

Call to Order:

Mr. Karas

Pledge of Allegiance:

Mr. Tomasic

Roll Call:

| | | | |
|---------------|-------------|-------------------------------|-----------------|
| Mr. Belmonte | present | Mr. Porco | not present |
| Mr. Burleigh | present | Mayor O'Malley | present |
| Mr. Erbdinger | not present | Janet Sullivan, Tax Collector | present |
| Mr. Karas | present | Steve Korbel, Solicitor | present |
| Mr. Tomasic | present | David Gilliland, Engineer | present at 7:13 |
| Ms. Wood | present | Steven Morus, Manager | present |

Vice President's Report:

Mr. Karas

No report

Mayor's Report:

Mayor O'Malley

Mayor provided an electronic version of his report to council.

Tax Collector's Report:

Ms. Sullivan

Ms. Sullivan presented her monthly activity and collection report.

Chief of Police Report:

Chief Williams

The Chief presented his monthly activity report.

Fire Chief's Report:

Chief Theilacker

No report

Woodland Hills EMS Report:

Adam Knight

No report

Solicitor's Report:

Mr. Korbel

Mr. Korbel noted the following:

Gov. Corbett will act upon a bill that covers a complete update of the borough code. It is lengthy. Mr. Korbel will review and update council. Quorum via telephone is no longer acceptable under the new code.

Wilksburg Penn Joint Water Authority Report: Ms. Broz

Ms. Broz was unable to attend the meeting and there was no report.

Bond Issue Refinancing Update Nicholas Falgione
Boenning & Scattergood

Mr. Falgione distributed material on the refinancing and updated council on the process and the status of the work. Handout provided dates and current interest rates.

Mr. Tomasic noted that he believed that June was the earliest we could proceed. Mr. Falgione explained the time table.

Add topic to the finance committee in June at the request of Mr. Tomasic.

Mr. Falgione will ask Mr. Brown to have information ready, draft ordinance and a resolution for the June 7 finance committee meeting for council to review.

Public Comment – Agenda Items

At this time, citizens may address council on any issue appearing on today's agenda. Only residents and taxpayers of the Borough of Forest Hills will be permitted to address council. Comments on non-agenda items will be taken at the end of tonight's meeting. Speakers will be permitted to speak for a maximum of 5 minutes. Groups of people will be required to designate a spokesperson to represent them before council who may speak for a maximum of 10 minutes. Citizens are asked to use the microphone at the speaker's stand, clearly state their name and address for the record and keep comments brief and to the point. Please spell the name for the record.

There were no comments from the audience.

Committee Reports:

PUBLIC WORKS COMMITTEE

Mr. Belmonte

Motion: Move to authorize the engineer and foreman to have the option to install a manhole rather than a modified access opening for the Ardmore sewer

line at a cost of \$5,800 for the manhole or \$4,800 for the modified structure as necessary.

Moved: Mr. Belmonte
Second: Mr. Tomasic

Note: See engineer's report below for further details.

| | | |
|-----------------|--------------|-----|
| Roll Call Vote: | Mr. Belmonte | yes |
| | Mr. Burleigh | yes |
| | Mr. Tomasic | yes |
| | Ms. Wood | yes |
| | Mr. Karas | yes |

General Report:

1. The borough engineer submitted the following report to the committee:

Public Works Committee

- A. Significant Deficiency Sewer Repairs – Liner Project
All work has been completed except for the 48" storm sewer liner in Cherry Valley. This project has been suspended pending a review of finances available.
 - B. 2012 Sewer work for the Consent Decree
The liner project has been awarded however a hold has been placed pending a review of finances available. The project will likely be reduced to \$50,000.
 - C. 2012 Paving Project
Contracts have been issued. Work will begin after school is out for the summer.
 - D. Barclay Drive
DPW will be installing two catch basins at 315 Barclay to correct a drainage problem as reported by a resident last month.
 - E. Ardmore Blvd. Manhole
The contractor installing the new manhole on Ardmore for access to the sewer for root removal will install the offset manhole/chamber unless the nearby gas and water lines are not in the way. If a regular manhole will fit, it will be installed.
2. The committee reviewed information provided by 3 Rivers Wet Weather on the requirement for ALCOSAN and member communities for a feasibility study of the sanitary sewer system.
 3. The foreman reported that contracts for salt supplies will require that the borough purchase the agreed upon minimum amount by the end of 2012 without penalty.

4. The committee asked that the foreman schedule repairs on Ave B curbs. The repairs will be made using asphalt as per borough policy.

FINANCE COMMITTEE

Mr. Tomasic

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

| | |
|---------------------------|--------------|
| General Fund Budget: | \$620,756.68 |
| Corrective Action Budget: | \$ 3,151.04 |
| Liquid Fuels: | \$ 8,457.23 |
| Fire Protection Services: | \$ 39,033.50 |

Moved: Mr. Tomasic

Second: Mr. Burleigh

| | | |
|-----------------|--------------|-----|
| Roll Call Vote: | Mr. Belmonte | yes |
| | Mr. Burleigh | yes |
| | Mr. Tomasic | yes |
| | Ms. Wood | yes |
| | Mr. Karas | yes |

Detail of Non-General Fund Items:

| | |
|---------------------------|--|
| Corrective Action Budget: | Sanitary sewer consent decree work and engineering |
| Liquid Fuels: | traffic signals, salt |
| Fire: | refund; Transfer to FHVFD (38,988.50) |

General Report:

1. The committee noted that preparation of the 2013 Capital Improvements Plan will begin this month. Staff will be provided with information during the monthly staff meeting.
2. This committee and others recommend that the borough engineer prepare pre applications for possible CDBG funding for accessibility improvements to the fire department's restrooms and potential demolition of one or more dilapidated properties. Note: this may require the approval of one or more resolutions supporting the grant application either here or under borough property or planning and zoning committee.

BOROUGH PROPERTY

Mr. Belmonte

Motion: Move to use borough funds to match the \$900 donation in honor of the late Don Paull for use in improving the tennis courts for the season.

Moved: Mr. Belmonte
Second: Mr. Burleigh

Mr. Gilliland said that according to Jim Theilacker the \$1800 will go to rental of a tar machine for one week and labor to fix tennis courts.

Mr. Tomasic asked that the tar machine be used for its full time rented since it is the same type of machine to tar streets.

Roll Call Vote: Mr. Belmonte yes
Mr. Burleigh yes
Mr. Tomasic yes
Ms. Wood yes
Mr. Karas yes

Motion: Move to authorize a change order with Central Heating & Plumbing for \$2,000 for the installation of a kitchen air vent at the recreation center lodge as part of the heating & air conditioning work there with funds coming from the grant from PA DCNR.

Moved: Mr. Belmonte
Second: Mr. Tomasic

Roll Call Vote: Mr. Belmonte yes
Mr. Burleigh yes
Mr. Tomasic yes
Ms. Wood yes
Mr. Karas yes

General Report:

1. The Committee reviewed the following report from the borough engineer:

A. DCNR Grant (formerly Bright Park Project)

All work on hold pending confirmation from the state that funding is still in place. (Subsequently, we were informed by the PA DCNR that the grant would not be funded and we have been asked to withdraw the application.)

B. Fire Dept Roof

Work is scheduled to begin the week of May 7.

C. Westinghouse Rec. Center

Landscaping is underway. Doors will be started by April 26. Heating and A/C will be started within two weeks. Quotes will be available for two lamp posts if funds permit after the aforementioned work is complete.

D. Compost Site

Dumpsters will be monitored to gauge usage in order to properly size a permanent facility.

2. The borough will begin a yard waste collection/composting program by using a collection dumpster at the public works garage and advertising the program via the website and the Tree City Times newsletter.
3. The committee is reviewing usage of the senior center and other borough properties.
4. The public works crew will use wood chips collected from Davis Tree to improve the grass parking lot at the Forest Hills/Westinghouse Recreation Center.
5. Members are reviewing improvements to several borough walkways.

PUBLIC SAFETY

Mr. Tomasic

General Report:

1. Chief Williams reported that total police overtime for April amounted to \$3,718.00 compared with \$19,365 from April 2011.
2. The committee continues to review the fire protection services fee requirements and may consider changes for 2013.
3. Members discussed concerns about traffic signal preemption by siren along portions of Ardmore Blvd. The borough manager and police chief are in contact with the contractor to ensure the system is properly tested and that records are kept by all Forest Hills entities using the system.

OPERATIONS & POLICY

Ms. Wood

Motion: Move to approve the minutes from the April 18, 2012 council meeting.

Moved: Ms. Wood
Second: Mr. Burleigh

Voice Vote – all in favor

Motion: Move to approve a resolution of support for the lawsuit opposing Act 13 preempting municipal zoning for state regulations on drilling and to authorize the manager to send a letter to the appropriate parties indicating council opposition.

Moved: Ms. Wood
Second: Mr. Tomasic

Note: See draft resolution and letter attached to this agenda.

| | | |
|-----------------|--------------|-----|
| Roll Call Vote: | Mr. Belmonte | yes |
| | Mr. Burleigh | yes |
| | Mr. Tomasic | yes |
| | Ms. Wood | yes |
| | Mr. Karas | yes |

General Report:

1. The borough continues to seek volunteers for the 2019 Centennial Committee. Please contact the office if interested.
2. Council will hold a strategic planning session on Monday, June 11 from 6 PM to 7 PM in the council meeting room or at the recreation lodge on Barclay.
3. The manager and solicitor will coordinate with Keystate Publishing for work on an update to the borough's codification of ordinances.
4. Members in Committee of the Whole asked the manager to send a letter to County Councilman Bill Robinson inviting him to attend a future council or committee meeting.

PLANNING & ZONING

Mr. Burleigh

General Report:

1. Members continued a review of the zoning ordinance with Section 3 of Chapter 27.
2. The code officer provided the committee with a report on his activities during the past month.
3. The committee chair will serve as council liaison to the planning commission.

Old Business:

Mr. Tomasic commented for the record about the information on a merger in Braddock Hills with one or more neighboring municipalities. He stated he is not in support of any merger with any town in this area. Rumor had circulated that he was in favor and he wants the record to show he is not.

Mr. Karas reported on formation of a citizen's committee for the old research center site. It includes a resident, a real estate attorney, and two real estate agents. They will meet on Monday for the first time to review information available. Mr. Tomasic noted that he is in favor of trying to get that property and a letter requesting it was sent to CBS about securing the property for Forest Hills.

Mr. Burleigh asked if the EPI building can be occupied by any business. Mr. Korbel answered that any business pertaining to an S-2 zoning can occupy that space. If Council decided to amend ordinance and combine with other S districts it would open property up to more businesses. Or if an individual has an outside use for the property they can see the borough and propose their idea.

The Mayor questioned whether the public could attend the meeting on the research center site. Mr. Karas indicated affirmatively with the meeting held at Forest Hills Coffee Co.

New Business:

Mr. Belmonte spoke about the idea of having Brian Kurtz or Susan Pope invited to a public meeting to speak about the possibility of cutting bus service and allow them to answer any questions the residents might have.

Public Comment – Other Items

At this time citizens may address council on any issue. Only residents and taxpayers of the Borough of Forest Hills will be permitted to address council. Speakers will be permitted to speak for a maximum of 5 minutes. Groups of people will be required to designate a spokesperson to represent them before council who may speak for a maximum of 10 minutes. Citizens are asked to use the microphone at the speaker's stand, clearly state their name and address for the record and keep comments brief and to the point. Please spell the name for the record.

Robert McAfoos, of 6 Wellington Road – spoke regarding sidewalk improvements by him and his neighbors due to tree roots.

Mr. Karas suggested it go to committee.

Mr. Tomasic explained that council's interpretation of the resolution is that a maximum of \$250 can be awarded.

Mr. McAfoos also asked that the borough submit names of potential contractors to assist residents.

Adjourn: Motion to adjourn or adjourn by acclamation

Moved: Mr. Tomasic
Second: Mr. Burleigh

Voice Vote – all in favor

- Next Scheduled Council Meeting: June 20, 2012
- Next Scheduled Committee Meetings (order to be determined): Tuesday, June 5, 2012 – Borough Property, Operations & Policy, Public Safety, Public Works.
Thursday, June 7, 2012 – Finance, Planning & Zoning, Committee of the Whole.

Draft Resolution:

WHEREAS, on February 14, 2012, Pennsylvania Governor Thomas W. Corbett signed HB 1950 into law as Act 13, amending the Pennsylvania Oil and Gas Act to establish, in part, a one-size-fits-all zoning scheme for oil and gas development that applies to every zoning district in every political subdivision in Pennsylvania; and

WHEREAS, the Commonwealth of Pennsylvania, through enactment of the Municipalities Planning Code, vested local government with the police power to establish zoning districts, and did so in recognition of the fact that to be constitutional, zoning must reflect the uniqueness of each community; and

WHEREAS, municipalities have established multiple zoning districts to provide for certain, limited types of uses, to ensure that development of land within each district was of the same general character, in order to protect the health, safety, morals, and welfare of the community; and

WHEREAS, we believe that Act 13 improperly restricts local municipal zoning regulations, and as such, is detrimental to all local governments and to those who reside in Pennsylvania's 2,661 municipalities; and,

WHEREAS, Act 13 thrusts upon municipalities the mandate that industrial uses be allowed in residential, agricultural, resource protection and commercial zones, frustrating the constitutional rationale for creation of separate zones; and

WHEREAS, the Borough of Forest Hills supports the lawsuit filed in the Commonwealth Court of Pennsylvania, Docket No. 284-MD-2012, and hereby provides that it is in opposition to Act 13.

NOW, THEREFORE BE IT RESOLVED THAT THE Council of the Borough of Forest Hills DOES HEREBY, BY ENACTMENT OF THIS RESOLUTION, DECLARE THAT:

The Borough of Forest Hills is opposed to Act 13. Act 13 unlawfully removes the ability of affected local governments located within this Commonwealth to promulgate appropriate legislation to protect the health, safety, and welfare of its citizens. We are opposed to the allowance of industrial uses in residential areas that would negatively impact our local government's interests and concerns, as permitted by Act 13.

We believe that Act 13 violates both the Pennsylvania and U.S. Constitutions, creating a zoning scheme that supersedes the protections local officials are sworn to uphold; the health, safety and welfare of its residents.

Be It Further Resolved that the Borough of Forest Hills joins with many other municipalities and local elected officials in their opposition to the passage of Act 13 and conveys to the State Assembly opposition to the stripping of local zoning and planning authority from affected local governments. We therefore endorse and support the efforts of the municipalities challenging the validity of Act 13, Cecil Township, Mount Pleasant

Township, Nockamixon Township, Peters Township, Robinson Township, South Fayette Township and Yardley Borough.

Draft Letter:

I am writing to express our support for your efforts to legally challenge Act 13 of 2012 (formerly known as HB1950). This newly enacted law preempts local zoning authority over natural gas and oil operations in all municipalities. Among other damaging things, the Act makes it impossible for municipal officials to meet their obligations under the Municipalities Planning Code, an essential responsibility that we, as local elected officials, consider a fundamental responsibility.

We support your efforts and encourage you to bring common sense and our municipal rights back to Pennsylvania municipalities.