

**REGULAR MEETING  
MINUTES OF SEPTEMBER 23, 2009**

President Christman called to order the Regular Meeting of Crafton Borough Council, in Council Chambers of the Community Center. Flag Salute was led by Mr. Donovan. Roll call by Mrs. Tremblay recorded seven (7) members of Council present as follows: Mr. Bloom, Mr. Cindric, Mr. Crown, Mr. Donovan, Mrs. Luxbacher, Mrs. Viola and Mr. Christman. Also present were Mayor O'Connell, Manager Sample, and Solicitor Brown. (*Absent: Mr. Byers, Mrs. Sappie*)

President Christman announced that an Executive Session of Council was held prior to the meeting to discuss a personnel matter and potential litigation. No action was taken.

**APPROVAL OF BILL LIST**

**MOTION:** It was regularly moved by Mr. Donovan, seconded by Mr. Bloom, to approve the August 26, 2009 List of Bills as presented for payment. **COMMENTS:** Mrs. Viola – Reimbursement to REMS for locks. Manager Sample stated that REMS had paid for lock installation in the borough building, and this amount was being reimbursed back to them. She inquired on the large amount due Building Inspection Underwriters. Manager Sample explained that there has been a lot of permit activity; Giant Eagle renovations, a Dollar Tree store, etc. Mrs. Tremblay noted that permit fee revenue offsets this cost; that BIU invoices us for 80% of the fees paid to the borough.

MOTION carried by Unanimous Roll Call Vote (7-0), with exception noted by Mrs. Viola (#404.31).

**APPROVAL OF MINUTES**

*September 9, 2009 – Not Available*

**CITIZEN'S DESIROUS TO ADDRESS COUNCIL**

Larry Franklin, 615 Clearview Avenue – Garbage/Recycling Collection Contract: Opposes the possible elimination of alley pickups. Also, proposed parking restrictions on Clearview present problems, especially if he can't park in alley A on garbage day, and can't park on Clearview, where is he to park?

Michael Suehr, 250 Lincoln Street – Inquired on the reasoning for the proposed one-way traffic on S. Emily. Mayor O'Connell stated that it is being considered due to speeding and aggressive, passing vehicles, and child safety. He noted that if changed, there will be four streets for traveling South and only one, S. Linwood, for traveling northbound. Manager Sample stated that a professional traffic study was performed, counters were placed on all four streets, and the study showed little or no impact on adjacent streets. Mr. Suehr expressed concerns for possible traffic backup on S. Linwood, and at the stop sign intersection at Ewing.

Raymond Rigel, 41 S. Emily – Does not support the proposed one-way traffic on S. Emily and feels this change lacks validity and he will be inconvenienced by the directional change.

Edwin Fox, 17 S. Linwood – Was informed that the traffic study was done on and after June 29<sup>th</sup>. Mr. Fox noted that the timing for the study was not good; school was out already, CIT Baseball season was completed – these are two major traffic situations in that area that were not considered. He believes another study should be done that will take these two situations into consideration.

Michael Lewis, 104 S. Linwood – Stated that his son was given a disorderly conduct citation by the police and his skateboard was taken by them, and not returned. He asked if the borough has an ordinance against skateboarding, and why the police will not return his son's skateboard. He met with Chief Rost and asked that he return the skateboard to him. He felt that Chief Rost was

disrespectful to him; pointing his finger at him and stating that the only way his son was ever going to skateboard again in Crafton was if he (*Mr. Lewis*) went out and bought him another one. Mayor O'Connell stated that Chief Rost has explained this to Mr. Lewis; that it is a matter for the magistrate with regard to any charges arising from this and it would be up to the court to issue an order to release the skateboards. The police are concerned for skateboarding safety, for the child and others. Solicitor Brown concurred with the Mayor, stating that a hearing is pending, and it will be the determination of the magistrate. Mr. Lewis continued, asking, in the event of a dui or any disorderly conduct, etc., the police do not keep a persons car or bicycle – why is this different? He also expressed concern that two of the three children were black and were put in the police car, and the other child was white and was permitted to walk to the station. He added that the police did their job and issued the citation, what then gives them the right to keep his son's skateboard. Mr. Bloom stated that he felt that Mr. Lewis had a valid point; the property should not have been confiscated, it should have been turned over to the parents, which is how it has been done in the past. His son violated the law and a disorderly conduct citation was issued; there is no difference what the violation whether dui, etc. – a vehicle may be towed, but it is released to the owner. The magistrate issue is a separate issue and should have nothing to do with the return of the skateboard. The Mayor concluded by stating that she believes the police acted within their authority and that the release of the property is pending the courts determination.

### **RECEIPT OF WRITTEN REPORTS**

The following written reports were provided in Council's Packet: Treasurer's Report, Financial Report, Act 511, Property Tax and Trash Collection Fee Reports, Police Report, Ordinance Officers Report, CVFD Report, Animal Control and Engineers Report. Reports were unanimously accepted.

### **ENGINEER'S REPORT**

Manager Sample referred Council to the Engineer's written report; regarding CCTV work, setting up a preconstruction meeting for the ADA sidewalk ramp work, Marion Street reconstruction – Sept. 28<sup>th</sup>, 2pm, preconstruction meeting has been scheduled, Sewer Defect correction is being prepared for submission for the CITF grant, and the Clearview Drainage Study – to be discussed later in the meeting.

### **MAYOR'S REPORT**

Mayor O'Connell reported that the department responded to 236 calls during the month of August, and referred Council to the written report. Mrs. Luxbacher inquired as to where the disorderly conduct/skateboard incident is on the police report; it was noted that the incident occurred in September, and the Police report provided was for the month of August. She reported on the Community Service Awards ceremony, held on September 2<sup>nd</sup>, noting that State Rep. Deasy presented a special award to the Crime Watch Committee. She inquired about a meeting being held privately prior to the Ordinance Review Committee meeting, as it would pertain to the Sunshine Law. Manager Sample stated that it was not the Finance Committee meeting; that the 5pm Finance Committee meeting had ended. Afterwards, he and Mrs. Sappie were meeting with the assistant pool manager to discuss recreation/pool needs, for budget purposes, and also discuss certain pool personnel issues; and they were joined by Mrs. Luxbacher.

### **PRESIDENT'S REPORT**

President Christman reminded everyone of the upcoming 2010 Budget meeting dates, and noting that the meetings are open to the public.

**MANAGER/SECRETARY'S REPORT**

Manager Sample reported that the reclamite application was completed on various streets last week; this application should add 30% to the street surface life expectancy.

**DISCUSSION ITEMS AND OLD BUSINESS**

- a. Ordinance 1597 -- S. Emily One Way: Citizen comments were considered and discussed. Mr. Cindric reported various points, counts and comments directly from the Traffic Study – which is available for public review. He added that the S. Emily residents presented a petition, and it was their request for the southerly direction. Discussion as to whether or not the direction should be changed to North, rather than South, noting that this would require another traffic study. Consensus was to see how this works out, and if necessary, reconsider the traffic direction and have another traffic study prepared, and amend the ordinance.
- b. Clearview Avenue Drainage Study: Five separate phases, plan to budget phase One for 2010, or 2011. Mrs. Luxbacher noted that this project was considered a priority, so shouldn't it be considered for 2010. Manager Sample noted that this cost would be paid for from both the Road Fund and Sewer Fund, with the majority being paid from the Sewer Fund – Phase I would be approx. \$300,000; approx. \$50,000 Road Fund and the Balance from the Sewer Fund.
- c. Parking Restrictions
  1. Clearview Avenue – Parking changes/restrictions being considered for safety reasons; but Manager will review the site on various days, including garbage day, for further consideration, in lieu of citizen comments, and report back to Council. Clearview can be removed from the proposed ordinance for now, pending further consideration.
  2. Sterrett Street – Road is narrow for two way traffic even with permitting parking on one side; Manager received a call questioning if parking was permitted on both sides of the street. Currently, no restrictions exist by ordinance, which would be necessary to enforce parking on one side only.
- d. Resolution 2009-15 – CITF Sewer Grant: \$250,000.
- e. Carlynton Student Government Proposal – Mini Golf Fundraiser: Information and request was provided to Council in packet. Jr. Councilperson, Andrew Sheariss noted that they will be working on the site if any volunteers wanted to stop by and help with cleanup.
- f. Ordinance Committee Update – Mayor O'Connell attended the last Ordinance Review Committee meeting and prepared a summary of citizen comments and concerns, which has been provided to Council.

**BUSINESS AGENDA****FINANCE/GRANTS**

**MOTION:** It was regularly moved by Mrs. Viola, seconded by Mr. Donovan, to adopt Resolution No. 2009-15 being the Concurrent Resolution formally requesting grant funds, in accordance with the Community Infrastructure and Tourism Grant of Allegheny County.

MOTION carried by Unanimous Roll Call Vote (7-0).

**PUBLIC SAFETY:**

**MOTION:** It was regularly moved by Mr. Bloom, seconded by Mr. Cindric, to adopt Ordinance 1597, which shall amend Section 214-19 of Chapter 214 of the Crafton Borough Code of

Ordinances, Vehicles and Traffic, One-Way Roadways, to include South Emily Street; establishing one-way traffic in a southerly direction from Crafton Boulevard to Ewing Road. COMMENTS: Mr. Bloom reiterated that this can be readdressed in the future if this change creates problems.

MOTION carried by a Six Yes, One (*Viola*) No Vote (6-1).

**MOTION:** It was regularly moved by Mr. Cindric, seconded by Mrs. Viola, to authorize the Borough Manager to prepare and advertise an ordinance for adoption, which shall amend Section 214-35 of Chapter 214 of the Crafton Borough Code of Ordinances, Vehicles and Traffic, Parking Prohibited at All Times in Certain Locations, to include Sterrett Street from Clearview Avenue to Hall Avenue on the Southerly side ~~and Clearview Avenue from 607 Clearview to Willard Avenue on the Easterly side.~~

MOTION carried by Unanimous Roll Call Vote (7-0).

### **PUBLIC WORKS**

**MOTION:** It was regularly moved by Mr. Bloom, seconded by Mr. Donovan, to approve payment to Creative Enterprises Corporation, in the amount of \$21,966.00, for the Bells Run Emergency Sewer Repair per the recommendation of the Engineer. COMMENT: Mr. Cindric clarified that this expense is being paid for from the Sewer Fund.

MOTION carried by Unanimous Roll Call Vote (7-0).

**MOTION:** It was regularly moved Mr. Bloom, seconded by Mr. Donovan, to approve the Final Estimate No. 3 to A. Folino Construction in the amount of \$8,641.88, for the 2009 Road Resurfacing Program, as recommended by the Engineer. COMMENT: Mrs. Luxbacher clarified that this was for the Crafton Blvd. paving program.

MOTION carried by Unanimous Roll Call Vote (7-0).

### **RECREATION**

**MOTION:** It was regularly moved by Mr. Cindric, seconded by Mr. Bloom, to allow the Carlynton High School Student Government Association to use the mini golf course for their fundraising project as per the conditions of their proposal, provided the appropriate releases are signed.

MOTION carried by Unanimous Roll Call Vote (7-0).

### **COUNCIL COMMENTS/COMMITTEE REPORTS:**

**Mr. Donovan** – Reminded everyone to support their local Volunteer Fire Department.

**Mr. Bloom** – Reported that he had checked out the streets where the reclamite was applied; the sand residue has basically washed away – Manager Sample added that the contractor did come out and sweep, and the borough street sweeper was also used to clean up the sand.

**Mr. Crown** – Noted that Crafton Celebrates and the Fire Dept. have two fundraisers planned; a Tailgate party at the fire house on Sept. 27<sup>th</sup> and a Night at the Races/Monte Carlo night on October 10<sup>th</sup>.

**Jr. Councilperson, Sheariss** – Reminder to watch for the Mini Golf Course fund raiser. Also, noted that the Carlynton Football team had recently, and finally, won a game.

**Mrs. Luxbacher** – She reiterated that she and Manager Sample met with pool management to evaluate the season. Sprout Fund/Library mural unveiling ceremony is scheduled October 10<sup>th</sup>., from 1pm-3pm, featuring a band, refreshments and activities. Reminder of the Sept. 26<sup>th</sup> Senior Citizen Dinner. Rec Board's Craft/Vendor Show is planned for Saturday, Nov. 7<sup>th</sup>.

**Mrs. Viola** – Commented on skateboard activity she has seen at Dinsmore/Noble; whereas the skateboarders fly through that intersection without looking and without regard for any traffic. She feels that the skateboards are being withheld pending the hearing to prevent them from pursuing further skateboarding until they come before the magistrate. Mr. Lewis re-iterated that this was not said to him; quoting Chief Rost again, with regard to his son skateboarding again in Crafton only if he were to buy him another skateboard. She also reported that members of the Shade Tree Commission requested that the expense categories for the parks be separated from the Shade Tree expenses. She noted, on behalf of Mrs. Sappie, that the next Finance Committee Meeting will be on October 21<sup>st</sup>, at 5pm, and the Ordinance Review Meeting will be at 6pm, followed by the Budget Meeting at 7pm.

**Mayor O'Connell** – Thanked the Manager for, once again, making application for the CITF grant; it is a lot of work, and was submitted and rejected previously because they changed the rules last year.

**Mr. Christman** – Reiterated the fundraiser information previously noted by Mr. Crown.

#### **ADDITIONAL CITIZEN COMMENTS**

**Mr. Kozy, Emerson Street** – Noted that most of the residents on Emerson do not mind the condition of the road; it deters traffic and speeders.

**Mr. Fox, S. Linwood** – Inquired about lowering the speed limit on S. Linwood – he was informed that this is under State regulations; any less than 25 mph is only permitted in school or park zone. Process to change any traffic ordinance – present a request or petition to Council for consideration, then Council would proceed accordingly – public meeting, prepare and advertise Ordinance for adoption, etc.

**Douglas Johnston, S. Emily** – Thanked Council for the action taken on S. Emily.

**Mr. Lewis, S. Linwood** – Inquired as to who are his Third Ward Council representatives; Mrs. Tremblay advised that they are Mr. Byers, Mr. Bloom and Mr. Christman.

**Mr. Suehr, Lincoln Street** – Expressed concern over the skateboard issue, stating that this could result in a Civil Rights violation issue which could eventually cost the taxpayers legal expense for a lawsuit. There is no risk to the Borough to have the Police return the skateboard to the parent, with a warning and guidance on skateboarding safety, traffic, etc.

#### **ADJOURNMENT**

**MOTION:** It was regularly moved by Mr. Donovan, and seconded by Mr. Crown, that this meeting be adjourned.

MOTION carried by Unanimous Voice Vote (8-0).

Respectfully submitted,

Mary Tremblay  
Borough Secretary