

BOROUGH OF EDGEWOOD
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BOROUGH OF EDGEWOOD

MINUTES OF THE COUNCIL MEETING OF June 20, 2011

CALL TO ORDER

Vice-President Waldock called the meeting of the Borough of Edgewood to order at 7: 30 PM in the Municipal Building.

ROLL CALL

Upon roll call, the following responded: Ms. Gleba, Mr. Fuller, Ms. Waldock, Mr. Bright and Mr. Bowers.

Solicitor Barry and Manager Cecconi were also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ITEMS FROM THE FLOOR

Karen Schollaert

1430 Walnut Street

Ms. Schollaert stated that she teaches the Gifted and Talented Education (GATE) program at Edgewood Elementary School, and this past school year four of her students studied architecture. As Edgewood has such an abundance of historic buildings, her students studied the architecture of the community. One of the students stated that their project consisted of writing letters to homeowners of architecturally significant houses in the Borough asking for permission to take pictures and notes of their homes. The students said they then took their notes and pictures, and created a book on the architecture in Edgewood Borough. Ms. Schollaert said she and her students would like to donate a copy of their book to the Borough to be placed on display.

Mr. Bowers accepted the book from the students on behalf of the Borough, and thanked the students for their hard work.

Ms. Schollaert stated that a copy of the student's book was also donated to the C.C. Mellor Memorial Library for display.

Vice-President Waldock asked if the book was available online, as she would like to have it linked to the Borough website, and thanked the students for their effort. Ms. Schollaert said that it was not available online.

Kathi McShane

117 Ivy Street

Ms. McShane stated that she lives by the pedestrian gate to Edgewood Town Center, and purchased her home due largely to the fact that the street had two dead ends which meant limited traffic. She stated that when the gate is opened, she has noticed problems with shopping carts left on the street, broken windows and garbage in the street. She stated that she wants the gate to be closed and never opened again.

M-1 Ms. Gleba moved to approve the minutes of May 16, 2011, as Amended, Second by Mr. Fuller.

DISCUSSION: Vice- President Waldock stated grammatical changes to be made to the minutes. These changes were made and recorded into the minutes. She also asked that no changes be made to previous meeting minutes once they are distributed to Council in their weekly packets. She stated that any changes made after this time should occur during a public meeting.

Vice-President Waldock asked that all those in favor of the motion signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

M-2 Ms. Gleba moved to approve the minutes of June 6, 2011, as Amended, Seconded by Mr. Fuller.

DISCUSSION: Vice-President Waldock stated some grammatical changes needed to be made to the minutes. These changes were made and recorded into the minutes.

Mr. Fuller stated that in the Water Authority Report, only the first book for MXU replacements would be completed by the end of the month.

Vice-President Waldock asked that all those in favor signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

M-3 Ms. Gleba moved to authorize the payment of bills, for goods and services received by the Borough, having been reviewed and approved by the General Government Committee, from the General Fund, in the amount of \$33,399.23 and from the Sewer Fund in the amount of \$168.86 for a total of \$33,568.09, Second by Mr. Fuller.

Vice-President Waldock asked that all those in favor of the motion signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

GENERAL GOVERNMENT

Ms. Gleba reported the following:

1. The Committee is following up on delinquent real estate tax collection
2. The Committee discussed paying back the Borough's tan loan, which it is hoping to do in July.
3. The Committee reviewed the Borough's bank statements.

Vice-President Waldock asked Ms. Gleba to report on the status of the Community Survey.

Ms. Gleba stated that the Edgewood Community Survey was now available online. She stated that Vice-President Waldock and herself, along with a graduate student from the University of Pittsburgh, worked

diligently to create the survey. It consists of multiple choice questions, and has room for open-ended comments. Ms. Gleba encouraged everyone to take the survey.

POLICE REPORT

Chief Payne reported that the Council of Governments held a Chiefs of Police meeting on Wednesday June 15, 2011. At the meeting, the issue of the current radio system was discussed. A representative from the Allegheny County District Attorney's office was also present, and discussed the possibility of the COG applying for a FEMA grant. Chief Payne stated that District Attorney Steve Zapalla has put his support toward the endeavor of pursuing this grant.

Chief Payne stated that for the month of May, Part I crimes were down compared with the same month in 2009 and 2010. Part II crimes were also down compared to May of 2010. The call volume had increased in May compared to last year. Chief Payne said that the department was answering more calls on a daily basis, and he believes the statistics show the force is doing a good job controlling criminal activity in the Borough.

Vice-President Waldock asked if Chief Payne and Solicitor Barry had discussed the memorandum of understanding with Woodland Hills School District.

Solicitor Barry stated that they had discussed the memorandum of understanding, and he would elaborate in his report.

Chief Payne distributed to Council a sample mutual aid agreement used by the South Hills Area Council of Governments.

Solicitor Barry stated that such an agreement would have to be approved by ordinance. In order to be legally effective under Pennsylvania law, all municipalities that are a party to the agreement would need to pass an ordinance. Solicitor Barry stated that this would ensure that arrests resulting from the cooperative agreement would be valid. Solicitor Barry believes government immunity from liability is a key aspect in this agreement, as it would ensure Edgewood police officers who respond to an incident in another municipality would have the same immunities as the police officers in that community. Solicitor Barry stated that the draft ordinance should be written by the COG. He stated that for Edgewood to pass the ordinance wouldn't make the agreement valid. All of the municipalities within the COG would need to pass the same ordinance.

Vice-President Waldock stated that Chief Payne should contact the COG to determine if they would be willing to write a draft ordinance, distribute it to its member municipalities and monitor its passage. Chief Payne agreed with Vice-President Waldock, and said he would bring up the suggestion at the next COG meeting.

PUBLIC SAFETY

Ms. Waldock had nothing to report.

COMMUNITY DEVELOPMENT

Mr. Fuller stated that a committee meeting took place to discuss the pedestrian walkway to Edgewood Town Center. Of the residents who attended the meeting, Mr. Fuller believed about 95 percent were opposed to opening the walkway. Mr. Fuller also noted that an issue exists over who would perform the maintenance of this area. He stated that the owners of Edgewood Town Center are not interested in taking on the upkeep of the gateway area.

Vice-President Waldock stated she wanted to make clear that the area up until the gate is a public street.

Mr. Fuller stated that no action would be taken regarding the gate unless someone is willing to take on the maintenance responsibilities.

Mr. Fuller also stated that the committee discussed a developer's interest in developing Parcel D. The developer was interested in developing the first half (lower half) of the parcel.

Solicitor Barry stated that in order for the Borough to sell Parcel D, a public bidding process would need to occur. He stated that this process had occurred twice in the past. Solicitor Barry noted that many conditions and specifications exist on Parcel D. He also stated that in the past, the Borough has not been interested in selling the parcel to the highest bidder, but instead has been interested in the plan for the parcel's use. Solicitor Barry stated that during past bidding processes, the Borough has rejected all of the bids placed. If a party is interested in purchasing the parcel, the Borough could go through this process again. Solicitor Barry stated that it was his professional legal opinion that since the Borough had held the property for a long period of time, combined with the easement issues present on this particular site, the property should be returned to the private sector.

Manager Cecconi asked Solicitor Barry about lease options the Borough might have on the property.

Solicitor Barry responded that due to recent court precedent, the Borough is legally allowed to lease property without a public bidding process. Solicitor Barry stated that he does not believe this is a route the Council should pursue unless they are interested in becoming developers. He noted that the work necessary for public bids has already been completed, as it was pursued twice in the past.

Vice-President Waldock asked Mr. Fuller if the developer was aware of the issues associated with Parcel D.

Mr. Fuller stated that he was, and wanted to use the parcel for a permitted use, and believes the developer is serious enough to make a bid.

Vice-President Waldock stated that the developer only being interested in half of Parcel D was a deal breaker. She suggested the Borough wait for the developer to make a second move to show serious intent. Vice-President Waldock asked if the Borough would consider splitting the parcel.

Manager Cecconi stated that the issues around the splitting of the parcel would need to be further discussed.

Mr. Bowers stated that while splitting the parcel may not be what the Borough wants, he believes Council listen to the developer to hear what he has planned for the parcel in a public meeting.

Mr. Bright asked if Council had voted in the past to keep the property as one parcel.

Solicitor Barry stated that no specific vote had occurred because it was not necessary, as the parcel is currently one legal piece of property. Council would have to vote to sell half of the parcel, which would require a subdivision.

Manager Cecconi stated that the zoning ordinance would need to be consulted before a subdivision could occur.

Solicitor Barry stated that the issues associated with Parcel D go far beyond zoning, and if zoning were the only issue it could easily be handled.

Vice-President Waldock stressed that there is to be no private meetings to discuss this with the developer, and all discussions must occur in public meetings.

PUBLIC WORKS

Mr. Fuller stated a short meeting took place. The committee discussed the road survey and the paving of streets and determining how to fund these repairs was their most important concern. Mr. Fuller stated that the committee was aware of what needed to be done to make improvements.

Mr. Bowers said that not only was the committee aware of what needed to be done; they had prioritized the order in which these projects should occur.

Ms. Gleba stated that some money had been allotted to cover road repair projects.

Manager Cecconi stated that the allotted money would not cover the costs of a project.

Ms. Gleba stated that accurate estimates on the costs of such projects would help for next year's budgeting purposes.

Mr. Fuller stated that the costs of the projects were known, and would be made available before the next budget.

COMMUNITY SERVICE

Ms. Gleba said no community service meeting had taken place, so she had no report, but wanted to state again that Edgewood Community Day would be held on August 27, 2011.

PERSONNEL

Mr. Bowers stated that a revision of the personnel manual had been completed. He wanted to wait until a council meeting where all members were in attendance to enact the manual. Mr. Bowers stated some of the job descriptions listed in the manual needed revision, but that the process was moving along well.

PENSION

Mr. Bright had nothing to report.

AD HOC COMMITTEES

INTERCOUNCIL

Vice-President Waldock had nothing to report.

3 RIVERS WET WEATHER DEMONSTRATION PROJECT/CONNECT

Solicitor Barry stated that on June 17, 2011, the CONNECT congress was held, which he, Manager Cecconi and President Schaefer attended. He stated that CONNECT had performed a multijurisdictional sewer study which, in part, analyzed the existing sewer agreements between municipalities. Solicitor Barry believes this review, accompanied by the momentum gained through the EPA consent orders and 3 Rivers Wet Weather could lead to more regionalized approaches to sanitary sewage treatment. Solicitor Barry said he would like to stay involved with this effort, and will be reviewing the CONNECT report to determine how it would affect Edgewood. Solicitor Barry also congratulated President Schaefer, as she was elected chair of CONNECT.

Vice-President Waldock asked when CONNECT would move from a concept toward action. She stated that CONNECT is mentioned all the time, but Edgewood has not received a single thing from them.

Solicitor Barry stated that this is a valid complaint, and that he believes CONNECT's work on regionalizing an approach to sewers could be successful. At the June 17th congress, options were presented for action on the sewer project. Solicitor Barry stated that regional efforts take time to create change, but that he believes these efforts can work.

Mr. Bowers asked if the City of Pittsburgh appeared more open to the CONNECT agreements, as he believed their lack of support was a problem in the past.

Solicitor Barry stated that the City's involvement is a key to success, and he believes Mayor Ravenstahl is committed to the project.

SOLICITOR'S REPORT

Solicitor Barry stated thanked Chief Payne for the research he had done on the memorandum of understanding between the Borough and Woodland Hills School District. Solicitor Barry stated that in 2008 the School District presented a memorandum of understanding to the Borough and at that time, the Council had comments, questions and issues with the document. Solicitor Barry said these issues were discussed with the School District, and the problem areas were removed from the document, which Council then signed. The Solicitor stated that in 2009 and 2010, the Borough was given the agreement again to sign, but that it lacked the changes made to the 2008 agreement. In 2011 the school district again presented the document without the 2008 changes, and also added new provisions. The Solicitor stated that the 2008 agreement that was signed by Council worked fine, and so there was no need to fix it or use a different document. He stated that when changes are negotiated, those changes should appear in the agreement in subsequent years. Solicitor Barry stated that the new provisions in the 2011 memorandum of understanding deal with suspects and reporting. Solicitor Barry stated that he and Chief Payne agreed that the Borough's police report remain the Borough's report, and not be changed based on the School District's report. Solicitor Barry reiterated that Council is willing to work with the School District on this matter.

Vice-President Waldock asked that Chief Payne respond to Woodland Hills School District stating the unacceptable provisions, and stating that Borough Council would not sign the agreement as currently written.

Mr. Fuller asked if the 2008 agreement had a termination date, and if it would still be in effect if the new memorandum was not signed.

Solicitor Barry responded that the 2008 document stated that it needed to be reviewed every two years.

Mr. Bowers stated that if the Borough shows the School District the 2008 agreement and said that this document was acceptable and would be signed, he believed the School District would agree and sign the document.

Vice-President Waldock stated that if a reason exists for the new provisions, the School should have an explanation for why it must be included.

BOROUGH MANAGER'S REPORT

Manager Cecconi stated he had nothing further to report.

NEW BUSINESS

Ms. Gleba stated that a meeting date needed to be chosen to discuss delinquent tax collection.

Vice-President Waldock stated that a committee of the whole should be scheduled to discuss delinquent tax collection as well as the personnel manual and Parcel D. As several members of council were absent, Vice-President Waldock tabled the scheduling of a committee of the whole meeting until the July 5th public meeting.

COMMITTEE ACTION

M-4 Resolution 2011-12

Ms. Gleba

Motion to adopt Resolution to Authorize The

Transfer a Restaurant Liquor License

Ms. Gleba read the following resolution into the record:

BOROUGH OF EDGEWOOD

RESOLUTION 2011-12

A RESOLUTION OF THE COUNCIL IN AND FOR EDGEWOOD BOROUGH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-10926 INTO EDGEWOOD BOROUGH FROM CITY OF PITTSBURGH.

WHEREAS, Act 141 of 2000 ("the Act"), which amends the Commonwealth's Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the receiving municipality to issue a resolution approving the inter-municipal transfer of the liquor license from outside the receiving municipality to within its borders prior to submission of an application for such transfer to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that , prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant's intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of liquor license into the municipality.

NOW THEREFORE BE IT RESOLVED that Marckisotto Markets, Inc. t/a Edgewood Giant Eagle has requested the approval of the Edgewood Borough Council for the proposed transfer of Pennsylvania restaurant liquor license no. R-10926, by Marckisotto Markets, Inc. t/a Edgewood Giant Eagle to restaurant facilities within the Borough of Edgewood to be located at 1705 S. Braddock Avenue, Edgewood Towne Centre, Edgewood, PA 15218 with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board;

BE IT FURTHER RESOLVED, that the Edgewood Borough Council has held a properly advertised public hearing to receive comments on the proposed liquor license transfer and, after consideration of the issues, finds that the transfer of restaurant liquor license into Edgewood Borough by the applicant will not be detrimental to the welfare, health, peace and morals of the borough or its inhabitants; and

BE IT FURTHER RESOLVED, that Edgewood Borough Council approves, by adoption of this resolution, the proposed transfer of restaurant liquor license no. R-10926 into Edgewood Borough by Marckisotto Markets, Inc. t/a Edgewood Giant Eagle; and

BE IT FURTHER RESOLVED, that the license transfer is subject to approval by the Pennsylvania Liquor Control Board.

ADOPTED THIS the 20th day of June, 2011.

ATTEST: BOROUGH OF EDGEWOOD

Warren Cecconi
Borough Manager

Audrey Waldock
Council Vice-President

EXAMINED AND APPROVED by me this 20th day of June, 2011.

Mal Hellett

Mayor

Mr. Fuller motioned to adopt Resolution 2011-12, Second by Ms. Gleba.

Vice-President Waldock asked that all those in favor of the motion signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

M-5 Second Reading of Ordinance 1036

Ms. Gleba

Mr. Gleba read the following ordinance into the record:

BOROUGH OF EDGEWOOD

ALLEHGENY COUNTY, PENNSYLVANIA

ORDINANCE 1036

AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE BASIC SEWAGE SURCHARGE RATE AT FOUR DOLLARS AND SEVENTY CENTS (\$4.70) PER ONE-THOUSAND (1,000) GALLONS OF WATER USED AND ANY COLLECTION COSTS APPLICABLE TO THE BOROUGH OF EDGEWOOD

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Edgewood, Commonwealth of Pennsylvania;

SECTION 1: That the Borough of Edgewood increases the basic service rate from the existing rate of three dollars and seventy cents (\$3.70) per one-thousand (1,000) gallons of water used and any collections costs applicable to the Borough of Edgewood to four dollars and seventy cents (\$4.70) per one-thousand (1,000) gallons of water used and any collections costs applicable to the Borough of Edgewood. This increased rate applies to all properties which use the Borough of Edgewood sanitary sewer system, including any properties not situated in the Borough of Edgewood.

SECTION 2: The increase will be effective with the 2nd quarter billing of 2011, which

will have a due date in October 2011.

SECTION 3: Any Ordinance or any part of any ordinance, in conflict herewith is repealed to the extent of such conflict.

SECTION 4: It is the intention of Borough Council that the provisions of this Ordinance shall be part of the Codification of Ordinances of the Borough of Edgewood and that said Codification shall be amended and supplemented accordingly.

ORDAINED AND ENACTED this __ day of _____, 2011.

ATTEST:

BOROUGH OF EDGEWOOD

Warren Cecconi
Borough Manager

Patricia M. Schaefer
Council President

EXAMINED AND APPROVED by me this __ day of _____, 2011.

Mal Hellett, Mayor

DISCUSSION: The third reading of Ordinance 1036 will take place on July 5, 2011

M-6 Resolution 2011-13 -

Ms. Gleba

Resolution to Appoint Rachael Swaysland to the Planning Commission

Ms. Gleba read the following resolution into the record:

BOROUGH OF EDGEWOOD

RESOLUTION 2011-13

WHEREAS, the Borough of Edgewood recognizes the importance of aesthetics and maintaining the character of the Borough; and

WHEREAS, the Borough of Edgewood has an active and involved Planning Commission; and

WHEREAS, Rachael Swaysland has exhibited the desire, knowledge and ability to contribute positively to the Planning Commission

NOW THEREFORE BE IT RESOLVED that the Edgewood Borough Council appoints Rachael Swaysland to the Edgewood Borough Planning Commission to a term which will expire

December 31, 2014.

ADOPTED THIS THE 20th day of June 2011 by the Council of the Borough of Edgewood.

ATTEST:

Borough Secretary

Audrey Waldock

Council Vice-President

Ms. Gleba made a motion to approve Resolution 2011-13, Second by Mr. Bowers.

Vice-President Waldock asked that all those in favor of the motion signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

M-7

ADJOURMENT

It was moved by Mr. Fuller and seconded by Ms. Gleba to adjourn. Meeting adjourned at 8:35 PM.

Vice-President Waldock asked that all those in favor of the motion signify by responding "aye" and those opposed signify by responding "nay." **Motion carried 5-0.**

Warren Cecconi, Borough Manager