

BOROUGH OF SEWICKLEY
COMMITTEE OF THE WHOLE MINUTES
TUESDAY, JANUARY 13, 2015

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, Stan Ference, Carole Ford, Jamie Morrill, Todd Renner, and Larry Rice. The others in attendance were Fire Chief Jeff Neff; Bobby Cherry of the Tribune Review; Mayor Brian Jeffe; Solicitor Richard Tucker; and Borough Manager Kevin M. Flannery.

President Aleshire led a Moment of Silence for United States Federal Judge William L. Standish, who passed away on January 1, 2015. President Aleshire recalled Judge Standish's participation in swearing in Members of Council for approximately 10 years.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR

Mayor Brian Jeffe indicated that he would not be in attendance at the Council Meeting on Monday, January 19th due to work. Mayor Jeffe indicated that this was one of the few times that he is unable to attend the meeting.

Carole Ford complimented the committee for the Appreciation Dinner, and also asked if the Borough could find out where the garbage picked up by Waste Management actually goes. Mrs. Ford also said that she will be out of town for the Monday, January 19th Council Meeting and the Council Retreat Meeting on January 26th.

Mr. Driscoll complimented everyone associated with Yuletide in the Village. He received several compliments on the Borough of Sewickley, including the cleanliness, decorations, stores being open and friendly, and just a positive experience.

Council President Susan Aleshire reviewed an Ethics Training Seminar proposed by the Quaker Valley Council of Governments. Council Members were satisfied with receiving ethics training through their work or through information provided by the Solicitor or Borough Manager.

Council President Aleshire indicated that an Executive Session will be held at the conclusion of the Committee of the Whole Meeting for the Solicitor Evaluation and attorneys' fees on a particular piece of legislation. Solicitor Tucker added that this is to be related to a particular case that is pending before the Borough.

Council President Susan Aleshire thanked everyone for a great Appreciation Dinner.

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

Council reviewed the Building Inspector's Report, indicating that 4 permits were issued, with fees of \$1,601 collected on \$105,100 worth of construction. There were 16 building inspections performed, and 1 property maintenance inspection.

The Borough Manager advised that he attended the Historic Review Commission Meeting on January 5th and reviewed the Sewickley Valley Historical Society signage proposal. The Historic Review Commission recommended the approval of the Sewickley Valley Historical Society Signage Grant. On motion of Mr. Ference, seconded by Mr. Driscoll, Council voted, 9-0, to approve the recommendation of the Historic Review Commission, approving the Sewickley Valley Historical Society Signage Grant, in the amount of \$10,000, for signs in the three historic districts within the Borough of Sewickley.

Council reviewed a letter from Lutz & Meyers, contractor for Sherwin Williams, complimenting Borough staff, and in particular, Nancy Watts, for assistance with getting the store up and running.

Council reviewed the Public Works Report for December, highlighting activities including the completion of the Fall Leaf Program, snow removal, Yuletide in the Village, Light Up Night, and the Santa Parade. The Borough Manager stated that Sean DiMarzio was hired as the full-time laborer for the Public Works Department.

In addition, Council reviewed the SHACOG Purchasing Alliance for Rock Salt, indicating that due to a fuel price adjustment, the price for rock salt was decreased.

Council reviewed the Wastewater Treatment Plant Report for December, indicating that 20.768 million gallons of sewage were treated. In addition, 335,019 cubic feet of digester gas was used. Repairs were made to the heater in the garage, and Miller Pipe Tech TV'd sanitary sewer lines for the 2015 Road Project. The Borough Manager stated that Derek Fajtak was hired as a full-time laborer for the Wastewater Treatment Plant.

Council reviewed the Consulting Engineers Report, indicating that Allegheny County Public Works has received all of the necessary information and will be bidding the road construction project this month.

Council reviewed Zoning Hearing Board Decision Case No. 14-10 in which a variance was granted to the property owner.

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

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SOLICITOR'S REPORT

Council reviewed the Solicitor's Report for the month of December, highlighting a Right-to-Know Request, length of terms on the Civil Service Commission, tap-in fees in Aleppo, a Commonwealth Court Decision concerning the Business Privilege Tax, and the One Village Square Appeal.

Council reviewed the Solicitor's Invoice in the amount of \$10,495.25.

Council reviewed a letter from Tucker Arensberg regarding their hourly rate increase of \$5.00 per hour for litigation and general matters. This was accounted for in the budget.

Council reviewed the Jordan Delinquent Real Estate Tax and Municipal Claim Report in the amount of \$594.47.

Council reviewed a letter from Solicitor Tucker regarding the Business Privilege Tax and the impact of Fish v. Township of Lower Merion, 100A.3d 746 (PA Commonwealth 2014) regarding earned income tax collections on rental income. An appeal has been made to the Pennsylvania Supreme Court; that petition is pending. Additional information will be provided by the Solicitor as the information is received.

Solicitor Tucker reviewed the proposed Green Street Parking Lot specifications for the bidding of the Green Street Lot in order that a private entity can bid and build a garage. Council was in agreement to proceed with the project, with the additional caveat of 55 parking spaces available to the public, and that any increase over the 150 parking spaces would require a proportional amount be available to the public. Solicitor Tucker advised that the bid package will be included in Monday's Council Packet.

Solicitor Tucker provided an update regarding the Firemen's Insurance Co. of Washington D.C. v. KLH Engineers, Inc. et al, No. GD14-17951.

Council reviewed several tax assessment appeals and settlements, as presented.

Council reviewed a proposed ordinance on property maintenance, and was in agreement to place the matter on the agenda for advertising, with final adoption due on Monday, February 16th.

Solicitor Tucker advised that the Pension Plan Documents, which were presented to the employees, and with minor corrections, are ready to be advertised. Three separate ordinances will be advertised for the Borough of Sewickley Employees Association Defined Benefit Plan, the Borough of Sewickley Employees Association Defined Contribution Plan, and the Police Pension Plan. These ordinances will be adopted in February, and then benefit books will be distributed to all employees.

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SOLICITOR'S REPORT (CONTINUED)

Solicitor Tucker provided the Commonwealth Court's Decision, affirming Judge James' Decision on Borough Council's dismissal of the objection of AVK Enterprises to the conditional use and land development of One Thorn Street, LLC.

Council reviewed the Allegheny County Department of Administrative Services - Division of Elections Certificate for Primary Election for Municipal Offices in the Borough of Sewickley.

The Solicitor's Report was received and filed.

BOROUGH MANAGER'S REPORT

The Borough Manager reviewed the advertisement for the 2015 Road Improvement Project which consists of Centennial Avenue, from Blackburn Road to Boundary Street, and the Alternate Bid for Cochran Street, from Nevin Avenue to Beaver Street. The bids will be opened on Friday, February 13th, at 11:05 a.m. Council will then be able to discuss and tentatively award the project on Monday, February 16th.

The Borough Manager advised that letters to the residents, indicating the necessary sidewalk requirements have been prepared and will be mailed. We will also inform the property owners of a Residents Meeting, which is scheduled for Tuesday, February 24th, at 6:00 p.m., in Council Chambers.

The Borough Manager also advised that the Tree Commission has reviewed the removal of trees for this road project. Additional information will be provided by the Tree Commission to Council before the final removals are completed.

The Borough Manager reviewed the 2014 Municipal Lien Report indicating that 124 lien letters were processed. By way of comparison, in 2013 there were 155 liens processed; and in 2012, there were 158 liens processed.

Council reviewed the 2015 Waste Management Schedule for garbage and recycling pick up. Information has been placed on the Borough of Sewickley Website. In addition, Waste Management has provided the Bond Continuation Certificate in the amount of \$125,994.

Council reviewed a letter from Christine Ehringer, of Hallett Associates, indicating that she will be assuming more of a part-time role as she approaches retirement, and has indicated that Brandon Carangi will be handling the Borough of Sewickley pension accounts. The Borough Manager and office staff has met with Brandon and are confident that the Borough will receive the same excellent service as they have in the past.

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BOROUGH MANAGER'S REPORT (CONTINUED)

The Borough Manager advised that bids were opened on Monday, January 5th for the 30.2 acres of land advertised for sale in Waterworks Park. The Allegheny Land Trust submitted a bid in the amount of \$250,000, with the closing to take place by March 31st or within 30 days of subdivision approval. The \$5,000 cash deposit was also attached. Council was in agreement to place on the agenda a motion to accept the bid of \$250,000 from the Allegheny Land Trust, and to instruct the Borough Manager and Solicitor to prepare and advertise for the subdivision in order that closing documents and deeds can be prepared by the end of March.

The Borough Manager advised that PennDOT has forwarded a letter indicating that minor repair work will be done on the Sewickley Bridge in 2015. The planned work will involve the stopping of traffic during some work times. It is estimated that the project will take 30 to 45 days to complete.

Council reviewed a letter from FEMA, indicating that they have established an office of Flood Insurance Advocate to provide assistance with claims to citizens and policy holders on National Flood Insurance Program issues.

The Borough Manager indicated that a letter was received from attorneys for the Masonic Village indicating that they contend they are not responsible for tap-in fees associated with the Borough of Sewickley Wastewater Treatment Plant. Subsequently, two additional letters have been submitted by property owners in Aleppo, indicating that they do not believe that they are responsible for the fees. Solicitor Tucker's office, and in particular, Attorney Chris Voltz, prepared an Opinion Letter, indicating that the Borough is entitled to receive tap-in fees. The Borough Solicitor and Borough Manager will proceed to resolve this issue in an effort to avoid any further litigation.

The Borough Manager reviewed the Howard Hanna Office Building Development Plan. This plan is to establish a 4,500 square foot Howard Hanna Realty sales office on the exact same spot where the old office and three apartments burned due to a lightning strike on June 13, 2014.

The Borough Manager reminded Council that the Retreat Meeting will be on Monday, January 26, beginning at 6:00 p.m., at the Edgeworth Club in Edgeworth Borough. It is anticipated that the retreat meeting will be over between 9:00 p.m. and 9:30 p.m.

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BOROUGH MANAGER'S REPORT (CONTINUED)

The Borough Manager indicated that an application has been submitted to the Allegheny League of Municipalities in order for Sewickley to continue to be named a banner community. The Borough will also participate to become certified in the Sustainable Community Essentials Certification Program.

The Borough Manager reviewed two street sweeper proposals that were provided under the Co-Stars Program. The equipment has been reviewed and test driven by our mechanic and those Public Works personnel responsible for performing the sweeper services. The two models for consideration were the Schwartz A7 Tornado and the Elgin Whirlwind Street Sweeper. The Schwartz A7 Tornado was \$185,000, and the Elgin Whirlwind was \$193,500. Borough staff recommended the 2014 Whirlwind Street Sweeper and asked Council for approval to purchase this sweeper because the 2014 Elgin Whirlwind is a demonstrator unit and the Borough wanted to take advantage of getting a better machine at that price. A new machine would be in the range of \$278,000. On motion of Mr. Renner, seconded by Mr. Cornman, Council voted, 9-0, to accept the recommendation of Borough staff and purchase the 2014 Elgin Whirlwind Street Sweeper under Co-Stars Contract No. 025-044.

The Borough Manager indicated that the Sewickley Borough Public Works Department will be picking up Christmas trees until Friday, January 30. They will be mulched and the mulch will be placed along the fence areas in the parks and playgrounds. This helps deter the growth of undesirable vines.

Mr. Ference asked for the floor and indicated that he is moving to the Borough of Edgeworth and officially will be resigning at the Council Meeting on January 19th, with an effective date of resignation being January 20, 2015.

Council went into Executive Session at 8:46 p.m. to discuss current litigation and attorney fees and to conduct Solicitor Tucker's Evaluation. The Executive Session concluded at 9:05 p.m.

ADJOURNMENT

On motion of Mr. Rice, the Committee of the Whole Meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Kevin M. Flannery
Borough Manager/Secretary

KMF:pmf