

**BOROUGH OF EDGEWOOD
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BOROUGH OF EDGEWOOD
MINUTES OF THE COUNCIL MEETING HELD MAY 3, 2021

This meeting was held virtually using GoToMeeting.

Council Vice President O'Donnell called the meeting of the Borough of Edgewood to order at 7:30 pm.

ROLL CALL

Upon roll call, the following responded: Mr. Fuller, Mr. Love, Mr. O'Donnell, and Ms. Yaney. Mayor Jack Wilson, Manager Rob Zahorchak, and Solicitor Tim Barry were also present. Council President Wainright and Jr Councilperson Berman were absent.

ITEMS FROM THE FLOOR:

Mr. Zahorchak read the following written public statement:

Mr. Zahorchak, Mayor Wilson, and members of the Borough Council,

At the March 15th Borough Council meeting numerous comments from Race St. residents concerning traffic conditions on our street were read. After the meeting, a flashing sign that displays drivers' speeds was temporarily placed on Race – the goal being to collect data on the extent of the speeding problem on the street. A subsequent report shared by Mr. Zahorchak revealed that the sign, when turned on, was highly effective at reducing excessive speeding.

When the sign was collecting data but not displaying drivers' speeds, there was an average of 106.6 cars per day traveling at least 10 mph over the posted speed limit of 25 mph. When the sign's display was turned on, that average fell to 54.0 cars per day. This means the sign effectively cut the number of violations per day in half. Extrapolating this reduction of 52.6 violations per day over the course of a year results in 19,199 fewer cars traveling at least 10 MPH over the speed limit per year.

The sign was even more effective at reducing these dangerous speeds during the hours from midnight to 5:00 AM, when I believe a lot of the damaging accidents occur. When the sign's display was turned off, there was an average of 11.5 violations per hour compared to just 4.8 when turned on (a 58.2% reduction). This implies that having the sign present and turned on would lead to 2,445 fewer violations in the middle of the night over the course of a year. That by itself could lead to a reduction in the number of damaging collisions that have become all too common to Race St. residents.

In 2016, the sign (purchased from All Traffic Solutions) cost \$4,960. I do not know the current price of the sign (or one similar), but assuming a 2% increase per year perhaps it is around \$5,500 today. Examining the General Fund Budget on the Borough website reveals that Total Revenues are equal to just over \$3.6 million. The Borough could keep

99.85% of its revenue and reduce the number of cars traveling at excessive speeds on Race St. by over 19,000 per year. Surely that is worth doing.

Please buy a new sign and place it on our street today. It makes a substantive impact and costs .15% of the Borough's budget. If you won't pay for the full amount of the sign, would you at least match any funds raised privately?

Finally, PennDot's Traffic Calming Handbook indicates that a traffic-calming study can be requested on the grounds of excessive speeding or excessive cut-through traffic. I believe that the sign I'm requesting would address the speeding issue, but I still urge the Borough to pay for such a study. It could lead to a substantial improvement in the quality of life for Borough residents and perhaps finally solve the problem of cars not stopping at the Race/Greendale intersection.

Thank you for your time and consideration,

Todd Potts
150 Race St.

Mr. O'Donnell noted that Mrs. Gleba joined at 7:35pm.

Mr. O'Donnell stated that the matter of making financial decisions towards the traffic issue on Race St, such as purchasing another radar sign, would be best done during budget season, which will be in the near future. He advised Mr. Potts to follow up on his request towards the end of summer.

Mr. Zahorchak introduced the prospect of utilizing a capital fund. He stated that it is basically a way to save in advance for future expenses that focus on long term improvements of the borough, rather than debiting those expenses from the general fund as they come up. Bob Belicose of Maher Duessel then provided further information on how a capital fund works, and how that could be established.

Mayor Wilson and Mrs. Gleba both noted that there was a similar account held by the borough previously. Mrs. Gleba stated that it just was not maintained, and as various transactions went through with overlap of other accounts, it became harder to manage. However she believes that with one master account and clear parameters, it could be beneficial.

Mr. O'Donnell stated that Council President Wainright, who was not able to join the meeting, wished for it to be known that he supports the pursuance of a capital fund.

Mr. Fuller inquired whether separate checks would be written exclusively from that fund. Mr. Zahorchak confirmed that yes, for approved expenses, checks would be written specifically from that account.

Mrs. Gleba inquired whether it would be an interest-bearing account. Mr. Belicose stated that it is possible to earn interest, however some banks charge significant fees to hold the account. He noted that he could provide a list of banks used by other municipalities.

Mr. O'Donnell stated that without any objections from council, Mr. Zahorchak could further research the options to pursue the opening of a capital fund. Mr. Zahorchak stated that he would do that, and report his findings back to council at a later date.

Mr. Zahorchak noted that Dr. Petrola joined the call at 7:47pm.

Mr. Halle of the Volunteer Fire Department provided his report. He stated that the department was very busy over the past month, including medical calls, intervention calls, and accidents on the Parkway. He noted that levels of calls had nearly returned to what they were prior to Covid. Mr. Halle stated that the VFD would be participating in Community Day. The extent of that participation will depend on changes to the time and the types of activities that are included in the day. There was a small issue with the started switch on one of the engines that was fixed. Otherwise the department is running well.

AUTHORIZATION TO PAY BILLS

M-1 Mr. Fuller moved to 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 \$44,028.31 Second by Mr. Love.

DISCUSSION: Mr. Fuller noted that there was a large payment to Zambelli for fireworks for Community Day. There were some vehicle payments, a payment towards the light on Maple Ave, and a payment for the Oakview Ave parking lot project.

Ms. Yaney inquired why the revenue for the month was listed as \$0. Mr. Fuller stated that it is because the meeting happened to be taking place on the first working day of the month. Mr. Zahorchak confirmed that, and noted that it is due to the way the bill report is run.

Upon roll call vote the following responded yes: Mr. Fuller, Mrs. Gleba, Mr. Love, Mr. O'Donnell, Dr. Petrola, and Ms. Yaney. **Motion carried.**

COMMITTEE ACTION

M-2 Mr. Love provided the second reading of Ordinance 1072. Second by Mr. Fuller.

**BOROUGH OF EDGEWOOD
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE 1072**

**AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, PROVIDED FOR THE PENALTIES RELATED TO THE
POSSESSION OR USE OF SMALL AMOUNTS OF MARIJUANA, PERSONAL USE OF
MARIJUANA, AND THE PERSONAL POSSESSION OF MARIJUANA PARAPHENELIA.**

WHEREAS, under Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act 35, P.S. 780-113 (a)(31), the possession of a small amount of marijuana (up to 30 grams of marijuana or up to 8 grams of hashish) only for personal use, the possession of a small amount of marijuana with the intent to distribute it but not to sell it; or the distribution of a small amount of marijuana but not for sale is a misdemeanor punishable by up to thirty (30) days of imprisonment, a \$500 fine, or both, and;

WHEREAS, under Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. 780-113 (a)(32), the use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act is a misdemeanor punishable by up to one (1) year of imprisonment, a \$2,500 fine, or both, and;

WHEREAS, Edgewood Borough Council respects the laws of the Commonwealth of Pennsylvania and fully supports the Officers of the Edgewood Borough Police Department exercising their professional discretion when encountering possible violations of Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act of 1972 and further supports Officers making custodial arrests when they believe additional criminal offenses may have been committed, and;

WHEREAS, this council is desirous of a penalty for those found to be publicly using or in possession of marijuana or marijuana paraphernalia within the municipal boundaries of Edgewood Borough and that penalty shall prove a meaningful deterrent to obvious criminal behavior and that the punishment should not burden the criminal justice system, and;

WHEREAS, this council believes that any alternatives to the punishment defined in 35 P.S. 780-113 et. seq. should be applied uniformly to all offenders, establish standards, and contain escalating penalties for repeated violation for the public use or possession of small amounts of marijuana or marijuana paraphernalia, and;

WHEREAS, municipalities across the Commonwealth of Pennsylvania have enacted similar local ordinances classifying the public, personal use or possession of marijuana or marijuana paraphernalia a summary offense.

NOW, therefore, be it ordained and enacted by the Council of the Borough of Edgewood:

SECTION 1: DEFINITIONS

- A. **MARIJUANA** or **MARIHUANA** means all form of/or varieties of the genus Cannabis Sativa L., whether growing or not, as defined by Pennsylvania's Controlled Substance, Drug, Device and Cosmetics Act as set forth at 35 Pa.C.S.A. § 780-101 et seq.

- B. **MARIJUANA PARAPHERNALIA** means any device, instrument, apparatus or object used, intended to be used, or designed to be used for introducing marijuana into the human body or for storing, containing, concealing, or transporting marijuana.
- C. **PERSONAL POSSESSION** means actual physical custody of or the ability to exercise control over or have access to, for the sole purpose of one's own personal use. This does not include possession with intent to deliver, distribute, transfer, or sell.
- D. **PERSONAL USE** means introducing marijuana into one's own body, which includes smoking, inhaling, exhaling, vaporizing, or burning any lighted cigar, cigarette, pipe or other such device which contains marijuana or marijuana extracts.
- E. **PUBLIC SPACE** means a street, park, sidewalk, a vehicle in or upon any street, alley, park or parking area, or any other place to which the public is invited.
- F. **SMALL AMOUNT OF MARIJUANA** means thirty (30) grams or less of marijuana or eight (8) grams or less of hashish as set forth in 35 Pa.C.S.A. § 780-113(a)(31).

SECTION 2: POSSESSION

- A. So long as marijuana shall be listed as a controlled substance in "The Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no person shall be in possession of a small amount of marijuana as defined in said Act.
 - 1. The following shall be a summary violation of this Section:
 - a. Personal Possession of a small amount of marijuana.
 - b. Personal use of a small amount of marijuana in any public space.
- B. So long as drug paraphernalia includes objects used in connection with marijuana possession or use in the "Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no person shall be in possession of marijuana paraphernalia.
 - 1. The following shall be a summary violation of this Section:
 - a. Personal possession of marijuana paraphernalia
- C. Persons who are found in violation of Section 2, § A or Section 2, § B shall be issued a Nontraffic Summary Citation by the police or other authorized law enforcement officer. Alternatively, the officer can obtain the subject's name and address and later send a Nontraffic Summary Citation by first-class mail.

SECTION 3: PENALTIES

- A. Personal Possession
 - 1. The penalty for a violation of Section 2, §A.1.(a) by an adult aged 18 + shall be:
 - a. The penalty for a first violation in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$25.

- b. The penalty for a second violation in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$50.
 - c. The penalty for a third violation and any subsequent violations in one (1) calendar year of personal possession of a small amount of marijuana shall be a fine of \$100 OR the court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does in fact perform such community service as the court deems appropriate.
- B. Personal use of a small amount of marijuana in any public space
 - 1. The penalty for a violation of Section 2, §A.1.(b) by an adult aged 18 + shall be:
 - a. The penalty for a first violation in one (1) calendar year of personal use of a small amount of marijuana shall be a fine of \$100.
 - b. The penalty for a second violation in one (1) calendar year of personal use of a small amount of marijuana shall be a fine of \$150.
 - c. Any subsequent offense over second violation in a (1) calendar year span will fall outside of this ordinance and shall be charged in accordance with Federal and Pennsylvania law.
- C. Personal possession of marijuana paraphernalia
 - 1. The penalty for a violation of Section 2, §B.1.(a) by an adult aged 18 + shall be:
 - a. The penalty for a first violation in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$25.
 - b. The penalty for a second violation in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$50.
 - c. The penalty for a third violation and any subsequent violations in one (1) calendar year of personal possession of marijuana paraphernalia shall be a fine of \$100 OR the court may, in its discretion, suspend the fine imposed under this section if the person found guilty agrees to and does in fact perform such community service as the court deems appropriate.

SECTION 4: ENFORCEMENT

- A. A Nontraffic Summary Citation issued under this Ordinance shall be enforced in accordance with the procedures established by the Police Department for enforcement of summary violations.
- B. To the extent possible, it is the intent that any revenue collected pursuant to this Ordinance be allocated to Edgewood youth sports and recreation.
- C. This Chapter shall not be construed to supersede any existing Pennsylvania or Federal law. Edgewood Borough Police officers retain the authority to enforce any applicable laws and it is Borough Council's intent that police officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than the simple possession or use of a small amount of marijuana, or possession of marijuana paraphernalia has been or is being committed.

SECTION 5: REPEALER

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

SECTION 6: VALIDITY AND SEVERABILITY

The provisions of this Ordinance are severable and if any of its provisions or any part of any provision or individual amendment enacted hereby shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions or amendments. It is hereby declared to be the intent of the Borough of Edgewood that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 7: EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

ORDAINED AND ENACTED this 3rd day of May, 2021.

DISCUSSION: None.

Upon roll call vote the following responded yes: Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrolla, and Ms. Yaney. The following responded no: Mrs. Gleba. **Motion carried.**

M-3 Mr. Love provided the third reading of Ordinance 1072 (title only). Second by Mr. Fuller.

**BOROUGH OF EDGEWOOD\
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE 1072**

AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, PROVIDED FOR THE PENALTIES RELATED TO THE POSSESSION OR USE OF SMALL AMOUNTS OF MARIJUANA, PERSONAL USE OF MARIJUANA, AND THE PERSONAL POSSESSION OF MARIJUANA PARAPHENELIA.

DISCUSSION: None.

Upon roll call vote the following responded yes: Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrolla, and Ms. Yaney. The following responded no: Mrs. Gleba. **Motion carried.**

M-4 Mr. O'Donnell asked, shall this ordinance pass?

DISCUSSION: None.

Upon roll call vote the following responded yes: Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrolla, and Ms. Yaney. The following responded no: Mrs. Gleba. **Ordinance 1072 passed.**

M-5 Mr. Fuller read Resolution 2021-10. Second by Mr. Love.

**BOROUGH OF EDGEWOOD
RESOLUTION 2021-10
APPROVING CREATION OF A DISABLED PERSON PARKING SPACE**

WHEREAS, the Borough of Edgewood recognizes the need for parking for its disabled residents, and;

WHEREAS, one disabled person parking space shall be created at 861 East Hutchinson Avenue in the Borough of Edgewood to be marked and used for a handicapped parking space, and;

WHEREAS, the disabled person parking space shall be permitted for one year and upon the expiration of one year to be submitted and reevaluated the Borough of Edgewood for approval for an additional year with the process to continue from year to year until the handicapped need is removed or the premises are sold, and;

WHEREAS, in the event that there is no longer a need for a disabled person parking space or in the event that the property has been sold, the placard and markings shall be removed.

ADOPTED this 3rd day of May 2021.

DISCUSSION: None.

Upon roll call vote the following responded yes: Mr. Fuller, Mrs. Gleba, Mr. Love, Mr. O'Donnell, Dr. Petrolla, and Ms. Yaney. **Motion carried.**

BUSINESS MEETING

VOLUNTEER FIRE DEPARTMENT Mr. Halle's provided his report under 'Items From the Floor'.

WATER AUTHORITY REPORT Mr. Fuller reported that the Kenmawr Bridge is set to fully close from May 17th through the end of June. The Water Authority will install a new water line as part of that project, while the bridge is closed. The Authority put in an application to Pennvest for \$9.3 million to replace lead lines, and the amount was approved. There are at least 3000 lines to replace. There are 419 people on the payment plan, with more being added. There is \$1.8 million that is outstanding to the authority since the shut-off moratorium was in effect. Of that, 40% was sewage which towns pay. Someone submitted a Right to Know request, to asking where their facilities are located. It was deemed that in the interest of public safety the request should be denied.

Mr. Zahorchak added that there was a water line break on S Braddock Ave, near the H Ramp. The sidewalk was just repaired, and the mill and paving restoration is scheduled for Wednesday. Just that lane will be closed, and impact should be minimal. Mr. Fuller noted that it is not the first time that line broke. Mr. Zahorchak stated that it is a high

pressure line, with a sharp turn that goes under the street, and 9 Mile Run. Discussion ensued about water lines and the possibility of lining them.

RECREATION REPORT Mr. Zahorchak reported the T-ball/Softball registration ends May 15. He noted that, unfortunately we cannot compare registration numbers to what we had prior to Covid, however we have already surpassed registration from last year. Planning for fall soccer will begin shortly, with registration opening in July. There will be two movie nights, one, each in June and July. An online 'viewer's choice' poll was held to determine the first movie, with 'Moana' as the winner. This will be shown on June 25. 'Raya and the Last Dragon' will be shown on July 30. These are both Friday nights, to make it easier for families to attend. We will attempt to supply a food truck as part of the event. Depending on circumstances, we may be able to run a third movie in September, possibly using the runner up of 'Honey, I Shrank the Kids.' Pick up for the plant sale, will take place over two weekends in the middle of May. Orders for this sale were placed earlier in the year.

PLANNING COMMISSION Mr. Zahorchak stated that the Planning Commission did not meet.

COG REPORT Mr. Wilson reported that COG did not meet.

SOLICITOR'S REPORT Mr. Barry had nothing additional to report.

BOROUGH MANAGER'S REPORT: Mr. Zahorchak thanked Mr. Belicose for providing information on a capital fund. He reported that the advertisement is ready for the paving program. A motion to award to the lowest responsible bidder will take place at the first meeting in June. Construction on the Oakview Ave retaining wall commenced on May 10th. The project should be completed by the third week of June, weather dependent. A property owner has been notified for some equipment to be held on that property. The parking lot is now closed, and passes have been provided to residents who use the lot.

Mr. Zahorchak stated that the turn-on inspection has been completed by PennDOT for the traffic light on Maple Ave. PennDOT was satisfied with the light at inspection with one exception. Although they approved the plan for the signal as it is, they would like to see one more signal on the mast arm, for vehicles traveling on Swissvale Ave, away from the borough building towards Swissvale. The installer was able to locate a newer, unused signal head that will match the existing signals, and offered it at a reasonable price of \$400. We will have to pay for the installation of this signal head, without funding from PennDOT. Installation should take about one day to complete, at a labor cost of \$80 per hour.

The Boy Scout gazebo project is underway. A concrete base will be poured on Wednesday. The gazebo will be delivered to Public Works on May 14, and construction will take place the weekend of May 15. Mr. Zahorchak thanked Council for approving this project, as well as recognized the volunteer effort that went into the project. He recommended the creation of Eddie Lockman Day, for initiating it, and recognizing his mother, Noreen Lockman, for the work that she put in to make it possible.

Mr. Zahorchak stated that the new DPW pickup truck has been delivered. It will soon be outfitted with the borough logo. It is able to be used in the meantime though, and is working well. He reported that state chose not to fund the DC&R grant application for reconstruction of the Laurel Tot Lot, for approximately \$160,000, with a \$30,000 match. Since

paperwork was already completed, and the submission period for next year has already started, the request can be resubmitted, if council approves.

NEW BUSINESS: Mr. Fuller called for a Public Safety meeting on Wednesday at 6:30, for the purpose of interviewing a part time police candidate. Mayor Wilson asked when Council meetings will resume in person. Mr. Zahorchak stated that he will review current guidelines on meeting indoors and email council with his findings. Council can then communicate amongst themselves to determine the best course of action. Once decided, meetings will need to be advertised accordingly.

M-6 It was moved by Mr. Fuller and seconded by Dr. Petrolla to adjourn at 8:38 pm.
The aye vote on the motion was unanimous. **Motion carried.**



Rob Zahorchak, Borough Manager