

**BOROUGH OF HEIDELBERG
REGULAR COUNCIL MEETING
September 20, 2016**

The Council of Heidelberg, Pennsylvania, held a Regular Meeting at 7:01 p.m., on Tuesday, September 20, 2016, at the Municipal Community Room, 1639 E. Railroad Street, Heidelberg, PA 15106. Council President Carrie Nolan called the meeting to order and led in the Pledge of Allegiance to the Flag. President Nolan called the roll. Present were Councilor's Rick Jordan, Ray Losego, Rick Pattinato, Dave Morgan, and Carrie Nolan. Also present were Mayor Kenneth LaSota, Manager Harry Faulk, and Solicitor Anthony Colangelo.

Motioned by Vice President Morgan and seconded by Councilman Jordan to approve the August 16, 2016 meeting minutes. Motion carried unanimously.

Motion made by Vice President Morgan and seconded by Councilman Pattinato to acknowledge receipt of the Borough Treasurer's report. President Nolan commented that the Fire Escrow Account cannot be consolidated due to a Fire Insurance Ordinance. Motion carried unanimously.

Motion made by Councilman Losego, seconded by Vice President Morgan to acknowledge receipt of the Borough Managers report. Motion carried unanimously.

Motion was made by Vice President Morgan and seconded by Councilman Jordan to approve and pay the bills.

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

Public Comment for Agenda Items:

Renee Carlisle, 1737 Walnut St – Does not agree with the parking ordinance. It has been over 50 years that the Port Authority has been in town and there has never been a problem. She has lived all around the Borough and never had an issue before. There is something else that can be done.

Beth Zyra, 1653 Walnut St – Earlier in the year, Council took parking away on the side of the house and now feels that Council will take everything else away. She does not have a driveway and wonders how much is it going to be. President Nolan stated it will cost the resident anything and residents will get two permits per household. President Nolan stated all the streets and directions that will be restricted. Councilman Jordan stated that the parking that was taken away was already an Ordinance that wasn't enforced until this past year. The fire department was unable to get a fire truck around that is why it was being enforced now. Mrs. Zyra commented that a police officer stated that someone was mad at their neighbor. Councilman Jordan replied that we rely on our public safety departments recommendations. Mrs. Zyra has three taxpayers in her house and would like to have three permits. President Nolan commented that it is only Monday thru Friday 9am to 5pm two-hour parking. The intent of this ordinance is to not infringe on our residents. It is to get the now twelve commuters parked on Route 50 taking up spaces for our businesses. The commuter lot is full and the overflow is coming to Heidelberg. The vision of this Council is to be proactive and not to impede on the residents. The permits will be free. Councilman Jordan stated for the record that if she needs three then she should get three permits.

Nicky Himebusch, 1736 Walnut St – Stated that she now has a better understanding of the parking situation. Questions if there will be a permit sticker and what about when the kids come home for summer? President Nolan stated that stickers will be provided with a valid driver's license along with a valid vehicle registration. Visitor placard will be provided and only need Monday thru Friday 9am to 5pm. Ms. Himebusch wants to make sure there won't be a fee.

Cheryl Scanlon, 1906 Walnut Street Ext. – When will everyone in the community know when this is happening? Solicitor Colangelo commented that after passage and the Mayors approves, it will take effect in 60 days. President Nolan commented that the permits will expire at the sale of property. Manager Faulk commented that a letter will be sent out to all affected residents and permits will be available during office hours and will also have evening hours so that

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residents can get a permit. President Nolan commented that the Police will enforce the parking. AJ Schwartz did come in and advised Council how to approach the parking situation.

Steven Zyra, 1653 Walnut St – stated that because he went to school at the University of Pittsburgh, he is used to permit parking. He believes that is it a good idea and is not a hindrance to the residents. As a borough you want the community to look nice. People are mostly here because it appears that it was not clear to the public. The website is not working properly and recently signed up for the email list. What is the best way to convey information to the public? Manager Faulk replied that we are in the process of creating a new website. The Facebook page is updated daily. There is no access to an email list due to being on an old computer. We recently signed up for Nixle to alert residents of events and emergencies. Mr. Zyra thanked Council for handling the tough decisions with forward thinking.

Buddy Carlisle, 1737 Walnut St – Commented that there are a lot of ordinances such as the garbage. Is there any opportunity to purchase the old BP Gas Station? President Nolan commented that O-Riley's has purchased that lot. Mr. Carlisle stated the influx of volume could be because of the closure of the Liberty Bridge. Mr. Carlisle asked if the police can monitor the cars that come in to park to catch the bus and cite them. As of now he hasn't seen any cars on Walnut. Once this is passed, can the community get a petition to override Councils decision. President Nolan commented that you can try. Also if this passes tonight, we can place flyers on vehicles that are parking to catch the bus to spread the word to not park here.

Charles Turnbull, 1629 Walnut St. – Stated that he owns four cars, can he receive four permits? President Nolan stated yes, as long as they are registered. Mr. Turnbull commented that what is going around town versus what he has heard tonight have been is different.

Sue Katonka, 1630 Ellsworth Ave – Commented that it sounds like the Port Authority is the root cause of this parking issue. Has anyone reached out to them to see what they can do? President Nolan stated that we are going to handle the signs and permits. Ms. Katonka wanted to know if we can recoup any of those costs? No one replied.

Doug Willard, 508 Lincoln Ave – Commented on how will this be enforced? President Nolan stated that signs will go up, and the enforcement will be through the police department. Mr. Willard asked will they be ticketed or towed. President Nolan stated that it would be up to the police. Mayor LaSota stated that the parking fine is \$85.90 and is a state issued ticket. Mr. Willard asked where will the money go? Mayor LaSota stated that we will get some money back. Vice President Morgan stated that only if people violate the parking. President Nolan stated that the permits only expire when you move and is a onetime purchase for the Borough.

Ray Losego, 1740 Ellsworth Ave – Stated that you will need more than two permits and include college kids that return home. Also it states that you need to show proof that you don't have off street parking and disagrees with that. Also the businesses need a place for the employees to park. President Nolan stated that according to the Ordinance all businesses must have designated parking for their employees. Mr. Losego replied that they don't. Also this problem was address a year ago with Route 50 and that is where we should start and a couple side streets. IF there are problems later with Ellsworth and Walnut, the residents will let us know and we can address it then. Councilman Jordan stated that we have a problem now and we should take care of it now and respects everyone that came tonight and agrees that everyone should have enough permits to cover their household. Mr. Losego commented that pass the ordinance but don't enforce all the street just yet, just where the problem is at currently. Also the taxpayers are going to pay for the signs and the labor to put the signs up.

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Ken Hubacher, 1638 Walnut St. – Stated that he likes what is going on with how Manager Faulk will notify everyone. Mr. Hubacher agrees with Mr. Losego. Council had an Ordinance for thirty years on Second Street that wasn't enforced until there was a problem and then it was enforced. It is confusing how you can have Ordinances that aren't enforced and it appears to be selective enforcement. Councilman Jordan replied that there are Ordinances that aren't enforced.

Larry Utchel, 1648 Walnut St – Agrees with Beth that if you do it on one part you should do the whole thing. The emergency vehicles have a problem getting through there but also more streets have the same issue, if they don't now, then there is a possibility later. Mr. Utchel would be willing to park in the driveway and if not, one can be put in at his own expense. Mr. Utchel agrees with Councilman Losego and Heidelberg made the news years ago. It has been an issue since they tore out the railroad. Council must be proactive and when he comes home, there is a lot of people parked on Route 50 in the evening. The town also made the news another time for people flying down Collier. They talked about a little guy with a handlebar mustache and tried to talk crap on him. He was doing his job and word got out. The word will get out when you start to enforce the parking restrictions on Route 50. Mr. Utchel agrees that the Ordinance should go throughout the town. There are only two cars parked near him that are Borough residents that catch the bus. President Nolan stated that she appreciates everyone coming to the meeting and not listen to rumors. If anyone wants to know what is going on, ask a Council member or ask the Manager. There are currently two reporters here tonight, we usually do not get any.

Joseph Wissel, 1721 Washington St. – stated the first step should have had signs placed on Route 50 during the Streetscape project. No business has an alternative parking area. We need to protect the parking area for the businesses so that they can flourish. Also the Port Authority Police will enforce parking issues when it is a result of their riders. There should have been communication with the Port Authority. They may be able to eliminate a bus stop and push the riders out of town. Commuters are looking for the next available place to park. Vice President Morgan replied that residents use the local bus stops too. We have been watching vehicles park there from out of town. You cannot take a service away from our residents that use the bus. Councilman Jordan stated that if you eliminate a route, you will affect our residents. Mr. Wissel commented that we have a new business that eliminated ADA compliance stops to put in portable tents to increase their amount of setting in the evening hours. If you come in over the weekend, traffic is lined up all the way up to Bargain Land. People are parking in the old BP to walk towards Insurrection. Last week, we had to park in the middle of the road to take a patient out of the police station due to all the parking spots being taken up. When other businesses open, we will have parking issues. Insurrection has been named brewery of the year and they have no parking and they have made no arrangements for offsite parking. Councilman Jordan stated that they are making plans to increase their parking. Mr. Wissel states that he should be able to park on the street in front of his house even though he has a driveway. Hosel Jesko has no parking. They are using any lot they can find. Under this Ordinance they cannot exist anymore. You are using an Ordinance to eliminate a business due to twelve bus riders. Also the nuisance Ordinance can be used against neighbors. When you call 911, you do not have to give your name. If you do not like your neighbor and the police is called three times, your neighbor can be fined for no apparent reason. What happens if my mother is sick and falls seven times? Every time the ambulance is dispatched, the police is dispatched. Now it is considered a call. If I get in a fight with my brother and the police is called. Now I will be listed as a nuisance property. That is all I have to say.

Councilman Jordan commented that when Mrs. Zyra accused us of letting the section eight high-rise go in, that was in place before 2013 before the majority of this Council was in office. Al Kusel was a former member and he didn't even know that it was going in.

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Reports

- Solicitor has prepared the report for Council. In addition, we did have an incident with a dye test. A bank has foreclosed on the property and it failed. Under the ordinance it states that it must be fixed before the sale. The bank is not interested in fixing the property. There is a temporary evidence of compliance. Basically the purchaser must provide the Borough a Contract with the plumber to resolve the problem, post 100% cash security and give the Borough permission to enter the property to fix the problem within the time frame that the Borough sets by Resolution. We are unable to find that resolution. Manager Faulk and the solicitor worked on an agreement for this individual and later work on a procedure for future cases. The solicitor recommends ninety days to fix the issue from the date of sale.
- Mayor LaSota reported that he attended the following meetings:
August 22 – Heidelberg Borough Planning Commission Meeting
August 23 – Southwestern PA Commission workshop on MS4 requirements. Local officials have to attend courses as a part of the permit requirement
September 8 – Three Rivers Wet Weather workshop meeting
September 8 – The 20th Annual Officials Retreats sponsored by the University of Pittsburgh that discussed challenges to our community such as the heroin epidemic, poverty, and the criminal justice system.
September 11 – The Bridgeville's annual 911 Memorial Service that was held at Holy Child Church that honored all the first responders. The HVFD sent a vehicle and our Police Department attended.
September 19 - The Chartiers Valley Education Foundation Board of Directors Meeting. Council President Nolan also attended. There is interest for people to have interest to advance the cause of the organization to come forward and attend.
Also the Suzanne Hockenberry from the Local Government Academy has moved on as the Director of one of the local COG's.

Break for Executive Session at 8:18pm. regarding litigation and personnel matters.

President Nolan called the meeting back to order at 8:42pm.

Mayor LaSota commented that the police report for August are as follows: 61 calls for service, 3 non traffic citations arrests, 2 physical arrests, 12 traffic citations issued, 0 non reportable accidents and 1 reportable accident. Fines collected were \$528. The letter from the Chief of Police stated the Police department extends their thanks to the community for the support of the fishing derby. The police department has used the donations made from the fishing derby to purchase a new refrigerator for the community room so that the residents and seniors will have a functional refrigerator to use for their gatherings. On behalf of the Mayor and the police department we hope this small gift expresses our sincere dedication to the community their willingness to give back to the community.

Items for Consideration

1. **Motion to adopt Parking Ordinance No. 622, amending section 108-28 of the Heidelberg Borough Code to add restricted/permit parking in certain locations on Borough Streets.**

Motioned: Vice President Morgan Seconded: Councilman Jordan

Councilman Jordan asked that we look into the number of permits that can be issued to make sure there is enough. Mayor LaSota has significant reservations that have been voiced in the past meetings. This whole concept of having

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two-hour parking throughout the Borough. The police department was asked to do a traffic study. There wasn't a recommendation just a review of possibilities such as restrict parking on Route 50 and how many signs that would be needed along with what resources that would be need to enforce the Ordinance. Several Months later, Council decided to add several side street and it exceeds the scope. The department would have to put a systematic approach in place to monitor vehicles and would be a major challenge for the department. We are talking about adding 83 street signs at a price of over \$4,000 for this ordinance. There has been testimony to only enforce part of the ordinance. You cannot ask the police department to do that. They will enforce the entire ordinance. President Nolan stated that his comments are noted. Solicitor Colangelo stated that the motion was seconded with contingency as to the amounts of permits per household. If Council wants to change it, it would have to be amended again.

Vice President Morgan rescinds his motion.

2. Motion to adopt Nuisance Ordinance No. 633, amending Chapter 70, Section 70-1, definition of a nuisance property, replacing citations with police calls.

Motioned: Vice President Morgan Seconded: Councilman Jordan

Councilors Nolan, Morgan, Jordan Aye - Councilman Losego and Pattinato Nay

Motion Carried 3:2

3. Motion to reimburse the Mayor in the amount of 673.28 for the expenses occurred for attending the Pa State Mayor's Association Conference.

Motioned: Vice President Morgan Seconded: Councilman Losego

Roll Call: Losego – Yes Morgan-Yes Jordan – No Pattinato – Yes Nolan – No Motion carries

President Nolan commented that she votes no based on the Education and Travel Expense Policy states that all expenses are to be preapproved. Also the Mayor canceled his trip to Virginia to attend Sgt. Dixon's graduation and wasted taxpayer's dollars. Vice President Morgan commented that he votes yes because the Mayor has threatened to sue Council.

4. Motion to accept the resignation of Police Officer Leah Vallone.

Motioned: Councilman Losego Seconded: Councilman Pattinato

Motion carried unanimously

5. Motion to authorize the final disbursement of \$3,000 to the Heidelberg VFD.

Motioned: Councilman Jordan Seconded: Vice President Morgan

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

6. Motion to reimburse the Heidelberg VFD in the amount of \$1,122.23 for the Waterway invoice for hose and ladder testing.

Motioned: Vice President Morgan Seconded: Councilman Jordan

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

7. Motion to approve the 2017 MMO prepared by The Phoenix Benefits Group, Inc.

Motioned: Councilman Pattinato Seconded: Councilman Jordan

Motion carried unanimously

8. Motion to transfer \$2,469 from the General Fund to the Police Pension Fund for payment of invoices.

Motioned: Vice President Morgan Seconded: Councilman Pattinato

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

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- 9. Motion to authorize payment to The Phoenix Benefits Group, Inc. in the amount of \$950.00 out of the Police Pension Fund.**

Motioned: Councilman Losego Seconded: Vice President Morgan

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

- 10. Motion to authorize the release of \$1,519.00 to the Police Pension Plan from the Police Pension Fund for payment of the 2015 MMO.**

Motioned: Vice President Morgan Seconded: Councilman Pattinato

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

- 11. Motion to enter into an agreement with Environmental Planning & Design.**

Motioned: Councilman Jordan Seconded: Vice President Morgan

Vice President Morgan asked if we have any money budgeted for this? Manager Faulk stated that you are not authorizing any work to be performed. President Nolan commented that Mr. Schwartz was contacted to review our mixed overlay usage in the commercial area and making those parameters more defined. For example, the high rise went in as commercial and it's all residential. It's not something that all of residents can't use.

All aye except Councilman Pattinato Nay

Motion carried 4:1

- 12. Motion to accept the proposal with Jordan Tax Service for sewer billing and collection services.**

Motioned: Vice President Morgan Seconded: Councilman Jordan

Motion carried unanimously

- 13. Motion to approve Pay Application No. 3 and Final in the amount of \$1,484.00 to McElroy Paving and to be paid out of the Special Project Fund.**

Motioned: Vice President Morgan Seconded: Councilman Losego

Roll Call: Losego – Yes Morgan-Yes Jordan – Yes Pattinato – Yes Nolan – Yes Motion carries

- 14. Motion to approve the installation of a "Handicapped Access Only" sign for 1604 Walnut Street.**

Motioned: Councilman Pattinato Seconded: Vice President Morgan

All aye except Councilman Losego

Motion carried 4:1

- 15. Motion to authorize the Solicitor to amend and draft the Residential Rental Operating License Ordinance.**

Motioned: Councilman Jordan Seconded: Vice President Morgan

All aye except for Councilmen Pattinato and Losego

Motion carried 3:2

- 16. Motion authorize Real Estates Tax refund to WFE Enterprises, LLC in the amount Of \$4,169.69 for Change Order AE-2016.**

Motioned: Vice President Morgan Seconded: Councilman Losego

Roll Call: Losego – Yes Morgan-Yes Jordan – No Pattinato – Yes Nolan – Yes Motion carries

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17. Motion to approve the manager to execute a dye test agreement with Jill Hamel for property located at 1646 Washington Street.

**Motioned: Vice President Morgan Seconded: Councilman Jordan
Motion carried unanimously**

Committee Reports:

SHACOG – President Nolan attended the meeting in Moon Twp. on Aug. 18. The MS4 Coordinator died due to lack of interest. There is a shortage of police officers in test taking and its felt in every municipality. There was an insufficient response to the energy suppliers. The new CCTV Van and camera are in and are in use. The CDBG Year 43 opened in July and Heidelberg did apply for paving of Cherry Way Extension. Each project must be a minimum of \$20,000.

Roads – Councilman Jordan stated that the crack sealing is finished and the temps did a great job. The temps haven't received a raise for a long time. Manager Faulk stated that the water company is paving First Street. Fire Chief Wissel states that the due to the water main break the apron of the fire department and the street have separated. There is open void about six feet deep and three feet wide. Manager Faulk asked if he contacted PA Water and Chief Wissel will contact them.

Recreation - President Nolan stated that the committee met today and discussed the Halloween Parade on October 30th from 1-3pm at the Heidelberg Park. Monthly Seniors will attend the Health Fair that is being held by State Representative Jason Ortitay on September 28th at the South Fayette Senior. The Borough wide garage sale was on September 10th and the Food Trucks has a successful season and will resume next spring.

Flood Control – Nothing to Report

Public Safety – Fire Chief Wissel reported that the fire department for August responded to 19 calls, one structure fire, one fire alarm activation, one vehicle accident, one vehicle fire, and 14 ems calls. The average manpower per call was 11.6 hours. We expended 1266 man hours. Three Bingos were held. Training included drivers training, hose line advancements, and attended the fishing derby and washed down first street. The fire department is going through the ambulance licensure inspection. The Chief and Manager Faulk are working on the Knox system. The Chief would also like to have a copy of the transactions of the Fire Escrow Account for future events and see if there is any money left. President Nolan asked if this was for flooring? Chief stated that it was never earmarked but the money was held for capital projects. President Nolan believe the account was drained to pay for the flooring. Chief states that the fire whistle not working and it is the flood evacuation signal and is need as part of the Storm Ready Certification. Chief would like to have the borough maintain and fixing the siren. There is \$500 on emergency management and would like to know if that could be put towards the siren. The fire department is having a hard time contacting someone to get up there to see what the problem is. A siren replacement would be \$24,000. The issue is the it's hard to get to the siren due to power lines and its 56 feet in the air. The whistle is nice to have for when someone is working outside and doesn't have their pager on them. Also it is vital to have for the flood evacuation. Mayor LaSota stated that the siren is about 60 to 70 years old. Chief Wissel believes that it was purchased in the 1930s. Councilman Jordan thanked Sharon, Mary Anne and Dolly, they provided a nice luncheon yesterday for Sgt. Dixon.

Code Enforcement – Six occupancy permits issued and the manager issued six code violations and only 4 citations issued.

Community Redevelopment – Nothing to report.

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Public Comment

Thomas Allen, 1707 Washington St - Commented that the recreation committee tonight only had two people at its meeting. Every month they meet to discuss ideas for the borough's recreation needs. Nobody seems to want to help. When I moved here, I liked what was going on. Everyone spread the rumor that we need more help with the recreation meeting.

Lawrence Klein, 1809 Walnut St – Really enjoyed Octoberfest in the Previous years and wondered if it will happen next year. President Nolan replied that is key. Last year we didn't have any help in the evening and the people that worked during the day has to continue to work through the night. The committee had a vote to no have it this year and cannot do it all themselves.

Steven Zyra, 1653 Walnut Street – commented that he felt that council knew this was a hot topic and a council person was heard we bet we know why you are here as the group walked in. Council should be welcoming the people that you are representing. If it effecting the whole borough and only a few people show up at these meetings there is an issue. Also I don't have an issue is when council is defending their decisions based on issues that you didn't vote on. I applaud it when you stand your ground. The rumor mill could have been eliminated if more information got out. Your reaction should not be what you would personally do and as a council it reflects your decision making.

Good of the Order – President Nolan commented that she had the honor to travel to Quantico to represent Heidelberg for Sgt. Dixons graduation from the FBI Academy. This is a national academy. There were individual from all over the word and all 50 states. We have not only Sgt. Dixon but Chief Barkley to attend the academy. Everyone should be proud. IT is amazing the hard work that they went through and receive a diploma from the FBI Director was amazing. President Nolan thanked everyone for being supportive of our police department. These men can choose to go anywhere and they stay here is Heidelberg and that is great. Sgt. Dixons Cousin, Martha Dixon was an FBI Agent who was killed in action. We were granted \$5,000 to go towards the playground at Ellsworth.

Motion made by Vice President Morgan and seconded by Councilman Losego to adjourn the meeting at 9:45pm. All in favor, motion carried.

Harry R. Faulk, Interim Manager