

**TOWNSHIP OF O'HARA
COUNCIL REGULAR MEETING MINUTES
DECEMBER 12, 2017**

I. OPENING PROCEDURES

A. Call to Order by President Smith at 7:05 p.m.

B. Roll Call

Council Members Present: Robert John Smith, President; Charles A. Vogel, Vice President; Mark F. Rothert, Second Ward; Allison Garcia, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Scott Frankowski, Third Ward

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; *Charles W. Steinert, Jr., P.E., Township Engineer; Loren R. Kephart, Public Service Superintendent; Cathy Bubas, Manager's Secretary

(* - denotes late arrival)

II. APPROVAL OF MINUTES

A. Council Workshop – November 8, 2017

B. Council Regular Meeting – November 14, 2017

Motion by Mr. Denny, Jr. to approve the minutes as presented was seconded by Mr. Rothert.

Vice President Vogel noted the November 8, 2017 minutes reference '...member in the audience...' who he recalled was John Kight.

The motion carried unanimously.

III. FINANCE

A. Vouchers – November 2017

Manager Jakubec explained the bill list is the largest ever as a result of payments to ALCOSAN and for paving.

Motion by Mr. Denny, Jr. to pay the subject vouchers was seconded by Mr. Rothert.

It was noted Norelco has been paid in full and Allegheny Fence has an outstanding balance for work at the community center.

The motion carried unanimously. The vouchers totaled \$1,905,304.26.

B. Receipts and Expenditures Records – October 2017

Motion by Vice President Vogel to approve the subject receipts and expenditures records as presented was seconded by Mr. Rothert and carried unanimously.

C. Treasurer's Report

Treasurer Curran indicated the Township finances look great. Revenue is up by 1% and expenses are being met. Things with community center continue on an ongoing basis and should be monitored.

IV. REPORTS

A. Other Organizations and Agencies Reports

Vice President Vogel stated the Northern Basin Group did not meet but he received information. Senior citizens in the city of Pittsburgh can receive help to pay their sewer bill. He requested including the information in the next Township Newsletter. Manager Jakubec stated sewer rates increased this year by 7.5%; Fox Chapel Authority rates are increasing by 9% and ALCOSAN rates are increasing by 7% for 2018. Vice President Vogel asked if there was any way of analyzing the cost increases. The Manager indicated the costs are increasing because of crumbling infrastructure. She suggesting having Mark Nicely, of Fox Chapel Authority, review the situation with Council in January. Though everyone has a supplier for a certain area, everyone pays ALCOSAN to treat the sewage.

Mr. Curran asked if anything is going on with leaf collection since the weather is changing. Vice President Vogel stated the colors of the street names on the Township website have changed. Manager Jakubec noted the website is updated every day. The trucks have been changed over for snow removal. Staff will collect leaves if they are put in biodegradable paper bags and residents call the Township. She stated for years the final round has begun December 1st. Vice President Vogel stated another leaf collection will occur in the spring.

B. Monthly Departmental Reports

Vice President Vogel confirmed that paving has been completed but curb clean up would occur in the spring. Manager Jakubec stated spring work is part of the 2017 road improvement contract.

Vice President Vogel noted the Crofton transformer has been removed and questioned the transformer at the community center. Mr. Kephart stated the transformer at the community center has been gone.

Manager Jakubec informed Council that Duquesne Light Company will be adjusting a street light on Village Drive. The light will moved away from a resident.

President Smith inquired about the status of the Township's DEP application for the Saxonburg Sewer Project. The Manager stated staff has talked with the individual Mr. Frankowski had referred. The application now has a number.

C. Manager's Report

No comments.

V. OLD BUSINESS

A. Ordinances – Second Reading and Adoption

- (1) Adopting the Township Budget for the Year 2018 B-55-2017

Manager Jakubec stated the ordinance adopts the proposed year 2018 Township budget of \$17,081,929. As proposed, this will be the 17th straight year without a tax increase. She informed Council that \$332,000 was received in Earned Income Tax. She provided an update on the fund balance, which increased to 13.1% of expenditures. Ms. Eccles noted the Manager prefers a 15% fund balance.

Motion by Vice President Vogel to adopt the Year 2018 Township Budget was seconded by Mr. Rothert and carried unanimously.

*Mr. Steinert, Jr., P.E., Township Engineer, arrived at 7:23 p.m.

- (2) Enacting the Real Estate Tax Levy for the Year 2018 B-56-2017

The Manager stated the ordinance establishes the year 2018 Township real estate tax rate at 1.725 mills per the proposed year 2018 Township budget, which is the same millage rate as in 2017. She noted the Real Estate Tax revenue in 2017 is over the projected amount, which means assessed values are increasing. As assessed values increase, the Township collects more revenue.

It was noted more buildings were not sold in RIDC in 2017, but the Township did well with home sales.

Motion by Mr. Denny, Jr. to adopt the Year 2018 real estate tax rate of 1.725 mills. Ms. Eccles seconded the motion. The motion carried unanimously.

- (3) Enacting the Earned Income Tax Levy Under Act 62 for the Year 2018 B-57-2017

Manager Jakubec stated the ordinance establishes the year 2018 earned income tax levy under Act 62 at .3%, the same rate as in 2017. Act 62 requires that the earned income tax levied under the Act be enacted each year. The Township also levies an earned income tax of .5% under Act 511, which does not have to be enacted each year.

Motion by Vice President Vogel to adopt ordinance Bill No. B-57-2017 was seconded by Mr. Rothert and carried unanimously.

- (4) Enacting the Real Estate Transfer Tax Levy Under Act 62 for the Year 2018 B-58-2017

The Manager stated the ordinance establishes the year 2018 real estate transfer tax levy under Act 62 at .5%. Act 62 requires that the transfer tax levied under the Act be enacted each year. The Township also levies a real estate transfer tax of .5% under Act 511, which does not have to be enacted each year.

Motion by Mr. Rothert to adopt ordinance Bill No. B-58-2017 was seconded by Vice President Vogel and carried unanimously.

- (5) Establishing a Real Estate Tax Rebate Program for the Year 2018 B-59-2017

Manager Jakubec explained per Act 77 of 1993, as amended, the Township established a real estate tax rebate program for the last several years. The attached ordinance establishes the same program in 2018 as we had this year. Research has not produced a program that would be more beneficial to Township residents, as the laws are limited. The program as proposed allows for an eligible resident to receive a rebate of 25% of the increase in 2018 Township real estate taxes paid over the amount of taxes paid in 2017.

Motion by Mr. Denny, Jr. to adopt ordinance Bill No. B-59-2017 was seconded by Vice President Vogel and carried unanimously.

VI. NEW BUSINESS

A. Resolutions

- (1) Prohibiting Category 4 Casinos in the Township B-61-2017

The Manager stated the resolution prohibits Category 4 casinos in the Township. Category 4 casinos are defined as “mini” or “satellite” casinos owned by current casino licensees. Act 42 of 2017 authorizes the placement of ten (10) Category 4 casinos in the Commonwealth, but also grants municipalities the authority to prohibit the location of a mini or satellite casino.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-61-2017 was seconded by Mr. Rothert and carried unanimously.

- (2) Granting Conditional Use Approval to the Fox Chapel Area School District New Kerr Elementary School Building B-63-2017

Manager Jakubec noted the resolution grants conditional use approval to Fox Chapel Area School District to construct a new school along Kittanning Pike, which is located in the CD-1 Zoning District. Schools are a conditional use in the CD-1 Zoning District. The Township Planning Commission reviewed the application and has recommended that Council approve the conditional use. A Public Hearing was conducted by Council prior to this regular meeting to receive public comments. She acknowledged representatives of the school district were in attendance.

Motion by Vice President Vogel to approve resolution Bill No. B-63-2017 was seconded by Mr. Rothert and carried unanimously.

- (3) Granting Minor Subdivision Approval to the Fox Chapel Area School District New Kerr Elementary School B-64-2017

The Manager stated Fox Chapel School District, owners of parcels 286-M-110 and 286-S-125 located along Kittanning Pike, are proposing the consolidation of the two parcels into one parcel. Both parcels are located in the CD-1 zoning district. The Township Planning Commission reviewed the application and has recommended that Council approve the Plan.

Motion by Mr. Rothert to approve resolution Bill No. B-64-2017 was seconded by Vice President Vogel and carried unanimously.

- (4) Granting Preliminary Land Development Approval to the Fox Chapel Area School District New Kerr Elementary School Building B-65-2017

Manager Jakubec stated Fox Chapel School District, owner of Kerr Elementary School located at 341 Kittanning Pike, is proposing the construction of a 72,519 square foot elementary school, including the necessary parking accommodations, landscaping, lighting and stormwater management controls. The existing school building will be demolished once the new building is operational to provide for additional parking. The Township Planning Commission reviewed the application and has recommended that Council approve the Plan subject to the remaining six (6) conditions listed in the proposed resolution. She verified that the school district is acceptable to the conditions of approval.

Motion by Vice President Vogel to approve resolution Bill No. B-65-2017 was seconded by Mr. Rothert.

It was noted the resolution is to be corrected to reflect six (6) conditions.

Vice President Vogel referenced the Solar Study and verified that he could call the phone number provided to further discuss. It was suggested Vice President Vogel speak with Mr. Dan Macek.

The Manager asked if representatives of the school district had met with Thar and toured the facility, which Mr. Macek confirmed.

On roll call the motion carried unanimously.

- (5) Implementing the National Incident Management System (NIMS) B-66-2017

Manager Jakubec noted the resolution authorizes the Township to implement NIMS. FEMA released a refreshed National Incident Management System (“NIMS”) doctrine in October. NIMS provides a common, nationwide approach to enable the whole community (individuals, families, communities, the private and nonprofit sectors, faith-based organizations, and local, state, federal governments, etc.) to work together to manage all threats and hazards regardless of cause, size, location, or complexity.

Motion by Vice President Vogel to approve resolution Bill No. B-66-2017 was seconded by Mr. Rothert and carried unanimously.

B. Motion

- (1) Certifying the List of Eligible Volunteers at Volunteer Fire Company/Department and Emergency Medical Service Agency to Receive a Local Tax Credit

The Manager referenced a list of volunteer fire fighter personnel that are eligible for a refund of earned income tax once certified. Additional information would be submitted to Keystone Collections and refunds of up to \$300 would be issued. She noted a refund would not be issued for more than the amount of tax paid.

Vice President Vogel asked how the tax credit would benefit residents that volunteer outside of the Township. Manager Jakubec explained as long as the municipality where the resident volunteers has adopted the ordinance, the resident can receive the rebate. It was noted that Fox Chapel Borough and Blawnox Borough did not adopt the Volunteer Tax Local Tax Credit, though information was provided to a Blawnox Councilman. The Manager stated if a younger person, or retired person does not pay earned income tax, they are not eligible for a refund.

Motion by Vice President Vogel to certify the subject List was seconded by Mr. Rothert and carried unanimously.

VII. COMMUNICATIONS

A. Citizens

Mr. Stewart informed Council that between 202 and 206 Valley Drive water is coming off a property and causing problems. Mr. Steinert, Jr., P.E. stated he spoke with both residents. They are trying to line up a plumber to address the issue. He recalled having tried to correct the problem over the years. The water was directed into a pond but the pond overflows. Vice President Vogel inquired about rules for natural runoff. Mr. Steinert, Jr., P.E. explained if the water runs into a Township street the resident is responsible for addressing the issue.

B. Council

Ms. Garcia recalled attending a Penn D.O.T. informational meeting about the proposed update to the Highland Park Bridge interchange. Manager Jakubec indicated Penn D.O.T. is proposing sound walls, but only people affected in the sound zones can vote for or against the sound wall. The Township's concern is if the sound wall could channel the noise and impact other residents. The Manager also noted people would not be able to overlook Aspinwall because of the sound wall. She stated staff would be meeting with the people that did the study. Manager Jakubec did not want to create a new problem while trying to fix another problem. She also stated information and a link to the project website would be posted on the Township website tomorrow.

Mr. Denny, Jr. inquired about a time frame. Manager Jakubec stated they have not completed a final design and estimated construction to begin in 2019 or 2020. She also noted they are seeking public involvement.

Vice President Vogel noted work on Central Avenue and questioned who was paying for the work. Mr. Steinert, Jr., P.E. stated the Township is paying for the work because it is a Township road, it is in the Township's right-of-way and the Township's pipe is rotting, causing the problem. He stated the pipe that is rotted is Penn D.O.T., Comfort Inn property and a manhole that is falling over. He recalled a few years ago having conversations with Penn D.O.T., Comfort Inn/Holiday Inn and Sunoco about creating a stormwater retention facility in that location. With the current work, it was brought to Sunoco's attention and they are back on board trying to create that facility and try to get the other parties back at the table. Vice President Vogel questioned how the current situation impacts creating the retention facility. Mr. Steinert, Jr., P.E. stated it doesn't, and explained no matter what the Township does, the stormwater facility can only be a maximum of 14 feet deep, so the bottom will have to be filled in and create an overflow at that location and filter a smaller pipe through the roadway. He explained if you build a retention facility you have restrictions on it; the orifices, the release at a much slower rate, have to hold it for a 24-hour period, which is what it is doing now, because the pipe is completely blocked. He stated bigger equipment had to be brought in, and the pipe is deeper than expected.

President Smith requested clarification of the organizational meeting, which the Manager provided.

President Smith thanked Mr. Rothert for serving the community, recalling he was always prepared for meetings and always acted in the best interest of the Township.

Mr. Rothert stated Council is a great group to work with and commended staff. He stated he ran for Council to challenge himself.

C. Staff

Manager Jakubec informed Council that the Kratsa Family has donated additional play equipment in the form of a mini zip line for little kids, in memory of Kara. She extended thanks to the Kratsa Family.

Manager Jakubec requested Council to remain after the meeting for an Executive Session to discuss a potential legal matter and labor matters.

VIII. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the meeting was seconded by Mr. Rothert and carried unanimously. The meeting adjourned at 7:45 p.m. and following a short break Council entered into Executive Session.

Cathy Bubas, Manager's Secretary