



**MINUTES**

**FOX CHAPEL BOROUGH COUNCIL MEETING HELD MARCH 18, 2024**

PRESENT: Andrew C. Bennett, Council President; Harrison S. Lauer, Vice-President; Sarah Hanna, Bradley D. Harrison, Betsy Monroe, Jonathan Colton, Councilmembers; Walter A. Scott, III, Mayor; Michael J. Stevens, Chief of Police; Gary J. Koehler, Borough Manager; Larry Kurpakus, Public Works Director; Jeanine A. Mancuso, Treasurer; Shawn M. Peterson, Borough Secretary

ALSO

PRESENT: Kevin Brett, Borough Engineer; Austin Henry, Chairperson for the EAC; Dan Moretti, Zoning Administrator; Logan Dressman, Junior Councilmember; Gino Mollica, Acting Chief for Foxwall EMS; Chris Schmidt, Hampton Technical Associates Inc.; Warren Maxwell, resident; three Fox Chapel Area High School AP Government students

VIA ZOOM: Frederick C. Leech, Councilmember; A. Bruce Bowden, Solicitor; Michael Pohl, Fox Chapel Volunteer Fire Department; Melinda Guinn, Fox Chapel Park Commission member; and five other attendees

ABSENT: Avery Litwin, Ethan Kolek, Junior Councilmembers

Mr. Bennett called the meeting to order at 6 p.m.

**MINUTES**

Mr. Lauer moved that the February 19, 2024, meeting minutes be approved. The motion was seconded by Ms. Monroe and passed by a unanimous vote.

**RESIDENT COMMENTS**

NONE

**ENVIRONMENTAL ADVISORY COUNCIL**

Chairperson Austin Henry discussed items from the EAC meeting on March 11, 2024.

Mr. Henry summarized Environmental Disturbance Application 24-06, 203 Fairview Road, proposed construction of a pool area and sports court. Mr. Henry explained the need for a level spreader due to the amount of impervious surface (9,000 square feet of new impervious surface, creating almost 14,000 square feet for the property in total) and the reasoning for written permission to allow outfall from the level spreader from the downstream property owner as required by the ordinance.

He stated that the Borough stormwater ordinance states discharge from runoff shall be directed to a storm sewer or stream when available (which is not in this situation). Absent an existing stormwater course, permission must be obtained from downgrade owners. A level spreader is needed when these items are unavailable for runoff. The applicant requested an interpretation of the section of the ordinance because they believe that if a waiver is granted by the Borough for the use of a level spreader, then they do not need to acquire the written permission of the downstream property owner. The EAC believes the ordinance requires the property owner to procure written permission from the downstream property owner whether or not a level spreader is allowed.

The EAC and the Borough Engineer are discussing whether the language in the current ordinance needs to be amended to clarify what is expected.

Mr. Henry stated the EAC recommends approval of Environmental Disturbance Application 24-06 as submitted, contingent upon the following:

- The procurement of written permission from the downstream property owner as required by the ordinance.

## MINUTES COUNCIL MEETING

MARCH 18, 2024

Page 2

- The submission of calculations that do not rely on the ratio as set forth in the LSSE letter dated March 8, 2024.
- A tree replanting plan that includes replanting at least 4 deciduous hardwood trees in the property's backyard.
- Submission of the design detail for the two proposed retaining walls to the Borough Engineer for approval.
- The other standard contingencies set forth in the LSSE letter dated March 8, 2024.

The EAC recommendation also includes the granting of the following:

- The requested waiver for the level spreader.
- The request for a waiver from the 25% limitation on disturbance of steep slopes with moderate risk of up to 41%.

Mr. Bennett moved to approve Environmental Disturbance Application 24-06, as submitted, subject to the items set forth in the EAC's recommendations. The motion was seconded by Mr. Lauer and passed by a unanimous vote.

Mr. Henry summarized Environmental Disturbance Application 24-07, 113 Tree Farm Road; proposed additions. Mr. Henry mentioned that the homeowner was removing five trees, but the tree replanting plan included the addition of ten trees.

Mr. Henry stated the EAC recommends approval of Environmental Disturbance Application 24-07, as submitted, including the tree replanting plan with a request that the applicant consider varying the species of trees and incorporating deciduous hardwoods and contingent upon the following:

- Allegheny County Conservation District (ACCD) approval of the submitted application.
- Submission for the resizing of the sump to adequately address the prospective increased flow of about 600 cubic feet to the Borough Engineer for approval of the upsizing.
- The other standard contingencies set forth in the LSSE letter dated February 27, 2024.

The EAC recommendation also includes granting the waiver for the requirement of a geotechnical report.

Mr. Henry stated the submission for the resizing of the sump has been addressed and is no longer a contingency.

Mr. Lauer moved to approve Environmental Disturbance Application 24-07, subject to the items set forth in the EAC's recommendations. The motion was seconded by Mr. Bennett and passed unanimously.

### **CONTRACT AWARDS**

#### Contract No. 24 - R01, 2024 Roadway Improvement Program

Mr. Brett stated that five bids were received for the 2024 Roadway Improvement Program contract. He said group bidding with O'Hara Township and Sharpsburg Borough helped reduce the contract cost. Also, Mr. Kurpakus and the Public Works Department assisted in cost reduction due to having the roads prepped for paving ahead of schedule.

Mr. Bennett moved to award Contract No. 24 – R01, Roadway Improvement Program, to the low bidder, Youngblood Paving Inc., with a base bid of \$1,164,068.50, and the addition of Alternates F-A1, F-A5, F-A6, F-A7, F-A8, bringing the total to \$1,675,133.03. This amount includes \$59,162.35 to be reimbursed by Peoples Natural Gas for cost-sharing of F-A6, Hemlock Hollow Road (Dorseyville to Old Mill Road), \$16,872.50 for utility patches, which will be reimbursed by respective utility companies and \$95,076.25 for F-A7 FCA Utility Repairs to be paid directly by Fox Chapel Authority. Therefore, the total to be paid out of the Road Paving Budget will be \$1,504,021.93, of which \$1,600,000 was budgeted.

The motion was seconded by Ms. Monroe and passed unanimously.

## MINUTES COUNCIL MEETING

MARCH 18, 2024

Page 3

### 10" Sanitary Sewer Rehabilitation with CIPP Liner – Old Mill Road

Mr. Bennett moved to award the contract for Sanitary Sewer Rehabilitation with CIPP Liner to Old Mill Road to Insight Pipe Contracting, LLC via CoStarts Contract No. 016 at \$91,091.10. This pricing does not include any additional heavy cleaning or break-in connections if required. The motion was seconded by Mr. Lauer and passed unanimously.

### Titan Leaf Boxes

Mr. Lauer moved to award the contract for the purchase of three (3) Titan Leaf Boxes to Golden Equipment Co. Inc. via CoStarts Contract No. 025-E22-402 in the amount of \$29,577. The motion was seconded by Ms. Monroe and passed unanimously.

### **POLICE REPORT**

Chief Stevens stated the SRO vehicle has been outfitted identically to the other department vehicles. He also said that mandatory training for officers, such as SRT functions, sovereign citizen training, and addiction training, are currently taking place.

### **FOXWALL EMS**

Mr. Mollica provided a report to the Council on the calls for February 2024 with explanations of the calls, response times compared to national averages, and other information. He will provide a report each month to Council moving forward.

### **PUBLIC SAFETY ASSISTANCE COMMITTEE**

Ms. Monroe summarized the meeting on March 13, 2024. She stated the committee is continuing to make progress with communication systems. The committee decided not to develop a traditional neighborhood watch program but will communicate with residents when there are issues in the Borough. The Borough will continue to utilize Fox Chapel Alert but will make a big push to ensure residents are signing up to receive the alerts. There will be an article in the spring 2024 newsletter on how residents can sign up for Fox Chapel Alert, and the summer 2024 newsletter will contain an article detailing what residents can expect from Fox Chapel Alerts in the future.

An article on False Fire Alarms will also appear in the spring 2024 newsletter. This article contains information on how residents can prevent a false fire alarm.

The committee continues to work on evaluating the risks with addresses in the Borough that do not conform to emergency response standards. They are currently working through the types of non-conformity and prioritizing those types. A draft ordinance was sent to the Borough Solicitor to review for a standardized system of property address numbering.

### **PUBLIC WORKS REPORT**

Mr. Kurpakus said the PWD is currently performing underdrain work for the 2024 paving project, and he is confident that it will be completed when paving is scheduled to begin.

He also said that the PWD is replacing the sewer line in Hardie Valley Park. The trail is being rerouted for those using it, and it works well. This should be completed by early summer.

### **TREASURER REPORT**

Ms. Mancuso stated the 2023 audit is complete, and she anticipates the final report in the next few months.

She stated the Liquid Fuels audit for 2022 was complete, and there were no findings.

## MINUTES COUNCIL MEETING

MARCH 18, 2024

Page 4

Last month, Mr. Lauer asked why the interest rates for 2024 for Dollar Bank were different between the funds. Ms. Mancuso stated she contacted Dollar Bank, which said the special interest rates had expired, and they corrected this by crediting \$4,800 to the Borough across all accounts.

Chief Stevens said a meeting with Shady Side Academy will take place in April to review the SRO program. He has heard a lot of great things about Officer Zentgraf and how well the program is working for the school.

### Ratification of Payments – February 2024

Ms. Monroe moved to ratify the payment of bills for February 2024 General Fund Vouchers 4585 – 4672 in the amount of \$341,606.55. The motion was seconded by Mr. Lauer and passed unanimously.

### **NEW BUSINESS**

#### Authorize Advertisement of an ordinance for the Placement of Stop Signs on Guyasuta Road at Fieldvue Lane (east and west on Guyasuta Road)

Mr. Koehler stated that when a road needs to be paved in the Borough, Borough staff goes out and inspects the roadway and looks for safety concerns. It was observed that there was a sight distance issue. Borough staff requested that LSSE investigate solutions. LSSE, Mr. Koehler, Mr. Kurpakus, and Chief Stevens all recommend the placement of the stop signs to alleviate concerns about sight distance.

Mr. Harrison moved to approve the advertising for an ordinance for the placement of stop signs on Guyasuta Road at Fieldvue Lane. The motion was seconded by Ms. Monroe and passed unanimously.

#### Guidelines for Resident Comment

Ms. Peterson stated that with the creation of the Refuse and Recycling Subcommittee and the Public Safety Assistance Committee, the Borough may see more residents joining public meetings. By following these guidelines, participants of the meetings via Zoom will be able to hear and understand the Borough meetings better. The Guidelines give more depth to the existing guidelines and provide more detail on how they should be followed. The information regarding the updated guidelines will be publicized.

Mr. Colton moved to approve the updated Guidelines for Resident Comments. The motion was seconded by Mr. Lauer and passed unanimously.

#### Informational

Mayor Scott invited Council to a presentation and tour at the Cooper-Siegel Community Library on Tuesday, March 19, 2024, at 5:30 p.m. regarding their capital campaign. If the fundraising for the capital campaign is successful, it will allow for a sizeable endowment for the library.

Ms. Monroe, as the liaison to the Park Commission, stated there are two upcoming dates the Park Commission wanted the public to be aware of: Fox Chapel Clean Up Day is scheduled for Saturday, April 13, 2024, at 10 a.m., and the Garlic Mustard Pull event is scheduled for Saturday, May 4, 2024, at 10 a.m. More information on these two events can be found in the spring 2024 newsletter and the Borough website.

At 7:36 PM, Borough Council adjourned into Executive Session to discuss a parkland acquisition matter. At 8:10 PM, the meeting was reconvened.

With no other business to come before Council, the meeting was adjourned at 8:11 p.m.

SHAWN MARIE PETERSON  
Borough Secretary