

EDGEWORTH BOROUGH COUNCIL
REGULAR MEETING MINUTES
June 16, 2015

MEETING was called to order at 7:30 p.m. with President Joseph Hoepf presiding and the following members of Council and officials of the Borough present: Mr. Joseph T. Hoepf, Mr. Gregory J. Marlovits, Mr. Ivan T. Hofmann, Mr. David T. Aloe, Mrs. Carrie Duffield, Mr. Daniel Wilson, Mayor Wayne T. Murphy, Borough Manager/Secretary Martin C. McDaniel, and Mr. Brock E. McCandless, Esq., representing the Borough Solicitor.

MINUTES of the Regular Meeting held on May 19, 2015 were presented to Council. After some review and discussion, the motion of Mr. Hofmann, seconded by Mr. Wilson that the May 19, 2015 Regular Meeting Minutes be approved as presented was unanimously carried.

TREASURER'S REPORT for the month of May 2015 was presented to Council. After review and discussion, this report was ordered received and filed.

INVESTMENT REPORT as of June 16, 2015 was presented to Council. After review and discussion, this report was ordered received and filed.

FINANCIAL REPORT for the month of May 2015 was presented to Council. After review and discussion, this report was ordered received and filed.

BILLS PAYABLE for the month of June 2015 in the amount of \$197,206.89 and a voucher be drawn on the Schedule Expenditures Account in the amount of \$5,663.86 were presented to Council as per the following list.

Scheduled Expenditures Account

6071	Garvin Boward Engineering	Chestnut Rd. Geotech Review	\$2,091.00
6072	Lennon Smith Souleret	Engineer's Fees	\$3,550.39
6073	MDM, LLC.	McDonald's Refund	\$22.47

Such bills were reviewed by Council and the motion of Mr. Aloe seconded by Mr. Hofmann that a voucher be drawn on the General Account in the amount of \$197,206.89 and a voucher be drawn on the Schedule Expenditures Account in the amount of \$5,663.86, was unanimously carried.

TAX COLLECTOR'S REPORT for the month of May 2015 was presented to Council. After some review and discussion, this report was ordered received and filed.

DISTRICT JUSTICE REPORT for the month of May 2015 was presented to Council. District Justice Robert L. Ford, for District Court No. 05-03-02, reported remitting fines in the amount of \$1,951.83 to the Borough for May 2015. After review and discussion this report was ordered received and filed.

POLICE REPORT for the month of May 2015 was presented to Council. After some review and discussion, this report was ordered received and filed. Mr. Hoepf noted that there seemed to be an increasing number of accidents along Ohio River Blvd recently and asked Chief English to recap the cause of the accidents and what measures could be taken to prevent accidents and speeding. Chief English stated that there have been eight reportable accidents

in 2015 along ORB and that the Edgeworth Police have issued 664 speeding tickets, 142 red light or stop sign violations and 29 DUI arrests along the boulevard over the past two years. Chief English reiterated the need for local law enforcement to be able to use laser or radar systems in order to help enforce speeding violations and encouraged Council to contact our legislators to support legislation that is currently in the House and Senate. Mrs. Duffield noted that it is the duty of the Borough Council, according to the purpose of the Zoning Ordinance, to lessen the danger and congestion of traffic on roads and highways by providing adequate parking and loading for all land uses and such ordinances should be strictly enforced. Discussion continued including the idea of a traffic signal at Edgeworth Lane, a 25 M.P.H. speed zone on the boulevard and asking the State Police to increase patrols along that section of Rt. 65. After discussion, a motion was made by Mr. Wilson with a second from Mr. Aloe to request PennDOT to conduct a traffic study along Ohio River Boulevard to look into the speed limit and possible ways to improve traffic safety. All present voted unanimously in favor of the motion.

FIRE REPORT for the month of April 2015. Mr. Hoeppe commented on the large number of responders that the Cochran Hose Company has for each of their incidents in Edgeworth, and Chief English complimented the Department for the help that they provide on scenes. After review and discussion this report was ordered received and filed.

PUBLIC WORKS REPORT for the month of May 2015 was presented to Council. After review and discussion this report was ordered received and filed.

BUILDING PERMIT and ZONING PERMIT REPORTS for the month of May 2015 were presented to Council. After review and discussion, these reports were ordered received and filed.

QUAKER VALLEY COG REPORT: No report was available.

CORRESPONDENCE:

The minutes from the Edgeworth Municipal Authority were received and filed.

A letter was received with a donation check to the Borough in the amount of \$10,000 from the Nimick Family Foundation. The Trustees have decided to dismantle the foundation and donate the funds to the Borough in the effort to keep Edgeworth a nice place to have a home and to live. Mr. Hoeppe proposed a letter be drafted thanking Mr. and Mrs. David Nimick for the generous donation. The motion was seconded by Mr. Aloe and all members present voted in favor.

A letter was received from Mr. John Orndorff representing the Ohio River Trail Council with a concept plan for the proposed bicycle trail that would include Beaver Road in Edgeworth. Mr. Orndorff was present at the meeting and reviewed the proposed plan for Edgeworth that would include "share the road" signage that was proposed every 300 to 500 feet along Beaver road in order to make drivers aware that bicycles would be using the lanes to travel. Mr. Orndorff wanted Council's opinion on what aspects of the project were acceptable, unacceptable and if they had any suggestions. Mr. Wilson asked how much the project would cost the Borough, and Mr. Orndorff stated that costs still had to be determined. Mr. Hofmann asked about groups of bike riders spanning the width of the travel lanes, and safety concerns for motorists backing in and out of driveways. Mr. Aloe suggested to Mr. Orndorff that a public meeting might be the best way to see if Edgeworth residents supported the plan. Mr. Hoeppe referred the questions to the Streets Committee for discussion.

RECOGNITION OF VISITORS CONCERNING NON-AGENDA ITEMS:

The following visitors were present:

Maureen Sweeny Esq. – Bluming & Gusky
Kevin Hammer, P.E. – PA Soil & Rock
Mark Wolper – GML Construction
John Orndorff – 1115 Beaver Rd.

Ron Casper – 739 Chestnut Rd.
William Lauff – 1415 Beaver Rd.
Lori Albright – 1415 Beaver Rd.

OLD BUSINESS:

CONSIDERATION TO AUTHORIZE SLOPE MODIFICATION – VACANT LAND BETWEEN 737

AND 741 CHESTNUT: Representatives from GML construction were present to request that Council authorize slope modification from a 3:1 to a 2:1 slope in the Conservation Overlay Zoning District according to the Subdivision and Land Development Ordinance. Mr. McDaniel gave a recap of the project and where it stood, and updated Council on the actions that were taken by the Zoning Hearing Board at their June 4th meeting. GML construction has provided a letter dated April 22, 2015 conforming to the ordinance stating that the project will have no adverse effect on the neighboring properties or the Edgeworth Community in general, and they have also come to an agreement with the Borough Geotechnical Engineer on the construction methods for the retaining wall that will be used to stabilize the hillside. Ms. Sweeny and Mr. Hammer spoke representing the developer. They provided explanations to questions that Council had regarding the location of the wall and fill slope, and indicated that all of the requirements of the Borough Geotechnical Engineer have been met including having a representative on site from both the developer's geotechnical engineering firm and the Borough's geotechnical engineering firm during excavation operations and giving the authority to the Borough's geotechnical engineers to shut the project down if they see a problem occurring. Mr. Casper addressed Council and stated that he was concerned with the length and amount of the bond that the Zoning Hearing Board had placed on the project, and asked that Council review the bonding requirements and also asked that adjacent property owners be notified of the results of any movement in the hillside detected by slope monitoring devices. Discussion ensued regarding bonding amounts and availability of a bond for residential projects of this nature. Mr. Hofmann commented that according to a letter from the Borough geotechnical engineer and the developer's geotechnical engineer, the greatest chance for hillside movement would occur during the construction of the wall. Mr. Hofmann suggested that a tiered bond be established, with a greater value during the time of most risk, and a lesser value maintained after the substantial risk had been mitigated and the hillside was determined to be stable. The developer agreed to a meeting with the two geotechnical engineers, Mr. Casper and Mr. McDaniel to come to terms on what criteria would be used to determine that the hillside was stable using monuments and measuring movement along the hillside. A motion was made by Mr. Hofmann with a second from Mr. Wilson to approve the 3:1 to 2:1 slope modification with two conditions. First, records of survey points and any indication of hillside movement must be provided to both the Borough and the residents who live along the private drive located upslope from the property. The second condition is that a bond of \$100,000 be in place from the time construction begins until the retaining wall is completed and both the developer's geotechnical engineer and the Borough's geotechnical engineer determine and agree that stability of the hillside has been achieved. At that time the bond amount will be reduced to \$50,000 for a period of 1 year. All members present voted unanimously in favor of the motion.

NEW BUSINESS:

MAHER DUESSEL AUDIT ENGAGEMENT LETTER: Mr. Wilson, Chairman of the Finance Committee, presented an engagement letter from Maher Duessel CPA firm offering to continue to provide the auditing services to the Borough for 2015, 2016 and 2017. Mr. Wilson noted that the auditors from Maher Duessel have worked well with the Borough staff, and also noted that they were maintaining their price for 2015 with three percent increases over the following two years. After reviewing the proposed agreement, Mr. McCandless suggested that one paragraph be modified to reduce the Borough's liability regarding the possibility of legal representation being deemed necessary by Maher Duessel. Mr. McCandless suggested that the wording be stricken from the agreement, or modified to include wording that would protect the Borough in the event of negligence on behalf of the auditing firm. A motion was made by Mr. Wilson with a second from Mr. Hofmann to accept the proposal as amended by the Borough Solicitor. All members present voted in favor of the motion.

OTHER BUSINESS:

EDGEWORTH SQUARE OFFICE BUILDING LAND DEVELOPMENT COMPLIANCE: Mr. McDaniel presented plans that were received from the owners of the Edgeworth Square office building located at 111 Hazel Lane. During the course of the hearings for the proposed McDonald's, it was found that the existing development at 111 Hazel Lane had modified the loading dock area and was not compliant with their approved building drawings from January 2005. The owner wishes to bring the property into compliance and has presented a plan that was reviewed by the Borough Engineer to bring the property into compliance. Mrs. Duffield noted that the new drawing does not have a crosswalk present that was on the original development plan in 2005 and the current plans should be updated to reflect this. Mr. McDaniel will return the plans to the owner as "incomplete" and request a resubmittal.

FISHING ISSUES ALONG LITTLE SEWICKLEY CREEK: As a follow up to the conversation that was held at the May 2015 Council meeting, Mrs. Duffield contacted Captain Crist, Regional Law Enforcement Officer of the Southwestern PA Fish and Boat Commission. Mrs. Duffield confirmed with Captain Crist that a statute does exist making it unlawful to interfere with anyone who is fishing legally. This means that private clubs may not attempt to regulate fishing along Little Sewickley Creek on Borough property without the property owner's approval. Mrs. Duffield shared correspondence she sent to Mr. Getty as well as Mr. Tomana from the Sewickley Fishing and Hunting Club detailing this issue. Council concurred with this policy.

There being no further business, the meeting on motion duly made and seconded was adjourned at 10:00 p.m.

Martin C. McDaniel – Borough Manager/Secretary