

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL COMBINED WORKSHOP
AND REGULAR MEETING MINUTES
NOVEMBER 10, 2020**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:00 p.m.
- 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; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Manager Jakubec read a letter of resignation received from Scott Frankowski, Third Ward.

Also Present: Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Loren R. Kephart, Public Service Superintendent, Scott Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

The Manager read a statement related to virtual meeting procedures and participation in the meeting.

II. EMPLOYEE RECOGNITIONS

- A. 20 Years of Service
 - (1) Kevin M. Carney
 - (2) Anna Marie Gizzi
 - (3) Cathy Bubas

President Smith acknowledged the above listed employees for their 20 years of service to the community.

Mr. Stewart, Mr. Denny, Jr. and Ms. Berger thanked staff.

- B. 30 Years of Service
 - (1) Loren R. Kephart

President Smith acknowledged Mr. Kephart for his 30 years of service to the Township, noting he worked his way up to Superintendent.

III. APPROVAL OF MINUTES

- A. Council Virtual Public Hearing – October 13, 2020
- B. Council Virtual Combined Workshop and Regular Meeting – October 13, 2020

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

IV. FINANCE

- A. Vouchers – October 2020

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

Ms. Berger inquired about payments to communication providers which staff explained satisfactorily.

On voice vote the motion carried unanimously. The vouchers total \$302,684.13.

- B. Receipts and Expenditures Records – September 2020

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

- C. Treasurer's Report

Treasurer Curran stated finances look positive. He commended staff for managing expenses. Treasurer Curran also indicated the budget for the coming year is very good and responsible.

V. REPORTS

- A. Other Organizations and Agencies Reports

Mr. Stewart stated he would send photos to staff of catch basins in RIDC Park that need attention. Mr. Stewart also noted a number of empty buildings in RIDC Park. Mr. Steinert, Jr., P.E. noted budgetary cut backs.

Mr. Stewart stated the RIDC Alliance has not had another meeting.

- B. Monthly Departmental Reports

Ms. Berger referred to a report from Lennon Smith Souleret that includes changing the curve to the creek behind O'Hara Township Community Park. She questioned if Lennon Smith Souleret was aware of the study being done by the Army Corps of Engineers, which Mr. Steinert, Jr., P.E. affirmed. An error was noted in the report for correction.

Ms. Berger asked if the report would be provided every month, which Manager Jakubec confirmed.

Mr. Stewart requested having someone from Lennon Smith Souleret attend the next meeting so Council could ask questions, which Mr. Steinert, Jr., P.E. stated he would ask.

President Smith asked if the report reflected existing or proposed storm water management facilities. Mr. Steinert, Jr., P.E. noted some new facilities are proposed and others may be improved to hold more water. President Smith stated the plan has not been approved by the County. Mr. Steinert, Jr., P.E. explained the basis of the storm water facilities on the list is to compile a budget for the storm water fee. It justifies the fee and why the rates are what they are.

Mr. Stewart recalled the new VA facility includes a storm water system. Mr. Steinert, Jr., P.E. stated it is an open pond and is being explored to possibly enlarge it to hold more water.

President Smith questioned how the Township would pursue enlarging storm water facilities on private property. Mr. Steinert, Jr., P.E. indicated the Township would make a recommendation to the property owner, and the larger storm water fee reduction may be persuasive.

Mr. Stewart requested an update on the Ravine Street project. Manager Jakubec recalled the discussion and noted some things would be eliminated. Shaler Township is to rebid the project.

Mr. Stewart requested an update on the Kittanning Pike sink hole. Manager Jakubec stated Penn D.O.T. is proposing if they construct some storm water facilities, would the Township take them over. Lennon Smith Souleret is reviewing the best design. The Manager noted potential locations for storm water facilities. Mr. Stewart questioned if there has been any movement in putting in the concrete blocks at the corner. Manager Jakubec stated no, and noted staff is watching it very closely. She recalled after the last heavy rain she contacted State Representative Mizgorski and Senator Williams and they helped convene a meeting with Penn D.O.T.

Mr. Stewart inquired about when the Army Corps report would be forthcoming and the status of the road paving, which Mr. Steinert, Jr., P.E. satisfactorily addressed.

Ms. Eccles noted work on Cabin Lane and questioned if the whole road would be repaved. Mr. Steinert, Jr., P.E. explained one lane would be repaved, except where the work crossed over, which would have to be repaved the whole width. He indicated depending on cost, the Township may consider milling the remaining sections and putting a new wearing surface on the entire road.

President Smith asked if the Township had started working on the storm water problem for the one lady. Manager Jakubec stated the Township has not done any work, but documents were sent to the resident.

C. Manager's Report

Ms. Berger inquired about the underground utility work project on Fox Chapel Road. Manager Jakubec explained Scenic Pittsburgh, Fox Chapel Borough and the Township met with Duquesne Light Company to discuss putting all utilities underground from the municipal building, through the park and just past Salamander Park along Fox Chapel Road. The cost seems significant, but discussion will continue. Ms. Berger questioned who is requesting this and who would pay for it. Manager Jakubec stated Scenic Pittsburgh, a non-profit agency, is requesting it and would be

looking for funding, and Duquesne Light Company. There would be no funding from the Township. Vice President Vogel noted other utilities connected to the poles and the need to get buy-ins and funding from the providers. The Manager indicated the number of circuits in this corridor increases the cost dramatically.

VI. NEW BUSINESS

A. Ordinances – Introduction for First Reading

(1) Adopting the Township Budget for the Year 2021 B-51-2020

The Manager stated the ordinance adopts the proposed year 2021 Township budget of \$13,955,133. The proposed budget will be reviewed by Council during a special workshop scheduled for November 17, and will most likely change before final adoption.

Motion by Mr. Stewart to introduce Bill No. B-51-2020 was seconded by Vice President Vogel.

Mr. Stewart noted he did not submit his rating sheets from the capital budget due to COVID-19 restrictions.

Mr. Denny, Jr. noted the budget approval process and the Manager noted the numbers would continually be updated until the budget is adopted.

On voice vote the motion carried unanimously.

(2) Enacting the Real Estate Tax Levy for the Year 2021 B-52-2020

Manager Jakubec noted the ordinance establishes the year 2021 Township real estate tax rate at 2.1 mills per the proposed year 2021 Township budget, which is the same millage as in 2020.

Motion by Mr. Denny, Jr. to introduce Bill No. B-52-2020 was seconded by Mr. Stewart and carried unanimously.

(3) Enacting the Earned Income Tax Levy Under Act 62 for the Year 2021 B-53-2020

The Manager stated the ordinance establishes the year 2021 earned income tax levy under Act 62 at .3%, the same rate as in 2020 and for the past eighteen 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 Bill No. B-53-2020 was seconded by Mr. Denny, Jr. and carried unanimously.

- (4) Enacting the Real Estate Transfer Tax Levy Under Act 62 B-54-2020
for the Year 2021

Manager Jakubec noted the ordinance establishes the year 2021 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. Denny, Jr. to introduce Bill No. B-54-2020 was seconded by Vice President Vogel and carried unanimously.

- (5) Establishing a Real Estate Tax Rebate Program for the B-55-2020
Year 2021

The Manager stated 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 2021 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 2021 Township real estate taxes paid over the amount of taxes paid in 2020.

Motion by Mr. Stewart to introduce Bill No. B-55-2020 was seconded by Vice President Vogel and carried unanimously.

- (6) Amending and Restating the Township Nuisance Ordinance B-56-2020

Manager Jakubec noted the proposed amendment to the Nuisance Ordinance provides a definition of 'fireworks' and provisions for setting off fireworks with regard to days and times.

Motion by Mr. Stewart to introduce Bill No. B-56-2020 was seconded by Vice President Vogel.

Ms. Berger noted the ordinance allows fireworks to be set off any day between the hours of noon and 10:00 p.m., except on New Year's and Independence Day. She questioned the need to allow fireworks to be set off on Independence Day until midnight.

Treasurer Curran considered other holidays, but questioned enforceability.

Vice President Vogel felt midnight on Independence Day was long enough. As for Memorial Day and Labor Day, it gets dark early.

President Smith referenced a letter received from a resident that questions a conflict with the noise ordinance. Manager Jakubec noted the Police would need to have decibel meters to determine if the noise from fireworks exceed what is permitted per the current ordinance.

Police Superintendent Slagel recalled receiving lots of complaints about fireworks especially on Independence Day. The Police follow the 'unreasonable' noise statute and make sure people are setting the fireworks off safely. The Police would apply generous discretion. He could anticipate getting a lot of complaint calls the weekend prior to Independence Day. Police Superintendent

Slagel stated typically ten minutes after the Police leave a resident that was setting off fireworks, the resident sets more off. He also noted the Police Officers will talk to people known for setting off fireworks prior to the holiday.

President Smith questioned the state's regulations for fireworks. Solicitor Garfinkel noted the state regulates the distance to set off fireworks from a home, and would have to review the law.

President Smith questioned what determines the safety of fireworks. Police Superintendent Slagel explained the amount of powder and the charge determines how safe the fireworks are. The Police refer to the state laws. If the fireworks are purchased at a tent dealer location near a supermarket, they are most likely safe.

President Smith requested staff to share the resident's letter with the Solicitor to see how it relates to other ordinances.

Mr. Stewart proceeded to review the remainder of the proposed ordinance, noting noxious weeds and recreational fire regulations. He suggested clarifying the recreational fire regulations to the public.

On voice vote the motion carried unanimously.

- (7) Prohibiting the Use of Tobacco and Other Forms of Smoking B-57-2020
in Certain Areas of Township Parks and Repealing
Ordinances No. 1272 and No. 1350

Manager Jakubec stated the Township participates in the Tobacco Free Allegheny Program in an effort to eliminate children's exposure to secondhand smoke at Township parks. Designated play areas with wood carpet chips are smoke-free zones at Meadow Park, George Sacco Park, Beulah Frey Park, Raymond A. Schafer, Jr. Memorial Park, O'Hara Township Community Park and Woodland Park. The proposed ordinance combines Ordinances No. 1272 and 1350 and corrects park names.

Motion by Vice President Vogel to introduce ordinance Bill No. B-57-2020 was seconded by Ms. Berger.

Mr. Denny, Jr. asked if he was walking on the trail if he would be allowed to smoke a cigarette. The Manager stated technically, no, adding smoking would only be allowed at a shelter. Mr. Denny, Jr. suggested banning smoking totally, in all parks. Ms. Eccles was acceptable to allowing smoking only at a shelter. Concern of people invading a rented shelter event in order to smoke was noted. Manager Jakubec suggested banning smoking in parks without rentable shelters.

Treasurer Curran left the meeting at 8:08 p.m.

Vice President Vogel and Ms. Berger withdrew the motion.

Mr. Jon Ruffley questioned what 'smoking' included, noting vaping is prevalent with younger folks. President Smith stated it includes cigarettes, cigars and vaping.

Ms. Harris questioned enforceability, and suggested having a smoking permit to be consistent with the beer permit. She also noted if setting an example for kids, smoking should not be allowed.

It was noted the Tobacco Free Allegheny Program initiated the smoking ban in play areas at parks.

After further discussion, it was suggested to allow smoking in rented shelters at Township parks and ban smoking in parks without rentable shelters.

On voice vote the motion carried 5 – 1, with Vice President Vogel opposing.

VII. REVIEW / DISCUSSION / POSSIBLE ACTION

- A. Successful Candidate of Bank Requests for Proposals and Recommendation to Enter into an Agreement with Dollar Bank (B-58-2020)

Manager Jakubec referenced a memo summarizing the proposals received. After reviewing the proposals, staff is recommending awarding the agreement to Dollar Bank.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-58-2020 was seconded by Ms. Berger.

The Manager recalled recent issues with the current bank resulted in soliciting for proposals. The request for proposal was sent to seven banks, and three responded. The most responsive was Dollar Bank and they were interviewed based on the proposal submitted.

Mr. Denny, Jr. stated Dollar Bank has a credible history from when they were established in 1850's, as they allowed women and African Americans to open accounts on their own.

On roll call the motion carried unanimously.

- B. Requesting Authorization to Execute an Agreement with ALCOSAN for Green Revitalization of Our Waterways Program Grant Funds (B-59-2020)

The Manager informed Council that ALCOSAN approved the Township's application for reimbursement of sanitary sewer lining repairs in the amount of \$52,400. In order to receive the reimbursed funding, the Township must execute an agreement with ALCOSAN outlining the terms of the GROW Program Grant.

Motion by Vice President Vogel to approve resolution Bill No. B-59-2020 was seconded by Ms. Eccles.

Ms. Berger referenced repayment of the grant if ALCOSAN should cease to exist, and questioned if the verbiage could be changed. Manager Jakubec was not concerned, as she did not foresee anything happening to ALCOSAN.

On roll call the motion carried unanimously.

C. Establishing the 2021 Employee Contribution Rate for the Police Pension Plan (B-60-2020)

Manager Jakubec explained the resolution establishes the employee contribution to the police pension plan in 2021 at 3.0% of compensation. Without this action by Council, the employee contribution rate would be 5% of compensation as mandated by State law. She also noted the Police Pension Plan is fully funded.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-60-2020 was seconded by Ms. Berger and carried unanimously.

D. Approving the 2021 Council Meeting Dates and Time

The Manager referenced a list of proposed 2021 Council meeting dates and time. If acceptable to Council, a motion would be needed to approve the list of meetings.

Motion by Mr. Stewart to approve the 2021 Council meeting dates and time was seconded by Ms. Berger and carried unanimously.

E. Board/Commission Vacancies Discussion

Manager Jakubec noted the Council seat recently vacated by Scott Frankowski and explained per the Home Rule Charter, Council has 31 days to fill the seat. Since it is an elected position, interviews must be public and could be scheduled for the December workshop, followed by appointment at the regular meeting in December.

Mr. Denny, Jr. noted the position would be filled for the remaining term. The Manager noted the position must be filled by a resident of the Third Ward and of the Republican Party.

President Smith requested staff to advertise the vacancy, to which the Manager noted the vacancy would also be advertised through social media. She stated two positions on the Civil Service Commission and one position on the Planning Commission are vacant. She would advertise for interested residents to submit letters of interest, but the interviews are not required to be public.

Vice President Vogel recommended focusing on filling the Council seat first. He also noted other Township business would be discussed at the workshop and depending on the number of interviews, Council may need to schedule a separate meeting for interviews, to which Ms. Eccles, Mr. Denny, Jr. and Mr. Stewart agreed.

Mr. Stewart asked if Council could change the 31-days requirement, noting it is a short period of time. Solicitor Garfinkel stated no, as it is a Home Rule Charter requirement and explained a Court could appoint someone if Council does not.

Vice President Vogel noted if Council does not appoint someone in 31 days, someone could petition the Court. He recalled appointing five other people to fill Council vacancies in the past, and one took longer than the 31 days but it did not go to Court.

The consensus of Council was to advertise the Council vacancy and schedule interviews.

The Manager recommended pursuing to fill vacancies on the Civil Service and Planning Commissions in 2021.

F. Update on COVID-19

Manager Jakubec stated there has been an uptake in the number of COVID-19 cases. She discussed the situation with the Emergency Management Coordinator and Parkview EMS shared information with the Police. She noted the Township has PPE, including sanitizer. She planned to publish guidelines in the event someone is exposed to the virus.

The Manager recalled receiving a lot of positive feedback on the Boo To You Program for trick-or-treating.

G. Solicitor's October 9, 2020 Invoice

Ms. Eccles inquired about a bill for handicap parking, which the Manager explained.

VIII. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Ms. Harris recalled talking with most of Council regarding the Long Range Plan and vision for the future. She thanked Council for their time.

Ms. Harris asked when the nuisance ordinance would be available on the website since it was introduced this evening. The Manager indicated the proposed ordinance would be available on the Township website tomorrow.

IX. CONCERNS OF COUNCIL

None.

X. CONCERNS OF STAFF

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

XI. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the meeting was seconded by Mr. Stewart and carried unanimously. The meeting adjourned at 8:47 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment(s): Attendance Sheet(s)