

BOROUGH OF CANONSBURG
REGULAR COUNCIL MEETING
MARCH 12, 2012

I. CALL TO ORDER:

The meeting was called to order by John Bevec at 7:00 P.M.

II. MOMENT OF SILENCE:

III. PLEDGE OF ALLEGIANCE:

IV. ROLL CALL:

Present:

Richard Russo, Paul Sharkady, Joseph Graff, Joseph McGarry, John Bevec, Fran Coleman, Timothy Bilsky, R. Mont Miller, and Patricia Romano (who joined the meeting at 7:05 P.M.)

Others Present:

Borough Manager Terry Hazlett, Engineer Harvey Treschow, Attorney Patrick Derrico, Mayor David H. Rhome, Police Chief R. T. Bell, Code Officer John Elzer, and Sam DiTullio

Absent:

None

V. GUESTS:

There were none.

VI. PUBLIC COMMENTS:

- A. Mr. Joseph Milioto, of 151 Smith Street, addressed Council in reference to Item 3 under Voting Items – Motion to Advertise for an Ordinance for landlords and tenants.

Mr. Milioto asked how many properties were on the photos that were passed around at last week's meeting.

Mr. Elzer informed Mr. Milioto that there were photos of six to eight properties.

Mr. Milioto stated that he was sure those were rental properties, And according to the Borough's web site, there are about 1,900 units in Canonsburg. He said that even a calculator would have trouble determining what the percentage is of the six to eight properties versus 1,900 units. Mr. Milioto said that the Code department should be addressing those six to eight units. He questioned the need to pass an ordinance when the residents

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don't want it. He also pointed out that the representative doesn't even live in Canonsburg, own property in Canonsburg, or pay property taxes in Canonsburg. Therefore, the residents have to be dictated to by people who don't even live in the Borough.

Mr. Milioto questioned whether government housing and the commercial businesses downtown will be included if the Borough advertises this ordinance. He asked this question at last week's meeting but didn't get an answer. Mr. Milioto said, if that's the case, some of those buildings may be 80 to 100 years old. He again referred to the web site which indicates that the Borough wants to get into all the houses and start inspecting. He mentioned that there is government housing at the senior high rise, at Valley View, and other spots throughout Canonsburg. He asked if those are included. Mr. Milioto said that when it comes to commercial or owner occupied units, he felt that if the Borough went to every owner occupied home that had the same problems as the photos presented at last week's meeting, there would be more than six to eight. He asked why go after the landlords and tenants when the owner occupied homes aren't going to be addressed. Mr. Milioto read some of the information found on the government web site. There's a \$20 registration fee per unit; last week it was \$100 per structure. He asked if this means that a place like Parkside Estates would be \$20 for each rental unit.

Mr. Bevec informed Mr. Milioto that this is the way he understands it based upon the description he's heard.

Mr. Milioto said we have ten problems in Canonsburg, but we have to go after 1,900 units to take care of the problem. He again read from the web site: "To permit the Code Office to deal with the high grass, overflowing garbage, non-existing windows and doors, can you imagine what the inside of these buildings look like? We can't because with our current

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ordinances, we can't get inside unless somebody invites us.”

Mr. Milioto stated that maybe they don't want to invite you.

He asked if search warrants will be obtained. He said that he understands Council has the right to pass these ordinances, but the Fourth Amendment gives the people the right to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, which shall not be violated, and no warrants shall be issued but upon probable cause.

Mr. Milioto said if someone wants to imagine what the inside of someone's house looks like, that's fine. But just because you want to imagine, that doesn't mean you have the right.

Mr. Milioto said that this is supposed to be for the safety of residents, but he pointed out that it is also a danger, particularly for the elderly, women or men who are home alone, and also children at home without supervision.

He also brought up the privacy issue.

Mr. Milioto asked Council to please vote no when there is a motion and a second on this particular motion.

B. Mr. Thomas Stanko, of 520 Woodland Road, informed Council that he owns an apartment house at 544 Craighead Street. He said he was at last week's meeting and had attempted to make five points:

1. Put himself in two groups because he owns apartments and because he now lives alone in a home;
2. Tried to make sure Council knew owners and renters, but it's really property owners and property renters;
3. Mr. Hazlett's comment that he brought together 17 people who owned real estate rentals in Canonsburg – the 16 good apples he created (of which Mr. Stanko was one) and the one bad one they were looking for and found;

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4. Did not agree with what he read in the paper that Canonsburg is rotting to the core; thinks it's a good place to live, and there are 4,000 good Canonsburgers – not 1,900 renters and not 11 property owners;
5. Act 90 – Neighborhood Blight Reclamation Revitalization Plan.

Mr. Stanko added two more points tonight:

1. Heard Mr. Hazlett trying to make the point compared this to a kangaroo court, and questioned supporting evidence – 8 pictures. He has never seen apartments like that. Felt that Mr. Hazlett owes every renter in Canonsburg an apology;
Added another group – guilty and not guilty. every renter is not guilty. Has owned apartments for 35 years and had only one bad tenant.
2. Neighborhood Blight Reclamation and Revitalization Act that was signed by Governors Rendell and Corbett. Pittsburgh has adopted this, as has Washington. When the Act talks about property, it talks about property owners. Nowhere in the bill does it say renters.
Challenged Council to look around Canonsburg to try to find 20 buildings that need help tomorrow. If they can, he will help.

Mr. Stanko stated that he sat on boards, and you can't depend on one person to provide the information. He said that Canonsburg was so anxious to put in meters because Washington was making a lot of money and anxious to employ this renters' observation because California was doing it. Mr. Stanko said he doesn't want to be compared to California or even Washington. He has secured a copy of the Act from Representative Brandon

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Neuman. Mr. Stanko urged Council to contact Representative Newman for a summation of the Act, adopt it, and throw away the ordinances Canonsburg now has, as they are not needed.

- C. Mr. John Kazak, of 325 McGregor Drive, had some questions about what he read on the web site. One Council person said that an idea on the number of rentals was needed. Mr. Kazak said it appears Council already has that information.

The whole idea is to ensure the safety and health conditions of the occupants of the rental structures. He questioned why Council wouldn't want to ensure the safety and health of all the residents of Canonsburg. Mr. Kazak stated that the ordinance should be to inspect every unit in Canonsburg – not just the rentals. There are old units that are owner occupied that are in worse shape than a lot of the rentals. Mr. Kazak informed Council that he only has two rentals, but he knows a lot of owner occupied properties that might come under the adjective of “squalor”.

Mr. Kazak also asked about the license that will be issued and if every rental is going to be inspected. He said that someone mentioned there are 6 or 10 properties need to be demolished. He felt it didn't seem like common sense to do 1,900 of them to get rid of 10.

Mr. Kazak questioned what happens to a tenant if there is a dispute concerning the determination of the Code. He asked if the tenant has to move out during the appeal process and then move back after the appeal process is completed.

VII. PRESIDENT'S COMMENTS:

Mr. Bevec stated that an Executive Session pertaining to litigation and real estate will be held at the end of this meeting.

VIII. VOTING ITEMS:

- A. Approval of Minutes

Mr. Graff motioned to approve the minutes of the Regular Council Meeting of February 13, 2012.

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Mr. Russo seconded the motion.

The motion was passed unanimously.

B. Requests for Proposals

Mr. Graff motioned to approve a Request for Proposals for sewer billing.

Mr. McGarry seconded the motion.

The motion was passed unanimously.

C. Motion to Advertise Proposed Rental Inspection Ordinance

Mr. Russo motioned to advertise a proposed rental inspection/registration ordinance.

Mr. Sharkady seconded the motion.

Remarks: Mr. Russo mentioned that he wasn't in attendance at last week's meeting. Making reference to some of the comments made by residents during Public Comments, Mr. Russo stated that he has been on Council for 10 years, and this is the first time he has felt that he was being attacked. He explained that Council is doing this for the Borough because they feel it's the right thing to do. He said he takes exception to being singled out as a Council that is trying to pick on any group, individual, or person in this Borough. Mr. Russo felt it is wrong for anyone to think that his job, or any Council person's job, is dictated by some aggression they have against one individual group or individual. He said he was surprised that Mr. Milioto would think they would act in this manner.

Mr. Milioto asked for permission to speak since his name was mentioned; He asked Mr. Bevec if he (Mr. Milioto) had attacked Mr. Russo tonight.

Mr. Bevec replied that he did not.

Mr. Milioto said it is renters, because the owner occupied are not being attacked. He stated that if Council is going to pass an Ordinance, make it for every person in Canonsburg.

Mr. Russo stated that, unfortunately, laws are written for the 10 and 90 per cent rule. If everyone was an abiding citizen, laws

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would not be needed. Unfortunately there are some people who need laws, and most of the time they are the minority.

Mr. Graff said he would like to know how 1,900 people are going to have this done in one year. He said it couldn't be done, and many more people would have to be hired to do this.

Mr. Graff said he didn't feel it would be right to pass this Ordinance.

Mr. Russo clarified that there would not be an annual inspection of 1,900 units. It's just a first registration and inspection.

Mr. Graff's feeling was that if you're going to make people pay \$20 per unit per year, the Borough should be able to get it done in one year.

Mr. Hazlett explained that this is a on-time fee; they pay \$20.00, and that's it. Some of the 1,900 units won't have to be inspected at all, such as the government high rises, as they have their own inspection program. It is also more stringent than the one the Borough will have.

Mr. Graff felt that this wasn't right.

Mr. Hazlett said he agrees with Mr. Graff that there is no way They can do 1,900 units. He said they went over some of the ordinances in other areas, and this is how they do it.

Mr. Graff asked who will have to pay and when.

Mr. Elzer replied that as you pay, you get a number. The first one to pay would be the first to get inspected. It would be a course of about a six-month period, normally throughout the winter months when things are slower. The inspection would take 10 to 15 minutes, and they would be done by appointment.

Mr. Bevec reminded Council the motion tonight is to advertise. He also encouraged Council to vote to advertise so discussion can be continued. However, Mr. Bevec stated that he also believes there are plenty of ordinances on the books today to do just about everything that's asked in the proposed ordinance.

Mr. Graff disagreed, as once it's advertised, different people

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will be coming to the meeting trying to tell Council what to do.
If the proposed ordinance is not advertised, it's dead.

ROLL CALL ON THE MOTION:

| | |
|-----------------|-----|
| Richard Russo | Yes |
| Paul Sharkady | Yes |
| Joseph Graff | No |
| Joseph McGarry | No |
| Patricia Romano | No |
| Fran Cooman | No |
| Timothy Bilsky | No |
| Mont Miller | No |
| John Bevec | Yes |

RESULTS OF THE MOTION: Three Yes, Six No. Motion denied.

D. Motion to Advertise for Bids for Paving

Mr. Russo motioned to advertise for bids for paving portions of Alpine Drive, Woodland Road, and Crosby Drive.

Mrs. Coleman seconded the motion.

ROLL CALL ON THE MOTION:

| | |
|-----------------|-----|
| Mont Miller | Yes |
| Timothy Bilsky | Yes |
| Fran Coleman | Yes |
| Patricia Romano | Yes |
| Joseph McGarry | Yes |
| Joseph Graff | Yes |
| Paul Sharkady | Yes |
| Richard Russo | Yes |
| John Bevec | Yes |

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

E. Approval of Borough Manager's Report

Mr. Russo motioned to approve the Borough Manager's Report of March 5, 2012.

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Mr. Miller seconded the motion.

The motion was passed unanimously.

F. Approval of Engineer's Report

Mr. Sharkady motioned to approve the Engineer's Report dated March 12, 2012.

Mrs. Coleman seconded the motion.

The motion was passed unanimously.

VIII. MAYOR'S REPORT:

Mayor Rhome's report included the following:

- A. Police Department Report for February, 2012
- B. Parking Enforcement Report for February, 2012
- C. Class for Civil Service Commission to be held April 10, 2012 at the Doubletree Hotel in Monroeville
- D. Shredding Event sponsored by Senator Solobay, the Mayor, and Council to be held April 20, 2012 at 9:00 A.M.
- E. Attended opening of new Dollar Store in Canonsburg along with Councilman Bilsky
- F. Attended event at Frank Sarris Library on February 9, 2012. Mural presented by Lindsay Wright, a 2007 Canon-McMillan graduate, to the Children's Library.
- G. Signage on Borough Building should be completed by the End of next week for the police offices and Borough locations.
- H. Advertising for part-time police officers will be done next week.
- I. Public Safety – Requested something be done to ensure addresses are shown on homes and buildings
- J. Major fires in town and job well done by Canonsburg Volunteer Fire Department
- K. The Mayor would like to invite members of the Canon-McMillan wrestling team to the next Council meeting to recognize them for their accomplishments this season.
- L. Requested Executive Session pertaining to personnel, with no action to be taken tonight.

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IX. FINANCE REPORT:

A. Presentation of Bills for Approval – Mont Miller

Mr. Miller motioned to approve the bills, which include the following:

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

Mr. Russo seconded the motion.

ROLL CALL ON THE MOTION:

| | |
|-----------------|-----|
| Richard Russo | Yes |
| Paul Sharkady | Yes |
| Joseph Graff | Yes |
| Joseph McGarry | Yes |
| Patricia Romano | Yes |
| Fran Coleman | Yes |
| Timothy Bilsky | Yes |
| Mont Miller | Yes |
| John Bevec | Yes |

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

X. COMMITTEE REPORTS:

A. Mr. Russo reported on possible demolitions and blighted properties..

XI. UNFINISHED BUSINESS:

A. Repairs on Bridges

Mr. Hazlett reported that the County will be closing the Jefferson Avenue bridge for a period of ten days (this Wednesday through next Friday).

B. Workshop

Mr. Hazlett stated that the Sewer Authority has requested that a date be set for a workshop.

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It was decided that the meeting will be held April 16, 2012.

B. Cats

Mr. Hazlett reported that there will be a van in the Luksis Lot on a week day in May to “fix“ cats at a cost of \$35.00 per animal. If this is successful, it will be done monthly.

XII. NEW BUSINESS:

There was none.

XIII. EXECUTIVE SESSION:

An Executive Session pertaining to personnel, real estate, and litigation was held from 8:02 P.M, to 8:30 P.M;

The meeting resumed at 8:31 P.M.

Mr. Russo motioned that, because no recommendation has been received from the Planning Commission, Council turn down the proposal for a Pump It Up franchise in the Fort Pitt development.

Mr. Sharkady seconded the motion.

The motion was passed unanimously.

XIV. ADJOURNMENT:

Mr. Russo motioned to adjourn.

Mr. Graff seconded the motion.

The motion was passed unanimously.

The meeting was adjourned at 8:36 P.M.

Mary A. Solomon

ATTACHMENTS:

None