

**BOROUGH OF WILMERDING  
MINUTES OF THE MAY 7, 2024 REGULAR MEETING OF COUNCIL**

The meeting was called to order by President Kelly Maxwell at 7:01 p.m.

The Pledge of Allegiance was led by the President.

**ROLL CALL: JOHN MARCOZ, present; TURNER SEIBLES, present; JOE HARTZELL, present; LEAHMANDA BARNES, present; JOHN THOMAS, present; STEVE VOLPE, present; KELLY MAXWELL. MAYOR GREGORY JAKUB WAS ABSENT.**

**S. VOLPE/L. BARNES TO ACCEPT THE MINUTES OF THE APRIL 2, 2024, MEETING. MEMBERS VOTED APPROVAL, 7-0.**

**PETITIONS & MEMORIALS:**

**DAVID – representing Davkel Properties:** a year and a half ago a garbage truck collided into 315 Patton Street and the driver unfortunately lost his life. The house has since been condemned and Big's Sanitation has taken the position that they are only on the hook for the fair market value of the property, not to tear down and replace. They argue that the home is only worth \$40,000 - \$50,000 but our position is that the home was a section 8 home and needs to be put back up. We are going to ask the judge to order them to pay replacement costs but the insurance company from Big's has filed a motion for summary judgement, this hearing should be in late July. We are asking Wilmerding Borough to join in with our lawsuit on our behalf.

**BOB CODDINGTON – PATTON STREET:** fair market value is what they are offering. If the home is torn down it leaves a vacant lot that can be maintained, the home right now as it stands is not being maintained. There are no windows, the wall is separated, the front porch is still sitting on the sidewalk, and it is a safety hazard. Mr. Gambridge has received some compensation from his insurance company and has done nothing to clean up the property. I feel that it is the Boroughs responsibility to ensure that this property is torn down.

**G. EVASHAVIK:** The Borough will not be getting involved in that litigation as it does not serve our purposes. Our concern is the condition of the house as it is a violation of our Ordinances, an eyesore, a danger, and a health hazard. The fact that you're tied up in litigation because you want \$100,000 instead of \$50,000 is not a justification legally for us to hold off on prosecution of the current condition of the home. Our code officer has been directed to move forward with citations.

**DAVID:** typically, a summary hearing is not the end of it but in this case it will be. There is not a dispute of liability of fault, the only dispute is measure of damages. If the judge rules in our favor, then we can move forward and get the home torn down and rebuilt. If my client was to tear it down now, then we deal with a situation of self help or failure to mitigate. There are certain interests that we need to follow for everyone.

**G. EVASHAVIK:** those interests do not align with the interests of the Borough, the owner had funds coming in and needs to take care of the blighted home.

**DAVID:** There was an insurance claim which paid off the mortgage on the home, but nothing was given directly to my client.

**G. EVASHAVIK:** Speaking for the Borough, your client needs to tear the home down or be cited. We need to do the best for our residents and the laws of the borough give us the right to compel and the structure must be razed.

**CORRESPONDENCE**

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- a. We have 5 applications for Public Works summer help and 1 application for Office Summer help. Mr. Thomas said we budgeted to hire 2-3.

**J. THOMAS:** The office help will also assist us in applying for our Banner Community Program.

**J. THOMAS/L. BARNES TO HIRE ALYSSA KRISHER FOR PART TIME SUMMER OFFICE HELP 2-3 DAYS A WEEK AT A RATE OF \$11.00/HR. MEMBERS VOTED APPROVAL, 7-0.**

**C. LANG:** We spoke about Robert and William, but the others are all new

**J. MARCOZ:** we can arrange for the Public Works applicants to come in to meet with us at workshop. I would consider just doing the 3 who do not currently have a job.

**C. LANG:** There is a resolution for the GTRP grant in the amount of \$126,211.40 for fence replacement at Airbrake Park and the Wilmerding Community Center.

**J. THOMAS/J. HARTZELL TO APPROVE THE RESOLUTION FOR THE GTRP GRANT IN THE AMOUNT OF \$126,211.40 FOR FENCE REPAIR/REPLACEMENT. MEMBERS VOTED APPROVAL, 7-0.**

- b. We received an application to use the park on August 18 for a back-to-school event.

**J. HARTZELL/J. THOMAS TO APPROVE THE USE OF WILMERDING PARK ON AUGUST 18, 2024. MEMBERS VOTED APPROVAL, 7-0.**

**COMMITTEE REPORTS**

**PUBLIC SAFETY – T. SEIBLES:** For the month of April Eastern Area Pre-Hospital Services responded to 50 calls and made 29 transports. Their average response time for emergencies was 9.2 minutes and for non-emergencies it was 11.3 minutes. The fire department responded to 26 calls, 9 in town and 17 out of town. They had 3 work details, 3 trainings and 20 maintenance hours.

**CODE ENFORCEMENT – AL HUSSEY:** just so we are all on the same page, Tyler is only going to be responsible for high grass, garbage, dog feces, and things regarding the orange courtesy notices correct?

All of council responded yes.

**SGT ROSS:** We responded to 54 calls and included extra patrols for school and traffic. We hired a new DOT officer and are hiring a few more part time officers.

**J. HARTZELL:** on the report you have a Pitcairn call on it. Also are you familiar with ordinance 979?

**SGT ROSS:** I am not but will read up on that. We do have the same type of ordinance in Pitcairn.

**PROPERTY MAINTENANCE – T. BERESFORD:** Refer to report

**PUBLIC WORKS – J. MARCOZ:** they filled potholes, cut grass and water weeds, cleaned Orient, removed downed tree on Airbrake and Maple, performed maintenance on lawn equipment, winterized snow equipment,

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sprayed weeds around building, and checked WCC for a solution to the gap under the fence. He would like to be sent for his spray license.

**J. HARTZELL:** we have just been using Roundup, so you don't need one.

**K. MAXWELL:** we usually talk about the creek bank and we are going to cut it twice, once in spring and once in fall.

**J. HARTZELL:** why is the dump over at T&D

**J. MARCOZ:** inspection

**J. HARTZELL:** I received an email from Allegheny County regarding a meeting regarding the Patton Street Bridge rehab project.

**C. LANG:** This is a private meeting that everyone should of received an invite to; they will then schedule a public meeting to discuss the project that may begin in 2026.

**J. MARCOZ:** both of the guys will be leaving tomorrow afternoon to participate in the "Prom Promise" at East Allegheny HS.

**ENGINEER – B. BRANTHOVER:** We already covered the resolution for the GTRP grant. The paving on Commerce should begin soon, they have a notice to proceed, and we will be meeting this Friday to go over the project.

**J. HARTZELL:** Did you find out who dug up on Caldwell?

**B. BRANTHOVER:** I emailed the water company but haven't heard back so I will check on it again.

**COG – J. HARTZELL:** We did not have a quorum. We talked about a joint finance position at COG so they can start doing payroll and federal grant budgets. We talked about the U.S. steel sale and some bids for demolition.

**C. LANG:** we need to do legal clearance for 130 Middle Avenue for the Act 152 grant. I wanted to see if we wanted to do a group of them as we have in the past.

**J. THOMAS:** I think we should have a group of them.

**BOROUGH PROPERTIES/UTILITIES – S. VOLPE:** The CIAC planted trees along Westinghouse Avenue.

**K. MAXWELL:** they planted them on Westinghouse, Herman and 2 trees in the park that we did not approve.

**Al Hussey:** I received a few complaints about the trees on Station Street, the trees are so tall and it is very hard to see.

**K. MAXWELL:** so, we do not know why they planted trees in the park when they were not given approval. I will send a letter to Mr. Pittman regarding this.

**SOLICITOR – N. EVASHAVIK:** I reviewed the comcast franchise agreement and it is a standard contract similar to the last contract.

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**J. THOMAS/L. BARNES TO APPROVE THE COMCAST FRANCHISE AGREEMENT AS REVIEWED BY MR. EVASHAVIK. MEMBERS VOTED APPROVAL, 7-0.**

**FINANCE – J. THOMAS**

**J. THOMAS/S. VOLPE TO PAY BILLS IN THE AMOUNT OF \$129,315.77 FROM GENERAL FUND, \$140.00 FROM PLGIT SEWAGE, AND \$5,801.91 FOR PLGIT MOTOR LICENSE. MEMBERS VOTED APPROVAL, 7-0.**

**J. THOMAS:** some other totals for you year to date we have collected \$159,647 in real estate taxes, \$4,940 in delinquent tax, \$3,971 in delinquent garbage, \$41,674 in RAD, \$7.323 in deed transfers, \$46,458 in EIT, and \$4,752 in LST.

**S. VOLPE:** I was contacted about a hole in the roof at the old valley auto, I told them to contact the Borough, it sounds like they need to talk to the building code officer.

**C. LANG:** I have not heard from them, but I cannot speak for Al.

**S. VOLPE:** I told him we need to have a structural engineer come out and look at it.

**C. LANG:** that would be the responsibility of the owner not the Borough.

**S. VOLPE:** yes, they have to hire that but if something is unsafe we should at least have Al go over and look at it.

**K. MAXWELL:** If this is inside the building, we do not have access to that and why should we pay Al to go look at it if the realtor know there is a problem it is their responsibility to have it looked at and repaired.

**RECREATION – L. BARNES:** we are preparing for the National Night Out and Memorial Day is all planned.

**OLD BUSINESS:** none

**NEW BUSINESS:** none

**MAYOR'S REMARKS – G. JAKUB:** The bus problem has been taken care of, and they would like to do Art in the Park June 2<sup>nd</sup>. They were wondering which boxes in the park work, do we have a list of those that work?

**K. MAXWELL:** we haven't voted on this so why are we giving them permission. We told them they need to follow the rules and have the forms submitted before a council meeting. We have a electrical outlet that still isn't fixed from an event they had.

**B. BRANTHOVER:** there is exposed wires to that box, and I suggest not turning on any power in that area.

**MAYOR JAKUB:** I will tell them they cannot hold it then. There has been a lot of change, and I will tell her she did not get the form in on time. Now we are watching for fireworks and doing extra patrols.

**T. SEIBLES/S. VOLPE MOTION TO ADJOURN MEETING AT 8:20 P.M.**