

BOROUGH OF SEWICKLEY
COMMITTEE OF THE WHOLE MINUTES
TUESDAY, FEBRUARY 15, 2011

President Robert Hague called the Committee of the Whole Meeting to order at 7:30 p.m. Members in attendance were Susan Aleshire, Bill Cornman, Charles Driscoll, Carole Ford, Glenn Ford and Dean Williams. Stan Ference arrived at 7:40 p.m. Tom DeFazio was absent due to illness. Others in attendance were Mayor Brian Jeffe, Solicitor Richard Tucker, and Borough Manager Kevin M. Flannery. Bobby Cherry of the Sewickley Herald and Larissa Dudkiewicz of patch.com were also in attendance.

COMMENTS FROM THE PUBLIC

Council reviewed a letter from *Allegheny Together*, highlighting the project in Allegheny County. Village Green, who has been hired by Council to work on the marketing of the Business District, will be reviewing the letter.

Council reviewed a Right-to-Know Request received from Jeffrey Butler.

On motion of Carole Ford, seconded by Dean Williams, Council voted, 7-0, to approve the request of Quaker Valley High School Girl's Softball Team to use the Chadwick Street ball field between the hours of 3:30 p.m. and 5:00 p.m., Monday through Friday.

COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR

Councilman Ference and Council President Hague addressed Council regarding diesel idling and a complaint received from a property owner on Chestnut Street. Mr. Ference indicated that Chief Ersher and the supervisor of the Sewickley Car Store, Tom Smith, had met with him and reviewed the diesel idling legislation laws. It was further indicated that Mr. Smith has provided to the resident contact information in the event there are any issues associated with the Sewickley Car Store. In addition, the Car Store has placed the necessary diesel idling signage, and is aggressively implementing an education program for all of their delivery services. There was no particular time of day that the issue was occurring. Mayor Jeffe commented that the police have responded to previous calls from the resident, and they were successful in having the trucks turn off their engines. However, the new law does permit accessory generators to operate for trucks for heat and living services within the truck. Borough Manager indicated that it would be monitored.

Mrs. Ford indicated that she would like to see suggested changes in the ordinance regarding vacant homes in order that they do not become run down and dilapidated.

Mr. Ford asked if a Landlord/Tenant Registration active list can be developed on all the rental units to be sure that all renters are paying the required taxes, especially earned income taxes.

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 15, 2011
PAGE TWO**

COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR (Continued)

President Hague reviewed a letter received from Richard Fitzgerald, President of Allegheny County Council, requesting that the Borough of Sewickley participate in providing an ordinance to ask the General Assembly and Governor to enact a statewide property tax reassessment moratorium. Several Members of Council expressed that we are now in the ninth year of a tax assessment freeze from 2002. Additionally, Council Members indicated that they would not be taking any action on the request.

Council President Hague announced that an Executive Session was held at the conclusion of the January 17, 2011 Council Meeting for a personnel matter, and that there will be an Executive Session at the conclusion of tonight's meeting for litigation and personnel matters.

Mr. Williams and Mr. Cornman commented on the number and the location of potholes that need addressed. It was indicated that with the warm temperatures coming in the next several days, patching repairs will be performed at those specified locations.

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

Council reviewed the Building Inspector's Report, indicating that two (2) sign permits were issued in January, with permit fees of \$160.00. Sixteen (16) building inspections were performed, and six (6) property maintenance inspections were conducted. It was also noted that Zoning Officer Nancy Watts has been attending Planning Commission Meetings in order to assist in the completion of the Borough's Zoning Ordinance. Borough Manager indicated that the review is approximately fifty percent (50%) completed.

Council reviewed the Public Works Report for January, highlighting numerous snow removal days, the patching of streets, and the replacement of worn signage throughout the Borough. Borough Manager indicated that during this year's snow season, from December to this date, the Borough has received 1,098 tons of salt, with approximately 520+ tons on site. Barring any significant snowstorms, additional tonnage of salt will not be ordered for this year.

Council reviewed the Wastewater Treatment Plant Report for January, indicating that 18.369 million gallons of sewage were treated, and 0 cubic feet of digester gas was used, which is due to the renovation project. The new belt press start up was a success. The grit unit will be on site the week of February 21st. The project is still on schedule, and Duquesne Light is investigating the disruption of power to the site in December. In addition, Council reviewed a letter from the Borough of Sewickley to the engineers for the Borough of Glen Osborne in preparation of the Municipal Wasteload Management Report.

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 15, 2011
PAGE THREE**

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

Council reviewed the Consulting Engineer's Report for the month of January, indicating that with the execution of the Glen Osborne agreement, the Part 2 Construction Permit is scheduled to be delivered to the Borough in order for the plans to be finalized by the end of February, and then the Glen Osborne Interconnect Project can be bid in March.

Council reviewed the recommendation of KLH Engineers regarding emergency repairs to the digester. In addition, the Borough Solicitor provided a Solicitor's Opinion, indicating that the Borough can proceed with the emergency recommendation of the engineer. The repairs will coincide with the construction project and will not delay the time schedule nor will they delay the online restart of the Wastewater Treatment Plant.

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

SOLICITOR'S REPORT

Council reviewed the Solicitor's Report for January, highlighting the spot zoning challenge, the sewer service agreements with Glen Osborne and Aleppo, the 2010 bond issue, the Village Green Agreement, the Beaver Hall Developer's Agreement and personnel matters.

Council reviewed the Solicitor's Invoice for the month of January in the amount of \$9,530.24.

Pursuant to Council's request at the January 11, 2011 Committee of the Whole Meeting, Borough Manager presented a tracking of legal expenses related to major cases as well as Zoning Hearing Board expenses related to the Country Inn property. Council asked that the chart be updated monthly and be included with the Committee of the Whole Meeting material.

Solicitor Tucker indicated that the Professional Services Agreement with Village Green is ready for adoption. Council was in agreement to place the matter on the agenda for the Council Meeting on Monday, February 21st.

Council reviewed a Sheriff's Sale notice from Quaker Valley School District versus 865 Farren Land Trust.

Council reviewed documents related to MCM Ventures Ltd. Vs. the Zoning Hearing Board of the Borough of Sewickley, No. S.A.10-122, related to motions filed with the Judge. Solicitor Tucker indicated that as of this date, the cases have been remanded back to Judge James in order that the proceedings can continue.

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 15, 2011
PAGE FOUR**

SOLICITOR'S REPORT (Continued)

Council reviewed tax assessment appeals and the Jordan Tax Service Delinquent Tax Report for the month of January.

On motion of Mr. Williams, seconded by Mr. Driscoll, Council voted, 6-2, with Mrs. Ford and Mr. Ford objecting, to approve the Schenley Capital Pension Agreement for the review of the money manager.

Council reviewed a Letter of Representation from an attorney for the estate of John F. Hogan, III. The insurance company is handling the matter for the Borough of Sewickley.

The Solicitor's Report was received and filed.

BOROUGH MANAGER'S REPORT

Council reviewed the insurance renewal provided through Municipal Risk Management for our property liability and professional liability policy. The cost in 2010 was \$79,462. The cost for 2011 is \$80,534, showing a \$1,072 increase. Borough Manager reminded Council that as the Borough enters its third year with Municipal Risk Management, we now become eligible for dividends to be returned to the Borough later in the year based upon our claims experience.

Council reviewed a delinquent real estate tax update, which was prepared by Jordan Tax Service, pursuant to a meeting with the Borough Manager and Council Members Mr. Williams and Mr. Ference. The report will be updated monthly, with recommendations to be presented to Council on whether to proceed selling or petitioning the sale of viable properties. The Borough will be meeting with the School District over the next two weeks in order to prioritize properties. Mr. Ference and Mr. Williams reminded Council that there is approximately \$350,000 in unpaid taxes, some of which date back to the 1940's. Mr. Williams also indicated that one of the next steps may be to map the properties and to prepare an individual property report for each of the properties for marketability.

Council reviewed a letter from Congressman Jason Altmire, indicating to previous grant applicants that there is a change in procedure for requesting funding through a registration process. The Borough is reviewing options in regard to the upgrade of the traffic light project.

Council reviewed an example of personnel benefit statements that were provided to all Borough full-time employees, reflecting total employee benefit costs and an update of sick, vacation and personal days.

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 15, 2011
PAGE FIVE**

BOROUGH MANAGER'S REPORT (CONTINUED)

Pursuant to Council's actions with the adoption of the 2011 Budget and the adoption of Ordinance No. 1286 on military buybacks for police pensions, a calculation, letter and payment have been forwarded to AmeriServe for the upcoming police retirement on April 5, 2011.

Council reviewed the final draft of the Beaver Hall Developer's Agreement. Council was in agreement to place the matter on the Council Agenda for adoption on Monday, February 21st. Beaver Hall currently has plans being reviewed under the third party review.

Borough Manager provided an update on the refinancing of the bonds. The closing for the Series B and C Bonds, which is for the PENNVEST Project and the new Glen Osborne Interconnect Project, will be on March 2, 2011. Borough Manager indicated that there will be motions to approve payment to PENNVEST in the amount of \$3,662,818 on the on Monday, February 21st Council Agenda. In addition, there will be an approximate \$1,000,000 payment to Pipeline systems for work related to the project to date, as well as the delay damage charge, and approximately \$204,000 for the change orders. In addition, there will be a payment to KLH Engineers for the engineering work related to the Glen Osborne Interconnect Project. The Series A Bond, which is for the refunding of the 2004 bond issue and bank notes, is scheduled to fund on March 28. There will be no additional actions necessary by Council for this bond because with the adoption of the ordinance for the Series A Bond, Council has already voted for the action to be completed.

Borough Manager indicated that requests were received from several merchants to have a handicapped parking sign installed at metered space 42 on Beaver Street, located in the area between Walnut Street and the candy store, directly across from PNC Bank. Police Chief James Ersher and Mayor Brian Jeffe have reviewed this request and have recommended that Council adopt the change. Council was in agreement to place the matter on the agenda for Monday, February 21st.

Borough Manager reported that the Quaker Valley Council of Governments Recycling Day, which allows recycled items that are normally not picked up during the course of the year, such as tires, construction materials, electronics, inks, and limited paints, will be hosted by Sewickley this year. The event will be held on May 7, 2011 at the Public Works garage on Washington Street, from 9:00 a.m. to 12:00 noon.

Council reviewed website statistics, indicating that over 12,000 hits took place on the Borough of Sewickley Website during a one month period from January 7, 2011 to February 7, 2011. In addition, Councilperson Susan Aleshire has worked with the Website Committee to make some refinements to the homepage.

**COMMITTEE OF THE WHOLE MINUTES
FEBRUARY 15, 2011
PAGE SIX**

BOROUGH MANAGER'S REPORT (CONTINUED)

Borough Manager reviewed the advertisement for the Comcast franchise renewal. The Comcast Franchise Agreement is up in 2011. This is the first step of the renewal process, pursuant to the direction of Special Legal Counsel Phil Fraga of the Cohen Law Group. The hearing is scheduled for February 21, 2011. Borough Manager indicated that we may receive some comments; we may receive no comments at all. Upon the completion of this hearing, a draft proposal will be presented to Council at the March Committee of the Whole Meeting.

Borough Manager indicated that an application has been received from Brian Turk for a position on the Borough of Sewickley Water Authority. His interview is scheduled before the Council Meeting on Monday, February 21st at 7:15 p.m.

Council reviewed a memo from the Southwest Planning Commission regarding a joint project with PennDOT concerning the nineteen (19) traffic lights from the Beaver County line to the McKees Rocks Bridge. They are reviewing all timing sequences at traffic lights and making alterations to the timing sequences. They began work at the three Sewickley intersections on Monday, February 14, 2011. The Borough will be monitoring the timing in regards to the cross streets and the ability to access Route 65. Borough Manager provided the name of Dominic D'Andrea to the members of the press in the audience, hopeful that the media would contact Mr. D'Andrea in order that the public is fully informed of the plan for Route 65.

The Borough Manager's report was received and filed.

EXECUTIVE SESSION

Council went into Executive Session at 9:25 p.m. to discuss litigation and personnel matters. The Executive Session concluded at 9:59 p.m.

ADJOURNMENT

On motion of Mr. Ference, seconded by Mr. Williams, Council voted, 8-0, to adjourn. The Committee of the Whole Meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Kevin M. Flannery
Borough Manager/Secretary

KMF:pmf