

**MINUTES OF MEETING
OF SEWICKLEY BOROUGH COUNCIL
MUNICIPAL BUILDING
SEWICKLEY, PENNSYLVANIA**

May 20, 2013

The Meeting was called to order at 7:30 p.m. with President Robert Hague presiding and leading the Meeting in the Pledge of Allegiance.

Roll Call showed the following members present:

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|---|-----------------|----------------|-----------------|
| Susan Aleshire | William Cornman | Thomas DeFazio | Jamie Morrill |
| Charles Driscoll (Arrived at 8:05 p.m.) | Carole Ford | | Stanley Ference |
| Robert Glenn | | | |

Also present were Mayor Brian Jeffe, Borough Solicitor Richard Tucker and Borough Manager Kevin M. Flannery.

There were 58 visitors.

Approval of Minutes:

On motion of Mr. Morrill, seconded by Mr. Cornman, the Minutes of the Regular Council Meeting of April 15, 2013 were approved, 8-0, and the reading of same dispensed with as copies were provided to the Members of Council, Mayor and Solicitor.

On motion of Mr. Ference, seconded by Mr. Morrill, the Committee of the Whole Minutes for May 14, 2013 were approved, 7-0-1, with Mr. Glenn abstaining as he was not present for the meeting.

Comments from the Council President, Members and Mayor:

Mayor Jeffe advised that the Flag Retirement Ceremony, Patriotic Music and Fireworks will be Friday May 24th beginning at 6:00 p. m. The 122nd Annual Memorial Day Parade will be Monday May 27th beginning at 10 a.m.

President Hague stated that an Executive Session was held at the conclusion of the Committee of the Whole Meeting regarding land matters, penalties and interest on real estate taxes and Arden River Development Condemnation.

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Statement of Citizens:

On motion of Mr. Morrill, seconded by Mr. Ference, Council voted, 8-0, to approve the request of Village Green Partners, to use the Division Street Parking Lot for the Sewickley Oktoberfest.

Unfinished Business:

On motion of Mr. Ference, seconded by Mr. Glenn, Council voted, 8-0, to accept and order received and filed the 2012 Borough of Sewickley Audit.

On motion of Mrs. Aleshire, seconded by Mr. Ference, Council voted, 8-0, to adopt Borough of Sewickley Resolution No. 2013-008 establishing May 19th through May 25th 2013 as Emergency Medical Services Week.

On motion of Mr. Morrill, seconded by Mr. Glenn, Council voted, 5-3, with Mr. Ference, Mrs. Ford and Mr. DeFazio voting no, to deny any forgiveness of penalties and interest for real estate taxes per the request of Mr. Alan Dufala.

New Business:

A Public Hearing was conducted by Solicitor Richard Tucker on proposed Consolidation Plan for Presbyterian Church, 202 Beaver Street, Block and Lot Nos. 507-M-131 and 507-S-026. Court Stenographer McMullen administered the oath to all who were providing testimony. Attorney Michael Parrish addressed Council that it was a combination of two lots into one. Attorney Tom Ayoob objected to the consolidation as it may benefit the Conditional Use application. The Borough Manager provided testimony that Public Hearing was advertised in accordance with the Municipalities Planning Code and the Borough of Sewickley Code of Ordinances and that the Planning Commission did recommend the approval of the Consolidation Plan.

Solicitor Tucker closed the Public Hearing. President Hague recused himself, since he was married in the Church and has been a member for 30 years. Mr. Hague left the dias at 7:52 p.m. On motion of Mr. DeFazio, seconded by Mr. Glenn, Council voted, 7-0, to accept the recommendation of the Borough of Sewickley Planning Commission and adopt Borough of Sewickley Resolution No. 2013-009 approving the Consolidation Plan for the Presbyterian Church at 202 Beaver Street, Block and Lot Nos. 507-M-131 and 507-S-026.

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A Public Hearing was conducted by Solicitor Richard Tucker on proposed Conditional Use and Land Development Plan for 202 Beaver Street. Court Stenographer McMullen administered the oath to all who were providing testimony. Attorney Parrish and Attorney Ayoob both were in agreement to submit the May 1, 2013 Planning Commission transcript into evidence. Attorney Parrish stated that the Presbyterian Church was in agreement with 5 of the 7 recommendations submitted by the Planning Commission. The Church was not in agreement with the relocation of the playground and to comply with the spirit of the Ordinance with respect to the large tree along Duquesne Way.

Attorney Parrish introduced and questioned Benjamin Wetmore, of MacLachlan Cornelius and Filoni, James Venture of PVE Sheffler, Sara Moore of Moore Design Associates and John Sundy, Lighting Consultant in reviewing the proposed plans for the Youth Center.

Mr. Tim Merrill, Mr. Malcolm Nimick, and Mrs. Joan Murdoch all members of the Presbyterian Church testified in favor of the requests before Council and how the Church has tried to be a good neighbor in the community.

Mr. Bruce Smith, President of the Christian Science Church, adjacent to 202 Beaver Street spoke in support of the Presbyterian Church's plans for the Youth Center.

Ms. Bridgett Bates, of 620 Grove Street, a Deacon at the Church stated that everyone has to work with their neighbors as we are a community.

Ms. Shirley Barker of Edgeworth stated that the children are small and how little noise a child makes.

Solicitor Tucker asked if there were any objectors. Attorney Tom Ayoob addressed Council and questioned the applications by the Church for the Conditional Use and Land Development. Attorney Ayoob also reviewed sections of the Borough of Sewickley Zoning Ordinance.

Mr. Peter Floyd of 337 Elwick Street addressed Council and provided a written statement suggesting 6 additional conditions. The statement was made part of the record.

Ms. Donna Panazzi, of 227 Thorn Street, stated that the Church did agree to correct the drainage issue. She further commented that there is noise from the children using the playground.

Ms. Gail Murray of 605 Maple Lane in Edgeworth spoke in opposition to the playground.

Solicitor Tucker closed the hearing and asked each of the attorneys if they can have their briefs to the Borough by June 4th? Both agreed to submit by June 4th.

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Solicitor Tucker advised that Council will review the transcripts from the Planning Commission and Council Hearings and the briefs filed by Attorney Parrish and Attorney Ayoub and will place on the June 11th Committee of the Whole agenda for a decision.

President Hague returned to the dias at 10:34 p.m.

Approval of Accounts:

On motion of Mr. DeFazio, seconded by Mrs. Ford, Council voted, 9-0, to approve the General Fund account payables for the month of May 2013, as presented.

On motion of Mrs. Ford, seconded by Mr. Ference, Council voted, 9-0, to approve the Sewer Fund account payables for the month of May 2013, as presented.

The April 2013 General Fund and Sewer Fund Budget reports were received and filed.

The April 2013 Fund Statement report was received and filed.

The April 2013 Profit and Loss Summary was received and filed.

The April 2013 Labor and Vendor report was received and filed.

Council reviewed the monthly Legal Expense Report and the monthly WWTP Projects Report.

Department and Commission Reports:

The following reports and minutes were received and ordered filed:

- Police Report for Council, April 2013
- Cochran Hose Report, April 2013
- Planning Commission Minutes, May 1, 2013
- Tree Commission did not meet in May.
 - Learning Tree Preschool Tree Planting

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Borough Manager:

On motion of Mr. DeFazio, seconded by Mr. Cornman, Council voted, 9-0, to award the 2013 Road Project to Morgan Excavating, LP, in the amount of \$359,064 for the Base Bid and Alternate I (the ADA ramps). Several members asked Borough Manager for a list of additional roads since the bid was below the estimate for next month's meeting.

Borough Manager advised that there are still 114 real estate tax appeals pending and that the Assessed Valuation for the Borough had dropped to \$444,552,210. This represents a \$28,162,420 reduction.

Council reviewed the fuel prices for April 2103.

Council reviewed the Earned Income Tax Collection Reports and Update. Council also reviewed the Allegheny North Tax Collection Committee Audit for 2012.

Borough Manager provided a list that has been sent to Keystone Collections regarding 2011 and 2012 earned income tax payers for verification of filing.

Council reviewed Dickson Road Monitoring Report indicating there was about .02 feet horizontal movement. There are 9 pin monitoring locations and the next report will be prepared on June 18th.

On motion of Mr. Ference, seconded by Mr. Cornman, Council voted, 9-0, to submit with the Sewickley Water Authority a Subdivision Plan for Waterworks Park land.

On motion of Mr. Morrill, seconded by Mr. Ference, Council voted, 9-0, to schedule a Public Hearing for the new FIRM Map for Monday, July 15, 2013.

On motion of Mr. Morrill, seconded by Mr. Driscoll, Council voted, 9-0, to adopt Borough of Sewickley Resolution No. 2013-010 to apply for Community Development Block Grant Year 40 funding for demolition projects.

Council reviewed the Comcast and Verizon quarterly reports on franchise fees.

The Borough Manager's Report was received and filed.

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Solicitor's Report:

Solicitor Tucker reviewed real estate tax appeals.

Council reviewed documents regarding Michael M. Lyons v. Zoning Hearing Board of Sewickley – No. SA-13-414.

Solicitor advised the AVK Enterprises has filed an appeal to the One Thorn Street Findings of Fact and Conclusions of Law.

The Solicitor's Report was received and filed.

Tax Collector's Report:

On motion of Mr. Ference, seconded by Mrs. Ford, Council voted, 9-0, to accept and order received and filed the tax collector's report and exonerations for the Month of April 2013.

Executive Session:

Council went into Executive Session at 10:55 p.m. to discuss a land matter related to the Green Street Parking area. The Executive Session concluded at 11:15 p.m.

Adjournment:

On motion of Mr. Ference the meeting was adjourned at 11:16 p.m.

Respectfully submitted,

KEVIN M. FLANNERY
Borough Manager and Secretary

ROBERT HAGUE
President of Council