

BOROUGH OF SEWICKLEY
COMMITTEE OF THE WHOLE MINUTES
TUESDAY, JULY 12, 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, Tom DeFazio, Stan Ference, Carole Ford, Glenn Ford and Mike Glenn. Charles Driscoll was absent due to vacation. Others in attendance were Jennifer Markus and Kirsten Stripay of Village Green, Larry Rice, Mary Lyn McGinn, Larissa Dudkiewicz of *sewickleypatch.com*, Mayor Brian Jeffe, Solicitor Gavin Robb, and Borough Manager Kevin M. Flannery.

COMMENTS FROM THE PUBLIC

Kirsten Stripay, of Village Green, updated Council on *Explore Sewickley* gift cards and reviewed current ads on behalf of *Explore Sewickley* in Whirl Magazine. The *Explore Sewickley* gift cards are available on the *Exploresewickley.com* website. In addition, Village Green is continuing to build the database. All businesses in Sewickley are a part of *Explore Sewickley*. Kirsten indicated that they are working with their consultants, Smith Brothers Advertising, on some changes to banners as the different seasons approach.

On motion of Mrs. Ford, seconded by Mr. Ference, Council voted, 8-0, to approve the request for a block party on Straight Street, between Centennial Avenue and Hill Street, on Saturday, August 20, 2011, from 4:00 p.m. to 10:00 p.m.

Council reviewed Right-to-Know requests from Bench Strength Partners and Signature Information Solutions.

Larry Rice, of 310 Peebles Street, addressed Council, and as Chairperson of the Tree Commission wanted to provide a quick update for Council. Mr. Rice indicated that the Tree Commission planted 44 trees this past spring, and they continue to work with people developing properties on their landscape plans. Mr. Rice stated that this was the most successful May Mart for the Tree Commission. Mr. Rice indicated that Mary Lyn McGinn, a longtime member of the Tree Commission, was honored with a plaque for her service. Mr. Rice also stated that the Tree Commission is currently made up of three women and two men, with three of the individuals being in their 30's, and thought that it was a well represented group from the community. Mr. Rice indicated that he would be back in about six months to update Council again.

Council thanked Mr. Rice and the Tree Commission for their work.

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COMMENTS FROM THE PUBLIC (continued)

Mary Lyn McGinn, of 816 Thorn Street, addressed Council regarding the recent Zoning Hearing Board Decision for the Sewickley Manor Condominiums. Mrs. McGinn indicated that she is a member of the Sewickley Manor Condominium Council and that she wanted to address Borough Council regarding an issue with the Zoning Hearing Board regarding their Decision No. 2011-04, and asked for this to be corrected. The issue is that the existing Zoning Ordinance states that open off-street parking shall not exceed 400 square feet. The Sewickley Condominiums, consisting of 86 units, have approximately 88 parking spaces, and Mrs. McGinn indicated that the Sewickley Manor garage is in need of repairs with a cost estimate of \$500,000. During testimony at the variance request, the Code Enforcement Officer testified that 400 square feet should only apply to a single family residence. However, the Zoning Hearing Board, in their decision, indicated that they are bound by the existing ordinance. Therefore, all off-street parking in excess of 400 square feet, as non-conforming, would most likely require that a condominium or multi-family units build a garage.

Mr. Ference indicated that he believes that there was some previous discussion on this matter by the Planning Commission in preparation of the new Zoning Ordinance.

Borough Solicitor indicated that there is a timing issue because of the existing advertised ordinance. In order to comply, notice of changes in the Zoning Ordinance would need to be forwarded to the adjoining municipalities as well as the County of Allegheny and the Planning Commission.

On motion of Mr. DeFazio, seconded by Mrs. Aleshire, Council directed the Borough Manager to correct the language, to forward notices to the adjoining municipalities, the Allegheny County Economic Development office and the Planning Commission, and to advertise the proposed change.

Council voted, 8-0, to approve the motion.

COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR

Mayor Jeffe reviewed the Memorial Day Committee Meeting Minutes, indicating that the Memorial Day Committee made a donation in the amount of \$3,000 to assist the Borough in its Memorial Day Weekend expenses. Mr. Cornman indicated that additional money was needed to cover the fireworks. The Mayor indicated that he is still working on donations for the fireworks. Mr. Glenn cautioned that the Borough needs to be mindful of its expenses and that to continue having fireworks, a substantial amount of donations would be needed to cover the cost of the fireworks. Several Council Members indicated that this would be discussed in October during the preparation of the 2012 Budget.

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COMMENTS FROM THE PRESIDENT/MEMBERS/MAYOR (continued)

Council President Bob Hague invited Council Members to review Student Representative Emily Steliotes' one page report on her experience as a Student Representative. Borough Manager indicated that the report has been forwarded to the Allegheny Times and the Sewickley Herald for publication.

Mr. Hague announced that there would be an Executive Session at the conclusion of the Committee of the Whole Meeting for a personnel issue and a litigation matter.

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

Council reviewed the Building Inspector's Report, indicating that eight (8) permits were issued in June, with permit fees of \$7,050.00 on \$3,100,000 worth of construction. Twenty-six (26) building inspections were performed, and six (6) property maintenance inspections were performed.

Council reviewed six citations regarding the property at 345 Ferry Street. This is in regard to several complaints received from residents and an inspection of the property. Additional information will be provided after the hearing before the District Magistrate.

Council reviewed Zoning Hearing Board Decisions: No. 11-02, for the property at 713 Cochran Street; No. 11-03, for the property at 608 Blackburn Road; and No. 11-04, Sewickley Manor Condominiums.

Council reviewed the Public Works Report for June, highlighting repairs to the roof and the installation of a new gutter at Shelter No. 1, the sweeping of the Sewickley Bridge, the patching of several streets, and the repair of brick sidewalks at Wolcott Park.

In addition, all fulltime employees attended and completed the PennDOT Flagger Class.

Council reviewed the Wastewater Treatment Plant Report for June, indicating that 14.922 million gallons of sewage were treated, and 0 cubic feet of digester gas was used which is due to the renovation project. The dystor roof for the digester will arrive on approximately July 20th; it will take 10 days to mount and assemble the dystor. All indications are that the paving for the project will be completed by August 10th.

Council reviewed the Consulting Engineer's Report for the month of June, indicating that the Borough of Sewickley is waiting for Glen Osborne to finalize the pump station location and right-of-way easements.

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SOLICITOR'S REPORT

Council reviewed the Solicitor's Report for June, highlighting the spot zoning challenge with MCM Ventures, completion of amendments to the Civil Service Rules and Regulations, pension plan payments to former employees and a Right-to-Know Request.

Council reviewed the Solicitor's Invoice for the month of June in the amount of \$4,990.30.

Council reviewed the Civil Service Rules and Regulations, which are being proposed to be in compliance with the newly enacted Pennsylvania laws. Borough Manager recommended that the tentative ordinance be put on the agenda to advertise and schedule adoption for August 15, 2011. Council was in agreement to place the matter on the agenda.

Council reviewed tax assessment appeals and the Jordan Delinquent Tax and Municipal Claims Report for the month of June in the amount of \$4,496.87.

Solicitor Robb updated Council on the MCM Ventures, Ltd. Case, indicating that the Commonwealth Court has denied Mike Lyons' request for reconsideration and that MCM Ventures, Ltd. has decided to withdraw its petition for a bond. The next step would be a hearing before the Judge in an attempt to resolve the matter.

The Solicitor's Report was received and filed.

BOROUGH MANAGER'S REPORT

Borough Manager reviewed the 2011 Road Project indicating that Columbia Gas installed the new line and also connected the line with plastic pipes on both sides of Academy Avenue and in the Borough of Edgeworth. Columbia Gas notified the Borough that they employed Shields Paving, who is the Borough's road contractor, to do paving work associated with the gas line repairs. This will be for work on Thorn Street and Peebles Street and the lower portion of Blackburn Road by PNC Bank.

Construction is scheduled to start the week of July 18th. The Borough is working with the merchants on Walnut Street and Beaver Street and is working with Safran's Market to remove a portion of the fence on Beaver Street and to grant temporary access into the property from Beaver Street, with an exit to occur to Duquesne Way. In addition, take-out delivery businesses on Walnut Street will be provided a space in the Green Street Parking Lot. The Borough will also be closing off several parking spaces on Green Street in order to establish an ingress and egress for the Green Street Parking Lot.

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BOROUGH MANAGER'S REPORT (continued)

The Village Green staff will assist the Borough in the preparation of signage for the affected businesses.

All construction is expected to be completed by August 30th, with all final touches, such as the reinstallation of the parking meters, the lining of spaces and landscaping, completed by September 15th.

Council reviewed the proposed Earned Income Tax Ordinance, which is in compliance with Act 32. Council was in agreement to place a motion on the agenda for Monday's meeting to advertise the ordinance for adoption at the August 15, 2011 Council Meeting.

Council reviewed Allegheny County Health Department information on Air Quality Permits in the Sewickley area. There were no comments offered by Members of Council.

Borough Manager reviewed Pennsylvania Auditor General's preliminary report on the Borough of Sewickley Police Pension Plan and the Borough of Sewickley Non-Uniform Employees Pension Plan for the years 2008, 2009 and 2010. There were several observations and one finding. The finding has been corrected; it was a miscalculation of the amount to be paid. In addition, the majority of the observations have been corrected. Borough Manager indicated that two resolutions are being placed on the agenda as part of the request of the Pennsylvania Auditor General's office. Borough Manager indicated that the Auditor General's office is requesting that a formal resolution be adopted regarding procedures in compliance with Act 44. Several Members of Council expressed their disdain for the Auditor General's office requiring the procedures.

On motion of Mrs. Aleshire, seconded by Mr. DeFazio, Council voted, 5-3, with Mr. Glenn, Mr. Ference and Mr. DeFazio, voting no, to adopt Resolution No. 2011-011, a resolution on services as required by Act 44. On motion of Mrs. Aleshire, seconded by Mr. Cornman, Council voted, 8-0, to adopt Resolution No. 2011-012 on police pension contributions for 2011.

In addition, with these procedures adopted, the Borough will proceed to have interviews with the final list of investment managers on August 9, 2011. Council confirmed that they are in agreement to meet at 6:30 p.m. to conduct interviews with potential investment managers.

Council reviewed the gasoline and diesel costs for the Month of June, 2011 which indicate that prices have decreased. Borough Manager indicated that prices increased the first week of July.

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BOROUGH MANAGER'S REPORT *(continued)*

Council reviewed the Pennsylvania State Association of Borough's Update for July which provided information on training.

Council reviewed an Allegheny County Notice on Household Chemical Collections to be conducted at South Park Wave Pool Parking Lot on Saturday, October 1, 2011. The Borough will be placing a copy of the notice on the Borough's Website and the PEG-TV to advise residents if they need to dispose of any household chemicals.

Council reviewed May Residential Sales Figures from RealSTATs, indicating that home sales are on an upward swing in both activity and price.

The Borough Manager's report was received and filed.

EXECUTIVE SESSION

Council went into Executive Session at 9:37 p.m. for a personnel and litigation matters. The Executive Session concluded at 9:51 p.m.

ADJOURNMENT

On motion of Mr. Cornman, seconded by Mr. DeFazio, Council voted, 8-0, to adjourn. The meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Kevin M. Flannery
Borough Manager/Secretary

KMF:pmf