



FOX CHAPEL
BOROUGH

MINUTES

FOX CHAPEL BOROUGH COUNCIL MEETING HELD SEPTEMBER 16, 2024

PRESENT: Andrew C. Bennett, Council President; Harrison S. Lauer, Vice-President; Frederick C. Leech, Betsy Monroe, Bradley D. Harrison, Sarah Hanna, Jonathan Colton, Councilmembers; Walter A. Scott, III, Mayor; A. Bruce Bowden, Solicitor; Gary J. Koehler, Borough Manager; Jeanine A. Mancuso, Treasurer; Michael J. Stevens, Chief of Police Larry Kurpakus, Public Works Director; Shawn M. Peterson, Borough Secretary

ALSO

PRESENT: Austin Henry, Chairperson for the EAC; Wesley Posvar, Chairperson for the Park Commission; Avery Litwin, Ethan Kolek, Junior Councilmembers; Ben Shopland, Chief for Foxwall EMS; Mike Pohl, Fox Chapel Volunteer Fire Department; Tom Swisher, Fahringer, McCarty, Grey, Inc.; Kabeer Chopra, Shady Side Academy Student; Marylynn Heuck, Kim Forrest, Charlene Campbell, Fran Muracca, Residents

VIA ZOOM: John Boyer, Diane Nguyen, Benjamin Finan, Residents; plus three others

Mr. Bennett called the meeting to order at 5:59 p.m.

Before the Public Hearing, Mr. Bennett stated that residents in the audience wished to speak about the Refuse and Recycling Contract. He said that the Borough's current contract isn't complete for another year and a half. The Refuse and Recycling Subcommittee is in the due diligence stage of the process and will consider resident comments and concerns when working as the Borough moves forward in this process. Mr. Bennett said that the results of the survey that was sent to all residents will be published in the fall newsletter.

PUBLIC HEARING

At 6:02 p.m., Mr. Bennett opened the Public Hearing for the Joint Comprehensive Plan.

Mr. Bennett introduced Jenni Easton from Pashek +MTR. Ms. Easton provided a summary of the content of *Plan for Our Future*, the Joint Comprehensive Plan for Fox Chapel Borough and O'Hara Township.

She stated that O'Hara Township's Planning Commission had recommended the approval of the Plan without further changes beyond a revision involving the possible inclusion of Chapel Harbor Riverfront Park (a privately owned park in O'Hara Township) and erosion control measures on the park's property. O'Hara's Council met on September 3, 2024, and will hold a public meeting on October 1, 2024, to hear public comments concerning the adoption of the Plan.

Mr. Colton asked if the Borough can review O'Hara Township's suggested amendment to the Plan. Ms. Easton said that Pashek +MTR will review and send information to the Borough before O'Hara's meeting on October 1, 2024. Mr. Bowden stated that the Borough Council can still approve the Plan as submitted and amend it later to accommodate the modifications made by O'Hara Township. He stated that the Plan is a living document, which means it is changeable.

Ms. Hanna thanked all those involved in the process throughout the long and detailed process. Mr. Lauer thanked Pashek +MTR for their involvement in the Plan.

At 6:18 p.m., Mr. Lauer moved to close the Public Hearing. Ms. Monroe seconded the motion, which passed unanimously.

CONSIDERATION – Resolution No. 699

Mr. Lauer moved to adopt Resolution No. 699, adopting the *Plan for Our Future* as the Borough's Comprehensive Plan, contingent upon the revisions made by O'Hara Township. Mr. Leech seconded the motion, which passed unanimously.

MINUTES COUNCIL MEETING

SEPTEMBER 16, 2024

Page 2

Mr. Bennett thanked Jim Pashek and Pashek +MTR for their efforts in gaining additional funding for the rehabilitation and further development of McCahill Park, including stormwater management efforts. The Borough was originally awarded \$128,900 in the DCNR grant, but now the grant includes \$32,200 for a total revised award of \$161,100.

MINUTES

Ms. Monroe moved that the August 19, 2024, meeting minutes be approved. Ms. Hanna seconded the motion, which passed unanimously.

RESIDENT COMMENTS

Marylynn Heuck, 1140 Fox Chapel Road, stated she circulated an email to the Borough's residents after discussing the June 2024 Refuse and Recycling survey with her neighbors. She stated she was alarmed by the survey because she felt that if residents didn't want a tax increase, then the only option was to choose automated service.

Kim Forrest, 1090 Fox Chapel Road, stated it is impossible for her household to drag garbage cans down a shared driveway due to the length and topography. She said that the Borough needs to consider the topography of many residents in the Borough when making decisions with the future contract. She stated she felt the survey was one-sided.

Charlene Campbell, 755 Bending Oak Lane, stated she lives off of a very long private lane, and topography must be considered when deciding on the new garbage contract. She also said that the current hauler is personable, and moving to automated service makes things less personable and results in job losses. She asked the Borough to consider this.

Fran Muracca, 202 Staffordshire Place, mentioned the recent burglaries in the Borough, particularly the one that occurred on his road. He said he was concerned that neither the Police Department nor Allegheny County detectives spoke with residents on his street about the matter or made inquiries. He asked if the Borough has had discussions with the District Attorney's office regarding security grants that are available to help municipalities in this situation. He said he realized it's a sensitive situation, but the Borough has many concerned residents.

Chief Stevens said he would investigate whether County detectives or Borough officers went to the neighbors to speak with them about the burglaries. He said that the Borough, along with Indiana and O'Hara Township Police Departments, was contacted by the District Attorney's office regarding Security Grants for license plate readers at intersections in the municipalities and is awaiting more information. Several are already in place at major intersections.

PARK COMMISSION

Chairperson Wesley Posvar summarized four main points of the September 9, 2024 Park Commission meeting. He said the 1 mile/5k Foxtrot run sponsored by the Fox Chapel Parks Conservancy on Sunday, September 8, 2024, was a huge success. There were more than 220 entries and almost 50 donors. An approximate \$7,000 profit from the race will go towards the rain garden plantings at McCahill Park when construction concludes.

Mr. Posvar also stated that the McCahill Park construction has begun. He said the earthmoving portion of the construction should be completed in November.

He said that the Borough will receive 1,000 trees from the 10 Million Tree Project and Allegheny County. Volunteers will assist the Borough with planting many of the trees, and the Borough also plans on giving trees away to residents.

Lastly, Mr. Posvar said that an Eagle Scout presented his Eagle Scout Project to Commission members. The project targets Hemlock Woolly Adelgid (HWA) and is three-pronged: communication—creating a website and educating the public on Hemlock Woolly Adelgid; inventorying the Hemlock trees in public lands in the Borough with the assistance of volunteers; and conducting an experiment with beetles that feed on HWA and are USDA approved as a method of removing HWA. The beetles die off when the HWA has been consumed.

MINUTES COUNCIL MEETING

SEPTEMBER 16, 2024

Page 3

The Park Commission approved the project, which will include two trees in Salamander Park treated by beetles, two trees in the Borough treated by chemical means, and two trees used as the control for the experiment.

ENVIRONMENTAL ADVISORY COUNCIL

Chairperson Austin Henry summarized Environmental Disturbance Application 24-19, 201 Raynor Lane, proposed addition and pool area.

Mr. Henry stated that the EAC recommends approval of Environmental Disturbance Application 24-19 as submitted, including:

- The waiver of the 15% limitation of disturbance on very steep slopes with low risk up to 32.09% as requested.
- Granting of the requested waiver from the requirement of a geotechnical report given the limited disturbance and construction involved with the project.
- Subject to ACCD approval.
- Subject to the other standard requirements set forth in the LSSE letter dated September 6, 2024.

Mr. Leech moved to approve Environmental Disturbance Application 24-19, as submitted, subject to the items outlined in the EAC's recommendations. Mr. Harrison seconded the motion, which passed unanimously.

Mr. Henry summarized Environmental Disturbance Application 24-20, 350 Raynor Lane, which proposes the construction of a single-family dwelling.

Mr. Henry stated that the EAC recommends approval of Environmental Disturbance Application 24-20 as submitted, contingent upon the following:

- The applicant procured a letter amending the geotechnical report stating the conclusions in the previously submitted report apply to the development currently being contemplated.
- Reevaluation of the removal of tree no. 5041
- Submission of the standard requirements set forth in the LSSE letter dated September 9, 2024
- Addressing the freeboard comment in the LSSE letter by raising the elevation of the top of the emergency spillway.

Mr. Henry stated that since the EAC meeting on Monday, September 9, 2024, the applicant has agreed not to remove tree no. 5041. Gateway Engineering procured a letter amending the geotechnical report stating that the conclusions from a previous report could be applied to this application, and Hampton Technical Associates addressed the freeboard comment in the LSSE letter by raising the elevation of the top of the emergency spillway. He also said that the applicant will be removing 12 trees but replanting 25.

Mr. Lauer moved to approve Environmental Disturbance Application 24-20, as submitted, subject to the supplemental geotechnical plan approved by the LSSE and the items outlined in the EAC's recommendations. Ms. Hanna seconded the motion, which passed unanimously.

Mr. Henry briefly updated Council on the extent of the Borough's tree canopy over the years. He said they are still awaiting further analysis of satellite scan images of the canopy taken by LSSE and are looking for a before and after. Mr. Henry stated that so far, they've not seen anything that would indicate any significant diminution in the canopy. In fact, the canopy has improved. He said the Borough has seen great consistency in the canopy in the last 20 years. Mr. Henry thanked Mayor Scott and Mr. Colton, who provided countywide information from Tree Pittsburgh.

Mr. Colton stated the study from Tree Pittsburgh from 2015 to 2020 showed a 2% loss for the Borough of Fox Chapel. He also said that Tree Pittsburgh is looking to do another study from 2020 to 2025, but they haven't secured enough funding yet. He said he wouldn't underestimate the value of simple public awareness.

MINUTES COUNCIL MEETING

SEPTEMBER 16, 2024

Page 4

Mr. Bennett wondered if Tree Pittsburgh has a good article that can be used in a future newsletter or posted to the website to increase visibility and awareness. Mr. Henry said he would talk with Tree Pittsburgh.

Mr. Henry stated that the EAC and the Borough recommend a 1:1 replacement to trees removed, but lately, the EAC has seen applicants voluntarily replacing trees at a 2:1 ratio.

CONTRACT AWARDS

2024 – 2025 Sewer Lining Contract

Mr. Leech moved to approve the 2024 – 2025 Sewer Lining Contract for lining sewer mains to Insight Pipe Contracting at the cost of:

- \$47.00 LF (8"), \$51.00 LF (10"), and \$67.00 LF (12") for standard Styrene Lining
- \$52.00 LF (8"), \$57.00 LF (10"), and \$72.00 LF (12") for Styrene Barrier Lining

Ms Monroe seconded the motion, which passed unanimously. Mr. Koehler stated that even though the Borough is awarding these contracts now, Council will still need to approve any contract over the bid limits in the future. This is only to lock in the price of these three contracts.

2024 – 2025 CCTV & Cleaning Contract

Mr. Lauer moved to approve the 2024 – 2025 CCTV & Cleaning Contract to State Pipe Services, Inc. at the cost of:

- \$1.47 LF (8" and 10") and \$1.58 LF (12") for CCTV
- \$1.05 LF (8", 10", and 12") for Light Cleaning and Jetting
- \$1.58 LF (8", 10", and 12") for Heavy Cleaning and Root Removal

The motion was seconded by Mr. Colton and passed unanimously.

2024 – 2025 Pipe Bursting Contract

Ms. Monroe moved to approve the 2024 – 2025 Pipe Bursting Contract to State Pipe Services, Inc., at the cost of:

- \$99.80 LF (8" – 12")

The motion was seconded by Mr. Leech and passed unanimously.

POLICE REPORT

Chief Stevens stated that the number of burglar alarms last month was higher than normal, as residents are utilizing their alarms in light of the recent burglaries in the Borough.

Ms. Hanna asked what residents should do if they are unfamiliar with their alarm system. Chief Stevens said the Police Department highly recommends that residents contact their alarm companies to have the alarm serviced and shown how to use it properly.

Council was informed of the upcoming community events in the Borough:

- Touch-a-Truck - Saturday, September 21, 2024, from 11 a.m. to 2 p.m.
- Paint Pumpkins with Police – Saturday, October 19, 2024, from 11 a.m. to 2 p.m.
- Light Up Fox Chapel – Wednesday, December 4, 2024, from 5 p.m. to 7 p.m.

Retention of Officer Zachary Luffy

Chief Stevens said that Officer Luffy is a very competent officer, and very attentive to the Police Department's needs. As Officer Luffy was a community relations officer when he worked for the Port Authority, Chief Stevens said that the Department is looking for an officer to take over the Community Relations aspect of the Borough when Sergeant Sorg retires.

MINUTES COUNCIL MEETING

SEPTEMBER 16, 2024

Page 5

Mr. Lauer moved to approve Officer Zachary Luffy's retention. Ms. Hanna seconded the motion, which passed unanimously.

Mr. Bennett directed the Borough Secretary to notify the Civil Service Commission of their decision. The Civil Service Commission will notify the probationer of Council's decision.

FOXWALL EMS REPORT

Mr. Shopland stated that Foxwall held a picnic in recognition of Gino Mollica's contributions as the Acting Chief for Foxwall. Mr. Bennett asked Mr. Shopland to pass along the Borough's gratitude to Gino.

Mr. Shopland referred to his written report regarding revenues and expenditures and asked if there was any feedback on the information provided in the reports to ensure Foxwall is being accountable and transparent with the funding they are receiving from the communities.

PUBLIC SAFETY ASSISTANCE COMMITTEE

Ms. Monroe stated that the Committee will focus on traffic safety by defining its efforts, identifying areas to review, and recommending changes. The Committee is gathering information and waiting for the finalized guiding statement from the Joint Comprehensive Plan.

PUBLIC WORKS REPORT

Mr. Kurpakus stated the PWD is finishing up with summer stormwater maintenance, and gearing up for leaf season, which is set to begin the second week of October. He also said the VFD Station No. 1 renovations are set to begin October 7, 2024, and the PWD is working on the demolition of certain areas to prepare for the construction.

TREASURER REPORT

Ms. Mancuso stated health insurance rates for Borough employees will increase by 6% next year. She said that the EIT total is up by \$377,000 compared to last year. She also said that revenue from Real Estate Tax is lower because of a \$10 million decrease in property assessments from January 2024. She will continue to monitor this as more information is gathered.

Minimum Municipal Obligations (MMOs)

Mr. Lauer moved to approve the MMO of \$0 for the Police Pension Plan. Ms. Monroe seconded the motion, which passed unanimously.

Ms. Monroe moved to approve the \$0 MMO for the Non-Uniform Defined Benefit Plan. Ms. Hanna seconded the motion, which passed unanimously.

Mr. Lauer moved to approve the \$46,347 MMO for the Defined Contribution Plan. Mr. Leech seconded the motion, which passed unanimously.

Ms. Mancuso stated that the State Aid the Borough receives will most likely cover the municipal obligation for the Defined Contribution Plan.

Ratification of Payments – August 2024

Ms. Hanna moved to ratify the payment of bills for August 2024 General Fund Vouchers 5141 – 5210 in the amount of \$466,537.23. Mr. Colton seconded the motion, which passed unanimously.

NEW BUSINESS

Junior Council Person Program (JCP) Appointment

Mr. Harrison moved to appoint Kabeer Chopra, a Junior at Shady Side Academy, to the Junior Council Person Program for the 2024/2025 and 2025/2026 school years. Ms. Hanna seconded the motion, which passed unanimously.

MINUTES COUNCIL MEETING

SEPTEMBER 16, 2024

Page 6

Junior Council Person Pledge

Mayor Alex Scott administered the Junior Council Person Pledge to Mr. Chopra.

Mr. Bennett told Mr. Chopra his resume was very impressive. All of Council welcomed Mr. Chopra to the JCP.

Resolution No. 700

Mr. Leech moved to adopt Resolution No. 700, which states that effective June 1, 2024, and continuing through and including May 31, 2025, the amount of Participant Contributions to the Police Pension Plan due shall be two and a half (2.5) percent of compensation. The obligation to pay Participant Contributions pursuant to Act 600 in the amount specified therein shall resume effectiveness as of June 1, 2025. The motion was seconded by Ms. Monroe and passed unanimously.

Resolution No. 701

Mr. Bennett moved to adopt Resolution No. 701, authorizing Gary J. Koehler, Borough Manager, to execute an Instrument for the Declaration of Restrictions and Covenants for land designated as Tax Parcel ID 255-C-100 (McCahill Park) as recorded in Deed Book No. 89 on page 127 in the office of the Allegheny County Department of Real Estate, Commonwealth of Pennsylvania. The motion was seconded by Ms. Hanna and passed unanimously.

Waiver for Meadow

Mr. Colton moved to approve a waiver for a meadow at 809 Fairview Road. Ms. Hanna seconded the motion, which passed unanimously.

Ms. Monroe asked how many waivers the Borough has granted for meadows. Mr. Koehler stated that there are possibly three waivers that have been granted. Ms. Monroe thanked the residents for promoting good work and incorporating native plants and a meadow on their property. Mr. Koehler stated that an article in the spring newsletter may be beneficial to residents, encouraging them to ask for a waiver for a meadow.

Zoning Hearing Board Case 24-05

Mr. Bennett moved to remain neutral on the Variance Request for Case No. 24-05, 104 Nantucket Drive. Mr. Lauer seconded the motion, which passed unanimously.

With no other business to come before Council, the meeting was adjourned at 7:48 p.m.

SHAWN MARIE PETERSON
Borough Secretary