

**COUNCIL MEETING
MINUTES OF AUGUST 23, 2006**

President Stewart called to order the Regular Meeting of Crafton Borough Council, in Council Chambers of the Community Center; Flag Salute was led by Mr. Christman. Roll call, by Mrs. Tremblay, recorded eight (8) members of Council present, as follows: Mr. Byers, Mr. Christman, Mr. Cindric, Ms. Koerbel, Mr. Ogden, Mrs. Sappie, Mrs. Viola and Mr. Stewart. *Mr. Donovan was late (7:40pm)* Also present were Mayor O'Connell, Manager Sample, Solicitor Ayooob, Engineer Wagner, and Jr. Councilperson Ms. McNamara.

APPROVAL OF BILL LIST

MOTION: It was regularly moved by Ms. Koerbel, seconded by Mr. Ogden, to approve the August 23, 2006 List of Bills.

MOTION carried by Unanimous Roll Call Vote (8-0).

(Mr. Donovan entered the Meeting at this time)

APPROVAL OF MINUTES

MOTION: It was regularly moved by Ms. Koerbel, seconded by Mr. Christman, to approve the August 9, 2006 meeting minutes.

MOTION carried by Unanimous Voice Vote (9-0).

CITIZEN'S PRESENT TO ADDRESS COUNCIL

John Cybulski, 59 Thomas – Mr. Cybulski reported that he, and other residents, will be talking with Mr. Greiner and developer Roussous, and feel they should pursue his interest.

Robin Koffler, Crafton – Ms. Koffler asked when the next Crime Watch meeting would be held. Mayor O'Connell reported that no definite meeting dates have been decided. She suggested that she, and any other interested persons, visit the Borough website and register to Opt-In to the Crime Watch e-mail notification system.

Mary Grace Schaffnit, 37 Thomas – Ms. Schaffnit stated she would appreciate the removal of the undesired uses from the Steuben Street Overlay on Foster Avenue, and desires the additional greenery (landscaping) that the Overlay district provides.

Mary Slusser, Crafton – Ms. Slusser advised of a parking situation on Ridenour, which she believes to be a safety issue; cars parked too close to the corner.

Joan Kury, 30 Lincoln Avenue – Ms. Kury asked Council to maintain the Overlay District on Foster to eliminate the possibility of undesirable housing and to provide additional tax revenues to the Borough; it is a win-win situation. The 25' green space would also serve to make the property more attractive.

Marty Kury, 30 Lincoln Avenue - Mr. Kury re-iterated similar, favorable comments and encouraged Council to maintain the Overlay District on Foster Avenue.

Tonna Pawlos, 80 Kingston – Mr. and Mrs. Pawlos complained that, due to their daughter being a late registration, she cannot attend Crafton Elementary and is being bussed to Carnegie. School Board President Roussos was present and advised that it is a policy; that the room sizes, etc. are already arranged after Aug. 17th, and any late registrations must attend the school that can accommodate any additional students. In this case, the room sizes were already too large in Crafton and it was necessary to bus her to Carnegie. He also said he would look into it and would be in touch with the Pawlos.

RECEIPT OF WRITTEN REPORTS

The following written reports were provided in Council's Packet: The Treasurer's Report, Financial Report, Act 511 and Trash Collection Fee Reports, Property Tax Collector's Report, Police Report, Ordinance Officers Report, (*Fire Department's Report-omitted*), REMs Report and the Engineer's Report.

MAYOR'S REPORT

Mayor O'Connell reported that the department responded to 248 complaints for the month of July, and referred Council to the written report. She reported that Dare Officer Harvison had been contacting the Crafton businesses for Dare Sponsors, and she thanked the Southwest Federal Credit Union, Noble Avenue, for their \$2,500. donation and sponsorship. She advised that 2 crossing guards had just completed advanced training. She noted that the SHACOG is proceeding, on behalf of Crafton and other municipalities, with the police hiring program and applications are available. She stated that she had requested an Executive Session of Council for next Wednesday, at 7:00 pm, regarding a police personnel matter.

PRESIDENT'S REPORT

President Stewart spoke about the recent, serious fires that destroyed two structures on S. Linwood Avenue, and reminded everyone of the great job our volunteer firefighters do; and he encouraged financial support. He reported that only one of the stolen Cowher Way signs has been recovered, and he thanked the media for reporting the theft. He suggested that the hillside off of Ewing Road, being a part of the Duncan II property, be looked at for possible recreational use; such as sled riding and skiing, per the solicitors' advice. He reported that the Public Works crew did as much as they could to keep Black's Bridge open – placing steel plates (@ \$100. per day) and cold patch, but with the continued deterioration it was necessary to close the bridge until permanent repairs are done. He thanked the Public Works crew for all that they do.

ENGINEER'S REPORT

Engineer Wagner reported that the sewer lining contractor has not yet completed the punchlist items. A preconstruction meeting was held regarding the demolition of 37 White Avenue; they anticipate early October for the demolition. The sewer defect corrections list is being developed which will be necessary to complete the PennVest application. The engineer recommended approval to ShaCog for the payment of the Robinson Pipe CCTV year 2 estimate in the amount of \$8,766.58. He reported that bids will be opened by SHACOG on September 6th regarding the year 3 CCTV program. He reported that when Black's Bridge was milled, it exposed re-bar and spalled concrete. He is working to get emergency quotes to repair the concrete; which is estimated to cost approximately \$50,000. He asked that Council authorize this tonight so that he may proceed to prepare specs and documents, and have the contractor start in 7-10 days. Solicitor Ayoob advised that the Borough Code provides requirements for the bidding process when cost is over \$10,000, with certain exceptions; being eminent risk, etc. to avoid the public bidding process. He advised that if the Borough authorizes the Engineer to proceed, he should prepare the standard contract, require a bond, and clearly state the scope of work, to protect the Borough. Engineer Wagner stated that he has been looking for qualified contractors, and has concerns for only 2 remaining months for the concrete construction season. He is recommending Council authorize him to proceed with Satira Construction, Inc. at a cost of \$55,000. Additional discussion continued.

SOLICITOR'S REPORT

None. The Solicitor asked for an Executive Session following the meeting to discuss the Morgan Stanley litigation matter, the DEP matter, and an employment matter.

SECRETARY'S/MANAGER'S REPORT

Manager Sample reminded Council of the NIMS testing/certification being September 30th more accurate financial picture. He stated that everything is on track with the PennVest application (low interest loan) and the appropriate motions to proceed are on the Business Agenda, and advised that the Borough will need to look at an increase in the sewage surcharge; possibly increase from \$4. to \$5. He advised that PNC would like to address Council regarding a \$5 million bond issue; which would be payable over 20 years at approximately \$350,000. per year. Also, if the Borough is not approved for the PennVest loan, we will need to look for alternative financing next year. Mr. Byers suggested writing letters to State, and Federal representatives, for financial assistance. Manager Sample reported that Felix Amendola's daughter approached him on the dedication of the Bocci Ball Court, and she would like to have one of the big rocks from the park entrance moved over to the Bocci Court and install a plaque onto the rock.

BUSINESS AGENDA**FINANCE**

MOTION: It was regularly moved by Mr. Christman, seconded by Mr. Byers, to adopt Resolution No. 2006-20 authorizing the proper Borough Official to submit a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST), and authorize the execution of all certifications and documentation required in connection with the application, for the purpose of financing/partially financing the construction, rehabilitation and/or extension of the Borough's sewer system. **COMMENTS:** Mr. Cindric advised that repairs are estimated at approved \$1.2 million, and the surcharge was last increased from \$2. to \$4., and if they need to increase it to \$5., plus Alcosan's cost of \$2.80; it will cost \$7.80 per 1,000 gals. Increases will be necessary over the next 3 or 4 years to meet the Consent Decree. Mr. Stewart re-iterated the need to contact legislators, state and federal representatives and request financial assistance.

MOTION carried by an eight (8) Yes, One (1) No (*Donovan*) Voice Vote.

MOTION: It was regularly moved by Mr. Christman, seconded by Mrs. Sappie, to adopt Resolution No. 2006-21 authorizing the proper Borough Official to submit a Letter of No Prejudice Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST), and authorize the executive of all certifications and documentation required in connection with the application, for the purpose of allowing the Borough to start necessary sewer repair work prior to the formal approval of a loan from PENNVEST.

MOTION carried by Unanimous Voice Vote (9-0).

ADMINISTRATIVE

MOTION: It was regularly moved by Ms. Koerbel, seconded by Mr. Donovan, to adopt Resolution No. 2006-22 approving the donation of 3 unclaimed bicycles to St. Philips Church.

MOTION carried by Unanimous Voice Vote (9-0).

PLANNING IMPLEMENTATION

MOTION: It was regularly moved by Mr. Ogden, seconded by Mr. Donovan, that we take from the table the question of adopting Ordinance No. 1577 which was tabled at the meeting of Aug 9, 2006.

MOTION carried by Unanimous Roll Call Vote (9-0).

MOTION: It was regularly moved by Mr. Ogden, seconded by Mr. Donovan, to adopt Ordinance No. 1577 amending the Official Zoning Map by modifying the Steuben Street Overlay District by removing all property East of Foster Avenue from the Steuben Street Overlay District. **COMMENTS:** Ms. Koerbel asked why this is being considered; it was her understanding at the last meeting that they

would look into modifications to the zoning ordinance. Mr. Ogden favored the flexibility of the overlay district; advocate of property rights and desired to move forward. Mrs. Sappie stated that she listened to the residents at both the Planning Commission meeting and the Borough meeting, and they appear to desire closure on this matter will accept the overlay district with some additional use restrictions; she too, asked that Council move forward and not backwards. She also commended them for their attendance and input on this matter. Mr. Cindric referred to several comments in the letter from Allegheny County, which did not favor an overlay district on Foster Avenue. He also stated that this is not consistent with the Borough's comprehensive plan. Mr. Stewart reflected back to the shopping center development; it was swamp property, and not everyone agreed on this development either. The overlay district does not preclude residential, but if provides flexibility. The residential zoning would not provide for the 25' buffer zone, which is provided to the Thomas Street residents in an overlay district. Mrs. Sappie inquired on the deed restrictions and covenants being offered by the property owner. Solicitor Ayoob stated that would be the property owners right. In response to Mr. Cindric's question, Solicitor Ayoob advised that you can remove or add changes to an entire district, but cannot make changes within a district specifically for one property – that would be spot zoning. Ms. Koerbel, in response to Mr. Cindric, stated that the Allegheny County letter offers “no recommendation”, and the comprehensive plan he refers to was created in 1991 and represents the CRT jointure, and is not Crafton-planning specific. Mr. Cindric stated that the property was already approved for residential development, which at the time was favored by all. Mr. Ogden stated that apparently his plans did not work out and he has a right not to develop and building townhouses.

CITIZEN COMMENTS: Mr. John Meighan stated that he was part of a previous Council that wanted Crafton to leave the Joint Planning Commission; that Thornburg and Rosslyn Farms, combined, had more vote power than Crafton; particularly on Crafton planning matters, and it was the Joint Planning Commissions comprehensive plan. Mr. Stewart said this was a non-issue; that he recalls no action by the Joint Planning Commission, over the past 20 years, where Thornburg and Rosslyn Farms voted against any Crafton plan or development.

MOTION failed by a Six (6) No, Two (2) Yes, One (1) Abstention (*Viola*) Roll Call Vote. (6-2-1). *Mrs. Viola abstained due to her husbands' business affiliations with both the property owner and the developer.*

Added Motion:

MOTION: It was regularly moved by Mr. Byers, seconded by Mr. Christman, to authorize Satira Construction, Inc. to complete approximately 1,200 sq.ft. of emergency concrete spall repairs to Blacks Bridge for \$55,000. subject to the Contractor entering into the standard borough contract documents.

MOTION carried by Unanimous Roll Call Vote (9-0).

NEW BUSINESS/COMMITTEE REPORTS

Mr. Donovan – None

Mrs. Koerbel – Suggest posting the Website with a draft letter to write to the State Senators and representatives, and also post the information about the closing of Blacks Bridge.

Mr. Ogden – Reported, in more detail, on the structure fire at S. Linwood, and that 2 firefighters were injured at the S. Linwood fire. One, particularly, from East Carnegie fire company, Chuck Bach, seriously injured his ankle and most likely cannot return to his line of work, being a roofer and fortunately he will receive workers compensation. He reminded everyone of the risks these volunteers take to protect our lives and property, and, again, asked, for support of the CVFD in their fund raising effort.

Ms. McNamara – Reported that there will be a Saturday night movie in the park, rather than a Sunday night movie; it will be the Shaggy Dog.

Mr. Christman – Reported that the Crafton Celebrates meeting will be held on Tuesday, Sept. 19th at 7pm in the Community Center.

Mr. Byers – He had contacted the Allegheny County Health department with mold concerns, due to the amount of rain and believes there is an increase of mold at the 2 burned structures; and suggested remedial action be expedited.

Mrs. Sappie – Reported that the Senior Citizen dinner is this Saturday, with dinner at 5:30 and featuring a chalk artist for entertainment.

Mrs. Viola – Reported that there are excessive amounts of cigarette butts outside of the pool, since patrons are not permitted to smoke inside the pool facility, and she suggested that some kind of container be provided. Manager Sample advised that he would have a smoker's post placed in front of the pool.

Mayor O'Connell – Reminded everyone of the first annual Mayor's Service Award and ceremony scheduled for Wed., September 6th, at 7 pm.

President Stewart – Commented that it is important to debate in a democracy, and he thanked Mr. Cindric for his thorough research and background work on this zoning issue. He stated that because Council disagrees doesn't mean they don't like each other.

ADDITIONAL CITIZENS COMMENTS

(Resident) questioned the comments on spot zoning. Mr. Stewart explained that spot zoning would be illegal; that you can change an entire zone but cannot make a zoning change to just one property within that zone. That it is Mr. Greiner and Mr. Roussos right to workout issues and agreements with the residents.

Frank Lehner – Inquired on the address, etc. if someone wants to donate to the fire department. Mrs. Tremblay provided the address and phone number (*8 Stotz Avenue, Crafton 15205, Ph # 875-0022*).

Matt Greiner – Thanked everyone who helped with the phase I playground construction at the Crafton Elementary school.

ADJOURNMENT

MOTION: It was regularly moved by Mr. Donovan, seconded by Mrs. Sappie, that this meeting be adjourned.

MOTION carried by a Unanimous Voice Vote.

Respectfully submitted,

Mary Tremblay, Borough Secretary