

**BOROUGH OF BELL ACRES
BOROUGH COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 10, 2018**

REGULAR MEETING

The Regular Meeting of the Borough Council of the Borough of Bell Acres was held on Monday, September 10, 2018, at the Big Sewickley Creek Volunteer Fire Hall, 1850 Big Sewickley Creek Road, Sewickley, PA 15143.

PUBLIC DISCUSSION

J. R. Henry, Director of the Quaker Valley Ambulance Authority addressed Council in order to provide the history and information regarding their service. Mr. Henry extended his thanks and recognition to Sharon Woodman, who is a very dedicated public servant and currently Vice President of the Authority. He noted that Ms. Woodman represents Bell Acres Borough very well among eleven municipalities within 27 sq. miles. He explained their services, fleet, training, staff, funding, expenses, and revenue. There is one station location on University Blvd. Residents are assessed a per capita fee. Unfortunately with the struggles, the \$8 annual per capita subsidy will be increased this year to \$9 per capita. He thanked Council for giving him the opportunity to give the presentation with hopes that they are providing an exceptional service. He also thanked the Chief and members of the fire department.

Mr. Alvania asked if Valley can provide a stationary ambulance on this side of the river. Mr. Henry explained that it is not cost effective to open another station and staff it, difficult to find a garage, and receive the calls. Additionally, he stated that majority of the calls occur on the other side of the river.

Tracy Benson of 2280 Camp Meeting Road announced that on behalf of the Ladies Auxiliary, the Big Sewickley Creek Fire Department is planning a Spaghetti Dinner on September 29, 2018. The purpose is to buy new signs and promote the hall. She would appreciate everyone's support.

MEETING CALLED TO ORDER

The Meeting was called to order by Mr. Young, President of Council (Acting Mayor) at 7:25 p.m.

- (X) Dennis Young, President of Council (Acting Mayor)
- () David Renfrew, Vice President of Council - Excused
- (X) Chris Abell
- (X) Kenneth Alvania
- (X) Brock Meanor
- (X) Michelle Veeck
- () Greg Wagner – Excused

MAYOR

- () Ronald Besong, Mayor – Excused

BOROUGH ENGINEER

- (X) Richard Shoup – Shoup Engineering, Inc.

BOROUGH SOLICITOR

- (X) Robert Max Junker – Babst Calland

STAFF

- (X) Charles Kulbacki, Borough Manager
- (X) Lisa Fleming, Borough Secretary

MAYOR'S REPORT

The Mayor's Report for the month of August has been submitted in writing and made a part of the minutes.

Mr. Young announced that Council received a signed resignation from Mayor Besong dated August 31, 2018. Due to Mayor Besong's resignation, Mr. Junker announced that Mr. Young is presently the Acting Mayor and can run the meeting; however, he is not permitted to vote, unless there is a tie. Mr. Junker confirmed there was a quorum for the meeting with 4 of 6 Council members in attendance because as Acting Mayor, Mr. Young is not counted.

APPROVAL OF THE MINUTES

MINUTES OF THE REGULAR MEETING

A motion to approve the minutes of the Regular Meeting held on August 13, 2018, was made by Mrs. Veeck and seconded by Mr. Abell. All in favor. Motion carried.

TREASURER'S REPORT

A motion to approve the Treasurer's Report for August 2018 as distributed and ratify payments totaling \$87,663.16 out of the General Fund and \$141.08 out of the State Fund, was made by Mr. Alvania and seconded by Mr. Meanor. All in favor. Motion carried.

OLD BUSINESS

18 HIGHVIEW DRIVE

Mr. Abell asked Mr. Junker if he could explain the procedure that the Borough is undertaking in with the property of 18 Highview Drive. Mr. Junker explained that we are under the Solid Waste Ordinance process in notifying the property owner of the issue. A "Notice of Violation" has been posted on the property. The Notice was enforced through a non-traffic citation with Magistrate Ford. Sandy Nelko of Shoup Engineering viewed it and filed five citations. In terms of other actions, the structure looks to be secure and property is overgrown, but it does not appear the structure is in violation of the property maintenance code. We could look for signs of public nuisance such as rodents and rats. Overgrown bushes are not sufficient to cite the owner. If it becomes a public nuisance, we can pursue an action of equity, clean the property and send the bill to the property owner. Unfortunately, none of the options are quick or satisfying to the neighboring residents. Mr. Junker stated that the Borough is looking for compliance. The Magistrate is willing to work with the Borough and the property owner. Mr. Shoup stated that additional addresses of the owner will be provided to the Magistrate on Tuesday, 9/11/2018.

COMMITTEE REPORTS

BUDGET & FINANCE – Mrs. Veeck

No Report

PUBLIC SAFETY – Mr. Renfrew - Excused

No Report

PUBLIC WORKS – Mr. Alvania

Mr. Alvania stated that engagement of the temporary subcontractor to assist the road department in concrete work has been delayed because of the weather.

PROPERTY & SUPPLIES – Mr. Wagner (Excused)

No Report

GOVERNMENT & LEGISLATION – Mr. Meanor

CIVILIAN POLICE REVIEW BOARD

Mr. Meanor reported that a letter was received from Allegheny County regarding the possibility of a Civilian Police Review Board being formed, in which he expressed his concerns.

CAMP MEETING ROAD – WATER ISSUES

Mr. Meanor expressed his thanks to Carl Bohn and the Road Crew for their assistance in dealing with the water problem on Camp Meeting Road. He reported that there are no more water issues, even after all the rain we received this week.

ZONING – Mr Abell

Mr. Abell reported that the Planning Commission has come full circle and generated the following ordinances:

ORDINANCE NO. 1082018 – GEOPHYSICAL/SEISMIC TESTING

Providing for the Regulation of Geophysical/Seismic Testing by Amending Sections 165-5C, 165-24A, and 165-26

ORDINANCE NO. 1092018 – REGULATION OF INJECTION WELLS

Providing for Further Regulation of Injection Wells by Amending Sections 165-5C, 165-24A, and 165-2F

ORDINANCE NO. 10102018 – REGULATION OF USES

Providing for the Regulation of Uses Not Provided for in Article II of Chapter 165 of the Borough of Bell Acres Code by Amending Section 165-23

ORDINANCE NO. 10112018 – MEDICAL MARIJUANA ACT

Amending Chapter 165 in the Code of the Borough of Bell Acres, "Zoning", to Establish "Medical Marijuana Dispensary" and "Medical Marijuana Grower/Processor" as Conditional Uses in the M-2 and the M-3 Zoning Districts; Establish Definitions; Establish Use-Specific Criteria for the "Medical Marijuana Dispensary" and "Medical Grower/Processor" Uses; Repeal All Prior Inconsistent Ordinances; Provide a Severability Clause; and Establish the Ordinance Effective Date

ORDINANCE NO. 10122018 – COMBINING FOUR AMENDMENTS INTO ONE ORDINANCE

This Ordinance combines four amendments into one ordinance.

Mr. Junker stated that the amendments are zoning ordinances - three pertain to oil and gas and one pertains to medical marijuana. An in-depth discussion took place. Mr. Abell said that based on the Planning Commission's and Shoup Engineering's recommendations, it was advised that they combine the ordinances into one package rather than four different ordinances. Mr. Junker explained the enactment process.

A motion to combine four ordinances into one ordinance and go to the Allegheny County for review was made by Mr. Abell and seconded by Mr. Alvania. All in favor. Motion carried.

LETTER PERTAINING TO SHELL FALCON ETHANE PIPELINE

Mr. Abell discussed the continued concerns of the Shell Falcon Ethane Pipeline going into the Ambridge Reservoir.

A motion to send another letter to DEP in order to voice our concerns considering the pipeline and extend the time for comment was made by Mr. Abell and seconded by Mr. Alvania. All in favor. Motion carried.

PUBLIC MEETING – PLANNING COMMISSION'S COMPREHENSIVE PLAN

Mr. Abell reminded everyone that on Wednesday, September 12, 2018, from 7:00 p.m. to 8:30 p.m. there will be an informative Public Meeting on the Planning Commission's work on the Comprehensive Plan.

NEW BUSINESS

2019 MINIMUM MUNICIPAL OBLIGATIONS FOR BELL ACRES BOROUGH PENSION PLANS

A motion to certify the 2019 MMO for the Police Pension Plan of \$58,402.00 was made by Mrs. Veeck and seconded by Mr. Abell. All in favor. Motion carried.

A motion to certify the 2019 MMO for the Non-Uniformed Pension Plan of \$27,454.00 was made by Mr. Meanor and seconded by Mr. Abell. All in favor. Motion carried.

LETTER OF RESIGNATION FROM MAYOR RONALD L. BESONG, SR.

With much reservation and a heavy heart, Mr. Young read the Letter of Resignation from Mayor Ronald L. Besong, Sr.

A motion to accept Mayor Ronald L. Besong, Sr.'s resignation was made by Mr. Alvania and seconded by Mr. Abell. All in favor. Motion carried.

LETTER OF RESIGNATION FROM BERNICE EWANKO OF THE CIVIL SERVICE COMMISSION

Mr. Young read the Letter of Resignation from Bernice Ewanko of the Civil Service Commission.

A motion to accept Bernice Ewanko's resignation was made by Mrs. Veeck and seconded by Mr. Meanor. All in favor. Motion carried.

LETTER OF RESIGNATION FROM WILLIAM WYTIAZ OF THE ZONING AND HEARING BOARD

Mr. Young read the Letter of Resignation from William Wytiaz of the Zoning and Hearing Boards.

A motion to accept the resignation of William Wytiaz was made by Mr. Abell and seconded by Mr. Alvania. All in favor. Motion carried.

After the motions, Mr. Young stated, "We lost three really great awesome people tonight." Mr. Kulbacki also stated that none of these resignations have any type of political overtones. They all expressed their concerns that they are retired and it's time.

LETTER OF INTEREST FROM KENNETH ALVANIA TO FILL THE POSITION OF MAYOR

Mr. Young announced that he received a Letter of Interest from Mr. Kenneth L. Alvania who would like to fill the Mayor's position until the next municipal election. He stated that Council was aware of Mr. Besong's resignation; however, the letter he previously presented was not signed. He expressed that Mr. Alvania has been on Council for 11-12 years and has expressed an interest in writing to fill the position of Mayor. He further stated that if Council is in agreement, he suggests that Council appoints Mr. Alvania tonight as Mayor, pending his resignation from Council, proof of residency and being sworn in by the Judge. Mr. Alvania confirmed that he was resigning his membership on Council so that he could be appointed as Mayor.

A motion to appoint Kenneth L. Alvania as Mayor of the Borough of Bell Acres until the next municipal election, contingent upon receiving his resignation of Council, Affidavit of Residency, and Oath of Office was made by Mr. Abell and seconded by Mrs. Veeck. Mr. Alvania abstained from voting. All in favor. Motion carried.

Mr. Junker explained the quorum rules for a majority of the membership of Council then in office. He stated that with Mr. Young serving as Acting Mayor and Mr. Alvania formally resigning from Council, we are down to 6 members of Council without Mr. Young and then we are down to 5 members of Council without Mr. Alvania. We still, nevertheless, have a quorum of 3 out of 5 Council members because we have present Mr. Meanor, Mr. Abell, and Mrs. Veeck.

LETTER OF RESIGNATION FROM KENNETH ALVANIA AS BOROUGH COUNCIL MEMBER

Mr. Young read Mr. Alvania's Letter of Resignation as Borough Council Member, as a matter of formality.

A motion to accept Mr. Alvania's resignation as Borough Council Member was made by Mr. Meanor and seconded by Mr. Abell. All in favor. Motion carried.

RESOLUTION NO. 09102018A – APPOINTING KENNETH L. ALVANIA TO FILL THE VACANCY RESULTING FROM THE RESIGNATION OF MAYOR RONALD L. BESONG, SR.

Mr. Young stated that Resolution No. 09102018A acknowledges the resignation of Mayor Ronald L. Besong, Sr. and appoints Kenneth L. Alvania to fill the vacancy of Mayor.

A motion to enact Resolution No. 09102018A was made by Mrs. Veeck and seconded by Mr. Abell.

Mr. Young announced that before the vote, he will open the floor for any public comment. Mr. Harry Lavelle of 1667 Big Sewickley Creek Road stated, "I think you picked a good one."

All in favor. Motion carried.

Mr. Young then led a discussion about filling the vacancy resulting from Mr. Alvania's resignation and appointment as Mayor. An in-depth discussion took place. John J. Walliser, Planning Commission Member, was offered as a candidate to fill the vacancy.

RESOLUTION NO. 09102018B – APPOINTING JOHN J. WALLISER TO FILL THE VACANCY RESULTING FROM THE RESIGNATION OF A BOROUGH COUNCIL MEMBER

A motion to enact Resolution No. 09102018B acknowledging Kenneth Alvania's resignation and accepting the appointment of John J. Walliser to Council for the remainder of the term was made by Mr. Abell and seconded by Mr. Meanor.

Mr. Young opened the floor to Public Comment. There was no Public Comment.

All in favor. Motion carried.

CORRESPONDENCE
LITTLE SEWICKLEY CREEK WATERSHED ASSOCIATION

Mr. Abell announced that the Little Sewickley Creek Watershed Association had 38 volunteers that walked 26 miles of the creek and did a complete evaluation. The result of that assessment will be presented on September 26, 2018, at 7:00 p.m. at the Fern Hollow Nature Center.

ADJOURNMENT

There being no further business to transact, a motion to adjourn was made by Mrs. Veeck and seconded by Mr. Abell. All in favor. Motion carried. Meeting adjourned at 8:21 p.m.

Respectfully submitted,



Lisa J. Fleming, Borough Secretary