BOROUGH OF EAST WASHINGTON
COUNCIL MEETING October 10, 2011
MINUTES

Council of the Borough of East Washington met in Regular Session on Monday, October 10, 2011, at 6:00 p.m., with the following Members and Borough Officials present:

Blake E. McCandless, Borough Council President
Joanne K. Coyle, Council Vice-President
Marilyn A. Posner, Council
Jeffrey D. Bull, Council
Billy C. Josay, Council
Cary Jones, Borough Solicitor
Heather Walsh, Borough Secretary
Donald A. Solomon, Police Chief
Michael E. Behrens, Code Enforcement and Zoning Officer
Mark Connors, Constable

Officials Absent: Robert G. Dickson, Council; Kelley L. Dickson, Council
Mark Pacilla, Mayor.

Audience Members: Mary Taufer, Terry Blackburn, Amy Neal Huss, Borough residents.

COUNCIL MEETING

Council President Blake E. McCandless called the Council Meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion was made by Marilyn A. Posner and seconded by Jeffrey D. Bull to approve the Minutes of the September 12, 2011, Regular Meeting of Council of the Borough of East Washington.

APPROVAL OF BILLS

Motion was made by Jeffrey D. Bull and seconded by Joanne K. Coyle to approve the current bills, with the addition of the following: Maureen Stead, $100; Kimico, $17,585; Burns, $3,950.

Mr. McCandless stated that the Borough Police Department had an invoice submitted from Premiere Auto for $40. He requested that Police Chief Donald A. Solomon ask Premiere to itemize their invoices in the future.

Vote: Four (4) Ayes; One (1) Abstention (Bull). Motion carried.

REPORTS FROM AUDIENCE MEMBERS

Council President McCandless opened the meeting to comments/questions from the audience, limited to a maximum of five (5) minutes per person.

Terry Blackburn of South Wade Avenue reported that at 148 South Wade Avenue garbage cans are left out after collection day and the grass is overgrown. Code Enforcement Officer Michael Behrens agreed to look into the matters.

Mr. Blackburn reported problems with the conditions of the house at 109 North Avenue. Mr. Behrens stated that the property has been referred to the tax claim bureau and he is pursuing the matter appropriately.

Mr. Blackburn stated that the potholes and road conditions in his neighborhood have not been addressed adding that since the blacktop was done, road water is flowing onto his property. Mr. Bull said that Mr. Blackburn should call him directly with such problems and he will schedule someone to look at it.

Mr. Blackburn asked about the status of parking problems at 170 South Wade Avenue. Mr. Behrens stated that the Borough's Zoning Hearing Board will hear the matter on Oct. 20, 2011.

Mr. Blackburn stated that on East Lane there is a garage with a missing door and weeds growing up around it.

Mr. Blackburn discussed his dissatisfaction with having to participate in the Borough's trash hauling program. He has hired his own hauler to collect the garbage at his property. He stated that he owns the alley that his neighbors use as access to parking for their apartments.

SECRETARY'S REPORT

The Borough Secretary distributed the current financial statements and a report. She requested that she be able to hire someone to review the computer, check that it is updated and that all virus software is running properly. Council approved.

Mr. Bull would like the financial reports emailed to Council members in advance of the monthly meetings. He would also like checks attached to the bills for approval at meetings.

Council stated that the Borough secretary's eight hours spent stuffing envelopes and mailing the newsletters and earned income tax forms could be used as compensation time. Council told the Borough secretary to bill Washington School District for only half of the materials used in the mailing of the tax forms.

Mr. McCandless stated that the current earned income tax collector, Heather Walsh, will schedule a meeting with Keystone Municipal Collections in the office so they may view the earned income tax computer and data and decide if they are able to successfully retrieve the data from the computer. If Keystone cannot successfully retrieve it as it is, the Borough and Washington School District will split any fees to have this done.

The Borough Secretary stated that the road crew supervisor, Ron Miles, requested that Council allow him to request the pension plan company for the Borough, Pennsylvania Municipal Retirement Systems, to do a free cost study of the pension. Council approved.

STREET DEPARTMENT REPORT

Councilman Jeffrey D. Bull stated that the Borough building sidewalk and driveway rehabilitation work has begun. A roof will be built over the handicap ramp. He stated there will be cost overages on the bid, but the railing will be matched going around the ramp down to the bottom, enhancing the look.

Mr. Bull stated that the sidewalk near the triangle of South Wade Avenue and East Beau Street was redone. Marilyn Posner asked about the actual corner at the triangle. Mr. Bull stated that Council will wait until it is decided what other sidewalks in the Borough will be scheduled for renovation and seek bids for a lower cost in doing all the work.

Mr. Bull stated that he will be the general contractor and do time and materials for the back of the Borough building. They will replace the wall in the back where it was dug out and make it safe and install a set of stairs. A concrete pad will be placed in the back for employee parking. Mr. Bull has a carpenter coming to repair the inside stairs going to the basement.

Mr. Bull stated that he thinks the best way to provide lighting for the back of the building is to place a light on the pole in the alley. Mr. Bull will have a light placed there to shine on the building and part of the playground.

Mr. McCandless suggested blinds be placed on the light on the pole to deflect light that may bother neighbors. Mr. Bull prefers to light the entire area so blinds will be considered only if there is a complaint about the light.

Mr. Bull stated that the contract for the Borough building work was changed and he does not have the bill for it yet. The contractor was able to bring the water from the roofs of the building to the alley rather than take it to the back of the building. The water runoff from the driveway will now run to the road and down to storm drains. There was talk about bringing an electric line down to the playground pavilion from the Borough building. This should be done before any concrete is laid in the back. While it's dug up in the back, a conduit pipe will be placed for possible future use for electric lines.

Mr. Bull said there will be no more road sealing this year. He said he would talk to the City of Washington and see if the City is going to do roadwork on East Wheeling Street next year. If so, the Borough may work with the City to mill East Wheeling in both municipalities.

Mr. Bull stated that there is still one sinkhole to be repaired, on Stone Alley, by the contractor, D.L. Johnson.

Terry Blackburn asked Mr. Bull if blacktop will be placed in the alley near his property. Mr. Bull stated that nothing will be done until a pipe is placed across the road to redirect groundwater.

POLICE DEPARTMENT REPORT

Police Chief Donald A. Solomon thanked Council for producing the recent Borough newsletter. He hopes that it will encourage residents to become involved with the Crime Watch program.

Chief Solomon presented a cost estimate on repairs of the 2006 Chevrolet Impala police car at $2,681.97 from Marchand's. Mr. Bull requested that Chief Solomon get another quote on the repairs. Chief Solomon stated that the 2006 car is running with bad power steering and the police officers must constantly put power steering fluid into the car. He is concerned for the safety of the officers. He recommends selling the car. Mr. Bull said it would be best to run the three cars so that a spare is available. When a new car is purchased, the old one can be sold.

Chief Solomon stated that the repairs include the steering gear, rack and pinion, steering column, the power steering pump; it needs a tire, the lock button on the driver door is broken, the panel on the driver's door has pulled away and it needs re-workings inside that door, which is a safety hazard. When the police cars are driven over and over again on patrol it just tears away at the front wheel drive.

Chief Solomon stated that it is five years old and was an economical choice. However, the Borough's police cars were not designed for the heavy use of a police department and the roads in the area. Mr. Bull stated that the Borough should purchase larger cars designed for police work. He said that he and Chief Solomon will get another price and they will decide if it's worth repairing or a new police vehicle be put into next year's budget.

The Borough secretary stated that $8,000 was set aside for three years for the purchase of a new police vehicle, which was purchased at the beginning of 2011, using this year's savings. The first new amount set for savings, whatever it may be, will start with the 2012 budget.

Jeff Bull stated that he wants the car fixed and run for another year.

CODE ENFORCEMENT REPORT

Borough Code Enforcement Officer Michael E. Behrens submitted his report.

Mrs. Posner, in reference to Mr. Behrens' report, asked if the sidewalk permits were for replacement. Mr. Behrens stated that the permits were for regular replacements of sidewalks. He said that he has suspended all action on sidewalks that are in poor condition because of tree roots, as was requested by Council at a previous meeting.

Joanne K. Coyle asked if the issue with the Evans' sidewalks has been resolved. Mr. Behrens stated that he sent a letter to Mr. Evans stating that no action would be taken at this time. Mrs. Posner stated that Mr. Evans called the Borough secretary as a follow up to the questions he raised in his original letter regarding who is responsible for the trees and sidewalks. Mrs. Coyle stated that she is hoping that when newly elected Council members begin their terms at the beginning of the year, one of them will take on the sidewalk project, to receive bids for work on the tree roots and choices of repaving those areas.

Mr. Bull stated that the Borough planted trees on South Wade Avenue that are all dead. He asked Solicitor Jones if the Borough may remove those trees. Mr. Jones stated that the Borough should notify the property owner before removing the trees. Mrs. Coyle said she will get the addresses of the property owners where the dead trees are located in order to notify them prior to removal of the trees.

Mrs. Coyle stated that there is $2,000 remaining in the Park and Shade Tree Commission budget and the money could be used to plant more trees. The arborist could make recommendations of trees to plant, and how to place the trees to minimize any future problems.

COUNCIL REPORTS

Joanne K. Coyle stated that about 16 Washington & Jefferson College students did volunteer work for the Borough recently at the park-and-ride and mulching at the playground.

Mrs. Coyle stated that the contractor installing a fence at the playground is nearly done.

Mrs. Coyle stated that she knows now that the agility program responsibility for the park-and-ride has ended but the Borough is still maintaining it as a favor, but there are some plantings that should be added. Several areas of the flowerbeds are empty as shrubs have died and were pulled out. She suggested adding some plants for about $200 and Dennis Phillips of the Borough street department can do the planting. The property is owned by PennDOT and is the entrance to the community, thus enhancing with plants would be a good idea. Mr. Bull said the Borough worked hard this year especially to clean up the site, with more to be done.

Jeffrey D. Bull stated that when improvements were done to the police department he wanted to install a camera system. He stated that Police Chief Donald A. Solomon recently mentioned it again. He is adding on to the roof project by having pre-wiring done and conduit into the garage for a camera system and he wants to get prices on putting a camera in the front, a camera in the stairs, camera in the back and around the building to protect equipment and vehicles. He suggested that Chief Solomon, and road department employees Ron Miles and Dennis Phillips could do the installation. He suggested closed-circuit television with the police department or downstairs office personnel able to view the feed from the cameras and have a five-day recording time.

Blake E. McCandless suggested that Mr. Bull seek cost information for cameras.

Billy C. Josay has posted the historical information on the Borough website.

Mrs. Posner asked if the East Washington historical book by Jon Stevens was included. She stated that Council has received permission to put his book in the website and give Mr. Stevens a byline. She stated that Joe Fulton, who developed the Borough website, has the photo of President John F. Kennedy passing the former East Washington High School which could be placed at the history tab on the website. Mrs. Coyle stated that she has an historical photo of McKennan Avenue that could be included.

Jeffrey D. Bull stated that the East Washington Borough Planning Commission has a meeting scheduled in which they will hear a request from Washington & Jefferson College for a conditional use in order to obtain a demolition permit to tear down a house at 322 East Beau Street, owned by Ruth Wayman, in the Borough's historic district. The house may be the second-oldest house in the Borough. Mr. Bull asked Solicitor Jones how someone could apply to tear down a house within the historical district. Mr. Jones explained that to tear down a house, one must apply for and receive a demolition permit. To receive such a permit in the historic district, permission first must be given as a conditional use.

Mr. Bull stated that Borough Council makes the final decision on the matter.

Mr. Bull stated that he thinks that Council is not setting a very good example if they let one of the oldest homes be torn down, regardless of condition.

President McCandless stated that there has been a question raised as to the real root of the other request - that being that W&J potentially may want to widen that alley (East Lane) so that it would conduct two-way traffic. Tearing that house down would facilitate that.

Mr. Bull stated that W&J does not yet own the property but wants to buy it contingent upon receiving a demolition permit.

Vice-President Coyle stated that W&J has not torn down any buildings since the historic district ordinance was created.

Mr. Bull stated that if the reason W&J wants to tear down the 322 East Beau Street house, in order to widen that alley, it is his opinion that it is a terrible reason because there is enough traffic on that road. The intersection does not line up and it is not safe.

Chief Solomon stated that it would be a horrible idea to make East Lane a two-way road.

President McCandless stated that it is a Borough-maintained alley.

Solicitor Jones stated that it was presented to him by the parties requesting the conditional use/demolition permit that after demolition would take place, the area would be made into green space. Mr. Jones did ask the parties if they wanted to widen the alley and he was told "no." Although the college is interesting in purchasing the property, it is not currently for sale.

Mr. Jones stated that is why the planning commission needs to listen to their presentation, because he's sure that other people will be asking that question.

Mrs. Posner stated that she thinks it would be better if it were a green space at that location, for better visibility when cars exit East Lane at that point. That would be the only rationale that she could see for taking down the house.

President McCandless asked Code Enforcement Officer Behrens about the condition of that house. Mr. Behrens stated that he has been in the house and it is in bad condition. Police Chief Donald A. Solomon agreed that the house is in very bad condition. Mr. Behrens stated that if the property is denied a demolition permit, he would have to take code enforcement action on it immediately and it likely would be condemned. The building has never been cited and Mr. Behrens believes it needs total renovation or demolition.

Mr. Jones stated that under the property rehabilitation part of the code of ordinances, Borough Council has power to take action only for exterior disrepair.

Mr. Behrens stated that the property, a frame duplex, is in an R-2 zoned district and by rights the property can only be used as a single family dwelling, duplex or green space. They cannot put a parking lot there or a dormitory or anything similar as the ordinance stands now.

Marilyn A. Posner stated that the her contact with Allied Waste/Republic Services garbage hauling service for the Borough indicated that the fuel surcharge could increase by 47¢ per unit per month for next year. Mrs. Posner rounded that figure up to 50¢ and estimated the cost to be an extra $4,200.00 per year. Mrs. Posner conferred with the Borough secretary who did a calculation and Mrs. Posner has concluded that the Borough should not have to increase the yearly charge for next year to residents for garbage collection services based on the increase indicated by Allied Waste/Republic Services.
The contract runs through 2013.

Mrs. Posner stated that a letter of complaint about the garbage hauler was received from an owner of a multi-unit on East Beau Street. Mrs. Posner contacted Allied Waste and they are arranging to remove the dumpster there and put in three smaller dumpsters and will deal with some other minor issues there as well.

Mrs. Posner stated that she and Borough Solicitor Jones have reviewed the various types of letters sent to residents by Code Enforcement Officer Behrens to residents to notify them of property issues. She will forward some revised examples of letters to Mr. Behrens.

Mr, Bull stated that Mike Behrens' computer should be updated when the Borough secretary's computer is updated. President McCandless recommended Microsoft Word be purchased and loaded onto that computer.

Mrs. Posner stated that extra newsletters were printed so that some may be placed at Citizens Library. Extra copies are available at the Borough building. Mrs. Posner stated that there is now a template from which future newsletters could be created.

Mrs. Posner suggested sending a newsletter when the bills for garbage are sent out in January. The garbage collection calendar is also sent out with the bills. Mrs. Coyle said it's the spring and fall when things are happening in the Borough. Mrs. Posner stated that it makes more sense price-wise to stuff it with something that is already being mailed out. Mrs. Coyle asked if the newsletter could be sent out with taxes. Borough Secretary Heather Walsh stated that the real estate tax bills are sent directly from the printer and most times they are sent directly to the property owner's mortgage company, not their home. Mr. Bull suggested e-mailing the newsletters if we can get sufficient residents providing their e-mail addresses.

Mrs. Posner stated that she has contacted W&J to have Wade Hall on South Wade Avenue place its garbage in containers for collection by the college's contracted hauler, Waste Management, rather than leave garbage bags on the sidewalk.

Mrs. Posner stated that Terry Blackburn's issue with garbage collection will be handled by Borough Solicitor Jones.

Blake E. McCandless distributed a memorandum from councilperson Kelley L. Dickson as a report on some information she received regarding possible employee health benefit choices.

MAYOR'S REPORT

No report. Mayor did not attend the meeting.

SOLICITOR'S REPORT

Borough Solicitor Cary Jones stated that Borough resident Mark Geary contacted him again about burning excess brush and trees on his property. Borough ordinance prohibits any burning in East Washington Borough. The Borough is offering instead to remove brush from Mr. Geary's property and that he should contact Ron Miles, the Borough Street Department Supervisor, who will set up a time to remove the brush and yard waste.

ACTION ITEMS

Citizens Library Board

Janice Murdoch resigned from representing East Washington Borough on the Citizens Library Board. Other library board members of Citizens Library serve three-year terms while East Washington has its representative serve one-year terms that may be renewed. Kenneth Baker, Library Board solicitor,

stated that Borough Council should consider having the new board member serve a three-year term. Mr. McCandless stated that if there are no suggestions of a candidate, an advertisement should be placed for a library board member that lives in East Washington Borough.

Mr. McCandless asked that Borough Council forward to the Borough secretary by Monday, Oct. 17, 2011, names of possible candidates to serve on the Citizens Library Board for East Washington Borough. He stated that Citizens Library wants someone appointed from East Washington as soon as possible, hoping that the person would be able to finish the 2011 term and begin a new three-year term on January 1, 2012. Mrs. Coyle stated that choosing a new Citizens Library Board member should be the responsibility of the Borough's vacancy board.

Last year, the Borough donated an extra $5,000 to Citizens Library.

Local Share Account Applications

President McCandless distributed a memorandum explaining some Local Share Account Applications for Borough Council to consider.

Borough Police Department Multi-Municipal Information Systems Application

Police Chief Donald A. Solomon stated that the Borough Police Department was approached by Lynn Galluze of the City of Washington to participate in a multi-municipal application with the following police departments: City of Washington, and the townships of North Strabane, South Strabane, and Chartiers. This would be to make application for Local Share Account funds to update the Borough's VisualAlert (information) system hardware and to develop a "server" for sharing police information among the municipalities.

Mr. McCandless stated that the total project cost is about $200,000. The Borough of East Washington could contribute the amount of $4,000. Although payment of any funds would not be needed until 2012, if the application is approved. The Borough Police Department currently has enough funds in its 2011 Budget to contribute that amount.

Mr. McCandless and Chief Solomon expressed their recommendation to Council to approve making this application.

Motion was made by Mr. Bull and seconded by Mrs. Coyle for the Borough to participate in the Police Department Multi-Municipal Information Systems Local Share Account Application, with the Borough of East Washington contributing an amount not to exceed $4,000.

Vote: All Ayes. Motion carried.

Borough Zoning Ordinance Update Project

Susan Morgan of the Redevelopment Authority of Washington County contacted the Borough Office to suggest Council consider having the Borough participate in a Local Share Account Application with the City of Washington to receive assistance and funds to update its Zoning Ordinance. Updating the Borough Zoning Ordinance is one of the recommendations from the new Washington-East Washington Multi-Municipal Comprehensive Plan. The City of Washington also needs an update to its Zoning Ordinance. Brandi Rosselli from Mackin Engineering will provide assistance with this and the Borough would also work with Lynn

Galluze of the City of Washington on the application. The Borough could use some local share account money it already receives quarterly for its contribution portion.

Mr. McCandless stated that the Borough spent $3,000 in 2001 and began to draft a new Borough of East Washington Zoning Ordinance. Mr. McCandless stated that he was told that one benefit from joining the City of Washington in an update to the Borough Ordinance is that all Pennsylvania municipalities need to provide zoning for every potential situation, be it industrial, commercial, or residential. Currently, the Borough does not have anything zoned commercial or industrial. If the Borough were to join with the City of Washington in a Multi-Municipal Zoning Ordinance, the Borough would get credit for those zoned areas provided by the City, thus maintaining its residential-only zoning status.

Motion was made by Mr. Bull to join in applying for this project using $2,500 in Borough funds from a Local Share Account.

Solicitor Jones stated that this would be a new East Washington Borough Zoning Ordinance. He stated that a new zoning ordinance draft was begun 10 years ago with a consultant, Mullen & Lonnegan. It was never completed. The Borough paid the $3,000 to the Redevelopment Authority of Washington County, who paid Mullen & Lonnegan. Mullen & Lonnegan said to go ahead and use it and make changes without cost.

Mr. Jones stated that for $2,500 he recommends the Borough have it all redone.

Mr. McCandless stated that his concern is that the Borough would have to provide for additional zoned areas other than residential.

Mr. Jones stated that it is his understanding that it would be the Borough of East Washington Zoning Ordinance only and the Borough would have its own public hearings, etc.

Mrs. Coyle asked what would happen in the case that someone wants to put a business on Beau Street, does the Borough indicate that the commercial district for the Borough is in the City somewhere? How could that request be refused?

Mr. McCandless stated that he thinks a request like that could not be refused and the Borough could not refuse a request to come into the Borough to establish a business. He believes that somewhere in the Borough the zoning ordinance has to allow it. A dry-cleaning plant was grandfathered into the Borough.

Mr. Jones would like to research exactly what the requirements are for a new Borough Zoning Ordinance and report his findings to Council.

Mr. McCandless stated that Mackin Engineering provided information regarding the zoning provisions required by the Municipal Planning Code.

The applications for local share account funds are due on Friday, October 14, 2011.

The matter of the Zoning Ordinance Update Project Application was tabled. Mr. Bull rescinded his motion.

Mr. Bull suggested adjourning this Council meeting until Friday, October 14, 2011, at noon.

Lemoyne Center Application for Intergenerational Sports Arena

Joyce Ellis is going to apply to the Local Share Account to add to her playground at the Lemoyne Multicultural Community Center. For this application, the only request of Council is to approve and adopt a Resolution in support of the Center's application.

President McCandless stated that the Lemoyne Center is in need of support for the application to the share account because East Washington is the host community. Mr. McCandless provided Council with a copy of a draft resolution Council might consider adopting to support the Lemoyne Center's local share application.

Motion was made by Mrs. Coyle and seconded by Mrs. Posner for the Borough to adopt a Resolution in Support of the Lemoyne Multicultural Community Center Project application for funds from the Washington County Local Share Account.

Vote: All Ayes. Motion carried.

Washington-East Washington Multi-Municipal Comprehensive Plan

President McCandless stated that the Comprehensive Plan is almost completed. A public meeting is set for Wednesday, Oct. 12, 2011. The final form will be available in early December. There is a 45-day comment period. As long as there are no comments that either the Borough or the City of Washington think would need addressed, the plan will be finally approved. Mr. McCandless stated that a CD will be sent to the Borough.

The Borough Secretary forwarded to all members of Council the link to the Mackin Engineering website that has the current draft Comprehensive Plan.

Mr. McCandless stated that when the Plan is complete, he will copy a CD for everyone to keep.

EIT Ordinance

President McCandless stated that Keystone, the new earned income tax collection company for 2012, will meet with the current income tax collector to collect the taxpayer information. An attempt will be made to collect the information at the lowest cost possible for the Borough and Washington School District. Each taxing body would be required to pay half the cost for the data transfer.

Mr. Jones stated that Borough Council should adopt the new income tax ordinance and he distributed copies of the ordinance draft. Mr. Bull suggested that such items be forwarded to Council prior to the meeting.

Motion was made by Mr. Bull and seconded by Mrs. Coyle that the Borough pass the Earned Income Tax Ordinance as laid out through the County of Washington for the Local Tax Enabling Act 34.

Vote: All Ayes. Motion carried

Storm Water Management Ordinance

Mr. Jones stated that this ordinance is required to conform to federal and state laws. If someone wants to develop in East Washington, they must have a storm water management plan to be approved.

Motion was made by Billy C. Josay and seconded by Mrs. Posner for the Borough to adopt the Storm Water Management Ordinance.

Vote: All Ayes. Motion carried.

Preident McCandless stated that the newsletter was sent to Borough residents with the earned income tax forms. He reminded everyone to take the earned income tax forms to their employer. Mrs. Coyle stated that there is no address on the form for an employer to send the forms to. Mr. McCandless stated that an address is not required on the form. An employer is to keep the form and forward data electronically to the new earned income tax collector.

Upcoming Meeting Dates

Planning Commission, October 17, 2011, 5:00 p.m.

Zoning Hearing Board, October 20, 2011, 7:00 p.m.

Mr. Bull asked what Council wants to do with the 322 East Beau Street property that W&J wants to purchase and then possibly demolish if approved for a conditional use by the Borough Planning Commission? Mr. Bull wants to know if Council wants to inspect the property before the next meeting.

The Borough Secretary stated that the process is that the Borough Planning Commission collects the information and considers the conditional use request and then forwards it to Borough Council.

Code Enforcement Officer Behrens stated that, at the Borough Planning Commission meeting on Monday, Oct. 17, 2011, the Commission will be reviewing the Comprehensive Plan and asked if the Commission is to take action on that. President McCandless stated that the Commission should make a recommendation to Council whether to approve the plan. If the Commission recommends approval of the Plan, the period of review can begin.

Fire Protection Agreement

President McCandless distributed a copy of the new Fire Protection Agreement draft between the City of Washington and East Washington Borough. He stated that this new agreement is identical except for the dates and the numbers. In 2012, the Borough of East Washington would pay the City of Washington $1,600 more than it did for 2011. For the following nine more years of the agreement, the Borough would pay $1,400 more per year. Mr. McCandless stated that he is satisfied with this agreement.

Mr. Bull stated that he talked to the Planning Commission and as soon as this agreement is passed, he and they are prepared to put all of the Borough of East Washington Community Development Block Grant Funds for 2012 – about $35,000 (they are waiting for the Motion to do this) to pay to the City of Washington for this fire protection. Jeffery D. Bull stated that once Council approves this agreement he will ensure first two

installment payments to the City for 2012 are made.

Motion was made by Jeffrey D. Bull and seconded by Marilyn A. Posner for the Borough of East Washington to enter into the Agreement with the City of Washington for a Fire Protection for a 10-year period beginning in January 2012.

Mr. McCandless stated that the Commonwealth of Pennsylvania mandates that a municipality receive a report on any contracted services. Going forward, the Borough of East Washington is to receive a yearly report on activity and the City of Washington has agreed to provide the report. A 2011 report should be provided at the end of the year. Mr. McCandless stated that Joe Manning has seen the Agreement and was given the authority by City of Washington Council and Mayor to complete the agreement with East Washington Borough as it is presented.

Vote: All Ayes. Motion carried.

Motion was made by Mr. Bull and seconded by Mr. Josay that the Borough of East Washington allocate its entire 2012 Community Development Block Grant Funds to the City of Washington to pay for a portion of the Borough's Fire Protection Agreement amount for 2012, subject to this new Fire Protection Agreement being approved by the City of Washington.

Vote: All Ayes. Motion carried.

Trick or Treat

Motion was made by Mr. Bull and seconded by Mr. Josay to have the Borough of East Washington hold its Trick-or-Treat on Monday, Oct. 31, 2011 from 6:00 p.m. to 7:30 p.m., the same as the City of Washington. Mrs. Coyle said Council should remind the Police Chief to put extra police officers on duty.

Vote: All Ayes. Motion carried.

Mrs. Posner reminded everyone to vote in the General Election on Nov. 8, 2011.

Mr. Bull stated that he sent everyone information regarding CORO. He thinks that someone on Council should apply for CORO's leadership training institute and he would be willing to do it. The Borough Secretary stated that CORO requested permission to provide information, such as brochures, at the public meeting for the comprehensive plan this week.

Motion was made by Mr. Bull and seconded by Mrs. Coyle to recess the Oct. 10, 2011, Council Meeting until Friday, Oct. 14, 2011, at 12:00 p.m. Noon.

Motion carried unanimously.

MEETING RECESSED

RESUMPTION OF MEETING

Council of the Borough of East Washington resumed their meeting on Friday, October 14, 2011, at 12:00 p.m. Noon with the following Borough Officials present:

Blake E. McCandless, Borough Council President
Joanne K. Coyle, Council Vice-President
Marilyn A. Posner, Council
Jeffrey D. Bull, Council
Billy C. Josay, Council
Cary Jones, Borough Solicitor
Heather Walsh, Borough Secretary
Michael E. Behrens, Code Enforcement and Zoning Officer

Also Present: Susan Morgan, Washington County Redevelopment Authority.

Council President Blake E. McCandless called the Council Meeting to order at 12:00 p.m.

Borough Zoning Ordinance Update Project

Susan Morgan from the Redevelopment Authority of Washington County stated that the Borough is in the final stages of completing the Borough of East Washington-City of Washington Multi-Municipal Comprehensive Plan. If approved by all parties, the plan will be adopted within the next couple of months. The new plan is the starting place to be able to share land use across municipal borders. According to the Municipalities Planning Code, the next step is entering into an intergovernmental implementation agreement. Once that is done, according to the Pennsylvania Department of Economic Development, their attorneys, and land use planners, the uses can be shared across municipal boundaries. There does not need to be a joint zoning ordinance. The next step is also, if the Borough wishes to apply for Local Share Account Funds, it is to jointly develop a zoning ordinance. An option would have development as a completely joint ordinance, of which both municipalities are a part and any changes to it would have to be approved and adopted by both Councils. Ms. Morgan always recommends applying together just as the municipalities did for the comprehensive plan and merge the money to receive the Local Share Account money. The Redevelopment Authority of Washington County has committed $10,000 to this project if the Borough should decide to move forward. There would be one consultant. There will be joint meetings and at those meetings there would be a planning consultant that would discuss what would be best for the two municipalities, whether it's a joint zoning ordinance, delineating the needed definitions, permitted uses and special exceptions within the municipalities.

Ms. Morgan stated that she has been assisting with one zoning ordinance for South Franklin and Green Hills. They are adopting a joint ordinance, but a special district was created for Green Hills separate from South Franklin. A joint zoning ordinance can provide separate zoning hearing boards and separate zoning officers. Ms. Morgan stated that she would not recommend at the outset that the Borough decide to have a joint zoning ordinance. If there is only one consultant, the Borough would be able to have the zoning ordinance be consistent with the Comprehensive Plan. There will be an implementation agreement for the plan and that is where the Borough and City will continue working together on implementing the Comprehensive Plan.

Solicitor Jones stated that it is his impression that Borough Council does not want a joint zoning ordinance. Council is currently discussing if their new zoning ordinance would have to provide for commercial and industrial uses and how entering into a multi-municipal agreement the Borough would not have to provide for those zoned districts. In other words, the Borough of East Washington could stay all residential as long as the other partner had the other districts.

Ms. Morgan stated that part of the Comprehensive Plan is the future land use map, which is residential for East Washington Borough. The Municipalities Planning Code states that as long as the Borough enters into the intergovernmental agreement to jointly implement the Comprehensive Plan, the municipalities can share land uses. Some municipalities move to a joint zoning ordinance that makes it easy to accommodate those land uses across borders. But if a joint zoning ordinance is not desired, the Borough and City may develop it together with one consultant and ensure that all land uses are accommodated.

Solicitor Jones stated that, in that case, any changes to the Borough's zoning ordinance would be made by the Borough and likewise for the City.

Mrs. Posner asked that if the plan is not implemented, how would it affect the need for industrial and commercial zoning. Ms. Morgan stated to implement the plan, the Borough just needs to sign the Intergovernmental Cooperation Agreement. That is enough for sharing land uses. Mrs. Posner asked if that were done is that good enough even if nothing is ever implemented in the plan.

Susan Morgan stated that there are so many parts of the plan that are even small and general, that there will always be something that you could do. A comprehensive plan is not a legal document in that it is not tied into any requirement. It is merely a guide.

Mr. Bull stated that a new zoning ordinance was initiated over 10 years ago. Mr. Jones stated that almost 11 years ago, the Borough had a consultant give to the Borough a draft ordinance that was never finalized. The consultant was paid and left it to the Borough. That zoning ordinance draft provides for being strictly residential, and does not provide for home occupations that may present a problem now. Council wants to know that since this was paid for 10 years ago, why can't they continue on their own with that draft?

Mr. McCandless stated that the 10-year-old zoning ordinance draft is probably outdated. Does Council want to try to resurrect and make it conform to the older draft or, for $2,500 does Council want to start from scratch and do a new one?

Ms. Morgan stated that the first thing a planning consultant would do is review the past ordinance as well as any draft to see the parts that could still apply to something new and ask which parts everyone agrees to include.

Mr. McCandless asked if Ms. Morgan knows if every municipality has to zone for every possible district. Ms. Morgan said "yes," adding that it is required by the Municipalities Planning Code. Mr. McCandless stated that the Borough does not currently comply with that.

Ms. Morgan stated that if someone wants to buy a property and put some industrial use in there, they could go to court to put it anywhere because the use is not provided for in the Borough. Solicitor Jones stated that providing for all types of residential uses is required and possibly also low- impact commercial and industrial.

Borough Code Enforcement Officer Behrens asked for clarification in that if the partnership were to take place, and someone wanted to put in an industry, the Borough could say that it does not have zoning within its boundaries but the City of Washington does. Would that also include home businesses? Ms. Morgan said it would be whatever the Borough and City decide. Low-impact, home-based businesses are permitted by state law.

Mr. Behrens stated that he was surprised to learn that East Washington currently prohibits home-based businesses. The City of Washington has a very conducive home occupation ordinance in place. Something similar would benefit the Borough as well.

Ms. Morgan stated that would be addressed by a consultant if Borough Council would decide to move forward. Low-impact, home-based businesses might be something that would be considered.

Mr. Jones stated that when beginning the zoning ordinance draft 10 years ago, a district was created for Washington & Jefferson College. It was called an educational district. That district and the area with churches would possibly be considered I-R.

Mr. Bull asked if it is Ms. Morgan's recommendation to Council to participate in the Local Share Account grant application with the City of Washington to develop a new Borough zoning ordinance. Ms. Morgan said "yes." She stated that even considering that a new draft was started 10 years ago, it is recommended that it be updated every 10 years.

Ms. Morgan stated that the final comments from the Plan Steering Committee of the Comprehensive Plan are due today, and the 45-day public comment period shall begin next week. After the comment period is over and if nothing significant is changed, City Council and Borough Council can adopt the Comprehensive Plan in December 2011. Then there will be a meeting following the adoption by those boards and action would be taken on an intergovernmental cooperation agreement as the beginning toward implementing the plan. Mackin Engineering would assist in the draft of the agreement.

Mr. Behrens asked if, after the plan is adopted, the mutual zoning ordinance would follow that. Ms. Morgan stated that the application for Local Share Account Funds to develop a new zoning ordinance would be applied for today (Oct. 14, 2011), then it would have to be approved and if the local share account money is provided and the Redevelopment Authority gives $10,000 and both municipalities contribute their cost-share amounts, then it would be July 2012 that the Redevelopment Authority would submit a request for proposals for a consultant. The selection process would pick a consultant. An agreement with a consultant would be entered into and the drafting of the ordinance would begin much like it did with the Comprehensive Plan, with monthly meetings, etc. It could be separate ordinances yet consistent with the Comprehensive Plan.

Motion was made by Mr. Bull and seconded by Mrs. Coyle to join the City of Washington and the Redevelopment Authority of Washington County to apply for a Local Share Account Grant with the Borough of East Washington's share being for the zoning ordinance update not to exceed $2,500.

Vote: All Ayes. Motion carried.

Mr. McCandless asked Ms. Morgan that since Washington School District and Washington & Jefferson College were both involved in the Comprehensive Plan with the Borough and City, would both of the education entities be involved with the drafting of the zoning ordinance. Ms. Morgan stated that when doing a comprehensive plan, it is beneficial to have a lot of input and vision to make sure that nothing important is missed when considering the future of an area. The two municipalities would and should discuss their involvement in drafting a new zoning ordinance.

EXECUTIVE SESSION

Borough Council held an Executive Session at this time to discuss personnel matters.

ADJOURNMENT

Motion was made by Mr. Bull and seconded by Mrs. Posner to adjourn the meeting. Motion carried unanimously.

THE NEXT REGULAR MEETING OF COUNCIL OF THE BOROUGH OF EAST WASHINGTON IS MONDAY, NOVEMBER 14, 2011.

Respectfully submitted,
Heather Walsh,
Borough Secretary

Edited by
Marilyn A. Posner
Council Member