



**BOROUGH OF SWISSVALE  
REGULAR MEETING MINUTES**

**August 1, 2018**

1. Meeting called to order at 7:00 p.m.
  2. Invocation – Keith Kondrich
  3. Pledge of Allegiance – Councilwoman Abigail Salisbury
  4. Roll Call – P. Gionta – here, D. Petrarca – absent, J. Grose – here, T. Ward – here, D. Swartzwelder – absent, A. Salisbury – here, M. Stanton – here, D. Rapp – here
  5. Public Comment
    - a. Joan Stone (Princeton Extension) – Ms. Stone expressed concern with additional vehicles parking on Princeton because of the loss of spaces behind Dickson School due to construction. She is concerned that emergency vehicles will not be able to access the street. Mr. Wilhelm stated that as long as residents obey the no parking signs on the left side of the street along the corner a fire apparatus is able to fit through.
  6. AGENDA ITEMS:
    - a. Motion to approve/disapprove the conditional use request by the Three Rivers Tibetan Cultural Center to use 7313 Florence Avenue as a place of worship.
      - i. Mr. Bachy noted that there are two conditions that the planning commission recommended be added 1) that no more than 20 people may attend normal practices with special occasions being exempt and 2) that members must continue to be encouraged to park off-site in the Monongahela public parking lot as they have previously done.
      - ii. A. Salisbury asked if a calendar of special holidays had been provided. Mr. Bachy stated that there is a monthly calendar on the center's website.
      - iii. D. Rapp asked if there is a procedure to inform the borough if there will be a special event and if it was needed. Mr. Bachy responded that he did not believe it was necessary. The center has been there for 3 years and has not received any complaints from neighbors.
      - iv. Motion to approve by P. Gionta, Second by J. Grose. All ayes, motion carries.
-

- b. Motion to approve a change order in the amount of \$9,147.75 between the Borough of Swissvale and A. Folino Construction for the South Braddock Avenue/Sanders Street Pedestrian Improvement Project. This change order will increase the total project cost to \$169,567.75. Moved by P. Gionta, Second by T. Ward.
  - i. D. Rapp asked for information regarding the change order. Mr. Wilhelm responded that the total cost of the project was about \$214,000 for the bid. There was information in the initial bid regarding a radio control system that did not need to be used. Also, Edgewood and Swissvale Borough reduced the cost by agreeing to supply police officers instead of hiring flaggers. The originally approved \$160,000 worth of work did not include the above \$55,000 items.
  - ii. All ayes, motion carries.
- c. Motion to approve a contract with KU Resources in the amount of \$9,000.00 to complete asbestos surveys on 14 properties slated for demolition throughout the Borough. Moved by P. Gionta, Second by J. Grose. All ayes, motion carries.
- d. Motion to advertise for demolition clearance hearings to be held on Wednesday, August 29, 2018 at 6 p.m. Moved by J. Grose, Second by P. Gionta. All ayes, motion carries.
  - i. T. Ward asked about the status of the property on Duquesne Avenue that was on the list for demolition in 2017 and if it could be added to the list again this year. Mr. Wilhelm responded that he would need to complete a title search and there may not be enough time to get a clearance hearing.
    - 1. Mr. Wilhelm noted that after the last meeting he completed a title search for 2200 Lehigh. This has been a problem property and the borough has spent money to try to remediate issues. The Hudson St. triplex on the demolition list is on the same block of St. Lawrence. Mr. Wilhelm spoke with one of the owners of the Hudson Street property. The owner agreed to reimburse the borough for his share of the demolition cost. Mr. Wilhelm suggests using the extra money to add the Lehigh property to the demolition list. He stated that he can order a title search for the Duquesne Ave property and if it can be completed in time it can be added to the list as well.
    - 2. A. Salisbury asked approximately how many properties are on the demolition list. Mr. Wilhelm is currently working on updating the list but believes there are about 55-65 properties on the list.

#### 7. Finance Report – Councilman Tim Ward

- Paid Bills as of **July 31, 2018** in the amount of \$ 753,687.21.
  - Unpaid Bills as of **July 31, 2018** in the amount of \$ 14,966.82.
  - Motion to approve the financial report by T. Ward, Second by P. Gionta. All ayes, motion carries.
-

8. Police Report – Councilwoman Patricia Gionta
  - a. Report is on file in the Borough Manager’s Office.
  - b. Chief Watson reported that police were able to execute a search warrant at a residence on Agnes Street after a month long investigation. The result was the dismantling of a marijuana grow operation at the residence. While there, the police attempted a traffic stop that resulted in the seizure of one kilo of cocaine and an individual was arrested.
  - c. The application for the Citizen’s Police Academy was approved to put on the website and is also being advertised on social media.
9. Code and Fire Report – Councilwoman Michele Stanton, Chief Wilhelm
  - a. Report is on file in the Borough Manager’s Office.
  - b. Chief Wilhelm noted that code enforcement has been very busy. It was discovered that the property at 2021 Hampton does have a mortgage and the bank took possession of the property. A property management company is working on a plan to demolish it, repair it or sell it.
  - c. Someone in the apartment building at 7500 Ellesmere did a clean out and left trash and furniture piled in and around the dumpster which is serviced by Bigs. Bigs did not clean up anything outside of the dumpster. Code enforcement attempted to contact the owner of the apartment building and were hung up on. They have sent the owner formal notice that he has 10 days to remedy the problem. If it is not completed, the owner will be cited; the borough will collect the trash and take necessary action to make the owner pay restitution at the magistrate. Mr. Wilhelm noted that the borough cannot go onto private property and remove trash.
    - i. Similarly, many complaints have been received from neighbors regarding a resident at Lafayette and Florence who collects junk. The borough has attempted to address the issue through the magistrate multiple times. Mr. Wilhelm stated that they have contacted the resident’s children and are trying to rectify the situation. The borough will use Ordinance 90-8, Nuisances, giving him a period of 10 days to clean it up. If he does not clean it up the borough will have to remove the trash and file liens against the property. Mr. Wilhelm reiterated that the borough cannot go onto private property and remove trash without going through due process.
  - d. The fire department is working with the police department regarding an incident where someone attempted to light a fire in the hallway of a 6 unit apartment building. It appears to be a targeted incident. Allegheny County Fire Marshals and Detective Corrado are investigating and have a tentative suspect.

10. Public Works Report –Mr. Greg Bachy

---

- a. Report is on file in the Borough Manager's Office.

11. Outstanding Complaints Report – None

12. C.O.G. Report – Councilman Tim Ward

- a. The C.O.G. will not meet until September.
- b. T. Ward mentioned an email that was forwarded to council from the C.O.G. regarding police training for elected officials on August 20. The training will include police training, how to improve it, what options are available and tactical response unit training for active shooters.

13. President's Remarks – President Stanton

- a. On Sunday, July 29, M. Stanton had the honor of presenting resident Jake McFarland with a commendation for achieving the rank of Eagle Scout.

14. Mayor's Report – Mayor Deneen Swartzwelder, absent

- a. No report.

15. Water Authority Report – Tracey Crombie-Collins

- a. There was no meeting in July, but there will be two meetings in August.
- b. Between June 26 and July 31 there were 3 breaks on Trevanion, Hampton and S. Braddock Ave.

16. Planning Commission – Greg Bachy

- a. There was no meeting this month.
- b. J. Grose asked whether the owners of "My Goodness" had contacted Mr. Bachy about the placement of bicycle racks. Mr. Bachy responded that they had not contacted him, but that he and Mr. Wilhelm can respond when they do.

17. Solicitor Report – Gavin Robb

- a. Mr. Robb reported that the solicitor's office prepared an ordinance, as directed by council, to convert the recreation board into an advisory committee. A copy of the ordinance was provided to Mr. Wilhelm and he will forward it to council. Mr. Robb summarized the ordinance as dissolving the recreation board and replacing it with a recreation advisory committee. The ordinance would place the power to manage parks and recreation back to borough council.
    - i. Motion to advertise the ordinance for consideration at the September 5 Regular Council Meeting. Moved by P. Gionta, Second by T. Ward.
-

- ii. D. Rapp stated that he felt voting on advertising was premature, not having seen the ordinance.
  - iii. Roll Call - P. Gionta – Yes, J. Grose – Yes, T. Ward – Yes, A. Salisbury – Yes, M. Stanton – Yes, D. Rapp – No. Motion carries.
- b. The solicitor's office looked into fireworks and does not believe that the borough can ban fireworks under the state Fireworks Act because anyone over 18 is permitted to use, purchase and store personal fireworks. The borough can place additional time and place restrictions on fireworks but there is no practical reason to place additional restrictions. There is already a restriction on using fireworks within 150 feet of an occupied structure, which eliminated their legal use anywhere in the borough.
  - c. Mr. Robb followed up on questions concerning abandoned vehicles. He stated that action may be taken under the Nuisance Ordinance concerning abandoned and junked vehicles. Additional regulations may need to be added to the ordinance to clarify and define "abandoned" and "junked" vehicles. Mr. Wilhelm added that disabled vehicles fall under the motor vehicle code.

#### 18. Engineer Report – Robert Zischkau

- a. Report is on file in the Borough Manager's Office.
- b. T. Ward asked when the engineer planned to advertise for bids for the streetscape project. Mr. Zischkau stated that he planned to advertise in late August, receive bids in September and award the project at the October council meeting. T. Ward asked if the bid time would be enough to receive multiple bids on the project. Mr. Zischkau felt that it would be sufficient.

#### 19. Borough Manager Report – Clyde Wilhelm

- a. The borough received a dividend check from EMC Insurance for the 2017-18 policy year of \$11,103.70.
- b. Mr. Wilhelm had a conversation with Mark Patrick from KU Resources regarding Hohman's Cleaners. Mr. Patrick received notice from the DEP that the SIA (Special Industrial Area) designation is underway and recommended advertising. There is one more item to be submitted, after which the DEP has 90 days to make their determination. Mr. Wilhelm has continued to inform the land bank of the progress of the property.
  - i. D. Rapp asked what the SIA designation allows. Mr. Wilhelm responded that the DEP takes over responsibility for any contamination. The property can be transferred with an Act II clearance. The new owners do not have the liability of the contamination that may be underground.

#### 20. Unfinished Business

---

- a. None.

## 21. New Business

- a. T. Ward asked to meet in executive session.
- b. President Stanton stated that the council met in executive session on July 25 regarding the recreation board.
- c. A resident asked if the previously mentioned recreation board ordinance had been discussed with the recreation board, would members have to reapply and is the new ordinance related to the issues regarding Mr. Wilson at previous meetings.
  - i. Mr. Robb stated that the ordinance would be available for public review after advertisement.
  - ii. President Stanton stated that the ordinance had not been discussed with the recreation board and members would not need to reapply. She stated that the ordinance was not related to issues with Mr. Wilson.
  - iii. D. Rapp asked if the ordinance would require the reappointment of members to new terms. Mr. Robb stated that it would not.
  - iv. A. Salisbury shared that her understanding of the new ordinance was to keep the authority of the recreation board functions with council and staff which is structurally in line with what is already happening.
- d. D. Rapp shared that he did some reading regarding executive sessions and the Sunshine Act. He felt that council could benefit from looking at several state-produced manuals for borough councils. Mr. Rapp read from two articles regarding what is required during public meetings and how executive sessions are announced. He asked the solicitor for his advice regarding executive sessions.
  - i. A. Salisbury added that the local government academy that she attended did not address the level of specificity suggested by Mr. Rapp and asked the solicitor for clarification.
  - ii. Mr. Robb stated that the solicitor's office could offer advice in this area.

22. Motion to adjourn. Moved by P. Gionta, Second by J. Grose. All ayes, motion carries.

23. Meeting adjourned at 7:48 p.m.

---