

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL COMBINED
WORKSHOP AND REGULAR MEETING
MINUTES
NOVEMBER 9, 2021**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:03 p.m.

Manager Jakubec read a statement explaining the virtual meeting procedures.

- B. Pledge of Allegiance led by President Smith.
C. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Gregory Caprara, Third Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Allison Berger, Fourth Ward

Also Present: Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Christopher Komora, Code Enforcement / Storm Water Coordinator; John Valinsky, Lennon Smith Souleret Engineers; Loren R. Kephart, Public Service Superintendent; Benjamin Wolfson, Police Sergeant; Cathy Bubas, Manager's Secretary

Manager Jakubec noted Ms. Berger was addressing a personal matter.

II. EMPLOYEE RECOGNITION

- A. 20 Years of Service

(1) Joyce Murdy

Manager Jakubec stated Ms. Murdy works in Administration and her position is Clerk and Secretary. The consensus of Council was for President Smith to sign the letter to Ms. Murdy.

III. APPROVAL OF MINUTES

- A. Council Workshop – October 5, 2021
B. Council Regular Meeting – October 12, 2021

Motion by Mr. Denny, Jr. to approve the subject minutes as presented was seconded by Ms. Eccles and carried unanimously.

IV. FINANCE

A. Vouchers – October 2021

Motion by Mr. Stewart to pay the subject vouchers as presented was seconded by Vice President Vogel.

Mr. Stewart, Ms. Eccles and Treasurer Curran presented questions about certain vouchers which staff answered satisfactorily.

The motion carried unanimously. The vouchers total \$642,128.75.

B. Receipts and Expenditures Records – September 2021

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

C. Treasurer's Report

Township Treasurer Ted Curran noted revenue is \$400,000 ahead of last year's revenue. He commended staff for doing a good job. Treasurer Curran noted the importance of the storm water fund to implement storm water management facilities.

V. REPORTS

A. Other Organizations and Agencies Reports

Mr. Stewart extended thanks from the RIDC Business Alliance for the new bus shelter, and the curb repairs look good. He asked Mr. Steinert, Jr., P.E. to relocate a trash can on Alpha Drive. Mr. Stewart indicated the Alliance met with RIDC's lawyer about updating the Park and would be meeting with the RIDC Director of Planning in a few weeks.

Mr. Stewart reported on the North Hills Council of Governments meeting, noting the Morton Salt contract includes a 5% price increase; the stormwater committee has suggested doing larger projects at the County level; and the NHCOC budget dues will be increasing in anticipation of a market increase for the purchase of new vests.

Manager Jakubec noted the members' dues are based on the census. Members pay dues to the COG and dues to the North Hills SRT Team, or SWAT Team. In preparing a ten-year plan, new vests are to be purchased in 2023 at a cost of \$110,000. They are trying to build money up over time to purchase the vests, and then build the fund up again for other purchases. There was some push back and the Managers made a move that will probably increase dues dramatically in 2023. She further explained how the North Hills SRT Team dues are determined for the members.

Mr. Stewart noted consideration for additional umbrella insurance coverage based on the mutual aid under the SRT. Manager Jakubec explained there is a question since the COG handles the finances for the SRT team, could the COG also be sued. Lynn Eklund, Executive Director of the COG, is awaiting an answer from their insurance provider.

Mr. Stewart stated the new 5g antennae for cable television isn't completely covered correctly in the new contract and Attorney Dan Cohen is to update that. Manager Jakubec noted Mr. Cohen is also reviewing ordinances to make sure the municipalities are in compliance with the new regulations.

Vice President Vogel recalled during the Fire Funding Committee meeting, the Fire Chiefs were asked to update the vehicle replacement schedule. The Fire Chiefs asked Council for approval to change the run cards. Manager Jakubec added the Fire Chiefs would let the Township know when they make any changes. She recalled the history of why the Township took control of the run cards. Vice President Vogel indicated the Fire Funding Committee would meet again in January 2022.

B. Monthly Departmental Reports

Vice President Vogel noted movement on replacing the storm water pipe by Sunoco. Mr. Steinert, Jr., P.E. stated they obtained all the required permits and had to get started or risk losing funding.

Mr. Stewart requested an update on the Kittanning Pike Sink Hole Project. Mr. Steinert, Jr., P.E. noted concrete was poured today for the sidewalk and curb. The sink hole is completely filled in and the pipe is in place; the water line has been relocated on Winchell Street; the gas line will be relocated tomorrow and will allow the final section of pipe to be placed on Winchell Street, which was not accounted for in the original plan. Penn D.O.T. had concerns and after meeting with them everyone agreed to move forward to get the section of pipe under Winchell Street replaced. The pipe will be in good shape from the fire hall all the way down to where it connects to Seitz Run, except for the pipe that is still under Kittanning Pike, and that's on Penn D.O.T. That pipe is still flowing water; it is not collapsed. The Township is going to remove the obstruction. Staff obtained some steel and will fabricate a steel grate to prevent any debris, large branches or tree trunks, from flowing into the pipe and plugging it up like before.

Mr. Stewart requested an update on Comfort Inn. Manager Jakubec indicated interior issues were addressed, but handicap parking and storm water issues continue. The Township has cited the property owner. She also recalled when the fire alarm goes off, the employees turn it off and do not evacuate the building. The property owner has been cited for that as well. The Manager noted they are working on the long-term stays, and may become just storm term stay classification.

Mr. Stewart inquired about a report from Lennon Smith Souleret Engineers. Mr. John Valinsky noted a monthly report was submitted. Shields Asphalt was awarded the road improvement contract and they are addressing punch list items. They are waiting on permits from the Department of Environmental Protection for the Gamma Drive stormwater facility. Lennon Smith Souleret Engineers are also working on MS-4 Permit requirements.

Mr. Stewart inquired about the Greyfriar stormwater facility. Mr. Steinert, Jr., P.E. indicated the project is moving along and will be good for Sharpsburg. Manager Jakubec noted stormwater on

Margery Drive would be the next project to begin. An easement is needed for the Epsilon stormwater retention pond.

President Smith acknowledged Sergeant Ben Wolfson was in attendance and congratulated him on receiving the Top Gun Award by the Pennsylvania DUI Association. Sergeant Wolfson stated every year the Pennsylvania DUI Association puts out the Top Gun Award. It is state-wide and nominations are received by the panel for law enforcement officers that excel in Driving Under the Influence arrests and prosecutions for the year. There are two categories; one for DUI arrests and one for DREs, officers that do Drug Influence Evaluations. Any DRE that does more than 50 Drug Influence Evaluations in a year is given a Top Gun Award; there was only 8 out of 230 this year. The rest were for DUI arrests. In Allegheny County alone, there were only three represented for Top Gun Award. Sergeant Wolfson was happy to represent the Township in receiving the award. Dräger presented the Top Gun Awardees with a portable breathalyzer unit, which will be utilized here and everyone will benefit.

C. Manager's Report

No comments.

VI. REVIEW / DISCUSSION / POSSIBLE ACTION

A. Proposed Ordinance – For Possible Adoption

- (1) B-67-2021: Ratifying the Police Labor Agreement for the Years 2022, 2023, 2024 and 2025 and Authorizing Council President and Township Manager to Execute Said Contract

The Manager stated the ordinance authorizes the execution of a new Police contract for the years 2022 through 2025. The union has already approved the contract.

Motion by Ms. Eccles to adopt ordinance Bill No. B-67-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

B. Proposed Ordinances - Introduction for First Reading

- (1) B-76-2021: Adopting the Township Budget for the Year 2022

Manager Jakubec noted the ordinance adopts the proposed year 2022 Township budget of \$14,484,600. The proposed budget will be reviewed by Council during a special workshop scheduled for November 16, and will most likely change before final adoption.

Motion by Mr. Caprara to introduce ordinance Bill No. B-76-2021 was seconded by Vice President Vogel and carried unanimously.

Manager Jakubec stated Treasurer Curran had a chance to review the proposed budget prior to it being finalized.

- (2) B-77-2021: Enacting the Real Estate Tax Levy for the Year 2022

The Manager explained the ordinance establishes the year 2022 Township real estate tax rate at 2.1 mills per the proposed year 2022 Township budget which is the same millage as in 2021.

Motion by Mr. Stewart to introduce ordinance Bill No. B-77-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

- (3) B-78-2021: Enacting the Earned Income Tax Levy Under Act 62 for the Year 2022

Manager Jakubec noted the ordinance establishes the year 2022 earned income tax levy under Act 62 at .3%, the same rate as in 2021 and for the past nineteen years. 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 Ms. Eccles to introduce ordinance Bill No. B-78-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

- (4) B-79-2021: Enacting the Real Estate Transfer Tax Levy Under Act 62 for the Year 2022

The Manager stated the ordinance establishes the year 2022 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 Vice President Vogel to introduce ordinance Bill No. B-79-2021 was seconded by Mr. Stewart and carried unanimously.

- (5) B-80-2021: Establishing a Real Estate Tax Rebate Program for the Year 2022

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 ordinance establishes the same program in 2022 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 2022 Township real estate taxes paid over the amount of taxes paid in 2021.

Motion by Mr. Stewart to introduce ordinance Bill No. B-80-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

Manager Jakubec stated the program mainly benefits senior citizens unless a property assessment was increased.

C. Proposed Resolutions

(1) B-81-2021: Proposed Amendments to the Township Fee Resolution

The Manager stated each year staff reviews the fees, and adjustments are recommended for the use of Township Police Officer services and vehicles, and Public Service employees addressing private property issues.

Motion by Mr. Stewart to approve resolution Bill No. B-81-2021 was seconded by Ms. Eccles and carried unanimously.

(2) B-82-2021: Requesting Authorization to File an Application for a Keystone Grant for the Kittanning Pike Sink Hole Project

Manager Jakubec stated the Township is requesting authorization to file a \$65,000 Keystone Grant on behalf of Penn D.O.T. for the Kittanning Pike Sink Hole Project. This grant was championed by Senator Lindsey Williams.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-82-2021 was seconded by Ms. Eccles and carried unanimously.

(3) B-83-2021: Establishing the 2022 Employee Contribution Rate for the Police Pension Plan

The Manager explained the resolution establishes the employee contribution to the Police pension plan in 2022 at 3.0% of compensation. Without this action by Council, the employee contribution rate would be 5% of compensation as mandated by State law.

Motion by Ms. Eccles to approve resolution Bill No. B-83-2021 was seconded by Vice President Vogel and carried unanimously.

(4) B-84-2021: Request from Borough of Blawnox to Utilize Township's Uniform Construction Code Board of Appeals

Manager Jakubec stated Kathy Ulanowicz, Borough of Blawnox Manager, has requested the use of the Township's Uniform Construction Code Board of Appeals to hear and rule on appeals. The Borough of Blawnox would pay any costs associated with appeal hearings. The proposed resolution authorizes the execution of an Agreement with the Borough of Blawnox to utilize the Township's UCC Board of Appeals, subject to review and approval of the agreement by the Township Solicitor.

Motion by Mr. Stewart to approve resolution Bill No. B-84-2021 was seconded by Vice President Vogel.

Vice President Vogel recalled the Township had done this before, which Manager Jakubec stated with Sharpsburg.

Mr. Stewart questioned any legal liability. Solicitor Lucas stated the Township would be creating a joint board and would have blanket indemnification.

It was noted the Township's UCC Board of Appeals does not meet very often, but the members have expertise.

On roll call the motion carried unanimously.

D. Motions for Consideration

(1) Approving the 2022 Council Meeting Dates and Time

Manager Jakubec referenced the list of proposed 2022 Council Meeting dates and time.

Motion by Mr. Stewart to approve the 2022 Council Meeting dates and time was seconded by Ms. Eccles.

Mr. Stewart noted October 4, 2022 is an important holiday that he celebrates and suggested changing the workshop to October 11 and the regular meeting to October 18, to which Council concurred.

On voice vote the motion carried unanimously.

(2) Appointments to Township Boards and Commissions

President Smith noted each year Council is requested to appoint/reappoint representatives to the various Township Boards and Commissions. Staff has verified the following resident volunteers are willing to serve on the respective Boards/Commissions for another term:

Parks and Recreation Commission – Five-Year Term

Matthew DiGirolamo Mark Yon

Uniform Construction Code Board of Appeals – Three-Year Term

Michael Spring

Zoning Hearing Board – Three-Year Term

Scott Duffy Karl Kline Thomas O. Gray

Fire Funding Committee

Dempsey Bruce, III

Community Center Association Board

Mark F. Rothert

Motion by Mr. Denny, Jr. to reappoint the above listed individuals to the respective Boards and Commissions was seconded by Mr. Caprara and carried unanimously.

Ms. Eccles noted Mr. Rothert was to provide an update on the community center. The Manager believed the last update was in June.

VII. REVIEW AND DISCUSSION

A. Request from Fire Committee to Allow Fire Chiefs to Make Changes to the Run Cards

The Manager informed Council that the Fire Chiefs have requested to be authorized to make changes to the Run Cards. Currently the Township must approve all changes. She was not opposed to the Fire Chiefs making changes to the Run Cards as long as any changes are conveyed to the Police Department.

Mr. Denny, Jr. recalled at one point, not just Pleasant Valley Volunteer Fire Company and Parkview Volunteer Fire Department / EMS, but all surrounding volunteer fire departments were provided financial support by the Township. Manager Jakubec indicated all the fire departments communicate and try to make response times more efficient.

Ms. Eccles stated if the Township doesn't control the Run Cards, the checks and balance is gone. Manager Jakubec recalled the issue was not with these two fire departments, and explained the concern is a time lapse in getting the Run Card changes in the system.

Mr. Denny, Jr. thought the Township had more oversight of the Run Cards because of the Township's funding. The Manager stated the Township only controlled the Run Cards for the Township's fire departments and the order for Sharpsburg, Aspinwall and Blawnox to respond. The money was for their backup.

Mr. Stewart requested an explanation of Run Cards, which Manager Jakubec provided.

The Manager suggested asking the Fire Chiefs to attend the next workshop to further explain and answer questions.

B. Request for Relief of Sanitary Sewer Charges

The Manager referenced a letter received from John H. Miller, III requesting relief from the sewage charge on a new residential construction. Council may consider the Township's portion of the sewage charge; but cannot make a determination on ALCOSAN's portion of the sewage charge, as Mr. Miller would need to petition ALCOSAN for relief. She noted Mr. Miller constructed a house and received a sewer bill for 53,000 gallons of water. He had a deduct meter for the lawn irrigation system, and that water does not enter the sewer system, but the deduct meter was not working properly. In comparing other newly constructed homes, the average amount of water used is 3,000 gallons. She indicated Mr. Miller should not have had 50,000 gallons in sewer charges. Manager Jakubec recommended a credit on the Township's portion of the sewer charges for the 50,000 gallons of water.

The consensus of Council was to issue a credit on the Township's portion of the sewer charges for 50,000 gallons of untreated water due to a malfunctioning deduct meter.

C. Solicitors October 8, 2021 Invoice

Mr. Stewart inquired about the status of the Li Lan An zoning case. Solicitor Lucas stated a zoning hearing was held Monday and a decision is anticipated by the November meeting, and the applicant could appeal the decision. Mr. Stewart requested the decision be written to make sure it holds mustard.

VIII. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Ms. Cindy Harris, Fox Pointe, extended appreciation to the people that work the election polls, noting difficulty in getting people to work the polls on Election Day. Manager Jakubec stated the County usually puts out a request but did not do that this year. Ms. Harris suggested including it in the Newsletter, or possibly get high school students in the AP Government class to work the polls.

IX. CONCERNS OF COUNCIL

Mr. Stewart inquired about the results of the ballot questions. Ms. Jakubec noted the change to a gender neutral Home Rule Charter passed; the Council appointee of the same political affiliation did not pass. She noted the election results have not been certified.

Mr. Denny, Jr. indicated he called to congratulate Mr. Tom Portante about the ballot question and they had a good conversation. He also noted the Township's population has changed and the reapportionment of the districts should be done prior to the 2023 election, to which Mr. Stewart agreed. Vice President Vogel recalled the districts did not have to be reapportioned in 2011, but Ward 1 is much larger now.

Mr. Stewart noted a recent tree planting event. Manager Jakubec stated the Township partnered with Sanford Leuba and 100 serviceberry bushes were planted at the Edible Trail at Woodland Park. Blueberry bushes would be planted in the spring.

X. CONCERNS OF STAFF

Staff did not have any concerns to present to Council.

Mr. Denny, Jr. commented that he took the advice of Vice President Vogel and took his wife to the high school play. He was shocked at the low attendance.

XI. ADJOURNMENT

Motion by Vice President Vogel to adjourn the meeting was seconded by Mr. Denny, Jr. and carried unanimously. The meeting adjourned at 8:36 p.m.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet