

EDGEWORTH BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
October 20, 2020

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MEETING was called to order via Zoom at 7:00 p.m. with Council President Joseph T. Hoepp presiding and the following members of Council and officials of the Borough present: Mr. Joseph T. Hoepp, Mr. David T. Aloe, Mr. Daniel S. Wilson, Mr. Ivan T. Hofmann, Ms. Carrie A. Morris, Mr. Gregory J. Marlovits, Mrs. Elizabeth H. Genter, Mayor Gary L. Smith, Borough Manager John F. Schwend, and Mr. Brendan Lucas, Esq., representing the Borough Solicitor.

MINUTES of the Regular Meeting held on September 15, 2020 were presented to Council. After some discussion, a motion was made by Mr. Hofmann with a second by Mr. Aloe to approve the Regular Meeting Minutes from September 15, 2020. All present voted unanimously in favor of the motion.

TREASURER'S REPORT for the month of September 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

INVESTMENT REPORT as of October 20, 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

FINANCIAL REPORT for the month of September 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

BILLS PAYABLE for the month of October 2020 were presented to Council as follows: General Expenditures, in the amount of \$305,675.19 and Scheduled Expenditures, in the amount of \$309,424.74 were presented to Council as per the following list.

Scheduled Expenditures Account

6447	A. Folino Construction	Oliver Road Project	\$160,701.16
6448	Belson Outdoors	Park Benches	\$3,274.50
6449	Borough of Sewickley	Academy Ave. Paving Refund	\$24,496.11
6450	Robert Crusan	Arborist Fees	\$2,062.50
6451	Econo Signs	Signs	\$425.18
6452	Garvin Boward Beitko	Engineering Fees	\$304.00
6453	Lennon Smith Souleret	Engineering Fees	\$24,583.39
6454	Mahla Office Furniture	Office Chairs	\$1,200.00
6455	Markl Supply Company	Public Safety Equipment	\$2,100.00
6456	Matthews International	Memorial Plaque	\$114.00
6457	Mele & Mele & Sons	2019 Road Program Final	\$90,193.90

After some discussion, a motion was made by Mr. Hofmann with a second by Mr. Wilson that a voucher be drawn on the General Account in the amount of \$305,675.19, and a voucher be drawn on the Scheduled Expenditures Account in the amount of \$309,424.74. The motion was unanimously carried by all members in attendance.

TAX COLLECTOR'S REPORT for the month of September 2020 was presented to Council. After some review and discussion, this report was ordered received and filed.

DISTRICT JUSTICE REPORT for the month of September 2020 was presented to Council. District Justice Robert L. Ford, for District Court No. 05-03-02, reported remitting fines in the amount of \$859.74 to the Borough for the month. After review and discussion this report was ordered received and filed.

POLICE REPORT for the month of September 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

FIRE REPORT for the month of September 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

PUBLIC WORKS REPORT for the month of September 2020 was presented to Council. Mr. Schwend stated that autumn leaf collection has begun, and will continue through mid-December. The sewer separation project on Oliver Road should be completed within the coming weeks, and the Borough contractor will be pouring curbs along the street. After review and discussion, this report was ordered received and filed.

BUILDING PERMIT AND ZONING PERMIT REPORTS for the month of September 2020 were presented to Council. After review and discussion, these reports were ordered received and filed.

MS4 UPDATE AND PUBLIC PARTICIPATION: President Hoepf opened the floor for public comment on the topic of stormwater by reviewing the September 2020 MS4 report. After discussion, the report was ordered received and filed.

QVCOG EXECUTIVE DIRECTOR'S REPORT was unavailable for the month of September. Mr. Schwend stated that the annual COG dinner would be held virtually in October, and invited that all Council members to attend.

CORRESPONDENCE:

- A. Minutes from the Edgeworth Municipal Authority were received.
- B. Minutes from the Leetsdale Municipal Authority were received. Mr. Schwend stated that a response letter to the Authority regarding the Act 537 Plan is currently being drafted, and the Sewers Committee will meet to discuss further options. In addition, Mr. Schwend stated that during the Authority's most recent meeting, the Board discussed raising Edgeworth rates if the Borough does not approve the Act 537 Plan by December 15, 2020. Mr. Hugh St. Martin, explained that some Board members feel that concerns voiced by the Borough are a roadblock to the Plan's approval. Mr. St. Martin stated that other municipalities have not yet approved the plan, and discussions are ongoing.
- C. Correspondence was received from Mr. Robert Gray stating his resignation as Borough Tax Collector, effective December 31, 2020. Mr. Schwend explained the role of the elected Tax Collector, and stated that a resident must be appointed to fill the vacancy until the someone is elected to the position in 2021. After discussion, Mr. Hoepf directed the Personnel Committee to appoint a suitable resident to fill the vacancy. Council thanked Mr. Gray for his fourteen years of service as Tax Collector.

RECOGNITION OF VISITORS CONCERNING NON-AGENDA ITEMS:

Hugh St. Martin  
William Lang

609 Maple Lane  
617 Maple Lane

Howard West  
Matteo and Alie Gruelle

522 Woodland Road  
711 Chestnut Road

Mr. Howard West came before Council to state his support for the Borough's ongoing litigation with the Life With Dogz, LLC business. Mr. West explained that his residence is located in close proximity to the business, and he has experienced numerous issues with the owner's personal dogs escaping onto his property, as well as increased noise levels from barking. He stated that he believes the location and nature of the business places an undue burden on neighboring property owners, and cited safety, environmental, and noise concerns. Mr. West asked Council to continue pursuing current litigation related to the business' zoning ordinance compliance. Mr. Hofmann thanked Mr. West for addressing the matter and providing his experience. Mayor Smith asked Mr. West whether any of the incidents he mentioned regarding dogs escaping and coming onto his property are on record. Mr. West stated that he contacted the Borough Police Department to file a report about one occasion, however the issue has occurred approximately six times. Chief English explained that Mr. West should contact the police each time he experiences a problem. After further discussion, Council thanked Mr. West for his comments.

Mr. Matteo and Mrs. Alie Gruelle expressed concern with increased traffic along Chestnut Road due to road closures on Way Hollow Road and Little Sewickley Creek Road. Mr. and Mrs. Gruelle stated that commercial vehicles and passenger cars travel at a high rate of speed, and are concerned about potential accidents with pedestrians walking along the road. Chief English explained that many trucks working or delivering materials in the Borough utilize Chestnut Road, however trucks passing through to other municipalities can be cited. He stated that the speed box will be installed in the area to remind motorists to slow down, Vascar lines will be painted and utilized, and patrols on Chestnut Road will be increased. Mr. Aloe suggested enforcing one-way traffic around Irwin Drive and Chestnut Road to lower the rate of speed of cars traveling uphill. Mr. Marlovits recommended performing a traffic study to gain further insight into the situation. After further discussion, Mr. Hoepf directed the matter to the Streets Committee.

#### OLD BUSINESS:

PROPERTY COMMITTEE – SMALL CELL TOWER ORDINANCE REVIEW: Mr. Schwend stated that the Property Committee recently met with Mr. Dan Cohen and Mr. Mike Roberts from the Cohen Law Group to discuss potential updates to the small cell tower ordinance. Mr. Cohen and Mr. Roberts recommended amending the ordinance to reflect recent regulatory changes, including updating definitions, revising permit fee schedules, regulating aesthetic qualities of proposed small cell towers, and requiring proof of compliance. Mr. Schwend stated that during the meeting, Mr. Cohen and Mr. Roberts explained that the Borough cannot regulate the location, quantity, or perceived health effects of the small cell towers. The Cohen Law Group's estimated fee for their scope of work is \$5,100. Mr. Aloe asked whether the cost would be similar if the Borough Solicitor completed necessary updates. Mr. Lucas stated that because the Cohen Law Group specializes in this field of law, the estimated cost could be lower than if the Borough Solicitor's firm completed the updates. Ms. Morris asked Mr. Schwend to clarify aspects of the proposal with Mr. Cohen. After further discussion, a motion was made by Ms. Morris with a second from Mrs. Genter to approve the agreement from the Cohen Law Group to revise the existing small cell tower ordinance. All present voted in favor of the motion.

PROPERTY COMMITTEE – SHIELDS SPRING: Mr. Schwend stated that the Streets Committee met to discuss the Sewickley Valley Historical Society grant opportunity for Shields Spring. The Committee expressed concern with numerous aspects of the project, including overall cost, liability for any damage caused to the property, a lack of pedestrian access, and spending public funds on private property. Mr. Schwend stated that after lengthy discussion, the Committee recommended that the Borough not apply for the grant. Mr. Hofmann stated that while he respected the Committee's concerns, he felt that the Borough

had a responsibility to uphold the history of the area. Mr. Hofmann suggested approaching the property owner to discuss a donation for the purpose of restoring the spring. Mr. Aloe expressed concern with attracting visitors to an unsafe area. Mr. Wilson recommended that the Historical Society undertake the project if they wish. After further discussion, Council agreed to take no action on the grant opportunity to restore Shields Spring.

OTHER BUSINESS:

MANAGER'S UPDATE: Mr. Schwend provided an update on numerous projects occurring around the Borough, including the Oliver Road Sewer Separation, tree planting along Orchard Lane, fuel tank installation at the salt storage building, and the Sewickley Borough Act 537 Plan. After discussion, Council thanked Mr. Schwend for the update.

EXECUTIVE SESSION: Council entered executive session to discuss a legal matter at 8:47 p.m. Ms. Morris recused herself from the Korman matter at 8:48 p.m. All other members of Council remained in executive session and returned to regular session at 9:30 p.m.

Upon returning to regular session, a motion was made by Mr. Aloe with a second from Mr. Wilson to file a notice of appeal in the case of Alyson Korman vs. Zoning Hearing Board of the Borough of Edgeworth, and file the statement of issues at the appropriate time. Mr. Hoeppe, Mr. Aloe, Mr. Wilson, Mr. Hofmann, and Mrs. Genter voted in favor of the motion, while Mr. Marlovits opposed.

There being no further business, the meeting on motion duly made and seconded was adjourned at 9:33 p.m.

John F. Schwend – Borough Manager