

MUNICIPALITY OF MONROEVILLE

CITIZEN'S NIGHT MEETING

MAY 4, 2017

MINUTES

The meeting was called to order at 7 p.m. by Mayor Greg Erosenko.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited at this time.

ROLL CALL

The following were present: Mayor Erosenko, Linda Gaydos, Nick Gresock, Ron Harvey, Paul Caliri, Tom Wilson, Tim Little, Bob Wratcher, Josephine Rock, Paul Hugus and Paul Whealdon. Messrs. Johns and Sedlak were absent.

NIKKI LONG

Mrs. Nikki Long, a resident of Vanderbilt Drive, came forward to express her concerns. She briefly reviewed a situation that occurred in her neighborhood a few weeks ago concerning the Municipality of Monroeville inspecting her home and informing her she was in violation of Section 106 of Ordinance 2479, Weeds and Plant Growth of eight inches high. She indicated she had five days from the inspection date to correct the issue and since the letter arrived three days after the inspection, she only had two days to correct it. She reported she immediately contacted the municipality and left a message and followed up with a telephone call the next day and left another message. She also was unable to speak to anyone about the violation until April 17 which was two days after the deadline because it was Good Friday and the Easter holiday. She felt the process was unjust even though the municipality was attempting to do the right thing.

Mrs. Long then emphasized a few questionable factors about those procedures and stated no physical inspection was made of her property. She stressed how the municipal inspector informed her that it was a drive-by inspection and she pointed out it was done only four days after the most recent snow fall for Monroeville. She suggested the municipality should take weather conditions into account when making these inspections. She also recommended they consider the resident's work and home life when giving a reasonable amount of time to address their lawns after a Spring snow storm. She was informed by the Building Engineer and Community Development Director that it may have been premature to issue the violations to the neighborhood but that the compliance department had been pressured by the municipality to enforce cleanliness of the neighborhoods. She agreed and felt the residents also want to keep the neighborhoods safe and pristine.

Mrs. Long mentioned how one of the mayor's goals in his state-of-the municipality address was to attract younger families to Monroeville because of the decline in enrollment in the Gateway School

District. She felt handing out violations to entire neighborhoods four days after the last snow fall indicates that the government officials are not here to work with the residents but against them.

Mrs. Long explained that she chose to live here because this is where her husband grew up and where his family is located. She also indicated they love the opportunities the community offers to their children but now they must consider whether the municipality is going to be a constant battle where they live. She suggested it could save the municipality thousands of dollars if proof was obtained before handing out violations to residents by sending unnecessary certified letters to the citizens along with regular letters. She mentioned that it would also eliminate the sense of betrayal the residents have experienced.

Mrs. Long reported the residents share the goals which are to ensure that the neighborhoods are safe and aesthetically pleasing. She mentioned how the residents are the building blocks of the community and everyone needs to work together to ensure growth in the municipality.

Mayor Erosenko inquired what she wanted the municipality to consider and Mrs. Long suggested proof should be obtained when issuing violations. She was adamant about having proof before sending citations of \$500 per day to residents because it would take a \$500 nonrefundable fee for that resident to fight it. She felt it was unfair because it is the municipality's word against the resident and the municipality would always win.

Mr. Harvey stated in light of keeping the neighborhoods clean and attractive, he was uncertain whether anyone has the right to enter her property and Mr. Hugus agreed. Further discussion ensued regarding the eight inches and whether or not the language in the ordinance is opinionated. Mrs. Long felt it was opinionated to the point that the code enforcer who wants to issue a violation. Mr. Harvey reported the municipality has a lot of people complaining about neighboring properties being unkempt. Mrs. Long contended that it is unfair for someone to drive around an entire neighborhood four days after the last snow fall and issue violations.

Mr. Duncan suggested possibly giving a warning. Mrs. Long felt a regular mail letter with a ten-day warning to take care of the grass should have been made first before a certified letter threatening a \$500 per day fine if the problem is not corrected in five days. Mr. Duncan mentioned how previously the refuse collector put a notice on resident's doors when they put building material out for garbage collection because it is prohibited by ordinance and he suggested a door hanger could be placed on the door if the grass is too high requesting it be attended to.

Mayor Erosenko explained the municipality would take it under advisement. Mr. Wilson inquired whether a telephone number was included when the letter was sent to her and Mrs. Long answered affirmatively. Mr. Hugus explained it was the code enforcement officer's number but they work mostly in the field and this was leading up to the Good Friday and Easter weekend.

Further discussion ensued regarding whether or not someone is permitted to go onto private property. Mr. Hugus explained there are legalities associated with a code enforcement officer's approach gating on private property. He also stated certified mailing is the only legal way of

notification. Mr. Wilson questioned whether a photograph could be sent with the notification and Mr. Hugus answered affirmatively. He added photographs are taken of all code violations with the exception of the grass because there are so many. He explained sending a warning letter is compounding because after a week the grass continues to grow before another letter is sent. Mrs. Gaydos reminded Mr. Duncan of the \$4,000 to \$5,000 expense the municipality has to maintain properties that are unkempt. Mr. Duncan felt there should be a compromise. Further lengthy discussion ensued. Mr. Hugus reported 400 violation letters were sent out in April and 250 were grass related.

Mayor Erosenko suggested allowing the manager and solicitor to review the issue to determine whether there are any alternatives and felt there has to be another way to accommodate the residents.

DORREN VARUOLO

Ms. Doreen Varuolo, a resident of Glenwood, came forward representing the Glenwood Condominium Association which has 200 owners of townhouses located on Old William Penn Highway. She explained their concern is the proposed building of Vasa Enterprises on Old William Penn Highway. She pointed out half of their executive board was in attendance and several of their residents. She did express her concerns for the amount of parking spaces available. She explained they have a 700 square foot social hall located in Glenwood that the owners can rent that has an occupancy of 66 people with 20 parking spaces and they frequently have people parking in the streets because the 20 spaces are not enough. She pointed out the proposed Vasa facility is 15,000 square foot with a 7,000 square foot social hall with 65 parking spaces. She was concerned that people would park in Glenwood, Bruster's Ice Cream and Giant Eagle. She also mentioned their concern is for the safety on their streets. She reported no on-street parking is permitted in Glenwood which is monitored by the residents and they are concerned they would not be able to monitor people coming in and parking on their streets. She stated the proposed parking is insufficient for the amount of space proposed.

Mrs. Vauolo also reported Glenwood has sidewalks and the property next to them has sidewalks that are maintained. She felt it may be a safety issue if this property does not have them. She also pointed out the property is prone to flooding and runoff problems which have been corrected. She reported a car was flooded by the historic bridge and the fire department had to save the woman from the car and there was a sink hole problem at Giant Eagle due to all the runoff. She voiced her concern for the flooding issues in that small area. She requested council deny the proposal.

AARON HAJDUK

Mr. Aaron Hajduk, a resident, came forward as a property owner on Vanderbilt Drive. He reported he also received a notice concerning his grass on April 14, Good Friday and he immediately called the municipal building with no answer and he did not receive a return call until April 18 at 2 p.m. He pointed out that he was not given five days and it was a holiday weekend. He felt it was poor timing on the part of the municipality and he expressed his concerns for some of the arbitrary issues. He referred to Section 302.4 which says, high grass and weeds need cut and maintained less than eight inches throughout the growing season. He questioned the growing season and he pointed out there

was a snow fall four days prior. A brief discussion ensued regarding the growing season. Mr. Hajduk suggested if the municipality is going to send notifications with arbitrary information it is going to get arbitrary responses. He felt this actually caused neighbors to get upset with other neighbors because previously notices were sent when someone called. He felt the municipality created this situation in the neighborhoods because the code enforcement inspector informed him nobody called with a complaint. He suggested it is arbitrary that the municipality did not state that starting April 1 everyone is expected to have their grass cut. He felt this is a nightmare, should never have happened and it reflects poor judgement from the municipality.

Mrs. Gaydos appreciated the information concerning the April 1 growing season. Mayor Erosenko suggested anyone with an issue should bring the information forward. He reported none of the elected officials are privy to the information that is sent out to residents. He felt the code enforcement officers are just doing their job. He suggested the municipality will review the issue but there are certain notification rules that must be followed.

Mr. Hajduk was not upset about receiving the notification letter but was mad about an arbitrary procedure that he has to adhere to and the municipality cannot tell him when the growing season starts. Further discussion ensued about the growing season. Mr. Hajduk suggested it should be better defined. Mr. Hugus pointed out that Mother Nature determines the season and felt an arbitrary date cannot be applied because the growing season varies. Mr. Hajduk felt if there is an official growing season then it should be defined. Mr. Caliari stated the growing season officially is from April 14 until October 7. Again, Mr. Hajduk suggested if there is a rule it should be defined.

Mr. Harvey reported council wanted to clean up the community and he felt the inspectors were doing their job. He agreed with the residents that it should be defined better. Further discussion ensued.

BONNIE BAYNE

Ms. Bonnie Bayne, a resident, came forward to inquire whether the historic landsite that sits on the property of the proposed development has been considered. She had a photograph of the historic bridge. Mr. Harvey pointed out there is a plaque on it. Ms. Bayne reported she spoke to the Pittsburgh Historic Society who granted it and explained the builder has to obtain permission from council and the planning commission to build near it. She indicated there is a required distance from the development and the historic site. She added the permission has to be granted prior to approval and it must be included in the site plan. Mr. Harvey inquired about the required distance and Ms. Bayne answered that it varies. She stated the developer has to find the answer and follow the guidelines. Mr. Hugus reported the bridge in question is not on the site proposed for development.

JANETTE BEIGHEL

Ms. Janette Beighel, a resident, came forward to announce there will be a Meet-the-Candidates Night on May 8 and the venue has been changed from the Gateway High School Auditorium to the Garden City Fire Hall. She explained it is with the candidates for district magistrate, Monroeville Council,

Gateway School Board and the candidates for mayor. She encouraged everyone to attend so the residents could get to know the candidates and where they stand on issues before Election Day. Mrs. Gaydos suggested a notice be placed on the doors of the high school because there was a notice in the Times Express. Further discussion ensued. Ms. Beigel reminded everyone that the doors open at 5:45 p.m. and the candidates start at 6:30 p.m.

DONALD CHARITON

Mr. Donald Chariton, a resident, came forward to question the paper road located at 4678 Old William Penn Highway. He questioned whether the municipality will sell the road and whether they are obligated to sell it to the owner of that property. Mr. Hugus explained there is a paper street but it is not being affected in any way by the proposed development.

JENNIFER HOLMES

Ms. Jennifer Holmes, a resident of University Park, came forward to express her concerns for receiving a notification that her grass was too high. She explained how she was very upset and that it ruined her holiday because telephone calls could not be made or received during that time. She contended that her grass was below eight inches and it would have been her first grass cutting of the year. She explained she has water issues on her property and sometimes she has to let it dry out before cutting the grass. She disagreed with the mailing of a certified letter and a regular letter and she was informed that they are required to send two letters. She reported the cost of a certified letter is \$6.56 to mail. Mrs. Gaydos reported the certified letter is to confirm that the resident received it. Ms. Holmes suggested a notice could be sent first by regular mail then a week later send a certified letter. Mrs. Gaydos contended that would take you into 10 to 14 days.

Ms. Holmes reported she has lived in her house 13 years and Monroeville all of her life and chose to live here. She stressed that she is a single parent, maintains her yard and works full time. She explained University Park has a lot of elderly people that have stayed there since it was started. She reported that she cannot afford to have anyone cut her grass and she cuts it every week. She questioned the growing season. Mayor Erosenko suggested the residents give the municipality an opportunity to review the issue. Mrs. Gaydos felt the timing over the Easter Holiday was not good. She suggested everyone wants their neighbors to maintain their house and the municipality wants the same. She also mentioned the seasons have been different this year and a little more definition would help. Further lengthy discussion ensued regarding the water issues in that area.

Ms. Holmes pointed that the municipality has to maintain grass in Monroeville and she mentioned Elliot Road. Mr. Duncan stated that is done with the mow trim on the right-of-ways. Ms. Holmes inquired who maintains the roads and Mr. Duncan answered the municipality maintains the municipal roads and the county and state maintain theirs. Ms. Holmes suggested if the municipality wants to make Monroeville presentable they should concentrate on their own grass cutting because currently it is higher than the grass in her yard. Mr. Harvey inquired whether she wanted the municipality to pay enough grass cutters to keep all the public streets below eight inches. Ms. Holmes answered that is the ordinance and the municipality is issuing citations so they should abide by it too.

MICHAEL MCKAY

Mr. Michael McKay, a resident of the Glenwood Community, came forward to discuss the proposal for the commercial building that will be located across from Glenwood. He reported that he also owns a restaurant and has experience in planning small and large events. He suggested for this proposed venue the numbers do not add up. He briefly explained you would not build a space out for a party revenue or social hall to 15 times the demand for the area. He felt there is a reason why it is being built to that size because they expect the demand to fill that square footage. He explained that 7,500 square feet will allow for 1,250 standing guests, 925 mixed standing and sitting guests, and 750 sitting only guests.

Mr. McKay pointed out there is a concern about the occupancy that has been approved and he disagreed that the landlord will self-regulate. He felt it allows for abuse by the self-regulator and the governing body that must enforce compliance. He inquired who he would call if the occupancy rule is being violated and there is a large party. He questioned the process, whether someone would come immediately or whether the problem is dealt with as it arises or would it wait for the opinion of the self-enforcer or the landlord. He inquired about the fine and whether there is a structure of fines and he expressed his concern about whether fines were enough to make them stop.

Mr. McKay was very concerned about the impact this would have on his community but stressed the concerns about safety. He mentioned the sidewalks and pointed out patrons would have to walk on or cross Old William Penn Highway if sufficient parking was not provided. He explained of an incidence where he was hit by car on Old William Highway. Again, he voiced his concern for the impact it would have on his community and the safety of its patrons. He employed council, as a resident business owner, and concerned citizen to deny this application for the proposed building.

Mr. Harvey explained it would depend on whether it is the police or the fire department who would fine them. Mrs. Gaydos felt anyone could call with a concern. Mr. Hugus pointed out that it would be a question of who verifies the occupancy and it depends on the day of the week, time of day and various other reasons. Mr. McKay again stated that a self-regulating landlord would want to make a profit but he was concerned whether someone would actually physically check to determine if there is an occupancy violation. He urged council to think of the problems in advance before it gets approved.

ROBERT SERAFINI

Mr. Robert Serafini, a resident, came forward to endorse everyone who is running for office because he felt they have done a great job for the community. He reported he has seen all the hard work they have done and they deserve to be re-elected.

LOU SMITH

Mr. Lou Smith, resident, came forward to invite everyone to come or tune into the next council meeting because he would have a report. He agreed with Mr. Serafini about all the candidates. He reviewed how he was very vocal four years ago and the voters did their job by removing those people.

He did not want to see the same type of scenario that occurred four years ago repeated. He indicated he would give a report on Tuesday about certain things that he knows. He expressed his support for District Magistrate Jeffrey Herbst and felt he deserves the residents' vote. He also expressed his support for Jesse Kaltstein for School Board and recommended him highly.

CHAD STUBENBORT

Mr. Chad Stubenbort, a resident, came forward with some questions. He inquired in what instance an ordinance can be overturned and who would have the authority to override or not follow an ordinance. Mr. Wrtcher questioned whether he met overturned by an action of council and Mr. Stubenbort answered negatively. Mr. Wrtcher explained there has to be an action by council and only council has the authority to override that ordinance. He stated an ordinance is a law and they have the right to repeal those laws.

Mr. Stubenbort reported that he sent an email on April 20 regarding a few signs that were placed on public property and he got a response from the manager stating there are a multitude of political signs within the right-of-ways and within the public property that are all in violation and should be removed. He read, that sometimes prudence has to prevail and the political signs are going to be allowed to stay so it will not show unintentional bias and provided there is no impediment to traffic.

Mr. Stubenbort read from Ordinance No. 2116 that prohibits any signs from being placed on public property which was signed by Marshall Bond and Sean Logan in 1999. He questioned where signs can be placed and what will happen to them on public property. Mr. Wrtcher explained some signs showed up and the inspectors removed them from the public right-of-ways and one of the candidates questioned it so it was reviewed. He stated then the manager made a decision as to what would and would not be allowed. Mr. Little explained how one of the candidates who complained then placed his signs in the right-of-way. He felt it is important to remember for all the candidates their first amendment rights to run and their freedom of speech. He mentioned there is a right-of-way ordinance, and technically, the code enforcement officers have to follow the ordinance and all signs should be removed. He pointed out the ordinance states that no signs are allowed in right-of-ways and it is extremely difficult to regulate. He stated the question then becomes whether or not it is in the right-of-way. He explained most of the old right-of-ways are 33 feet or 16 ½ feet from the middle of the road and newer right-of-ways may be 50-60 feet. He explained then the major roads such as Routes 22 and 286 have 120-150 foot right-of-ways. He suggested most candidates are uncertain about the right-of-ways and prudence must prevail. He felt if all the signs were arbitrarily removed the municipality would be flooded with telephone calls.

Mr. Stubenbort indicated that he came forward to discuss public land. Mr. Hugus explained his reference to Ordinance No. 2116 is not the most recent ordinance and Ordinance No. 2145 is what is enforced which was adopted after which references public rights-of-ways not public property. Mr. Stubenbort inquired whether it is illegal to place signs on public property in Monroeville and Mr. Wrtcher answered affirmatively. He added public property versus public right-of-ways needs to be defined better.

Mr. Duncan felt the intent of the ordinance was to get the signs off some of the public streets but he felt the signs should be allowed on private property. Mr. Stubenbort agreed but he had a problem with signs that were on public property and he wanted to know if it would be addressed. Mr. Harvey clarified that he was not talking about the right-of-way but the public property. Mr. Duncan stated the municipality does not want the signs in front of schools or public buildings. Dr. Gresock agreed that the public placement should be addressed but a private citizen's yard with their permission should be allowed. Mr. Wratcher further explained that if signs are in the right-of-ways they should not be located on public lands which may or may not be the best way to make a distinction between right-of-ways and actual public property where public buildings are located. Further discussion ensued. Mr. Wratcher suggested the underlying principle is that everyone should be treated the same way.

ADJOURNMENT

No one further came forward to make public comment at this time, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Timothy J. Little
Municipal Manager

TJL/sam