

**BOROUGH OF EDGEWOOD  
INDEX TO THE MINUTES OF THE COUNCIL MEETING OF FEBRUARY 16, 2021**

<b>MOTION SUBJECT</b>	<b>MOTION</b>	<b>PAGE</b>
Approve Minutes of January 19, 2021	<b>M-1</b>	2
Approve Minutes of February 1, 2021	<b>M-2</b>	2
Authorize Payment of Bills	<b>M-3</b>	2
Motion to award Oakview Avenue retaining wall remediation project contract	<b>M-4</b>	5
Resolution 2021-07 Crossing Guard wages	<b>M-5</b>	5
Adjourn	<b>M-6</b>	5

**BOROUGH OF EDGEWOOD**  
**MINUTES OF THE COUNCIL MEETING HELD JANUARY 19, 2021**

*The meeting was held virtually via GoToMeeting due to the COVID 19 Pandemic.*

Vice President O'Donnell called the meeting to order at 7:30 pm.

**ROLL CALL**

Upon roll call, the following responded: Mr. Bright, Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrola, Ms. Yaney, and Mr. Wainright. Also present were Solicitor Tim Barry and Borough Manager Rob Zahorchak. Junior Councilperson Ben Bermann, and Mayor Wilson were absent.

**ITEMS FROM THE FLOOR:**

No public comments were submitted.

**APPROVAL OF MINUTES**

**M-1** Mr. O'Donnell moved to approve the January 19, 2021 regular meeting minutes. Second by Mr. Fuller.

The Aye vote on the motion was unanimous. **Motion carried.**

**M-2** Mr. O'Donnell moved to approve the February 1, 2021 regular meeting minutes. Second Mr. Love.

The Aye vote on the motion was unanimous. **Motion carried.**

**AUTHORIZATION TO PAY BILLS**

**M-3** Mr. O'Donnell 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, from the General Fund in the amount of \$52,534.11 and from the Sewer fund in the amount of \$240.00 for a total of \$52,774.11. by Mr. Fuller.

DISCUSSION: Mr. O'Donnell stated the largest portion of the bills included \$36,000 for a backhoe, \$4323 for a 2018 tax group fund return, and \$22,325.77 for a payment to MEIT (health insurance).

Upon roll call vote the following responded yes: Mr. Bright, Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrola, Ms. Yaney, and Mr. Wainright. **Motion carried.**

Mr. Wainright noted the inclusion of Mr. Bright and Dr. Petrola to the meeting at 7:35pm.

**Committee Reports:**

**GENERAL GOVERNMENT:** Mr. O'Donnell reported that a draft ordinance was distributed to council to decriminalize small possession of marijuana. Mr. Love asked if this ordinance makes small possession legal. Mr. O'Donnell stated that the penalties for a violation are included, and that it provides guidance on preferred course of action. He noted the importance of the fact that state law will still supersede borough procedure.

Mr. Wainright expressed concern for how creating an ordinance to decriminalize possession of small amounts of marijuana would work in relation to state law. Solicitor Barry reiterated that this action does not usurp or supplant the criminalization of marijuana possession as outlined by the state. What it does is alter our borough procedure and provide guidance to our officers in treating possession as a non-traffic offense, which comes with a smaller penalty than it would as a criminal offense. It also makes a statement by borough council, in backing up that procedure. Mr. Barry said that it is important to note Chief Payne's support of this proposed action, as well as his belief that it falls in line with actions being taken by other communities.

Mr. Wainright noted that he still had many questions about the creation of such an ordinance and questioned why it could not just be enacted as a police policy. Mr. Zahorchak stated that in creating an ordinance it conveys the feeling of council on the issue. He further noted that it provides something for which police can formally issue some type of punitive action for those who are in possession of small amounts of marijuana, in the form of a non-traffic citation, as we can't issue a citation against something that is only police policy. Discussion ensued over the difference between ordinance and policy. Mr. Zahorchak went on to explain the broadness of police discretion as it stands now.

Mr. Wainright expressed concern, specifically with the verbiage of the ordinance, that the creation of this ordinance forces our officers into this one option of how to handle situations of marijuana possession, which is not the same as what our state law is. Mr. O'Donnell stated that the verbiage could be altered to be more in line with the goal, which is ultimately to provide two options for police officers to act on when dealing with situations of possession; which are to either give a citation by borough policy, or to charge as a criminal offense, by state law. Discussion ensued concerning verbiage on the proposed ordinance, and whether an ordinance is the correct means to put the proposed policy in place.

Mr. O'Donnell asked whether we should move forward with a reading of the ordinance at the next council meeting. Mr. Zahorchak explained that the first reading of the ordinance and the motion to advertise it could take place at the same meeting, and then the ordinance could be voted on at the following meeting. If council proposed to move forward, that would cause the ordinance to be advertised at the first meeting in March, and voted on at the second March meeting.

Ms. Yaney asked about adding language to the start of the ordinance to more clearly state its intent. Mr. Zahorchak stated that could be done. Mr. O'Donnell asked if council votes to move forward to advertise the ordinance, would we be locked into it as it is written, or would we be able to make changes. Mr. Zahorchak stated that we would not be able to make significant changes once it is voted to move forward to advertise. Mr. Barry added that we would have to restart the process to make significant changes to the language.

Mr. Wainright stated that he still had concerns at this point and was not ready to move forward in creating in ordinance at this time.

Mr. O'Donnell moved to advertise the ordinance (to decriminalize the possession of small amounts of marijuana), as it stands, at the next meeting. Discussion ensued over whether the ordinance should move forward as written. The consensus was that it would be better to take a little more time to be able to make changes to the language of the ordinance. Mr. O'Donnell withdrew his motion.

Dr. Petrolla asked whether those who do hold a medical marijuana card were exempt from the state law. Mr. Zahorchak stated that they were. Discussion ensued over the purpose and fairness of the medical marijuana card, and those who get charged for possession under state law and do not hold the card.

**POLICE:** Mr. Zahorchak stated that the officers are healthy, and that most have now received the first Covid vaccine. There have been no major equipment issues, and things are going well.

**PUBLIC SAFETY:** Mr. Fuller reported that Public Safety did not meet.

**COMMUNITY DEVELOPMENT:** Mr. Bright reported that Community Development did not meet.

**PUBLIC WORKS:** Mr. Love reported that Public Works did not meet.

**COMMUNITY SERVICE:** Ms. Yaney reported that Community Service did not meet.

**PERSONNEL:** Dr. Petrolla reported that Personnel did not meet.

**PENSION:** Mr. Fuller reported that Pension did not meet.

**CONNECT:** Mr. Zahorchak reported that subcommittee meetings are scheduled over the next few weeks. A meeting is planned for this Thursday to discuss the first greenhouse gas inventory report. This will take place with the purpose of 1) seeing if recommendations from the report can be implemented, and 2) to decide if it is possible to take a second inventory for municipal operations.

**SOLICITOR'S REPORT:** Mr. Barry stated that there was a matter to discuss in executive session later in the meeting, for the purpose of council receiving advice from their solicitor.

**BOROUGH MANAGER'S REPORT:** Mr. Zahorchak reported that we have used nearly the entire anticipated allocation of rock salt for the year, due to the amount of snow and ice we have received this year. The bin still has ample supply, and Public Works has been careful with their usage, but the bin has had to be resupplied several times. In addition, we will need to have some left in the bin for November/December. Cargill, our supplier, charges an additional surcharge once we receive 125% of our allocation, but they have offered to waive that. They can still however impose a surcharge if we reach 150% of our allocation, which hopefully will not happen. There will be sufficient salt available, but we may be over budget by a few thousand dollars this year. In terms of over time for Public Works, approximately 55% of budgeted overtime has been used. It is possible to manage call outs to help control overtime usage as needed, with the priority on maintaining safe conditions for residents.

**NEW BUSINESS:** Cassandra from the Edgewood Foundation stated that there is one seat open, which will be advertised in the next newsletter. They currently have four people potentially interested in the position. There was no other new business to report.

**COMMITTEE ACTION**

**M-4** Mr. Love moved to award the Oakview Avenue retaining wall remediation project to JG Contracting Company, Inc., the low bidder, in the amount of \$146,003 which includes parking lot surface restoration.

Second by Mr. Fuller.

DISCUSSION: None.

Upon roll call vote the following responded yes: Mr. Bright, Mr. Fuller, Mr. Love, Mr. O'Donnell, Dr. Petrola, Ms. Yaney, and Mr. Wainright. **Motion carried.**

**M-5** Mr. Fuller moved to adopt Resolution 2021-07 – Crossing Guard wages:

**BOROUGH OF EDGEWOOD  
ALLEGHENY COUNTY, PENNSYLVANIA  
RESOLUTION 2021-07**

**WHEREAS**, the Borough of Edgewood has approved the budget for the 2021 fiscal year; and

**WHEREAS**, the Borough of Edgewood has established the 2021 wages for Crossing Guards.

**NOW, THEREFORE BE IT RESOLVED** that the Edgewood Borough Council hereby authorizes wages for the fiscal year 2021 for those employees listed below:

**Sue Pollick - \$18.00/hr    David Boslett - \$18.00/hr**

**ADOPTED THIS THE** 16th day of February, 2021 by the Council of the Borough of Edgewood.

Second by Mr. Love.

DISCUSSION: None.

Council entered into executive session from 8:20pm-8:45pm, for the purpose of receiving legal advice on a zoning matter. No action was taken.

**M-5** Mr. Fuller motioned to adjourn the meeting at 8:45 p.m. Second by Ms. Yaney. The Aye vote on the motion was unanimous. **Motion carried.**



---

Rob Zahorchak, Borough Manager