

**BOROUGH OF SEWICKLEY**  
**COMMITTEE OF THE WHOLE MINUTES**  
**TUESDAY, AUGUST 13, 2013**

President Bob Hague called the Committee of the Whole Meeting to order at 7:30 p.m. Members in attendance were Susan Aleshire, Bill Cornman, Tom DeFazio, Charles Driscoll, Carole Ford, Stan Ference, and Robert Glenn. Jamie Morrill was absent due to work. The others in attendance were Bobby Cherry from the Sewickley Herald, Larissa Dudkiewicz of the Sewickley Patch, Jennifer Markus and Alex DeLoia of Village Green Partners, Cindy and Mike Mullins, Larry Rice, Roy Kraynyk, Jim Rock, Steven Victor, Gerry Gloekler, Andy and Dorothy Falk, Del Miller, Gretchen Hansen, Joe Morinville, Alex Simakas, Mayor Brian Jeffe, Solicitor Richard Tucker, and Borough Manager Kevin M. Flannery.

**COMMENTS FROM THE PUBLIC**

Jennifer Markus and Alex DeLoia, of Village Green Partners, provided Council an update of activities within the Business District. All three Night Markets were a huge success; they are planning to do it again next year. They have already worked with Sweetwater to have a Jazz Event every month and then to do a Farmer's Market event on a Friday, so that for 2014, there will be three events for each summer month.

They indicated that five new businesses have relocated to the Borough of Sewickley. The Oktoberfest will be on October 4<sup>th</sup> and 5<sup>th</sup>. They hosted a Happy Hour at the Village Green Partners offices, and there were approximately fourteen business owners present to review questions and answers regarding the new proposed parking garage and coordinated parking system.

Village Green Partners reminded everyone that *Table* Magazine will be at the Farmer's Market this coming Saturday, and will feature Sam from Vivo, who will be making dishes with the produce and other products available from the Farmer's Market vendors.

Council reviewed the Brave American 5K Run/Walk package submitted by Robert Veltre. It was indicated that the course would be adjusted to be similar to the course used for the Sewickley Unleashed 5K. The Borough Manager advised that he is coordinating all four 5K events, making all participants aware of all the races throughout the year in the Borough of Sewickley. The four annual events presently are the Heart and Sole, sponsored by Heritage Valley Health System; the Quaker Valley Recreation Association; the Sewickley Unleashed; and the Brave American 5K. On motion of Mr. Driscoll, seconded by Mr. DeFazio, Council voted, 8-0, to approve the Brave American 5K Run/Walk event on Saturday March 8, 2014.

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**COMMENTS FROM THE PUBLIC (CONTINUED)**

Council reviewed a letter from the law firm of Ulrich & Roswitha Krauskopf regarding beautification of Sewickley sidewalks. The letter suggests that additional seating and decorative planters should be placed on the sidewalk area in front of store fronts. While Council appreciated the letter, the Borough Manager will forward a letter to the law firm, indicating the Borough of Sewickley's rules and regulations regarding sidewalks, seating on the sidewalks, and decorative planters.

On motion of Mrs. Ford, seconded by Mr. DeFazio, Council voted, 8-0, to approve the Nevin Avenue Block Party on Saturday, September 7, 2013.

On motion of Mr. DeFazio, seconded by Mr. Driscoll, Council voted, 8-0, to approve the Henry Avenue Block Party on Saturday, September 7, 2013.

Council reviewed a letter approving a Block Party on Straight Street that was held on August 3<sup>rd</sup>. The applicant did not get his letter in on time, and the approval was made by Mayor Jeffe in consultation with the two public safety chiefs.

Steven Victor, of Victor Wetzel, addressed Council regarding Waterworks Park, and introduced Jim Rock, an adjacent property owner of the park, and Roy Kraynyk, of the Allegheny Land Trust. Mr. Victor indicated that Mr. Rock is still interested in purchasing acreage, adjacent to his property, from the Borough. He would like to take four (4) of the acres he would purchase and make it residential, and then deed the remaining land to the Conservancy Trust with the Allegheny Land Trust. In addition, Steven Victor indicated that the Allegheny Land Trust would be interested in purchasing the additional parcel (marked SB), 50.6 acres, and allow the Borough to maintain its shooting range facility and communications tower equipment.

Council indicated that the subdivision must be approved by the Planning Commission and Council, and then the necessary deeds will be prepared at that time. Council could put up for sale the piece of land, approximately 13+ acres, which has been appraised at \$310,000. Council encouraged Mr. Victor to attend the Planning Commission Meeting in support of the Waterworks Park Subdivision.

On motion of Mrs. Ford, seconded by Mrs. Aleshire, Council approved the Quaker Valley School District Cross Country request for 2013/2014.

On motion of Mr. DeFazio, seconded by Mr. Driscoll, Council voted, 8-0, to approve the closing of Division Street on Saturday, September 13, 2013, from 12:00 p.m. to 11:00 p.m., as per the request of Cuttings.

On motion of Mr. Driscoll, seconded by Mr. DeFazio, Council voted, 8-0, to approve the Maple Lane Block Party on August 25, 2013.

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**COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR**

Mayor Jeffe reviewed the Congratulatory Citations that were presented to the Borough of Sewickley from Representative Mark Mustio and State Senator Matt Smith regarding the Borough of Sewickley's Banner Community Program Award.

Mayor Jeffe announced that the 23<sup>rd</sup> Annual Harvest Festival will be on Saturday, September 7<sup>th</sup>, from 10:00 a.m. to 5:00 p.m., and will include a Public Safety Program presented by the Sewickley Police Department and the Cochran Hose Fire Department.

Mayor Jeffe indicated that the Fall Gallery Walk will be on Friday, September 13<sup>th</sup> and Saturday, September 14<sup>th</sup>.

Mr. Cornman indicated that he witnessed an accident before the COW Meeting, at the intersection of Chestnut Street and Ohio River Blvd. He asked if the Borough would review the high hedges at the corner house to be sure they are in compliance with the 42" height standard of the Borough. In addition, Mr. Cornman asked if the Borough could investigate the placement of a strobe for the red light at Chestnut Street when you are coming from Pittsburgh.

Mr. Glenn asked if the bushes around the trees can be trimmed on Backbone Road and the Grove Street area.

Council President Robert Hague indicated that an Executive Session will be held at the conclusion of the Committee of the Whole Meeting regarding Michael M. Lyons v. Zoning Hearing Board, No. SA 13-414; AVK Enterprises, Ltd. v. Borough of Sewickley, No. SA-379; Land Matters; and Labor Negotiations.

**REPORT ON BUILDING INSPECTION. ZONING. PUBLIC WORKS AND WASTEWATER TREATMENT PLANT**

Council reviewed the Building Inspector's Report, indicating that seven (7) permits were issued in July, with permit fees of \$2,272.00 collected on \$271,736.00 worth of construction. Twenty-one (21) building inspections and five (5) property maintenance inspections were performed.

Council reviewed a letter from the Historic Review Commission, indicating that an application was received to install solar panels on the roof of the house and garage located at 304 Henry Avenue. This is the first time solar panels have been proposed for a house in the Historic District. The Historic Review Commission requested a policy regarding installation of solar panels in historic neighborhoods. The Historic Review Commission recommended approval of a Certificate of Appropriateness as long as the panels were not visible from Henry Avenue or Little Street.

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**REPORT ON BUILDING INSPECTION. ZONING. PUBLIC WORKS AND  
WASTEWATER TREATMENT PLANT (CONTINUED)**

Andy and Dorothy Falk, the owners of 304 Henry Avenue, were present at the meeting. Also in attendance was their contractor, Joe Marinville, who indicated that they were submitting a revised proposal at the meeting, indicating that the solar panels would not be visible from Henry Avenue or Little Street; the panels would be visible from the alleyway. Council requested a letter from the Borough Solicitor on the matter, indicating that a motion to approve the Certificate of Appropriateness is to be placed on the agenda for Monday, August 19<sup>th</sup>.

Council reviewed Zoning Hearing Board Decision No. 13-02, which granted a variance to establish a 5-unit condominium at 246 Broad Street, the old American Legion Building.

Council reviewed the Public Works Report for July, highlighting work associated with events in town, the painting of white lines and crosswalks, the cutting back of foliage on various streets to be able to see stop signs, and the placement of several memorial tree plaques.

Council reviewed the Wastewater Treatment Plant Report for July, indicating that 22.5 million gallons of sewage were treated. In addition, 74,952 cubic feet of digester gas was used. Repairs were made to the HVAC units at the main control building.

Council reviewed a letter and a report sent to Cindy and Mike Mullins, of 517 Grimes Street, regarding a backup situation that occurred on their property. The Borough Manager indicated that he had talked to the owners and that a copy of the video inspection was provided to them. He indicated that the Borough will continue to monitor the street to be sure that it does not occur again. Mr. Mullins addressed Council and provided a letter that he wished to be added to the file, providing some additional comments. He indicated that he was appreciative that the Borough will continue to monitor the situation.

Council also reviewed the Consulting Engineer's Report. John Mowry, of KLH Engineers, was in attendance, indicating that he was very pleased with Petrakis Contracting, that they were an excellent contractor throughout the project. He indicated that the lines have been tested and that they were ready to take sewage. Mr. Mowry indicated that the last component is the pump station, that live power has been placed by Duquesne Light, and that the electrical cabinets have been placed. At this time, the only remaining issue is the wiring of the equipment within the pump station. Mr. Mowry indicated that it would be approximately 3 weeks before the startup, with an anticipation start date of September 9<sup>th</sup>.

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**REPORT ON BUILDING INSPECTION. ZONING. PUBLIC WORKS AND  
WASTEWATER TREATMENT PLANT (CONTINUED)**

Mr. Mowry also commented on the letter to Aleppo Township from the Department of Environmental Protection, on which Sewickley was copied, requesting additional information pursuant to the issuance of the permits for the construction of the system in Aleppo. Mr. Mowry indicated that additional information has been requested due to the potential of lawsuits by Masonic Village of Sewickley and Sewickley Heights Manor. Mr. Mowry indicated that the information is being provided to the Department of Environmental Protection.

The Building Inspector's Report, Public Works Report, Wastewater Treatment Plant Report and the Consulting Engineer's Report were received and filed.

**SOLICITOR'S REPORT**

Council reviewed the Solicitor's Report for July, highlighting the purchase and financing of property at 418 Walnut Street, the proposed construction of a parking garage, the 2013 Road Contract, the spot zoning challenge, various appeals before the Borough, and tax assessment appeals.

Council reviewed the Solicitor's Invoice in the amount of \$10,148.50.

Solicitor Tucker reviewed the filings associated with the Condemnation Proceedings for the taking of property formerly owned by Charles Lang and Leo Lorraine Lang. The property is located in Haysville and was needed for the Glen Osborne Interconnect Project.

Solicitor Tucker reviewed the latest tax assessment appeals regarding Orders of Settlement, Discontinuance, and additional appeals that have been filed late.

Solicitor Tucker reviewed the Notice of Appeal filed in the Melissa Farlow and Randy Olson vs. Borough of Sewickley, Case No. SA-13-00738.

Solicitor Tucker stated that the delinquent tax collections for real estate taxes produced \$7,392.09 for the month of June.

Solicitor Tucker indicated that briefs have been filed by Mike Lyons and MCM Ventures in the case of Michael M. Lyons vs. Zoning Hearing Board, No. SA-13-414, and AVK Enterprises Ltd. vs. Borough of Sewickley and Sewickley Borough Council, No. SA-13-379.

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**SOLICITOR'S REPORT**

Solicitor Tucker reported on the closing of the property that was purchased on Walnut Street and reviewed the closing costs. The land was purchased for \$910,000, and closing costs were \$43,957.32. Solicitor Tucker asked for a motion to ratify all closing costs. On motion of Mr. Driscoll, seconded by Mr. DeFazio, Council voted, 7-0-1, with Mr. Ference abstaining, to ratify closing costs of \$43,957.32 on the property purchased by the Borough of Sewickley at 418 Walnut Street, Block and Lot No. 421-A-138.

The Solicitor's Report was received and filed.

**BOROUGH MANAGER'S REPORT**

Morgan Excavating will begin mobilizing and beginning work on the ramps on August 15<sup>th</sup>. They intend to start the paving process on August 20<sup>th</sup>. The contract must be completed by September 8<sup>th</sup>. The Borough Manager advised that he is meeting with the contractor and the Borough Engineer to be sure contract is complete.

Council reviewed the Progress Update for the Columbia Gas work. As of August 5<sup>th</sup>, 95% of the mainline pipe has been replaced, and 75% of the customer service line replacements have been completed. The restoration of sidewalks has been completed on Bank Street. They are continuing to work on the sidewalks on Fredrick Avenue, Walnut Street, and Henry Street. Columbia Gas is ahead of schedule. We will be meeting with the road pavers in the near future to finalize the road paving scheduled for those streets to be repaired by Columbia Gas.

On December 22, 2012, the Allegheny County Assessment Office advised the Borough that the assessed valuation for the Borough was \$472,712,130. We have continued processing appeals as Allegheny County has been issuing those decisions. As of August 5, 2013, the Assessed Valuation is presently down to \$439,285,510. All totaled, this represents a \$33,426,620 reduction in values to date. There are 82 appeals pending. In review of the appeals granted to date, the highest commercial reduction was 72%, and the highest residential reduction was 43.2%.

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**BOROUGH MANAGER'S REPORT (CONTINUED)**

Per Borough of Sewickley Resolution No. 2012-016, adopted by Council on November 19, 2012, the resolution called for any revenues over \$2,453,704, to be deposited into an escrow account for 2013 real estate tax refunds. In the months of June and July, Council has set aside \$53,415.14 into the Real Estate Refund Escrow Account. In July, Council paid \$30,023.29 in refunds to property owners, and approval of \$28,201.89 in refunds is scheduled for the August 19<sup>th</sup> Meeting. For the month of July 2013, real estate payments received were \$231,867.06, which also will be deposited into the Real Estate Refund Escrow Account. We will continue to provide a monthly report that shows the revenues deposited in the escrow account and any payments made from the account for refunds. It should be noted that with the 70 actual refunds paid in the last two months, the average refund was \$831.79. Based upon that average and with 80 appeals remaining, it is estimated that \$66,543.00 might be needed to satisfy the refunds. With the amount of the escrow account to date, we will be able to reduce taxes for 2014.

The Borough Manager acknowledged the check received from the Jaguar Club of Pittsburgh, in the amount of \$150, for the annual Sewickley Jaguar Car Show.

Council reviewed signed Salt Services Agreements from Glen Osborne Borough and Sewickley Hills Borough.

Council reviewed the Guyasuta Pension Accounts Investment Review as of June 30, 2013. Mr. Richard Meyer and Mr. Henry Beukema will be in attendance at the August 19, 2013 Council Meeting to review. Mr. Driscoll indicated that he would like to contact Mr. Meyer regarding the blended index in advance of Monday's meeting.

The Borough Manager reviewed a revision to the Traffic Permit for Thorn Street and Broad Street, to allow a flashing "red" light in all directions.

Council reviewed the Dickson Road Monitoring Report, indicating that the average vertical pin movement was ¼". The horizontal pin movement indicated a high of 1¾".

Council reviewed a notice from the Allegheny County Treasurer, indicating that they are going to eliminate services to the municipalities regarding tax records and the books associated with the tax records. Since Jordan Tax Service is our Deputy Tax Collector, Allegheny County will forward the tax information to them; therefore, there will be no impact on the Borough of Sewickley.

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**BOROUGH MANAGER'S REPORT (CONTINUED)**

The Borough Manager reviewed a letter sent to Kay Pierce, of the Allegheny County Economic Development Department, and a memo to the Planning Commission regarding the Waterworks Park Subdivision. At the Planning Commission Meeting on Wednesday, August 7<sup>th</sup>, the Planning Commission made a motion that while the Planning Commission is considering Council's request to schedule a public hearing on the proposed subdivision, the Planning Commission would like input from Borough Council as to whether the proposed sale by Council of Parcel C-1 is or is not consistent with the 2007 Aleppo-Sewickley-Osborne Comprehensive Plan. The Planning Commission is concerned that the proposed sale may not be consistent with the Comprehensive Plan. The Planning Commission did not schedule a Public Hearing for the Subdivision.

Council has been reviewing a proposed 279 space parking garage in the center of town to assist with the economic development associated with the Business District. Previously, Council had expressed the opinion that there was a parking convenience problem in that you may have to park two, three, or four blocks away from a particular venue. With the proposed addition and redevelopment of areas of the Business District, there will be an increased amount of square footage, and the garage is proposed to assist in the economic redevelopment of the Business District.

The Borough Manager reported on Hoey's Run culvert. Kevin Brett, of Lennon, Smith, Souleret Engineering, met with the Department of Environmental Protection regarding Hoey's Run culvert, and there are two options for the Borough to consider for work on Hoey's Run. The first option requires a GP11 Permit, which can be completed in 60 days. The permit would be issued for the maintenance of the culvert. Mr. Brett is recommending an increased size from the current 78" round construction, which would cost approximately \$460,000. In increasing the size to match the upstream and downstream capacity issues, the estimate for the construction would be approximately \$600,000. The engineering and permitting requirements with the Department of Environmental Protection would be \$50,000. The construction schedule would be approximately 120 to 150 days, and the project could start in November of 2013.

Option 2 would be to relocate a section of Hoey's Run, and DEP has indicated that this requires a full Chapter 105 Permit. The Department of Environmental Protection is allowed a 180 day review period, at a minimum, and in most cases, these permits take 360 days to review, so we would be looking at a tentative approval date of December 2014. It is estimated that the cost would be \$800,000 to \$1,000,000 to increase the capacity that the Department of Environmental Protection would be requiring for the proposed relocation. DEP indicated that they like current alignment with smooth, long curve bends. They indicated that there may be additional requirements regarding the upstream capacity issues with Hoey's Run. The cost for engineering and permitting is estimated at \$150,000+, depending upon additional DEP requirements that may be imposed. The construction schedule would take 365 days, starting in February 2015. This is due to the utility relocations and DEP issuing permit guidelines.

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**BOROUGH MANAGER'S REPORT (CONTINUED)**

The Borough Manager presented a proposed subdivision for the combination of four lots for the parking garage. There are the two lots that are on Walnut Street; one is the current driveway used for the parking lot and the additional park piece, both of which are owned by the Borough; plus, the current Green Street Lot. These parcels are within the Village Overlay on the Zoning Map. The parcel that was purchased is in the C-1 District. In order to combine the properties to build the garage, the proposed subdivision will also require amending the Borough of Sewickley Zoning Map. The Borough Manager recommended that the parcels be rezoned C-1. In addition, it is also recommended that the three parcels that are between our parcels on Walnut Street be rezoned to Commercial. There are two main points for the commercial zoning: (1) the Village Overlay does not permit concrete cast construction; and (2) the Village Overlay requires all buildings to be at a 0 building line. A 3½ story proposed parking garage in the Village Overlay would be right at the property line. When designed with a Commercial Zoning, using precast concrete is permitted, and there is a 10 foot set-back requirement for the project.

The Borough Manager reviewed an On Street Parking Map, indicating all of the current parking spaces and meters in the Borough of Sewickley. After meeting with CTR Systems, they have submitted a preliminary cost proposal for a coordinated parking system and indicated that they would like to bring the company, CALE, to the Borough of Sewickley and do an actual walk-through. They are recommending that a parking station be placed for every 7-8 parking spaces; this equates to 50 pay stations.

In addition, in the past, the Borough has discussed creating a couple of areas where FEDEX trucks and other delivery vehicles could park for local deliveries within the Business District. It is recommended that if Council is going to proceed with a coordinated parking system, that we meet with CALE and explore designing a system that would address those issues. From a financial viewpoint, we would not recommend the placement of a pay station where only 2-3 parking spaces exist; the old meters would be replaced with new electronic meters and significantly reduce the start-up cost by \$100,000.

Council reviewed an article from the latest *Township News Magazine* regarding Public/Private Partnerships. In addition, Solicitor Tucker has submitted a letter regarding Public/Private Partnerships, indicating that the legislation is relatively new and may create a timing issue for the Borough.

Council received two financing proposals, one from First National Bank and one from Janney Montgomery Scott. The Borough Manager advised that First Niagara Bank would not be submitting a proposal, and we received no contact from Bank of America. Council, in discussions, favored the Janney Montgomery proposal as it proposed level payments for 20 years at a fixed rate of interest.

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**BOROUGH MANAGER'S REPORT (CONTINUED)**

The Borough Manager reviewed the Project Costs as follows:

**Review of Estimated Project Costs**

Garage & Structural Frame on Walnut Street	\$5,839,760	\$5,839,760
Hoey's Run	\$600,000	
Engineering	50,000	\$650,000
<u>Coordinated Parking System</u>		
Parking Garage	\$186,695	
50 CALE Connected Terminals	542,100	
Freight/Installation	73,475	\$802,270
Reimbursement of Land Cost		\$910,000
		<b><u>\$8,202,030</u></b>

**Review of Estimated Revenues**

120 Garage Spaces x \$100 per Month x 12	\$144,000
159 Garage Spaces x 6 Hrs. x 229 days x \$1.00 per Hour	\$218,466
100 Metered Spaces x 4 Hrs. x 229 days x \$0.50 per Hour	\$45,800
301 Metered Spaces x 4 Hrs. x 229 Days x \$1.00 per Hour	\$275,716
<u>Saturday Parking</u>	
680 Metered Spaces x \$4 Hrs. x 48 Days x \$1.00 per Hour	\$130,560
<b>Subtotal</b>	<b><u>\$814,542</u></b>
TIF Revenue – 1 Building	\$39,718
<b>Total</b>	<b><u>\$854,260</u></b>

**Review of Garage and Coordinated Parking System Annual Estimated Expenses**

Debt Payment	\$575,000
Maintenance of Garage	\$58,000
Maintenance of Garage Parking Equipment	\$18,696
Maintenance of Coordinated Parking System (Meters)	\$39,000
	<u>\$690,696</u>
Estimated Annual Revenue	\$854,260
<b>General Fund Contribution</b>	<b><u>\$163,564</u></b>

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**BOROUGH MANAGER'S REPORT (CONTINUED)**

Del Miller, of Locust Place, stated that a garage is a good idea, but he asked if Council would review relaxing zoning for more first floor office space and additional multi-family development around the central business district.

Gretchen Hansen has been located at 432 Green Street for 9 years and asked questions about the proposed garage. The Borough Manager advised that there would not be an entrance or exit on Green Street. Mr. DeFazio advised that the Borough is also planning to maintain some of the on-street meters at reduced rates to assist those working in Sewickley.

Mr. Glenn and Mr. DeFazio stated there should be some additional money for contingency.

On motion of Mr. Driscoll, seconded by Mr. Cornman, Council voted, 6-2, with Mr. Glenn and Mr. Ference voting no, to borrow \$8,500,000, net proceeds, for the construction of a 279 space parking garage, repairs to Hoey's Run, reimbursement to the Borough for the purchase of land and closing costs for the property, and a coordinated parking system.

President Hague then asked about financing the Project. Mr. Driscoll left the dais at 10:42 p.m. (Mr. Driscoll stated that he is employed by First National Bank, who submitted a financing proposal.) Council was in agreement with the Janney Montgomery bank proposal to finance the Project over 20 years at specified, annual payments. On motion of Mr. Cornman, seconded by Mr. DeFazio, Council voted 7-0-1, with Mr. Driscoll abstaining, to engage Janney Montgomery Scott LLC for Bond Financing of \$8,500,000, net proceeds, for the Parking Garage Project, Hoey's Run Improvements, Reimbursement to the Borough of Sewickley for land costs, and a Coordinated on Street Parking System. Mr. Driscoll returned to the dais at 10:48 p.m.

President Hague then asked about the subdivision for the lots. On motion of Mr. DeFazio, seconded by Mr. Cornman, Council voted, 8-0, to approve the proposed subdivision for the combining of the two lots to build the garage, and to officially amend the Borough of Sewickley Zoning Map to have the properties zoned Commercial C-1.

The Borough Manager reviewed a letter to Duncan Technologies regarding a review of a meeting with Duncan and request for a reimbursement for the down time of the machines. Borough Manager recommending holding all payments to Duncan Technologies until the issues are resolved.

The Borough Manager's Report was received and filed.

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**EXECUTIVE SESSION**

Council went into Executive Session at 10:48 p.m. to discuss Michael M. Lyons v. Zoning Hearing Board, No. SA 13-414; AVK Enterprises, Ltd. v. Borough of Sewickley, No. SA-379; Land Matters and Labor Negotiations.

The Executive Session concluded at 11:16 p.m.

**ADJOURNMENT**

On motion of Mr. DeFazio, the Committee of the Whole Meeting was adjourned at 11:18 p.m.

Respectfully submitted,

Kevin M. Flannery  
Borough Manager/Secretary

KMF:pmf