

EDGEWORTH BOROUGH COUNCIL
REGULAR MEETING MINUTES
November 17, 2020

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. 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 October 20, 2020 were presented to Council. Ms. Morris asked that the minutes be amended to reflect the following change: "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." After discussion, a motion was made by Mr. Hofmann with a second by Mr. Aloe to approve the Regular Meeting Minutes as amended from October 20, 2020. All present voted unanimously in favor of the motion.

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

INVESTMENT REPORT as of November 17, 2020 was presented to Council. After review and discussion, this report was ordered received and filed.

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

BILLS PAYABLE for the month of November 2020 were presented to Council as follows: General Expenditures, in the amount of \$165,134.32 and Scheduled Expenditures, in the amount of \$31,149.81 were presented to Council as per the following list.

Scheduled Expenditures Account

6458	Adams Petroleum	Fuel Tank	\$3,257.94
6459	FastSigns	Borough Sign	\$2,033.00
6460	Lennon Smith Souleret	Engineering Fees	\$24,962.73
6461	Riverside Concrete and Supply	Fuel Tank Supplies	\$247.18
6462	Sam's Club	Chief Computer	\$648.96

After some discussion, a motion was made by Mr. Hofmann with a second by Mr. Aloe that a voucher be drawn on the General Account in the amount of \$165,134.32, and a voucher be drawn on the Scheduled Expenditures Account in the amount of \$31,149.81. The motion was unanimously carried by all members in attendance.

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

DISTRICT JUSTICE REPORT for the month of October 2020 was presented to Council. District Justice Robert L. Ford, for District Court No. 05-03-02, reported remitting fines in the amount of \$1,425.51 to the Borough for the month. After review and discussion this report was ordered received and filed.

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

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

PUBLIC WORKS REPORT for the month of October 2020 was presented to Council. Mr. Schwend stated that autumn leaf collection has run smoothly, and residents will be asked to place all leaves out for collection in mid-December. Ms. Morris asked if the Borough maintains a master list of building, zoning and occupancy permits, and Mr. Schwend stated that such lists are updated with each new permit issued. After review and discussion, this report was ordered received and filed.

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

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

QVCOG EXECUTIVE DIRECTOR'S REPORT was unavailable for the month of October.

CORRESPONDENCE:

- A. Minutes from the Edgeworth Municipal Authority were received.
- B. Minutes and correspondence regarding the Act 537 Plan from the Leetsdale Municipal Authority were received. Mr. Schwend stated that the letter provides recalculations for expansion costs and estimated rate savings, as well as redraws the plans for the force main through the Borough. Mr. Schwend explained that the Sewers Committee will meet with the Borough Engineer and representatives for further discussion.
- C. Correspondence was received from the Redevelopment Authority of Allegheny County regarding the award of two GEDTF grants in the amount of \$175,000 for streambank restoration located in Walker Park, and \$50,000 for streambank restoration along Creek Drive. Mr. Schwend explained that both projects are part of pollutant reduction measures in compliance with MS4 regulations.

RECOGNITION OF VISITORS CONCERNING NON-AGENDA ITEMS:

Shirley Barker	502 Woodland Road
Art and Vicki Bomberger	203 Orchard Lane
Donna Hajdukiewicz	421 Meadow Lane
Suzanne Jarrett	210 Pine Road
Susie Kopf	204 Edgeworth Lane
Alyson Korman	510 Woodland Road
Amy LoCascio	325 Meadow Lane
Lynn Nincke	310 Woodland Road
Hugh St. Martin	609 Maple Lane
Steve and Judy Thomas	742 Chestnut Road
Howard West	522 Woodland Road

Mr. Hoepf opened the floor for public comment, and explained that in anticipation of the number of residents present to discuss the Life With Dogz litigation, Council cannot debate the matter but will listen to all perspectives and opinions provided. Mr. Lucas stated that since Ms. Korman is present and not accompanied by an attorney, he personally is unable to engage in conversation with her.

Mr. Howard West stated that he is a neighbor of the business, and has experienced issues related to safety and increased noise levels. He also stated that the location of the business is in violation of private covenants placed on properties in the vicinity, and that he believes that a residential area is not the proper place to operate a dog kennel. Mr. West noted that the business is not currently in compliance with zoning ordinances, and expressed support for the ongoing litigation and appeal process. Mr. Schwend reminded Mr. West that any private covenants outlined in subdivision or development agreements are private property matters and do not involve the Borough.

Mrs. Susie Kopf stated that she sent a letter to Borough Council in support of the Life With Dogz business, and outlined the positive impact it creates for participating dogs and their owners. Ms. Kopf also expressed concern with increased legal costs incurred by the Borough throughout the duration of the litigation, and asked for an exact dollar amount spent to date. Mr. Schwend explained that the professional staff has not had an opportunity to calculate an exact amount, but estimated between \$30,000 and \$40,000 since early 2019. Mr. Schwend read a copy of Ms. Kopf's letter into the record. He explained that a dog kennel is a Conditional Use in the Conservation Overlay District, and Borough Council granted the use with conditions. Mr. Schwend and Mr. Hoepf provided an overview of the results of the Zoning Hearing Board decision and Council's Conditional Use decision.

Mrs. Vicki Bomberger stated that issues cited by Mr. West will not cease if the business no longer operates at Ms. Korman's residence due to her eight personal dogs. Mr. Hofmann stated that the Borough's noise ordinance will be enforced fairly. Mr. Art Bomberger asked for the rationale behind appealing the ruling in favor of Ms. Korman. Mr. Hoepf stated that the Borough is not at liberty to discuss ongoing litigation. Mr. Steve Thomas stated that the service provided by Life With Dogz is appreciated and needed throughout the community. He asked why zoning issues were not addressed when Ms. Korman first began operating her business, and stated that the appeal seems vindictive. Ms. Amy LoCascio and Mrs. Lynn Nincke expressed support for Life With Dogz and questioned the use of tax dollars to pay for an expensive legal matter.

Mrs. Shirley Barker stated that there has never been an instance of business dogs escaping, and concerns stated by neighbors are exaggerated. Ms. Korman stated that she is surprised by the amount of money spent by the Borough on litigation, and that she successfully met the conditions for variance by estoppel. She feels that the issue has become personal. Mr. West expressed concern with the overall management and structure of the business, and stated that he believes the location is unfit for a kennel. After further discussion, Mr. Hoepf thanked all in attendance for addressing Borough Council and expressing their beliefs. He assured all residents that their concerns will be taken into consideration.

OLD BUSINESS:

ACTION CONCERNING PARTIAL PAYMENT NO. 2 – CONTRACT NO. 20-S1 OLIVER ROAD IMPROVEMENTS: Mr. Schwend stated that the Oliver Road sewer separation project is nearing completion. The Borough Engineer has recommended partial payment to A. Folino Construction, Inc. in the amount of \$369,095.81 with the understanding that some remaining items still need addressed. Mr. Schwend explained that upon completion, the total cost of the project will be at approximately 80% of projected estimates. After further discussion, a motion was made by Mr. Aloe with a second from Mr. Marlovits to approve partial payment to A. Folino Construction, Inc. in the amount of \$369,095.81 for the Oliver Road sewer separation project. All present voted in favor of the motion.

NEW BUSINESS:

ACTION CONCERNING 2021 PROPOSED BUDGET – AUTHORIZATION TO ADVERTISE

BUDGET: Mr. Hofmann stated that the Finance Committee had met with the professional staff and reviewed the proposed 2021 budget in its entirety. For the eighteenth year in a row, there is no proposed property tax increase for Edgeworth residents. Mr. Schwend explained that the operating budget assumes decreased tax revenues and state aid in 2021 due to the COVID-19 pandemic, and expenses were reduced accordingly to reflect the reduction in income. He also highlighted scheduled expenditure funds reserved for streambank restoration projects in Walker Park and along Creek Drive as mandated by MS4 stormwater requirements, security upgrades for police dispatchers, road paving, and the purchasing of new public works equipment. Mr. Hofmann expressed support for maintaining a regular schedule of equipment and infrastructure upgrades. After review and discussion, a motion was made by Mr. Aloe with a second from Mr. Hofmann to authorize the advertisement of the 2021 budget. All present voted in favor of the motion.

ACTION CONCERNING RESOLUTION 2020-06 – CONFIRMING SUPPORT OF A PETITION TO SUBSTITUTE THE BOROUGH NOISE ORDINANCE FOR SECTION 493(34) OF THE LIQUOR

CODE: Mr. Schwend stated that the Edgeworth Club is petitioning for the substitution of the Borough's noise ordinance from noise provisions found in the Pennsylvania Liquor Code. The Edgeworth Club has completed this process twice in the past. Mr. Schwend explained that the Borough's noise ordinance is more restrictive than the Liquor Code, and the burden to enforce the ordinance falls to the Edgeworth Police for a period of five years. After discussion, a motion was made by Ms. Morris with a second from Mr. Hofmann to approve Resolution 2020-06, confirming support of a petition by the Edgeworth Code to substitute the Borough noise ordinance for Section 493(34) of the Liquor Code. All present voted in favor of the motion.

ACTION CONCERNING RESOLUTION 2020-07 – ESTABLISHING THE PROGRAM CRITERIA FOR THE VOLUNTEER SERVICE CREDIT PROGRAM:

Mr. Schwend stated that this resolution is in accordance with Ordinance No. 546 and Act 172, allowing for residents who serve as volunteer firefighters to receive earned income tax credit and a real estate tax reduction. After discussion, a motion was made by Mr. Hofmann with a second from Mr. Marlovits to approve Resolution 2020-07, establishing the criteria for the volunteer service credit program. Mr. Hoeppe, Mrs. Genter, Mr. Hofmann, Mr. Marlovits, and Ms. Morris voted in favor of the motion, while Mr. Aloe abstained.

EXECUTIVE SESSION: Council entered executive session to discuss a personnel matter and a legal matter at 8:31 p.m. Ms. Morris recused herself from the legal matter at 8:45 p.m. All other members of Council remained in executive session and returned to regular session at 9:18 p.m.

Upon returning to regular session, a motion was made by Mr. Hoeppe with a second from Mr. Hofmann to authorize the Borough Solicitor to file the praecipe to discontinue the Korman appeal in Commonwealth Court. Mr. Hoeppe, Mr. Hofmann, and Mr. Marlovits voted in favor of the motion, while Mrs. Genter and Mr. Aloe opposed, and Ms. Morris recused herself from the vote. Additionally, a motion was made by Mr. Hofmann with a second from Mr. Marlovits to set the Borough Manager's salary at \$94,000 for 2021, and to adjust the Public Works Director salary to \$93,500 for 2021. All present voted unanimously in favor of the motion.

There being no further business, the meeting on motion duly made and seconded was adjourned at 9:21 p.m.

John F. Schwend – Borough Manager