

McKees Rocks Borough
Public Meeting
May 14, 2019
7:00 PM

The meeting was called to order by President of Council, Mr. Paul Krisby. President Krisby requested roll call. Present were Council Shallegra Moye, Council Elizabeth Delgado, Council Leslie Gee, Council Maribeth Taylor, Vice-President Evich, Council Craig Myers, Council Sarah Harvey, and Council Joe Mixer. Also present were Mayor John "Jack" Muhr, Borough Manager Ruth A. Pompey, Administrative Assistant LeeAnn Wozniak, and Controller Julia Chambers. Mr. Douglas Evans from NIRA Consulting Engineers and Borough Solicitor Ms. Megan Turnbull, of Weiss Burkhardt Kramer, LLC were present.

Agenda Comments/Changes: None

Guest Speaker:

Ms. Kate O'Brien was present to discuss initially the word around town that people are anti-business, which she thinks is absurd because everyone wants to see businesses succeed. Ms. O'Brien then referred to the local Gazette 2.0 saying she read in the paper that Speedway is not going to be a truck stop, but 18 dedicated tractor trailer spaces are part of the development plans. Ms. O'Brien is asking why 18 tractor trailer spaces would be needed if trucks are just stopping to fuel up and leave. Ms. O'Brien's opinion is Speedway will be an "environmental nightmare" with trucks sitting and idling all the time, not just when fueling up at pumps. Ms. O'Brien also commented that she was told no grant money was given to Trinity Development for the P&LE parcels, but the paper stated over 2.7 million has been secured.

Last Month's Minutes:

A motion was made by Councilman Mixer and seconded by Councilwoman Gee to accept the public meeting minutes of April 9, 2019. Motion was adopted by acclamation.

Committee Reports:

- Councilwoman Moye read the April 2019 activity report from the McKees Rocks Independent Volunteer Fire Department. The Fire Department received a total of 36 calls. There were 9 false alarms, 3 at Hays Manor, 2 at Buildings 7&8 and 1 at Buildings 15&16. Response also included 8 motor vehicle accidents, in which 2 of those crashes involved entrapment, 3 smell of gas/gas leak calls, 2 water conditions, 1 police assist on a welfare check, 2 carbon monoxide calls, 1 wires down call and 3 technical rescue calls. Rescue calls included retrieving a cell phone from roof gutter, a cat in a tree, and a man from a garbage truck that was sleeping in a dumpster when the garbage truck dumped the dumpster in the truck. We also responded to 3 vegetation fires and 4 structure fires. No fire fighters were hurt during month of April.

Engine 189 responded to 23 incidents. Engine 189-2 two times, Truck 189 – two times, Rescue 189 one time, Utility 189 four times, and persons in private vehicles responded directly to scene 34 times. VFD cancelled enroute 10 times. Mutual aide provided by Presston Station 277 on all calls. In addition, we received mutual aid 1 time from Stowe, Station 275, Kennedy, Station 181 and Seville Station 251. We provided mutual aid to Station 275, 2 times and 1 time to Seville Station 251 when we transferred to their station while they were at a fire. Total of 199 people responded to calls in April, averaging 5.5 persons.

Assistant Chief and President Richard Albert passed away at the end of April, losing the battle to cancer. He was buried in May, and will be missed by all.

- Councilwoman Moyer read the monthly Activity Report from the McKees Rocks Police Department for April 2019. Chief Deliman reported a total of 782 events. There were 129 cases reported, 36 arrests, and 36 citations (25 traffic, 8 non-traffic, and 3 borough weight citations). Impounded vehicles 26. Total mileage on patrol vehicles 3,483. Total money submitted to the Borough Manager was \$5,875.26.

Council Committee Reports: None

Council of Government (COG): Councilwoman Delgado advised Council that the annual C.O.G banquet is this month. Councilwoman Delgado also mentioned that C.O.G. is awaiting the Borough's response if we are interested in learning about reclamite road surface treatment and if we would like to send any staff to gather more information. Councilwoman Taylor suggested sending the Street Department Supervisor which President Krisby agreed would be a good idea.

Mayors Report: Mayor Muhr reported that Full-Time Officer Tom Pelkington is retiring after 30 years, and thanks Officer Pelkington for his years of service.

Public Affairs Report: A written public affairs update for May 2019 was provided by Ms. Kim Hileman, Cohen and Grigsby, P.C for Council review. Ms. Hileman was not present. Councilwoman Taylor requested that documents such as this report be emailed prior to the meeting for review, as Council needs time to review all the monthly reports.

Borough Manager's Report: A written Borough Manager's report was provided to Council for review.

Engineer's Report: A written Borough Engineer's Capsule report was provided to Council during last evening's Caucus meeting and all actions items are included on the Agenda for voting.

Solicitor's Report: Borough Solicitor started preliminary legal work on the two Indian mound parcels, which were chosen as land for replacement of the Indian bones at Rangers Field. Borough Solicitor states that she found both deeds and there are no restrictions on those two parcels. Councilwoman Taylor commented that residents are concerned what part of Ranger's Field is being used, and it will interfere with the children's use. President Krisby confirmed the area is going to be on the far side, and no interference with the field. Councilwoman Taylor also has concern who is paying the legal fees that are being incurred for research time on this project, as the Historical Society is sponsoring this project yet the Borough is responsible for paying the Solicitor invoice monthly. Council should have voted prior to legal work started. Councilwoman Delgado commented that Council did vote to go forward with some legal research on the parcels, but didn't specify during the vote for it to necessarily be the Solicitor. Councilwoman Taylor responded suggesting if Council would be interested in doing some of the background research work to save on Solicitor cost and provide the information to the Solicitor for review.

Controller's Report:

As of April 30, 2019 General Fund, both income and expenses have annual budget of \$3,883,598.00 Expenses totaled \$920,260.60 approximately 23.7 % of annual budget. Balance remaining in the annual budget is \$2,963,337.40. Balance in the General Fund Checking Account is \$701,656.12

As of April 30, 2019 Sewer Fund, both income and expenses have an annual budget of \$1,773,996.00. Expenses totaled \$ 412,807.34 approximately 23.7 % of the annual budget. Balance remaining in the annual budget is \$ 1,361,188.66. Balance in the Sewer Fund Savings Account is \$ 419,869.46. A motion was made by Councilman Myers and seconded by Vice-President Evich to accept the Controller's Report. Motion was adopted by acclamation.

Bills: Prior to voting on the bills, Councilwoman Taylor had questions regarding line items 27690 Cooked Goose Invoice and 27728 Pittsburgh Post-Gazette. Borough Manager explained the Cooked Goose invoice will be reimbursed by Trinity Development for the Speedway luncheon cost and the Pittsburgh Post-Gazette invoice included two week advertisements for Borough bids. A motion was made by Councilwoman Gee and seconded by Vice-President Evich to accept the bills. Motion was adopted by acclamation.

Agenda:

1. A motion was made by Councilwoman Harvey and seconded by Councilwoman Taylor to accept John T. Subrick as the low bidder for Gardner Street Sewer Replacement project in the amount of \$245,000.00. Motion was adopted by acclamation.
2. A motion was made by Councilwoman Moye and seconded by Councilwoman Taylor to accept JG Contracting, Inc. design award (only) of \$28,000.00 for Chartiers Avenue Ext. Motion was adopted by acclamation.
3. A motion was made by Councilwoman Taylor and seconded by Vice-President Evich to approve Borough Resolution Designation of Agent, authorizing Borough Manager as point of contact for PEMA grant application for Middletown Road landslide. Motion was adopted by acclamation.
4. A motion was made by Councilwoman Gee and seconded by Councilwoman Taylor to approve ATC plan of disposing groundwater in the sanitary sewer system detailed as follows: 30 gallons per min (no rain), 20 gallons per min (drizzle), no pumping when heavy rain and ALCOSAN charges billed to Speedway. Motion was adopted by acclamation.
5. A motion was made by Councilwoman Harvey and seconded by Councilwoman Gee to approve Locust Street closure on June 22, 2019 per request of Cynthia Haines for Hays Manor Community Block Party. Motion was adopted by acclamation.
6. A motion was made by Councilwoman Taylor and Vice-President Evich to align the fees on occupancy application with the lien letter requirement fees. Motion was adopted by acclamation.
7. A motion was made by Councilwoman Taylor and seconded by Councilwoman Gee to review and compare the old and new Building Code Official fee schedule, prior to proposed adoption. Motion was adopted by acclamation.
8. A motion was made by Councilman Myers and seconded by Councilman Mixer to authorize Officer Price's registration for property & evidence mgt. training October 29-30th, in the amount of \$375.00. Motion was adopted by acclamation.
9. A motion was made by Councilwoman Taylor and seconded by Councilwoman Delgado to authorize Officer Coll's registration for LEO grounded & wounded training August 1-2nd, in the amount of \$300.00 . Motion was adopted by acclamation.
10. A motion was made by Councilwoman Gee and seconded by Vice-President Evich to approve Furnace Street closure (from Union Way to McDonalds Way) for May 18th LDI event. Motion was adopted by acclamation.
11. A motion was made by Councilwoman Harvey and seconded by Councilwoman Gee to approve up to ten (10) Allegheny County youth students for Borough summer work through the Learn and Earn Jobs program. Motion was adopted by acclamation.

12. A motion was made by Councilwoman Taylor and seconded by Council Myers to authorize Borough Engineer to send a follow-up letter to Silver Star Meats regarding Cherry Alley sewer line grease build-up. Motion was adopted by acclamation.

New Business:

Mr. Craig Rippole, of Trinity Development and Ms. Elizabeth DeCario, Civil Engineer of Morris & Knowles Associates were present to request Council's preliminary and final approval of the land development plan for the McKees Rocks Office Building, based on this evening's presentation. Borough Solicitor commented that the Planning Commission has met to review the plans and has provided their written recommendation. NIRA Engineering has also reviewed the plans providing their comments on two remaining conditions regarding lighting and easement. Morris & Knowles Associates will continue to work with NIRA Engineering to satisfy those two outstanding conditions. Allegheny County will receive a copy of the plans to review and be given the 30 day opportunity to provide comments. Councilwoman Taylor requested if Council could see the Planning Commission recommendation, as Council has not been provided with the documentation for review. Councilwoman Taylor also had concerns regarding Mr. Paul T. Bradis' statement that public comment was not permitted at the Planning Commission Meeting, which is a violation of the Sunshine Law and could this possibly deter the project or hold the Borough in violation of regulations. Borough Solicitor indicated that this issue is curable by holding conversation at a public meeting and the President of Council could open the floor to public comment, if anyone was present with concerns which Council is actively doing during this meeting. Councilwoman Delgado asked Mr. Rippole if there has been any resolution between Trinity and Eat N Park regarding maintaining tenant status. Mr. Rippole replied that the current discussion has to do with reviewing the land development site plan, not the tenants who would be occupying. Mr. Rippole also indicated he would address the questions regarding who would be occupying the building, but at a later time. Mr. Rippole would like to proceed in this project and receive site plan approval instead of waiting until the June meeting, as he would be losing valuable development time. Councilwoman Taylor indicated that according to the Planning Commission notes, the land development plans indicated the site would be a three-story office building as well as the grant application and asked when it changed to a two-story office building. Mr. Rippole replied that even though the grant application initially indicated a three-story office building, the site plan of a two-story building is well in line with RACP guidelines and the two-story site plan utilizes all RACP funds. Mr. Rippole commented that the change happened because of the office market is not in demand currently at this time. Mr. Rippole hopes this development will be a catalyst in office market demand for McKees Rocks. Councilwoman Taylor asked if the Allegheny County Housing Authority will be housed in the office building. Mr. Rippole again reiterated this discussion is about approval of the site plan, not who will be occupying the building. Councilwoman Taylor responded that Council voted on the RACP grant with the understanding that the Allegheny County Housing Authority will be housed in the office building. Mr. Rippole commented that the site plan of the office building holds 70 employees and the Allegheny County Housing Authority has 70 employees, but once again reminded Council this discussion is about site plan approval not tenant status. Councilwoman Delgado asked Borough Solicitor if Council will have any other opportunity to approve or disapprove the actual building plans, separate from site plans. Borough Solicitor replied no, that there is no point in land development that it can be disapproved if the site plan meets the requirements. Councilwoman Delgado also asked Borough Solicitor if the site plan can be disapproved if the Planning Commission already approved the site plan as well as the Borough Engineer with 2 conditional items being satisfied. Borough Solicitor responded that the Planning Commission is only a recommending body and Council has the final vote on land development plans. President Krisby requested a vote on this topic. Borough Solicitor, for clarification purposes, stated the motion on the table to approve the preliminary and final site plan of the McKees Rocks Office building contingent upon satisfaction of Borough Engineer's two conditions, a developer's agreement, and receipt of

Allegheny County's recommendation letter from Ms. Kay Pierce or 30 day expiration. Councilwoman Gee motioned the vote, followed by Councilman Mixter. Councilwoman Taylor motioned to amend the voting item, approving only the preliminary site plan until the county has time to review the site plan and respond with any recommendation, seconded by Councilman Delgado. Councilman Myers opposed, resulting in a roll call. Roll call to approve only the preliminary site plan resulted in 3 Yes (Harvey, Taylor, Delgado) and 5 No (Mixter, Myers, Evich, Krisby, Gee.). Councilwoman Moyer left early, no vote. Borough Solicitor confirmed at this point the original motion to approve the preliminary and final site plan is back on the table with the contingencies as previously stated. Roll call requested resulting in 5 Yes (Mixter, Myers, Evich, Krisby, Gee) and 3 No (Harvey, Taylor, Delgado). Councilwoman Moyer left early, no vote. Motion carries.

Old Business: Councilwoman Delgado proposed that the Borough Office should start using a water cooler, instead of bottled water to be environmental responsible. Councilwoman Harvey commented that the Allegheny County Council recently started a campaign that the city of Pittsburgh should stop using plastic immediately to be environmental responsible, and we should do the same. Borough Manager commented that she would have to look into the cost, and let Council know of cost difference. Councilwoman Harvey seconded the motion to start using a water cooler at the Borough Office, instead of bottled water. After continued discussion and disagreement among Council members, President Krisby motioned to table the proposed water cooler use until Borough Manager compares the cost and brings information back to Council for review. Councilwoman Gee seconded the motion to table until next meeting. Motion carries.

Councilman Mixter wanted to provide comment to the audience regarding the local Gazette 2.0 newspaper, that he has worked with the children of the community since 1992 providing years of committed service and raising over \$100,000.00 and would never take a dime away from the community. Councilman Mixter stated that his integrity will not be challenged by others who recently moved into the community.

Councilwoman Taylor brought up the Duquesne Light street opening permit issue for street light placement on Grove Street and Russellwood Avenue, that Council voted on during October 2017. Councilwoman Taylor called Duquesne Light regarding this particular issue, and there is an existing pole on Grove Street that wouldn't require a road opening just a light attachment. Councilwoman Taylor is concerned that the street lights need installed immediately, for safety reasons of the residents. Borough Manager commented that she has been in contact with Mr. Dave Lauteri, Duquesne Light's Senior Government Affairs Representative regarding the fee schedule requirements that Duquesne Light has indicated are unreasonable, as the Borough passed a new Ordinance increasing the street opening application/inspection fee to \$400.00. Borough Manager has extended an invitation to Mr. Lauteri to attend the upcoming Borough meeting in June 2019 to discuss the Ordinance requirements and fee schedule with Council.

Councilwoman Taylor also suggested a motion to request the Building Code Official and Code Enforcement Officer provide a list of the top 50 vacant and condemned properties for review, to prepare for applying for a demolition fund grant application. Councilwoman Mixter and Councilman Myers commented that the list includes over 300 properties and to let the Building Code Official and Code Enforcement Officer do their jobs by figuring out what houses need demolished. Councilwoman Taylor responded that the list needs reviewed by Council, in order for Council to vote on the grant application. Councilwoman Harvey seconded the motion to request the list of vacant and condemned properties. After further discussion and some debate among Councilmembers, the motion was adopted by acclamation.

Borough Manager stated that Council must pass a Borough Ordinance adopting ACT 20 Ordinance, in order to give Jordan Tax Service authorization for delinquent garbage collection. A motion was made by

Councilwoman Harvey and seconded by Councilman Mixer to authorize Borough Solicitor to advertise a Borough Ordinance adopting the ACT 20 Ordinance fee schedule for delinquent municipal claim collections, in order for Jordan Tax Service to collect delinquent garbage for the Borough. Motion was adopted by acclamation.

A motion was made by Councilwoman Taylor and seconded by President Krisby to adjourn the business portion of the meeting. Meeting adjourned.