



**BOROUGH OF SWISSVALE
REGULAR MEETING MINUTES**

JULY 11, 2018

1. Meeting called to order at 7:00 p.m.
 2. Invocation – Deacon Ron Demblowski
 3. Pledge of Allegiance – Councilwoman Julie Grose
 4. Roll Call – P. Gionta – here, D. Petrarca – here, J. Grose – here, T. Ward – here, D. Swartzwelder – here, A. Salisbury – here, M. Stanton – here
 - a. D. Rapp – here (7:04 p.m.)
 5. President Stanton read a public response to the inquiry about the Swissvale Police Department hiring and training process. The statement is on file in the Borough Manager's office.
 6. Public Comment
 - a. Miranda Crotsley (7930 St. Lawrence Avenue) – Ms. Crotsley thanked President Stanton for the public statement. She stated that she attended the meeting on June 27 in support of the statement read by Alyia Paulding asking the borough to take action on police hiring and training. She shared that she would like to see the community take several pro-active steps:
 - i. Members of the borough council or police force participate in upcoming public meetings related to establishing a Citizens' Police Review Board for Allegheny County.
 - ii. That council draft a statement or resolution in support of Allegheny County's Citizens' Police Review Board.
 - iii. The borough resolve to establish citizen involvement in police hiring and a local Swissvale Citizens' Review Board for citizen complaints and concerns.
 - iv. That representatives from the borough attend the public meeting on law enforcement training and diversity education hosted by State Representative Ed Gainey and Senator Jay Costa at 1 p.m. on July 17 at the Hosanna house in Wilkinsburg.
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- b. John Wilson (2301 Church Street) – Mr. Wilson came to address complaints that were raised at the agenda meeting. He noted that he has never been a problem to the community. He stated that he takes his commitment to the community and the recreation board seriously. He said that many members of council and borough employees have his phone number and can call him if something is wrong.
- i. He cited miscommunication as the source of the scheduling conflict between men's softball and girls' softball. Mr. Wilson said that he has the understanding that the children come first. In February, he stated that he reserved the field every day from April until the beginning of August. He stated that he left Saturdays open in the hopes that men's softball would play then. Mr. Wilson stated that one week he was away and girls' softball was kicked off the field because of a men's softball game. Mr. Wilson said that he spoke to the men's team and to Chris Ansell, recreation board chair, and they came to the agreement that if the girls do not have a game they won't have a conflict.
 - ii. Mr. Wilson addressed the incident at the borough office. He stated that he believed that there was miscommunication. He said that he came to resolve the issue and that he was not ignorant or rude. He felt that he was treated ignorantly. He stated that he talked to the softball team and they resolved the issue.
 - iii. Mr. Wilson responded to the complaints made about his daughter's graduation party. He stated that he never knew that he needed an amplified music permit and that the music was not too loud. He stated that officers approached him about loud music at 4 p.m. and he responded by turning the music down. Mr. Wilson stated that he has emails regarding the playlist and type of music played at the party which did not include profanity or was censored. He stated that he respects the community. He stated that he does not understand why removing him from the recreation board is being considered.
 - iv. D. Rapp invited Chris Ansell, Chair of the Recreation Board, to share his perspective.
 - v. Chris Ansell (7275 McClure Ave.) – Recreation Board Chair. Mr. Ansell came to lend his support to Mr. Wilson. He stated that he believed it would be unjust to take action against him. Mr. Ansell shared that Mr. Wilson was never approached about the issues raised or given the chance to defend himself. He shared that Mr. Wilson has been very helpful as a member of the recreation board, especially as one of the primary contacts with area kids. Mr. Ansell spoke to the conflict with the men's softball team. He identified an issue of lack of communication and competing philosophies on field usage. He stated that he has met with Mr. Wilhelm
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and Mr. Bachy to talk through these issues. He and the recreation board plan to craft recommendations in the off season to balance the field usage and prevent similar problems in the future.

- vi. P. Gionta stated that she has known Mr. Wilson for many years and recognizes his devotion to the kids in Swissvale. She thanked Mr. Wilson for what he does for the borough.
 - vii. Mr. Wilhelm stated that his responsibility and obligation as the manager was to convey complaints received by the borough office over the last several weeks to council. He stated that one of the complaints was from two members of the men's softball team. They asked if they had been issued a permit for the use of the field. They alleged that Mr. Wilson had told them that they could not use the fields and that he had acted in a threatening manner. On a separate occasion, Mr. Wilhelm received a call from a resident on Church Street complaining about a loud party with obnoxious language and profanity over an amplification system. Mr. Wilhelm stated that he pulled the permit for the field and it was reserved by Mr. Wilson. Mr. Wilhelm reported these complaints to council at the last meeting. He noted that Mr. Wilson serves at the will of council and they needed to be notified. Mr. Wilhelm cited the incident in the administration office where the administration staff did not feel that they spoke disrespectfully to Mr. Wilson. Mr. Wilhelm asked Mr. Wilson if he had sent someone to pick up applications for softball.
 - viii. Mr. Wilson responded that there were two separate incidents in the office. One incident involved a disagreement about field scheduling between Mr. Wilson and Ms. Turley. The second incident was when another individual came to pick up baseball information. In this instance, Mr. Wilson stated that he mediated between the individual and the office staff. He stated that Mr. Bachy was present.
 - ix. Mr. Wilhelm stated that he conveyed the two complaints regarding the men's softball team and the resident on Church Street to the mayor, who also spoke to the resident to verify the alleged accusations. Mr. Wilhelm reiterated that it is his responsibility to advise council about complaints received against appointed individuals.
 - x. Mr. Wilson stated that he can provide council with the playlist and emails regarding the music at his graduation party.
 - xii. Mayor Swartzwelder stated that she spoke with the resident on Church Street. She noted that the complaint was not about the music volume. The resident complained that there was profanity over a microphone from 3 p.m. to 6 p.m. She also stated that there was another party down the
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street who also had to go inside because the profanity over the speakers coming from the park made them uncomfortable.

- xii. Mr. Wilson repeated that his party did not have a microphone or any profanity in his playlist. He stated that there was no DJ and that he can provide the playlist.
 - xiii. J. Grose expressed her appreciation to Mr. Wilson for coming. She shared that she did not feel that she has enough information to make any determination to terminate Mr. Wilson from the recreation board. She encouraged Mr. Wilson to be open to others using the fields. She stated that she would like to see discussions take place to allow more openness around field scheduling.
 - xiv. A. Salisbury stated that she was surprised that the complaints and Mr. Wilson's name were raised in open council at the last meeting. She shared that if the allegations were unfounded it would unfairly slander or malign the person. She asked the solicitor if it was something that should be addressed in executive session.
 - xv. Solicitor Gavin Robb stated that council is not precluded from speaking about such issues in public but matters such as appointments, disciplinary matters and removals are traditionally discussed in executive session.
 - xvi. A. Salisbury shared that her preference would be that similar issues be addressed in executive session in the future due to the potential for unfairly maligning a person.
 - xvii. J. Grose added that there should be follow up conversations with the individual.
 - xviii. P. Gionta stated that the individual should immediately be asked to come in for discussion with council.
 - xix. D. Rapp stated that having all sides of the story is important, especially perspectives such as the chair of the recreation board in this case.
 - xx. P. Gionta stated that she has known Mr. Wilson for a long time and she was shocked to hear what was brought up because he is very devoted to the kids. She stated that she was disappointed to hear the complaints but it would have been better to call Mr. Wilson in and sit down with him and she apologized.
 - xxi. Mr. Wilhelm stated that since there is no policy around this issue and it is not under his purview, it was his obligation to notify council of the allegations that came to him. Mr. Wilson is not an employee, but a
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representative of the borough, which is why he turned over the complaints to council. Mr. Wilhelm cited liability reasons for informing council of the allegations brought to him.

- xxii. P. Gionta stated that she understands Mr. Wilhelm's reasoning but feels that, in the future, a better approach would be discussing the issues with committee members in private before addressing them publicly.
 - c. Denise Murphy (2205 Woodstock Ave.) – Ms. Murphy and her husband, Scott, reported that they are having problems with a neighbor at 2207 Woodstock Avenue. The neighbor is leaving weeds in her driveway. Mr. Wilhelm did talk to the neighbor and he agreed to clean up the weeds. A couple of days later weeds were again pushed into her driveway. Ms. Murphy called the fire department for Mr. Wilhelm, who was not there, and was directed to Steve Sluzynsky in code enforcement. She stated that she was treated disrespectfully by Mr. Sluzynsky. She alleged that Mr. Sluzynsky told her this was a civil matter and threatened to cite her and the neighbor if she called again. Ms. Murphy says that her neighbor has been antagonizing her for a long time. Issues have included disputes over a wall between the properties, threatening comments and digging a trench on their property. She stated that she has filed a complaint with the magistrate. She asked what she should do.
 - i. Chief Watson stated that he is familiar with this property and that there are both code and criminal issues and that there is an officer dealing with the criminal side.
 - ii. Mr. Wilhelm responded that Mr. Sluzynsky would be dealt with appropriately if he did make the disrespectful comments to Ms. Murphy. Mr. Wilhelm stated that he is aware of issues with Mr. Spiro Karoubalis and the borough has cited him before. The original complaint was for alleged dumping and issues surrounding a wall where there is not clear documentation identifying which property the wall is on. Legal documentation is required to be able to make a citation for dumping. Mr. Wilhelm stated that the borough has dealt with Mr. Karoubalis multiple times.
 - iii. Chief Watson asked if the Murphys called the police when the neighbor is threatening them. He stated that Detective Corrado has been working with the Murphys.
 - 1. Ms. Murphy stated that they did call the police. She noted several instances of perceived harassment by Mr. Karoubalis.
 - iv. J. Grose suggested that the Murphys should have no contact with the neighbor and call 911 any time he does anything threatening.
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- v. Mr. Wilhelm stated that Mr. Karoubalis did apply for a building permit for a fence and to rebuild the wall. The last contact the borough had with him was the day Mr. Wilhelm was there and Mr. Karoubalis was working.
 - vi. Chief Watson said that he would speak to the Murphys further after the meeting.
- d. Paul Breakwell (808 Cherry Way, Braddock) – Mr. Breakwell attended to speak on behalf of Mr. Wilson.
- e. Dee Lepare (7409 Park Ave W) – Ms. Lepare attended to speak on behalf of Mr. Wilson. She has 4 children and is a cheerleading coach for Woodland Hills. She noted that many kids go to other communities for recreation. She commented that kids who are involved in activities don't get into trouble. She stated that she would like to see more resources committed to children in the community.
- i. Mr. Petrarca stated that he was involved with youth sports in the borough for 23 years. He noted that many programs have been cancelled over the years because participation in youth sports dropped drastically.
- f. Nichole O'Dell – Ms. O'Dell attended to speak on behalf of Mr. Wilson.
- g. LaMar Lawrence (7467 Schoyer Ave.) – Mr. Lawrence attended to speak on behalf of Mr. Wilson.

Approval of Minutes – Motion to approve the minutes for the *Agenda Meetings* on March 28, April 25 and May 30, 2018 and the *Regular Council Meeting* on April 4, May 2 and June 6, 2018. Moved by P. Gionta, Second by D. Petrarca. All ayes, motion carries.

7. AGENDA ITEMS:

- a. Motion to approve the renewal of the Worker's Compensation Insurance with EMC Insurance effective 7/31/2018 in the amount of \$160,359 for borough employees and with State Worker's Insurance Fund in the amount of \$25,338 for volunteer firefighters. Moved by P. Gionta, Second by J. Grose. All ayes, motion carries.
 - b. Motion to approve the advertisement of a Conditional Use Hearing for 7313 Florence Avenue on Wednesday, July 25, 2018 at 7:00 pm. Moved by P. Gionta, Second by T. Ward. All ayes, motion carries.
 - c. Motion to approve the sale of a 2004 Ford Explorer to the Edgewood Volunteer Fire Department for \$2,500. Moved by P. Gionta, Second by J. Grose. All ayes, motion carries.
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- d. Motion to hire Lukas Howard as a 2nd Class Operator in the DPW at the contractual rate of \$16.74 per hour. Moved by D. Petrarca, Second by P. Gionta. All ayes, motion carries.

8. Finance Report – Councilman Tim Ward

- Paid Bills as of **June 30, 2018** in the amount of **\$ 404,870.23**.
- Unpaid Bills as of **June 30, 2018** in the amount of **\$ 520,138.77**.
- Motion to accept the financial report by T. Ward, Second by P. Gionta. All ayes, motion carries.

9. Police Report – Councilwoman Patricia Gionta

- a. Report is on file in the Borough Manager's office.
 - b. Chief Watson stated that two juveniles were taken into custody for theft from vehicles on Woodstock Avenue. Most of the stolen items were able to be recovered. He reminded residents to lock their vehicles and to not leave valuables in cars. Vehicles are not being broken into. Thefts are occurring from unlocked vehicles.
 - c. The police department will be hosting a civilian police academy starting in September. Participants will visit a gun range in Monroeville and a driving course. The academy will be interactive and include simulators and scenarios. There will be applications on the website and on social media.
 - d. D. Rapp inquired about whether there will be another "Coffee with the Cops" event. Chief Watson confirmed there would be.
 - e. Mayor Swartzwelder asked for an overview of the new state fireworks laws. Chief Watson responded that the police department plans to put out information on the website, newsletter and social media. The state legislature recently changed what types of fireworks are allowable.
 - i. Mayor Swartzwelder asked what are the local laws and ordinances. Chief Watson replied that the noise ordinance is in effect after 10 pm.
 - ii. Mr. Wilhelm asked if the borough can place additional restriction or if the state law supersedes local laws. Mr. Robb responded that state law does supersede local law, but there are some ordinances that can be looked into.
 - iii. Chief Watson noted that the increased number of fireworks being set off is problematic for the police to be able to respond to each case.
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- iv. A. Salisbury stated that the new law prohibits fireworks within 150 feet of an occupied structure.
- v. Mayor Swartzwelder recommended that residents call police after 10 p.m. because it is a violation of the noise ordinance.
- vi. Chief Watson stated that it is extremely difficult to actually locate where fireworks are being set off.
- vii. A. Salisbury asked about making the state law more restrictive on the local level. Mr. Robb responded that he would take a look at the new law.
- viii. D. Rapp asked if local police are able to enforce the state law. Chief Watson responded that they could.
- ix. Mr. Wilhelm stated that the previous ordinance prohibited fireworks. The state law virtually nullified the local ordinance.

10. Code and Fire Report – Councilwoman Michele Stanton, Asst. Chief Kip Deleonibus

- a. Report is on file in the Borough Manager's office.
 - b. There have been no major incidents in the borough in the last month.
 - c. Swissvale Fire Department was asked to help in the funeral of Braddock Borough's Fire Chief Thomas Petrovic who passed away suddenly. The fire department participated by having one fire engine in the funeral procession. Another engine was on standby at the North Braddock station for coverage of surrounding communities, while also maintaining coverage of Swissvale. There were no incidents during that time.
 - d. Asst. Chief Deleonibus thanked borough commercial business owners for cooperating with the annual fire inspections. Shift commanders reached out to the over 200 business owners to schedule the inspections. The program has been very successful.
 - e. Chief Wilhelm shared a story of a nearby property that was purchased at sheriff sale. The new owner placed a tenant in the property without obtaining the required occupancy permit inspection. The borough cited the owner for an occupancy violation. She did not comply and was taken to the magistrate. Judge Caulfield told the owner that she needed to comply or she would be cited \$30,000. She filed a complaint against Judge Caulfield and filed for a change of venue. The fire marshal had to go to the magistrate in Turtle Creek for the same case. The Turtle Creek magistrate gave a similar ruling. He gave her 30 days to remedy the issues or he would fine her the maximum amount. She then filed for
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another change of venue and now the fire marshal must go to the North Versailles magistrate.

11. Public Works Report – Councilman David Petrarca

- a. Report is on file in the Borough Manager's office.
- b. Mr. Bachy had a very successful meeting with WPJWA. Mr. Bachy received contacts to call when there are breaks in the future and he feels confident that things will go smoothly moving forward.
- c. The TCVCOG informed Mr. Bachy that there is an available ARLE (Automated Red Light Enforcement) Grant. Mr. Bachy applied for a \$60,000 grant to replace the traffic signals at the South Braddock Ave, Waverly and Edgewood Avenue intersection. Swissvale was the only borough to submit an application for the grant. D. Petrarca thanked Mr. Bachy for his work.
- d. Belgian Block is available for \$1.50 a piece. Over 1,000 blocks have been sold this month.
- e. J. Grose reported that she has been taking down "We Buy Houses" signs from around the borough and asked public works to remove a few remaining signs that are too high to reach. Mr. Bachy reported that code enforcement is going to attempt to make contact with the number listed on the signs.
 - i. Chief Watson offered to have an undercover officer attempt to identify the individuals placing the signs.
 - ii. Mr. Wilhelm asked the solicitor to prepare an ordinance to restrict the placing of signs.

12. Outstanding Complaints Report – None

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

- a. Mr. Ward reported that the July meeting was cancelled.

14. President's Remarks – President Stanton

- a. Nothing further to report.

15. Mayor's Report – Mayor Deneen Swartzwelder

- a. Mayor Swartzwelder thanked everyone who helped with the annual Community Days. She stated that it was the most successful yet. She thanked the fire department, volunteer fire department, police department, public works and the Community Days Committee.
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- b. August 7 is National Night Out. Mayor Swartzwelder encouraged residents to turn on porch lights. Residents wishing to have a block party should contact the borough office. She extended an invitation to her block party on Schoyer Avenue.
- c. Saturday, July 14 is the monthly SEDCO clean-up day. Participants should meet at Goodfellas at 10 am for supplies.
- d. The Swissvale Community Action Committee's Bar Crawl has been rescheduled for August 25.

16. Water Authority Report – Tracey Crombie-Collins

- a. Report is on file in the Borough Manager's office.
- b. During the period of May 5 through June 22 there were six breaks – Schoyer, Hudson, Westmoreland, (2) Church and Mansion Place. Ms. Crombie-Collins noted that it is usually less than 12 hours from the time of complaint until completion.
- c. There will be no July meeting.
- d. T. Ward asked if WPJWA had been approached by People's Gas about the new water plant they are planning to build. Ms. Crombie-Collins was not aware that they had.
- e. D. Rapp asked if the WPJWA has to buy water from other sources or if their capacity is enough to handle needs. Ms. Crombie-Collins responded that as far as she knows, the capacity is more than enough. Water is drawn from the river and is chemically treated in several plants. There is one water tower that is being taken down because it is no longer needed.

17. Planning Commission – Greg Bachy

- a. The Three Rivers Tibetan Cultural Center Conditional Use Public Hearing was approved and will be advertised for July 25. The Planning Commission recommends approval with the condition that the members park off site in a municipal lot on Monongahela Avenue.
- b. There is nothing currently scheduled for the July meeting.
- c. The Commission is waiting on applications for some microcell towers.

18. Solicitor Report – Gavin Robb

- a. The solicitor's office is finalizing a street opening ordinance.
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19. Engineer Report – Robert Zischkau

- a. Report is on file in the Borough Manager's Office.
- b. Nothing further to report.

20. Borough Manager Report – Clyde Wilhelm

- a. Nothing further to report.

21. Unfinished Business

- a. P. Gionta asked about an ordinance requiring the removal of non-moving vehicles.
 - i. Mr. Robb stated that he reviewed the vehicle code and believes it will likely take a new ordinance. He said he would like to confer with Chief Watson.

22. New Business

- a. None.

23. Moved by D. Petrarca, Second by J. Grose. All ayes, motion carries.

24. Meeting adjourned at 8:24 p.m.
