

**MINUTES OF MEETING
OF SEWICKLEY BOROUGH COUNCIL
MUNICIPAL BUILDING
SEWICKLEY, PENNSYLVANIA**

AUGUST 13, 2019

The meeting was called to order at 7:00 p.m. with President Jeff Neff presiding and leading the Pledge of Allegiance.

Roll Call showed the following members present:

Larry Rice	Michelle Denk	John Dunn	Sean Figley	Cynthia Mullins
Todd Renner	Christine Allen			

Council members van der Vaart and Figley were absent.

Also present were Mayor Brian Jeffe, Borough Solicitor Richard Tucker, Borough Manager Marla Marcinko and Assistant Borough Manager Erin Sakalik.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE RELATING TO SIGNS

Solicitor Tucker opened the public hearing to take public comment on the adoption of Ordinance No. 1367, amending certain provisions of the Borough's Zoning Ordinance, Chapter 330 of the Code of the Borough of Sewickley, relating to signs.

No public comment was received.

Solicitor Tucker closed the public hearing.

A motion was made by Mr. Renner, second by Mr. Rice, to adopt Ordinance No. 1367. Motion carried 7-0.

PUBLIC HEARING – AMENDING BOROUGH ZONING MAP

Solicitor Tucker opened the public hearing to consider the adoption of Ordinance No. 1368, amending the Borough's zoning map. Ordinance No. 1368 provides for the rezoning of Block and Lot No. 421-A-27, 527 Beaver Street, from a Residential R1-A to a General Commercial C-1 zoning district, and Block and Lot No. 421-B-118-0-1, 529 Beaver Street, from a General Commercial C-1 Village Overlay to a General Commercial C-1 zoning district.

John Edson, representing the applicant, offered to clarify his request to rezone the properties.

No public comment was received.

Solicitor Tucker closed the public hearing.

A motion was made by Mr. Renner, second by Mr. Dunn, to adopt Ordinance No. 1368. Motion carried 6-1 with Ms. Allen voting against the motion.

PUBLIC HEARING – LOT CONSOLIDATION – 428-430 BEAVER STREET

Solicitor Tucker opened the public hearing to consider the application of John Edson to consolidate the two lots designated as Block and Lot No. 421-A-79 and Block and Lot No. 421-A-80 and located at 428-430 Beaver Street, Sewickley, into a single lot. The lots are owned by 4SGL LP and are located in the C-1 Village Overlay Zoning District.

Mr. Edson commented on the simple subdivision and consolidation of lots.

Ms. Marcinko testified that the public hearing was duly-advertised in the Pittsburgh Post-Gazette.

Councilwoman Denk inquired whether the names and addresses in Section 13 required any special notice.

Solicitor Tucker closed the public hearing.

A motion was made by Mr. Renner, second by Mr. Rice, to approve the consolidation of Block and Lot No. 421-A-79 and Block and Lot No. 421-A80 and located at 428-430 Beaver Street, Sewickley, into a single lot. Motion carried 6-1 with Ms. Allen voting against the motion.

PUBLIC HEARING – LOT CONSOLIDATION – 527-529 BEAVER STREET

Solicitor Tucker opened the public hearing to consider the conditional use application of Mantia Properties, LLC to use the properties at 527-529 Beaver Street, Sewickley, as a parking lot and to confirm and ratify the consolidation of the properties upon the zoning code having been amended for such properties to a Commercial C-1 Zoning District, wherein a parking lot is permitted as a conditional use upon compliance with the conditions set forth in Sewickley Borough's zoning code.

John Edson stated that he represents the applicant, Mantia Properties, LLC. They are seeking a unification and lot consolidation. He stated that the Planning Commission has recommended approval of same. At this time, they are not seeking approval of a conditional use for a private parking lot. They are continuing to look at their options for uses of the property.

Ms. Marcinko testified that the public hearing was duly-advertised in the Pittsburgh Post-Gazette on July 29 and August 5.

Solicitor Tucker closed the public hearing.

A motion was made by Mr. Renner, second by Mr. Rice, to confirm and ratify the consolidation of the properties at 527-529 Beaver Street, Sewickley, upon the zoning code having been amended for such properties to a C-1 Commercial Zoning District. Motion carried 6-1 with Ms. Allen voting against the motion.

Public Comment:

Joe Rex, 914 Nevin Avenue, commented on the condition of the property located at 929 Crescent Avenue. He stated that the abandoned property poses a safety hazard to his home. The Solicitor explained that the property had been exposed at Sheriff's Sale and the successful bidder failed to make the required payment. It is not rescheduled for another sale. Ms. Marcinko stated that the owners of record are deceased. The County will not expose the property for sale again without a guarantee that they will recoup their costs. The Borough did have an engineering assessment of the property performed to identify the most imminent threats and a course of remediation. Mr. Rex expressed concern about the retaining wall failing. Councilwoman Allen inquired about what steps the Borough could take to remediate. Ms. Mullins suggested the installation of cyclone fencing. Discussion ensued.

Ms. Marcinko stated that she will prepare a summary as to status and recommendations for next steps. Mr. Neff inquired as to whether Mr. Rex would be interested in acquiring the property and suggested that he work with Ms. Marcinko on a solution. Ms. Allen suggested demolition. Solicitor Tucker will evaluate the option to petition for a free and clear sale.

Comments from Mayor & Council President:

Mayor Jeffe commented on the two events held this past weekend; the Jaguar Car Show on Saturday and Café Racer on Sunday at War Memorial Park. Both events were very well-attended and no issues reported. Mr. Rice inquired if the business community was supportive of the Jaguar Car Show, given that streets were closed. Mayor Jeffe stated that no negative feedback was received.

New Business:

A motion was made by Ms. Mullins, second by Mr. Renner, to approve the Minutes of the July 9 Council meeting. Ms. Denk commented that she had inquired about the renaming of the alley between Maple Lane and Charette Place. She requested that this matter and a policy on installing banners be on the September agenda. Relative to banners, Ms. Allen inquired as to what constitutes a "Borough community organization." Mr. Neff suggested that the Borough consider discontinuing the installation of banners across roadways.

A motion was made by Mr. Rice, second by Mr. Renner, that the Borough discontinue installation of banners effective September 1, 2019. Mr. Rice clarified that his motion covers only those banners which are hung across the street for a specified time period and not the military banners which are attached to poles. Discussion ensued. Ms. Allen inquired about the banner for the memorial softball tournament fundraiser, which is held on Labor Day. Ms. Marcinko stated that their request was denied last December. They again made application last month and the original denial was reiterated. Mr. Rice amended his motion, and Mr. Renner his second, for the policy change to take effect on September 7, due to the Harvest Festival. Upon the suggestion of the Mayor, Mr. Rice again amended his motion, and Mr. Renner his second, to exclude any applications that have already been approved. Motion carried 7-0.

A motion was made by Mr. Rice, second by Ms. Mullins, to award the bid for Contract 19-ST01, Grove Street Sewer Improvement Project, to include Alternate No. 1, to Rudzik Excavating, Inc. for the total contract price of \$320,200 and further authorizing the appointed Borough officials to execute all contract documents and the Borough Manager to attest to same.

Ms. Mullins inquired about dust control. Ms. Marcinko will discuss with the engineer. Motion carried 7-0.

A motion was made by Ms. Mullins, second by Ms. Denk, to authorize the advertisement of the War Memorial Park Storm Sewer Replacement Project. Mr. Neff noted that the baseball field restoration is not part of the project. Mayor Jeffe suggested putting the project into the 2020 budget. Motion carried 7-0. Resident Julie Barnes questioned the location of the work in relation to the playground.

A motion was made by Ms. Mullins, second by Mr. Rice, to appoint Clark Webb to the Zoning Hearing Board to fill the unexpired term of Emily Lyons, which will continue through December 31, 2020. Motion carried 7-0.

A motion was made by Ms. Mullins, second by Mr. Renner, to appoint Daniel Borecki to the Zoning Hearing Board to a term that will expire December 31, 2021. Motion carried 7-0.

Mr. Neff stated that Sandra Marr and Brian Turk have been appointed to the Parking Authority.

A motion was made by Mr. Dunn, second by Mr. Renner, to approve the request to close Broad Street, Thorn Street, and Chestnut Street on Saturday, September 7 from 10 a.m. to 5 p.m. for the Harvest Festival. Motion carried 7-0.

A motion was made by Mr. Dunn, second by Mr. Rice, to approve the closure of Division St. from Broad St. to Locust Place on Saturday, September 14 through early Sunday morning, September 15, for the Sons of Italy event occurring from 5-11 p.m. The additional closure time for Sunday morning is for tear down. Additionally, approval is granted for an exemption from the requirements of Chapter 240-15 of the Code of the Borough of Sewickley regarding noise, until 10 p.m. Motion carried 7-0.

A motion was made by Ms. Denk, second by Mr. Rice, to approve the closure of the 600 block of Maple Lane for a block party on Sunday, September 8, from 3:30 to 9 p.m. Motion carried 7-0.

A motion was made by Ms. Mullins, second by Mr. Dunn, to approve the closure of Thorn Street from Grant Street to Academy Avenue for a block party on August 24 from 3-9 p.m., (rain date August 25.) Motion carried 7-0.

A motion was made by Ms. Denk, second by Mr. Dunn, to approve the closure of Division Street on September 6, extending Lula's Friday Nights by one week. Motion carried 7-0.

Mr. Rice commented on the closure on Thorn Street between Broad and Walnut for the Jaguar Car Show and that the spaces were not utilized. It was stated that this closure was required for the PAT bus detour.

A motion was made by Mr. Renner, second by Mr. Dunn, to accept the financial reports, which included the following:

- Statement of Revenue/Expense Compared to Budget for General Fund
- Statement of Revenue/Expense Compared to Budget for Sewer Fund

- Balance Sheet General Fund
- Balance Sheet Sewer Fund
- Monthly Account Balances
- Vehicle Expense Report
- Approving Bills to be Paid

Ms. Mullins questioned two invoices that were posted to the Shade Tree expense accounts. Ms. Marcinko stated that journal entries will be made to post these expenses to the Municipal Building and Parks expense accounts. There is an additional \$2,450 in expenses which can be reversed out of the Shade Tree budget and expensed to Municipal Building and Parks.

Ms. Allen stated that Mr. Galluzzo is present in the audience and would like to address Council. President Neff stated that there is a motion on the table to be acted upon. Motion carried 7-0.

Ms. Allen questioned the decision on banner installations. Mr. Neff stated that the business portion of the meeting is taking place and public comment was closed.

Old Business:

A motion was made by Mr. Renner, second by Mr. Rice, to approve the Operating Agreement between the Borough of Sewickley and the Sewickley Parking Authority. Motion carried 7-0.

Consent Agenda Reports:

A motion was made by Ms. Mullins, second by Mr. Rice, to approve the Consent Agenda, which contained the following reports:

- Code Enforcement – Harshman
- Inspection Report – Harshman
- Cochran Hose Company
- Explore Sewickley
- Police
- Public Works
- Wastewater Treatment Plant
- FNB Wealth Management Pension Plan
- Earned Income Tax Collection Update
- Request for Service Report

Mr. Rice questioned where the War Memorial Park expenses would be paid from. Mr. Neff stated that the project costs will be paid out of the Road Construction and Maintenance Fund. Motion carried 7-0.

Solicitor's Report:

Solicitor Tucker provided his report, invoice, Jordan Tax Service report, tax assessment appeals and an update on the Sewickley Acquisitions project on Broad Street. The status conference on same has been rescheduled to October 1. If the work is completed by October 1, the Borough should be able to get the case dismissed. Mr. Rice inquired about the gas line that is running across the sidewalk. Mr. Neff suggested that Code Enforcement conduct an inspection.

Mr. Neff offered the floor to Mr. Galluzzo. Mr. Neff apologized to Mr. Galluzzo for any confusion caused by any direction given to him to resubmit a banner application after his original submission in December, 2018, had been denied. Ms. Allen offered clarification as to how Mr. Galluzzo received another opportunity to apply for the banner. Mr. Neff reiterated that Council had taken action to discontinue banner installations due to the risk and liability involved. Ms. Allen stated that the effective date in the action that was taken was September 7. The Galluzzo event takes place in August and the Borough is still in the “banner business.” Mr. Galluzzo commented that he felt this action was a short-sighted and expressed his disappointment with the decision.

Discussion Items and Announcements:

AccuFund Proposal

Ms. Marcinko referred Council to the Management Action Item Memo which she submitted, stating that the current accounting software is inadequate. Ms. Mullins inquired about how this new software compares to what we are currently using. Ms. Marcinko stated that there is no comparison. AccuFund is designed specifically for municipal accounting. With the current system, very basic reports must be custom-created. Several Council members had questions for Ms. Marcinko about the proposed software. Mullins inquired about the cost of annual support. It will be \$12,000/yr. Motion was made by Allen, second by Rice, to purchase the AccuFund software. Motion carried 7-0.

Action Items from Manager and Assistant Manager

Mr. Neff explained that in response to Council’s request, the Manager and Assistant Manager have submitted their list of priorities and action plans Ms. Marcinko stated that this will be a fluid process as priorities shift and new matters rise to the top and push other lower priority items further down the list. Our priorities will be more clear and begin to align as we go through the budget process. The budget document should be viewed as a planning document and set the course for the future. Mr. Rice stated that he is primarily concerned with seeing the most significant issues we are working on. He understands that priorities change. Ms. Mullins stated that she appreciates receiving ongoing information, in particular the weekly report from the Manager. Ms. Denk complimented the management team. Ms. Marcinko offered that the action item report can be updated monthly. She will distill the two reports into one document and highlight time-sensitive matters. Ms. Mullins inquired if the new accounting software will be available for the budget process. Ms. Marcinko stated that it can be.

Process for voiding tickets

Mayor Jeffe commented that the ordinance which was adopted in May, 2019, gave sole authority to the Parking Authority to void parking tickets. The Mayor and Chief of Police no longer have authority to void parking tickets. He stated that he only voided ten tickets last year and believed that his ability to do so allows him to serve as a resource in diffusing what can be tense situations in the municipal building. Solicitor Tucker suggested that he request that the Parking Authority authorize him to have the ability to void tickets. Mr. Neff asked if there is a process in place for voiding parking tickets. Ms. Sakalik stated that it has been discussed among the Authority members; however, there is currently not a process in place. The Mayor stated that he is in favor of such a process.

The meeting recessed at 8:42 p.m. and Council went into executive session at 8:45 to discuss litigation.

Council came out of executive session at 9:05 and the meeting was reconvened.

A motion was made by Ms. Allen, second by Ms. Mullins, to approve Pay Requests 5 & 6 from A. Liberoni, totaling \$23,438.52 and Change Order No. 2, which reflects a decrease in the total contract price in the amount of \$111,609.95. The total contract price will decrease from \$644,066.76 to \$532,456.81. Retainage will remain at \$41,450, which includes \$10,000 to complete the contract work on Elwick and Little, as well as \$31,450 for delay damages. Change Order 2 reflects final quantities. Mr. Rice inquired as to whether the Borough is still holding retainage. Ms. Marcinko stated that there is a small retainage until final acceptance. Motion carried 7-0.

On motion of Ms. Mullins, second by Mr. Dunn, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

MARLA P. MARCINKO,
Borough Manager/Secretary

JEFF NEFF
President of Council