

**BOROUGH OF EDGEWOOD**  
**INDEX TO THE MINUTES OF THE COUNCIL MEETING OF JANUARY 20, 2009**

MOTION SUBJECT	MOTION NUMBER	PAGE
Adjournment	14	14
Bills	3	3
Minutes (December 15, 2008)	1	2
Minutes (January 5, 2009)	2	3
Open Records Policy Approval	9	11
Ordinance 1025, First Reading (Millage Set at 6.661)	10	12
Ordinance 1025, Second Reading (Millage Set at 6.661)	11	13
Ordinance 1026, First Reading (Copying Cost Adjustment in Accordance with Right-to-Know Act)	12	13
Ordinance 1026, Second Reading (Copying Cost Adjustment in Accordance with Right-to-Know Act)	13	14
Resolution 2009-17 (Zoning Hearing Board Appointment – (Gregory Evashavik) <b>(Temporarily Tabled)</b> )	4	7
Resolution 2009-17 (Zoning Hearing Board Appointment – (Gregory Evashavik))	6	9
Resolution 2009-18 (Zoning Hearing Board Appointment – (Stephen Zelenko))	7	10
Resolution 2009-19 (Zoning Hearing Board Appointment – (James Gladys))	8	11
Resolution 2009-20 (Tax Collector Exoneration)	5	8

**BOROUGH OF EDGEWOOD  
MINUTES OF THE MEETING OF COUNCIL HELD  
TUESDAY, JANUARY 20, 2009**

President Patricia Schaefer called the Meeting of the Council of the Borough of Edgewood to order on Tuesday, January 20, 2009 at 7:30 PM in the Municipal Building.

Borough Manager Kurt Ferguson called the roll and the following responded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer.

Mr. Szefi was absent.

Mayor Davin, Borough Solicitor Barry and Junior Councilperson Hazlett were also present.

The Pledge of Allegiance was recited.

**ITEMS FROM THE FLOOR**

Ms. Oleszewski, owner of a property at 828 Walnut Street, spoke to Council regarding the possibility of turning this property over to the Borough.

Mr. Reynolds asked had the resident looked into salvaging the house.

Mr. Barry asked how the house was initially acquired and Ms. Oleszewski said it was inherited.

Ms. Schaefer thanked Ms. Oleszewski for writing and explained that Solicitor Barry will be exploring avenues to answer her questions and that information will be sent back to her. Ms. Schaefer also noted that this will go before the Community Development Committee.

Mr. Barry clarified that Ms. Oleszewski is giving the Borough permission to go into the property and was answered in the affirmative.

Mr. Ferguson said that Mr. Ayres, the Building Inspector, can give guidelines on the existing condition of the building.

Mr. Hellett asked if this was a row house and was answered in the affirmative.

**COMMITTEE ACTION**

**M-1 Ms. McDonald moved to approve the minutes of December 15, 2008. Second by Mr. Cook.**

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. Motion carried.

M-2 Ms. McDonald moved to approve the minutes of January 5, 2009. Second by Mr. Cook.

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. Motion carried.

M-3 Ms. McDonald moved to authorize the payment of bills, for goods and services received by the Borough, having been reviewed and approved by the General Government Committee in the amount of \$84,834.93. Second by Mr. Cook.

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. Motion carried.

## COMMITTEE REPORTS

### GENERAL GOVERNMENT REPORT

Ms. McDonald stated that the Committee met last week, as well as this evening to review bills and proposed Open Records policies and changes under the Right-to-Know Act.

DISCUSSION: None.

### POLICE REPORT

Mayor Davin gave comparisons on the Part I and Part II crimes as compared to previous months and years. She stated that the Part I crimes were down in December as compared to the last two months and that the Part II crimes were very much down for the year. More arrests were made currently than in the last two years.

The Mayor reported on an attempted robbery at Applebee's, which culminated in the arrest of the actor, who was later found to be responsible for robberies in Penn Hills and Monroeville.

DISCUSSION: Mr. Reynolds had questions regarding the year-to-date total for Part I crimes and the makeup of the category. This question led to a further discussion and Mayor Davin said she will have Chief Payne break down the figures and show what is generally included under the categories.

### PUBLIC SAFETY

Ms. McDonald read the highlights of the report.

DISCUSSION: None.

## **COMMUNITY DEVELOPMENT**

Mr. Szefi was not present to give a report and neither Mr. Shultz nor Mr. Reynolds had anything to report.

DISCUSSION: None.

## **PUBLIC WORKS**

Ms. McDonald gave thanks to the Public Works Department, stating that during a storm event, Edgewood streets are always head and shoulders above the rest when it comes to being salted.

Ms. McDonald then read the highlights of the report. She also noted that a meeting will take place with this Committee as soon as information is garnered from the engineers.

DISCUSSION: None.

## **COMMUNITY SERVICE REPORT**

Mr. Hellett said that the Committee did not meet. He gave an update on the basketball program, stating that it is up and running. He did explain that the first game was cancelled due to inclement weather. Mr. Hellett then asked Mr. Ferguson about the smaller than average sized shirts.

DISCUSSION: Mr. Ferguson stated that this was being handled and that a second order for shirts was placed on Monday.

Further discussion ensued regarding how to contact players during a cancellation event.

## **PERSONNEL COMMITTEE**

Mr. Hellett stated that the Committee did not meet.

DISCUSSION: None.

## **PENSION COMMITTEE**

Ms. Schaefer stated that Mr. Szefi was not able to attend tonight's meeting, but information was received by the other Committee members, Mr. Shultz and Mr. Hellett. She noted that Mr. Szefi will be calling a Pension Committee meeting next Monday or Tuesday.

DISCUSSION: None.

**AD HOC**

**PORT AUTHORITY AGREEMENT COMMITTEE**

Mr. Reynolds said that the Committee did not meet.

DISCUSSION: Mr. Ferguson stated that he spoke with Ms. Showers this date and that she tried to set up a meeting with Port Authority Transit. Mr. Ferguson said that he gave her the email for Ms. Schaefer, Mr. Reynolds and Mr. McNally so that emails will go directly to them for any meetings.

Ms. Schaefer felt that the Ad Hoc meetings should be held regardless of whether Port Authority meets or not. She stated that Mr. Cook is being added since he was on the previous committee.

Mr. Ferguson answered Mr. Reynolds question regarding the length of time Ms. Showers' services would be needed by stating that it is not a time-specific issue, but rather one that is project-specific. He felt that the project should be over in the spring of 2010.

The other item which Mr. Reynolds asked for clarification of was the eighty thousand dollar (\$80,000) grant from the County Council.

Mr. Ferguson noted that these funds were from the proceeds of the slot machine revenue from the County, to be donated over a period of seven (7) years. He said that a final decision on disbursement for the funds is pending.

**INTERCOUNCIL COMMITTEE**

Ms. McDonald stated that the Committee will meet with Dr. Calinger on January 27, 2009 in follow up to the meeting held last summer. She encouraged everyone to attend.

DISCUSSION: Ms. Schaefer reported that she forwarded communication to Dr. Calinger about the residents' concerns regarding the school district.

**3 RIVERS WET WEATHER DEMONSTRATION PROJECT**

Ms. Schaefer stated that there was a Board meeting as well as a facility planning meeting. She stated that she has been nominated for the Regional State Board group. According to Ms. Schaefer, Alcosan will hold a public meeting for the east boroughs regarding the Consent Decree.

DISCUSSION: Mayor Davin asked if the Borough's engineers would attend and Ms. Schaefer noted that this was a general public meeting.

Ms. Schaefer then announced that there would be an Executive Session on a personnel matter, but no action would follow.

## **BOROUGH SOLICITOR REPORT**

Mr. Barry said he had a report for Executive Session on a matter that could lead to litigation. He also noted that the Pension Committee needs to hold a meeting as the Borough has received an audit form from the Auditor General with regard to the police pension fund and unused sick leave.

DISCUSSION: None.

## **BOROUGH MANAGER REPORT**

Mr. Ferguson noted some of the items on the agenda for consideration, including the ordinances and resolutions for the Zoning Hearing Board.

Movie Night scheduling preparations are underway, according to Mr. Ferguson.

Mr. Ferguson reported that one (1) tree has been removed on Elm Street and three (3) more have been removed from Garland Street. The trimming of trees has been completed on Lincoln Avenue. Mr. Ferguson said that the arborist is compiling a list of trees and their condition and the list will be given to the Community Services Committee.

Mr. Ferguson referred to correspondence he received about rats on Elm Street which stated that the rats have been more visible since work on the Parkway ramps. An article will be placed in the newsletter and, as well, Mr. Ferguson stated that he will have Public Works make sure that there are no other contributing factors.

A previous rat problem which existed on Dewey Street was due to eighteen (18) bird feeders in a one block area, according to Mr. Ferguson.

Mr. Ferguson stated that the insurance settlement, minus the \$1,000 deductible, for the fire truck incident has been settled and the truck will be fixed.

DISCUSSION: Mayor Davin noted that the Edgewood Foundation would like the plantings at the Edgewood sign on PennDot property done in conjunction with the Garden Club. She requested Mr. Ferguson's help in getting information for a meeting of the Foundation this coming Saturday.

Ms. Schaefer asked Mayor Davin to try to find out if there is anyone who might be willing to take the planting project over since Ms. Mulholland's departure.

Ms. Schaefer reported that the Pennsylvania State Association of Boroughs (PSAB) will hold a meeting March 22-25, 2009 at Hershey Lodge.

Mayor Davin noted that the Mayors' meeting will be held February 26, 2009 at Palmieri's in Turtle Creek featuring updates from County Executive Onorato.

Meetings were set as follows for January 26, 2009: Public Safety – 7:30 – 8:30 PM and Pension Committee at 8:30 PM. For Wednesday, January 27, 2009, the Intercouncil will meet at 7:00 PM and on Thursday, January 29, 2009, Community Services will meet at 7:00 PM.

**COMMITTEE ACTION**

M-4 Mr. Hellett offered Resolution 2009-17 and asked for its immediate adoption. Second by Mr. Cook.

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2009-17**

**WHEREAS**, the Borough of Edgewood understands the significance of a Zoning Hearing Board; and

**WHEREAS**, the Borough understands the complex zoning issues a community can face; and

**WHEREAS**, Mr. Gregory Evashavik has exhibited the desire, knowledge and ability to contribute positively to the Zoning Hearing Board.

**NOW THEREFORE BE IT RESOLVED** that the Edgewood Borough Council will hereby reappoint Mr. Gregory Evashavik to the Zoning Hearing Board to a term which will expire December 31, 2011.

**ADOPTED THIS THE 20<sup>th</sup>** day of January 2009 by the Council of the Borough of Edgewood.

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Council President

DISCUSSION: Mr. Ferguson queried Mr. Barry regarding the staggering of expiration dates; Mr. Barry will investigate this.

**FOLLOWING DISCUSSION, THE RESOLUTION WAS TEMPORARILY TABLED.**

M-5 Ms. McDonald offered Resolution 2009-20 and asked for its immediate adoption. Second by Mr. Cook.

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2009-20**

**WHEREAS**, the Borough of Edgewood has an elected Tax Collector, and

**WHEREAS**, the Tax Collector is charged with the collection of local Borough real estate taxes, and

**WHEREAS**, the Tax Collector has collected all real estate taxes for the tax year 2008 deemed collectible and desires to officially close her books for the 2008 tax year.

**NOW THEREFORE BE IT RESOLVED**, that the Edgewood Borough Council hereby exonerates the Tax Collector from the uncollected balance of face value taxes in the amount of \$55,472.16. The Council hereby authorizes Pennsylvania Municipal Services to undertake the procedures necessary to collect this unpaid balance of year 2008 taxes.

**ADOPTED THIS THE** 20<sup>th</sup> day of January 2009 by the Council of the Borough of Edgewood.

ATTEST:

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Council President

**EXAMINED AND APPROVED** by me this 20<sup>th</sup> day of January 2009.

\_\_\_\_\_  
Jean O. Davin  
Mayor

**DISCUSSION:** Solicitor Barry explained the exoneration and how it works.

Ms. Schaefer asked for a comparison with respect to the delinquent amount last year to this year.



Mr. Ferguson answered that it was significantly higher, averaging between \$36,000 and \$38,000 per year. He stated that, in the past, the Tax Collector sent final notices out following the Thanksgiving holiday, but this was not done.

As a response to Mr. Reynolds question regarding how this impacts the final budget numbers, Mr. Ferguson said that the outstanding amounts are then higher for the next year.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **RESOLUTION PASSES.**

A discussion of Resolution 2009-17 led to Mr. Cook withdrawing his second and Mr. Hellett withdrawing his motion. The Resolution was then re-introduced.

**M-6 Mr. Hellett re-read Resolution 2009-17 and asked for its immediate adoption. Second by Mr. Cook.**

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2009-17**

**WHEREAS**, the Borough of Edgewood understands the significance of a Zoning Hearing Board; and

**WHEREAS**, the Borough understands the complex zoning issues a community can face; and

**WHEREAS**, Mr. Gregory Evashavik has exhibited the desire, knowledge and ability to contribute positively to the Zoning Hearing Board.

**NOW THEREFORE BE IT RESOLVED** that the Edgewood Borough Council will hereby reappoint Mr. Gregory Evashavik to the Zoning Hearing Board to a term which will expire December 31, 2011.

**ADOPTED THIS THE 20<sup>th</sup>** day of January 2009 by the Council of the Borough of Edgewood.

---

Borough Secretary

---

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **RESOLUTION PASSES.**

**M-7 Mr. Hellett re-read Resolution 2009-18 and asked for its immediate adoption. Second by Mr. Reynolds.**

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2009-18**

**WHEREAS**, the Borough of Edgewood understands the significance of a Zoning Hearing Board; and

**WHEREAS**, the Borough understands the complex zoning issues a community can face; and

**WHEREAS**, Mr. James Gladys has exhibited the desire, knowledge and ability to contribute positively to the Zoning Hearing Board.

**NOW THEREFORE BE IT RESOLVED** that the Edgewood Borough Council will hereby reappoint Mr. James Gladys to the Zoning Hearing Board to a term which will expire December 31, 2010.

**ADOPTED THIS THE 20<sup>th</sup>** day of January 2009 by the Council of the Borough of Edgewood.

---

Borough Secretary

---

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **RESOLUTION PASSES.**

- M-8 Mr. Hellett read Resolution 2009-19 and asked for its immediate adoption. Second by Mr. Cook.

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2009-19**

**WHEREAS**, the Borough of Edgewood understands the significance of a Zoning Hearing Board; and

**WHEREAS**, the Borough understands the complex zoning issues a community can face; and

**WHEREAS**, Stephen Zelenko has exhibited the desire, knowledge and ability to contribute positively to the Zoning Hearing Board.

**NOW THEREFORE BE IT RESOLVED** that the Edgewood Borough Council will hereby reappoint Stephen Zelenko to the Zoning Hearing Board to a term which will expire December 31, 2009.

**ADOPTED THIS THE 20<sup>th</sup>** day of January 2009 by the Council of the Borough of Edgewood.

---

Borough Secretary

---

Council President

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **RESOLUTION PASSES.**

- M-9 Ms. McDonald moved to approve the Open Records Policy for the Borough of Edgewood, as attached to the minutes of this meeting. Second by Mr. Cook.

DISCUSSION: Ms. McDonald noted that the Policy has been reviewed by the General Government Committee and the Solicitor.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **Motion Carries.**

M-10 Ms. McDonald offered Ordinance 1025 on First Reading and asked for its immediate adoption. Second by Mr. Reynolds.

**BOROUGH OF EDGEWOOD**

**ORDINANCE 1025**

**AN ORDINANCE OF THE BOROUGH OF EDGEWOOD,  
COMMONWEALTH OF PENNSYLVANIA FIXING THE TAX RATE FOR  
THE FISCAL YEAR 2009**

**BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Council of the Borough of Edgewood, Commonwealth of Pennsylvania;

**SECTION 1:** That a tax be and the same is hereby levied on all real property, within said Borough subject to taxation for Borough purposes for the fiscal year 2009 as follows:

Tax rate for general Borough purposes, the total of six and six hundred sixty-one thousandths (6.661) mills on each thousand dollars of assessed valuation.

1 mill = \$1.00 for every \$1,000 assessment  
6.661 mills = \$6.661 for every \$1,000 assessment

**SECTION 2:** That any ordinance, or part thereof, conflicting with the provisions of this Ordinance be and the same is hereby repealed insofar as the same is affected by this Ordinance.

**ORDAINED AND ENACTED** into law this 20<sup>th</sup> day of January 2009.

ATTEST

\_\_\_\_\_  
Kurt M. Ferguson  
Borough Secretary

\_\_\_\_\_  
Patricia M. Schaefer  
Council President

**EXAMINED AND APPROVED** by me this 20<sup>th</sup> day of January 2009.

\_\_\_\_\_

Jean O. Davin  
Mayor

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **FIRST READING PASSES.**

- M-11 Ms. McDonald offered Ordinance 1025 on Second Reading (Title Only) and asked for its immediate adoption. Second by Mr. Reynolds.

**BOROUGH OF EDGEWOOD**

**ORDINANCE 1025**

**AN ORDINANCE OF THE BOROUGH OF EDGEWOOD,  
COMMONWEALTH OF PENNSYLVANIA FIXING THE TAX RATE FOR  
THE FISCAL YEAR 2009**

DISCUSSION: Mr. Hellett asked how long the millage has been at its current rate and Mr. Ferguson noted that the change was made in 2002 to 6.661.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **SECOND READING PASSES.**

- M-12 Ms. McDonald offered Ordinance 1026 on First Reading and asked for its immediate adoption. Second by Mr. Cook.

**BOROUGH OF EDGEWOOD**

**ORDINANCE 1026**

**AN ORDINANCE ADJUSTING COPYING COSTS IN ACCORDANCE WITH  
PENNSYLVANIA'S RIGHT-TO-KNOW LAW**

**WHEREAS**, the Pennsylvania Right-to-Know Law passed on February 14, 2008, and

**WHEREAS**, the law became effective on January 1, 2009 and established that fees for copying shall be set by the Pennsylvania Office of Open Records fees, and

**WHEREAS**, the Pennsylvania Office of Open Records sets limitations on the costs of copying fees of up to twenty five cents (\$.25) per page, and

**WHEREAS**, the Borough established a fee of fifty cents (\$.50) per page with Ordinance 987 on December 15, 2003.

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Edgewood will set its copying fee at twenty five cents (\$.25) per page.

**ADOPTED THIS THE 20<sup>th</sup>** day of January 2009 by the Council of the Borough of Edgewood.

ATTEST:

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Council President

**EXAMINED AND APPROVED** by me this 20<sup>th</sup> day of January 2009.

\_\_\_\_\_  
Jean O. Davin  
Mayor

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **FIRST READING PASSES.**

**M-13 Ms. McDonald offered Ordinance 1026 on Second Reading (Title Only) and asked for its immediate adoption. Second by Mr. Reynolds.**

**BOROUGH OF EDGEWOOD**

**ORDINANCE 1026**

**AN ORDINANCE ADJUSTING COPYING COSTS IN ACCORDANCE WITH PENNSYLVANIA'S RIGHT-TO-KNOW LAW**

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **SECOND READING PASSES.**

**ADJOURNMENT**

**M-14 Following an Executive Session which lasted from 9:03 PM to 10:00, Ms. McDonald moved to adjourn the meeting. Second by Mr. Cook.**

DISCUSSION: None.

Upon roll call vote, the following was recorded: Ms. McDonald, Mr. Shultz, Mr. Reynolds, Mr. Cook, Mr. Hellett, Ms. Schaefer voted yes. **Motion carries.**

---

Kurt M. Ferguson  
Borough Manager