

## **Canonsburg Borough Council Meeting**

Monday, May 13, 2019

6:30 PM

### **CALL TO ORDER:**

The meeting was called to order by Mr. Bell at 6:30 pm.

**Moment of Silence** called by Mr. Bell.

### **Pledge of Allegiance**

#### **Roll Call:**

Mr. Eric Chandler-Present

Mr. John Severine-Present

Mrs. Tina Bails – Present

Mr. Joe McGarry -Vice President-Present

Mrs. Fran Coleman – Present

Mr. Harold Bowman – Present

Mr. Richard Bell –President- Present

**Others Present:** Solicitor Mr. Jeff Derrico, Borough Administrative Assistant Ms. Kim Cecchine, KLH Engineer Ms. Veronica Bennett, Public Works Mr. Tom Lawrence, Chief of Police Alex Coghill and Mayor David Rhome.

### **PRESENTATION:**

Mayor Rhome recognized Ken Hayman for his hard work and dedication for earning 100 wins through the Canon McMillan High School wrestling program and 4<sup>th</sup> place position in the WPIAL and State Wrestling Championship.

Mayor Rhome recognized Garrett Nijenhuis, from Canon McMillan, for his Section Champion, WPIAL Champion, PI Double A Class Triple A State Champion and Media's Choice for outstanding wrestling.

### **GUESTS:**

1. Joe Trovato, 292 Center Church Road, Canonsburg, addressed Council regarding a letter his mother received from the Borough regarding the creek. Mr. Bell said the letter was sent due to the possible flooding and the walls crumbling. The creek poses major danger to downtown and public safety. The area is on his mother's property and the Borough is not permitted to fix it. Mr. Bell said the Borough wanted to help them with the repairs. A meeting will be scheduled to discuss a remedy. Mr. Derrico invited the UP Church and Mr. Trovato to meet at his office. Possible grants will be researched.

2. Michelle Bruce introduced members of Fix UR Cat. Gary Walaskovitz, Treasurer, 613 Breaburn Way, Canonsburg, PA addressed Council. He said they would like to have a procedure to submit a request for a variance from the Zoning restriction from where their building is located on Pike Street. They are a non-profit charitable organization. The plan is to open a surgery suite on site. Currently surgeries are at Animal Friends in Pittsburgh. They transport, via carriers, approximately 1,600 cats per year. They would like to be the sole, low cost surgery hospital in Washington County. They would like to have a Special Exception under the Commercial Business District. There would be no exterior changes.

Ms. Holly Stabile, Solicitor for the Zoning Hearing Board was present and addressed the Board. Ms. Stabile addressed Fix UR Cat as well as Jessica Salko's request for a dog boarding business at the Zoning Hearing Board meeting this month. The Zoning Board did approve a Special Exception for both businesses only under Pet Services. She said Fix UR Cat is seeking a variance to allow veterinarian services and Jessica Salko to have overnight boarding, which requires actual changes in the ordinance in which the Zoning Board is not permitted to change. She said the individuals are seeking guidance from Council on how to seek actual changes to the ordinance to seek the services requested.

3. Jessica Salko, 1028 Oakbrook Drive, Canonsburg, Pa 15317 addressed Council regarding the Doggy Day Care Services and overnight boarding services she would like to start. She discussed overnight care and presented a poster board of her plans. She reviewed other kennels for comparison. She was previously approved in North Strabane; however, the lease arrangement fell through. She said she can meet all the requirements for the ordinance and is only asking for a hearing for a Special Exception. She said noise will not be an issue. She said if Council were to approve her request, she asked for Mr. Severine to recuse himself from voting for publicly disagreeing with her plans. She gave examples of his behaviors. She also asked for a waiver of the \$600 fee to approach the Zoning Hearing Board if a vote is “yes” for a Special Exception. She said if she is denied, she may have to look elsewhere to suit her business needs. She thanked Council for her consideration of her request.

Ms. Stabile said the Zoning Hearing Board cannot approve her request due to the prohibited language in the ordinance. She said any approvals for the request of Fix UR Cat and Ms. Salko require changes in the actual ordinance from Council.

Steve Wolf, Kusturiss, Wolf and Kusturiss Family Law, approached Council. His business is near the proposed kennel. He stated he attended the Zoning Hearing Board meeting. He discussed the Transitional Zone. He said a kennel in this zone would require an entire change in Code to accommodate a person to satisfy her needs. He said a Special Exception for pet services was approved. He said 32 dog kennels is not consistent of the ordinance of the Borough.

Gina Nestor of The Cat Committee discussed their services. She said Fix UR Cat pays for the program at approximately \$15,000 in services for spaying and neutering. Mr. Bell said it is much appreciated.

Mr. Bell said Council is only hearing opinions tonight. Council has been looking at zoning maps passed in 2016. Mr. Bell said this is a lengthy process from 6 months to one year. He said he cannot promise a change.

Mr. Chandler said kennels are permitted, however, not in the zone being requested. Mr. Bell said the same with veterinarian services. Mr. Chandler said he researched other municipalities and Canonsburg is consistent with them in zoning. Mr. Chandler said Spot Zoning are changes in the ordinance. Mr. Derrico said Spot Zoning is not permitted. However, a change in the ordinance is permitted. Mr. Chandler said they are recodify zoning which will be a long process.

Further discussion about re-zoning in Canonsburg. Mr. Chandler said he meets with any new business interested in Canonsburg to discuss zoning to see if it works within zoning ordinances. Discussion regarding the previous Code Officer. The phone number for those wishing to express their opinion was provided. Mr. Bell said Council will try to review zoning a little more quickly. The Zoning Committee will meet: members are Mr. Bell, Mr. Chandler, Mrs. Bails, and Mr. Severine. Ms. Cecchine and Ms. Stabile will attend the meeting as well. Ms. Salko asked for the Zoning Hearing Board fee be waived if she has to appear in front of the Board again. Council in agreement. The same agreement was offered to Fix UR Cat. Mr. Bell said Council will work on it. Mr. Walaskovitz stated Mr. Severine caused a scene at his place of business on a clinic day. A customer stated they may file a complaint. Mr. Walaskovitz asked for Mr. Severine to call him directly versus causing a commotion. Mr. Walaskovitz provided Mr. Severine with his telephone number. Mr. Bell said Council does not have the right to censor Mr. Severine. He said he was elected by the people. Council has discussed this with Borough Council Association lawyers and they were advised he was elected by the people and they cannot do anything. Personal complaints can be addressed with the magistrate. Mr. Bell said this was discussed with Mr. Severine and hopefully this will be better. Mr Severine stated that he goes by the law and he does not dislike anyone.

#### **PUBLIC COMMENTS:**

1. Sherry Sulkowski, 329 Hawthorne Street, Canonsburg, addressed Council. She stated she does not attend meetings or complain. She stated in 30 years of living in the Borough has never been contacted privately by a Councilman expressing their opinion and accusing someone of misleading her. She stated she can show messages from Mr. Severine. She stated a private message was sent via Facebook messenger. She stated this

is very wrong. She stated her opinion of what a representative is; they represent her views. She said there needs to be a Code of Ethics and the behavior is inappropriate. She also said Canonsburg is being known for wonderful festivals. She said the thousands that visit see empty buildings. She said there are 38 empty store fronts.

Mr. Severine responded saying it is his Facebook group.

Mr. Bell said people have their right to privacy and they can go to the magistrate to file a complaint.

2. Ken McWilliams, 515 Ridge Avenue, Canonsburg addressed Council regarding the road in front of his home. He said the road is paved too high. Storm drains were destroyed. He discussed issues with his neighbors' home such as water in their basement. He said his grass goes to the street with no curb. Mr. Lawrence said Public Works is aware of this. Mr. Lawrence said the bottom half of Ridge is very close with an agreement with Columbia Gas. The other will fall on Pa American Water Company.

Auggie, a resident who also resides on Ridge Avenue, discussed the history of the road. He discussed the curb damage from the utility companies. He said the utility companies have not repaired the damage. Mr. Bell said Mr. Lawrence and Council are aware of the situation. Mr. Lawrence suggested writing to legislators regarding the utility companies repairing the curbs. Ms. Bennett said a letter directly to Penn Dot may be helpful, as they created the problems. Ms. Bennett will draft a letter and Mr. McWilliams will have the residents sign it. Mayor Rhome suggested reaching out to Representative O'Neal and Senator Bartolotta. Mr. Lawrence also suggested Council send letters as well.

### **President's Comments:**

Mr. Bell thanked Ms. Cecchine for her work.

### **MAYOR'S REPORT:**

Mayor Rhome reported the following:

1. Monthly Parking and Police reports provided to Council for review.
2. Thomas O'Rourke's resignation will be discussed in the Voting Items.
2. Closure of Pike Street for the Oktoberfest is on the Voting Items Agenda from September 19, 2019 to September 22, 2019 from Greenside to North Jefferson Avenue.
3. Head in only parking spaces discussed. People are complaining their companies are requiring they back in. There is a \$20 fine. Mr. Bell explained the reason for head in only parking. Mr. Bell said it is a company rule. Mr. Severine suggested a flashing sign. Mr. Lawrence will check for signage in the parking lots. Columbia Gas and other utility companies are not permitted to pull in. Mayor Rhome suggested warnings versus an actual fine.
4. Cat Committee- Mayor Rhome said he cannot thank Gina Nestor and the committee enough for their work.
5. Officer Tharp has been cleared of all charges. He will return to duty on this date.
6. The church parking lot discussed, still waiting cost estimates. Mr. Lawrence said it is a matter of does the Borough want to keep the lot or not. Mr. Bell said Council's opinion is to keep the lot. Discussion regarding an agreement and the length of an agreement.
7. Mayor Rhome asked to expedite the Zoning meetings to help bring new businesses to town.

### **Engineer's Report:**

Ms. Bennett reported on the following:

1. Senior Center Electrical Upgrades- work is completed. KLH Engineer's recommends issuing a final payment to Shultz Electric in the amount of \$5,042.50.
2. College Street Culvert Project- Mr. Lawrence and KLH met onsite with Strnisha. Work will begin in 1-2 weeks. The road may be shut down for three days. The work should be completed in two weeks.

3. Pool House Design- The additional conceptual design is being drafted and the estimates will be finalized before the next meeting. Council would like to review the plans before the next meeting.
4. Ridge Avenue Repair Issues-working with the gas company on the curb replacement plan.
5. 2019 CCTV Work- will be advertising for the sanitary sewage bids which will be presented at the June meeting.
6. 2019 Paving Project-Road lists are being finalized and bids will be presented at the June meeting.

### **Solicitor's Report:**

Mr. Derrico discussed the following:

1. Quick claim deed that was prepared for the Borough of Canonsburg to Cheryl DeAngelo for half of Juniper Alley. The Borough did this for the other half of Juniper Alley. Mr. Derrico asked about Ms. DeAngelo being ticketed for parking on a paper alley. Mayor Rhome said that would be Code Enforcement. Mayor Rhome said it has been ongoing. Mr. Severine said they have to buy the paper alley. Mr. Derrico said adjacent property owners are able to claim half of a paper alley. Their tax assessment will increase by the square footage of what they now own. Mr. Derrico said this is routine.

Mr. Derrico said he cannot sit as a Zoning Hearing Board member and the Solicitor for the Borough. Mr. Derrico has submitted a letter of resignation for the Zoning Hearing Board effective immediately and also stated he enjoyed being a member of the Zoning Hearing Board.

### **Committee Reports:**

1. **Administration and Finance:** Mrs. Coleman stated she reviewed bills and invoices and approve paying bills.

#### **Motion to approve Canonsburg Borough bills.**

Mrs. Coleman made a motion to pay the bills. Seconded by Mr. McGarry.

No questions on the motion.

#### **Roll Call:**

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Chandler-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

Mr. Lawrence purchased a piece of equipment for \$750 and will need a check. This is included in the bills. Council was in agreement.

2. **Code-** Nothing new to report.

3. **Public Safety-** Mr. Bowman reported the following:

The Canonsburg Voluntary Fire Department in the month of April 2019 responded to calls consisting of:

3 Hazardous Condition Calls

1 Good Intent Call

1 Fire Call

3 Service Calls

7 False Alarms

1 Rescue Calls.

Average 6 men per call, 39 minutes per call. \$0 in damage.

4. **Public Works-** Mr. McGarry thanked Public Works for their service.

5. **Facilities-** Mr. Bell stated this was addressed already.

## **6. Parks and Recreation:**

Mrs. Bails reviewed the following:

1. The pool manager is taking over the concession stand. There will be an assistant manager to assist.
2. My 19, 2019 there will be an Open House at the pool to sell passes and book parties.
3. The fountain is not working.
4. New garbage cans.
5. Pickle Ball Court- the asphalt has been laid, waiting for fencing.
6. New slide installed.
7. East End Playground is being renovated and with a possible security camera.
8. A handicap swing will be installed.

Mr. Chandler asked if the pool and park are ADA accessible. Mrs. Bails said "yes." Mr. Lawrence said there are some areas in the park are non -ADA.

## **7. Re-Development:**

Mr. Chandler reported on the following:

1. Mr. Chandler said he continues to inventory blighted proper.
2. Recodification of code is in progress.

## **VOTING ITEMS:**

### **1. Motion to approve April 8, 2019 meeting minutes of Canonsburg Borough Council Meeting.**

Mr. Chandler made a motion to approve April 8, 2019 meeting minutes of Canonsburg Council Meeting.

Seconded by Mrs. Bails.

No questions on the motion.

All in favor. Motion Carries.

### **2. Motion to approve April 15, 2019 General Purpose meeting minutes of Canonsburg Borough Council.**

Mr. McGarry made a motion to approve April 15, 2019 General Purposes meeting minutes of Canonsburg Borough Council. Seconded by Mrs. Coleman.

All in favor. Motion Carries.

### **3. Motion to approve Resolution #02-2019 establishing the Municipality Census 2020 Complete Count Committees.**

Mr. Chandler made a motion to approve Resolution #02-2019 establishing the Municipality Census 2020 Complete Count Committees. Seconded by Mr. Severine.

All in favor. Motion Carries.

### **4. Motion to approve allowing Daisy Troop 16106 to use the Main Pavilion Sunday, June 2, from 2-4 pm free of charge.**

Mr. McGarry made a motion to approve allowing Daisy Troop 16106 to use the Main Pavilion Sunday, June 2, from 2-4 pm free of charge. Seconded by Mrs. Bails.

No questions on the motion.

### **Roll Call:**

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Chandler-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

### **5. Motion to approve handicap parking spot located at 249 Grace Avenue.**

Mr. McGarry made a motion to approve handicap parking spot located at 249 Grace Avenue. Seconded by Mrs. Bails.

No questions on the motion.

All in favor. Motion Carries.

**6. Motion to approve the rolling closure of Pike Street from Greenside to Bluff at 9:00 am on Monday, May 27 for the Memorial Day Parade.**

Mr. McGarry made a motion to approve the rolling closure of Pike Street from Greenside to Bluff at 9:00 am on Monday, May 27 for the Memorial Day Parade. Seconded by Mr. Chandler.

No questions on the motion.

All in favor. Motion Carries.

**7. Motion to approve the closure of Pike Street from Greenside to Jefferson from Thursday, September 19-Sunday September 22 for Oktoberfest activities.**

Mr. McGarry made a motion approve the closure of Pike Street from Greenside to Jefferson from Thursday, September 19-Sunday September 22 for Oktoberfest activities. Seconded by Mrs. Bails.

No questions on the motion.

All in favor. Motion Carries.

**8. Upon the recommendation of KLH Engineers to issue the final payment to Shultz Electric in the amount of \$5,042.50 for the Senior Center electrical upgrade.**

Mr. McGarry made a motion upon the recommendation of KLH Engineer's to issue the final payment to Shultz Electric in the amount of \$5,042.50 for the Senior Center electrical upgrade. Seconded by Mrs. Coleman.

No questions on the motion.

**Roll Call:**

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Chandler-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

**UNFINISHED BUSINESS:**

1. Ordinance Review-General Code will recodify

2. Appointment of a member to the Planning Commission (replacing Dan Briner) - No candidates as of yet. The position has been advertised.

3. UP Church parking lot contract-The estimate to repave lot is \$60,000. On-going.

4. Town Park Pool-Discussed with in the Engineer's report.

**NEW BUSINESS:**

1. Zoning Hearing Board replacement.

2. Birthday wished extended to Mayor Rhome.

**EXECUTIVE SESSION:**

Executive Session held from 8:30 pm- 9:09 pm

**Motion to approve an agreement between the United Presbyterian Church and the Borough for the parking lot for a twenty-year contract for maintenance of the parking lot.**

Mr. Severine made a motion to approve an agreement between the United Presbyterian Church and the Borough for the parking lot for a twenty-year contract for maintenance of the parking lot. Seconded by Mrs. Bails.

No questions on the motion.

**Roll Call:**

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Chandler-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

**Motion to accept the resignation of Tom O'Rourke as the Full Time Code Officer and reinstatement to a Full Time Police Officer in the Canonsburg Borough and to work temporarily part-time in the Code office until a full-time Code Officer is in place.**

Mr. McGarry made a motion to accept the resignation of Tom O'Rourke as the Full Time Code Officer and reinstatement to a Full Time Police Officer in the Canonsburg Borough and to work temporarily part-time in the Code office until a full-time Code Officer is in place. Seconded by Mrs. Bails.

No questions on the motion.

**Roll Call:**

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Chandler-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

**ADJOURNMENT:**

Motion by Mr. McGarry to adjourn the meeting at 9:14 pm. Seconded by Mrs. Bails.

All in favor. Meeting adjourned at 9:14 pm.

**Enclosures:**

A. Park Board Minutes of May 2, 2019.

Submitted by:

Michelle LoBello