

**BRADFORD WOODS BOROUGH COUNCIL  
REGULAR MEETING - August 10 , 2020  
APPROVED**

The Bradford Woods Borough Council meeting was called to order at 7:00 p.m. by President Victoria Pongrace. There were 8 people present in the virtual audience. This meeting was held virtually on a Zoom conference call: President Pongrace and Mayor Marsico were physically present in the Borough Council Chambers.

The Officials in attendance were:

Victoria Pongrace, Council President  
Charles Coltharp, Council Vice President  
Thomas Kosmala, Council Member  
Jennifer Griffin, Council Member  
David Baldonieri, Council Member  
Kevin Rhule, Council Member  
Todd Hipwell, Council Member  
Douglas Marsico, Mayor

The Official(s) absent were:

Natalie Thiess, Borough Manager  
Kate Diersen, Solicitor  
Captain Brian DeWick, NRPD

**CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call

**ANNOUNCEMENT OF EXECUTIVE SESSION**

1. Ms. Pongrace announced there will be an executive session to discuss legal matters.

**MINUTES**

1. Ms. Pongrace called for a motion to approve meeting minutes from the regular Council Meeting held on July 13, 2020. Mr. Kosmala motioned to approve the meeting minutes. Mr. Rhule seconded.

Motion to pass the July 13, 2020 minutes.

Aye: Victoria Pongrace  
Kevin Rhule  
Thomas Kosmala  
David Baldonieri  
Charles Coltharp  
Jennifer Griffin  
Todd Hipwell

Motion Carries

## **PUBLIC COMMENTS REGARDING AGENDA**

1. None

## **MAYOR'S REPORT**

1. Mayor Marsico stated he recently learned that he is able to be an officiant of marriage in Pennsylvania being a Mayor and stated he is willing to officiate marriages.

## **MANAGER'S REPORT**

Borough Manager Natalie Thiess reported on the following:

1. Ms. Thiess introduced Mr. Turner to review the July public works report. Some of the items include: one storm clean-up; 10 basin top cleanings; wiring issues with skid loader; cut back brush from road/signs; three swale maintenance; half ton of cold patch; one sinkhole on Oak.
2. Ms. Thiess updated Council on CARES Act details: part of the covered costs for the grant is payroll expenses to first responders, which includes Northern Regional Police. Ms. Thiess stated she submitted the required information for the Act this week and will be hearing back from the County in the near future. Mr. Hipwell asked if the money is the Borough's to keep. Ms. Thiess stated she believes it is money for us to keep in the form of a grant.
3. Ms. Thiess stated she's has had multiple residents share concerns about dogs not being leashed on the roads or public areas. One resident requested Council review the ordinance to see if there can be an ordinance requiring a physical leash when off property. Ms. Thiess stated she discussed this with Chief Sicilia before bringing the matter to Council for police enforcement standards. The Borough's ordinance references the Pennsylvania Dog Law regulation which states that the owner must have reasonable control over the dog, but does not technically require the dog to be on a physical leash. To require dogs to be on a leash at all times, the Borough needs to establish an ordinance requiring that, as requested by a resident. Ms. Thiess opened discussion to Council. Ms. Pongrace asked Captain DeWick if that ordinance would make it easier to enforce. Captain DeWick cited the PA Dog Law regarding owner must have control of the dog. Ms. Thiess discussed the resident report that involved the police and a dog unleashed in the Borough. Ms. Thiess discussed the next steps for Council to adopt the ordinance. Mr. Coltharp made a motion to legally advertise Ordinance 463 to amend the Dogs at Large ordinance. Mr. Kosmala seconded. Ms. Griffin asked some hypothetical questions pertaining to the ordinance.

Aye: Victoria Pongrace  
Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

Motion Carries

4. Ms. Thiess stated the McCandless Franklin Park Ambulance Authority requested that Pine, Marshall, Bradford Woods, and Franklin Park begin yearly contributions to the Authority. Discussion ensued regarding the proposal and details regarding MFPAA current standing. Mr. Hipwell shared concerns over the contribution rate over the use of ambulance in the Borough. Discussion ensued regarding the proposal and situation. Ms. Thiess reported on the other municipalities' position at this time. It was decided to let the managers of the municipalities discuss further and gather more information to report back to Council.

5. Ms. Thiess announced Allegheny County has a Voting E-Newsletter to keep up-to-date with the voting changes in the County.
6. Ms. Thiess announced that there is in-person tax collection on August 24 from 9 am- 11 am. This year will be held in the garage bays to uphold to CDC recommendations.

#### **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

1. Ms. Diersen prepared a presentation relating to zoning and oil/gas ordinances in response to the Planning Commission's Food and Water Watch presentation to answer legal concerns. Ms. Diersen began reviewing the zoning districts in the Borough and explained the reasoning of zoning districts. Ms. Diersen reviewed the non-permitted and conditional uses within the Borough Code (§225-30/50). Ms. Diersen reviewed research on vacant parcels in the Borough: 45 vacant parcels, of those vacant parcels, 23 parcels meet the 1-acre minimum requirement, of those 23 parcels, only 10 parcels appear to be buildable lots. It shows the unique nature of the Borough and the few areas of buildable land within the Borough. When reviewing zoning, it's important to review the Borough zoning code as well as the Municipal Planning Code. One of the items in the MPC is if there is a State law regulating a zoning concern, the state law takes precedence to address preemption. The other item in the MPC states municipalities must have reasonable zoning for development of minerals, therefore, the question of does Bradford Woods meeting the zoning requirements in this case, as it is mainly residential. When assessing that question, it is important to look at the framework of Bradford Woods and what are the current uses within the Borough. Ms. Diersen reviewed lawsuits applicable to the Borough in this case that sets limits to allow for all uses within a municipality. If a municipality does not accommodate a use, there must be a justification provided as to why the use is not accommodated. The justification for Bradford Woods is that it is and was built as a residential municipality and the permitted uses are residential. Ms. Diersen suggested to amend the zoning to say something like if there is a use not permitted for, it's a special exception or conditional use and must meet certain criteria.  
Specifically applying oil and gas to Bradford Woods zoning, currently, oil and gas is not a permitted use or a use by special exception or a conditional use. The lots reference earlier are not all together and spread out within the Borough, therefore there is not enough land within the Borough to develop an oil and gas pad. Ms. Diersen reference a Post-Gazette article citing an increase of fees (up a 150%) for oil and gas drilling within the Commonwealth due to significantly fewer applications and a decrease in revenue. The article stated it is the lowest application rate in history. Ms. Diersen analyzed that if someone wanted to drill in Bradford Woods, we would have heard from them years ago at the height of applications. Ms. Diersen also discussed State law setback requirements for oil and gas drilling (300 feet from river and stream; 500 feet from an existing building). If someone would want to drill in the Borough, they would first have to meet the State requirements. Ms. Diersen stated the Borough could create an ordinance, but to do that, it must create an area where it is allowed within the Borough and it is unknown where that area could be within the Borough. Also, the zoning for oil and gas does not comply with the current character of the Borough, as well as the uses already established within the Borough. Ms. Diersen referenced the MPC allowing for mediation between neighboring municipalities (addressing the question of "what if they drill in Marshall?"). The Borough cannot control what neighboring municipalities do, but the mediation clause is there to request mediation between municipalities, but does not force multiple municipalities to mediate. Rick Sorek, 753 Woodland Road, asked about if a permit is filed to drill in Marshall, is Bradford Woods able to restrict the load on vehicles. Ms. Diersen stated the Borough can have load restrictions on their roads. Mr. Sorek expressed his concern about the health and environmental hazards associated with drilling. Ms. Diersen stated the concerns can be relayed to the preemptions of the State regulations, i.e. the State regulates the health and environmental concerns through regulations. Mr. Sorek shared his concerns with neighboring municipalities not setting regulations. Ms. Griffin asked about rezoning for the neighboring parcels. Ms. Diersen

stated they can be rezoned, but that municipality has to do the rezoning. Ms. Diersen discussed the details regarding the process of rezoning. Ms. Diersen suggested going to other municipalities to discuss concerns. Discussion ensued regarding setbacks. Mr. Coltharp asked if this came up in the NHCOG. Ms. Thiess stated that individual municipalities created ordinances that was applicable to their municipality. Ms. Thiess stated she did bring this up before years ago, but agrees to bring it up at the next NHCOG manager's meeting.

## **SOLICITOR'S REPORT**

1. None

## **COMMITTEE REPORTS**

### **FINANCE**

1. Mr. Hipwell discussed the July check register. Mr. Hipwell reported there were 15 checks, 4 paychecks, and 8 electronic payments. Mr. Hipwell reported the largest checks included \$20,135 to Northern Regional Police, \$3,579 to Bradford Woods Volunteer Fire Company for contribution and rent, \$2,150 legal fees, \$1,012 for North Hills Council of Government, and \$695 for General Code.

Mr. Hipwell made a motion to pay and ratify payments for July 2020. Seconded by Mr. Coltharp.

Aye: Victoria Pongrace  
Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

Motion Carries

2. Mr. Hipwell introduced the pre-ratified check list before Council for approval. Motion was made by Mr. Hipwell to pre-ratify bills for August/September. Motion was seconded by Mr. Kosmala.

Aye: Victoria Pongrace  
Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

Motion Carries

3. Mr. Hipwell reported the July revenue and expense report. Mr. Hipwell reported the total revenue is \$78,810 and total expense is \$42,656 and a cash balance of \$486,753. Mr. Hipwell reviewed the current revenue impacts due to COVID-19 and Employment Income Tax, as it's trending roughly \$36,000 less than 2019 year-to-date.

### **SAFETY**

1. Ms. Pongrace reported the July police report as follows: 14 calls; 7 traffic warning(s); 3 citation(s). Year to date: 96 calls; 10 citations; 38 warnings.

2. Capt. DeWick stated a couple officers contracted COVID-19, but are back to work and healthy. Capt. DeWick also reported the bear sighting in the Borough.

## **FIRE**

1. Mr. Cannella reported the calls for July: 2 calls (1 mutual aid- grill fire; 1 blown transformer). 19 calls year-to-date.

## **ROADS**

1. Mr. Baldonieri reviewed the 2021 roads program in order to scoping the stormwater pipes under the road to plan for next year. The roads scheduled for 2021 are Forest Rd and Edgewood Rd. Council had no opposition for hiring a crew to TV the stormwater pipes under the roads.
2. Mr. Baldonieri reviewed the Shields bids submitted: Oak Roads emergency repair (due to the sinkhole) at \$19,266 (not including paving costs- estimated \$3,000 paving costs); Willow Road pipe project for \$46,325; E. Harding for \$19,624. Mr. Baldonieri made a motion for the approval of a change order for Oak Road for an estimated cost of \$22,000. Mr. Rhule seconded.

Aye: Victoria Pongrace  
Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

### Motion Carries

Mr. Baldonieri discussed the E. Harding road situation and the resident concern. Mr. Baldonieri stated the Borough does not have the funds to do the additional work on E. Harding at this time. Mr. Baldonieri discussed the Willow Road bid and project. Mr. Baldonieri believes that it would be cost effective to do this project in-house and recommends the Borough does not accept the Willow Rd. bid. Mr. Baldonieri made a motion to reject the E. Harding and Willow Rd bids from Shields Paving. Mr. Coltharp seconded.

Aye: Victoria Pongrace  
Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

### Motion Carries

Mr. Kosmala asked about the large cost different of the two pipes between Willow and E. Harding. Mr. Baldonieri stated the type of pipe allots for the price difference.

3. Mr. Baldonieri reviewed the estimate from Fence by Maintenance Service for the guiderail repairs from damages from an accident by a resident. Ms. Thiess stated she filed a claim with their insurance. Mr. Baldonieri made a motion to accept the bid from Fence by Maintenance Service to repair the guiderail. Mr. Rhule seconded.

Aye: Victoria Pongrace

Thomas Kosmala  
Charles Coltharp  
David Baldonieri  
Kevin Rhule  
Jennifer Griffin  
Todd Hipwell

Motion Carries

4. Mr. Baldonieri reported the water main break on Forest Road. The pipe has been repaired and the road is being repaired.
5. Ms. Pongrace asked the 2020 roads start date. Ms. Thiess no official date, but stated it will be the end of August.

**PLANNING AND ZONING**

1. Ms. Griffin discussed the Planning Commission meeting on for August 3 and reviewed the gas and oil discussion. Ms. Griffin asked Ms. Diersen if the Borough creates a 3,000 setback, would that apply going into Marshall Township. Ms. Diersen stated zoning does not go past the municipal boundaries. Ms. Griffin discussed the MPC code regulations and working with other municipalities to explore. Ms. Griffin stated the Planning Commission is still researching and does not have a recommendation at this time. Next Planning Commission meeting is September 10 at 7 pm. Cheryl Sorek, 753 Woodland Rd, asked if access roads were discussed at the Planning Commission meeting and asked about weight limit restrictions on roads. Ms. Griffin stated it was not discussed. Ms. Diersen stated there can be weight limit restrictions on Borough roads (not state) after studies are performed. \*Note there are weight restrictions on Bradford, Lincoln, Forest, and Seldom Seen per ordinance §218-25\*
2. Permits
  - a. 801 Oak Rd- Building- Pergola over deck
  - b. Two demolition permits pending (Bradford-Garage and Lincoln- House)

**PERSONNEL**

1. None

**COMMUNICATION /OUTREACH/ NORTH HILLS COG / PUBLIC RELATIONS / NORTHLAND LIBRARY**

1. Mr. Kosmala reviewed the NHCOC meeting on July 16: Morton Salt extension price; Cable Franchise negotiations; sanitary sewer bid; North Park compost site issues; 2019 audit; employment search for secretary; safety chief meetings.
2. Mr. Kosmala reviewed the NPL meeting on July 28: GALA and book vendor fair cancelled; library opening August 17.

**ENVIRONMENT**

1. Mr. Rhule discussed the prepared EPAC report. Three changes since last report: penalty cost increase, definition of trees, and permit process. Heritage Tree Program was discussed as being not applicable to a Borough run program, however it is a great program for the Conservancy to establish. Next EPAC meeting is August 26 at 7 pm.
2. Ms. Pongrace reported that the subcommittee met prior to the EPAC meeting for the purpose of reviewing the current recommendations from EPAC so far. The subcommittee will hold off on recommendations until EPAC finalizes their recommendations. Mr. Kosmala asked if his suggestions were reviewed at the subcommittee. Ms. Pongrace stated it will be included in the EPAC discussions for recommendations.

3. Ms. Griffin stated a deer ordinance banning feeding was briefly discussed at the Planning Commission meeting, but shared to the group that EPAC will be reviewing that after the tree ordinance is adopted.

**OLD BUSINESS**

1. Ms. Thiess updated on BradMarPine ballfield: the engineer is currently reviewing the permit but has not granted the grading permit as of yet, but will be within the week.

**NEW BUSINESS**

1. None

**ACKNOWLEDGEMENTS**

1. Mr. Rhule commended Mr. Turner for quick action and temporary solution for the sinkhole on Oak Rd.

**ADJOURN**

Motion to adjourn the public meeting to go into executive session at 8:39 P.M. by Thomas Kosmala, seconded by Kevin Rhule, motion carried.

Motion to adjourn executive session at 8:58 P.M. by Kevin Rhule, seconded by Jennifer Griffin, motion carried.

Motion to adjourn the public meeting at 8:58 P.M. by Thomas Kosmala, seconded by Kevin Rhule, motion carried.

Respectfully Submitted,

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Natalie Thiess, Borough Manager

\_\_\_\_\_  
Date