

McKees Rocks Borough
Virtual Public Meeting
May 11, 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, Councilman Charles Maritz, Councilman John Malesnick, Jr, Councilman Nicholas Radoycis, Jr., and Councilwoman Sarah Harvey (arrived after the meeting started).

Councilmembers Absent: Councilwoman Elizabeth Delgado 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 Guarascio, 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. Samantha Levitski-Wright and Mr. Weaver – StoRox School District – Topic: Violence in the Community: Ms. Levitski-Wright was present to talk to Council about the violence our families in the community face on a daily basis and strategies to advocate for these families and restore balance. Ms. Levitski-Wright mentioned the district providing a summer program, working with families to gain home ownership, and also searching for more juvenile programs to assist with job readiness, et al.

Mr. Weaver mentioned holding the second violence summit meeting recently and is inviting any borough officials to participate in further meetings. Mr. Weaver mentioned 22 students participated in the most recent summit, and many of the kids involved in today's violence are young in age.

Ms. Maribeth Taylor, resident was present to speak to Council regarding 1220 Grant Way VPRP Application. Ms. Taylor indicated that local residents have maintained the vacant property for years to keep the neighborhood safe, at no cost to the borough. Ms. Taylor doesn't understand why certain Councilmembers does not want to approve the VPRP Application for this property, when a resident is willing to take over the property and demolish the building and put the parcel back on the tax base. Ms. Taylor and other residents also don't understand why certain Councilmembers are concerned about this

certain property's property line and pushing to re-open the paper alley. Ms. Taylor is asking Council to vote this evening to vacate the alley and approve the 1220 Grant Way VPRP Application.

Mr. Richard Ashby, Jr – Sto-Rox Library Director was present to update Council on community events and request the closure of Locust Street on June 19th from 10AM-4Pm for “Juneteenth Day” event. Mayor Muhr reminded Mr. Ashby, Jr that the borough requires a copy of the F.O.R. insurance liability policy to ensure insurance on the event in the event of any incident.

A motion was made by Councilman Maritz and seconded by Vice-President Walker to approve the road closure of Locust Street on June 19th per Mr. Ashby, Jr.'s request. Motion was adopted by acclamation.

Mr. David Flick, resident, was present to address Council regarding his VPRP Application for 1220 Grant Way. He is asking what reassurance he and Ms. Flick have that the Borough will not come back later down the road to try taking the property away to reopen the paper alley, if Council approves the VPRP Application tonight. Mr. Flick doesn't want to invest the money to tear down the property in regard to that concern. Councilman Radoycis responded that Council is going to make the motion later to approve the application, though he did suggest to Council to investigate the property lines as to where the paper alley meets the property line as other residents have a right to use the paper alley. President Brinza confirmed it was only a suggestion, and the topic has been removed from the agenda discussion. Councilman Maritz still feels a survey should be done prior to voting on this application.

Reading of the Minutes:

A motion was made by Councilman Mixer and seconded by Councilman Malesnick to approve the meeting minutes from April 13, 2021 public meeting. Motion was adopted by acclamation.

Reports:

- McKees Rocks Police Department April 2021 Activity Report (on file at the Borough Manager Office)
- McKees Rocks Independent Volunteer Fire Department April 2021 Activity Report (on file at the Borough Manager Office)
- Mayors Report: Mayor Muhr commented that with all the recent rain, there is a lot of grass overgrowth being noted on properties. Also, wind-blown trash has become an issue in the community and reminded all residents should have garbage cans with tight fitting lids. Borough (residents) may need to start looking into larger recycling bins with lids as well.
- Borough Manager: Borough Manager Pompey reported the administrative office has been working on five separate audits, three audits complete and two more to finish.
- Borough Solicitor: Borough Solicitor Turnbull advised for meeting recording purposes an executive session was held prior to the public meeting to discuss pending litigation matters and personnel matters. Borough Solicitor also explained that it is appropriate for Council to authorize approval of the Ronda Flinner agreement as presented. A copy of the agreement has been shared with Council. Borough Solicitor also mentioned Giant Eagle Inc Get-Go sent copies of the Developer's Agreement and EOM Agreement for borough execution. Lastly, there has been discussion regarding opening a public right of way and/or vacating, and any of those matters require a great deal of public/borough input.
- Building Code Official: A written April 2021 activity report was provided to Council for review by Mr. John Stahl, and on file at the Borough Manager's office.

- Code Enforcement Officer: A written April 2021 activity report was provided to Council for review by Mr. Zac Cummings, and on file at the Borough Manager's office.
- Borough Engineer: Capsule Report was discussed at Caucus Meeting on May 10, 2021.

A motion was made by Vice-President Walker and seconded by Councilman Maritz to approve Payment Application No. 2 (final) from Insight Pipe Contracting LLC in the amount of \$3,826.07 for 2020 Sewer Cleaning and Televising. Motion was adopted by acclamation.

A motion was made by Councilman Mixer and seconded by Councilman Maritz to authorize Borough Engineer to bid 2021 Sewer Cleaning and Televising, with several main trunk sewers located in the McKees Rocks Bottoms be included. Motion was adopted by acclamation.

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

Controllers Report: As of April 30, 2021, General Fund, both income and expenses have an annual budget of \$4,503,377.00. Income was \$1,645,080.24 or 36.53 % of the budgeted income. Expenses totaled \$1,190,826.25 or approximately 26.44% of the budgeted expenses. Balance in the General Fund Checking Account as of April 30, 2021 was \$477,399.15.

As of April 30, 2021, Sewer Fund, both income and expenses have an annual budget of \$1,976,085.00. Income was \$629,915.77 or 31.88% of the budgeted income. Expenses totaled \$435,420.50 or 22.04% of the budgeted expenses. Balance remaining in the Sewer Fund as of April 30, 2021 was \$368,060.80.

A motion was made by Councilman Maritz and seconded by Councilman Malesnick to accept the Controllers Report. Motion was adopted by acclamation.

Bills: A motion was made by Vice-President Walker and seconded by Councilman Radoycis to pay the bills. Motion was adopted by acclamation.

Agenda Voting:

1. Public Safety Committee (Chas Maritz, Chair)

- A motion was made by Vice-President Walker and seconded by Councilman Malesnick to approve the purchase of tactical vests and 2 polo shirts for Code Enforcement Officer and Building Code Official. Councilwoman Harvey opposed. Motion carries.
- A motion was made by Councilman Radoycis and seconded by Vice-President Walker to approve the updated 2021 Use of Force Policy for the McKees Rocks Police Department. Motion was adopted by acclamation.

2. Finance and Administration Committee (Nick Radoycis, Chair)

- A motion was made by Councilman Mixer and seconded by Councilman Maritz to hire two (2) FT Officers, Mr. Justin Kluchurosky and Mr. Jeffrey Bowser contingent upon completion

of pre-employment requirements of a physical, drug screen, and psych evaluation. Motion was adopted by acclamation.

3. Parks and Recreation Committee (Leslie Walker)

Councilman Mixer advised that the Street Department is currently repairing broken picnic tables from the 3rd Street Park and Ranger's Field.

4. Real Estate Committee (Nick Radoycis, Chair)

a.) A motion was made by Councilwoman Harvey and seconded by Vice-President Walker to approve the Vacant Property Recovery Program Application/Resolution for 4 Kennedy Street. Motion was adopted by acclamation.

b.) A motion was made by Vice-President Walker and seconded by Councilwoman Harvey to approve the Vacant Property Recovery Program Application/Resolution for 1220 Grant Way. Councilman Maritz opposed. Motion carries.

5. Public Works Committee (Archie Brinza, Chair)

a.) A motion was made by Councilman Radoycis and seconded by Vice-President Walker to approve hiring temporary part-time summer help 18+ yrs of age for the Public Works Department for 6-8 weeks. Councilwoman Harvey questioned how many hours a week and what the pay rate would be for these individuals. President Brinza responded the rate would be \$12.00/hour approximately 18 hours/week. Motion was adopted by acclamation.

b.) A motion was made by Councilman Radoycis and seconded by Councilman Maritz to partner with the Learn and Earn Summer Youth Work Program for part-time summer help for the Public Works Department beginning July 2021. A motion was adopted by acclamation.

6. Borough Association (Craig Myers, Chair) - No report

7. Char-West COG (Elizabeth Delgado, Chair)

a.) A motion was made by Councilman Radoycis and seconded by Councilman Malesnick to approve the UCC Board of Appeals Intergovernmental Cooperation Agreement and Resolution. Motion was adopted by acclamation.

8. Borough Development (Craig Myers, Chair) - No report

9. Codification Committee (Elizabeth Delgado, Chair) – No report

10. Other Communications/Motions

a.) A motion was made by Vice-President Walker and seconded by Councilman Maritz to approve the PennDOT Traffic Signal Maintenance Agreement Resolution Motion was adopted by acclamation.

b.) A motion was made by Councilman Maritz and seconded by Councilman Malesnick to authorize advertisement of Borough Ordinance 1771, amending Ordinance 1409 Gaming License. Motion was adopted by acclamation.

New Business

a.) Chartiers Ave. Trestle Mural Project: Councilman Radoycis presented Ms. Flick's request to paint a large size mural on the train trestle retaining wall near Chartiers Avenue. Councilman Radoycis indicated the Borough does have a Mural Ordinance (No 1652) that would prohibit Ms. Flick's idea due to size restrictions. Councilman Radoycis indicated the Ordinance would need to be amended, to accommodate such request. Councilman Radoycis also pointed out Borough

Council approved a mural painting at 3rd Street Park against Borough Ordinance back in 2019, assuming Council was unaware of the Ordinance on record. Councilman Radoycis has questions pertaining to this project of who actually owns the retaining wall and who would own the mural once complete. Borough Solicitor Turnbull indicated that at this time, there is no documentation that the retaining wall is owned by the borough, so we would assume it's owned by the railroad (who would need to give permission). Borough Solicitor suggested Ms. Flick could apply to the Zoning Hearing Board for a special use exception, while in the interim of amending the Ordinance which takes approximately 2-3 months but confirmed there is a fee associated to applying for the special exception use. Borough Solicitor suggested to Council to authorize the amendment of the Ordinance to change a mural to a conditional use, and to advertise the Ordinance as a pending Ordinance so that it goes into effect immediately upon advertisement. This would permit Ms. Flick to move forward. A motion was made by Vice-President Walker and seconded by Councilman Radoycis to authorize amending Ordinance 1652 as presented. Councilman Maritz opposed. Motion carries.

- b.) Sunshine Law Rules for Council Workshops and Voting Meetings – Borough Solicitor Turnbull followed up to Council's previous discussion regarding holding Council workshops and Voting meetings according to the Sunshine Law. Borough Solicitor indicated that if Council continues to hold both Monday and Tuesday night meetings, both meetings are required to be public for attendance reasons though Council could hold all public comments and public speakers until the Tuesday night voting meeting. Monday night meetings would be solely for Council discussion. A motion was made by Councilman Maritz and seconded by Vice-President to have Monday night Council workshops for discussion only and Tuesday night meetings for public speakers/guest speakers. Motion was adopted by acclamation.

Old Business

- a.) Mayor Muhr was asking the status of the Borough starting a Facebook page. Mayor Muhr also is requesting the Borough Solicitor to look into drafting an Ordinance limiting transitional housing in residential areas.
- b.) A motion was made by Councilman Maritz and seconded by Councilman Radoycis to authorize Borough Solicitor to amend the Zoning Ordinance, requiring paving of private lots in residential zoned areas. Vice-President Walker opposed. Motion carries.

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.