

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
SEPTEMBER 19, 2011

I. CALL TO ORDER:

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 John Bevec

Others Present:

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

Absent:

Police Chief R. T. Bell

V. PUBLIC COMMENTS:

A. Ms. Mary Lou Caton, of 123 East College Street, stated that she has come before Council again in reference to John Kosek's house (123 ½ East College Street). She said that aside from the noise, drunks acting like 2-year olds, and parking issues, there is a man from Ontario, Canada who has been there since April who is carrying a gun. She said he told Mike Foust that he has to carry a gun because he doesn't know what those crazy drunks are going to do next. The Police Department ran his plate, but it came back as not matching anything. Ms. Caton said that guns in Canada are banned; they are guessing that the gun is being carried illegally in the United States.

Ms. Caton stated that another man living there is in a domestic with his girlfriend. She said that this man did 13 years in prison for dousing a man with gasoline for stealing \$2.00 from him.

Ms. Caton added that she talked with the girlfriend who informed her that within the year that she has been with this man, he picked up a homeless woman in the West End of Pittsburgh and raped her.

Ms. Caton stated that there are nine people living in the house, most

(continued)

BOROUGH OF CANONSBURG - 2 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

of whom are drunks. They have six cars, and there are parking issues.

Ms. Caton informed Council that she and her neighbors – Julie Krafcheck, and the Kellers – really need something done.

Mr. Milioto asked Mr. Hazlett if any reports concerning these tenants have been received and if new tenants have arrived.

Mr. Hazlett said he would have to check. Reports he has seen in the past two weeks did not include them.

Mayor Rhome stated that there are many issues with this particular address to be addressed by the Borough Manager, Police Department,, and Code Enforcement, but they should not be discussed tonight. In reference to guns, Mayor Rhome stated that the Police Department is not aware of this at this time, but this matter can be turned over to the Deputy Chief tomorrow.

Ms. Caton stated that the issues have been going on for eleven years, and anyone who has lived in that house has either been in jail, going to jail, has been at the magistrate, has or has had fines, and they all have criminal records. She informed Council again that this situation is not wanted in their neighborhood and that something needs to be done with Kosek's house.

Mr. Milioto suggested that Ms. Caton talk with the Police Department.

Ms. Caton informed the Mayor that the Police Department has been more than cooperative. She is trying to get the last name of the individual she mentioned tonight. She stated that this is just a house full of shady people, drunks, drugs, and issues almost every day. Ms. Caton informed Council that she and Mr. Kosek have been in a battle over her driveway on the side of her house. All she wanted was someplace else to put a car. Mr. Milioto suggested having a conversation with the Mayor and Police Chief.

Ms. Caton said she can go further on Code Enforcement issues that someone up there told her about. They are running on

(continued)

BOROUGH OF CANONSBURG - 3 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

space heaters – one per room. There are nine rooms. She said that the electrical is bad. One whole side of the house randomly went off at three o'clock in the morning. When the washer goes on, it pulls the power. Ms. Caton stated that what goes on in the house is not really her concern, but it is still an issue.

Mr. Milioto informed Ms. Caton that those issues are being worked on now with Mr. Coleman's and Mrs. Romano's committees. They are hoping to have something in place within the next couple months to take care of this.

Ms. Caton reported that Julie Krafcheck has considered giving up her house and moving in with her father, Mr. Caton would sell their house in a minute, and the Kellers want to leave, but unfortunately, they are not financially able to do it.

Mr. Milioto advised Ms. Caton to talk with the Mayor and Police Chief about the law enforcement issues and also stated that the Council committees are working on the other issues, and they are hoping to address them some day soon.

Mr. Russo asked if the Borough can ask the owner for a list of tenants.

Mr. Milioto and Attorney Derrico replied that this is covered in the current ordinance.

Mr. Russo asked if, under the current Code, when there is an issue of Code violations whether a request to enter the building can be made for the purpose of inspecting it.

Attorney Derrico replied that if someone complains about something that is an obvious violation, our Code Enforcement Officer can go up there and inspect it on the basis that he has credible evidence of a violation that's going on right then and there.

Mr. Russo said it seems there are two things that can be done: Ask him for a list of tenants and ask him if we can inspect the house. He felt that it isn't a violation or disruptive if we ask him. If he says no, then we can go to the courts. Mr. Russo suggested proceeding with the two actions he mentioned by having a formal

(continued)

BOROUGH OF CANONSBURG - 4 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

investigation by Code Enforcement.

Mr. Hazlett stated that we have a lot of lists from landlords on their tenants, and this might be one of them.

Attorney Derrico asked what will be done with the list. Unless he's a criminal or fugitive from someplace else, nothing can be done. If he isn't wanted by any police force, the Borough would have no business interfering with his freedom of moving in and out.

Mr. Russo asked what the reason is for the Code if it isn't going to be used because of "what if" might happen.

Mr. Milioto asked if the owner has reported any new tenants.

Mr. Coleman reported that he spoke with Sam today, and there is no movement on any of that, nor has there been. He said that something is going to be voted on tonight that will give him ammunition to be able to do it. Secondly, some closure has to be given to this thing that's hanging out from California, developing it to Canonsburg. Mr. Coleman stated that he has heard all of the objections, and in some cases, he must agree. However, if Council is going to do what it has told these folks who come to these meetings, something has to be done. The answer is, as Attorney Derrico has been saying for years, it isn't the Ordinances and it's not the Codes. It's the enforcement. Mr. Coleman said that we have to go after this because we have everything in place. He said he has heard this lady (Ms. Caton) come and say several times that they are ongoing, and he has heard the Mayor say that there are a lot of issues there. All of Council is aware of a good number of them. Mr. Coleman said he thinks Ms. Caton has the right to say, "If you know all of this, why haven't you as Council done anything? And why have you as the Police Department and Mayor's Office not done anything?" Mr. Coleman said that maybe something has been done, but it hasn't been communicated with her. Communication is the third leg of any issue. Tell them the

(continued)

BOROUGH OF CANONSBURG - 5 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

truth: We can't deal with this guy. He's not wanted in Canonsburg for anything.

Attorney Derrico told Mr. Coleman that he's giving him a very subtle implication to keep his mouth shut about that issue, as he is violating people's constitutional rights when he says that he doesn't want people in this town.

Mr. Coleman replied that he did not say that.

Still addressing Mr. Coleman, Attorney Derrico stated that if they have no reason to be in town -- just because you (Mr. Coleman) think they're not in there, they have a right to be there. And if they have not violated any of our ordinances --

Mr. Coleman asked, "What did I just say?"

Attorney Derrico continued by saying, "Please, you're going to open ourselves up to a federal law suit, and you're going to be in trouble."

Mr. Coleman replied, "He's not wanted for anything. I just said that, Mr. Derrico."

Attorney Derrico said, "My suggestion to you is you're leaving yourself wide open for the Borough....."

Mr. Coleman asked Attorney Derrico to please listen to all of what he said.

Attorney Derrico's response was: "I am listening to you, and I'm telling you, you're treading on awful, awful dangerous ground."

Mr. Coleman asked if someone else here said that same thing a few minutes ago.

Mr. Milioto said that the rest of Council has heard from the parties, and all parties

Attorney Derrico continued to address Mr. Coleman by saying, "A law suit can just start like that -- just on what you just said. You don't understand what's going on in the federal courts about citizens and rights and constitu-

(continued)

BOROUGH OF CANONSBURG - 6 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

tions. As much as you may not personally like certain people, you cannot restrict their ability to move around in this country – just because you don't like their color, their race, their religion, their background. Please –“
Mr. Coleman told Attorney Derrico it sounded like he wrote that for him and that he makes quite a defense for the other guy.

Attorney Derrico told Mr. Coleman that they agree on so much, but he asked him not to make any more work for him.

Mr. Coleman said he didn't think anybody said anything about race, color, or creed.

Attorney Derrico replied that Mr. Coleman said it.

As people began speaking simultaneously, the Chairman (Mr. Milioto) pounded the gavel and put an end to the conversation pertaining to this issue.

VI. PRESIDENT'S COMMENTS:

Mr. Milioto had no comments at this time.

VII. VOTING ITEMS:

A. Approval of Minutes

Mr. Williams motioned to approve the August 8, 2011 Regular Meeting Minutes of Canonsburg Borough Council.

Mr. Bevec seconded the motion.

The motion was passed unanimously.

B. Motion to Approve Ordinance Conforming Earned Income and Net Profit Tax

Mr. Graff motioned to approve Ordinance conforming the Earned Income and Net Profits Tax currently imposed by the taxing authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008.

Mr. Bevec seconded the motion.

ROLL CALL ON THE MOTION:

Richard Russo

Yes

(continued)

BOROUGH OF CANONSBURG - 7 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

Paul Sharkady	Yes
Joseph Graff	Yes
Allen J. Williams	Yes
Patricia Romano	Yes
Fran Coleman	Yes
George Coleman	Yes
John Bevec	Yes
Joseph Milioto	Yes

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

C. Motion to Approve Ordinance Moving Collection of Local Services Tax

Mr. Graff motioned to approve Ordinance moving the collection of the Local Services Tax (LST) to Keystone Collection effective January 1, 2012.

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	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. Motion to Approve Advertising of Ordinance – Stop Signs

Mr. Graff motioned to approve advertising of Ordinance regarding stop signs.

Mr. Williams seconded the motion.

(continued)

BOROUGH OF CANONSBURG - 8 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

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
John Bevec	Yes
Joseph Milioto	Yes

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

- E. Motion to Approve Advertising of Ordinance – International Property Maintenance Code

Mr. Coleman motioned to approve advertising of Ordinance to Accept International Property Maintenance Code.

Mr. Sharkady seconded the motion.

ROLL CALL ON THE MOTION:

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

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

- F. Motion to Approve Advertising of Ordinance – Weight Restriction

Mr. Williams motioned to approve advertising of Ordinance to set a weight restriction on Gladden Road and McEwen Avenue.

(continued)

BOROUGH OF CANONSBURG - 9 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

Mr. Bevec seconded the motion.

Remarks: Mr. Russo asked if Council was setting a weight limit tonight.

Attorney Derrico stated that the weight limit can be set a month from now at the next regular meeting.

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
John Bevec	Yes
Joseph Milioto	Yes

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

G. Motion to Have Canonsburg Participate in DEA

Mr. Williams motioned to have Canonsburg participate in the Drug Enforcement Agency (DEA).

Mr. Graff seconded the motion.

Remarks: Mrs. Coleman stated that when she gives her vote It will still be with the things she brought up previously.

Mr. Milioto clarified that the vote is just to let the police force participate, and he's sure parameters can be set up.

Mr. Coleman spoke out against the motion because there have been things printed commenting that Council gave Yes and No votes on issues, but no comments were given. He said he didn't want to have this construed in any other direction other than it's no reflection on any police officer or any police in this town.

Mr. Coleman stated that he doesn't think it's the right thing to do; we are losing a very viable drug enforcement officer that we badly need in this town to clean up the drugs in this town and

(continued)

BOROUGH OF CANONSBURG - 10 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

not somewhere else. Mr. Coleman continued by saying that he doesn't think we should be paying salaries and overtime and all that sort of thing. It's a good concept, and if everything goes the way it was presented, it stands a chance to work. He said his objection to it is that he has to stick to what's best for the town and for the people, and he wanted that to be clearly noted.

Mr. Sharkady also expressed his feelings by stating that instead of regarding how much money we can make without any certainties or guarantees -- this again is not good government. He said that all the talk was about other police departments and what they are doing, and with the loss for two years of one of our best police officers, especially in drug deals, it's going to be a big blow to Canonsburg and the drug problem that we are having. Mr. Sharkady stated that this leaves the Borough without anyone to curtail our severe drug problem. He said that to let our community let him go and do work in Allegheny County and Moon Township for the DEA or whoever is just not beneficial to our town, as well as his salary, benefits, and all overtime is still going to be the responsibility of Canonsburg Borough. Mr. Sharkady said that with all that, he can't support this either.

Mr. Russo wanted to clarify one thing Mr. Sharkady said. Mr. Russo stated that the purpose of the program and what Mrs. Coleman wants as far as stipulations in how it's implemented is that there is no cost to the Borough for the officer's salary or overtime. The basis/foundation of the entire program is that it shouldn't cost the Borough anything, and if it does, we have a 30-day out.

Mr. Russo made reference to the other comment that we are going to lose an officer who is vital to our community, and agreed that this is true. He said that no one, though, is ever irreplaceable, and he knows we've been working through

(continued)

BOROUGH OF CANONSBURG - 11 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

training another individual, but more importantly to that, we have now added truly professional federal resources to our community that, when needed, are there. Mr. Russo stated that Council has heard the Chief speak to that issue; this has helped us in the past a great deal, and it will do nothing more but help us even more so in the future.

Mr. Sharkady informed Council that his problem is losing the experience of our drug enforcement agent in Canonsburg right now; it's going to be a severe blow to this town. He said he doesn't care who you train for the job, it takes years of experience to even come close to what it needs to combat the drug problem that we have.

Mayor Rhome wanted the citizens to know that he believes they are well protected. He said the fellow the Chief has in mind has as much experience, if not more experience, than the individual we're talking about letting go to the DEA. The Mayor stated that there are presently three fellows who work hard in the drug rule and are schooled in the drug rule. He said that number three is coming along very well, and the department is pleased with his performance. Mayor Rhome stated that this gives opportunity for other guys to move up within the ranks to that position to further their experience and continue the well being for our community. The Mayor added that, with that person going to where he's going, it now gives us an army of officers versus one officer here.

ROLL CALL ON THE MOTION:

John Bevec	Yes
George Coleman	No
Fran Coleman	Yes
Patricia Romano	Yes
Allen J. Williams	Yes
Joseph Graff	Yes

(continued)

BOROUGH OF CANONSBURG - 12 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

Paul Sharkady	No
Richard Russo	Yes
Joseph Milioto	Yes

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

H. Motion – Trick or Treat

Mr. Graff motioned to set Canonsburg Trick or Treat for Monday, October 31, 2011 from 5:30 P.M. to 7:00 P.M.

Mr. Williams seconded the motion.

The motion was passed unanimously.

I. Motion to Sell JLG Scissors Lift

Mr. Williams motioned to sell the JLG Scissors Lift to Sulli Motors, Ambridge, for \$334.00.

Mrs. Coleman 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
John Bevec	Yes
Joseph Milioto	Yes

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

J. Motion to Sell Two Trucks

Mr. Bevec motioned to sell two 1995 GMC trucks to the highest bidder – Arnold Motor Company, Houston, for \$4,576.00 and \$4,387.00 for a total of \$8,963.00.

Mrs. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

John Bevec	Yes
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(continued)

BOROUGH OF CANONSBURG - 13 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

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.

K. Approval of Engineer's Report

Mr. Williams motioned to approve the Engineer's Report of September 12, 2011.

Mr. Graff seconded the motion.

The motion was passed unanimously.

L. Approval of Borough Manager's Report

Mr. Graff motioned to approve the Borough Manager's Report of September 12, 2011.

Mr. Bevec seconded the motion.

The motion was passed unanimously.

J. Letter of Acknowledgment

Mr. Williams suggested sending a letter of acknowledgment to Ruth Blackmon for the work she has done.

Mr. Hazlett will handle this.

VIII. FINANCE REPORT:

A. Presentation of Bills for Approval – Richard Russ

Mr. Russo has reviewed the bills. (No bills were received for Concerts in the Park.)

Mr. Russo motioned to approve the bills, which includes the following:

1. General Fund
2. Waste Water Plant Operations
3. Garbage Service

(continued)

BOROUGH OF CANONSBURG - 14 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

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
John Bevec	Yes
Joseph Milioto	Yes

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

IX. OLD BUSINESS:

A. Building Committee Report – Paul Sharkady

Mr. Sharkady reported on a recent meeting of the Building Committee. News was received from Senator Solobay and Representative Neuman that the Borough will receive an R-cap Grant from the State in the amount of \$650,000. The Committee met and felt it could now go ahead with the plans to renovate the Borough Building. Included are the following;

1. Installation of ADA handicap accessible bathrooms for public use;
2. Addition of a power generator to accommodate emergency needs of Fire and Police Departments;
3. Library space presently being remodeled. Carpeting is to be installed, with temporary office cubicles scheduled for the following day. This will allow for police offices to be temporarily in place, freeing up space for expansion of the Senator's facility.

(continued)

BOROUGH OF CANONSBURG - 15 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

4. Committee discussed matching funds required by R-cap grant (CDBG money -- \$250,000, and short term loan of \$400,000).
5. Can begin to receive bids for remodeling first floor after receipt of R-cap grant after deciding upon the final plan.

Mr. Milioto, who also had attended the meeting, gave his input. Discussion was held pertaining to safety of the public, CDBG money, the grant, and the loan.

Mr. Bevec explained how a reimbursable grant is accessed. Mr. Treschow informed Council that federal funding is also available through the Redevelopment Authority.

Discussion was held pertaining to funding and redevelopment. Mr. Bevec made reference to Act 129 and some of the items that might qualify for rebates.

X. NEW BUSINESS:

A. Proposed Resignation

Mr. Williams informed Council that effective October 1, 2011 he will no longer be serving on Council. He will send Council a letter or resignation.

Council will act on this in October.

B. East Pitt Street and School Buses – Brought up by Mr. Sharkady
Mr. Sharkady suggested, since 5 East Pitt Street has been torn down, that the “No Parking from Here to Corner” sign be moved back about 30 feet by East Pitt and Central to accommodate school buses.

C. Weight Restrictions – Brought up by Mayor Rhome
Mayor Rhome has information pertaining to weight restrictions. This will be presented at the Agenda meeting.

D. Minutes of Meeting – Brought up by Mr. Coleman
Mr. Coleman said he would like to see the minutes and tape from tonight’s meeting kept for a week or longer in order that he might review them.

(continued)

BOROUGH OF CANONSBURG - 16 - MINUTES OF SEPT. 19, 2011
REGULAR COUNCIL MEETING

XI. ADJOURNMENT:

Mr. Russo motioned to adjourn.

Mr. Coleman seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 8:08 P.M.

Mary A. Solomon

ATTACHMENTS:

None