



# BOROUGH OF DORMONT

## **EXECUTIVE SESSION 6:00 PM**

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### **REGULAR MEETING OF THE DORMONT BOROUGH COUNCIL HELD ON MONDAY, FEBRUARY 3, 2014 7:00PM IN THE DORMONT MUNICIPAL CENTER COUNCIL CHAMBERS**

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Council President Bill McCartney called the Meeting of the Dormont Borough Council to order at 7:00PM

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

The following members of Council responded to roll call:

Onnie Costanzo, Jeff Fabus, Joan Hodson, Drew Lehman, John Maggio, Val Martino, Bill McCartney

Also present: Jeffrey Naftal, Manager  
John Rushford, Borough Solicitor  
Chief Mike Bisignani  
Mayor Phil Ross  
Erica Bosh, Jr. Council Member

#### **REGISTERED COMMENTS FROM THE PUBLIC**

Bill Miller, Owner and operator of Bill's Auto Service, 2925 Lima Way (West Liberty Avenue alley) RE: Increase in the business parking permit fees; the Tennessee parking lot not being cleaned.

## COMMENTS FROM THE MAYOR

Mayor Ross informed that on January 14<sup>th</sup> he swore in the new Line Officers, Association Officers and Board of Directors for the Volunteer Fire Department. Jeff Arnold was re-elected as Chief, Bryan Tylor as Assistant Chief, Rick LaGamba as Captain, Gerry McMahon as Lieutenant; Association Officers were President, Chris Lloyd, Vice President, Mike Schoenefeldt, Secretary, Joey Schoenefeldt and Treasurer, Dan Stocker. The three Board of Directors are Chris Carr, Tina Cook and Rick LaGamba. Mayor Ross expressed his honor in swearing in the new Officers. *Jeff Fabus informed that a former Volunteer Firemen and long member of the VFW, Harry Jack, Nicknamed "Huck" passed away.* Mayor Ross stated that the Police Department had 279 calls for service for the month of January.

## COUNCIL PRESIDENT REPORT

President McCartney stated that the police department has a Facebook page. He also briefed of the ALOM Banquet. The borough is working with Councilperson Rudiak on the repaving of McNeilly Road.

## COUNCIL COMMITTEE REPORTS

**Finance and Legal:** Costanzo informed that they are in the middle of the Audit and by the end of March the Borough should have our Audit Report.

**Community Affairs/Recreation:** Fabus stated that open gym has been very successful and encouraged everyone to participate in the snowman building contest. The Boosters are having their annual Monte Carlo on February 22<sup>nd</sup>.

**Public Safety/Service:** Hodson informed that she attended the SHACOG Meeting held in Brentwood on January 16<sup>th</sup> and the monthly MRTSA Board meeting held on January 22<sup>nd</sup>. Hodson stated that she will be coordinating, along with the Manager, for Council to tour the facilities at the Medical Rescue Team Building. The Fire Department answered 23 calls during the month of January. Hodson praised the Street Department for keeping the roads clear and clean.

**Property, Supplies and Planning:** Nothing at this time.

## CONSENT AGENDA

Motion by Lehman, second by Hodson to accept Consent Agenda Items A, B, C, D, E (A. Motion to accept the written report of the Borough Solicitor, B. Motion to approve the written reports of Borough Officials, C. Motion to approve the Minutes of the January 6, 2014 Reorganization Meeting and Council Business Meeting, D. Motion to approve the Warrant List for January, 2014, E. Motion to approve Payment of \$38,505.10 for a 2014 Ford Utility Police Interceptor AWD Vehicle for the Police Department as approved in the Fiscal Year 2014 Budget). Motion carried 7-0.

## **ACTION ITEMS**

### **Council President opened the PUBLIC HEARING – Condemnation of 1218 Dormont Avenue.**

McCartney asked if there was anyone who would like to speak about Action Item A. Motion that upon the evidence provided at the public hearing that the property located at 1218 Dormont Avenue be declared a public nuisance and authorize the structure on the property to be demolished.

John Rushford stated that this is a Public Hearing regarding Condemnation of the property at 1218 Dormont Avenue. This is a publicly advertised hearing under the Borough Code that authorizes the Borough to consider potential demolition and Condemnation of a property that would be declared a public nuisance.

Building Official Pat Kelly briefed on the property at 1218 Dormont Avenue. Kelly stated that most of the walls and plaster have been removed, there is open wiring and the plumbing has been removed. It is a single family dwelling, two and a half stories with a garage in the back (pictures passed around). Kelly informed that he has baited that house several times for rats and that they are always inside the building. It is unfit for human occupancy. The Borough secured that building around 2007 and needs to be re-secured.

Maggie Massery, 1222 Dormont Avenue: Complained about the smell and the rot coming from 1218 Dormont Avenue. She expressed her concerns about the black mold and it spreading into the air, the fire hazard and the rodents. Maggie stated that she sent in many photos and has had to complain many times to the Borough about the grass not being cut.

John Rushford informed that they are going to enter the photos given into the Exhibit for this hearing; the notice will be Exhibit A and the photographs will be Exhibit B.

Ed Massery, 1222 Dormont Avenue: Ed stated that around 2006 the owner, Mario, was locked out of the house, by the Borough, because of the condition. In May of 2007, Mario had a dumpster parked out front and along with six other guys, were trying to clean it out. At one point the guys ran out of the house up the street gagging and coughing from the odor of the house. Ed informed that they eventually had the dumpster removed and stopped attempting to clean the house and to his knowledge no one else has done anything to the house since May of 2007. Ed informed that he has found the back door wide open for the past couple of years and that he has talked to Naftal about this and assumes it has been taken care of. Ed stated that he has chased a number of cats and even a breeding female. This past spring he called Animal Control who brought traps out and trapped two males but did not get the breeding female.

Maggie Massery, 1222 Dormont Avenue: Asked that the building be encapsulated before being knocked down. She stated that no one would want to live next to this house and breathing in everything as its being torn down.

John Rushford stated that it will be done according to Code.

Kelly informed that before they do any demo work there would be testing done on any mold or any lead, which would be by Code. Kelly stated that 1218 Dormont Avenue is a condemned structure and unfit for occupancy since August 16, 2007. *John Rushford stated that this would be marked Exhibit C.*

Joyce Koestner, 1220 Dormont Avenue: Joyce stated that she has had six sinus infections in the past six months and never had one before in her life. She informed that the mold is coming into her house and it is a putrid smell. The house is disgusting and needs to come down.

Bob Hutchison, 1332 Illinois Avenue: Bob stated that he has lived in the Borough for over 50 years and this is an embarrassment that something like this can last so long and not be corrected.

Naftal informed that he will come back to the next meeting on March 3<sup>rd</sup> and ask Council for an approval to tear the building down. Assuming that Council approves it, we should probably swing into it fairly quickly, weather permitting.

Rushford stated that assuming Council approves this, because of the legal process of us coming in and seizing this house, taking it down. There will a lien placed on this property, so we will need to allow a 30 day window so that if the owner were alive or had heirs they would have a right to appeal. That is why it needs to be put on the March agenda for consideration.

McCartney asked that Pat Kelly go over to the building and make sure that the door is locked. Pat said that he would have it done tomorrow.

Maggie Massery, 1222 Dormont Avenue: Asked what will happen to this property once the building is gone.

Naftal informed that the property may or may not belong to his heirs, if he has any. Naftal assumes that there is a probate process going on that needs to wind its way out and if there is no probate process that's a different story. The issue is that someone is going to have to decide whether they want to try and develop on that grassy lot, under our existing code. Or maybe a neighbor will want to have an extra piece of land attached to their house.

McCartney stated that we should look at all the options aside from just developing on this property.

McCartney and Naftal stated that the Borough is already responsible for maintaining the yard work at the property and will continue to be responsible.

Drew Lehman stated that if it's done in a March time frame it will be much more valuable for the neighbors versus a July or August time frame. Lehman informed that there was a property demolished on Broadway near the T line down towards the City line. When that demolition was done they bulldozed everything into the basement and covered it. No one has bought that property since then, specifically because they cannot build on it at this time. Lehman doesn't want that to happen with this property.

Naftal stated that the Building Code won't let it happen as he won't either.

Michelle Ross, 3251 Beacon Hill Avenue: Asked if the Borough is baiting for cockroaches and rats. Naftal informed that we are baiting the property and handling the issues.

**Council President closed the PUBLIC HEARING.**

Hodson briefed on the background of the Strategic Plan as it deals with this and the Code Enforcement enhancement plans.

Motion by Hodson, second by Fabus that upon the evidence provided at the public hearing that the property located at 1218 Dormont Avenue be declared a public nuisance and authorize the structure on the property to be demolished.

**Public Comments:** None

**Council Discussion:** None

Motion carried 7-0.

Motion by Costanzo, second by Fabus to appoint and reappoint the representatives of the Borough to the various external organizations the Borough belongs to as outlined in the staff report with two exceptions. The two exceptions being the substitution of Mayor Phil Ross for Tom Lloyd as the borough's representative to the Allegheny County Boroughs Association and the substitution of Mr. McCartney for Valerie Martino on the Wet Weather Committee.

**Public Comments:** None

**Council Discussion:** Maggio stated he was appointed to the Board of the ACBA; he would be happy to serve as the alternate.

Motion carried 6-1; Maggio, No.

Motion by Costanzo, second by Hodson to authorize the Borough Manager to enter into an agreement with BS&A Software for the purchase of application software at a cost of \$36,602.00 for the first year and a total cost of \$109,805.00 over three years.

**Public Comments:** None

**Council Discussion:** Lehman asked what the software package includes. Naftal explained. Martino asked if it will work with Kronos. Naftal said it will, unlike Freedom. After some discussion regarding the cost and references, a vote was taken.

Motion carried 7-0.

Motion by Martino, second by Hodson to authorize the Borough Manager to enter into agreement with Red's Landscaping & Construction, Inc. for landscaping services at Borough Facilities at a cost of \$13,810.00 as outlined in the staff report.

**Public Comments:** Michelle Ross, 3251 Beacon Hill Avenue: Asked if this is going to be decorative landscaping or maintenance landscaping.

**Council Discussion:** Lehman discussed Red's Landscaping and what they'll be maintaining.

Motion carried 7-0.

Motion by Fabus, second by Costanzo to authorize the Borough Manager to enter into an agreement with Allegheny Installations to repair the men's locker room floor at the swimming pool at a cost of \$4,850.00 as outlined in the staff report.

**Public Comments:** Asked if the ladies room locker room is ok.

**Council Discussion:** None

Motion carried 7-0.

Motion by Fabus, second by Martino to approve the placement of a temporary special event sign on the tennis court fence by Main Street to advertise their Mardi Gras event.

**Public Comments:** Pat Flaherty, 3053 Windermere Avenue: Asked about the signage with the times and regulations of the alcohol permit.

**Council Discussion:** Discussed the alcohol permit and regulations.

Motion carried 6-1; Hodson, Abstain.

Motion by Hodson, second by Costanzo to authorize the Borough Manager and Police Chief to implement a procedure to provide limited on street parking to Group Care Facilities as outlined in the staff report. Naftal explained the code for parking for these types of facilities.

**Public Comments:** Jared Goddard, 2860 Glenmore Avenue: Briefed on what he believes the issues are with the Chartiers parking and gave some suggestions on improving it.

Rushford informed that you can't create a distinction to the regulations for the parking for Chartiers only.

Tony Morrison, 2851 Glenmore Avenue: Made suggestions on parking.

Bob McClellan, 2705 Philadelphia Avenue: parking.

**Council Discussion:** Discussed parking regulations.

Motion carried 7-0.

Motion by Hodson, second by Costanzo to renew or non-renew the previously issued reserved accessible parking spaces in the Borough as outlined in the staff report recommended by the Traffic and Parking Planning Commission. Ed Massery from the T&PPC gave a brief summary of their decision.

**Public Comments:** Carol Thomas, 2717 Voelkel Avenue: Asked about the reserved accessible parking space being grandfathered in and about renewing her space.

Bob McClellan, 2705 Philadelphia Avenue: Questioned the commission's authority.

Susan Belajac, 3335 Beacon Hill Avenue: Informed that she is the only one on her street without off street parking and how hard it is to find a space to park. Asked about adding a parking pad to her property.

**Council Discussion:** Discussed the guidelines of the reserved accessible parking spaces.

Motion carried 7-0.

Motion by Fabus, second by Hodson to discontinue the Spring Clean Up and the Afterschool Programs in 2014. Naftal gave a summery for each of the programs.

**Council Discussion:** Council discussed the positives of Spring Clean Up.

**Public Comments:** Bob Hutchison, 1332 Illinois Avenue: Informed that the Newsletter had information about Waste Management collecting hazardous materials.

Motion by Fabus to withdraw his original Motion.

Motion by Fabus, second by Hodson to discontinue the After School Programs in 2014. Motion carried 7-0.

Motion by Costanzo, second by Hodson to discontinue the Spring Clean Up. Roll Call: Costanzo, Yes; Fabus, No; Hodson, Yes; Lehman, No; Maggio, No; Martino, No; McCartney, No. Motion failed 5-2.

*McCartney informed that there was an executive session held before the meeting that dealt with a disciplinary action of a Street Department Employee and the Borough Manager's evaluation.*

Motion by Hodson, second by Costanzo that effective January 1, 2014 that the Borough Managers salary be increased by 8% for an annual salary rate of \$83,430.00. Motion carried 7-0.

## **DISCUSSION ITEMS**

Naftal informed that our financial policies say that we should keep \$1,000,000.00 in reserves and we ended with \$1,238,000.00 in reserves.

**Update on West Liberty Avenue Redevelopment:** Naftal anticipates receiving a draft lease agreement by next week from the Port Authority. Naftal stated that when he has the lease agreement he will go over it with Council in the March Executive Session. The Biltmore Lot is used heavily. The valet service is going very well and is still being funded. Some of the restaurants on West Liberty Avenue might keep the valet service after the construction ends.

**Update on Comprehensive Plan:** Naftal informed that the period for comments closed on Friday and the only comments the Borough received were from Dig Dormont at the last meeting. Naftal anticipates having a final draft by the 11<sup>th</sup> of this month and he intends to put it on the Planning Commission agenda for the 18<sup>th</sup> of this month for their review. After the Planning Commission reviews the draft it will come back to Council for their review.

**Discussion of Possible Infrastructure Financing:** Naftal briefed on the Infrastructure process and the bidding process. *PowerPoint presentation was given from ABM on the possible Infrastructure Financing.* Council decided to move forward with the process.

**Discussion of Commercial Truck Parking:** Naftal stated that he spoke with the Police Chief about our problem with 10,000LB gross vehicle weight trucks that are not allowed to park in any residential district. It turns out that they've been enforcing a separate division not in the Zoning Code that regulates 7,000LB registered vehicle weight commercial trucks cannot park on the street only. Naftal informed that we have two separate ordinances that are in conflict with each other and we cannot enforce both of them. Naftal suggested that they stop enforcing both ordinances until we rewrite the Zoning and in there will be a consolidation of this. Naftal will then come to Council with this and have it done the right way.

Motion by McCartney, second by Costanzo to authorize the Borough Manager and Police Chief to cease the enforcement of Section 210-72 Paragraph C and 195-25 until such time of the re-codification and rewrite of the Zoning Code are completed. Motion carried 7-0.

**Discussion of Council Tour of Borough Facilities:** Naftal stated that he believes it is good for Council to see what we have and don't have in all of the Borough Facilities. Naftal informed that he hopes to get Council together a day in March and arrange for a bus tour of the Borough. Naftal stated that MRTSA would also like to give a tour of their facilities one night, probably for an hour or two. Naftal asked Council to come to him dates for these tours.

## **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Bob Hutchison, 1332 Illinois Avenue RE: All of the Borough lots near Dormont Vision were full on Saturday and asked if we were enforcing the meters on the weekends.

Pat Flaherty, 3053 Windermere Avenue RE: Thanked Naftal for posting the agenda.

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

Motion by Lehman, second by Fabus to Adjourn. Motion carried 7-0.