

**GLEN OSBORNE BOROUGH
MINUTES OF APRIL 22, 2014
COUNCIL MEETING**

CALL TO ORDER

The regular meeting of Glen Osborne Borough Council was held in Osborne Elementary School on Tuesday, April 22, 2014. President Thomas Huddleston called the meeting to order at 7:33 p.m.

The following individuals were in attendance at the meeting:

Council: James Cohen, Thomas Huddleston, John Orndorff, Mary Scalercio

Officials: Mayor Barbara Carrier, Solicitor Harlan Stone, Secretary Diane Vierling, Treasurer Nancy Ersly

VISITORS Dr. James Ferris 700 Tega Cay Drive
Dominic Munizza 1480 Grandview Way

APPROVAL OF MARCH 18, 2014 MINUTES

The Minutes were not read as members received a copy in their packet. There being no changes, John Orndorff moved the Minutes be approved, with a second by Mary Scalercio. Council voted 4 – 0 to approve the motion.

VISITORS

Dr. James Ferris, resident of 700 Tega Cay Drive, distributed to Council the final revised plan of his proposed subdivision of lots. Dominic Munizza, resident of 1480 Grandview Way, is the engineer of this project. Although he is chair of the Borough's Planning Commission, Mr. Munizza recused himself from the Planning Commission with regards to this project. He appeared at this meeting to assist Dr. Ferris with his presentation. Dr. Ferris stated that changes have been made to the "Ferris Plan of Lots" in accordance to the requests made by the Planning Commission at the last meeting on April 2, 2014.

Dominic explained that the final revised Ferris Plan of Lots consists of three parcels:

Parcel 422-P-224 – bounds the Sadd property to the North

Parcel 422-P-251 – bounds the John Munizza property to the South

Parcel 422-P-304 – bounds the Ferris property to the West

The original area was 2.548 acres and the area revised as part of the plan also equals 2.548 acres. The Hemwall property is not included. As requested by the Planning Commission, a paragraph was added to Lot B in Parcel 422-P-224. Laterals for the sewer line were added.

John Orndorff reported that the Planning Commission voted to recommend to Council that the Ferris Subdivision Plan of Lots, as submitted at the last Planning Commission Meeting (with the exclusion of the Hemwall property), be approved subject to final conditions.

At 7:52 p.m. Council recessed to Executive Session for the purpose of discussing the Ferris Subdivision Plan of Lots.

The Council Meeting reconvened at 8:17 p.m. into regular session. On motion of John Orndorff, seconded by James Cohen, a roll call vote was taken and all voted yes to approve the Ferris Subdivision Plan of Lots subject to the applicant's acceptance of the following conditions:

1. The Developer shall provide that any Owner/Builder shall be responsible for paying all required tapping and connection fees and providing public sewer service to all lots as shown on the Plan.
2. If neither a sewer main extension or a lateral extension to Lot B is installed prior to final plan approval, the Developer must include a note on the Plan stating: "the Owner/Builder of Lot B shall be required to install sewer service to Lot B by a private lateral from the right of way of Sycamore Road through the fifteen foot easement and to the proposed dwelling and that the owner shall be responsible for all future maintenance of the lateral from the limit of the right of way of Sycamore Road, through the fifteen foot easement, and within the confines of lot B. The connection from the Borough's sewer to the limit of the Sycamore Road right of way may be installed by the Borough or the Owner upon the payment of the required tapping and connection fees to the Borough. The lateral and its connection shall be subject to inspection and approval by the Borough Engineer and the Allegheny County Health Department and must comply with the applicable construction standards of the Borough."
3. The Owner/Developer must satisfy all the unresolved conditions and requirements contained in the letters from Allegheny County Department of Economic Development dated February 5, 2014, February 12, 2014, and February 24, 2014, as well as the letter from the Borough's Code Enforcement Officer dated February 25, 2014, and the letter from the Borough Engineer dated March, 14, 2014, all of which are incorporated herein by reference thereto.
4. Developer must include a full set of landowner declarations for all owners to sign; i.e., the owner adoption clause, notary acknowledgment clauses, and title clause shall be in the required form.

5. The Developer, after the subdivision has been recorded, shall ensure that the landowners transfer title to the property, as shown on the plan, by recording the necessary deeds. Developer agrees that this must be accomplished with 30 days of the recording of the subdivision plan.
6. Proper bonds and a Developers Agreement shall be in place. In order to comply with the Borough's Subdivision and Land Development Ordinance well as the Municipalities Planning Code, 53P.S.10509, Financial Security may in the event public improvements are included, be required in an amount acceptable to the Borough. Additionally, a Developer's Agreement that is acceptable to the Borough Solicitor as a form and content will be required.

Solicitor Stone explained to Dr. Ferris that he had fifteen days from tonight to make a decision and he had three options:

1. Accept the conditions that Council has just required of the Ferris Subdivision Plan of Lots.
2. Do not accept the conditions that Council has just required of the Plan. This would be a deemed denial of the Plan.
3. Appeal the denial to Common Pleas Court.

Solicitor Stone stated he would send a decision letter to Dr. Ferris within the next few days.

SECRETARY'S REPORT

Mary Roberts Rinehart Nature Park is seeking a grant from Pennsylvania's Department of Conservation and Natural Resources (DCNR) for a proposed trail maintenance project. MRRNP requested a comment letter from the Borough to assure the Commonwealth that the proposed project is in accordance with the recreation and conservation objectives of the Borough. Barbara Carrier will see if this letter is still needed.

The second annual "Fairy House Building Event" will be held at MRRNP on April 26, 2014 from 12:30 to 3:30 p.m. QVCOG will be hosting "Recycling Day" behind the Bellevue Municipal Building on May 10, 2014 from 9:00 a.m. to 1:00 p.m. Email blasts about these events have been sent. Also, articles have appeared in the Sewickley Herald and the Tribune Review advising residents of the events.

The Borough Secretary was contacted by representatives from "Friends of the Riverfront" who were interested in obtaining riverfront access from the Borough to develop a "water trail access site". They wanted the Borough to sign a License and Maintenance Agreement. The Borough Secretary contacted Allegheny County

Department of Real Estate and Assessments and spoke to the Director of Mapping who researched the Glen Osborne and Haysville boundary line along the riverfront area. Allegheny County's records clearly show that the area they are interested in is entirely in Haysville. The Borough Secretary forwarded this information to the "Friends of the Riverfront" and suggested that they contact John Burger (Arden Riverfront Development) to see if he might be interested in their proposal.

Pennsylvania Local Government Training is holding a training seminar for Municipal Secretaries on May 15, 2014. The cost is \$80. The Borough Secretary requested permission to attend. President Huddleston said yes.

MAYOR'S REPORT

Mayor Carrier reported that there was a car accident at the intersection of River Road and Route 65. Since this was in Haysville, the State Police handled it. In the future, for statistical purposes regarding accidents at the Haysville light, it will be important to contact the Sewickley Police, and also the State Police.

SOLICITOR'S REPORT

Solicitor Stone stated he would review two issues in Executive Session.

PUBLIC SAFETY COMMITTEE

James Cohen reported that the mirror was installed at the bottom of Sycamore Road.

Estimates will be obtained from Duquesne Light for the cost to install electrical drops for wired speed signs.

Mr. Cohen spoke with Upper St. Clair's Manager regarding their deer management program. Mayor Carrier suggested that the QVCOG be involved in developing a program. James Cohen will suggest this when he attends the QVCOG meeting in May.

PUBLIC WORKS COMMITTEE

John Orndorff reported that the traffic signal radar detector at Route 65 and Beaver Road is working, and has been inspected. The PennDOT inspector noted that the Borough needs to paint white "stop bars" on the lanes in each direction.

John Orndorff reported that the "Waste Management Household Hazardous Waste Program" is only being used by a small percentage of our residents. He suggested spreading the word through Mary Roberts Rinehart Park. Barbara Carrier will contact William Boswell for his assistance through MRRP.

Glen Mitchell curbs and sidewalks are becoming progressively worse. The Borough Engineer has recommended replacement based on deterioration of the existing curbing. John Orndorff will obtain three bids for this project. President Huddleston asked that this matter be discussed at the next Council Meeting.

Concerns continue regarding the condition of Sycamore Road. Mayor Carrier expressed serious concern about the wall along Sycamore Road, because it has dropped during this past winter. According to Mayor Carrier, excessive water runoff has caused the wall to sink two inches in the last few years.

PUBLIC SERVICES COMMITTEE

In order to update the Borough's website, a photo of Council and the Mayor will be taken in June.

Mary Scalercio will contact Kevin Flannery and Marty McDaniel to set up a meeting to discuss the Route 65 Corridor Enhancement Plan. Barbara Carrier will also attend this meeting.

Mary Scalercio researched the cost of American flags. The cost to purchase 12 flags locally from Robinson's Home and Garden Store is \$45 more than to purchase them "on sale" from an out-of-state vendor. On motion of Mary Scalercio, seconded by James Cohen, in support local vendors, Council voted 4 – 0 to purchase 12 American flags from Robinson's for \$287.

Mary Scalercio announced that American Cancer Society's "Relay for Life" will be held in Glen Osborne on June 7, 2014.

FINANCE COMMITTEE

President Huddleston reported that according to Kevin Flannery, Glen Osborne will be receiving an EFT payment from Sewickley on April 28, 2014 for reimbursement of the Arden River Development settlement payment.

In March the Borough received \$15,024.62 from the Liquid Fuels Fund.

BILLS

A Check Detail was included in the packet sent to Council, Mayor, and the Solicitor. John Orndorff motioned payment of the bills. James Cohen seconded the motion. Council was polled, and all voted yes to approve the motion.

At 9:39 p.m. Council recessed to Executive Session for the purpose of discussing legal issues with the Solicitor.

The Council Meeting reconvened at 10:05 p.m. into regular session.

President Huddleston read a letter dated April 21, 2014, to Glen Osborne Borough from the Solicitor regarding Consent and Waiver re Representation of Aleppo Township and Aleppo Township Authority:

Dear Council Members:

As you are aware, Aleppo Township and the Aleppo Township Authority, affiliated municipal entitles (collectively, "Aleppo"), are long-standing clients of mine and the law firm of Dickie, McCamey & Chilcote, P.C. (the "Firm"). This letter will specifically address my representation of Aleppo with respect to an investigation by the Pennsylvania Department of Environmental Protection ("DEP"), and the Allegheny County Health Department ("ACHD") and related claims arising from the recent sewer project that involved the connection of Aleppo's and Glen Osborne's recently constructed public sewer systems to the Borough of Sewickley's treatment facilities (the "Project").

The Borough of Glen Osborne wishes to have the Firm and me represent it in connection with a DEP investigation (the "Investigation") of possible violations of environmental laws and regulations occurring during the course of the Project, and these services my include from time to time the investigation of events involving the conduct of Aleppo and/or its consulting engineer, KLH Engineers ("KLH").

Accordingly, the Firm's representation of you and Aleppo in the Investigation may result in a conflict of interest. The Rules of Professional Conduct applicable to all attorneys who practice law in the Commonwealth of Pennsylvania require that we tell you about that potential conflict of interest and seek your consent to the Firm's representation of Aleppo in connection with the Project and the Investigation. The Firm is sending a similar letter to Aleppo.

Although we expect the interests of Glen Osborne and Aleppo will align in most respects, there is the possibility, however, remote, that the interests of each may diverge and become adverse at some point in the course of our representation of both parties. In this event, the Firm may continue to represent the common interests of both parties in an effort to facilitate resolution, however, it must be understood that either party, at any time, may elect to be represented by separate legal counsel. While not anticipated, it also is possible that the Firm may determine that continued representation of both parties is not in the best interests of either client, in which case the Firm will withdraw and advise both parties to seek separate legal counsel.

We are asking that you consent to the Firm's representation of Aleppo in connection with the Project and the Investigation, and that Glen Osborne waive whatever conflicts of interest may now or in the future exist between Aleppo and Glen Osborne, subject to the foregoing provision of this letter.

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If this is acceptable to you, please sign below to confirm and return a counterpart of this letter to me. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,
Harlan Stone
Solicitor

On motion of John Orndorff, seconded by Mary Scalercio, Council voted 4 – 0 to accept the Consent and Waiver.

ADJOURNMENT

There being no further business, on motion of John Orndorff, seconded by James Cohen, Council voted 4 – 0 to adjourn at 10:11 p.m.

Diane Vierling, Borough Secretary