

BOROUGH OF SEWICKLEY
COMMITTEE OF THE WHOLE MINUTES
TUESDAY, JUNE 11, 2013

Vice President Susan Aleshire called the Committee of the Whole Meeting to order at 7:30 p.m. Members in attendance were Bill Cornman, Tom DeFazio, Charles Driscoll, Carole Ford (participating by phone), Robert Glenn, and Jamie Morrill. Bob Hague and Stan Ference were absent due to vacation. The others in attendance were Bobby Cherry from the Sewickley Herald, Larissa Dudkiewicz of the Sewickley Patch, Mayor Brian Jeffe, Solicitor Richard Tucker, Borough Manager Kevin M. Flannery, and seventeen other visitors.

COMMENTS FROM THE PUBLIC

On motion of Mr. Driscoll, seconded by Mr. DeFazio, Council voted, 7-0, to approve the request for the Sons of Italy Block Party on Division Street on Saturday, July 13th through Sunday, July 14th.

Council reviewed a letter from Donna Panazzi regarding the Sewickley Presbyterian Church, the 202 Beaver Street Property Development Plan.

Council reviewed a letter to the Sewickley Car Store regarding the closure of Kramer Street on Saturday, June 8th for the Annual Customer Appreciation Days at the Sewickley Car Store.

COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR

Mayor Jeffe reviewed the Memorial Day Weekend events, indicating that over 2100 flags were properly retired, that the Celebration of Fireworks went well and the bands were well received even given the colder than normal temperatures. He also indicated that the parade and ceremonies on Memorial Day were also very well received.

Mayor Jeffe reminded everyone that the Sewickley Garden Tour takes place on Friday, June 14th and Saturday, June 15th. The Mayor indicated that his house is on the Garden Tour this year.

Mayor Jeffe advised that Night Market, featuring local businesses, will take place on Fridays, June 14th, July 12th and August 9th, from 5:00 p.m. to 9:00 p.m. Beaver Street, from Walnut Street to Broad Street, will be closed for the Night Market displays which will be centered on existing Sewickley businesses.

Vice President Susan Aleshire reminded everyone that the Sweetwater Summer Music Series at Wolcott Park will continue on June 21st and June 28th, from 6:00 p.m. to 8:00 p.m.

Vice President Susan Aleshire stated that there will be an Executive Session at the conclusion of the meeting for the Thorn-Walnut Plan for parking, the Municipal Services Proposal for Glen Osborne Borough, and discussions on police labor negotiations.

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

Council reviewed the Building Inspector's Report, indicating that ten (10) permits were issued in May, with permit fees of \$4,204.00 collected on \$266,400.00 worth of construction. Twenty-four (24) building inspections and two (2) property maintenance inspections were performed.

Council reviewed property maintenance complaints regarding high grass at 329 Bank Street and 624 Mulberry Street.

Council reviewed the Public Works Report for May, highlighting work associated with Recycling Day, May Mart, Sewickley Unleashed, the Flag Retirement Ceremony, fireworks, and the Memorial Day Parade. The Borough Manager indicated that the Division Street Pay Station has been fixed, but a problem has developed with the Green Street Pay Station.

Council reviewed the Wastewater Treatment Plant Report for May, indicating that 20.1 million gallons of sewage were treated. In addition, 83,150 cubic feet of digester gas was used. Repairs were made to the seal and brush on the belt press and the Huber rotating screen and filter.

Council also reviewed the Consulting Engineer's Report, indicating that for the Glen Osborne Interconnect Project, the force main pressure test was approved, and the final manhole is being installed at the intersection of Beaver Street and Straight Street. The only remaining piping work needed is the installation of collection pipe off of Glen Mitchell and Beaver Road, which goes down through the school property. That work will begin on Monday as the contractor did not want to work on the school property during the school session. In addition, pumps are scheduled for delivery on June 15th, and the back-up pumping system is scheduled to be delivered on July 15th.

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 May, highlighting the Sewickley Village Theater, an employee disciplinary issue, the AVK Enterprises appeal of Council's approval of the Conditional Use and Land Development for One Thorn Street, the Presbyterian Church application for Conditional Use and Land Development, and the Firemen's Insurance Company's lawsuit, naming the Borough and an employee as a defendant.

Council reviewed the Solicitor's Invoice in the amount of \$8,410.08.

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SOLICITOR'S REPORT (CONTINUED)

Solicitor Tucker reviewed numerous assessment appeals received to date. Solicitor Tucker also indicated that the delinquent tax collections for real estate taxes produced \$17,787.52 in the month of April.

Council reviewed the AVK Enterprises challenge to Sewickley Borough Council's Conditional Use and Land Development Approval for One Thorn Street LLC.

On motion of Mr. DeFazio, seconded by Mr. Cornman, Council voted, 7-0, to approve the appearance of the Borough Solicitor to defend the Borough and Borough employee regarding the Firemen's Fund lawsuit v. KLH Engineers, Inc. et al, Civil Action No. 13-130.

The Solicitor's Report was received and filed.

BOROUGH MANAGER'S REPORT

The Borough Manager reviewed a letter to Morgan Excavating, LP, regarding the acceptance of the lowest total bid for the work for the 2013 Road Project for both Base Bid and Alternate Add 1 (the ADA curb ramps) in the amount of \$359,064. The Borough Manager recommended adding Beaver Street, which was originally included in the Road Construction Budget. Pursuant to the agreement, the Borough may add 25% of the contract. The recommendation is to add \$80,000 of work for Beaver Street, from Straight Street to Boundary Street. Council was in agreement to place a motion on the June 17th Council Meeting Agenda for approval. The Borough Manager indicated that there would be an additional bid in early fall in conjunction with Sewickley Water Authority water line replacements on Ferry Street. This way, the curbs and sidewalks can be completed in 2013, which will leave only the paving of Ferry Street in 2014.

In addition, the Borough Manager advised that Columbia Gas has completed 55% of the mainline replacement and has 5% of the customer service lines connected.

Borough Manager indicated that there are still 107 appeals pending, and that there has been a reduction of \$29,172,120 in the assessed values.

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BOROUGH MANAGER'S REPORT (CONTINUED)

Borough Manager also advised that that Borough of Sewickley Resolution No. 2012-016, adopted by Council on November 19, 2012, called for any revenues over \$2,453,704 to be deposited into an escrow account for 2013 real estate tax refunds. At the end of May, the Borough had received \$2,474,240.67 in real estate taxes which is \$20,536.67 over the approved budget. Borough Manager advised that on the list of bills for the June 17th Council Meeting, this amount will be recommended for approval to the Real Estate Refund Escrow Account. In addition, every month, a running total of the amount of money to be deposited into the escrow account as well as any refunds paid out will be presented to Council.

Council reviewed a copy of a letter and the Findings of Fact and Conclusions of Law in the Application for Land Development and Conditional Use for 417 Thorn Street, which is the One Thorn Street, LLC Project.

Council reviewed the Ohio River Boulevard Corridor Enhancement Study Final Recommendations Report. Mr. Glenn indicated that the report recommends the expansion of Ferry Street, which may result in a cost for the Borough of Sewickley. Members of Council were in agreement to place the resolution on the June 17th Council Meeting Agenda for approval.

Borough Manager reviewed letters sent to adjoining municipalities in which Sewickley Borough will be providing road salt for the 2013-2014 season. Borough Manager also indicated that invoices have been prepared for the 2012-2013 salt usage. Mr. Glenn and Mr. Cornman indicated that the invoices should indicate that they are payable upon receipt.

Borough Council reviewed notices from PENNDOT regarding sealcoat projects in Aleppo, Edgeworth, Leet, Bell Acres, Sewickley Hills, Sewickley Heights, Glenfield, Franklin Park, Ohio Township and Ross Township.

Council reviewed a letter approving the Plan of Consolidation for the 202 Beaver Street lot.

Borough Manager advised Council that at the May 20, 2013 Council Meeting, a Public Hearing was held on the Conditional Use Request and Land Development Request of the Presbyterian Church for 202 Beaver Street. Council took testimony, and at the closing of the Public Hearing, Council indicated that they would get a transcript from the Council Meeting as well as a transcript from the Planning Commission Public Hearing, and allow any of the parties to submit a brief for review by Council. Borough Manager advised further that it was time for Council, and only Council, to discuss any proposed Findings of Fact and Conclusions of Law for the Conditional Use Request and Land Development Request for the Presbyterian Church property at 202 Beaver Street.

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BOROUGH MANAGER'S REPORT (CONTINUED)

Vice President Aleshire advised that it was time for discussion. She asked if one or more Members of Council believed that such approval should be denied on the basis that they would have to make a motion first, because if that motion was successful, there would be no further discussion. There were no motions made.

Vice President Aleshire continued, suggesting that Council address the question of conditions by a motion to grant the approval subject to the five conditions agreed to by the Presbyterian Church and that any proposed modifications, deletions or new additional conditions can be raised by means of a motion to amend the approval motion during the discussion of the approval motion. Council would then have the opportunity to vote on each proposed amendment and then Council could vote on the approval motion.

Mr. Driscoll made a motion, seconded by Mr. DeFazio, to approve the Conditional Use Request and the Land Development Request of the Presbyterian Church for 202 Beaver Street, subject to the following conditions: 1) that there will be no parking between the building and the front lot line; 2) the parking on the unified lot will not exceed 46 spaces; 3) there will be a written agreement for a shared easement of parking and storm sewers and it will be recorded; 4) the landscape plan will be forwarded to the Tree Commission for approval; and 5) the Occupancy Permit will be conditioned on the satisfaction of the lighting plan.

Additional discussion and comments by Members of Council discussed the deletion of the playground, the relocation of the playground, and the reuse of 202 Beaver Street. Vice President Aleshire recommended that for the third condition, instead of specifying a shared easement of parking, it should be an access easement of parking because if the property were ever sold, a party would be permitted to ingress and egress the property for the purposes of parking.

Mr. Morrill made a motion to accept the change. The motion was seconded by Mr. Driscoll. Council voted, 6-1, with Mr. DeFazio voting nay.

Discussion returned to any other questions or comments. Mr. Driscoll called for the question. Council voted, 7-0, to approve the motion made by Mr. Driscoll, and seconded by Mr. DeFazio, to include the five conditions, with condition No. 3 (listed above) being changed from a "shared easement" of parking to an "access easement" for parking.

Council reviewed requests of two additional Senior Citizen Tax Relief Refunds. These individuals live in a condominium association and must make applications every year. Council was in agreement to approve these relief additions.

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BOROUGH MANAGER'S REPORT (CONTINUED)

Council reviewed a request from Glen Osborne Council Member John Orndorff regarding a bike path on Beaver Street in Sewickley. The Borough Manager indicated that he met with Bob Firek from Lennon, Smith, and Souleret Engineering, and based upon the meeting, the Borough of Sewickley would need a 10 foot bike lane, at a minimum (5 feet in each direction), plus a minimum of 24 feet for two lanes of travel, plus 8 feet to 10 feet for space for a parking lane for vehicles. This would mean that 42 feet to 44 feet are needed, and the majority of Beaver Street is approximately 34 feet wide. That would indicate removing parking areas or acquiring 10 to 12 feet of additional space. At this time, Council declined to pursue a bike lane on Beaver Street. Should additional parking become available in town, Council will reconsider the possibility of a bike lane on Beaver Street. It should also be noted that the Borough staff reviewed Centennial Ave. and Thorn Street, and concluded that those streets are not suitable for a bike lane through the central part of Sewickley.

Council reviewed the Appraisal Report for the Waterworks Park Land in which Council is proposing to sell 13.9 acres. The Land Appraisal Report indicated a minimum value of \$310,000. Borough Council was in agreement with the recommendation from the Borough Manager to make the minimum bid \$500,000. Borough Manager advised that the Borough and the Sewickley Water Authority are submitting a subdivision request for Waterworks Park land in order that portions can be returned to the Borough, portions returned to the Sewickley Water Authority, and that the subdivision would also have the 13.9 acres as its own lot. This would also require an amendment to the Zoning Map to have the land changed from an open space to an R-1 Zoning. It is noted that the proposed parcel of sale would be adjacent to the residential properties of Sewickley Heights Borough.

Borough Manager reviewed a letter from PENNDOT, indicating that due to budget reasons they can no longer pay the Borough for sweeping the Sewickley Bridge. The Borough Manager advised that most likely the Borough will still continue to sweep the bridge because the debris would end up on the Ohio River Blvd. and then end up on other Borough streets.

The Borough Manager's report was received and filed.

EXECUTIVE SESSION

Council went into Executive Session at 8:52 p.m. to discuss the Thorn-Walnut Plan for Parking and proposed parking garage, Municipal Services Proposal for Glen Osborne Borough, and police labor negotiations.

The Executive Session concluded at 9:23 p.m.

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In April of 2013, Council had voted to buy a portion of the lot at 418 Walnut Street. The owners of the lot have indicated that they would be willing to sell the entire lot and Council would consider purchasing the entire lot, providing multi-tiered parking in combination with the Green Street Parking Lot.

Lou Safran and Blair Bower addressed Council, asking about the probable number of parking spaces. Council suggested that 300 spaces may be available.

A question was asked about the Village Theater. It was suggested that the Village Theater may be leased space in the Walnut Street area, at a ground level, with parking below and above it.

On motion of Mr. Driscoll, seconded by Mr. DeFazio, Council voted, 6-1, with Mr. Morrill voting no, to authorize the Solicitor to prepare a Buy-Sell Agreement with Two Village Square for the entire purchase of Block and Lot No. 421-A-139.

ADJOURNMENT

On motion of Mr. DeFazio, the Committee of the Whole Meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Kevin M. Flannery
Borough Manager/Secretary

KMF:pmf