

Call to Order:

Mr. Erbeldinger

Pledge of Allegiance:

Mayor O'Malley

Roll Call:

Mr. Burleigh	present	Mr. Erbeldinger	present
Mr. Karas	absent	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	absent
Ms. Wood	present	Steven Morus, Manager	present

President's Report:

Mr. Erbeldinger

Mr. Erbeldinger noted the tree burning ceremony last Friday and recognized the fire department, public works, police and others who assisted.

Mr. Erbeldinger discussed last week's committee meetings and the lack of citizen participation there. Today there will be time for all residents to speak and he will allow Mr. Colella to speak first representing the fire department.

He announced an executive session following tonight's meeting to discuss litigation issues.

Mayor's Report:

Mayor O'Malley

Mayor O'Malley said some changes are occurring in neighboring communities due to the fact that over the last several years volunteer fire departments sometimes do not have sufficient volunteers responding to fire calls. One of these communities is Braddock Hills. Fortunately for Braddock Hills residents there is a procedure in place called mutual aide in which neighboring communities respond to fire calls. However, Swissvale notified Braddock Hills recently that the mutual aide agreement between them was not working out and that if they wanted Swissvale to provide service for their fire calls, they would have to pay \$25,000 a year. When a Braddock Hills council member stated on local TV news that Braddock Hills would be foolish to pay \$25,000 when other fire departments would provide the fire service free of charge. His comments were based on information he received from a volunteer member of Forest Hills Fire Department who made a presentation to Braddock Hills council that stated that

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fire services would be provided to Braddock Hills at no cost to Braddock Hills. Since then I have talked to several municipal lawyers about the legality of that presentation. All the lawyers stated that under Pennsylvania law only elected Forest Hills Council members can agree to commit Forest Hills taxpayer money and or services to other entities. No other persons can discuss, deliberate, commit, negotiate Forest Hills taxpayer assets without permission in any legal matter. Once the members involved understand this basic Pennsylvania law about who can discuss, deliberate, commit, negotiate Forest Hills taxpayer money, many or all of the other issues will be resolved. Now the question is, does everyone have the free speech right to say whatever they wish? Yes. Another question is does this sometimes add more confusion than will help solve the problem? Yes.

Tax Collector's Report:

Ms. Sullivan

Ms. Sullivan reported on collections for the month of December.

Chief of Police Report:

Chief Williams

Chief Williams reported on department activities and noted the proactive work of our officers in handling calls and enforcing borough law.

He commented on the use of 911. It can be used for any communication needed with Forest Hills police and does not have to be an emergency. He wants to re-educate people on how to use 911 in non-emergency situations.

Fire Chief's Report:

Chief Theilacker

No report

Woodland Hills EMS Report:

Chief Morse

Chief Morse reported on EMS activities and calls. He echoed Chief Williams' comments on 911

Solicitor's Report:

Mr. Korb

No report

Wilkesburg Penn Joint Water Authority Report:

Ms. Broz

Ms. Broz reported on authority activities and water breaks. They are working to switch to monthly billing and still need to install devices on water meters to allow this. If an appointment is not scheduled the water service may be terminated.

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*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.*

Rick Colella, President of the Forest Hills Volunteer Fire Department – Submitting a letter outlining the potential fire department merger. As stated at previous meetings, we have not been any discussions with Braddock Hills the Braddock Hills Fire Department regarding a merger since March, 2013. The purpose of this correspondence with the Fire Department legal counsel was due to the failure to respond to meet with the Forest Hills Fire Department to discuss merging. If steps are taken to pursue a merger, a formal collaborative team consisting of both fire departments, respective borough councils and additional stakeholders to develop a plan to have a fair and mutual outcome will be established. It is the intent of the Forest Hills Volunteer Fire Department to remain a vibrant part of in the community for many years to come. On behalf of the Forest Hills Fire Department.membership, Richard Colella, president.

Right now this letter is not signed. This letter is not binding until signed by the president of the Forest Hills Volunteer Fire Department. We have some issues we would like to clear up before we sign it. We would like to meet with council to resolve these issues at an appropriate time.

Faith Katchmar, 210 Kohnak Lane – The men and women in this room a have taken a pledge to serve and protect the residents of our community. They have undergone training, and take the risks involved in fighting fires. They are susceptible to certain kinds of cancer. When I hear that they are being mistreated by this borough I am enraged. The fireman objected to the fire fee, but they were assured there would not be any micromanagement by council. That agreement has not been honored. They are not employees of this borough, they are volunteers. Communication has gotten so bad that some fireman are threatening to quit. I am asking that a peaceful resolution be reached.

Harry White, 438 Decatur Ave. – I spoke before about the fire department. Let's put our best foot forward and resolve this issue with the fire department.

Linda Mallick, 16 Demmer Ave. – Faith and Harry said it all. Ricky Colella doesn't live in this borough as many other volunteers do not live in this borough. But they do their job and they do it well.

**PUBLIC WORKS COMMITTEE**

Ms. Sowiski

**Motion:** Move to award the contract for the trenchless sewer project to State Pipe for \$115,100.

Moved: Ms. Sowiski  
Second: Ms. Wood

Note: see engineer report below for details on bids received.

Roll Call Vote:

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

**Motion:** Move to award the contract for the conventional sewer projects to Border Patrol for \$42,495.95.

Moved: Ms. Sowiski  
Second: Mr. Tomasic

Note: see engineer report below for details on bids received.

Roll Call Vote:

Mr. Burleigh	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:

Public Works Committee

- A. 2013-14 Sewer Work for the Consent Decree
  - 1) Bids were opened December 19, 2013 for the Trenchless and Conventional Excavation Project. You will recall these projects were re-bid to get lower prices, which is exactly what happened. By rebidding, we saved the borough \$99,560.05. A tabulation of bids was forwarded to the borough under separate cover which shows the following:

Trenchless Technology

State Pipe Services \$115,100.00

Insight Pipe Contr. \$141,650.00

Conventional Excavation

Border Patrol LLC \$42,459.95

Creative Enterp. \$72,500.00

Roto-Rooter \$78,500.00

Our recommendation is to award the Trenchless contract to State Pipe for \$115,100.00 and Conventional contract to Border Patrol for \$42,495.95. Both low bidders are good contractors, qualified to do this work and their prices are fair and reasonable.

2) CCTV inspections to comply with the Operation & Maintenance Plan are in progress by in-house personnel as time permits.

B. 2013 Paving

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

C. CD 39 Demolition

The contract to demolish 617 Barclay Avenue has been issued. Work will start after the County issues grant agreements to the TCVCOG.

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

As we reflect on 2013, we at 3 Rivers Wet Weather recognize the time and commitment that went into your municipal feasibility studies submitted earlier this year and the progress we have made together on the wet weather issue. In 2014, we look forward to continuing our municipal partnerships to address topics such as regionalization and achieving water quality requirements.

As a reminder, municipal managers are invited to become members of the 3RWW Wet Weather Working Group (formerly known as the Feasibility Study Working Group). Meetings will be held on the second Thursday each month, or less frequently. If your municipal engineer previously participated in the Feasibility Study Working Group, they will continue to be invited to the Wet Weather Working Group meetings, unless you request otherwise.

3. The foreman and engineer are reviewing the computer street database (PASER) to assist council in determining streets to consider for the 2014 paving program.

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

- Sanitary Sewer Work
- Haul millings
- Patch potholes
- Repair equipment
- Complete leaf pickup

**FINANCE COMMITTEE**

Ms. Wood

**Motion:** Move to pay 25% of excess 2013 RAD funds as required under state law with half provided to the C.C. Mellor Library Forest Hills Branch and half provided to the Turtle Creek Valley Council of Governments.

Moved: Ms. Wood  
Second: Mr. Kiley

Note: the total 25% increase amounts to \$295.18

Roll Call Vote:

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

**Motion:** Move to approve a 55¢/hour increase in the salary of the part time janitor for the recreation center lodge above the previously approved rate of \$7.40 an hour and an additional 55¢/hour increase upon a favorable evaluation by Ms. Simm and the successful completion of the training after which he will be working on his own.

Moved: Ms. Wood  
Second: Mr. Tomasic

Roll Call Vote:

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

*General Report:*

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Note: there is no motion to approve bills for December on this agenda. That motion will be placed on the February agenda. 2013 accounts have not been closed yet and staff prefers to have all bank statements and closeouts completed first.

Ms. Wood read a letter from Mr. Karas who could not attend as follows:

As the new chair of the finance committee, I understand the concern surrounding the fire protection services fee.

I wish to state that Forest Hills has its fiscal house in order through the efforts of our outstanding manager, our administration and elected council. I appreciate and value our volunteers and realize specifically, that Forest Hills could not have the same level of fire protection without our volunteer fire fighters. We need to work together.

Anyone that wishes to comment on the fee, in a respectful manner, following the committee rules on our website, will be welcome at the February finance committee meeting.

1. The committee recommends that the 2014 budget remain as approved in December without further objection. Mr. Morus will begin putting budget booklets together for publication this month following this meeting and will begin placing budget information on the website in the next few weeks.
2. The chair may be absent this evening and asked that 2 reminders are included here:
  - a. The budget is a blueprint or plan and may be adjusted during the year although the total amount budgeted may not change.
  - b. The fire services fee will be reviewed in committee and all comments will be accepted.

## **BOROUGH PROPERTY**

Mr. Kiley

### *General Report:*

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

#### Borough Property

##### A. Tennis Courts

The contractor has installed the asphalt and fencing. Painting will be deferred until spring since we need 2 weeks of consistent warm weather for the paint to cure.

##### B. Pool Lodge

The gas log installation will be completed by the end of January. This work and the glass door/window replacement is funded by a grant received by Mr. Morus.

2. The committee continues to review the cost of installing a card access system for tennis court use with the engineer and manager. The borough will likely install this system in time for the completion of the work at the courts by mid-May. This will require all those using the courts especially during peak time

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periods to purchase an annual tennis pass. The committee is also considering adding security cameras to the site if the cost is reasonable.

3. Members are working with the solicitor re: an agreement with Trinity Christian for access to their parking lot during peak usage times at the pool.
4. A volunteer with the senior citizen income tax service is concerned about access to the senior center on certain days and times now that Eastern Area Adult Services has cut their hours of operation there. The manager asked that they provide information in writing to council as to what they require to maintain the service or to move the service to another location. To date nothing has been received.
5. The committee is reviewing a suggestion by Ms. Wood to add a volunteer Sustainability Officer and will discuss this further at the next committee meeting.
6. The borough's insurance carrier for liability and property insurance, Glatfelter Public Practice, has strongly encouraged the borough to:
  - Replace or repair deteriorating bench seats at the ball field at Koch
  - Repair/Paint the seesaw at the main park
  - Inspect and replace if necessary all "S" hooks for swings at all parks.

We have informed them that we will do these things this spring in addition to replacement of the merry go round ride at the main park.

## **PUBLIC SAFETY**

Mr. Tomasic

### *General Report:*

1. Members discussed several issues related to fire services in the borough and the volunteer fire department including:
  - a) misinformation campaign
  - b) police exclusion, weight room
  - c) conspiracy theory- vice president – re: community day rumor
  - d) merger letter, Braddock Hills sent on June 17, 2013
  - e) right to know and associated lawyers' fees
  - f) names of resident delinquencies
  - g) withholding of meeting information
  - h) pass through of over \$39,000
  - i) agenda items
  - j) gas cards
  - k) Ordinance – was in response to their letter re: merger with Braddock Hills.

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These items will be discussed with the Volunteer Fire Department in the future. The main issue that has been at the crux of the discussion over the last nine months is the merger issue. Once that is off the table we will try to come to some kind of amicable agreement that includes and represents all the residents of the borough. Our job is that we represent our residents. I welcome future meetings and discussions with them to resolve these issues. This has been going on for quite some time and I believe it will take some time to resolve these issues.

2. A letter had been sent by the manager at the direction of council to the FHVFD on holding future meetings. Their response was delayed in Mid-December due to a VFD member's death. No further response has been received at this time.
3. The chair asked that those in attendance at last week's committee meeting who are interested in commenting call the office or his personal home number and he will arrange a special meeting if necessary to take comments and questions on the VFD merger issue. Council considers the idea of a merger as something that will not be considered and Mr. Tomasic said he is happy to hold an orderly meeting to discuss residents' concerns. He has received numerous phone calls and appreciates the interest on both sides, and he will work as hard as he can to resolve these issues with the fire department in the future.

## **OPERATIONS & POLICY**

Ms. Wood

**Motion:** Move to approve the minutes from the December 18, 2013 council meeting.

Moved: Ms. Wood  
Second: Mr. Tomasic

***Voice Vote – all in favor***

### *General Report:*

1. 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.
2. 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

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**Motion:** Move to approve Resolution 1140 resolving that at a future meeting, the Borough Council will consider an amendment to the Borough Zoning Ordinance to permit small restaurants in the MXO mixed use overlay district as permitted use.

Moved: Mr. Burleigh  
Second: Mr. Tomasic

Steve Korbel comments that currently under our zoning ordinance in the Forest Hills Plaza because of the overlay, small restaurants are not permitted. Small restaurants are defined as restaurants having less than 1,800 square feet. Recently the borough has received an application from an individual requesting to open an ice cream parlor. When I brought this issue to council's attention at the committee meetings, council instructed me to advertise and to prepare an ordinance that would remedy that zoning issue. So what council is doing tonight is, if they pass a resolution and authorize me to advertise our intent to amend to the zoning ordinance at a future date, the law says that the ordinance is amended at this time. The ad is scheduled to run on Monday the 20<sup>th</sup> in the Tribune Review so there is a motion here and I will direct Mr. Earley, the Borough Zoning Officer to process that application at that time. So there is a motion for the resolution and then a motion to file the advertisement.

Resolution title reads as follows:

A RESOLUTION OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, RESOLVING THAT AT A FUTURE MEETING THE BOROUGH COUNCIL WILL CONSIDER AN AMENDMENT TO THE BOROUGH ZONING ORDINANCE TO PERMIT SMALL RESTAURANTS IN THE MXO MIXED USE OVERLAY DISTRICT AS A PERMITTED USE.

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

**Motion:** Move to authorize the solicitor to advertise Council's intention to consider at a future meeting a proposed amendment to the Borough's Zoning Ordinance to permit small restaurants in the MXO mixed use overlay district as permitted use.

Moved: Mr. Burleigh  
Second: Mr. Tomasic

***Voice Vote – all in favor***

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*General Report:*

1. Members again discussed the Silversmith Development. They will hold “outreach meetings” to provide residents with an opportunity to review remediation plans for the property. Dates have been established as Saturday, January 18 at 10 AM and Monday January 20 at 7:00 PM with both meetings held at the rec lodge on Barclay Ave.
2. Code officer Don Branzel reported on his activities for the month.
3. The manager updated members on the status of the EPI Building. Both Code officers have been monitoring the building to ensure that the owners keep it maintained following borough ordinances. We are constantly monitoring that site to ensure that they comply. That doesn’t mean that everything that people see that they don’t like is a violation. He noted that we can only enforce what is in an ordinance. If you are aware of a violation you should immediately contact Don Branzel or Pat Earley for this property or any other properties. Code officers follow proper procedure to ensure compliance in this and all potential situations where a violation may be present. That can sometimes take weeks or even months.
4. The solicitor updated all on the North Braddock Zoning Ordinance draft and suggested several changes that should be communicated to them in writing. The committee authorized the solicitor to send a letter.

The solicitor indicated that the letter will be sent to North Braddock tomorrow.

Old Business:

None

New Business:

Devon requested that the Forest Hills VFD place the letter on the Operations and Policy Committee and asked that the solicitor view the letter as well.

Mr. Burleigh comments that he met the night before with representatives of the fire department. He feels the meeting went well and he is trying to resolve the problem.

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*

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*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.*

Larry Sachs, 253 Sharon Drive – He attended the public safety meeting last Wednesday, and there was no opportunity for public comment.

Ms. Wood clarified the statement made by Mr. Tomasic that as there was no order in the room, he could not allow public comment.

Mr. Tomasic commented that if it could be done in an orderly way, he wanted to allow it. However, the meeting became disorderly and he had no choice. He is opposed to any merger of our fire department. He resents being called a liar and being misquoted.

William Gorol, 408 Marion Ave –The budget for 2014, it looks like the fire departments funding is being cut. The solicitor's fee is also going up by 40%. Is this because of the merger being on the table? Is this because you are suing your own fire department? You are wasting tax dollars to counter sue your own fire department.

Scott McGaw, 408 Lenox Ave – I am a member of the planning commission. Since March of 2013 this dispute is going on. What I have been hearing from people is that they are afraid they are going to lose their fire department. They get notices in the mail, and both sides had better do a better job of communicating.

Bob Janis, 304 Barclay Ave – I'd like to thank all the residents for showing up tonight. When you have a room full of people, instead of just having comments, there should be an opportunity to ask questions. Whenever issues crop up, they should be discussed. He feels that council should have a question and answer period, rather than just public comment.

Mary Rendine, 260 Ridge Ave. – She has been a resident of Forest Hills since 1987 and this is only second borough council meeting she has attended. This week she got a bill and also a letter. We have a mayor and borough manager. They need to sit down with council and resolve this issue.

Fran Hissrich, 1934 Ardmore Blvd – I've been a resident for over thirty years. She got bill from the borough for the fire fee. Then she received the letter about the fire fee. She spoke with Mr. Tomasic on the phone regarding the note she put on her fire fee bill. This issue needs to be resolved.

Ken Mroczkowski, 528 Windsor Avenue – He has been a resident of the borough since 1990. He wouldn't want council's job or those of the firefighters. He comments that since the institution of the fire fee, the firefighters have to account for their spending to council, and he feels that is not right. The firefighters have helped him many times and he is grateful. They have helped him pump out water from the basement of one of his properties.

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Ann Titus, 8 Hawthorne Road – She will not pay her bill until she knows that the fire department is getting their money.

Lois Longo, 482 Atlantic Ave – Objects to the fire service fee. We have to find ways to account for the monies and where they are going.

Frank Sabino, 409 Decatur Ave – noted his past service as mayor and councilman and suggested that in the past they would use meetings to gather information from the public. He feels it is important to listen to residents and what they have to say. He believes that this should continue in the future.

Faith Katchmar, 210 Kohnak Lane – She feels compelled to speak. She comments on Ms. Wood being upset, as the wife of a firefighter.

Ms. Wood commented that she wants people to act with respect both on the part of the audience and council.

Phil Hilf, - representative of Forest Hills Rotary – Provided an update on what the Rotary does and noted their meetings each Wednesday. He noted their community service work includes water well projects in Africa and work with needy families. He also noted the annual Chili Cook Off on May 18th. They are sponsoring an exchange student from Australia who will arrive soon. They are also working with Flivver drivers. They are looking for community service projects to participate in.

William Gorol, 408 Marion Ave. – discussed the budget including expenses in the 2014 budget that were previously paid by council. In the past, the fire fee paid for new equipment for the fire department. Now it is going to pay for their operating expenses, such as vehicle insurance, fuel, telephones, electricity, fire insurance, etc.

Adjourn: Motion to adjourn or adjourn by acclamation

Moved: Mr. Tomasic  
Second: Ms. Wood

***Voice Vote – all in favor***

- Next Scheduled Council Meeting: February 19, 2014.
- Next Scheduled Committee Meetings (order to be determined): Thursday, January 30, 2014 – Borough Property, Operations & Policy, Public Safety, Public Works. Tuesday, February 4, 2014 – Finance, Planning & Zoning, Committee of the Whole. Council may choose to meet as a whole on these dates and conduct business if necessary