

**MINUTES OF MEETING OF  
SEWICKLEY BOROUGH COUNCIL  
MUNICIPAL BUILDING  
SEWICKLEY, PENNSYLVANIA**

**JUNE 9, 2020**

The meeting of the Borough Council was called to order at 7:05 p.m. with Council President Jeff Neff presiding. The meeting was held via video conference due to the COVID-19 pandemic.

President Neff led the Pledge of Allegiance.

Roll Call showed the following members present:

|                       |              |                 |             |
|-----------------------|--------------|-----------------|-------------|
| Hendrik van der Vaart | Tom Rostek   | Todd Renner     | Jeff Neff   |
| Cynthia Mullins       | Julie Barnes | Christine Allen | Sean Figley |
| Larry Rice            |              |                 |             |

Mr. van der Vaart, Mr. Figley, Ms. Mullins and President Neff were physically present in Council Chambers.

Also participating were Mayor Brian Jeffe, Borough Solicitor Richard Tucker and Borough Manager Marla Marcinko.

President Neff stated that anyone wishing to address Council would have 5 minutes to make their comments and at the conclusion of the 5 minutes, will be asked to relinquish the floor. He asked that groups requesting to speak on the same topic appoint a spokesperson.

**Comments from Mayor/Council President**

Mayor Jeffe stated that he did not have anything to cover which is not on the agenda. He stated that it is wonderful to see life back in the village again and is elated with some return to normalcy.

President Neff expressed thanks to Chief Manko and Chief Quinn for managing the rallies held over the past two weeks. The Mayor also assisted with public safety coordination.

Ms. Allen also expressed her thanks to the Sewickley Police Department and Cochran Hose Company. She stated that white supremacy must end and that approximately 750 people participated in the marches. She stated that Council is not doing its job and expressed concern with the President of Council standing shoulder to shoulder with an armed militia. She stated that people in the community are concerned and deserve better. She stated that she is at increased risk as a member of the LGBTQ community and she and her wife do not feel safe. She feels her concerns are being ignored. She stated that Council needs to take action, as racism and homophobia do not have a home here.

President Neff commented that the concerns previously raised by Ms. Allen related to lack of social distancing at the rally in Pittsburgh. He stated that Ms. Allen played a role in bringing 750 people to Sewickley and putting the safety of the community at risk.

Ms. Allen stated that she had previously raised three concerns, which were included in her statement at the special meeting in May: people were fearful and dismayed; the action violated the Governor's stay-at-home order; and, President Neff posed for a photo with an armed militia. She stated that she did not call for his resignation from Council. She further stated that she had no advance notice of the recent rallies in the Borough and did not play a role in their organization.

President Neff moved to New Business.

A motion was made by Mr. Figley, second by Ms. Mullins, to approve the Council meeting minutes of May 12, 2020. Motion carried 9-0.

Ms. Marcinko noted that public comment had not yet been received.

### **Public Comment**

Jen Doody – 741 Hill Street – Ms. Doody commented that the recent rallies were organized by the people of Sewickley. People were not “brought into” Sewickley, as stated by President Neff. Ms. Doody stated that she had contacted Ms. Allen regarding the photo of President Neff with the local militia. She stated that she addressed President Neff on his social media platforms.

### **New Business**

Mr. Rostek invited Douglas Upton to introduce himself to Council. Mr. Upton is interested in serving on the Planning Commission and the Planning Commission has recommended his appointment. Mr. Upton stated that he is a Senior Consultant with Aspirant and has served in the Marine Corps. His wife is active duty and they have recently returned home to the Sewickley area. Mr. Rostek stated that Mr. Upton has shown interest and enthusiasm over the past several months in the work of the Planning Commission. He stated that Mr. Upton has a number of different experiences which will bring new perspectives to the Commission, such as his service in the military and having a young family. The Planning Commission unanimously supports his appointment.

A motion was made by Ms. Allen, second by Mr. Rostek, to appoint Douglas Upton to the Planning Commission to fill the unexpired term of Jeff Tyson, which will continue through December 31, 2022. Motion carried 9-0.

The Mayor stated that the Tull Family Theatre owns the building and contents and the Borough owns the land on which it sits. In accordance with the lease agreement, the rent paid is to increase in 2020 to include 1% of sales. The Mayor stated that their rent has been paid on time consistently.

A motion was made by Ms. Mullins, second by Ms. Allen, to grant relief to the Tull Family Theatre from Percentage Rent for a period of one year, beginning June 1, 2020. President Neff stated that he has no affiliation with the Tull Family Theatre, even though one of his client's names is on the building. Motion carried 9-0.

Ms. Marcinko explained that the PLCB requested clarification on the Borough's prior action regarding the closure of Division Street for use by Lula, requiring a temporary permit from the PLCB for outdoor liquor sales. The prior action granted approval for a one-month period. The PLCB requested that the Borough consider approving the closure for the entire period requested, subject to revocation.

A motion was made by Mr. Rostek, second by Mr. van der Vaart, to approve the closure of Division Street, between Broad Street and Hegner Way, Thursdays through Saturdays, between the hours of 4:00 p.m. and 11:00 p.m., through September 5, 2020, subject to revocation based upon State guidelines issued in response to the COVID-19 pandemic or other emergencies, including severe weather. Motion carried 9-0.

A motion was made by Ms. Mullins, second by Mr. van der Vaart, to approve a Certificate of Historic Appropriateness for the accessory structure (garage) located at 922-924 Beaver Street, per the recommendation of the Historic Review Commission. Motion carried 9-0.

A motion was made by Ms. Allen, second by Ms. Barnes, to approve a Certificate of Historic Appropriateness for exterior renovations at 210 Frederick Avenue, per the recommendation of the Historic Review Commission. Motion carried 9-0.

A motion was made by Ms. Mullins, second by Ms. Barnes, to approve a Certificate of Historic Appropriateness for a church to residence conversion at 201 Frederick Ave, per the recommendation of the Historic Review Commission. Motion carried 9-0.

A motion was made by van der Vaart, second by Mr. Renner, to accept the Financial Reports, which included the following:

- Revenue/Appropriation Analysis Report – All Funds
- Account Balances as of May 29, 2020
- Vehicle Expense Report
- Approving Bills to be Paid

Mr. van der Vaart commented on the year-over-year difference on revenue and stated that the Borough may be beginning to see the impact of the COVID-19 pandemic on revenues. Ms. Marcinko cautioned that, barring a review of all transactions, the difference could be attributable to a one-time anomaly. Mr. Rice commented that EIT did not appear to be affected yet. Motion carried 9-0.

A motion was made by Mr. Figley, second by Ms. Barnes, to accept the monthly reports, which included the following:

- Cochran Hose Company
- Code Enforcement – Harshman
- Earned Income Tax Collection Update
- Monthly Pension Plan Summary
- Police Report
- Public Works
- Wastewater Treatment Plant

Motion carried 9-0.

## **Old Business**

### **Glass Recycling**

Ms. Barnes stated that discussions began on this subject in January, 2020 and she would like to offer a recommendation based upon information she has reviewed over the past couple months. Ms. Barnes stated that she has been in communication with Ashley DiGregorio, PA Resources

Council (PRC) and Suzanne Waters, Sustainable Sewickley. She would like to offer a motion to approve 3 visits for the traveling glass recycling trailer for the remainder of calendar year 2020. She suggested that the bin be located at War Memorial Park. She offered that this would be a bridge solution until something more long-term could be worked out. The cost is \$900.00 per visit (one week), with an additional \$300.00 charge if the trailer fills up two times in a week. Ms. Barnes stated that this would provide a quarterly option for residents.

A motion was made by Ms. Barnes, second by Mr. Rostek, to approve 3 visits of the glass recycling trailer for calendar year 2020.

Ms. Mullins questioned the placement of the trailer at War Memorial Park and expressed concern with broken glass in the area. Ms. Barnes stated that trailer is entirely enclosed with a sliding door on the side through which the glass is deposited. PRC monitors and cleans up the site. There had been some discussion about locating the trailer at the Quaker Village Shopping Center, but that location is not in the Borough.

Mr. Renner questioned whether the cost is impacted by the number of municipalities participating. He recommended contacting other municipalities to gauge their interest, prior to voting.

President Neff stated that the Quaker Village Shopping Center location was discussed by the Mayors' and Presidents' forum.

Mr. Rice suggested working with Ms. Marcinko to see if there are monies available for this project.

Mayor Jeffe thanked Ms. Barnes for researching the issue and stated that there is a facility at 408 Hoffman Road, Pittsburgh, for glass recycling.

Ms. Barnes stated that she is fine with waiting until next month for action.

Ms. Marcinko inquired of Ms. DiGregorio as to whether there are Section 902 grants available to purchase a recycling trailer and establish a program. Ms. DiGregorio stated that the Section 902 grant deadlines were extended and no award announcements have been made. Dormont Borough, as the municipal applicant, is partnering with PRC on a multi-municipal/regional effort.

A roll call vote was taken on the motion:

Aye – Mr. Rostek, Ms. Allen and Ms. Barnes

Naye – Mr. van der Vaart, Ms. Mullins, Mr. Figley, Mr. Renner and President Neff

Abstain – Mr. Rice

Motion failed 3-5 with one abstention.

Mr. Renner questioned the reason for Mr. Rice's abstention. Mr. Rice stated that we need to know there are funds available for the project and that information can be available next month.

Mr. Renner asked Solicitor Tucker to clarify under what circumstances Council members are permitted to abstain from voting.

Solicitor Tucker advised that a member can abstain and the reason for the abstention should be recorded. A member cannot be prevented from abstaining.

Mr. Renner stated that the reason for the abstention must be provided.

Mr. Rostek commented that there must be a conflict in order to abstain, but does not know how that is enforced.

Mr. Renner stated that Council members have a duty to vote.

### **Solicitor's Report**

Solicitor Tucker provided his report, invoice, tax assessment appeals, tax assessment appeal conciliation letter and update on the hearing regarding code enforcement action on 860 Nevin Ave.

Ms. Barnes questioned whether it was unusual to receive the assessment appeal notices. Solicitor Tucker advised that we always receive notice but typically do not attend or participate.

Solicitor Tucker clarified that the hearing on 860 Nevin Ave related to the property owner taking an appeal of a \$1,000 fine, imposed by the MDJ, for property maintenance violations.

Mr. James Chappelle inquired as to when project overrun costs for his garage construction at 922-924 Beaver would be discussed. Ms. Marcinko advised that it will be discussed in executive session.

President Neff raised the request to hold yoga classes on Hegner Way for discussion. A motion was made by Ms. Barnes, second by Mr. van der Vaart, to approve the request subject to compliance with CDC and ACHD guidelines. Mr. Rostek questioned how this fits in with permitted activities during the Green Phase of the Governor's Reopening PA Plan. Ms. Barnes stated that social distancing requirements need to be observed.

### **Discussion Items**

#### **Amendments to the Subdivision and Land Development Ordinance related to Road Construction Standards**

Mr. Rostek stated that Planning Commissioner Ed Green performed a thorough review of the Borough's Subdivision and Land Development Ordinance and recommended a review of the Road Construction Standards to align with the Borough's road construction specifications. The Borough Engineer reviewed the Standards and made several recommendations to achieve this alignment. It was the consensus of Council to proceed with the preparation of an amendment to the SALDO to this end.

#### **Outdoor Dining Concept**

Planning Commissioner Nathan St. Germain stated that the Planning Commission, at its last meeting, had discussed opportunities to help the restaurants in the business district increase their capacity through an increased footprint. He and the designers in his firm created three concepts: an open streets concept (pedestrian traffic only); an occupied parking concept; and, an occupied public space concept. For the occupied parking concept, parking areas with adjacencies to the location/business would be identified and a fee could be paid to offset lost parking meter revenue. The public green space in front of the Tull Family Theatre was suggested as an area for the occupied public space concept.

Ms. Mullins stated that she liked the use of the theater open space and commented that there had been a plan prepared for development of that space.

President Neff inquired as to how to manage safety with the occupied parking concept and who would pay for the tables, chairs, umbrellas and planter boxes. Mr. St. Germain stated that the restaurant owners should be incentivized by the opportunity for increased revenue with the increase in number of tables. President Neff stated there should be some distance between the diners and traffic. With sidewalk dining, parked cars create a buffer. He stated that this is something the Parking Authority can discuss at its next meeting.

Ms. Marcinko thanked Mr. St. Germain for his work and suggested starting a dialogue with stakeholders as soon as possible and offered to assist in facilitating this discussion.

President Neff suggested that the Mayor, Chief Manko, Borough Manager and SVCC meet to discuss the concepts.

Ms. Mullins expressed concern with the potential for diverting traffic into residential neighborhoods with street closures.

Mr. St. Germain thanked Council for the opportunity to present the concepts.

### **Borough operations during Emergency Declaration related to COVID-19 pandemic**

Ms. Marcinko stated that she had provided Council guidance from the Governor's Reopening Plan under the Green phase, as well as information on in-person operations for businesses.

Mr. Renner questioned how operations would be different in going forward than how we are operating currently.

Ms. Marcinko stated that the building would be posted with a message that in-person contact would be by appointment only.

President Neff inquired as to why the other offices in the Borough building were closed as their type of work would permit that distance could be maintained. Ms. Marcinko stated that the Union Aid Society continues to conduct business and the Sewickley Water Authority has moved their operations off-site, with the support of its Board of Directors to continue telework. Ms. Marcinko stated that there is little to no work that cannot be performed remotely. Staff has been able to make arrangements when necessary to put documents/materials in the hands of people through a drop-off/pick-up system. She stated that the only measure available to her to better protect staff is to limit in-person interaction.

Ms. Barnes stated that the guidelines provide that telework is preferred, if available.

Ms. Marcinko stated that she, Ms. Frynkewicz and Ms. Vierling are in the office every day. Ms. Vierling is the only staff person for Glen Osborne. She has received no complaints or reports of issues that work is not being performed/conducted.

Mr. Rostek inquired as to how meetings will be conducted in going forward under the Emergency Declaration. Ms. Marcinko stated her concerns with opening the building to public meetings. Additional traffic in the building requires increased cleaning and disinfecting. She

stated that staff is also concerned and she has shared those concerns with Council. She stated that it is important to her to recognize those concerns and not be dismissive of them.

President Neff questioned whether building permits are being issued in a timely manner. To Ms. Marcinko's knowledge, they are.

Mr. Renner inquired of Ms. Marcinko as to what message this sends to the residents. Ms. Marcinko stated that she has not received any complaints about the building being closed to the public.

Mr. van der Vaart stated that the information Ms. Marcinko provided regarding how other municipalities are managing the reopening phases was helpful.

Ms. Barnes stated that it is important to take into account how the employees are feeling about returning to the office to work and questioned what is needed for them to feel comfortable. Ms. Marcinko stated that the number of deaths and positive case numbers would need to continue to decrease and remain at a low level.

Ms. Allen stated that her employer, a Fortune 50 company, is following the guidance from the CDC and its own medical director and will be working remotely until at least the end of the summer. She commented that the impact of the pandemic is continually changing. She expressed confidence in Ms. Marcinko and support to make these decisions for the Borough.

Mr. van der Vaart stated that he wants to support the employees and hear their concerns. Calculated decisions must be made based upon the data available and should be evaluated every month.

Ms. Barnes suggested having Ms. Marcinko make the decisions regarding employee work.

Ms. Allen stated that the Emergency Declaration is in effect until the beginning of September and suggested that the Borough continue on the current path relative to operations until then.

Ms. Barnes questioned how mitigation measures would be followed with allowing Council and the public in Council Chambers.

A motion was made by Mr. Rostek, second by Ms. Allen, for Council to hold a "hybrid" meeting for its regular meeting in July with Council Chambers open to those members who wish to attend in person and remote participation for the other members of Council and the public.

A roll call vote was taken on the motion:

Aye – Mr. Rostek, Ms. Allen, Ms. Barnes, Ms. Mullins, Mr. Figley and Mr. Rice

Naye – Mr. van der Vaart, Mr. Renner and President Neff

Motion carried 6-3.

Council recessed to executive session to discuss litigation at 9:15 p.m. President Neff announced that there would be no action taken following the executive session.

Council came out of executive session at 9:32 p.m.

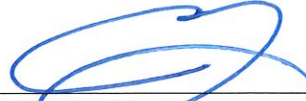
Being no further business, on motion of Ms. Mullins, second by Mr. Rostek, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,



---

MARLA P. MARCINKO  
Borough Manager/Secretary



---

JEFF NEFF  
President of Council