

MUNICIPALITY OF MONROEVILLE

COUNCIL WORK SESSION

JANUARY 3, 2023

MINUTES

The meeting was called to order at 7:12 p.m. by Mayor Nick Gresock immediately following the citizens night meeting.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Mayor Gresock, Joe Hyzy, Eric Poach, Bob Stevenson, Steve Wolfram, Mike Adams, Bob Williams, Dennis Biondo, Tim Little, Bob Wratcher, Josie Rock, Paul Hugus, Joe Sedlak and Paul Whealdon.

EXECUTIVE SESSION ANNOUNCEMENT

Council conducted an executive session before the Citizens' Night Meeting on January 3, 2023 from 6:15 to 7 p.m. for personnel and litigations reasons. Council legislative action, if any, shall be taken at the January 10, 2023 Regular Council Meeting.

APPROVAL OF MINUTES

There were no comments or questions concerning the minutes of the Citizens' Night Meeting of December 6, 2023, Council Work Session of December 6, 2023 and the Regular Council Meeting of December 31, 2023.

APPROVAL OF REPORTS OF TAX COLLECTIONS

Council considered approval of the Reports of Tax Collections. There was no discussion.

LIST OF BILLS, BUDGET TRANSFERS AND PAYROLL

Council then considered the List of Bills in the amount of \$1,132,289.03, Budget Transfers and Payroll in the amount of \$1,203,253.79 for the month of December 2022.

There was no discussion at this time.

VACANCIES ON BOARDS, COMMISSIONS AND AUTHORITIES

Council will consider nominations and appointments to the vacancies on boards, commissions and authorities at the regular council meeting.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION

A resolution adopting the Lodovico Development Sewage Planning Module.

Mr. Little reported this is from the development approved last year and it is the sewage planning module that goes to the DEP.

ORDINANCES

ORDINANCE

An ordinance of the Municipality of Monroeville, Allegheny County Pennsylvania, prohibiting the feeding of wild animals and providing penalties for the violation of such regulations.

Council tabled this item at the December 13, 2022 meeting.

Mr. Wratcher reported he discussed this issue with the Animal Control Officer (ACO) and he supports the ordinance, as submitted.

Mayor Gresock explained this came about for a couple of reasons but initially there was a coyote attack on a pet dog which led to discussions with the Pennsylvania Game Commission. He reported they are all through the area and tend to follow game and feeding trails of deer that are being unnaturally fed. He stated the game commission advises against wild life feeding for many reasons including it is bad for the deer and animals, it spreads disease, harms the habitat and there are a whole host of problems why the game commission is against wild life feeding. He reported currently Monroeville has no way of solving the problems and he felt this ordinance is not one to check on every individual that throws bread to birds because there are stipulations for bird feeders but if there are issues in the neighborhoods, the ACO currently does not have any way to fix the problems. He suggested this is a good solution to give the ACO more authority to deal with some of the situations that arise.

ORDINANCE

An ordinance of the Municipality of Monroeville, Allegheny County, Pennsylvania, authorizing the proper officials of Monroeville to enter into a collective bargaining agreement with the police department wage policy committee of the Municipality of Monroeville for the Contract Years 2023 through 2026.

REPORTS OF MUNICIPAL STAFF

MUNICIPAL MANAGER'S REPORT

RESURFACING ROUTE 22

Mr. Little reported he was contacted by PennDOT concerning paving and reconstructing medians on Route 22 and constructing the shoulders of the road. He explained PennDOT already did the eastern portion from Mosside Boulevard/Route 48 east towards Murrysville. He reported now they will do the same thing from the Churchill Exit up to Mosside Boulevard.

Mr. Little reported Monroeville has an Active Transportation Program which is for multi-module transportation which deals with sidewalks, bike lanes and other items. He indicated they wanted to know if the municipality wanted to put in sidewalks because the most feasible place to put them is near the Monroeville Mall under the underpass going towards Monroeville Ford and Dunams which would be difficult because there is a wall. He stated the municipality could install sidewalks under the Active

Transportation Program at the Monroeville Mall. He reported he distributed under separate cover to council where the sidewalks would be installed. A video demonstration was made on Monroeville Municipal Television. Mr. Little reported the sidewalks would go right in front of the mall coming off the Hall Station Bridge passed Kohls. He explained sidewalks are already there but getting up closer to the mall there are no sidewalks and the right-of-way gets dicey after the underpass up towards Monroeville Ford. He added it gets tight because there are telephone poles and a retaining wall further up towards Dunams that would have to be dealt with. He reported he contacted the manager of the mall which contacted the parent company CBL and they are not interested in maintaining the sidewalks nor taking on the liability of them.

Mr. Little briefly explained the pictures on television. He reported if council wanted to install the sidewalks, the municipality would have to maintain them and assume the liability. He explained even though this is PennDOT's Right-of-Way their policy is that any time sidewalks are installed it is assumed by the municipality then it is between the municipality and the property owner of who maintains them and has the liability.

Mr. Little reported they will be letting contracts for this project at the end of the month because there was a holdup. He stated PennDOT would like to have a decision by the end of the week or by the regular council meeting.

Mr. Stevenson inquired whether anyone has done a study on the cost to do it. Mr. Little stated there is a 20 percent match which is included in the memorandum sent to council. He reported it explains the responsibility of the municipality. He pointed out the cost would be \$100,000 with the cost to the municipality of \$23,000. He again stated it is a 20 percent match that PennDOT would put into their contract. He added there is a minor issue of reconstruction on curb and ADA ramps near McMasters Drive at a cost of \$1,200 which is minor. He felt the municipality should move ahead with that but the main issue is the sidewalks near the mall. Mr. Stevenson inquired whether the municipality has any funds in the sidewalk fund to do this and Mr. Little answered affirmatively.

Mr. Adams disagreed with getting involved with installing sidewalks on Route 22 if the municipality has to maintain them and have the liability and Mr. Hyzy agreed.

Mr. Biondo inquired whether there is anywhere else in Monroeville that the municipality maintains PennDOT Roads. Mr. Williams mentioned the bridge across from the Municipal Building. Mr. Hugus asserted the municipality is supposed to maintain the bridge across from the Municipal Building and the bridge from 130 to North Versailles.

Mayor Gresock felt sidewalks are always a good idea and the municipality spent a lot of time with the Active Transportation Plan to identify these situations. He added that was an area that was identified with the Active Transportation Plan that was approved by previous council. He suggested for \$20,000 the municipality is getting \$100,000 worth of value to get sidewalks. He mentioned the new proposed zoning ordinance and it is uncertain what will be at the mall long term or if it will change in any way. He felt this is a good way to plan for the future and try to make things more pedestrian friendly. He reported people still walk and even on the spots being outlined there are paths where people have walked and there is a fair amount of foot traffic in these areas and sidewalks would make it safer for those individuals. He encouraged council to move forward on this and it is an opportunity to get it done for a nominal amount of money and there may be funds in the sidewalk fund.

Mr. Stevenson again questioned how much is in the sidewalk fund and Ms. Rock estimated it to be less than \$5,000.

Mr. Hyzy was concerned with the liability issue and Mr. Adams agreed. Further discussion ensued. Mayor Gresock asserted the mall may assume liability. Mr. Poach inquired whether there was a drawing for the McMaster Drive Plan. Mr. Little answered they did not supply a drawing and would only be for the curb ramps. Further discussion ensued.

Mayor Gresock questioned whether sidewalks are required with any kind of site development and Mr. Whealdon answered affirmatively. Mayor Gresock inquired about what development at the mall would trigger sidewalks on Route 22. Mr. Whealdon asserted most of it is developed and he suggested they would have to come in with a land development plan to trigger it. He stated there is no specific acreage requirement and it would be just be a land development plan. Mr. Little mentioned when the movie theaters were put in it did not trigger it. Mr. Whealdon stated it could have. Further discussion ensued about the frontage and Mr. Whealdon mentioned it is one parcel. He explained the VA Hospital put sidewalks in around their parcel within the mall. Mayor Gresock stated that is a separate parcel and Mr. Whealdon agreed it was subdivided.

Mr. Hyzy felt it is a safety issue and Mayor Gresock contended it is a safety issue on Route 22. Mr. Whealdon explained the VA Hospital would maintain their sidewalks. Mr. Hyzy stated the municipality does not want to maintain nor have the liability of those sidewalks on Route 22. Mr. Wolfram suggested the liability is more in question and Mr. Hyzy agreed. Further discussion ensued.

Mayor Gresock inquired whether the municipality can put sidewalks in a residential area in the right-of-way and Mr. Wrtcher answered it depends. He explained easement rights-of-way are narrowly construed so if the municipality has an easement or a right-of-way it may say that certain things can be put in and certain things cannot be put in. He reported someone challenging it could stop you from putting in the sidewalks if they are not among the things permitted. He suggested sidewalks are generally considered an improvement but it is not certain that it will be approved. Mayor Gresock inquired whether the liability would be placed on the property owner if the municipality installed sidewalks on Route 22 or required it in an area and Mr. Wrtcher answered affirmatively. He clarified his answer with it if for municipal rights-of-way and easements. He suggested it is a different situation on Route 22 because it is controlled by the state that are pushing the maintenance and liability on the municipality. Mr. Hugus added the municipality's sidewalk ordinance requires the businesses and the residents to maintain sidewalks in front of their structures.

Mr. Little explained the municipality has a sidewalk program to put sidewalks on every residential street which means the residents will be responsible for the maintenance. He inquired whether that can be challenged and Mr. Wrtcher agreed it could possibly be challenged. He felt the bigger issue is that once it is done on the residential streets they become the responsibility of the property owner. He explained the municipality has natural immunity with respect to injuries that may occur on them.

Mayor Gresock asserted that if sidewalks are installed on Route 22 in the permitted easement or right-of-way the property owner would be liable and Mr. Wrtcher concurred. Mayor Gresock pointed out the mall does not want to assume liability and maintenance.

Mr. Biondo inquired how the liability falls on the municipality when it is on PennDOT's road. Mr. Wratcher stated PennDOT has found a way to pass their liability onto everyone else. He explained the municipality assumes the liability of every traffic signal once they are installed.

Mr. Stevenson inquired whether this item would require a motion and vote by council and Mayor Gresock answered affirmatively at the council meeting. Further discussion ensued. Mayor Gresock encouraged council to think about this before the council meeting. He suggested the Active Transportation Plan can be reviewed. He felt this is a good opportunity with the new road construction on Route 22 to take advantage of the construction time.

Mr. Little concluded his report and wished everyone a Happy 2023.

REPORTS OF COUNCIL MEMBERS

FIRST WARD COUNCILMAN JOE HYZY

Mr. Hyzy congratulated Mrs. Darlene Cole on her last day of work and thanked her for her service. He wished Mr. Sedlak a happy birthday the next day.

THIRD WARD COUNCILMAN BOB STEVENSON

Mr. Stevenson reported he made a new year's resolution and he would like to see everyone else make the resolution of trying to be kinder to each other in 2023 than you were in 2022.

FOURTH WARD COUNCILMAN STEVE WOLFRAM

Mr. Wolfram wished Mr. Sedlak a happy birthday and every one a happy new year.

FIFTH WARD COUNCILMAN MIKE ADAMS

Mr. Adams wished all the Orthodox Christians a Merry Christmas on January 7 and he sent condolences to the McIntyre Family from Blackenridge. He encouraged everyone to thank the police officers for their thankless job.

SIXTH WARD COUNCILMAN BOB WILLIAMS

Mr. Williams wished everyone a happy new year. He encouraged everyone if they see something to say something and not to feel bad about calling the municipality to report anything.

SIXTH WARD COUNCILMAN DENNIS BIONDO

Mr. Biondo wished Merry Christmas to Councilman Adams and all the Orthodox Christians and happy birthday to Mr. Sedlak.

Mr. Biondo reported the parks and recreation brochure is out and it can be found on the parks and recreation portion of the Monroeville Website or at Monroeville PA Parks Facebook Page. He reported it has a number of the activities of the parks department and the swimming lesson deadline has been extended so it is not too late to register for lessons.

Mr. Biondo referred to the pavilion rentals and encouraged everyone to get them early while they are still available. He also wished everyone a happy new year.

MAYOR NICK GRESOCK

Mayor Gresock echoed all of council's reports and wished everyone a happy new year and the Serbian's a Merry Christmas. He also congratulated Mrs. Cole on her retirement and wished Mr. Sedlak a happy birthday. He expressed his condolences to the Al Hess Family on the loss of his father.

ADJOURNMENT

There being no one further come forward before council, at this time, Messrs. Hyzy and Stevenson duly made a motion to adjourn the meeting at 7:33 p.m. and Mr. Biondo seconded it. Upon a voice vote the motion carried unanimously.

Respectfully submitted,

Timothy J. Little
Municipal Manager

TJL/sam