:

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

Others Present:

Borough Manager Terry Hazlett, Engineer Harvey Treschow, Attorney Patrick Derrico, and Mayor David H. Rhome

Absent:

Joseph Milioto and Police Chief R. T. Bell

V. PUBLIC COMMENTS:

A. Mr. Russo addressed Ms. O'Donnell (who spoke at the Public Hearing prior to this meeting that was held in reference to rezoning) that the question of the home on the north side of College Street is in process at the Magistrate level. Therefore, Council cannot comment on this issue.

B. Ms. Sharon Moschell, of 351 North Jefferson Avenue, Telephone Number 724-328-3680, approached Council about her neighbor at 347 North Jefferson Avenue, who does not cut his grass. The gentleman has filed charges against her for harassment and also against the woman across the street for having drugs mailed to her house. She said he is a nuisance neighbor; he calls police and says that dogs are barking and people are throwing things against his house. No one is throwing anything at his house. Ms. Moschell stated that the complaints about dogs barking started three or four years ago, and on every police report, no dogs are barking.

The gentleman has been cited lately and turned over to Code Enforcement for his yard.

Ms. Moschell presented a petition signed by everyone on the

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street with the exception of the residents of the three houses on the end, who were not home when she got signatures. She read the petition:

“We, the residents from the street of North Jefferson Avenue, would like to file a formal complaint regarding the 347 North Jefferson Avenue address for the following reasons:

The grass is so high it's causing a rodent problem in the neighborhood;

There are weeds with burrs growing on them; you can't walk on the public sidewalk because of it.

There are raccoons living on the property getting into the garbage and spreading it around the property. The raccoons could carry rabies and can attack the children and pets of responsible property owners.

We would like the Code Enforcement Officer to enter the premises, which has unfinished walls, and get the property as clean and livable, or it should be condemned for being uninhabitable.

It is a nuisance property which is not safe for the residents of the neighborhood, and we would like the property owner to abide by the same rules as the rest of the residents.”

- C. Mr. Todd Simmons, of 341 North Jefferson Avenue, Telephone number 724-745-3116, stated that he is the neighbor on the opposite side of the gentleman who lives at 347 North Jefferson Avenue. He said he would let the police take care of the personal issues. He said he was in attendance because of the residence, which is in deplorable condition. Mr. Hazlett stated that there is very active work being done on this. The gentleman is also suing the Borough, so not

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much can be said in public about this. From the Code Enforcement end, it's actively being investigated.

Mayor Rhome asked Attorney Derrico if it would be advisable for him to comment on this issue.

Attorney Derrico informed him that he could talk in general.

Mayor Rhome stated that charges have been filed. The individual told him that some time today or tomorrow the grass would be cut. If the man's word is any good, he informed the Mayor that he would be out within 30 days. He's meeting with real estate people today, and he also informed the Mayor that he is very sick. In addition, he told Mayor Rhome that his roommate left yesterday.

Ms. Moschell said that there was no roommate.

Mr. Simmons stated that the man walks all the way down to Shop 'n Save from his house at 347 North Jefferson Avenue and walks back carrying eight bags of groceries – four in each arm.

Mayor Rhome stated that he has read the complaints and has watched him for the last four months. This morning he, the Chief, and the Deputy Chief had conversation about this again. The Mayor said he finds it a nuisance for our officers to have to put up with all the harassing responses when they go to that location.

Ms. Moschell said she apologizes every time the police have to come, but they told her to call them. It is escalating; the man has done physical things now. She cited an incident that occurred last Friday evening. The man leaned out of his back window, took a glass, and threw it at her truck, where it broke in front of her wheels. She didn't call the police because she did not witness it, but she later learned that the neighbor across the street did and would be willing to talk to the police. This man yells out his window, "Stay away from my house; quit throwing things at my house." He did this Friday and Saturday,

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and usually does most of it while she's asleep.

Mayor Rhome said that he's sure Code Enforcement will do their jobs tomorrow and asked the residents to let the charges that are pending run its course. If it should continue, they will have additional conversation.

Ms. Moschell reported that the gentleman cut the big briar bushes in the front of the yard, but he trampled the grass around it instead of cutting it. The grass in the back yard has not been cut.

He cuts the front yard and assumes no one will look in the back.

Mr. Hazlett stated that the Borough is very much on top of this, and he and Mayor Rhome will take care of it.

- D. Mr. Michael Kopko, of 584 Malone Ridge Road, Washington, telephone number 724-288-0740, said he noticed a recent Civil Service ad for the Police Department in the paper. He questioned why it is being given when he knows for a fact there is an outstanding Civil Service test that is still in force.

In addition, Mr. Kopko wanted to know when results come in what procedure or hiring practice is used as to how and why an officer is hired. He said Civil Service tests are given to bring the best candidate forward for the job.

Mr. Russo referred the first question to Mr. Coleman. In reference to the second question, he stated that all the jobs they hire for have a job description, and they try to hire the best possible candidate.

Mr. Coleman, who is Chairman of the Civil Service Commission, advised Mr. Kopko that he is correct that there is a current Civil Service list, and someone was hired from that list recently. He stated that there was a need from the Mayor's office and the Chief of Police's office to have more of a selection of candidates to hire for the future. There is no immediate hiring at this time. The current list has about four names on it, and the police wanted at least ten or twelve names from which to pick. Therefore, the Civil Service Commission met and decided that would be the route to go.

Mr. Gamble, who represents the State, came in on that.

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Mr. Coleman informed Mr. Kopko that the Borough follows every Civil Service requirement, code, or regulation to the "t". He said that the simple answer to Mr. Kopko's question as to why the Borough would want a new list when there is a current list is that there is a class graduating from police school and there might be some talent they don't know about coming from those schools. Canonsburg has always prided themselves in making every effort to hire the very best that is offered.

Mr. Kopko made reference to the statement that the Borough hires the best qualified. He asked how it can be justified to hire an individual out of graduate school when there are individuals who passed the Civil Service test, possibly the highest ranking, who have at least five years of on-the-job training dealing with the police department every day, 5 to 7 days a week.

Mr. Russo replied that it's like any job; experience is only one factor.

Mr. Coleman agreed. He said when Civil Service Commission looks at candidates, it does not just look at the ranking on the test. A very complete and extensive background check is done pertaining to credit, criminal activity, and they look at references also. All candidates are taken to North Park before any selection process for an agility test for the entire day, and they fire their weapons. Each candidate is given a personal interview. Chiefs of police who are not necessarily familiar with the names of those individuals conduct the interviews. Someone who is given Veterans' preference and is in the top five moves to the top.

Mr. Graff asked Mr. Kopko why he was here in Canonsburg when he actually lives in Washington.

Mr. Kopko replied that he has a personal interest in the things that happen in the Police Department.

Mayor Rhome informed Mr. Kopko that every candidate on the list has the right to come back and take the test again.

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Mr. Sharkady said that it is a requirement that Civil Service has an updated list every two years.

Mr. Kopko ended by asking that Council not make any insinuations that something is going to be given and not do it. He added that this was personal.

- E. Ms. Cynthia Lenco, of 535 McNary Street, telephone numbers 724-745-9248 and/or 724-745-7248, approached Council in reference to information she has seen in the paper pertaining to registration of vacant structures. She explained the circumstances under which she has a second home.

Mr. Russo stated that if she is getting mail there, technically it might not qualify as a vacant home in disrepair under the Ordinance. If she hasn't had any code violations or citations, according to the criteria in the Ordinance, she would be fine. There's criteria in the Ordinance.

Ms. Lenco felt that people who don't know that and perhaps don't have a lot of money will be coming up to pay the \$500.00 unless the Borough addresses it in some way.

Mr. Russo said that, hopefully, they will question the Ordinance as she did and may qualify for the waiver.

Ms. Lenco also asked about the length of time allotted to dispense of an individual's belongings in the event of death.

Mr. Russo replied that the initial term is 120 days, but an additional year can be given on top of that at the discretion of the Borough Manager. He assured her that by no means is the Borough targeting well kept property.

- F. Ms. Karen Houlihan, who spoke during the Public Hearing held tonight prior to this meeting in reference to rezoning on East College Street and Adams Avenue, wanted to make it clear that she is not against rezoning the property next to her as Commercial. Her only concern was the integrity of her privacy.
- G. Mayor Rhome asked if anyone was present representing Chuck Tenny and company.

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There was no response.

The Mayor explained that Mr. Tenny and his partners were expected to be here tonight. (Mr. Tenny is on vacation.) What Mr. Tenny initially set out to do was to take the gas station the way it was and renovate it. However, he wasn't happy with that. He found a better way to make a nice parcel down there for the betterment of the community, which would bring the value of the houses up, especially with the house they just acquired. Mayor Rhome said that Mr. Tenny stated that whatever he needs to do to make the neighbors happy when they go through the process for zoning, he will try to accommodate their wants within reason.

- H. Ms. Julie Chandler, of 219 East College Street, telephone number 412-216-3061, requested that a Stop Sign be placed on Shady Alley next to the apartment buildings next to her home. She said she would also like to see one or two more One Way signs placed on East College Street before someone gets hit or run over. Ms. Chandler informed Council that at least ten times a day someone is driving the wrong way on that street. Mr. Kazmarski will address this and have done whatever it takes to make the street safe.

Mayor Rhome will have the police look into the need for a Stop Sign.

VI. VOTING ITEMS:

A. Approval of Minutes

Mr. Sharkady motioned to approve the June 14, 2010 meeting minutes of Canonsburg Borough Council.

Mr. Williams seconded the motion.

The motion was passed unanimously.

B. Ordinance Mandating Vacant Structure Registration

Mr. Williams motioned to approve the Ordinance Mandating Vacant Structure Registration.

Mr. Kazmarski seconded the motion.

Attorney Derrico stated that, in studying this, he thought that

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prior to the time of putting this into effect, regulations should be included to guide the Zoning Officer and Mr. Hazlett with questions such as Mrs. Lenco raised because Ordinances always appear to be harsher than what they are intended to be. Regulations in advance would be something that could be published for the people to know. Mr. Derrico stated that the Ordinance could be passed tonight, and he will have the regulations prepared.

Mr. Williams rescinded his motion, as he does not want to pass the Ordinance without the regulations.

Mr. Kazmarski withdrew his second.

Attorney Derrico said he would withdraw his request to include Regulations and Council can pass the Ordinance without them.

Discussion was held.

It was decided that Attorney Derrico will prepare the guidelines and the Ordinance will be addressed at the August meeting.

C. Motion – Waste Management Collection

Mr. Kazmarski motioned to rescind the policy of restricting Waste Management collection to main arteries (streets) only.

Mr. Williams seconded the motion.

The motion was passed unanimously.

D. Motion to Rezone

Mr. Williams motioned to rezone 249 East College Street and 203 Adams Avenue and 207 Adams Avenue from R-3 to C-3.

Mr. Graff seconded the motion.

The motion was passed unanimously.

NOTE: A copy of the Ordinance is attached to these minutes.

E. Motion – Vista Alley

Mr. Sharkady motioned to affirm that Vista Alley is a Borough street.

Mr. Kazmarski seconded the motion.

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Discussion was held.

The motion passed unanimously.

F. Motion – Use of Luksis Lot

Mr. Coleman motioned to approve the use of the Luksis Lot by Mt. Olive Baptist Church on August 7, 2010 from 2:00 P.M. to 6:00 P.M.

Mr. Williams seconded the motion.

The motion was passed unanimously.

G. Motion – Participation of Canonsburg Police

Mr. Kazmarski motioned to approve participation by Canonsburg Police in Washington Region SWAT team at a cost of \$2,250.00.

Mr. Sharkady seconded the motion.

ROLL CALL ON THE MOTION:

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

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

H. Borough Manager’s Report

Mr. Kazmarski motioned to the July 12, 2010 Borough Manager’s Report.

Mr. Sharkady seconded the motion.

The motion was passed unanimously.

VII. FINANCE REPORT:

A. Presentation of Bills for Approval – Richard Russo

Mr. Coleman motioned to approve payment of the bills, which includes the following:

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1. General Fund
2. Waste Water Plant Operations
3. Garbage Service
4. Fireman Allocation
5. I & I
6. Concerts in the Park
7. Capital Projects

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

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

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

Motion carried.

VIII. UNFINISHED BUSINESS:

A. Council Committee Reports

1. Road and Infrastructure – Michael Kazmarski

Mr. Kazmarski added the following to the report he gave last week:

- a. In reference to the roads that have been torn up by private or public utilities, Mr. Kazmarski stated that a lot of the private contractors have been coming in and fixing them permanently.
- b. In reference to a water main break last week, the water company has advised Mr. Kazmarski that they will be coming back in a couple

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weeks to put in a permanent fixture.

2. Public Safety – Joseph Graff

Mr. Graff stated that he will be giving two Fire Department reports at next month's meeting.

B. Three-Quarter Houses – Brought up by Mr. Coleman

Mr. Coleman said he felt it would be in the best interest of the Borough and the residents to place this matter into an ad hoc committee and workshop it. He stated that if no one is going to provide a definite explanation of a halfway house and a three-quarter house, we should do it ourselves and have it on record and become current and have all of it in place. It will help the Zoning Hearing Board, Planning Commission, and the Borough Manager.

(Applause)

Mr. Williams volunteered to chair the committee.

Mr. Russo will talk with Mr. Milioto about assigning a committee and putting this on the agenda monthly until resolved.

Mr. Coleman suggested inviting some of the citizens to serve on the committee.

Further discussion was held.

C. Mr. Williams thanked everyone for yesterday at the Park.

There were close to 1,700 people in the pool.

Mr. Russo commended Mr. Williams for a job well done.

D. East College Street – Brought up by Mayor Rhome

Mayor Rhome reported that there have been extra police patrols there. If there was any drug paraphernalia, it would have been a while ago. He advised the residents to contact him or Chief Bell if they hear of anything more.

E. Proposed Park in Apple Hill – Brought up by Mayor Rhome

The Mayor stated that residents of Apple Hill approached Council about this in January or February, and they still have not heard anything.

Discussion was held pertaining to the developer's agreement.

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It was decided that Mr. Hazlett will contact Apple Hill and follow up on this.

IX. NEW BUSINESS:

- A. Local Government Academy Seminar – Brought up by Mr. Hazlett
Mr. Hazlett reported that the seminar scheduled for Thursday has been cancelled due to insufficient registration. It will be rescheduled for the fall.
- B. Letter to Mr. Lou Marra – Brought up by Mr. Williams
Mr. Williams suggested sending a letter thanking Mr. Lou Marra for his participation. He has attended 248 meetings straight.

X/ ADJOURNMENT:

Mr. Coleman motioned to adjourn.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 8:15 P.M.

Mary A. Solomon

ATTACHMENTS:

1. Copy of Ordinance to Change Certain Lots from R-3 to C-3