

**BOROUGH OF EAST WASHINGTON
COUNCIL MEETING
May 21, 2007**

MINUTES

Council of the Borough of East Washington met in Regular Session on Monday, May 21, 2007, at 6:00 p.m., with the following Members and Borough Officials present:

Mark Pacilla, Mayor of the Borough of East Washington
Blake E. McCandless, Borough Council President
Joanne K. Coyle, Borough Council Vice-President
Jeffrey D. Bull
Marilyn A. Posner
Milton J. Schuler
Kelley L. Dickson
Cary Jones, Solicitor for the Borough of East Washington
Heather Walsh, Borough Secretary
James A. Helicke, Code Enforcement Officer
Mark Connors, Constable

Also present: Richard & April Haskey, Borough Residents; John Nolen, Borough Property Owner; Barbara Nolen, Rental Property Owner; Lorelei Patrick, Borough Resident.

Absent: Robert G. Dickson, Councilman; Robert W. Redlinger, Borough Chief of Police

Council President, Blake E. McCandless, called the Council Meeting to order at 6:00 p.m.

APPROVAL OF MINUTES

Motion made by Kelley L. Dickson and seconded by Marilyn A. Posner to approve the Minutes of the April 16, 2007, Borough of East Washington Council Meeting.

Vote: All Ayes. Motion carried unanimously.

APPROVAL OF BILLS

Motion made by Joanne K. Coyle and seconded by Jeffrey D. Bull to approve the current bills for payment.

Vote: All Ayes. Motion to approve current bills carried unanimously.

COMMENTS FROM AUDIENCE MEMBERS

Richard and April Haskey, residents of 248 North Avenue, stated that they have a concern about the "alley" behind their fenced-in yard. They stated that neighbors have dumped garbage and young people have been seen smoking and drinking back there and caused a fire. Mr. and Mrs. Haskey are looking for assistance in cleaning up the area. They would like to maintain the area.

Solicitor Cary Jones stated that the area is a "redlined" alley and the Borough "vacated" that alley many years ago. Therefore, the "redlined alley" reverts to the property owners on either side of it.

The property owners then own it in equal portions from their original property line to the midpoint of the “redlined alley” and are responsible for maintaining that area. The Borough does not and has not maintained that area and is not responsible for it.

Jeffrey D. Bull stated that an explanation of “redlined” alleys should be included in a future Borough newsletter.

Mayor Mark Pacilla stated that he would support assistance to the Haskeys in cleaning up the area.

Council requested that Code Enforcement Officer James A. Helicke contact the nearby property owners regarding the trash left in the area.

Lorelei Patrick, rental property resident of the Borough, inquired about the legality of her having occasional patrons to her apartment for the purpose of teaching them yoga and conducting reflexology sessions.

Borough Solicitor Cary Jones stated the current Borough Zoning Ordinance does not permit home-based businesses. A discussion followed on why such businesses have not been permitted in the Borough such as the lack of parking available for clients or patrons coming to such a business.

SECRETARY REPORT

Borough Secretary Heather Walsh distributed financial reports. The reports consist of a spreadsheet of current expenditures and income compared to the 2007 Budget and a current balance sheet. Also included is a report of income and expenditures since the last meeting.

STREET DEPARTMENT REPORT

Jeffrey D. Bull stated that the Borough Street Department has been working on the Borough playground. Mr. Bull would like to see some minor modifications to ease grass cutting in the playground. The Street Department has also been working on repairing the bricks in the sidewalk at the corner park.

Mr. Bull stated that the Borough Street Department is also preparing to put some black top on Ford Alley, and some stone down on Bakewell Alley.

POLICE DEPARTMENT REPORT

Mayor Mark A. Pacilla stated that a college student backed into one of the Borough Police Cars on patrol last Friday night causing damage to the car. The police officer on duty was not injured nor was the driver of the other car and a passenger. The Borough Police Chief will get estimates on repairing the damage.

Mayor Pacilla stated that a police officer sustained a minor injury while on duty ten days ago. This officer was not seriously injured, was treated and released. He is able to work.

Council President Blake E. McCandless inquired as to the status of the new police department weapon.

Mayor Pacilla stated that the weapon is ready. All of the department's officers will have to be certified on the weapon.

COUNCIL REPORTS

Council Vice-President, Joanne K. Coyle, stated that Blake E. McCandless and Jeffrey D. Bull continue to work on finishing the upstairs of the municipal building. She stated that Ken Rhodes will donate the carpet for the stairs. The Borough will only pay for the installation.

Mrs. Coyle stated that she would like Council to consider an immediate ban on large garbage trucks in Borough alleys.

Cary Jones stated that current ordinances provide for weight limitations on specified streets, but not on any alleys. Local deliveries are permitted. The current ordinance is from 1985 and the weight limitation on designated streets is 5,000 pounds. Some streets may have been added since then.

Marilyn A. Posner requested Code Enforcement Officer Helicke to provide her the names and addresses of the properties accessible only by an alley.

Marilyn A. Posner stated that she is going to draft a proposed garbage hauler contract with specifications. Council will then review and add or delete items as needed.

Mrs. Posner stated that there are W & J College properties under renovation on South Wade Avenue and the sidewalks in front of them are in very bad condition.

James A. Helicke stated that W & J College has agreed to replace the sidewalks in front of those properties and its vacant lot after completion of the current renovations.

Milton J. Schuler - No report.

Kelley L. Dickson - No report.

Jeffrey D. Bull stated that Borough Council should consider moving Borough bank accounts back into Washington Federal Savings Bank. Washington Federal recently donated some items to the Borough.

Borough Secretary Heather Walsh will meet with a representative from Washington Federal to inquire about opening accounts with similar or better terms than the Borough currently has with WesBanco.

Mayor Mark A. Pacilla stated that the Borough should only move accounts if Washington Federal could match current rates and terms.

Jeffrey D. Bull stated that Council should consider modifications to the zoning ordinance for the purpose of permitting businesses in certain areas of the Borough. Mr. Bull was particularly referring to the lower end of North Avenue near East Beau Street. Mr. Bull stated that some of the properties there are in poor condition now as rentals and he would hope that permitting businesses to replace those houses might improve conditions in that area.

Mayor Pacilla stated that there are parking areas available behind some of the buildings in that area of North Avenue. Mayor Pacilla suggested that Council should only consider businesses in specific areas of the Borough.

Cary Jones stated that it is probably not possible for the Borough to institute a mercantile or business privilege tax. Mr. Jones will look into which taxes might be possible.

Mayor Pacilla stated that he remembers that no mercantile type of tax is possible, and that was a consideration when this issue came up in the past.

Mr. Bull stated that he would consider professional offices a good fit for that area.

Mr. Bull is interested in receiving a copy of the Borough road restoration specifications.

Mr. Bull has received the prices for replacing windows in the Borough building. He will endeavor to secure donations to help with the cost.

Mr. Bull requested an Executive Session regarding personnel at the end of this Council Meeting.

MAYOR'S REPORT

Borough Mayor Mark A. Pacilla stated that he received complaints regarding the road closures at North Wade Avenue and then at Central Avenue. The construction company closed the roads while they are doing work on behalf of Columbia Gas. Mayor Pacilla would like companies to be required to notify the Borough regarding long-term projects that may close a Borough road. It is a safety issue as flag persons are needed to direct traffic.

Solicitor Cary Jones will review the matter and return a report by letter to Council and the Mayor prior to the next meeting.

Mayor Mark Pacilla reported there is storm drop that overflows regularly at the corner of Wilmont and North Wade avenues.

Mayor Mark Pacilla stated that Borough Police Chief Robert W. Redlinger has secured a \$500 grant from "Buckle Up PA" for monitoring seatbelt use. This monitoring will be done May 23, 24, 25, and May 30, 31, and June 1. Chief Redlinger has arranged for this monitoring to be done in conjunction with a speed check. The grant pays for the extra on-duty time of the officers conducting the monitoring.

Mayor Mark Pacilla stated that he and Chief Redlinger have completed the first step towards securing a grant for the police car cameras. A grant for the cameras is possible but not definite. It may take some time to acquire this grant.

Mayor Mark Pacilla stated that the Borough has given to the City of Washington the Borough's \$36,000 CDBG (Community Development Block Grant) money in lieu of leftover 2006 fire protection and part of 2007 fire protection payments.

Council President Blake E. McCandless requested that Mayor Mark Pacilla have McVehil's Plumbing, Heating and Supply Co. submit a bid for adding an air-conditioning unit to the Borough building.

Mayor Pacilla stated that he would donate a window air-conditioning unit.

CODE ENFORCEMENT REPORT

Borough Code Enforcer James A. Helicke stated that he has reviewed the condition of some of the garages in the Borough. More than six garages are to be considered in very poor condition. There is a garage on Chambers Alley that is falling apart, and Mr. Helicke will pursue this matter and the others.

Mr. Helicke stated that the property at 666 East Beau Street is in violation of the grass-cutting ordinance. He has sent a letter to the owner. Someone will need to be hired to cut the grass as soon as possible or the Street Department will need to do it.

Jeffrey D. Bull will review the location and advise the best course of action.

James A. Helicke stated that the new Regulated Rental License Applications are being prepared to be sent to rental property owners in the Borough. Mr. Helicke inquired to Council and Mayor if they had any additions or changes to the application.

Jeffrey D. Bull stated that the application should include the information that single-family dwellings that are rented are subject to licensing and inspections. A brief explanation of the license reasons and requirements should be included. It should also spell out that licenses are not transferrable and not pro-rated or refunded. In other words, new owners of rental properties are to obtain their own license.

Motion was made by Marilyn A. Posner and seconded by Kelley L. Dickson to amend the Regulated Rental Licensing Ordinance and increase the per unit license fee to \$40 per year from the current \$30 per year, effective July 1, 2007.

Vote taken: Ayes: 5; Nays: 1. Motion carried.

Jeffrey D. Bull wants to require landlords to provide the names of tenants when they submit their license applications and that these name be regularly updated for local wage tax purposes.

OLD BUSINESS

Properties in South Strabane Using Borough Roads

Blake E. McCandless asked if any progress was made on pursuing taxes from any South Strabane Township properties that can only be accessed using Borough roads.

Mayor Mark Pacilla will contact South Strabane Township prior to the next meeting.

Allocation of Excess Interest in Pension Fund

Mayor Mark Pacilla asked if Council felt that they had made the right decision in their vote to allocate the excess interest from the Police Pension Fund to the municipal account last November.

The Members of Council indicated that they are in favor of keeping it as it is.

Wade Hall Construction

Solicitor Cary Jones stated that the porch construction at Washington & Jefferson College's Wade Hall on South Wade Avenue is a replacement and not a demolition under the current historic district ordinance.

Judicial Sale

Borough Solicitor Cary Jones stated that the Borough has received notice from the Tax Claim Bureau of a Judicial Sale of the property known as 103 LeMoyne Avenue. This sale is to take place among others on May 24, 2007, at 9:30 a.m. The buyer of the property would own it free and clear of all liens and mortgages. The IRS, if properly notified of the sale, would have 120 days after the judicial sale in which to purchase the property at the final sale price.

The Borough of East Washington currently has tax liens on the property. The minimum bid on the property is now \$82,391.21. The Borough of East Washington have jointly agreed with the Washington School District to bid cooperatively to the \$82,391.21 amount. This agreement would entitle the Borough to benefit from the purchase in proportion to the amount of tax it has liened against the property.

Motion was made by Jeffrey D. Bull and seconded by Kelley L. Dickson to authorize Borough Solicitor Cary Jones to bid on the property at 103 LeMoyne Avenue on behalf of the Borough of East Washington up to the amount of \$115,000.00, in the event that the Washington School District does not enter into a joint bid agreement for the \$82,391.21. This would also authorize Borough Council to issue a check for up to \$115,000.00, payable to the parties in charge of the sale that day.

Vote taken: All ayes. Motion carried unanimously.

Borough Treasurer

Blake E. McCandless stated that he will be contacting Borough Resident Peter Magnotta to gauge his interest in serving as Borough Treasurer.

Mayor Mark Pacilla will contact current Borough Treasurer, Anthony Nicolella.

Outdoor Furnace Ordinance

Borough Solicitor Cary Jones stated that he has drafted an amendment to the zoning ordinance to ban the use of outdoor external fuel-burning furnaces in the Borough of East Washington. For the users that fall under the "grandfather" clause, the furnaces cannot exist within five hundred feet of a neighbor, and the regulations are that the chimney cannot be higher than thirty-five feet, and that fact must be certified by an engineer.

Mr. Jones stated that because this is an amendment to the zoning ordinance, there must be a public hearing on it. The Borough Planning Commission must be given at least thirty days notice to provide their input.

Motion was made by Jeffrey D. Bull and seconded by Joanne K. Coyle to hold a public hearing for an amendment to the zoning ordinance regarding outdoor fuel burning furnaces on Monday, July 16, 2007, at 6:00 p.m., immediately prior to the Regular Monthly Council Meeting. Notification will be given to the Borough Planning Commission by the Solicitor.

Borough Comprehensive Plan and Zoning Book

Borough Solicitor Cary Jones will receive the drafted copy of the book from Robert G. Dickson as soon as possible.

ADJOURNMENT

Motion was made by Joanne K. Coyle and seconded by Kelley L. Dickson to adjourn the meeting.

EXECUTIVE SESSION

At this time, Borough Council, Mayor and Solicitor held a brief Executive Session regarding personnel matters.

**THE NEXT COUNCIL MEETING OF THE BOROUGH OF EAST WASHINGTON
IS ON MONDAY, JUNE 18, 2007, IMMEDIATELY FOLLOWING
THE PUBLIC HEARING AT 6:00 P.M.**

Respectfully submitted,

Heather Walsh,
Borough Secretary