

McKees Rocks Borough
Virtual Public Meeting
March 9, 2021

5:30 PM Executive Session – Litigation Updates and Personnel Matters

7:00 PM Public Meeting

Pledge of Allegiance

Roll Call: Councilmembers Present: President Archie Brinza, Councilman Joe Mixter, Vice-President Leslie Walker, Councilwoman Elizabeth Delgado, Councilman Charles Maritz, Councilman John Malesnick, Jr, Councilman Nicholas Radoycis, Jr., Councilwoman Sarah Harvey, and Councilman Craig Myers

Also present for this meeting were Mayor John R. Muhr, Borough Manager Ruth A. Pompey, Assistant Borough Secretary LeeAnn Wozniak, Controller William Beck, Borough Solicitor Megan Turnbull, and Assistant Solicitor Danielle Guaraschio, of Weiss Burkhardt Kramer, LLC, and Borough Engineer Mr. Douglas Evans, of NIRA Consulting Engineers, Inc.

Agenda Comments/Changes:

President Brinza reminded all in attendance that all communications must remain respectful and professional as the public meetings are being recorded.

Guest Speaker: Ms. Cynthia Haines, Focus on Renewal Executive Director was present to address Council regarding upcoming community events including a 3-part virtual series about opioid use, a Narcan distribution event, a haluski cook-off, and registration for Spring art classes are open and free for all residents.

Ms. Valerie Dixon, Center for Victims was present to address Council regarding services available for trauma-based education and wellness. Ms. Dixon indicated that their program offers an interactive exhibit regarding trauma and behaviors, which focuses on wellness as well and also offers in-person group sessions for up to 12 people, when COVID restrictions are lifted.

Ms. Marie McDonough, borough resident was present to address Council about her safety concerns regarding Club Erotica and decline in the residential neighborhood. Ms. McDonough expressed her concerns dating back 25 years ago when she and other community members initially presented to Council. Ms. McDonough is asking Council to do whatever is necessary to seize the operations of Club Erotica due to it's increase in violence.

Ms. Maribeth Taylor, borough resident was present to address Council regarding last evening's Council discussion about ranking of officers and possible promotion(s) within the Police Department, adding a

position of Lieutenant or Captain. Ms. Taylor doesn't understand the comments made by Council during last evening's Caucus meeting that if a second Sergeant was promoted, there would be a conflict. Ms. Taylor doesn't believe there would be a conflict of having two Sergeants, especially if working different shifts. Ms. Taylor is asking Council to promote officers according to Civil Service Regulations, as officers work their way up to Sergeant status through testing, et al. If Council chooses not to, she recommends a Title of Corporal position as it's in line with the police contract and would cost less of tax payer's money than title of Captain or Lieutenant. Ms. Taylor also offered suggestions regarding the recent vacancy on the Zoning Hearing Board, as newly appointed Councilman Radoycis can not hold a position as Council and Zoning member at same time and recently resigned from the Zoning Hearing Board. Ms. Taylor noted that on the agenda for Council consideration is the transferring of a Planning Commission member to the Zoning Hearing Board and vice versa, and feels that Council should open up the vacancy to community residents who would express interest before making any immediate consideration to fill the vacancy.

Ms. Samantha Levitzski-Wright was present to address Council regarding the lack of communication from officials regarding her concerns of safety with Get-Go Gas Station. She would like any information regarding what Get-Go's hours of operation will be, if there will be security, et al. as she is concerned about the residential property area. Councilman Maritz replied indicating all of Get-Go's plans were reviewed during multiple meetings and approved for any conditions noted.

Reading of the Minutes:

A motion was made by Councilman Maritz and seconded by Councilman Myers to approve the public meeting minutes from February 9, 2021. Motion was adopted by acclamation.

A motion was made by Councilman Maritz and seconded by Vice-President Walker to approve the meeting minutes from February 25, 2021 special public meeting. Motion was adopted by acclamation.

Committee Reports:

- McKees Rocks Police Department January 2021 Activity Report (on file at the Borough Manager Office)
- McKees Rocks Independent Volunteer Fire Department February 2021 Activity Report – Not available
- Council Committees: Mr. Joe Mixter, Parks and Recreation Committee member reported working on the parks revitalization grant for 3rd Street Park to repair/replace equipment items.
- Council of Government (COG) – Councilwoman Delgado commented that she sent the power-point to Council regarding ACT 152 for blight funding that Mr. Evans was discussing at the Caucus meeting.

Dentons Cohen & Grigsby, P.C.: No report

Mayors Report: No Report

Communications:

- Borough Manager – No Report

- Borough Engineer – Borough Engineer Capsule Report was discussed at the Council Caucus Meeting 3/8/2021.
- Borough Solicitor –Ms. Megan Turnbull stated for meeting minute purposes that an executive session was held before the business portion of the meeting to discuss pending litigations.
- Building Code Official Monthly Activity Report - A written February 2021 activity report was provided to Council for review by Mr. John Stahl, and on file at the Borough Manager’s office.

Controllers Report: As of February 28, 2021, General Fund, both income and expenses have an annual budget of \$4,503,377.00. Income was \$390,201.48 or 8.67 % of the budgeted income. Expenses totaled \$589,153.37 or approximately 13.08 % of the budgeted expenses. Balance in the General Fund Checking Account as of February 28, 2021 was \$480,122.25.

As of February 28, 2021, Sewer Fund, both income and expenses have an annual budget of \$1,976,085.00. Income was \$236,636.98 or 11.98% of the budgeted income. Expenses totaled \$106,208.52 or 5.38% of the budgeted expenses. Balance remaining in the Sewer Fund as of February 28, 2021 was \$377,422.02.

A motion was made by Vice-President Walker and seconded by Councilman Myers to accept the Controllers Report. Motion was adopted by acclamation.

Controller Beck asked the Borough Manager the status of the 2021 Tax Anticipation Note (TAN) Loan as he has not reviewed any evidence in paperwork that the money has been received. Borough Manager responded indicating the 2019 audit is currently still being processed, which is required to have completed to be approved for the TAN Loan.

Bills: A motion was made by Councilman Maritz and seconded by Vice-President Walker to pay the bills. Motion was adopted by acclamation. Councilwoman Delgado questioned what the Washington Mutual payment is for, as memo line description shows “additional insurance” and why does it fluctuate so much month to month. Borough Manager Pompey explained it’s additional insurance chosen by employees and paid through payroll deduction, and it varies based on number of employees signing up.

Agenda:

1. A motion was made by Councilman Mixter and seconded by Vice-President Walker to accept the resignation of Mr. Nicholas Radoycis, Jr. as member and Chair of the McKees Rocks Zoning Hearing Board. Motion was adopted by acclamation.
2. A motion was made by Councilman Maritz and seconded by Vice-President Walker to accept the resignation of Mr. Ken Perl as member and Chair of the McKees Rocks Planning Commission. Motion was adopted by acclamation.
3. A motion was made by Councilwoman Harvey and seconded by Councilwoman Delgado to legally advertise the vacancy seats of the Zoning Hearing Board and Planning Commission, instead of Council appointing member(s) this evening, as indicated on the agenda. Solicitor Turnbull explained Council can legally fill the vacancies as indicated on the agenda (without advertisement) if they choose to do so. Councilwoman Harvey explained Council should

advertise these vacancies to give residents a chance to express interest, just as Council did for the Council seat vacancy month prior. President Brinza explained appointing the two members this evening would be two residents who have years of experience. Councilwoman Delgado said Council should still give other residents the opportunity to send in letters for review, as Council might be surprised what their background may be. President Brinza requested roll call, resulting in 7 No, 2 Yes (Delgado, Harvey) to advertise the vacancy seats. Motion carries.

4. A motion was made by Councilman Maritz and seconded by Vice-President Walker to appoint Mr. Nicholas Radoycis, Jr. as a member to the McKees Rocks Planning Commission. Councilwoman Delgado and Councilman Harvey opposed. Motion carries.
5. A motion was made by Councilman Maritz and seconded by Councilman Myers to appoint Mr. Ken Perl, as a member of the McKees Rocks Zoning Hearing Board. Councilwoman Delgado and Councilwoman Harvey opposed. Motion carries.
6. A motion was made by Councilman Maritz and seconded by Councilman Myers to accept the resignation of part-time patrolman Davranbek (Dave) Sayfatov from the McKees Rocks Police Department. Motion was adopted by acclamation.
7. A motion was made by Councilwoman Harvey and seconded by Councilman Mixter to remove full-time Patrolman Mr. William Kelly from probationary status, as 1-year anniversary date was February 17, 2021. Motion was adopted by acclamation.
8. A motion was made by Councilman Mixter and seconded by Councilwoman Delgado to approve the Allegheny County Vacant Property Recovery Program Resolution for 1220 Grant Way, applicant David and Mary Flick. Councilman Maritz motioned to table the VPRP Resolution as he is questioning if the property line is in the Borough's right-of-way, as it's unclear and needs further investigation. Councilman Radoycis seconded the motion to table after Council discussion regarding the property line concerns. Roll call requested, resulting in 5 Yes, 2 No (Harvey, Delgado), 2 Abstain (Mixter, Brinza). Motion carries to table until next meeting.
9. A motion was made by Councilman Radoycis and seconded by Councilman Maritz to approve the Pre-Arrest LEAD Program Resolution. Motion was adopted by acclamation.
10. A motion was made by Councilman Maritz and seconded by Councilman Mixter to continue discussion regarding potential expansion of Police Department change of command. Motion was adopted by acclamation.
11. A motion was made by Councilman Radoycis and seconded by Vice-President Walker to approve the payment of \$100.00 to the PADEP for the annual CSO/Ch 94 reporting. The motion was adopted by acclamation.

New Business

Civil Service Commission Vacancy – Solicitor Turnbull stated for information purposes that Civil Service Rules and Regulations permit only one Council member to sit on the Civil Service Commission, which now is Councilman Radoycis (who replaced the dearly departed Ms. Kathleen Evich), and now there is a vacancy. Solicitor Turnbull indicated that Council could appoint someone right now if they have someone in mind or legally advertise for thirty days. A motion was made by Councilman Maritz and seconded by Councilman Radoycis to legally advertise the vacancy seat for letters of interest. Councilwoman Harvey asked how many members can be on the Civil Service Commission. Solicitor Turnbull reviewed the rules and Civil Service Commission can have 3 members and up to 3 alternates if Council chooses to have

alternate members. A motion was made Councilwoman Harvey to also advertise for 3 alternates as well. Councilwoman Delgado seconded the motion for 3 alternates as well. Roll Call requested, resulting in 6 Yes, 3 No (Malesnick, Maritz, Brinza). Motion carries.

Council Committee Meetings – Solicitor Turnbull also mentioned that Council received the 2021 Council Committees list yesterday and there is suggestion that all committees meet at least monthly. Solicitor Turnbull will assist committees when needed/requested, and Solicitor Turnbull will help the admin office edit the meeting agenda moving forwarded based on the committees with targeted discussion items.

A motion was made by Councilman Maritz and seconded by Vice-President Walker to approve \$100.00 donation to the community Easter Egg Hunt at Sto-Rox High School Field on March 21, 2021. Motion was adopted by acclamation.

Old Business

Public Safety Director Appointment – President Brinza indicated that the people who previously sent in letters of interest are no longer interested as their situations have changed and the admin office will now have to advertise the position for additional interest. Councilman Radoycis asked what is the point of this position, as there is a Chief of Police and Fire Chief for McKees Rocks in charge and a Public Safety Committee in place. President Brinza responded there was an issue of some division between fire department(s) members going on and this position was created for oversight, but the issue seems to have resolved at this time. President Brinza suggested the position be put aside for now if not needed. Solicitor Turnbull indicated if Council chooses not to fill this position, then Council should consider voting to rescind the Resolution that was passed at previous meeting to create this newly titled position.

Councilman Mixter asked the status of creating a Parking Authority Committee. Councilman Radoycis responded that parking is a problem for the entire community, which is a public safety issue. There are many narrow streets that emergency vehicles cant get down if cars are parked on both sides. Solicitor Turnbull indicated that President Brinza can create a Parking Authority Committee. President Brinza agrees that parking is a problem for the entire community and will assign members to the Parking Authority Committee by next meeting.

A motion was made by Vice-President Walker and seconded by President Brinza to adjourn the business portion of the meeting. Meeting adjourned, by President Brinza.