

SEWICKLEY HILLS BOROUGH
Tuesday, December 11, 2018
Public Hearing & 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, Jack Faulkner, Lucille Guttendorf, Joseph H. Hajnas, Michael Lepore, Mayor Malarik, Andrew Shannon (Solicitor), Emile Ketterer (NIRA), Charlie Guttendorf (Treasurer), Diana Steele (Secretary)

CITIZENS ATTENDED: Craig Rowland, Chief Hanney, Lee Nute, Marisa Tobias, Michael Ott, and Jim Kapp

CITIZENS & GUESTS: Mrs. Phillips asks if there are any corrections or additions to the agenda, there is no response.

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

MOTION: A motion is made by Mr. Faulkner to approve the meeting minutes, as amended, from November 13, 2018, seconded by Mrs. Guttendorf; motion is carried with all in favor, Mrs. Phillips abstains she was not present.

PUBLIC HEARING: Stormwater Management Ordinance and Solicitation Ordinance - Mrs. Phillips opens the public hearing. Mrs. Phillips closes the Public Hearing at 8:39 p.m.

ENGINEER'S REPORT: **Fairhill Road:** Mrs. Ketterer reported on the landslide on Fairhill Road, stating she met with a Geotechnical Engineer on December 4, 2018 and received a proposal with estimated costs to complete borings, study and preliminary design options/cost analysis with a presentation, NIRA personnel would be required to provide a survey and coordination for this preliminary engineering study. NIRA would survey for a cost of \$4,540, Garvin Boward Beitko Engineering, Inc.'s proposal is \$15,229.50. Mrs. Ketterer stated the landslide is on the right-of-way, she further stated that Fairhill is in danger of erosion and is in need of orange cones and caution tape.

Mrs. Phillips asks if we were charged for NIRA's time to this point, Mrs. Ketterer stated there have been no charges incurred.

Mrs. Phillips asks if it has been determined who's land the landslide is occurring, Mrs. Ketterer stated it has not been determined, further stating the

majority of the landslide has occurred on private property adjacent to Fairhill Road and will be affecting the road bed. Mrs. Phillips questions who is responsible for the landslide, Atty. Shannon stated the landowner may be responsible if found negligent, for clean up costs. Mrs. Ketterer stated this is more than just cleaning up the landslide.

Atty. Shannon stated that the Borough could recoup the expenditure to make the repairs to Fairhill Road if it can be proven there was negligence on the part of the homeowner.

Mrs. Phillips stated that the discussion regarding Fairhill Road will be discussed in Executive Session.

Hunt Road: Mrs. Ketterer reported she received two proposals to replace the guard rail on Hunt Road; Bethlehem Wire and Fence was low bid at \$1,418.00

MOTION: A motion is made by Mr. Hajnas to approve the expenditure of \$1,418.00 to Bethlehem Wire and Fence to replace and repair the guard rails on Hunt Road, seconded by Mr. Faulkner; roll call is taken with all in favor.

Stormwater Management Ordinance: Mrs. Phillips stated that because the stormwater management falls under engineering, she would like to propose changes to address concerns raised in the hearing. The proposed changes are to Section 111, "Version of Regulations and Standards", removal of the statement "any reference to a statute regulations or standards shall be interpreted to refer the latest or most current version of that document". Section 305 "Riparian Buffers", subsection B, shall be changed to say "the riparian buffer easement shall be required for all natural non ephemeral streams with a contributing watershed area, etc.," the last line shall read "easement shall be measured to be a minimum of 20 feet from the top of the stream bank on each side".

MOTION: A motion is made by Mrs. Guttendorf to approve the Stormwater Management Ordinance No. 4 of 2018 as amended, as outlined above, seconded by Mr. Faulkner; motion carried with all in favor.

SOLICITOR'S REPORT:

Kapp Communications: Atty. Shannon stated that a Public Hearing must be scheduled within 90 days of the submission of October 25, 2018, thus scheduling a Public Hearing for January 8, 2019.

Mrs. Phillips stated the Planning Commission did not approve of the Kapp Communications proposal.

Mrs. Phillips stated Allegheny County sent their review letter concerning the zoning change proposed by Mr. Kapp, and the comments included the proposal from Kapp Communication is not consistent with the Borough's Comprehensive Plan, and stated the Borough would have to amend their Comprehensive Plan, that west of Red Mud Hollow Road are mapped as Conservation and GREENPRINT, recommended primarily for conservation and limited development due to their physical characteristics, steep wooded slopes that drain east to Kilbuck Run are landslide prone soils, split zoning is not recommended, cannot rezone conditionally. Allegheny County stated in their review letter that if the Borough wishes to extend the Neighborhood Commercial area, there is the need to change the Comprehensive Plan.

Mr. Ott interrupts the meeting stating that Jim Kapp of Kapp Communication has decided to retract his request to rezone the property owned by Michael Ott on Red Mud Hollow Road.

Solicitation Ordinance: Mrs. Phillips stated the need for a fee schedule that would be separate from the Solicitation Ordinance. Mr. Hajnas suggests adopting the fee schedule of Ohio Township.

MOTION: A motion is made by Mr. Faulkner to adopt the Solicitation Ordinance No. 3 of 2018, as presented, seconded by Mr. Lapore, motion carried with all in favor.

MOTION: A motion is made by Mr. Hajnas to adopt the current Ohio Township's fee schedule, seconded by Mr. Faulkner; motion is carried with all in favor.

POLICE REPORT:

Mayor Malarik reported there were only 22 calls in November, eight were traffic citations, basically all is normal in the Borough.

SOLICITOR'S REPORT:

Salt Storage: Mrs. Phillips requests Atty. Shannon to continue the Solicitor's report. Atty. Shannon reported the Salt Storage agreement was sent to the Council today prior to the meeting. Haysville has decided to not participate, leaving the agreement between Glen Osborne and Sewickley Hills only, with salt storage to be at the facility in Sewickley Heights. The agreement further states that the payments will be made by Glen Osborne with Sewickley Hills to pay Glen Osborne, they will send payments to Sewickley Heights. Atty. Shannon stated that the amended agreement will be sent to Council, then it can be signed.

MOTION: A motion is made to approve the agreement with Glen Osborne as amended to remove Haysville with \$500 to be paid by Glen Osborne and Sewickley Hills, by Mrs. Guttendorf, seconded by Mr. Faulkner; motion is carried with all in favor.

TREASURER'S REPORT: Mr. Guttendorf reported the following balances in the Borough's accounts:

PNC	\$ 8,555
FNB	\$ 229,553
FNB General Fund	\$ 359,418
Capital Reserve	\$ 82,467

Budget approval: Mr. Guttendorf stated the only two changes to the budget were the additional expense for salt storage and Brenda Kovacs request for an increase from \$35 to \$45 for booking fees. No numbers need to be changed.

MOTION: A motion is made to approve the Budget for 2019 as advertised by Mrs. Guttendorf, seconded by Mr. Faulkner; the motion is carried with all in favor.

MOTION: A motion to set the millage rate for Sewickley Hills Borough for 2019 at 2.84 mills is made by Mr. Hajnas, seconded by Mr. Faulkner; motion is carried with all in favor.

APPROVAL OF BILLS: **MOTION:** A motion is made by Mr. Lepore to pay the bills as presented, seconded by, Mr. Faulkner. Mrs. Guttendorf abstains from approving Mr. Guttendorf's check; roll call is taken with all in favor.

ADMINISTRATIVE REPORT: **Volunteer Christmas Party:** Mrs. Guttendorf reported that her and Mr. Guttendorf have the party under control. She will make all the preparations.

Comprehensive Plan: Mrs. Phillips reported the Planning Commission has recommended to Council to adopt the current Comprehensive Plan as is and send a letter to Allegheny County.

MOTION: A motion is made by Mr. Hajnas to adopt the current Comprehensive Plan with no amendments, seconded by Mr. Faulkner; motion carried with all in favor.

Mrs. Kovacs raise: Mrs. Phillips stated that Mrs. Kovacs has requested an increase in booking fees from \$35 to \$45, further stating that the booking time has increased tremendously for Mrs. Kovacs and asks Council for their opinions.

MOTION: A motion is made by Mrs. Guttendorf to raise Mrs. Kovacs booking fees beginning on January 1, 2019 from \$35 to \$45, seconded by Mr. Lapore; roll call is taken with all in favor.

COUNCIL MEMBERS:

Mr. Faulkner reported that Interstate 79 in our Borough is 3.2 miles in length and 125 feet from guardrail to guardrail this equals 49 acres of interstate. Mr. Faulkner further stated that Little Sewickley Creek and Kilbuck Run are both Class A trout streams.

EXECUTIVE SESSION:

Fairhill Road: Mrs. Phillips stated that the Council will go into Executive Session to discuss the landslide along Fairhill Road as a matter of potential litigation at 9:46 p.m.

The regular Council meeting is open at 9:58 p.m. Mrs. Phillips reported that no decisions were made and no votes taken pending further investigation by NIRA and a geotechnical engineering firm.

MOTION: A motion is made by Mr. Faulkner to spend up to \$22,000 to have NIRA and a geotechnical engineering firm to determine what can be done to make repairs to Fairhill Road, seconded by Mr. Lapore; roll call is taken with all in favor.

Mrs. Phillips reported that the second grant requested to complete Hunt Road was denied by ACCD.

ADJOURNMENT:

MOTION: A motion is made by to Mrs. Guttendorf adjourn the meeting at 10:03 p.m., seconded by Mrs. Phillips; motion is carried with all in favor.

Respectfully submitted
Diana Steele- Secretary