

**BOROUGH OF SEWICKLEY**  
**COMMITTEE OF THE WHOLE MINUTES**  
**TUESDAY, OCTOBER 11, 2011**

President Robert Hague called the Committee of the Whole Meeting to order at 7:30 p.m. Members in attendance were Susan Aleshire, Charles Driscoll, Carole Ford, and Stan Ference, who was participating by phone. Bill Cornman, Tom DeFazio, Glenn Ford and Mike Glenn were absent due to vacation. Others in attendance were Jennifer Markus and Kirsten Stripay of Village Green, Gabrielle of *sewickleypatch.com*, Terry Brennan, Fire Chief Jeff Neff, Mayor Brian Jeffe, Solicitor Richard Tucker, and Borough Manager Kevin M. Flannery.

**COMMENTS FROM THE PUBLIC**

Kirsten Stripay, of Village Green, provided Council an update on activities provided by Village Green for the business community and for the Borough of Sewickley. She indicated that Village Green is working with the Borough office staff and the Chamber of Commerce to assist with Yuletide in the Village. They have secured a website, [www.sewickleyyuletide.com](http://www.sewickleyyuletide.com), and they have worked on a sponsorship program for the entire Yuletide Program. In addition, they will be at the Santa Spectacular in Pittsburgh on November 18, 2011 to promote the Borough of Sewickley. Ms. Stripay also indicated that at the Chamber of Commerce Meeting today, details were reviewed for the Sewickley Wine Walk, scheduled for Wednesday, November 9, 2011, and that the Chamber of Commerce has revised its bylaws and will be scheduling a meeting for review and adoption of the bylaws.

Council reviewed the Centennial Avenue report, as requested by the residents in the Grime Street and Centennial Avenue area. Mayor Jeffe indicated that he and the Borough Manager met with Mrs. Murray and reviewed the report. Mrs. Murray was in agreement that she did not want to lose parking spaces for her or her neighbors and that the Borough would place signage in the area similar to the signage on Nevin Avenue.

Terry Brennan, of 230 Chadwick Street, addressed Council regarding the stop signs at Ferry Street and Chadwick Street. Mayor Jeffe stated that the issue of permanent stop signs would be on the agenda in November, per a recommendation from the Chief of Police. Mr. Brennan also indicated that he is noticing some speeding on Chadwick Street. He asked about the odor control at the Wastewater Treatment Plant. It was explained to Mr. Brennan that the control panel for the odor control system is on backorder, and once the panel is installed on October 21<sup>st</sup>, the odor control equipment will be more effective. In addition, there will always be some smell at a sewage plant due to efficiency and effectiveness. Mr. Brennan also indicated that Duquesne Light may be putting new lines on Chadwick Street and asked if an application has been received by the Borough. Borough Manager indicated that no information has been received from Duquesne Light on that matter.

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

Mayor Jeffe reminded everyone that the Sewickley 5K Heart and Sole Run is Saturday, October 15, 2011, at 9:00 a.m., beginning at War Memorial Park.

The Halloween Parade, sponsored by the Quaker Valley Rotary and the Borough of Sewickley, will be held on Saturday, October 29, 2011, at 10:00 a.m.

The annual Halloween Trick or Treating will be held on Monday, October 31, 2011, from 6:00 p.m. to 8:00 p.m.

President Hague stated that an Executive Session will be held at the conclusion of tonight's meeting regarding contract matters and litigation.

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

Council reviewed the Building Inspector's Report, indicating that three (3) permits were issued in September, with permit fees of \$585.00 on \$34,500 worth of construction. Twenty-nine (29) building inspections were performed, and six (6) property maintenance inspections were performed.

Council reviewed the Public Works Report for September, highlighting the preparation of equipment for leaf pick up, which began on Monday, October 3<sup>rd</sup>, the repair of sidewalks on Beaver Street and Grove Street, the sweeping of the Sewickley Bridge, and the replacement of the gazebo roof at Wolcott Park.

Council reviewed the Wastewater Treatment Plant Report for September, indicating that 16.148 million gallons of sewage were treated, and 0 cubic feet of digester gas was used, which is due to the renovation project. The control panel for the digester gas is scheduled to arrive on October 21<sup>st</sup> and be up and running within 2 to 3 days. The Headworks Project is 95% complete. They are finishing the final touches on the landscaping and completing the punch list for the electrical contractor and the general contractor.

Council reviewed the Consulting Engineer's Report and newsletter for the month of September, indicating that the Osborne Interconnect Project right-of-ways are being reviewed by a legal team from Tucker Arensberg, and that the Boundary Street Pump Station design is progressing. It is anticipated that the design will be complete in the upcoming months.

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

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**SOLICITOR'S REPORT**

Council reviewed the Solicitor's Report for September, highlighting the spot zoning challenge with MCM Ventures, the Edgeworth Fire Agreement, a class action notice suit and several tax assessment appeals.

Council reviewed the Solicitor's Invoice for the month of September, in the amount of \$12,056.85. Attached to the invoice was a letter from Solicitor Tucker indicating that \$8,676.48 of the bill was due to the spot zoning challenge with respect to the Sewickley Country Inn property. The Solicitor indicated that this was to meet all the court document filings and that most of the research and writing done for the Commonwealth Court could almost be reused, thereby keeping the fees down with respect to any further proceedings.

Council reviewed several tax assessment appeals and discontinuances, as well as orders from the court on several properties.

Council reviewed the Jordan Delinquent Tax and Municipal Claims Report for the month in the amount of \$4,229.91.

Council reviewed a note regarding the McKesson Governmental Entity Class Action Notice, relating to a class action law suit that is pending in Boston, Massachusetts. It is based on a claim against McKesson Corporation that engaged in a scheme, publishing drug data to inflate the pricing of prescription drugs. The Solicitor recommended that the Borough do nothing in response to the notice and await and see how the case plays out.

Council reviewed several documents on the MCM Ventures, Ltd. v. Zoning Hearing Board of the Borough of Sewickley, No. 759 CD 2011.

The Solicitor's Report was received and filed.

**BOROUGH MANAGER'S REPORT**

Borough Manager indicated that all of the sewer work has been completed on Church Way, and that the concrete curbs have been completed on Walnut Street. Sidewalk restoration and brick work is scheduled to be completed on Walnut Street within the next ten days. Shields Paving has advised that they will begin to mill the streets the week of October 10<sup>th</sup>, with milling continuing until October 19<sup>th</sup>. Beginning on October 21<sup>st</sup>, Shields Paving will begin to pave the streets. The milling and paving also includes the streets where Columbia Gas did work as Columbia Gas also hired Shields Paving to be their subcontractor on the project.

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

Council reviewed a copy of the Pennsylvania Municipal Pension State Aid for 2011 in the amount of \$195,075.17. Borough Manager advised that the budgeted amount was \$110,000. The increase in aid is explained in a letter from Jack Wagner of the Auditor General's Office, advising that it is a one-time benefit increase due to enhanced collections by the Pennsylvania Department of Revenue. Borough Manager presented a chart, going back to 2004, showing the Borough of Sewickley General Fund contributions necessary to meet the Minimum Municipal Obligation (MMO.)

Council reviewed the Foreign Fire Insurance Premium Aid for 2011 in the amount of \$51,917.82. Borough Manager advised that the check is a direct pass-through to the Cochran Hose Fire Company, and the money has been forwarded to the Cochran Hose Company. Borough Manager stressed that a normal expectation is approximately \$35,000 to \$36,000 and that, again, this is a one-time event due the increase in collections by the Department of Revenue.

Borough Manager advised that the Chestnut Street Ramp and Walnut Street Landing Docks are scheduled to be removed this week and they will be put back the second week of May 2012.

Council reviewed copies of executed Salt Services Agreements with the Boroughs of Glen Osborne and Sewickley Hills.

Borough Manager advised that the 2012 Budget Meeting has been advertised for Saturday, October 22, 2011, beginning at 7:00 a.m. The meeting will consist of a review of, and a scheduled tentative adoption of, the 2012 Borough of Sewickley General Fund Budget, Sewer Fund Budget and Capital Reserve Budget, with any required ordinances and resolutions that may develop from the meeting. After a tentative adoption, the advertisement would be in effect until the scheduled formal adoption, which would be at the November Council Meeting, Monday, November 21, 2011.

Borough Manager reviewed a recommendation to Borough Council to utilize the real estate tax assessment numbers for the 2012 budget year that were used and paid in 2011. Borough Manager indicated the follow several factors to support the recommendation:

1. The Order of Court, dated September 15, 2011 before Judge Wettick, indicated that the communities will have Model Nos., going from 1 to 10. The Borough of Sewickley is Model No. 8. It has been made very clear that the City of Pittsburgh and the Woodland Hills School District is to have all of their assessments completed by no later than December 1<sup>st</sup>.

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

2. With the Borough of Sewickley being in Model No. 8, it is expected, based upon the volume of assessments reviewed daily by the Assessment Office, that the assessed valuations will be known to the Borough of Sewickley in May or June of 2012. If this is the case, all three taxing jurisdictions, the County of Allegheny, the Borough of Sewickley and the Quaker Valley School District, will be sending the tax bills to the residents within thirty days of each bill going out. This would be extremely unfair to the real estate tax payer. The Borough established the real estate tax bill mailing date as March 1<sup>st</sup>. The reason was that the County of Allegheny sends their bills out on January 1<sup>st</sup>, the Borough on March 1<sup>st</sup>, and the School District on July 1<sup>st</sup>. This gave the real estate tax payer ample opportunity to adequately financially plan to pay for their taxes.
3. This reason is based on the three previous assessments. The Borough of Sewickley is likely to have a number of appeals because the assessed valuations will go up in Sewickley. Each and every time, the Borough has escrowed the additional revenues received from real estate taxes. With all three assessment increases, the amount escrowed by the Borough was not sufficient to pay back the taxpayers for the appeals that were granted by Allegheny County.
4. Waiting for tax bills to go out in May or June will result in additional borrowing costs for the Borough of Sewickley under the Tax Revenue Anticipation Note.
5. The fifth reason is that with the new Act 32 procedures for earned income tax collection, the Borough has prepared a financial analysis indicating that the Borough may be short in earned income tax revenues in 2012, probably around 7.75%. This is due to the new procedures for income tax collection. Borough Manager indicated that for 2013, everything should be back to normal, with most likely a significant increase in earned income taxes.
6. Finally, the Borough Manager indicated that professionally, as a member of the International City Managers Association, the Association for Pennsylvania Municipal Managers, and the Government Finance Officers Association, there is an ethical dilemma in trying to recommend a financial picture of revenues based upon a number that may not be available until March, May or June of 2012, well after the date the law requires the budget to be adopted.

Council concurred with the Borough Manager's recommendation.

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

Borough Manager reviewed the Allegheny North Tax Collection Committee Budget, and also advised Council that the Borough Manager addressed the Allegheny League of Municipalities regarding earned income tax procedures and provided recommendations on implementation.

Council reviewed Quaker Valley Council of Governments garbage and recycling contract bids for services in the Borough of Sewickley. Upon review, the Borough Manager is recommending that the Borough accept the proposal of Waste Management for garbage, recycling, household and e-waste products. This type of service is better for the environment, and the price of the new contract for 2012, with the added service, is 4% less than the current 2011 contract. Council was in agreement to place the matter on the agenda for Monday.

Borough Manager reviewed the application and comment letter from Allegheny County Economic Development regarding the McManus Consolidation Plan of Lots. The Planning Commission recommended the approval. The Public Hearing is scheduled for Monday, October 17<sup>th</sup>.

Borough Manager reviewed an ordinance and proposed agreement with the Borough of Edgeworth. The ordinance is under the Local Government Cooperation Act. The agreement with the Borough of Edgeworth would provide the Borough of Sewickley with a \$50,000 base fee, increased every year by the Consumer Price Index, for fire services in the Borough of Edgeworth to be provided by the Cochran Hose Company. In addition, the Borough of Sewickley would receive a \$9,000 a year payment for the Borough's Capital Reserve Fund. Borough Manager also noted that the Borough of Edgeworth Volunteer Relief Association money, which is estimated to be between \$20,000 and \$25,000, would also be provided by the Borough of Edgeworth directly to the Cochran Hose Company. Borough Manager indicated that there would be a slight increased cost to the Borough of Sewickley due to an increase in insurance costs. Council was in agreement to place the ordinance and agreement on the agenda for approval for the Council Meeting in October.

Borough Manager presented the 2012 proposed meeting schedule for Borough Council, Boards and Commissions. Borough Manager noted that the Reorganization Meeting of the Borough is scheduled for January 2<sup>nd</sup>, as it is an even year. Council was in agreement to place a motion on the agenda for the Monday October 17<sup>th</sup> Council Meeting to adopt the meeting schedule.

Council reviewed Borough Manager's letter to the pension management firms regarding actions at the September 19<sup>th</sup> Council Meeting.

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

Council reviewed a letter forwarded to Solicitor Tucker, HDH Insurance and Karen Beck of Optimus Risk Services, the Borough's Safety Consultant, regarding the proposed policy and procedure manual for the Borough of Sewickley Police Department. Their reviews are due back by October 28<sup>th</sup> in order that Council can discuss the manual at its November 15<sup>th</sup> meeting. If Council is in agreement, they can then enact a resolution to adopt the Borough of Sewickley Police Department Policy and Procedure Manual at the November 21<sup>st</sup> Council Meeting.

Council reviewed an application for the three traffic lights signalization project on Ohio River Blvd. The application is through the Southwest Planning Commission and was completed with the assistance of Trans Associates, our traffic engineers. The request is for \$1.7 million to upgrade the signals. This project has been high on our list for years. This new process opened up under PennDOT, and Sewickley is one of the first communities to submit an application.

The Borough Manager's report was received and filed.

**EXECUTIVE SESSION**

Council went into Executive Session at 8:45 p.m. to discuss contract and litigation matters. The Executive Session concluded at 9:00 p.m.

**ADJOURNMENT**

On motion of Mr. Ference, seconded by Mrs. Ford, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Kevin M. Flannery  
Borough Manager/Secretary

KMF:pmf