

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
MAY 9, 2011

I. ROLL CALL:

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, Fran 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 – MICHAEL KAZMARSKI TO PUBLIC WORKS:

No action taken.

VI. PUBLIC COMMENTS:

- A. Mr. Eric Sulkowaki, of 501 Panorama Drive, informed Council that he and his wife had approached Council last August regarding a retaining wall issue they were having with the neighbor. It is still unresolved. The neighbor has removed part of the wall that was on the Sulkowski property, and now all the water from the hillside is destroying their yard.

Mrs. Sulkowski stated that the retaining wall was built in April of 2009, with no permit being issued,

Mr. Hazlett informed Council that the neighbor has been cited at least a half-dozen times and has been paying the fines. Code Enforcement has been there numerous times.

Discussion was held.

Attorney Derrico stated that this is a private action that Mr. and Mrs. Sulkowski can take up on their own. They have the right to talk to the Magistrate or hire an attorney of their own. Council

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does not have the right to take care of property line disputes. Further discussion was held pertaining to continuing to cite the neighbor for violation of the Borough Ordinance and the fact that the neighbor makes payments but does not pay the fines in their entirety.

Mr. Milioto suggested that Mr. and Mrs. Sulkowski talk with the Magistrate and also follow Attorney Derrico's advice.

The address of the neighbor in violation is 1295 Lucia Drive.

VII. PRESIDENT'S COMMENTS:

Mr. Milioto had no comments at this time.

VIII. VOTING ITEMS:

A. Approval of Minutes

Mr. Williams moved to approve the April 11, 2011 Regular Meeting Minutes of Canonsburg Borough Council.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

B. Approval of Site Plan – Arleo's Pizza

Mr. Williams motioned to approve the Site Plan for Arleo's Pizza based upon the Engineer's 2011 review letter with the additional comment that a separate sign approval and permit will be required. This was recommended for approval by the Planning Commission.

Mr. Coleman seconded the motion.

ROLL CALL:

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

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

C. Approval of Flaherty Subdivision

Mr. Sharkady motioned to approve the Flaherty Subdivision with the condition that it also receives approval by Chartiers Township as part of the property is in Chartiers Township and part is in Canonsburg, This was recommended for approval by the Planning Commission.

Mr. Kazmarski seconded the motion.

ROLL CALL ON THE MOTION:

Michael Kazmarski	Yes
George Coleman	Yes
Fran 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.

D. Approval of Home Daycare

Mr. Kazmarski motioned to approve home daycare for Juliana Baumgardner, 416 Park Drive, subject to certification. This Was recommended for approval by the Planning Commission.

Mr. Graff seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Yes
Patricia Romano	Yes
Fran Coleman	Yes

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George Coleman	Yes
Michael Kazmarski	Yes
Joseph Milioto	Yes

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

E. Approval of Night at the Races

Mr. Sharkady motioned to approve a Night at the Races fundraiser for Canonsburg Parks and Recreation Board.

Mr. Kazmarski seconded the motion.

ROLL CALL ON THE MOTION:

Michael Kazmarski	Yes
George Coleman	Yes
Fean Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Abstain
Joseph Graff	Yes
Paul Sharkady	Yes
Richatd Russo	Yes
Joseph Milioto	Yes

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

F. Approval of Engineer's Report

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

Mr. Graff seconded the motion.

The motion was passed unanimously.

G. Approval of Manager's Report

Mr. Graff moved to approve the May Borough Manager's Report.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

H. Resignation of First Ward Councilman

Mr. Williams motioned to accept the resignation of First Ward Councilman Michael Kazmarski effective June 1, 2011.

Mrs. Romano seconded the motion.

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ROLL CALL ON THE MOTION:

Richard Russo	Yes
Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Yes
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	No
Micharl Kazmarski	Abstain
Joseph Milioto	Yes

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

I. Appointment of First Ward Councilman

Mr. Williams motioned to approve the appointment of John Bevec to fill the seat of Michael Kazmarski effective June 1, 2011.

Mrs. Romano seconded the motion,

ROLL CALL ON THE MOTION:

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

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

IX. FINANCE REPORT:

A. Presentation of Bills for Approval – Richard Russo

Mr. Russo held out three bills: Two for HMT and Associates for confirmation of address of house inspected for demolition

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and one for consultant Richard Zollinger to be sure it was on track with amount budgeted,

Mr. Hazlett confirmed that Mr. Zollinger's fee was within budget.

Mr. Treschow will confirm the correct address of the house in question located on North Central Avenue.

With the exception of the two invoices in question from HMT and Associates, Mr. Russo motioned for approval of the bills, which includes the following:

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

Mr. Williams seconded the motion.

ROLL CALL ON THE MOTION:

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

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

X. UNFINISHED BUSINESS:

A. Range Resources

Mr. Hazlett reported that Range Resources has not yet begun accessing gas at Town Park property and will inform the Borough when they do.

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B. Brick – Downtown Area

Mr. Hazlett reported that Lampus Brick Company has inspected the bricks and pavement in the downtown area. After seeing the damage, they have agreed to replace the original contract of 8,239 square feet of brick. However, in their interpretation, the contract says installation is not included.

Mr. Hazlett stated that this matter has been turned this over to Attorney Derrico, and they will report further on this at the June meeting.

C. Committee Reports

1. Public Safety

Mr. Graff read the Fire Department Report for the month of April. There were 11 calls, and total damages were zero dollars.

D. Parking Enforcement Report – Brought up by Mr. Williams

Discussion was held pertaining to the fact that the revenues are down \$3,000 for the month of April and possible causes. Mr. Williams stated that the 2010 year-to-date figures had also been requested to be included in the monthly report.

E. Arleo's Pizza – Brought up by Mr. Sharkady

Mr. Sharkady asked about the requirement for a handicapped bathroom for employees, which was not included in the Engineer's comments.

Mr. Treschow explained that when a site plan (which goes before Planning Commission and Council) is reviewed by the engineer, it has nothing to do with the building or building permit. What was approved tonight is the site plan. The building permit is a totally different process.

Mr. Treschow stated that the law requires that this type of building have an ADA restroom. He said they gave Arleo's the option of going to the State for a waiver. Labor and Industry in Harrisburg has granted the variance; therefore, an ADA bathroom is not needed.

Mr. Sharkady made reference to the length of time it took for

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Arleo's Pizza to be approved. (Application had been made by Mr. Shahene in December.)

Mr. Treschow explained the correct process and made reference to the packet that should be used and followed, Mr. Milioto suggested that Mr. Hazlett inform all Planning Commission members to attend the classes Mr. Treschow is conducting to help alleviate the confusion.

Discussion was held.

F. Stop Sign – Brought up by Mayor Rhome

Mr. Graff motioned to place a Stop Sign at the intersection of Lucia and Joseph Drive on a temporary basis.

Mr. Kazmarski seconded the motion.

Discussion was held pertaining to the need for the sign as well as amending the Ordinance.

Attorney Derrico will work on amending the Ordinance.

Mr. Sharkady suggested that the police check to see if there are other areas where Stop Signs or safety signs are needed so they may all be included at once.

ROLL CALL ON THE MOTION:

Michael Kazmarski	Yes
George Coleman	Yes
Fran 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.

XI. NEW BUSINESS:

A. Business After Hours Meeting

Mayor Rhome informed Council that the Chamber of Commerce

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will hold a Business After Hours Meeting at 5:30 P.M. at the Hofbrau on Wednesday, May 11, 2011. Council is invited to attend.

B. Oktoberfest

Mayor Rhome stated that he received a letter from the Chamber of Commerce requesting approval to use the parking lots they normally use for Oktoberfest.

Mr. Williams moved to grant the Chamber of Commerce approval to use the parking lots and the streets they normally use for the Oktoberfest on September 15th through September 18, 2011 beginning at 12:01 on Thursday.

Mr. Kazmarski seconded the motion.

ROLL CALL ON THE MOTION:

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

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

C. Arleo's Pizza – Brought up by Mr. Coleman

Mr. Coleman agreed with Mr. Sharkady's comments and concerns. (See Page 8, Item X- E.) He felt that everyone should be treated fairly across the board.

Mr. Sharkady added that any paid business that comes into town and wants to hire employees from the local area should be applauded.

XII. OTHER BUSINESS:

A. Mr. Kazmarski expressed his appreciation to Council, the

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Mayor, Chief of Police, and Police Department for their cooperation and assistance during his tenure as a Council representative.

XIII. ADJOURNMENT:

Mr. Williams motioned to adjourn.

Mr. Kazmarski seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 7:55 P.M.

Mary A. Solomon

ATTACHMENTS:

None