



**MINUTES**  
**FOX CHAPEL BOROUGH COUNCIL MEETING HELD MAY 16, 2022**

PRESENT: Andrew C. Bennett, Council President; Harrison S. Lauer, Bradley D. Harrison, Mandy Steele, Elizabeth Monroe, Sarah Hanna, Councilmembers; Walter A. Scott, III, Mayor; A. Bruce Bowden, Solicitor; Gary J. Koehler, Borough Manager; Jeanine A. Mancuso, Treasurer; Michael Stevens, Police Chief; Larry Kurpakus, Public Works Director; Shawn M. Peterson, Borough Secretary

ALSO

PRESENT: Songjian Lu and Xiaojun Ma, Michael Pohl, residents; Mike DiVittorio, Tribune-Review Reporter

VIA ZOOM: Thomas Karet, Councilmember; Brian Almeter, Fahringer, McCarty, Grey, Inc.; Hal Saville, Energy Independent Solutions; John Boyer, Wesley Posvar, two other attendees

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

**MINUTES**

Mr. Lauer moved that the April 18, 2022 meeting minutes be approved. The motion was seconded by Ms. Steele and passed by a unanimous vote.

**RESIDENT COMMENTS**

Residents Songjian Lu and Xiaojun Ma from 108 Rutledge Drive were in attendance to discuss the excessive water from West Drive that is flooding their backyard.

Mr. Koehler stated that Fox Chapel Water Authority performed an analysis of the water found on the property of 108 Rutledge Drive. Their findings say the water is not drinking water. Mr. Koehler has asked the Borough engineer, LSSE, to perform an analysis of the water for a second opinion.

Mr. Kurpakus stated that the Public Works Department is actively working to ensure the Borough's systems from Windsor Drive are what they should be. They have conducted several visual inspections of the manholes along Windsor Drive. State Pipe Services, Inc., which is contracted by the Borough to camera the Borough's sanitary sewer system, has conducted a camera investigation of the whole system belonging to the Borough along West Drive. He is awaiting the camera report from State Pipe.

Mr. Kurpakus also said the Public Works Department is attempting to investigate the private catch basins, pipes, and inlets along West Drive, behind the resident's property.

Mr. Bennett told the residents that the Borough would attempt to gather the water analysis results from LSSE and the camera report from State Pipe Services, Inc. to narrow down the source of the water and will be in touch.

**ENVIRONMENTAL ADVISORY COUNCIL**

Mr. Lauer moved to approve Environmental Disturbance Application 22-02, construction of a new single-family residence at 140 Lakeside Drive, as submitted with the stipulations set forth by the EAC. The motion was seconded by Mr. Karet and passed by a unanimous vote.

## MINUTES COUNCIL MEETING

MAY 16, 2022

Page 2

Ms. Steele moved to approve Environmental Disturbance Application 22-03, construction of a new single-family residence at 141 Old Mill Road, as submitted with the stipulations set forth by the EAC. Mr. Lauer seconded the motion.

Following discussion, the motion was amended by Ms. Steele to remove the waiver for the geotechnical report, contingent upon all ACCD recommendations being satisfied and with all stipulations set forth by the EAC. The motion also included mandatory planting of additional canopy trees and cooperative planting along the border of the neighboring property. Mr. Lauer seconded the amended motion, which passed by a unanimous vote.

Mr. Karet moved to appoint Brenda McEver to the Environmental Advisory Council, with the term expiring on December 31, 2025. The motion was seconded by Mr. Lauer and passed by a unanimous vote.

Borough Council thanked Mayor Scott for all of the time and effort he put into the EAC throughout the past 27 years.

### POLICE REPORT

Chief Stevens stated the department is moving into its next phase of traffic enforcement. The goal for this phase is public awareness. Officers will be issuing warnings for speeding violations and then citations.

Chief Stevens asked Council for permission to advertise for an Emergency Management Coordinator Deputy position. In the last eight months, Chief Stevens has gone through extensive training to become the Borough's Emergency Management Coordinator. He would like to have a deputy if there is an emergency. He can have someone there to help with the responsibility as he is also the Police Chief and has a role to fill.

Chief Stevens hopes the individual chosen to be the EMC Deputy will transition into the Emergency Management Coordinator position once Chief Stevens retires. The individual should be a resident of the Borough and be committed to the extensive training involved in the post. Most EMCs have a background in fire, EMS, or police work.

Borough Council agreed the position should be advertised in the Borough's quarterly newsletter, on the Borough's website, on the Facebook page, and neighborhood forums.

The Deer Management Program has removed 131 deer from the Borough totaling approximately 4,000 pounds of ground meat donated to area food kitchens.

Chief Stevens stated the Borough Police Department was notified that Indiana Township Police Chief of twenty-eight years, Timothy Michaels, had passed away. The Fox Chapel Police Department and other surrounding departments will assist Indiana Township Police Department on the day of the funeral so officers from Indiana can attend the funeral.

Mr. Bennett asked Chief Stevens to send the Borough of Fox Chapel's condolences.

### PUBLIC WORKS REPORT

Mr. Kurpakus stated the Public Works Department had accepted delivery of the International salt truck chassis ordered last April. He also said the department is approximately 80% complete with the stormwater improvements on Borough roads.

## MINUTES COUNCIL MEETING

MAY 16, 2022

Page 3

### ENGINEER REPORT

Mr. Kurpakus said a gabion basket along the trail in Salamander Park is caving in. The Borough will apply for a permit through DEP to be able to remove the gabion basket and replace it with a reinforced bank.

### TREASURER REPORT

Ms. Mancuso stated that the Borough received \$140,000 in refunds from prior expenses. She said \$112,000 was from dividends from Municipal Benefits Services, which the Borough is in a trust for property and liability, receiving \$39,000, and Workers' Compensation receiving \$73,000.

### Ratification of Payments – April 2022

Mr. Lauer moved that the payment of bills for April 2022 (General Fund Vouchers 2569 - 2640, \$751,216.27) be ratified. The motion was seconded by Mr. Bennett and passed by a unanimous vote.

### NEW BUSINESS

Ms. Steele asked if Council could jump ahead in the agenda to the Solar Panel Ordinance Revision Discussion as Hal Saville from Energy Independent Solutions was in attendance via Zoom.

### Solar Panel Ordinance Revision Discussion

Mr. Bennett said that the Borough of Fox Chapel currently has an ordinance that states rear and side roof-mounted solar panels are a permitted use. In contrast, front roof-mounted solar panels are a conditional use. Land-mounted solar panels are also a conditional use.

The discussion is based on whether the Borough should remove the conditional use of front roof-mounted solar panels or incentivize residents to use back or side roof-mounted panels if economically viable before moving to the front of the house because of the aesthetics involved.

After discussion, it was decided to have Councilmembers review the Municipal Guidebook for Solar Zoning and Permitting by SunSHOT that Ms. Steele provided to Council. Councilmembers can then create a summary of whether front and side roof-mounted solar panels should be a permitted use instead of a conditional use, if there should be restrictions on the location of the panels on a roof, and if ground-mounted solar panels should remain a conditional use.

Mr. Koehler was tasked with preparing a summary of comparable municipalities like Sewickley Borough, Pine Township, O'Hara Township, Upper St. Clair, and Richland Township regarding criteria for solar panels.

Mr. Bowden will review the manual and begin to create a template for the criteria mentioned. At the June 2022 meeting, Council will discuss the topic more in detail to provide guidance to the Planning Commission.

### UNFINISHED BUSINESS

Mr. Bennett thanked Bill Kolano from Kolano Design for bringing up the subject of updating the Borough logo and the time and effort Kolano Design spent on updated logo ideas. Ms. Monroe stated this matter is an administrative matter and should be handled administratively. Councilmembers would like to see light modifications to the original logo.

## MINUTES COUNCIL MEETING

MAY 16, 2022

Page 4

Mr. Bennett reminded Council and the public of the Walk and Talk Event at Hardie Valley Park, on Saturday, May 21, 2022, from 10 AM to 2 PM. This event will allow residents to get to know Council and Park Commission members while learning about the history of the Borough and the acquisition of Hardie Valley Park. Refreshments will be available. Limited parking will be available at the park. Residents are encouraged to park at Beechwood Farms or Riding Meadow Park and walk to Hardie Valley Park. Parking permits will not be required this day.

### NEW BUSINESS

Ms. Steele moved to adopt Resolution No. 672, which will allow the Borough of Fox Chapel to request a Watershed Restoration and Protection Program grant in the amount of \$300,000 from the Commonwealth Financing Authority to be used for the Fox Chapel Borough PRP Stream Improvement Project. The motion was seconded by Ms. Monroe and passed by a unanimous vote.

Mr. Lauer moved to enact Ordinance No. 719, which amends the sewage rates for Allegheny Valley Joint Sanitary Authority (AVJSA). The motion was seconded by Ms. Monroe and passed by a unanimous vote.

Ms. Steele moved to reappoint James M. Royston and Alvaro Garcia-Tunon to the Civil Service Commission, with terms expiring on December 31, 2028. The motion was seconded by Mr. Lauer and passed by a unanimous vote.

There being no other business to come before Council, the meeting was adjourned at 8:29 PM.

SHAWN MARIE PETERSON  
Borough Secretary