

SEWICKLEY HILLS BOROUGH
Tuesday, March 13, 2018 General Council Meeting Minutes

CALL TO ORDER: Mrs. Phillips called the meeting to order with the Pledge of Allegiance at 7:30 p.m. at the Sewickley Hills Borough Municipal/Recreational Building, located at 349 Magee Road, Sewickley, PA 15143-9117.

PRESENT: Cynthia Phillips, Lucille Guttendorf, Joseph H. Hajnas, Michael Lepore, Mayor David Malarik, Arthur Leonard (Solicitor), Emile Ketterer (NIRA), Charlie Guttendorf (Treasurer), Diana Steele (Secretary)

MEMBERS EXCUSED: Jack Faulkner attended via telephone

CITIZENS ATTENDED: Craig Rowland, Chief Micklos, Joe Hanney, the new Chief of Police, Tom Klixbull, Dan Gramc, John Zimmerman, Valerie Gaydos, Dave Hager, Cindy Spencer, Hunter Hopkins.

Mrs. Phillips stated that Chief Micklos is here tonight to announce his retirement on May 11, 2018, after 35 years of service and to introduce Joe Hanney as the new OT Chief; Chief Hanney has 23 years of experience.

MINUTE APPROVAL: Mrs. Phillips asks if Council has reviewed February 13, 2018 meeting minutes for approval.

MOTION: A motion is made by Mrs. Guttendorf to approve the meeting minutes from February 13, 2018, seconded by Mr. Hajnas; motion is carried with all in favor, Mr. Faulkner abstains.

CITIZENS & GUESTS: Mrs. Phillips that Valerie Gaydos would like to address Council, as she is running for the State House of Representatives.

TREASURER'S REPORT: Mr. Guttendorf reported the following bank balances:

PNC	\$ 21,920.06
FNB	\$ 393,342.63
Sanitary	\$ 42,723.12
Capital Reserve	\$ 82,476.00

Mr. Guttendorf stated the Auditor's report has been completed.

POLICE REPORT: Mayor Malarik states there were 24 calls in February, 12 auto related, 5 ambulance calls, and 7 minor incidents. Ms. Steele reported she contacted OTPD regarding auto tracks around the building and footprints to the windows, Detective Hanney placed a security camera in the side window, after the building was rented that weekend, it was stolen.

ENGINEER'S REPORT: Mrs. Ketterer stated the Dirt and Gravel Road Grant reported she will meet with two Council members for the bid documents. Mrs. Phillips stated a resident reported cracks across Pacer Drive, Mrs. Ketterer stated it may need additional repairs; she will look into it and report back with a recommendation to Council. Mayor Malarik asked about additional Grant money, Mrs. Phillips spoke with the representative from ACCD and she informed Mrs. Phillips we have to wait until next year, after our Hunt Road project is completed, to apply for additional Grants.

SOLICITOR'S REPORT: **Village of Sewickley Hills:** Atty. Leonard stated the Village is now the Reserve at Sewickley Hills Plan, there was a Public Hearing held on January 8, 2018, that hearing was closed, the plan is being presented by the Developer and the Developer is seeking a Modified Approval to acquire Tentative Approval. Mr. Hager of PVE Engineers stated they are proposing 175 units with 23 single family units they are to be located next to the swimming pool, 9 of the 175 units will be located in Ohio Township. Atty. Leonard stated the plans are dated November 16, 2017 and are the same plans that are seen at the Planning Commission, with the Planning Commission recommended approval. This plan is before the Council for any questions and your decision, if you choose to make it tonight, on whether to grant the request with conditions or deny the request. Atty. Leonard stated he spoke with Lisa Burkhart, the attorney for the OT HOA and advised her that this plan would be up for decision this evening. Atty. Burkhart told

Atty. Leonard that the Developer has been in contact with the HOA and found there is give and take and they are moving along. Atty. Gramc stated they have met with Atty. Burkhardt 3 or 4 times and they are making good progress. To summarize the agreement before Atty. Gramc he stated they are looking into some speed control, taking the Guard Shack out, and put two inbound lanes and two gates at the entrance. Atty. Gramc stated it would probably make sense to have two Associations, forfeiting any right to the pool and the facilities.

Mrs. Phillips stated she has two copies of the Modification for approval, Atty. Leonard stated he made three changes to the original document sent previously to Council, based on conversation with Mrs. Phillips. Atty. Leonard amended the first page, paragraphs 17, 38 and added a new paragraph 40. In paragraphs 17 and 38 he added language that would limit the Borough's agreement that the prior tentative approval is modifiable to just this plan. In paragraph 40 he added that any changes to the current condominium documents shall be submitted to the Borough for review.

Mrs. Guttendorf stated that she was under the assumption that this new agreement would terminate any past agreement we had with the developer, and asked if there was anything major we were giving up in the previous agreement. Atty. Leonard stated the proposal he received from the developer indicated that they wanted to terminate all of the agreements that had been previously agreed to and enact a condition on this plan, he agreed with that, but all the prior agreement terms, he felt should be negated, so he went through the previous developers agreement more closely and took out those parts of those agreements that had already been completed, such as grading, phasing for grading, sanitary issues (because the plant has been removed), interceptor line on Red Mud Hollow, basically all those things that have been accomplished. Atty. Leonard stated he added in were the new things that needed to be done, such as the contribution by the developer, contribution to the recreation fund, the for sale portion, the number of the units. A lot of the verbiage in the developers agreement in terms of indemnification, bonding, all those are back in the agreement. Atty. Leonard stated this 11 page conditional agreement will be approved or disapproved at tonight's meeting, it will then be sent to the developer and they have 30 days to accept or deny.

Atty. Leonard wanted to highlight some of the conditions, there will be 166 for sale units, the developer will reimburse the Borough \$300,000 for costs related to tentative approval, this is due and payable at the time the agreement is signed, the sum of \$277,000, currently held by the Borough for re-contouring the site of developing reforestation of the site, and will be held by the Borough for those same issues and released to the developer at the time when the performance bond and security is released and a maintenance bond posted, that means if the performance bond is released this development has been constructed. Atty. Leonard stated he wrote this agreement as if it is one phase. Atty. Leonard stated there will be financial securities posted for roads, lighting, sidewalks (on both sides of the street), roads will be built to the Sewickley Hill Borough standards, the open space will be placed in the conservation easements, the Homeowners Association will be in charge of that, all of the roads, storm sewers will be private, the development will pay a recreation fee of \$500 per residential dwelling, payable at the time a building permit is issued, the total sum to be paid at the end of construction will be \$83,300. Applications for final approval must be filed one year after the date of this modified tentative approval is granted, the final plan shall be in substantial configuration as the tentative plan upon which approval is granted, should the final plan not be filed within one year than this modified tentative approval shall be revoked and the property designated for development as the "Reserve at Sewickley LLC" shall be subject at the time of revocation to any Borough of Sewickley Hills coordinate applicable to the property, that terminates any claim by anybody but Sewickley Hills LLC, treating this in lieu of any litigation. Additionally, if there are any changes in condominium documents those changes will be reviewed by Council and will need their approval. Lastly, the developer will enter into a Developers Agreement at the time the plan has been approved and prior to construction. Atty. Leonard stated he was asked to look into the easements that were shown on the Declaration of Condominium in the description of the property, the developer has not been able to accomplish this, so in addition another condition would be to provide to the Borough the location of those easements as well as if any of the easements have been revoked and the reason for their termination. Atty. Gramc stated he will discuss this with the developer but it seems to be consistent with the previous discussions.

Mr. Hajnas stated that he would like to see a broader understanding of the covenants that ran with the land, how they would be undone from the existing condominium documents and reformed into the new condominium agreement that would focus on Sewickley Hills. Atty.

Gramc stated that he would look into this situation and will speak with the attorney representing the existing Village at Sewickley Hills.

Mrs. Phillips asked about the Shook property that is potentially landlocked, is it a buildable piece of property and can it be accessed. Mr. Hagar stated it is unbuildable due to steep slopes and access is unfeasible. Atty. Gramc stated the Shook property has a significant amount of delinquent taxes due to the fact that the property is unbuildable.

Mrs. Guttendorf asked what the sizes of the single family dwellings would be, Mr. Hagar answered they would probably be in the high 2,000 s.f. , in answer to the completion date the developer would probably start construction at the end of this year, residents would begin to move in the spring of 2019.

Atty. Leonard stated that the bonding would take place after the final plans are developed, at that point all of the roads, sewers, storm sewers will be there, that will be in the Developer's Agreement and will include, lighting, sidewalks, sewers, storm sewers, sanitary sewers and will include all of the infrastructure. The engineer for the developer will give the information to Mrs. Ketterer; it then goes to Atty. Leonard.

Atty. Gramc wanted to clarify the for sale only clause, and asked if the resident in the Reserve had to rent the unit for a period of time, is that admissible, Mrs. Phillips stated that is not the purpose of the for sale unit stipulation.

Mrs. Phillips stated the Council has until April 10, 2018 to vote on the Reserve, however, we can vote on approval tonight if the Council wishes. The consensus is to vote on approval tonight.

MOTION: A motion is made by Mr. Lapore to approve the Village of Sewickley Hills PRD Modification of Tentative Approval consistent with the conditions as set forth in the document before you pages 1 through 11 (attached), with two additions: one an additional contingency regards the developer providing a description of the location and/or whether the easements shown in the Declaration of Condominium exist and if so where are they located, seconded by Mrs. Guttendorf, motion is carried with all in favor.

Sugarbush: Atty. Leonard stated he is in receipt of documents that he emailed to the Borough, as they apply to the Sugarbush Plan, there is an appraisal as well as plans with sanitary sewer which will go through Borough property adjacent to Red Mud Hollow Road, he is asking Council to look at the property itself, the appraisal states the property is worth \$2,300 which the easement being offered to the Borough is \$1,700, offered by the developer, the easement would go to Ohio Township Sanitary Authority for the sanitary line. Atty. Leonard stated that the County has this property assessed at \$438,000; he suggested that before the April meeting the Council members take a look at the property, if there is any value to it, Council may suggest that Mrs. Ketterer see if the location of the sanitary line is appropriate, and stated the property probably has no value or the Borough would have sold it previously. Atty. Leonard stated the documents will be prepared for the April Council meeting.

ADMINISTRATIVE REPORT:

Road Salt: Ms. Steele stated that we still need to acquire road salt and storage. Mrs. Phillips asks Ms. Steele to call John Wick for his suggestions of where to store salt and also to contact the QVCOG to see if we became members what the cost of salt would be and prices to join the COG as a member or an associate member.

Tables: Ms. Steele stated that Mrs. Kovacs has requested that we obtain 5 to 10 new banquet tables. Mrs. Phillips asks Ms. Steele to contact Ken McFarland; he has suggested that there are sturdier tables available.

Whiteboard: Ms. Steele reported the whiteboard used for messages is beyond repair and asked if Council wishes to replace it with the same kind as we have before. It is suggested to look into something more stable and perhaps more permanent.

Wick Landscaping: Ms. Steele stated she contacted Mr. Wick regarding cutting the grass around the Municipal building and the fields this summer, he will at last year's cost. She also asked Mr. Wick for bids on cutting and spraying the weeds at the entrance to the building. The bid was \$60 to cut the weeds and \$75/per application three times a year for spraying the weeds.

MOTION: A motion is made by Mr. Hajnas to employ Mr. Wick at the above costs to cut and spray the weeds, seconded by Mr. Lapore; roll call is taken with all in favor. Mr. Faulkner abstains.

Carpet: Mrs. Phillips stated the carpet needs to be replaced in the Great Room. We have acquired three bids.

MOTION: A motion is made by Mr. Lapore to have Empire Carpet Company install new carpet at a cost of \$10,994.00, seconded by Mrs. Guttendorf; roll call is taken with all in favor.

Mr. Lapore has offered to be Sewickley Hills representative for Quaker Valley Ambulance Authority.

MOTION: A motion is made by Mr. Hajnas to nominate Mr. Lapore as the Borough's representative with Quaker Valley Ambulance Authority, seconded by Mrs. Guttendorf; the motion is carried with all in favor.

MOTION: A motion is made by Mr. Lapore to pay the bills as presented, seconded by Mr. Hajnas; roll call is taken with all in favor, exception Mrs. Guttendorf abstains from Mr. Guttendorf's paycheck.

ADJOURNMENT:

MOTION: A motion is made by Mrs. Guttendorf to adjourn the meeting at 8:45 p.m., seconded by Mr. Hajnas; motion is carried with all in favor, Mr. Faulkner abstains.

Respectfully submitted
Diana Steele-Secretary