
MINUTES

Call to Order: Mr. Porco

Pledge of Allegiance: Mayor Heller

Roll Call:

Mr. Belmonte	Yes	Mr. Porco	Absent at roll call
Mr. Karas	Yes	Mayor Heller	Absent
Ms. Katchmar	Yes	Janet Sullivan, Tax Collector	Yes
Ms. Liscio	Yes	Blaine Lucas, Solicitor	Yes
Mr. O'Malley	Yes	Paul Gaus, Engineer	Yes
Mr. Tomasic	Yes	Steven Morus, Manager	Yes

President's Report: Mr. Tomasic

Mr. Porco was late due to personal issues. He allowed Mr. Tomasic to continue running the meeting when he arrived.

Mayor's Report: Mayor Heller

No report.

Tax Collector's Report: Ms. Sullivan

Ms. Sullivan presented her monthly report of collections.

Officer in Charge Report: Sgt. Williams

Sgt. Williams presented a monthly activity report. He reported on Race for Pace, the hayride and asked everyone to be careful driving with the number of leaves on the road.

Fire Chief's Report: Chief Heller

No report.

Woodland Hills EMS Report: Adam Knight

Mr. Knight presented a brief activity report. He congratulated Sgt. Williams for doing a good job on the hay ride.

Solicitor's Report: Blaine Lucas

Mr. Lucas reminded everyone of a meeting of the zoning hearing board on Nov. 9th on the Rite Aid variances.

Wilkesburg Penn Joint Water Authority Report: Ms. Broz

No report.

Public Comment

Jim Sapienza, owner of the T-shirt shop on Ardmore – comments on the letter he received from the borough related to his T-shirt display outside of his store and the tree that was planted in front of his business covering his sign – feels the borough is trying to put him out of business – he will fix the existing sign and put display cases in the window to eliminate the T-shirt sidewalk display.

Tom Caulfield, President of Churchill Borough Council – re: letter response to Forest Hills letter on Cherry Valley Road damage. Comments that Mr. Belmonte attended a meeting at Churchill on Oct. 12th that helped us to better understand the issues addressed in the letter – Churchill has entered into all agreements necessary to have the 260' pipe relined as soon as possible – a request to have someone call him directly if there are problems so we can stay on top of these things as best we can.

Mr. O'Malley – comments this has been an ongoing issue since 1972 and the residents of Cherry Valley Road wanted this to be on record.

Mr. Karas – inquires as to when the work will be completed so he can inform the residents.

Mr. Caulfield – states that the agreements were made today to have the work done – not sure when it will start - Churchill and Forest Hills has the same engineer and they have been working on this issue since they discovered the problem.

Mr. Gaus, Engineer – Robinson Pipe Cleaning completed the original work – this is a change order to have the pipe relined – work should start within the next 2 to 3 weeks – do not have a completion date.

Mr. Tomasic – comments the intent of the letter was to have this formally on record.

Anthony Cost, Howard Hanna Commercial Real Estate – working with Dunkin' Donuts on a location for them in the area. They are interested in the magistrate's building property. He introduced the next speaker.

Edward Jaten, President of Heartland Restaurant Group – reports they have been looking for a location along the route 30 corridor for over 2 years – this location is suitable for building a 2,000 sq. ft. free standing facility with sufficient area for 30 – 35 parking spaces and a drive thru – provides rendering of stores and photos of the interior – states that they plan to open 75 – 100 stores over the next 10 years.

Blaine Lucas noted legal considerations... there is an existing 4 ½ year lease remaining with Allegheny County on the building and the borough is not in a position to terminate the lease unless the county is willing to do so – more importantly is that any sale of borough property needs to be publicly bid.

Anthony Braun, COO of Heartland Restaurant Group – presented examples of how an operation would work.

Devon Wood, 7 Roxbury Road – commended all members as to how the members of council handled the meeting last month and how respectful they were of the manager. Also commended all on how far we are on the 2010 budget and for the public record says how wonderful she thinks Forest Hills is – feels very safe here – she is pro business and likes the idea of more businesses being here – and a delight to see our parks. A resident for almost 5 years and in transparency would like to let council know that she understands in January there may very well be an open seat on council and she will actively be seeking the position.

Mr. Porco took the president's gavel at this time.

Committee Reports:

PUBLIC WORKS COMMITTEE

Mr. Belmonte

Motion: Move to approve the amended seniority call out policy for the public works crew as attached to this agenda.

Moved: Mr. Belmonte
Second: Ms. Katchmar

Roll Call Vote:

Mr. Belmonte	Yes
Mr. Karas	Yes
Ms. Katchmar	Yes
Ms. Liscio	Yes
Mr. O'Malley	Yes
Mr. Tomasic	Yes
Mr. Porco	Yes

Motion: Move to approve a resolution endorsing the application of Chalfant Borough for a grant to assist in paying for the paving of West Street.

Moved: Mr. Belmonte
Second: Ms. Katchmar

Roll Call Vote:

Mr. Belmonte	Yes
Mr. Karas	Yes
Ms. Katchmar	Yes
Ms. Liscio	Yes

Mr. O'Malley	Yes
Mr. Tomasic	Yes
Mr. Porco	Yes

Motion: Move to authorize the engineer to prepare and advertise bid specifications for televising sewer lines and related sewer work.

Moved: Mr. Belmonte
Second: Ms. Katchmar

Mr. Tomasic – is this going to be done in increments, we talked about the amount of total footage but we never stipulated how it would be done.

Mr. Gaus – we're going to determine how much realistically public works could get accomplished out of the remaining footage of pipe – put a contract together – open bids in Dec. – have incrementals and make up our mind in Jan. or Feb. on how much we actually want to do – we want to bid it out in such a way that we can make adjustments

Mr. Tomasic – coverage will be on a per foot basis and then work off of those numbers.

Mr. Gaus – the base minimum is 10,000 feet and then every 1,000 feet over that will be a per foot basis.

Mr. Karas – inquires about the time line

Mr. Gaus – yearly in Forest Hills – Insight Pipe Jan – Dec 31st of this year.

Mr. Karas – are there details in contract that when the job is completed how they are to leave the site.

Mr. Porco – there are ordinances in place that state any work in the borough needs to be returned to the way it looked before repairs started.

Mr. Gaus – that is also detailed in the contract.

Mr. Porco – thought this was time stamped – x amount of linear feet had to be televised by a certain date.

Mr. Gaus – televising needs to be completed by May 31st – bid the contract in December which allows 5 months to complete the project.

Voice Vote – all in favor

General Report:

1. Engineer Paul Gaus reviewed private stormwater problems with the committee, noting that we do not have ordinances that deal with such issues. State law covers collecting water on private property but it would remain an issue between property owners.
2. Committee members were provided with a draft of construction standards by Paul Gaus to review and discuss at the November committee meeting.
3. A letter was prepared and sent to Churchill Borough noting Forest Hills concerns related to Cherry Valley Road sewer problems and flows coming into the borough from Churchill.
4. Members of this committee and the 5 other committees are reviewing capital items submitted by department heads, staff and other members of council for inclusion in the new 2010 capital improvements plan.
5. Verizon will apply for a number of street opening permits late this year and into next year in order to install fiber optic cable underground in locations around the borough. They will contact individual property owners re: any construction but in most cases, digging will only require several holes through which cable may be run. All of the work will occur on streets or in borough right of way.

FINANCE COMMITTEE

Mr. Tomasic

Motion: Move to approve payment of bills for the month of September in the following amounts:

General Fund Budget:	\$318,336.93
Capital Improvements Plan:	\$ 420.84
Corrective Action Budget:	\$ 26,215.44
Liquid Fuels:	\$ 938.24
Road Improvement Fund:	\$ 589.23

Moved: Mr. Tomasic
Second: Ms. Liscio

Roll Call Vote:	Mr. Belmonte	Yes
	Mr. Karas	Yes
	Ms. Katchmar	Yes
	Ms. Liscio	Yes
	Mr. O'Malley	Yes
	Mr. Tomasic	Yes
	Mr. Porco	Yes

Detail of non general Fund Items:

Capital Improvements Plan:	Air cards for police laptops and comprehensive plan work of planning commission
Corrective Action Budget:	Sanitary Sewer consent decree work; Vector truck maintenance
Liquid Fuels:	Traffic signals
Road Improvement:	2009 paving program - curbs

Motion: Move to approve resolution no. 1084 establishing the monthly pension contribution by police officers in accordance with the police pension plan ordinance of the Borough of Forest Hills.

Moved: Mr. Tomasic
Second: Mr. O'Malley

Note: Copy of the resolution is attached to this agenda.

Roll Call Vote:	Mr. Belmonte	Yes
	Mr. Karas	Yes
	Ms. Katchmar	Yes
	Ms. Liscio	Yes
	Mr. O'Malley	Yes
	Mr. Tomasic	Yes
	Mr. Porco	Yes

Motion: Move to authorize the solicitor to prepare an advertisement and specification to allow the borough to seek bids from brokers for electric utility costs.

Moved: Mr. Tomasic
Second: Mr. Karas

Voice Vote – all in favor

General Report:

1. The committee will continue to review the 2010 budget and will schedule a special meeting at 6:30 PM on October 29 for all members and for any elected officials or members of the public interested in attending to review the budget and make preparations for a preliminary budget that will be approved at the November business meeting. Subsequently, the budget will be discussed during future committee and business meetings and all are invited to attend as these meetings are open to the public.
2. The first draft of the budget submitted at the October committee meeting maintained the tax rate at 8.35 mills but raised the trash fee by \$8 per household per year. The sewer fee remains the same (\$3/thousand gallons) in this draft.

Subsequent drafts could change these and other taxes and fees before a final budget is passed at the December business meeting.

3. The borough staff is considering options for sewer billing services as an alternate to our current software which is becoming costly as it ages and unable to keep up with changes in ALCOSAN billing.
4. Borough staff members are reviewing requirements for offering people the option to pay bills to the borough by credit card. This option may require those paying by credit card to pay a small fee to defray costs of the program. It may also allow for payments via the internet. Anyone interested in expressing an opinion is welcome to add to the conversation at a public meeting.

BOROUGH PROPERTY

Mr. Karas

Motion: Move to approve resolution number 1085 to permit the borough to join the county program that will provide a free energy audit of municipal buildings.

Moved: Mr. Karas
Second: Mr. Tomasic

Voice Vote – all in favor

General Report:

1. Committee members discussed installing programmable switches/thermostats in various borough buildings to ease energy costs. Some borough buildings have them but some do not. The committee asks that the manager, recreation director and foreman meet to investigate options and report back.

PUBLIC SAFETY

Mr. O'Malley

Motion: Move to authorize the manager to prepare and advertise an ordinance restoring the stop sign on Marion at Atlantic Avenue that was removed several years ago.

Moved: Mr. O'Malley
Second: Mr. Tomasic

Voice Vote – all in favor except Ms. Liscio

General Report:

1. The committee reviewed police policies, especially that involving chain of command. All officers are expected to follow the established policy and members asked that all elected officials encourage that the policy is followed as established.

OPERATIONS & POLICY

Ms. Liscio

Motion: Move to approve the minutes from the September 23, 2009 council meeting.

Moved: Ms. Liscio
Second: Mr. Tomasic

Voice Vote – all in favor

Motion: Move to authorize the manager to advertise any open positions and positions set to expire in late 2009 and early 2010 on borough boards and committees and contact those who currently hold the position to determine if they are interested in reapplying for their positions.

Moved: Ms. Liscio
Second: Mr. O'Malley

Voice Vote – all in favor

Motion: Move to approve the policy that was reviewed by all council members on use of the solicitor and as attached to this agenda.

Moved: Ms. Liscio
Second: Mr. Tomasic

Roll Call Vote:	Mr. Belmonte	No
	Mr. Karas	Yes
	Ms. Katchmar	No
	Ms. Liscio	No
	Mr. O'Malley	Yes
	Mr. Tomasic	Yes
	Mr. Porco	Yes

General Report:

1. The committee discussed the borough's Tree City designation and other tree matters with Ted Gilbert, the borough arborist at the October meeting. Budgetary

concerns were a part of the discussion as the borough considers the 2010 budget and alternatives for saving money.

2. The committee reviewed the policies established by previous councils regarding interaction with the administrative and other non police staff and the established organization and duties of the manager.

PLANNING & ZONING

Ms. Katchmar

General Report:

1. The committee was reminded by the manager that the request to increase the rental inspection fee by \$10 will be included in the updated fee resolution which will be considered by council for approval in December.
2. The committee discussed the Rite Aid project and noted concerns in several areas including changes to sign requests submitted by the developer. They asked the solicitor to update them on these changes and the timing of the hearing before the zoning hearing board.

Mr. Tomasic – asks for discussion on Rite Aid

Mr. Lucas – Variances will be granted by the Zoning Hearing Board on Nov. 9th. The Planning Commission recommended approval with exception that there was an issue about there being an LED digital sign as part of the main sign. Received an e-mail from an attorney for Rite Aid indicating that they are withdrawing that and that seemed to satisfy the Planning Commission's one objection.

Mr. Tomasic – Council has already approved some of these variances.

Mr. Lucas – Council approved the original plan subject to a number of variances being granted. Those variances have expired and changed ever so slightly that there is no need for council to reapprove the whole plan. The variances are being re-implemented here and it is up to the Zoning Hearing Board to make the decision.

Mr. Tomasic – Council does not need to vote on this at any time just discussion on it moving forward as a general matter.

Mr. Lucas – council has the prerogative, if there were some concerns, to send the solicitor to the hearing to indicate councils concerns.

Mr. Tomasic – Council would like to send the solicitor to the Zoning Hearing Board meeting on the 9th of November in order to have some legal representation. Where does this go after the Zoning Hearing Board's decision?

Mr. Lucas – It's done because council already approved it and that approval is good for five years.

Ms. Liscio – Council's approval did not include the two signs that are larger than what the ordinance allows.

Mr. Lucas – That is correct and that is why you have the prerogative to take a position on the sign variances, the main plan has not changed.

Mr. Lucas – Reviews the variances: 1) the number of signs, 2) location of the signs, and 3) one sign exceeds the maximum requirement of the ordinance and it would be illuminated and the ordinance does not allow it. The planning commission was okay with the plans and all requested variances with the exception of the LED digital sign.

Ms. Katchmar – comments that she also attending the planning commission meeting both at the borough building and on site and that the commission did have objections to the additional signs not only the LED digital sign.

Discussion is held among council and solicitor as to what role council plays in these decisions and whether or not the solicitor should attend the zoning hearing board meeting.

Mr. Tomasic – would like to know what the planning commission's particular position is because council needs to make a decision at the Nov. 5th meeting.

Mr. Porco – suggests that the borough manager contact the planning commission for a copy of the minutes from their last meeting and e-mail them to council before the 5th of Nov.

Old Business:

None.

New Business:

Mr. Porco – concerned about 2 large holes on the soccer field at the main park – circled the holes with white paint so they can be located easily – can someone from public works fill the holes with dirt before the soccer games on Saturday.

Motion: Move to approve the employment agreement with the manager as drafted by the solicitor retroactive to January 1, 2009.

Moved: Ms. Liscio
Second: Ms. Katchmar

Note: The new agreement is the same as the existing agreement except that the pension section has been changed to comply with IRS regulations. The new agreement also adds these agreed upon changes from late 2008: an additional personal day added beginning in 2009 and severance pay lengthened to 24 weeks beginning in 2009.

Roll Call Vote:	Mr. Belmonte	Yes
	Mr. Karas	Yes
	Ms. Katchmar	Yes
	Ms. Liscio	Yes
	Mr. O'Malley	Yes
	Mr. Tomasic	Yes
	Mr. Porco	Yes

Letter to Atria's

Mr. Karas

Informally heard that Atria's was interested in the Baccus property. Sent an e-mail to them with some information. Would like to have Mr. Morus to send a letter to Atria's corporate headquarters offering them time to come and talk to us if they had any questions about the site, ordinances or the borough in general.

UPMC Braddock

Mr. Karas

Mr. Karas – comments on the closing of Braddock Hospital.

Adam Knight spoke on this issue – we receive about 250 calls a month and a minimum of 50 people go to Braddock Hospital and the majority of those 50 are from Braddock Hills not Forest Hills. We mostly go to Shadyside and Forbes in Monroeville. People will tend to go where their doctors are and that will be McKeesport or Shadyside. WHEMS does not see this as a significant impact on them.

Steve Karas will draft a letter and send to all for comment and then send it as a council or a majority or as an individual. He will send to all via email.

Faith Katchmar: reads a statement re: her resignation from council effective today. (statement attached).

Celeste Liscio: resigned her office immediately at the same time. (letter attached)

Motion: Move to accept the resignations of Faith Katchmar and Celeste Liscio.

Moved: Mr. Belmonte
Second: Mr. Tomasic

Voice vote - All in favor except for Mr. Belmonte

Adjourn: Motion to adjourn or adjourn by acclamation

Moved: Mr. Belmonte
Second: Mr. Karas

Voice Vote

- Next Scheduled Council Meeting: November 18, 2009
- Next Scheduled Committee Meetings (order to be determined): Tuesday, November 10, 2009 (Borough Property, Public Works, & Planning & Zoning) and Thursday, November 5, 2009 (Finance, Operations & Policy, & Public Safety).
- NOTE that the Tuesday November committees are one week later due to Election Day.
- Finance committee will hold a special meeting at 6:30 PM on October 29, 2009 to discuss the 2010 budget.

Seniority for public works crew call out

In order to clarify the procedures for contacting crew members for overtime and holiday work and ensure that the method for assigning extra duty is fair for all, the following procedures will begin October 1, 2003 and as amended subsequently.

The foreman will call out members of the crew based on seniority for overtime or holiday work unless the qualifications of a member or members of the crew require otherwise. The following limitations will also apply:

- All other crew members will move above any member who misses three consecutive missed call-outs when that crew member is available regardless of seniority. This will remain in effect for 30 days. The foreman must allow 5 minutes response time by each member for a call-out.
 - ▶ If the member notifies the foreman 3 or more hours in advance of his/her unavailability for such work on a specific day it will not be considered a refusal to work on a call-out basis. However, members must realize that part of their job is to be generally available and cannot constantly remain unavailable for overtime work.
- If the member has scheduled a personal day or vacation time in advance it will not be considered a refusal to work on a call-out basis.
- Use of sick days will not be considered a missed call-out provided that sick days are not used as a reason for a miss more than two consecutive times without a doctor's excuse.
- If a crew member misses more than 50% of the call-outs from October 1 to March 31 (designated winter season), that member will move to the bottom of the list for extra overtime duty on scheduled non-emergency events during the period from April 1 through September 30 (designated summer season).
- Overtime callouts are required to follow the normal work duties performed by the employee unless subject to third part limitations (e.g., insurance companies).
- An employee scheduled for regular light duty work due to injury or other insurance related reasons may only be called out for overtime if such light duty work is required during the overtime assignment.
- On October 1 of each year, the seniority list will return to normal and the above policy will begin again.

Seniority for public works crew call out - continued

Employees must notify the foreman of the phone number or other contact method they prefer to use for all call outs. Any changes must be provided as soon as possible. The foreman will only use the number(s) provided by the crew member for emergency/overtime call outs.

Acting Foreman

When serving as acting foreman, the crew member has the same responsibilities for logging incidents or complaints and handling discipline issues as the regular foreman. When the regular foreman returns to duty, the acting foreman returns to his/her normal status.

POLICE PENSION RESOLUTION

A RESOLUTION OF THE BOROUGH OF FOREST HILLS ESTABLISHING THE MONTHLY PENSION CONTRIBUTION BY POLICE OFFICERS FOR 2010 IN ACCORDANCE WITH THE POLICE PENSION PLAN ORDINANCE OF THE BOROUGH OF FOREST HILLS.

WHEREAS, the Borough of Forest Hills has previously adopted an Ordinance relative to the establishment and maintenance of the police employees pension, annuity, insurance, and benefit fund or funds; and

WHEREAS, the Plan requires, as a requirement of participation, that participants pay a contribution to the pension fund in an amount not less than five (5%) percent and not greater than eight (8%) percent of the participant's annual compensation provided that no contributions are to be required on compensation not included in the calculation of Final Monthly Average Salary, as that term is defined by the Plan; and

WHEREAS, the Plan, notwithstanding the contribution requirement, permits the reduction below the minimum percentages set forth above pursuant to an actuarial study performed by the plan actuary; and

WHEREAS, the plan actuary has performed an actuarial study; and

WHEREAS, the actuarial study confirmed that contributions are necessary to satisfy the minimum municipal obligation in accordance with Article 3 of the Pension Plan document; and

WHEREAS, the actuarial study confirms that a contribution in the amount of 5% beginning in the first pay period in January 2010 is necessary to maintain compliance with the Police Pension Plan;

NOW, THEREFORE, be it resolved and adopted by the Forest Hills Borough Council, and it is hereby resolved and adopted by authority of the same:

Effective with the first pay after January 1, 2010, and continuing through and including the last pay for calendar year 2010, the amount of Participant Contributions due shall be established at 5%. The obligation to pay participant contributions pursuant to the Pension Plan Ordinance shall resume effective January 1, 2011, unless otherwise reduced or eliminated by resolution of Council.

RESOLVED AND ADOPTED, this 21st day of October 2009

USE OF SOLICITOR POLICY

It will be the policy of Forest Hills council and Forest Hills Borough to use the Borough solicitor in an effective, efficient, and economical fashion. To ensure proper use of services, avoid redundant consultations, effectively communicate to all of council, and respect the overall budget process, the following policies will be observed.

Policy on Council Uses of Borough Solicitors

This policy will cover verbal, written, phone, and email contact.

Use of Solicitor by full council (meetings and executive sessions)

Council should firstly discuss matters while the solicitor is present and paid under retainer. Further use outside of full council meetings should be approved by Council President or by majority of council. Consultation with the manager and solicitor by Council and Council President during council meetings regarding the need to further engage the solicitor should be completed.

Use of Solicitor by committee

Committees should first attempt to consult the solicitor on an evening when he is present. Committees should discuss the need to use the solicitor's services among themselves and the Borough Manager so that prior rulings that the Manager may be aware of and other municipal policies can be discussed. If the majority of the committee still finds the use of the solicitor justified, the decision will be made known in report to full council at the next meeting.

Use of solicitor by Borough Manager, Engineer, and other employees

Employees should request the use of the solicitor through the Borough Manager. The Manager should engage the solicitor when possible while he is under retainer at meetings. The Manager will decide, after discussion with council President, if the consultation is justified.

Emergency use of solicitor outside of committee

Since issues arise outside of committee and council meetings they should first be brought to either committee or full council and the above policies followed. If the Borough manager or Council President, after weighing the information, decides the solicitor must be contacted, they may do so.

If any council member feels as though the questions lay outside of the above mentioned conditions they may then seek to meet with the solicitor by setting up a time when the solicitor is required to be present to seek advice on a pressing matter. This may be done before, after, or possibly during committee meetings while the solicitor is in attendance and will not result in any additional fees.

Payment

Mindful that the solicitor reports to all of council and should not be put a situation where it may be interpreted that they are denying a particular member's request payment of their time will be made only when the above policy is observed. These payments will be subject to the same review as other borough payments.