

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

APRIL 14, 2020

The meeting of the Borough Council was called to order at 7:05 p.m. with Council President Jeff Neff presiding. The meeting was held via video conference.

President Neff thanked everyone for attending and led the Pledge of Allegiance.

Roll Call showed the following members present:

Hendrik van der Vaart	Tom Rostek	Todd Renner	Jeff Neff
Cynthia Mullins	Julie Barnes	Christine Allen	Sean Figley
Larry Rice			

Mr. van der Vaart, Mr. Renner, Mr. Figley and President Neff were physically present in Council Chambers.

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

Comments from Mayor/Council President

Mayor Jeffe expressed sincere thanks to Borough employees, first responders and the Parking Authority for the compromises being made and flexibility in dealing with the COVID-19 pandemic. He stated that the Borough was doing a very good job in managing.

President Neff echoed the Mayor's sentiments and he extended his sincere thanks to Ms. Marcinko and the administration staff, Franco Verbene, Public Works Foreman and Chad O'Donnell, Wastewater Treatment Plant Superintendent. He thanked everyone for adapting to changing circumstances and thanked Council for its support of following the guidelines established by federal and state government.

Public Comment

Lane Johnson – Sewickley Heights – Mr. Johnson spoke on behalf of his clients, James Chappelle and Michael Dermott. He stated his interest in discussing the process of the building permit issuance for the accessory structure at 922-924 Beaver St. Solicitor Tucker stated that a hearing on this matter will be held at Council's May meeting. Mr. Johnson stated that Mr. Rostek had suggested that he start the conversation with Council at this meeting. He stated that damage from the elements is being caused to the existing structure to which the accessory structure, which is currently under construction, is attached. President Neff questioned whether he could secure the structure from further damage. Mr. Johnson stated that he is assisting his clients with cost avoidance. Solicitor Tucker stated that Council could not act on the matter at this meeting.

Marianne Fadden – 867 Thorn Street; Pamela Lasorda – 916 Beaver St; Sheila Scanlon – 855 Thorn Street - Expressed concern with the mass of the new structure.

Mr. Johnson stated that the compromise to reduce the size of the structure was cost-prohibitive and that the applicants have a building permit to construct the structure.

Ms. Fadden stated that it was not suggested that the structure be torn down to the ground and the revised drawings that were submitted to the Historic Review Commission at its meeting on March 2 had been acceptable. She again stated her concern with the structure's mass.

Solicitor Tucker stated that the applicants had submitted a revised drawing for a single-story structure, which would have been acceptable to the Historic Review Commission. Mr. Johnson stated that the cost for the revised structure had not been priced at the time of that submission.

Mr. Rice stated that the Historic Review Commission discussed the mass of the structure at length at its February meeting. The applicants, at that time, offered to come back with another concept.

Mr. Johnson stated that the applicants had offered to change the roof style to a hip roof, which would reduce the mass.

Mr. Rostek stated that they should secure the structure while the matter is worked through.

Solicitor Tucker stated that this issue will need to be addressed at the May Council meeting and expressed his hope that a compromise could be reached prior to the meeting.

Mr. Rostek inquired as to whether the applicants need a zoning variance. Solicitor Tucker stated that the structure was in compliance with the zoning ordinance.

Ms. Scanlon inquired as to the purpose of the structure. Mr. Johnson responded that it would be a garage and storage area.

Ms. Fadden stated that you need to consider the size of the structure relative to the lot size.

Mr. Johnson stated that the height of the structure would be permitted if they were to include a bathroom.

Ms. Marcinko suggested that the applicants go back to the Historic Review Commission with a new proposal that would be acceptable.

Ms. Fadden questioned whether the applicant would consider installing a bathroom in order to allow the current height of the structure.

President Neff questioned whether the revised drawings were submitted as a compromise.

Mr. Rice stated that the applicants were aware that the property was situated in a historic district.

Mr. Chappelle stated that they presented their proposal to Harshman CE Group, LLC and they were not directed to seek approval from the Historic Review Commission.

President Neff stated that this is a lot of information for Council to consider and he suggested that the applicants go back to the Historic Review Commission with a compromise.

Mr. Johnson stated that Harshman CE Group, LLC erred in issuing the building permit without historic review.

Ms. Fadden stated that she appreciated that this is a difficult situation for everyone and suggested that Council needs to have a discussion with Harshman CE Group, LLC.

New Business

A motion was made by Ms. Mullins, second by Mr. Renner, to approve the Council meeting minutes of March 10, 2020. Mr. van der Vaart requested an amendment to include the following under the turnKey Taxes discussion: "Mr. van der Vaart commended Mr. Schuster for his work and stated that Turnkey has been able to build a dataset of businesses in Sewickley effectively and relatively quickly. He added that this was a key need given neither the Borough nor business groups contracted with by the Borough had such a list that could be used." Ms. Barnes stated that the Mayor should be removed from being listed as in attendance. Motion carried 8-0, with Mr. Rice abstaining.

A motion was made by Ms. Allen, second by Mr. Figley, to approve Resolution No. 2020-04. Declaration of Emergency. Motion carried 9-0.

Solicitor Tucker stated that, following the March Council meeting, he received a letter from the Allegheny County Health Department (ACHD), advising of notices of violation at the Wastewater Treatment Plant. The letter did not contain a request or instruction to correct those violations. The ACHD also requested an update on the status of the Act 537 Plan. Mr. Tucker filed an appeal to the notices of violation, as was required within 30 days. Mr. Tucker advised that the ACHD has now informed the Borough that it intends to dismiss the Borough's appeal based upon responses provided to their requests for information. Additionally, the ACHD does not intend to take further action on the violations contained in the March 10, 2020 letter.

A motion was made by Mr. van der Vaart, second by Mr. Renner, to ratify the appeal filed by the Borough and not object to the motion of the ACHD to dismiss the appeal. Motion carried 9-0.

A motion was made by Mr. Figley, second by Ms. Allen, to approve the closure of Division St between Broad St and Hegner Way for Lula's every Friday beginning May 22-September 4, 2020 contingent upon compliance with State and/or Federal guidelines relative to COVID-19. Ms. Mullins inquired as to the Borough's authority to rescind the approval on short notice due to emergencies including severe weather as well as the current pandemic. Mr. Rostek expressed concerns with holding community events while still under the Governor's "stay at home" order. Ms. Barnes expressed concern about the message being sent by permitting public gatherings. Motion carried 9-0.

A motion was made by Mr. Figley, second by Ms. Barnes, to approve the Relay for Life request to display luminaria on Beaver and Broad Streets on May 29 to honor and remember those who have battled cancer; contingent upon compliance with State and/or Federal guidelines relative to COVID-19. Motion carried 9-0.

A motion was made by Mr. Figley, second by Ms. Allen, to table the request of Village Christmas Trees to lease Park Place for the 2020 holiday season, upon the request of the applicant. Motion carried 9-0.

A motion was made by Ms. Mullins, second by Mr. van der Vaart, to accept the Financial Reports, which included the following:

- Account Balances as of March 31, 2020

- Approving Bills to be Paid

Mr. Rice questioned the payment to the Allegheny County Conservation District. Ms. Marcinko stated that this payment was for a permit for the Nevin Ave Retaining Wall project. Ms. Mullins inquired of the Manager as to the impact of the COVID-19 pandemic on the Borough's budget. Ms. Marcinko stated that Earned Income Tax collection will be most significantly affected. Ms. Barnes inquired to the health care costs. Ms. Marcinko stated that these are monthly costs for medical, dental, vision, short-term and long-term disability insurance, life insurance premiums and premiums for accidental death and dismemberment. Motion carried 9-0.

A motion was made by Ms. Barnes, second by Mr. Rostek, to accept the monthly reports, which included the following:

- Cochran Hose Company
- Code Enforcement – Harshman
- Earned Income Tax Collection Update
- Real Estate Tax Collection
- Police Report
- Public Works
- Wastewater Treatment Plant

Motion carried 9-0.

Old Business

Glass Recycling Update

Ms. Barnes stated that she received the communication from the Pennsylvania Resources Council, which was distributed to Council. Mr. Rice commented that the cost for one pop-up glass recycling event is \$1,250. Ms. Barnes acknowledged that it will be difficult to prioritize the effort to increase glass recycling in the current climate. President Neff commented that the PRC representative felt the best location for a glass recycling drop-off would be the Quaker Village Shopping Center. Ms. Marcinko commented that PA DEP does award 904 recycling grants for recycling trailers.

Solicitor's Report

Solicitor Tucker provided his report and invoice. Mr. Renner questioned the charges for research on body-worn and in-car cameras. Ms. Marcinko stated that these charges were for legal review and advice on the proposed policies related to use of this equipment.

Discussion Items

Parking Authority Request

Given the loss of revenue from enforcement, the Sewickley Parking Authority is requesting a reprieve from the Borough for payment of the monthly lot rental fee. The SPA Board has requested that the fee for March be pro-rated (given that enforcement was discontinued mid-March), no fee be owed for April and that the matter be revisited in a month. The Chair of the SPA stated that they have recently incurred significant expenses. Ms. Mullins questioned when the hiring of a Parking Administrator was approved. The leasing of office space at the Merrill Lynch building on Thorn Street was also questioned. Ms. Mullins expressed concern that a

small, unelected body (the SPA Board of Directors) has control over significant assets in the Borough. President Neff stated that he is not in favor of moving the operation back under Borough control. Ms. Mullins stated that she would prefer that the Parking Administrator report to the Borough Manager. Ms. Allen stated that the best route to recovery for the SPA is to defer the monthly rental fee.

A motion was made by Mr. Figley, second by Mr. Rostek, to allow the SPA to defer the monthly lot rental fee until the “stay-at-home” order is lifted. Motion carried 9-0.

Extension on deadline for Business Privilege Tax payments (Resolution No. 2020-05)

Mr. van der Vaart stated that this suggestion has been raised as a way for the Borough to provide some assistance to its constituents. Ms. Allen agreed wholeheartedly with the proposal.

A motion was made by Ms. Mullins, second by Mr. van der Vaart, to approve Resolution No. 2020-05 extending the deadline for the payment of 2019 Business Privilege Tax to September 15, 2020. Motion carried 9-0.

Announcements

Intermunicipal Liquor License Transfer Application – 541-545 Beaver St

Ms. Marcinko stated that a request was received on February 28, 2020 for consideration of an intermunicipal liquor license transfer to 541-545 Beaver Street. There was not sufficient time to meet the public notice requirements for Council to consider this at its March meeting. A 60-day extension, in accordance with the PA Liquor Code, was imposed. The applicant was not willing to withdraw the application and resubmit in order to meet notice requirements and consider the application at Council’s May meeting. Therefore, a special meeting has been scheduled for April 21. Notice of the public hearing has been advertised, the property location has been posted and all property owners within 500 feet of the proposed location have been sent a copy of the notice.

922-924 Beaver St Historic Review of Garage Construction

This matter was discussed at length as part of Public Comment. Mr. Figley inquired as to the roof replacement on the primary structure. Ms. Marcinko stated that the ordinance regarding Historic Districts requires historic review of exterior work which requires a building permit. A building permit is not required for roof replacement.

Solicitor RFP

With regard to the RFP issued for solicitor services, Mr. Rice stated that he will be reaching out to those firms which submitted proposals to advise that the proposals will be reviewed in the fall. They will be provided the opportunity to withdraw or modify their proposals up until the start of the formal evaluation/interview process.

Mayor Jeffe questioned the extension on the bid opening for the 2020 Roadway Improvement Program and stated that this process must be moved forward with no further delays.

Mr. van der Vaart questioned further discussion on best practices for reviewing employee performance and establishing expectations relative to compensation.

Being no further business, on motion of Mr. Rice, second by Ms. Mullins, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,


MARLA P. MARCINKO
Borough Manager/Secretary


JEFF NEFF
President of Council