MINUTES

**FOX CHAPEL BOROUGH COUNCIL MEETING HELD OCTOBER 19, 2020**

PRESENT: Walter A. Scott, III, Mayor; Andrew C. Bennett, President; Thomas A. Karet, Harrison S. Lauer, Frederick Leech, Betsy Monroe, Mandy Steele, Jay S. Troutman, Councilmembers; A. Bruce Bowden, Esq. Solicitor; Gary J. Koehler, Manager; Jeanine A. Mancuso, Treasurer; Shawn Marie Peterson, Borough Secretary.

ALSO

PRESENT: Brian Almeter, Fahringer, McCarty, Grey, Inc. for Harold Waldman; Michelle Lally, Esq., representing Dr. & Mrs. Kelly; Jon Kamin, Esq., representing Dr. Luketich; approximately 56 attendees.

ABSENT: David M. Laux, Chief of Police.

Mr. Bennett called the meeting to order at 6:00 PM.

MINUTES

It was moved by Mrs. Monroe and seconded by Mr. Lauer that the minutes of September 21, 2020, meeting be approved as submitted. The motion was unanimously approved.

Mr. Bennett took a moment to commend the Mayor, Alex Scott, on a successful park opening for Hardie Valley Park on Saturday, October 17, 2020. The entire Hardie Family was in attendance. Mrs. Monroe thanked Mr. Koehler, Mr. Bruce, and all of the Public Works Department for their hard work and dedication to getting the park ready for the opening.

VISITORS/COMMENTS

Melissa Compton, a resident of Fox Chapel, asked Council for an update on the Task Force's activities. Mr. Bennett responded to Ms. Compton's request by stating that the Task Force met last month and will not be meeting again. In the Council's motion on August 17, 2020, Squaw Run Road and Squaw Run Road East residents would be contacted, and their input heard. A topic on the agenda is to determine how to best hear feedback from the residents of Squaw Run Road and Squaw Run Road East.

ENVIRONMENTAL ADVISORY COUNCIL

The EAC reviewed the following applications at its September 14, 2020 meeting:

Application No. 20-6 The Manor at Orchard Park, LLC

11 Orchard Manor Drive

Proposed New Single-Family Dwelling Construction

The EAC recommends to Council the approval of Application No. 20-6 as submitted, subject to the submittal of a landscape plan to the EAC for review with the number of trees to be planted. It was also recommended to grant a waiver for the geotechnical report, and instead, have a geotechnical engineer on-site during construction.

Mr. Troutman moved that Application No. 20-6 be approved subject to any conditions imposed by the EAC. The motion was seconded by Mr. Karet and passed by a unanimous vote.

Application No. 20-7 Harold and Diane Waldman

10 Sweet Water Lane

Proposed Improvements to an Existing Access and Utility Easement

The EAC recommends to Council the approval of Application No. 20-7 as submitted, contingent upon three items.

* Mr. Waldman presents evidence of his legal right to install the driveway within the access and utility easement.
* Mr. Waldman replaces twelve hardwood trees (having already replanted 16).
* The gravel driveway's width is reduced to fourteen feet instead of sixteen feet. Larger stones will be used at the driveway's surface, and the infiltration trench is moved so that it is not directly underneath the 14-foot wide driveway and runs parallel to the southerly side of the driveway.

Mr. Almeter of Fahringer, McCarty, Grey, Inc., the engineer for Mr. Waldman, showed the Plan and reviewed the project with Council. He stated that this driveway would allow vehicle traffic to the property's back to access landscaping and the pool.

Mr. Kamin, representing Dr. and Mrs. Luketich, the landowner, stated that he and his client do not believe that Mr. and Mrs. Waldman have the authority under the Municipalities Planning Code (MPC) to make this application, as they are not the applicant nor the landowner and do not have the landowner's permission to install the driveway on this piece of land. Mr. Kamin also stated that the boundary and easement are the subjects of two separate lawsuits in the Court of Common Pleas. The Luketich's have not signed off on the application or approved the submission of the EAC application.

Ms. Lally, representing Dr. Kelly and Mrs. Kelly, stated that her clients want an open access easement to get to their property. They would also like to have no maintenance obligations for alterations done to the easement. She also stated that Dr. and Mrs. Kelly do not plan to develop their property and that this easement is the only access from their property to Sweet Water Lane. It was also mentioned that there is a fence in two locations of the easement that the Kelly's have asked to be removed. Dr. Luketich has agreed to remove this fencing.

Following comments by Mr. Waldman and Dr, Luketich, and discussion and questions by Council members, it was moved by Mr. Bennett to table this application until the November 16, 2020, Council meeting to give Mr. Bowden time to determine some of the uncertainties that came up during this meeting, as well as to give the three parties time to come together and possibly strike a resolution. Mr. Waldman agreed to delay the decision until November 16, 2020. The motion was seconded by Mrs. Monroe and passed by a unanimous vote.

ENGINEER'S REPORT

Mr. Koehler informed Council that the Borough's final three roads are to be milled and paved starting on Wednesday, October 21, 2020.

FINANCIAL REPORT

Mrs. Mancuso informed Council that the Bank Proposal should be completed by January 2021. Dollar Bank's proposal states that it intends to waive all bank fees. An interview will be conducted this Friday, October 24, 2020, with Dollar Bank representatives and the North Hills COG to learn more information.

Mrs. Mancuso discussed that total EIT is down almost 10%. She also said that the Municipal Trust for health insurance for 2019-2020 rates had increased only by 1%, which was a great rate, and this year will only see a .5% increase.

Approval of Bills

Mr. Troutman moved that the payment of bills for September 2020 (General Fund Vouchers 26415-26516 - $403,779.87; Land Fund ARM Voucher 1063 – $590.05) be approved. Mr. Lauer seconded the motion with Mr. Leech abstaining from voting on the Leech Tishman invoices due to the appearance of a conflict of interest.

UNFINISHED BUSINESS

Feedback from Squaw Run Road, Squaw Run Road East Residents

Mr. Bennett stated that the motion passed at the August 17, 2020, Council meeting stated that the Task Force members would hear from the residents of Squaw Run Road and Squaw Run Road East and receive feedback from them. With the Task Force duties concluded, Mr. Bennett feels that Council still has an obligation to these residents to hear from them after comments from Council members. He proposed to either have a survey sent out to the residents of these two roads to have them be able to give their opinions and send them back to the Borough, or to hold a private meeting with the residents of the two roads with three members of Council and Mayor Scott, that would be recorded so the remaining Council members would be able to watch after the meeting.

After discussion, Mr. Lauer moved that Council commence a two-part process where they will hear from the residents (both individual and business) of Squaw Run Road and Squaw Run Road East via submission of a written questionnaire to solicit their input and give a due date of Friday, November 6, 2020. This would coincide with a meeting held with a subset of Council and the Mayor. The meeting will be held Monday, November 9, 2020, at 6 PM. The subset will consist of Mr. Bennett, Mr. Troutman, Mrs. Monroe, and Mayor Scott. Mr. Leech seconded the motion. All were in favor of the motion with a Nay vote by Mrs. Steele.

Mrs. Steele moved that the letter from Thomas Walker, Chair of the Task Force, be made public. Mrs. Monroe seconded the motion to suggest that the letter be released simultaneously as the November 16, 2020, Council Meeting agenda. The motion passed with a unanimous vote.

NEW BUSINESS

Roadside Improvements- Guiderail

Mr. Troutman moved to award Contract No. 20-R02 to Green Acres Contracting Company at the cost of $55,375. Mr. Lauer seconded the motion. Mrs. Monroe asked if this was the only bid received and if the contract was advertised and sent to other companies. Mr. Koehler informed Council that the contract was advertised. The motion passed with a unanimous vote.

INFORMATIONAL

DCNR Community Conservation Partnership Program Grant

It was announced that the Community Conservation Partnerships Program Grant was awarded to the Borough for $442,500 for the Hardie Property Acquisition.

Fred Leech informed Council that the Joint Comprehensive Plan Committee had its first meeting on Thursday, October 15, 2020. He said that it was a positive meeting where the participants expressed the benefits of working together. He also noted that Mrs. Steele provided a great resource linking the Committee with a municipal planner.

Mr. Bennett recognized the opening of Annie's Field of Dreams. The park opening was held on Sunday, October 4, 2020. It was noted that the park is seeing tremendous use.

A few residents of the Borough discussed being members of the Task Force.

At 8:15 PM, Council adjourned into Executive Session, which began at 8:18 PM, to discuss a personnel matter and reconvened at 8:26 PM.

There being no other business to come before the Board, the meeting was adjourned at 8:27 PM.

SHAWN MARIE PETERSON

Borough Secretary