

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

SEPTEMBER 19, 2011

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:

Susan Aleshire	William Cornman	Thomas DeFazio	Charles Driscoll
Stanley Ference	Carole Ford	Glenn Ford	Robert Glenn

Also present were Mayor Brian Jeffe, Borough Solicitor Richard Tucker, Police Chief James Ersher, and Borough Administrative Assistant Patty Flaherty (representing Borough Manager Kevin M. Flannery who was attending the International City Managers Association Conference).

There were 8 visitors.

Approval of Minutes:

On motion of Mrs. Ford, seconded by Mr. Ference, the Minutes of the Regular Council Meeting of August 15, 2011 were approved 8-0-1, with Mr. DeFazio abstaining due to not being present for the meeting.

On motion of Mr. DeFazio, seconded by Mr. Driscoll, the Committee of the Whole Minutes for May 10, 2011 were approved 9-0.

Comments from the Council President, Members and Mayor:

Mayor Jeffe thanked the Quaker Valley Rotary, the Sewickley Kiwanis and the Borough of Sewickley Police Department and Borough staff for assisting with the Harvest Festival, commenting that this year's Harvest Festival was one of the largest yet, with over 140 vendors.

Mayor Jeffe advised that there have been ribbon cutting ceremonies at Half Nych Hot Dogs, House 15143, and MAK Studio, and he welcomed the public and Council to attend the ribbon cutting ceremonies at East Coast Sandwiches on Friday, September 23, at 11:00 a.m. and at Threadz on Saturday, September 24, at 11:00 a.m.

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Council President Hague announced that the Halloween Parade, sponsored by the Quaker Valley Rotary and the Borough of Sewickley, will be held on Saturday, October 29, 2011, at 10:30 a.m.

President Hague advised that Trick or Treating in Sewickley will be on Monday, October 31, 2011, from 6:00 p.m. to 8:00 p.m. Mrs. Aleshire asked if the neighboring communities would be having their trick or treating the same evening. Police Chief Ersher responded that the neighboring communities have agreed to have the event on this date.

Mr. Ference indicated that at the last COW Meeting, he had reported a complaint from residents regarding a storm sewer issue in the area of Harbaugh Street and Chestnut Street. He reported that residents in that neighborhood would like to thank the Borough for resolving the problem.

Statement of Citizens:

Council President Hague reviewed requests and response letters regarding a block party on Thorn Street and the St. James Annual Race for Education.

Mary Malyszka of 716 Broad Street read a prepared statement and addressed Council with a complaint regarding smoking outside of the Sewickley Hospital grounds.

Heather Wigley, of 722 Broad Street, commented that several years ago she brought forth the same complaint to the hospital and became frustrated that they did not address the problem and gave up trying.

Mr. Driscoll asked about an e-mail from Norm Mitry, stating that the hospital may consider a spot for smoking.

Ms. Malyszka indicated she had not noticed any changes, and said she had met with Mr. Mitry and was told that the hospital will have a designated smoking spot by the end of the month.

Mayor Jeffe indicated that the Borough received a letter, dated September 13, 2011, from Dan Murphy of Heritage Valley Sewickley, acknowledging the various dialogues of residents and indicated that the hospital has changed their position as far as directing employees and visitors to outside of the hospital property. He indicated that at this point of time, he could not say that the hospital has designated a smoking facility, but that the letter has acknowledged that in an effort to control the situation, Heritage Valley Sewickley has required employees who smoke to continue to walk while smoking and remain on the sidewalks attached to the hospital campus.

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In addition, Mayor Jeffe indicated that the hospital has altered hospital signage to specifically state: "If you must smoke, we ask that you please smoke on the sidewalks that surround the campus and do not cross the street to smoke near neighborhood properties." Unfortunately, Heritage Valley does not have the legal authority to prohibit visitors to the hospital campus from smoking off the hospital property. However, they have increased hospital security patrols to monitor and manage the situation, again, asking individuals to please smoke on the sidewalks attached to the campus.

Mayor Jeffe indicated that Council received the letter from the Hospital in their COW Packet last Tuesday and that Council has not had dialogue with the hospital since the receipt of the letter.

Ms. Malyszka indicated her concern with the smoking taking place by the bus stop.

Mayor Jeffe indicated that the hospital had changed their facility to a no smoking campus and Council needs to make a decision as to what is the Borough's responsibility.

Mrs. Ford asked Ms. Malyszka where the school bus stops, with Ms. Malyszka responding that the bus stop is on the corner of Hill Street and Blackburn Road.

Mrs. Ford asked if they are staying on the hospital sidewalk and asked if the school could bring the bus stop further down the street away from the hospital sidewalk.

Mr. Hague indicated that with changing the bus stop, there would be a huge logistic issue, and that this is not a school problem.

Mr. Ference indicated that the hospital is creating an unhealthy situation for the children at the bus stop. He proposed that we write back to the hospital, and if a designated smoking area is not set up by the next Council Meeting, that Council should begin to investigate what can be done regarding this situation.

Mrs. Ford indicated that there are other bus stops which are further down in front of the YMCA.

Mrs. Malyszka indicated that children should not have to walk further nor should they have to walk through groups of smokers to be able to get to school.

Alisa Lenhardt and her children Paige and Beau, of 611 Broad Street, indicated that two summers ago her children were afraid of the smokers coming from the hospital and they put a petition together which they presented to the hospital asking for help with the situation. She indicated that the hospital did not respond or make any changes.

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Mrs. Lenhardt indicated that she has seen as many as six women smoking together, and that when several smokers are together, it's a bigger problem.

Mr. Hague apologized to Mrs. Figley, indicating that they had talked extensively before and that he had been up there a number of times.

Mr. Driscoll indicated that this is also a safety issue as he has almost hit smokers on Hopkins Street by the cemetery. He further indicated that there needs to be a place at the hospital for smoking.

Mayor Jeffe indicated that with the letter, it is the first time the hospital has indicated they are changing policy and asked Council to ask the hospital to continue with their reassessment of their policy to include a mandatory smoking area.

Mr. Ference asked how the county regulations on smoking might be applicable.

Mr. DeFazio indicated that if the Borough has not yet responded to the hospital's letter, the response should indicate that the information in their letter is a good first step, but it is not what Council really wants and that Council would like the hospital to further consider having a designated smoking area.

Mr. Glenn indicated that he thinks the hospital is taking steps to try to come to some conclusion, but they have to go through the same type of rhetoric that Council does; that you meet and thirty days later, you make a decision because a board has to be involved, that it takes time.

Mrs. Figley indicated that the hospital actually does clean the area during the week, Monday through Friday, but it does get messy on weekends.

Mr. Hague indicated that with the hospital creating a smoke-free campus they have pushed the problem onto citizens and our Borough and that is not the solution. Mr. Hague indicated that he received a letter from Young Lungs at Play, with the idea that a no smoking area is created where there are children's playgrounds. He indicated that this is a place where Council certainly has control and he asked that the Borough Manager and Solicitor look into what the Borough needs to do to pass an ordinance for this so that a process can be started. He indicated that the Borough will keep pursuing the smoking issue with the hospital.

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Unfinished Business:

Solicitor Tucker conducted a Public Hearing on the Baker-Trobee Subdivision Plan of Lots, to create Block and Lot Nos. 421-B-132 and 421-B-135. Court Stenographer administered oaths to all those testifying.

Mr. John Rench, of 613 Lincoln Place, represented his wife, Mrs. Baker, and Mr. Trobee, and stated that the lot that they want to subdivide is the lot behind the Teamer property that Council approved to have torn down previously. Solicitor Tucker asked Mr. Rench if they had obtained a variance, with Mr. Rench replying that they had. Solicitor Tucker asked Mr. Rench if there is a boundary dispute. Mr. Rench replied that the surveyor had found there was an overlap with the boundary lines and that Allegheny County said there was mistake in the description in both deeds, showing the property lines in different locations, but there was no problem with them or the neighbor in resolving this discrepancy.

Mr. Cornman indicated that he was under the opinion that if a fence has been in a location for 50 years, the fence line becomes the property line. Solicitor Tucker said this situation may or may not be adverse possession.

Mr. Ference indicated that Council should make the same motion that he made at the Planning Commission Meeting.

There were no other comments from the public. Administrative Assistant Patty Flaherty testified that all advertisements were in accordance with the Municipalities Planning Code and the Borough of Sewickley Code of Ordinances.

President Hague asked for a motion to accept the recommendation of the Borough of Sewickley Planning Commission and approve the Baker-Trobee Plan of Lots Subdivision, creating Block and Lot Nos. 421-B-132 and 421-B-135.

Mr. DeFazio made the motion, seconded by Mrs. Ford. Before Council voted, Mr. Ference commented that he was concerned with that motion because of the property line dispute and recommended that the motion be amended.

After discussion between Mr. Ference and Solicitor Tucker, the motion was amended.

On motion of Mr. DeFazio, seconded by Mrs. Ford, Council voted, 9-0, to accept the recommendation of the Borough of Sewickley Planning Commission and approve the Baker-Trobee Subdivision and Unification Plan of Lots, creating Block and Lot Nos. 421-B-132 and 421-B-135, with the Borough taking no position as to the location of lot lines.

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New Business:

Mr. Driscoll indicated that the whole process regarding a review of pension plans started with Dean Williams and Tom DeFazio and then he later came on board. He said the plan is well funded. He indicated that he is not about fixing the pension plan, but finding an improvement to what we have. He believes that Staley would be an improvement over Guyasuta's selection of stocks, that they are fully diversified, and have had a better return over 10 years. Mr. Driscoll indicated that a change is needed with less risk, and better returns, and that it is irresponsible to stay where we are. He indicated that it is not personal, but that there is more risk with Guyasuta.

Mr. DeFazio indicated that before Mr. Driscoll joined the team, Dean Williams and he had met independently with two other firms and both of their recommendations were that the Borough needed to do something a little bit differently, that they were taking too much risk with where they currently are, and that Council needed to look at other pension managers.

Mr. DeFazio made a motion to select Stanley as Pension Manager seconded by Mr. Driscoll.

The consensus of Council was that there should be further discussion before Council voted on the motion.

Mr. Hague distributed a spreadsheet to the Members of Council, highlighting a comparison of Guyasuta and Staley. He recommended that the Borough stay with Guyastua for their pension plans based on Guyasuta's actual past performance with the Borough's pension plans. He indicated he was not comfortable going with Staley.

Mr. Driscoll stated that he watches the changes in pension law day to day and believes that Staley is less risky. He indicated that Guyasuta has done a good job of picking stocks, but has too small of a large cap portfolio, and that 60% of our pension is in 18 stocks.

Mrs. Aleshire stated that in reviewing Mr. Hague's spreadsheet, Guyasuta shows a good history with the Borough's numbers and that Guyasuta has done a good job.

Mr. Driscoll acknowledged that Guyasuta has done well and benefitted from markets that have actually done well with large cap stocks.

Mrs. Ford commented that Mr. Driscoll and Mr. Hague have made their points and that Council should now make a decision and vote.

Mr. Driscoll suggested they try Staley for three years.

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Mr. Hague indicated that the Borough pension plans should remain with Guyasuta for three years and then the pension plans should be reviewed every three years.

Mr. Glenn questioned how much experience and background that Schenley Capital has to be able to review our pension manager's decision, and would like to know a lot more about Schenley Capital before the policy is cast in stone.

Mr. Driscoll indicated that Schenley Capital was used for an outside opinion to help us read between the lines, to see what we needed to see with our pensions, and make sure we are not missing anything.

Mr. Glenn indicated that he does not see the need for the Borough to put somebody on the payroll right now.

On motion of Mr. DeFazio, seconded by Mr. Driscoll, Council voted, 3-6, in a Roll Call Vote, to select Stanley as Pension Manager.

Roll Call Vote #58

	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mr. Ford		X	
Mr. Glenn		X	
Mr. Hague		X	
Mrs. Aleshire		X	
Mr. Cornman	X		
Mr. DeFazio	X		
Mr. Driscoll	X		
Mr. Ference		X	
Mrs. Ford		X	
	<hr/> 3	6	

Motion to select Stanley as Pension Manager was not approved, by a vote of 3-6.

Mrs. Aleshire and Mr. Hague extended their appreciation to the Pension Policy Committee, Council Members Mr. Williams, Mr. DeFazio and Mr. Driscoll, for all their efforts.

On motion of Mr. Ford, seconded by Mr. Glenn, Council voted, 9-0, to work with Guyasuta to revise the current Investment Policy and Conflict of Interest Policy.

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Approval of Accounts:

On motion of Mr. Ference, seconded by Mrs. Ford, Council voted, 9-0, to approve the General Fund account payables for the month of September 2011, as presented.

On motion of Mr. Ference, seconded by Mr. Cornman, Council voted, 9-0, to approve the Sewer Fund account payables for the month of September 2011, as presented.

The August 2011 General Fund and Sewer Fund Budget reports were received and filed.

The August 2011 Statement of All Funds report was received and filed.

The August 2011 Profit and Loss Summary was reviewed.

The Labor and Vendor Report was received and filed.

The August 2011 Monthly Legal Expenses Report was reviewed.

Department and Commission Reports:

The following reports and minutes were received and ordered filed:

Police Report for Council, August 2011
Cochran Hose Report, August 2011

The Planning Commission Minutes of September 7, 2011 were not received to date.

There was no Tree Commission Meeting in September.

Chief James Ersher presented the Police Policy and Procedure Manual to Council. Mayor Jeffe congratulated Chief Ersher and staff, and asked for feedback from Council. Mayor Jeffe indicated the Chief and he have gone over the budget for this Department, have gone over every line item of their budget, are watching their overhead, and are cognizant of the expenditures of the Police Department.

Mr. Glenn indicated that the newest police car receives the most service, and asked Chief Ersher for an explanation. Chief Ersher indicated that the car in question gets more use than the other cars.

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Mayor Jeffe indicated that the K9 Committee is now being supplied a quarterly report and it is available for Council.

Mr. Ference asked why the Police Department does not use a Prius type car in their fleet. Mayor Jeffe expressed concern, indicating that a Prius may not be able to achieve high performance like a normal car.

Borough Manager

On motion of Mr. Ference, seconded by Mrs. Aleshire, Council voted, 9-0, to approve the 2012 Minimum Municipal Obligation (MMO) for the Borough of Sewickley Pensions, as prepared by Hallett Associates, in the amount of \$109,973 for the Police Pension Plan and \$194,346 for the Non-Uniform Pension Plan.

Council reviewed the 2012 Budget Meeting schedule, with the Monday, October 3rd meeting at 6:30 pm., with the Capital Budget and Department Heads; the Saturday, October 22nd meeting at 7:00 a.m., to review expenditures and revenues for General Fund, Sewer Fund and Capital Reserves, with possible tentative approval that day; and final adoption of the 2012 Budget at the Monday, November 21, 2011 Council Meeting.

Mr. DeFazio, Mr. Cornman and Mrs. Ford indicated that they will not be able to attend the October 3rd Budget Meeting, and Mrs. Ford indicated she will not be able to attend the October 22 Budget Meeting. Mrs. Ford also indicated she will be available for a conference call for both meetings.

Council reviewed the Issues Update, prepared by the Borough Manager, with Solicitor Tucker indicating that the Borough Manager and Police Chief have had their personnel reviews, but that he has not yet had his review.

Council reviewed the Leaf Collection Notice. The Fall Leaf Collection Program takes place October 3 through December 2, 2011.

Council reviewed the Heritage Valley Health Systems letter and the Sewickley Herald Article regarding smoking outside the Sewickley Hospital Campus. The Mayor indicated that the earlier discussion was productive and that Council did a good job of listening without over committing what we can or cannot do. He indicated that he took exception to the statement that was read repeatedly, maintaining that the hospital is not a good neighbor. He believes that the hospital has been a good neighbor; that this is a specific issue that the hospital needs to address, but one bad issue does not make a bad neighbor.

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Council reviewed the fuel prices for the month of August 2011.

Council reviewed the Verizon Franchise Fee payment of \$3,879.84.

Council reviewed the MRM Loss Run Activity Report as of July 2011.

On motion of Mr. Ference, seconded by Mrs. Aleshire, Council voted, 9-0, to schedule a Public Hearing on October 17, 2011, for a subdivision request for 20 Thorn Street, the McManus Plan of Consolidation, Block and Lot Nos. 507-L-070 and 507-L-073.

Council reviewed the Post Gazette article on the Pittsburgh Water and Sewer Authority.

The Borough Manager's Report was received and filed.

Solicitor's Report:

On motion of Mr. Ference, seconded by Mrs. Ford, Council voted, 9-0, to adopt Borough of Sewickley Ordinance No. 1297, restating and amending the Earned Income Tax Ordinance.

Solicitor Tucker reviewed documentation regarding MCM Ventures, Ltd. v. Zoning Hearing Board of the Borough of Sewickley No. 759 CD 2011. Mr. Ference asked to address the members of the media, asking if they had read any of the briefs.

Mayor Jeffe indicated that it is a sin that one individual (Mr. Lyons) is costing this town so much money. He stated that Council is currently talking about the budget, and all of a sudden this case has become one of the largest line items for legal expenses. He indicated that there is lost opportunity, that the property is located in the main artery into this town; it is an eyesore, a safety hazard and absolute sin. He indicated that Council should be promoting how much we are losing here; that it sends a message to developers that this is a tough place to do business, and this is just not the case.

Mr. Cornman said residents should protest peacefully in front of the individual's home.

Mrs. Ford extended her thanks to Mr. Tucker for all the work he has done.

The Solicitor's Report was received and filed.

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Tax Collector's Report:

On motion of Mr. DeFazio, seconded by Mr. Driscoll, Council voted, 9-0, to accept and order received and filed the tax collector's report and exonerations for the Month of August, 2011.

Mr. Hague indicated that he has had more correspondence with Mr. Oswald about his property and stopped at his home on Saturday. He indicated that Mr. Oswald is concerned about weed killer getting into our water system. Mr. Hague agrees that the sidewalk is a problem, but is asking for more time to work on ideas regarding this issue.

Adjournment:

On motion of Mrs. Ford, seconded by Mr. DeFazio, Council voted, 9-0, to adjourn at 9:52 p.m.

Respectfully submitted,

PATRICIA M. FLAHERTY
Administrative Assistant

ROBERT HAGUE
President of Council