

**BOROUGH OF EDGEWOOD  
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DECEMBER 3, 2007**

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**BOROUGH OF EDGEWOOD  
MINUTES OF THE MEETING OF COUNCIL HELD  
DECEMBER 3, 2007**

Council President Schaefer called the Meeting of the Council of the Borough of Edgewood to order on Monday, December 3, 2007 at 7:34 PM in the Municipal Building.

**ROLL CALL**

Borough Manager Kurt Ferguson called the roll and the following responded: Ms. McDonald, Mr. Cook, Ms. Nogrady, Mr. Szefi, Mr. McNally, Mr. Hellett, Ms. Schaefer.

Mayor Davin, Solicitor W. Timothy Barry and Junior Councilperson McArdle were also in attendance.

The Pledge of Allegiance was recited.

**ITEMS FROM THE FLOOR**

None.

**AUTHORIZATION TO PAY BILLS**

M-1 Mr. McNally 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 \$36,130.63. Second by Ms. McDonald.

DISCUSSION: None.

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

**COMMITTEE ACTION**

M-2 Mr. McNally offered Resolution 2007-28 and asked for its immediate adoption. Second by Ms. McDonald.

**BOROUGH OF EDGEWOOD**

**RESOLUTION 2007-28**

**WHEREAS**, pursuant to Title VI of the Communications Act (see 47 U.S.C. § 601 et seq.), the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and

Pennsylvania law, Edgewood Borough in Allegheny County is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction and

**WHEREAS**, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (see 47 U.S.C. § 201 et seq.) and has applied for a non-exclusive cable franchise from the Borough to operate a cable system under Title VI of the Communications Act (see 47 U.S.C. § 521 et seq.) and

**WHEREAS**, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network ("FTTP Network") in the Borough for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania and

**WHEREAS**, the FTTP Network will occupy the public rights-of-way within the Borough and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Borough and

**WHEREAS**, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon's use of the public rights-of-way as provided by federal law, obtain complementary services for its public buildings, obtain educational and governmental channels, establish certain reporting requirements and provide for the future cable-related needs of its residents and

**WHEREAS**, the Borough has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services and

**WHEREAS**, the Borough has determined that the public interest would be served by granting a franchise to Verizon according to the terms and conditions contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Verizon.

**NOW THEREFORE BE IT RESOLVED** by the Edgewood Borough Council as follows:

**SECTION 1. Grant of Franchise; Execution of Franchise Agreement.**

The Borough hereby grants Verizon a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement. A copy of the Agreement is attached hereto and made a part hereof as Exhibit A.

**SECTION 2. Other Franchises Unaffected.**

Nothing in this Resolution, including the Agreement, shall alter the terms of any other franchise previously granted by the Borough, each of which shall remain in effect according to their particular terms and conditions.

**SECTION 3. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not render this Resolution invalid.

**ADOPTED** this the 3<sup>rd</sup> day of December 2007 at the meeting of the Council of the Borough of Edgewood.

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

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

DISCUSSION: Solicitor Barry gave a brief explanation of the Resolution, noting that this is a non-exclusive franchise which does not affect the current one in place. This agreement provides for a three percent (3%) franchise fee. An arrangement for a resolution to be adopted is being handled by the Turtle Creek Valley Council of Governments (TCVCOG).

As part of the documentation process forwarded by the Cohen group, stated Mr. Barry, there is an intervention letter which Mr. Barry recommended to Council be signed and sent back to Verizon as part of the agreement in the best interest of the Borough.

Mr. Ferguson queried Mr. Barry on the Comcast agreement expiration date.

Upon roll call vote, the following was recorded: Ms. McDonald, Ms. Nogrady, Mr. Szefi, Mr. McNally, Mr. Hellett, Ms. Schaefer voted yes. Mr. Cook abstained. Resolution Passes.

- M-3 Ms. McDonald moved to advertise and begin testing for full-time police officers with the intention of creating a new Civil Service eligibility list. Second by Mr. Hellett.

DISCUSSION: Ms. McDonald explained that this motion is the result of a Public Safety meeting where it was decided that this is the best course of action for the Borough to take.

Ms. Schaefer had a question regarding how this should be advertised.

Mayor Davin asked whether the Sergeant's exam would still be set up and Ms. McDonald said this would wait until the spring.

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

### **VOLUNTEER FIRE DEPARTMENT REPORT**

Mr. Rickard said luminaria sales are going well.

He reported that Mr. Laird will be going in for testing on January 8, 2008 and reported further that Mr. Laird is doing great.

Two additional members have joined the crew in the last two weeks, including six junior firefighters. Mr. Rickard reported that applicants are coming from all over due to the .org ads, but some have had to be turned away as they are too far out of the area. Ms. Schaefer asked that members make sure they point these people in the direction of stations more proximal to their homes.

DISCUSSION: None.

### **WATER AUTHORITY REPORT**

Mr. Fuller said there will definitely be an increase in rates for the coming year equal to about fifteen percent (15%), or about twelve cents (\$.12) per day, increasing quarterly rates from \$110.51 to \$127.09. The plan, according to Mr. Fuller, is to move to a monthly billing cycle for everyone.

It was also reported by Mr. Fuller that the work on Swissvale Avenue has been completed.

DISCUSSION: Mayor Davin asked if it is not more economical that quarterly, rather than monthly, billing be done and Mr. Fuller explained that the meter readers will be able to drive in such a way as to do readings from each side of the street consecutively using the Authority's computerized system. In the long run, the monthly system is just more economical, according to Mr. Fuller.

### **RECREATION REPORT**

Mr. Ferguson reported that adult basketball will run through the second week of April and that children's basketball (ages 7-15) is currently in the sign-up stages. He stated that he is coordinating with the volunteer coaches and referees and explained that the league will begin January 5, 2008.

DISCUSSION: Ms. Schaefer stated that one of the recommendations for the older children was to verify their ages and teams and Mr. Ferguson explained how ringers are placed on teams when children come onto the teams late in the process. He indicated that he will be working with the recreation coordinators and will attend the first meeting with the coaches where the behavior of the players, parents and coaches and referees will be discussed.

### **PLANNING COMMISSION REPORT**

Mr. Szefi said that the Committee did not meet and there was no report.

DISCUSSION: None.

### **COG REPORT**

Mr. Hellett said that the Committee did meet, but he was unable to attend.

DISCUSSION: Ms. Schaefer commended Mr. Hellett for keeping Council up to date on the important activities of the Turtle Creek Valley Council of Government's activities.

### **SOLICITOR'S REPORT**

Mr. Barry reported that he has prepared a draft to the Borough's consultants for the Edgewood Avenue Revitalization Project (J & T Consultants) and this has been sent to Mr. Ferguson. As well, an electronic draft of the Port Authority lease has been sent, according to Mr. Barry. He reported that the document is in good shape, further stating that Mr. McNally sent his comments. Mr. Barry offered that any other Council members with comments should feel free to forward them to him.

DISCUSSION: Ms. Schaefer asked that members forward comments to Mr. Barry and Mr. Ferguson and said that the General Government Committee can then move this along.

Further discussion ensued and it was decided that it is appropriate for the General Government Committee to approve this and Mr. McNally asked that this be placed on the next agenda.

Mr. Barry said he will await further instructions. He also reported that Mr. Hess, Port Authority's legal counsel, is very cooperative.

Regarding the property at 111 Maple Avenue which was destroyed by fire, Mr. Barry indicated that he was asked to review a \$6,500 bond, posted in the event of damage to the road.

Referring to the Waste Management agreement, Mr. Barry stated to Mr. Ferguson that he is awaiting the bond and certificate of insurance and Mr. Ferguson indicated that he will follow up on this. Mr. Barry requested copies for his files.

Mayor Davin opened a discussion of the train station and items yet to be completed.

Mr. McNally stated that there is a great deal of work still to be done. He said that for the exterior of the building, there is painting and landscaping to be done and for the interior, plumbing work is still to be done. Mr. McNally reported that it is hopeful that Port Authority will follow through on their oral commitment to supplement funding to take care of the necessary items to complete the vanilla box.

Ms. Schaefer said that there are plumbing items to be completed and a meeting was held as to whether to have the contractor or the lessee complete the items.

Mr. Ferguson said that this is one of the items Mr. Bilyak is working on and will provide information to Council. Some of the alternatives include pricing out potential requirements and Mr. Bilyak will review the options of the Borough vs a tenant's paying for items at a lower rental rate, according to Mr. Ferguson.

### **BOROUGH MANAGER'S REPORT**

Mr. Ferguson said that at the next Council meeting there will be a Public Hearing for the budget prior to the regular meeting.

Mr. Ferguson indicated that he is anticipating a resolution for the ongoing discussions with PennDot regarding paving of South Braddock Avenue the first week of April 2008. The work will be done in the evenings and during the week at a cost of approximately \$25,000 and will extend from Allenby Avenue to the Regent Square Theater plus 501 ft.

The road bond for Maple Avenue was to be reviewed today, but it was realized last Friday that the chimney was coming down and corrective action was needed at that time. The contractor was out on Saturday and Sunday and took down the chimney and downspouts. On Wednesday, a meeting will be held to talk about getting the structure down and the hours of operation.

At the request of Ms. Schaefer, Mr. Ferguson spoke about the East End Avenue citizen's meeting and explained that Mr. Antolovich of Public Works, Chief Wood, Sgt. Hockenberry and Mr. Ferguson did a walk through the area in question and after review, signage will be put in including no left turn and no outlet. The police also monitored the no left turn area. Mr. Ferguson reported that parking on both sides of the street makes the sign placement difficult.

DISCUSSION: Ms. Schaefer stated that it may just be a need to enforce what is already in place to make a difference.

Ms. McDonald said that this issue was talked about at the Public Safety meeting and the Police and the Mayor promised to collect data over the next ninety (90) days to determine whether these measures are working.

Mr. Ferguson said that he and Mr. Antolovich counted six (6) cars that made illegal turns during the hour the group surveyed the area.

Mr. Hellett offered thanks to Mayor Davin, Chief Wood and Mr. Ferguson for putting a police presence in the area.

Ms. Schaefer spoke of the other streets where issues existed and thanked Mr. Ferguson for being a representative for each situation.

Mayor Davin asked that funding be investigated in planning for LaCrosse Street and Ms. Schaefer stated that LaCrosse is not currently included in the South Braddock Avenue planning.

### **NEW BUSINESS**

None.

Ms. Schaefer reminded Council of the Public Hearing on December 17, 2007 at 7:00 PM and, as well, that will be the last meeting for the year. That date also represents the changing of the guard as this will be the last Council meeting for Ms. Nogrady and Messrs. McNally and Cook.

Ms. Schaefer also asked that the resolution for the South Braddock Avenue work be given to Mr. Barry for review.

### **ADJOURNMENT**

M-4 It was moved by Ms. McDonald and seconded by Mr. Cook to adjourn at 8:28 PM.

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Kurt M. Ferguson  
Borough Manager