

Call to Order:

Mr. Erbeldinger

Pledge of Allegiance:

Mayor O'Malley

Roll Call:

Mr. Burleigh	present	Mr. Erbeldinger	present
Mr. Karas	present	Mayor O'Malley	present
Mr. Kiley	present	Janet Sullivan, Tax Collector	present
Ms. Sowiski	present	Stephen Korbel, Solicitor	present
Mr. Tomasic	present	David Gilliland, Engineer	present
Ms. Wood	present	Steven Morus, Manager	present

President's Report:

Mr. Erbeldinger

Mr. Erbeldinger noted executive sessions on Aug 7 and 12 on litigation and that another such session would be held tonight following the meeting.

2 proclamations were presented by the Council President and Mayor noting the achievements of each.

Proclamation/Recognition: Laina Jean Cross Gold Award

Proclamation/Recognition: Swim Team

Mayor's Report:

Mayor O'Malley

The Mayor reported on the Turtle Creek Valley COG's blight program and praised their work in which he anticipates the borough will participate.

Public Hearings

Mr. Korbel

Both public hearings are being recorded by Ted Wawrzyniak, court reporter and details can be found in his transcript. Mr. Korbel chaired this portion of the meeting. Graft Oil Company files the applications for each involving the consolidation of properties and the installation of fuel pump islands on the property.

Doug Tate with Tate Engineering appeared and outlined the proposal.

Note: the recording made of the business meeting was not working properly until a few minutes into this hearing.

Spee-D Mart Conditional Use Hearing

Motion to close the hearing by Mr. Tomasic; Seconded by Ms. Wood. It was approved unanimously by voice vote

Motion on the Conditional Use – Mr. Korbelt summarized the conditions that would be considered tonight.

Motion to approve the Conditional Use application filed by Graft Oil Company (the “Applicant”) requesting approval to permit the use of property located at 2131 and 2139 Ardmore Boulevard, currently designated as Allegheny County lot and block Nos. 373-E-266 and 373-J-225 in the Borough B-1 Business and TCO Town Center Overlay Districts (the “Subject Property”), for an Automotive Service Station. The application is made pursuant to Section 27-304, Table 27-1, and Part 4 of the Zoning Ordinance in accordance with the application materials, plans and testimony accepted into the hearing record by the Borough Council and subject to the conditions set forth in the Borough Solicitor’s memorandum dated August 20, 2014 as amended, entered into the hearing record as Exhibit 18.

Moved: Mr. Tomasic
Second: Ms. Sowiski

Roll Call Vote:	Mr. Burleigh	yes
	Mr. Karas	yes
	Mr. Kiley	yes
	Ms. Sowiski	yes
	Mr. Tomasic	yes
	Ms. Wood	yes
	Mr. Erbedinger	yes

Spee-D Mart Subdivision & Land Development

Motion to approve the application of Graft Oil Company (the “Developer”) for combined preliminary and final plan approval for a subdivision and land development for the installation of gas pumps, additional signage, and expansion of the existing convenience store located at 2131 and 2139 Ardmore Boulevard, currently designated as Allegheny County Block/Lot nos. 373-E-266 and 373-J-225 in the Borough B-1 Business and TCO Town Center Overlay Districts (the “Subject Property”), in accordance with Section 22-313 of Chapter 22 of the Forest Hills Borough Code of Ordinances, Subdivision and Land Development, as amended (the “SALDO”) subject to the conditions set forth in the Borough Solicitor’s memorandum dated August 20, 2014 as amended.

Moved: Mr. Tomasic
Second: Mr. Burleigh

Roll Call Vote:	Mr. Burleigh	yes
	Mr. Karas	yes
	Mr. Kiley	yes
	Ms. Sowiski	yes
	Mr. Tomasic	yes
	Ms. Wood	yes
	Mr. Erbedinger	yes

Tax Collector's Report: Ms. Sullivan

Ms. Sullivan presented a report on monthly collections

Chief of Police Report: Chief Williams

Chief Williams reported on activities for the month. He discussed the National Night Out activity on August 5.

An exercise with Woodland Hills SD on "active shooter" was held with our participation

Fire Chief's Report: Chief Theilacker

No report

Woodland Hills EMS Report: Chief Morse

No report

Solicitor's Report: Mr. Korbelt

Mr. Korbelt had no report.

Wilkesburg Penn Joint Water Authority Report: Ms. Broz

Ms. Broz reported on Authority activities. They are still working on monthly billing setup.

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.

No comments offered

Committee Reports:

PUBLIC WORKS COMMITTEE

Ms. Sowiski

Motion: Motion to approve additional spending on the following sewer projects:

1. Replace manhole in front of 3 Patrice Drive
2. Raise manhole at rear of 101 Forest Glen Dr.
3. Raise manhole beside 109 Forest Glen Dr.

In the amount of \$16,400 submitted by the lowest bidder, Lawson Excavating, with funds to come from the Corrective Action Budget.

Moved: Ms. Sowiski
Second: Mr. Kiley

Note: other quotes received included \$24,999 from Border Patrol and \$37,500 from Creative Enterprises.

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbellinger	yes

Motion: Motion to approve a change order for 2014 paving program increasing the contract price with Victor Paving by a net amount of \$5,794.00 by deleting the Windsor Ave inlet replacement and adding paving of Windsor from Marion to Vine Alley and Vine Alley from Barclay to Decatur.

Moved: Ms. Sowiski
Second: Mr. Burleigh

Mr. Karas comments "I do have a question for Dave on this one-- Is that the area where there was flooding?". Dave Gilliland replied that no, it's the alley beside the church.

Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

Motion: Motion to move \$2,200 from line item 18-430-800 Fuel Pumps in the 2014 Capital Improvements Plan to line item 18-403-303 Dump Truck in the same plan to pay the increased cost for replacing the truck bed.

Moved: Ms. Sowiski
Second: Mr. Karas

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

Motion: Move to approve an intergovernmental cooperation agreement in a form acceptable to the Borough Solicitor and the President of Borough Council with Chalfant Borough for the provision of Public Works Services for 2015, 2016, 2017 pursuant to the terms and conditions contained therein.

Moved: Ms. Sowiski
Second: Mr. Burleigh

Mr. Erbedinger comments that the public works and public safety chairs in Chalfant will approve it formally in September.

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

General Report:

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

Engineer's Report for August, 2014

Public Works Committee

A. 2013-14 Sewer Work for the Consent Decree

All work on the conventional excavation project is complete. The Trenchless Project is 60% complete. There is some additional manhole adjustment work needed in order for work to proceed. This will be reviewed in greater detail with prices at the meeting.

B. 2013 Paving

This project has been completed, except for the line painting and stop bars which will be done in August after the re-sealcoating of Marion.

C. 2014 Paving

This project is in progress and should be completed within the next two weeks.

D. Letters were sent as directed to property owners at 431 Braddock Road and 109 Sharon Drive regarding water issues.

2. The committee reviewed the following update from 3 Rivers Wet Weather on sanitary/stormwater issues:

Highlight a unique project: the Etna Borough School Street Parking Lot Green Infrastructure Project.

Completed in July, this project uses new technology, a unique stormwater best management practice (BMP) that consists of a 200-square-foot high-rate biofiltration system that directs the infiltrated water into a 1,060-cubic-foot stormwater management storage unit. The facility receives runoff from over an acre of contributing area and is projected to capture approximately 540,000 gallons of stormwater annually from the borough's combined sewer system. This project was developed with funding assistance from the Richard King Mellon Foundation through 3 Rivers Wet Weather to show the value of adding green stormwater features as part of the reconstruction of the parking lot at a more affordable cost.

3. The foreman reported on work planned for August including the following tentative jobs (subject to change due to weather, emergencies, etc. and not including normal maintenance and Chalfant work):

- Sanitary Sewer Work
- Patch potholes
- Change stop signs
- Painting of crosswalks at Greensburg Pike intersections, Braddock at Cascade; Parking lines on Halsey

4. The committee along with all other committees reviewed projects submitted for the 2015 Capital Improvements Plan.

FINANCE COMMITTEE

Mr. Karas

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

General Fund Budget:	\$ 221,596.00
Corrective Action Budget:	\$ 1,456.51
Liquid Fuels	\$ 837.98
Fire Protection fee	\$ 6,787.90
Capital Improvements	\$ 15,614.32
Tennis Courts	\$ 26,480.63
Indust. Sites Re-Use Grant	\$ 54,062.34
Real Estate Tax Refunds	\$ 917.82
Road Improvement	\$ 1,437.13

Moved: Mr. Karas
Second: Ms. Sowiski

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

Detail of Non-General Fund Items:

Corrective Action Budget:	Engineer, sewer repairs, sewer truck repairs
Capital Improvements	grant funded items including fans for pool lodge and ball field dirt
Liquid Fuels:	Street lights
Fire:	Utility bills, workers comp costs, insurance
Road:	Concrete and asphalt

Motion: Motion to accept the proposal from auditor Case Sabatini to continue auditing the borough's accounts for 2014 through 2016 at the same cost as the previous agreement, \$9,990.

Moved: Mr. Karas
Second: Mr. Kiley

Mr. Tomasic comments that this is a very good price. We were paying back in 2007 \$12,000. Then the bids were to go to \$12 and \$14 and \$16 thousand. When we first got Case Sabatini they bid about \$8,000. They have still been in

all this time under \$10,000. This represents a significant savings of over \$30,000 over 5 or 6 years.

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

General Report:

1. The finance committee will begin preparation of the 2015 budget and capital improvements plan at the September committee meeting with subsequent budget discussions at their committee meetings or in Committee of the Whole in October, November and December. Staff is currently preparing estimates for the manager who will submit a first draft at the October 7 committee meetings. All committee meetings are open to the public.
2. The committee has directed staff to secure the calculation for the 2015 Minimum Municipal Obligation (MMO) for the pension plans for review and consideration at September meetings.

BOROUGH PROPERTY

Mr. Kiley

General Report:

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

Borough Property

A. Tennis Courts

This project has been completed. Several small rust stains have appeared in the surface paint. The contractor has been made aware of this and will return to sand off the paint and re-paint the affected areas.

B. Pool Slides

After viewing a separate report; the committee determined it was not worth the cost of securing old indoor slides from a local hotel for the borough's pool.

C. Rec Center Generator

The federal government has made us aware of the availability of surplus equipment for sale which includes diesel generators. You will recall the borough had applied for a PEMA grant for such a generator last year in the event the rec center was to be used as an emergency shelter and power was out. There is a 60 kW generator available for \$2750.00 at their Harrisburg location. This would be adequate to run

the heating and cooling systems, kitchen equipment, lights and outlets in the building. Additional costs involved would be: pick up from Harrisburg, screening fencing, a concrete pad and wiring connections. The cost of these items (except for pick up) is estimated at \$18,000. Please let us know if you wish to pursue this item.

We went from potential FEMA grant for free to the cost outlined here. The Committee is not interested as we don't have the money or an immediate need at this time.

D. Walkways

Councilman Karas has asked that I perform an assessment of all the walkways in the borough. I will be meeting with Jim Theilacker to walk the sites within the next month and will submit my report thereafter.

2. Members reviewed several park/recreation issues:
 - a. The \$25,000 anonymous donation will go toward repairs and improvements at Koch Park as the donor requested and may be used for other park items should funds remain. The Rotary has expressed interest in assisting on this project financially.
 - b. In Committee of the Whole, members agreed that the existing merry go round feature in the main park should be replaced with a newer, similar model rather than a new item that would be out of place with the more traditional playground equipment we have.
 - c. Consideration will be given to maintaining the nets on the tennis courts year round, if feasible, so that those with passes may play during better weather in the off season. A minor computer glitch delayed the implementation of the new card access system but it should be installed and activated soon.
 - d. The recreation board is considering a proposal that would have them take over the fall hay ride operation with the continued cooperation of the police, EMS, public works and fire departments.
3. In cooperation with the planning and zoning committee, members discussed the status of several borough properties including the magistrate building, senior center, park and ride lot, and borough building and whether other uses may be considered for such properties.

Ms. Wood commented about the big pile of dirt near the tennis courts and it was the borough's responsibility to remove it. Mr. Erbedinger commented that it he thought it was going to wait until after swimming season so as not to make a mess of the lawn there.

PUBLIC SAFETY

Mr. Tomasic

Motion: Motion to amend the existing video camera policy as recommended by Chief Williams and the borough solicitor.

Moved: Mr. Tomasic
Second: Mr. Kiley

Voice Vote – all in favor

Motion: Move to approve an intergovernmental cooperation agreement in a form acceptable to the Borough Solicitor and the President of Borough Council with Chalfant Borough for the provision of Police Services for 2015, 2016, 2017 pursuant to the terms and conditions contained therein.

Moved: Mr. Tomasic
Second: Ms. Wood

Mr. Tomasic comments that he appreciates the fact that this council works with the council in Chalfant to produce this agreement which shows a good working relationship and both parties seem satisfied. He thanks them for their cooperation.

Roll Call Vote:

Mr. Burleigh	yes
Mr. Karas	yes
Mr. Kiley	yes
Ms. Sowiski	yes
Mr. Tomasic	yes
Ms. Wood	yes
Mr. Erbedinger	yes

General Report:

1. Chief Williams reviewed several items he has submitted for the Capital Improvements Plan. Members generally agreed that the borough should begin a reserve fund for capital items similar to the budget reserve so that long term needs like these and others from all departments will be funded.
2. Members are reviewing several draft social media policies and have asked the borough's solicitor for personnel issues to consider whether such a policy is needed for all employees or if a separate one for police should be drafted as well.

OPERATIONS & POLICY

Ms. Wood

Motion: Move to approve the minutes from the July 16, 2014 council meeting.

Moved: Ms. Wood
Second: Mr. Burleigh

Voice Vote – all in favor

Motion: Motion to approve resolution no. 1147 directing and authorizing the proper borough officials to dispose of municipal records pursuant to ordinance 723 and as directed by the authority contained in the PA Municipal Records Act.

Moved: Ms. Wood
Second: Mr. Karas

Voice Vote – all in favor

General Report:

1. Members asked the solicitor to review requirements for an ordinance that would control sale of public green space in the borough and will discuss this further at the September committee meeting.
2. In Committee of the Whole, members considered the proposed recycling incentive program sponsored in cooperation with Waste Management and agreed that it should be implemented.
3. The borough continues to seek volunteers for the 2019 Centennial Committee. A separate committee is important for planning, organization and fund raising purposes. Please contact the office if interested.
4. The borough continues to seek volunteers to serve on various boards and committees and asks interested residents to contact the manager at the borough office for further information.

PLANNING & ZONING

Mr. Burleigh

Motion: Motion to authorize the engineer to prepare an application for CDBG funding for the demolition of one or more condemned properties pending review by the code enforcement officer and solicitor.

Moved: Mr. Burleigh
Second: Mr. Karas

Mr. Korbelt comments just for clarification that this is community development

block grant money.

Voice Vote – all in favor

General Report:

1. The committee heard a presentation from Turtle Creek Valley COG director Amanda Settelmaier on the proposed Land Bank operation and is considering whether the borough may wish to be involved. It would require preparation of an ordinance to formally commit to this project which would be used to acquire tax delinquent vacant land and buildings in an effort to maintain the condition of these properties and return them to the tax rolls.
2. Members reviewed code enforcement work with Officer Don Branzel including several problem properties that he is working on currently.
3. The committee noted that the borough was approached about consideration of a gas station and convenience store at the site of the EPI Building at Ardmore and Braddock. Such a development would require an amendment to the zoning ordinance as the property is not zoned for it. This was a preliminary proposal on the part of a real estate agent and no formal request or plan has been submitted.

Old Business:

Mr. Tomasic has several items he would like to bring to the attention of the public. Concerning a right to know request on July 8th Mr. Erbedinger inspected the books of the Volunteer Fire Department and they have nearly \$400,000 in total cash and bank accounts available so I think that we should have that out there. He apologizes for the error in terms of transmitting that information. The next item I have in terms of dealing with that, is that whenever you look at the statement we have some legal fees that were in the report approximately \$7,600 that the fire company has spent and I guess they are primarily associated with a couple of items. One is the right to know request that Larry Heller made as vice president for the delinquent people in Forest Hills on their Fire Protection Services Fee. I still cannot understand the thrust of this. I've heard that there were people who thought that particular names of council persons were on there. All they had to do was ask us.

Secondly they were required to give the borough of Forest Hills a \$1,000 check because of an agreement that they made with us concerning the minutes which they continue to say didn't exist. We obviously have the minutes now so there is another \$1,000 we spent I believe unnecessarily.

More troubling probably is the Bylaws that we came across in the right to know request. Article 2 Section 3 which specifically states that if they dissolve, that the funds that are there, that \$400,000 will not go to the Borough of Forest Hills. I find that to be very difficult to understand as we primarily provide them with all of their bills, cover their

utilities, etc. we bought the fire truck. And last but not least this Ford Explorer thing that sitting over there not being used. All they have to do is send a letter telling us that they want it insured and send a check for a couple hundred dollars for insurance. It is not the borough councils fault that thing sits there.

Mr. Karas has a quick question for the chief as far as Hosanna House complaints? The chief replies that we haven't had many this year.

New Business:

Ms Wood notes that she, Mr. Kiley, Mayor O'Malley and Senator Costa along with Mr. Korbil will be participating in the ALS ice bucket challenge tomorrow at in downtown Pittsburgh at 1pm at the Allegheny County Courthouse courtyard.

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.

Faith Katchmar, 210 Kohnak Lane – spoke on several fire issues and discussed 4 points that the department asked her to raise clarifying several issues.

1. At the last public safety meeting it was indicated that the borough wanted a Right to know request for minutes from the volunteer fire department. Those minutes were not board meeting minutes but general membership meeting minutes. The Volunteer Fire Department does not have board meeting minutes as was previously told to several borough representatives.

2. Mr. Tomasic keeps asking why the Volunteer Fire Department submitted a right to know request asking for a listing of people who have were delinquent in paying their fire fee. In section 1308 of the PA right to know law states that the recording agency cannot require the purpose or motive in requesting the access to a record so this is truly none of his business and it is improper for him to keep asking this question.

3. The dissolution clause in the VFD by-laws. There was speculation voiced questioning that this clause had been in previous versions of their by-laws. Four board members including the fire chief were in the audience. Why couldn't people be asked in the audience instead of assuming this contentious posture?

4. We are in violation of a website policy by only posting things we want people to see and not the whole story. It clearly states on the website that this is not acceptable. I was going to read some excerpts but I think one of them is that "The Borough of Forest Hills homepage is not intended to be a forum for expressive activity by members of the public or by government officials; instead it should provide neutral information and data and links which do not espouse specific views. Content must be

free of any and all political statements and language that may be considered prejudicial racist, sexist or may denigrate one person, group, or other protected class under federal, state and local law.” These policies have been violated many times.

And now I am just going to just speak for myself. That is what they wanted to clarify and I did that for them but I would like to say that as you publish on your website all the bank account information of the fire department and all legal bills incurred, as a result I feel that as a resident of this community, you should have an obligation to disclose to the taxpayers of the community all the legal costs you have incurred fighting the Fire Department. And I filed a right to know request for this information and I can attest that the legal costs have been enormous and in fairness you should publish that on your website. Why? Because the public has a right to know and it’s the right thing to do. So instead of calling the solicitor over and over why don’t both sides try to reconcile? Put all this nonsense in a box and pitch it. Start fresh. And if you want to best serve this community you have to sit down and talk, and listen and find common ground.

H. William Phelps Jr., 73 Elmore Road – agreed with previous speaker. This has been dragging on for over two years. He implores council to get this resolved. Suggests that a public hearing be held for both sides to express their issues and get this settled.

Mr. Erbedinger responded with several comments on the legal bills and the retainer we have.

Adjourn: Motion to adjourn or adjourn by acclamation

Moved: Mr. Tomasic
Second: Ms. Wood

Voice Vote – all in favor

- Next Scheduled Council Meeting: September 24, 2014.
- Next Scheduled Committee Meetings (order to be determined): Tuesday, Sept. 2, 2014 – Borough Property, Operations & Policy, Public Safety, Public Works.
Tuesday, Sept. 9, 2014 – Finance, Planning & Zoning, Committee of the Whole.
Council may choose to meet as a whole on these dates and conduct business if necessary.