

TOWNSHIP OF O'HARA
COUNCIL REGULAR MEETING MINUTES
APRIL 13, 2021

Manager Jakubec noted virtual meeting procedures.

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; Gregory Caprara, Third Ward; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: Ted Curran, Treasurer; 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; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

II. APPROVAL OF MINUTES

- A. Council Workshop – March 2, 2021
- B. Council Regular Meeting – March 9, 2021

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

III. FINANCE

- A. Vouchers – March 2021

Motion by Mr. Denny, Jr. to pay the subject Vouchers as presented was seconded by Vice President Vogel.

Ms. Berger, Treasurer Curran and Mr. Stewart presented questions which staff answered satisfactorily.

On voice vote the motion carried unanimously. The Vouchers total \$646,653.21.

- B. Receipts and Expenditures Records – February 2021

Motion by Mr. Denny, Jr. to accept the Receipts and Expenditures Records as presented was seconded by Vice President Vogel and carried unanimously.

- C. Treasurer's Report

Treasurer Curran indicated finances look good; the audit was in line. Challenges for 2021 are the same as in 2020; taxes are due one month later which could cause a timing issue; the number of real estate transactions is considerable, but he could not project how strong the market would be in the summer.

Mr. Caprara inquired about a possible need for a Tax Anticipation Note (“TAN”). Treasurer Curran indicated a TAN would not be necessary as steps were taken last year.

IV. REPORTS

A. Other Organizations and Agencies Reports

Mr. Stewart stated the RIDC Business Alliance provided a list of items they plan to work on in 2021, which he emailed to everyone. The main concern is safety and the Alliance inquired about a Disaster Plan for the park, in the event of terrorism or active shooter. The Manager indicated Police Superintendent Slagel would continue discussions with the Alliance when the number of COVID-19 cases eases. President Smith stated the Township has an Emergency Management Plan.

Ms. Eccles questioned when the catch basin work would be done on Alpha and Kappa Drives. Mr. Kephart stated the catch basins are done but curbing work is needed.

Vice President Vogel requested Mr. Stewart to convey to the RIDC Business Alliance that two exiting Council Members put a lot of work into restoring bus service, and now they are seeing a lot of litter.

Mr. Stewart also mentioned the path for employees walking up Alpha Drive is on the list. Vice President Vogel stated a trail on Alpha Drive to Freeport Road would be on the property owners. The path by Zoll is muddy, and suggested throwing some gravel down.

B. Monthly Department Reports

Mr. Caprara noted the Police participated in De-Escalating Training. Police Superintendent Slagel explained the training involved verbal and nonverbal communications to end a situation safely. He stated the training would be mandatory beginning in 2022, and all Township Police Officers would be trained by this summer. It was noted refresher courses would be available. Police Superintendent Slagel noted training is also available to address the duty to intervene in situations with an older Police Officer that may be training a new Officer, and to not just follow the leader.

Mr. Stewart recalled an accident on Saxonburg Boulevard at Berryhill Road, and concerns of speeding. Police Superintendent Slagel stated he could put the speed monitor on Saxonburg Boulevard. Manager Jakubec suggested asking Penn D.O.T. to do a study for a four-way stop intersection. Mr. Stewart recalled comments about making a left turn onto Saxonburg Boulevard from Berryhill Road and people do not realize it is a three-way stop.

Mr. Caprara suggested painting lines to provide a visual que to slow down. Mr. Steinert, Jr., P.E. noted Saxonburg Boulevard is a state-maintained road and the Township cannot do anything without Penn D.O.T.’s approval.

Ms. Berger noted the report from Lennon Smith Souleret Engineers (“LSSE”) is very good. She requested to see steps from beginning to end and an estimated cost on the 24 stormwater management projects. Mr. Steinert, Jr., P.E. stated Kevin Brett, of LSSE is to provide updated costs and would follow up.

Mr. Denny, Jr. asked if the costs for the projects on the list would be borne by the Township or other funding. Manager Jakubec noted grants have been identified to apply for, but grants are very competitive.

Mr. Stewart questioned what constitutes a remapping, which Mr. Steinert, Jr., P.E. explained some residents have indicated the stormwater fee was not assessed accurately on the impervious area.

Mr. Stewart inquired about the makeup of the paving material for the Road Improvement Program this year. Mr. Steinert, Jr., P.E. stated the Township would continue using fiber since it is showing benefits.

C. Township Manager’s Report

Mr. Stewart inquired about the RFPs for the Long Range Planning Consultant. Manager Jakubec indicated the few RFPs received are being reviewed by her and Gary Kohler, Fox Chapel Borough Manager.

V. NEW BUSINESS

A. Proclamations

(1) Recognizing Local Government

Mr. Denny, Jr., filling in for the Manager, noted part of the requirements for the Township to be considered a “Banner Community” include promoting local government. The Township has provided various support resources and virtual activities for the public during the COVID-19 Pandemic, as well as the Township’s bi-annual collection of leaves and brush that promote local government.

Motion by Mr. Denny, Jr. to approve the proclamation was seconded by Mr. Stewart and carried unanimously.

Mr. Tom Portante, Margery Drive, questioned how the Township promotes government. Manager Jakubec and Vice President Vogel noted additional events that promote government. Vice President Vogel also recalled students from a High School class had been required to attend municipal meetings.

Ms. Cindy Harris, Fox Pointe, indicated the Long Range Plan Review Committee could also review ways to engage the public.

Mr. Denny, Jr. noted because of COVID-19, more people are attending meetings via Zoom and suggested meetings continue via Zoom when in-person meetings resume. Manager Jakubec stated she had already talked with a Zoom representative about continuing meetings via Zoom.

(2) Recognizing the Services of PA One Call

The Manager requested Council’s consideration of recognizing PA One Call for the services they provide.

Motion by Mr. Stewart to approve the proclamation was seconded by Ms. Berger and carried unanimously.

B. Ordinances – Introduction for First Reading

- (1) Directing the Placement of a Question on the November 2021 General Election Ballot to Amend the Township Home Rule Charter to be Gender Neutral B-23-2021

Manager Jakubec noted the proposed ordinance was prepared by the Township Solicitor and provides for a ballot question to the electors for the November 2021 election. The ballot question concerns amending the Township Home Rule Charter to be gender neutral.

Motion by Mr. Stewart to introduce ordinance Bill No. B-23-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

(2) Directing the Placement of a Question on the November 2021 General Election Ballot to Amend the Township Home Rule Charter Concerning Removal of Political Affiliation Requirement for Appointment to Vacant Council Seat

B-24-2021

The Manager stated the proposed ordinance was prepared by the Township Solicitor and provides for a ballot question to the electors for the November 2021 election pertaining to amending the Township Home Rule Charter to remove the political affiliation requirement for appointment to vacant Council seats.

President Smith stated as for the process, he would like to see it as a two-part question, one to remove the party and the other for the election to fill the seat, for residents to vote on.

Ms. Eccles stated the verbiage she had provided is not what is written. She had suggested two questions: removal of same political party; vote to fill the seat in the general or municipal election. Solicitor Lucas indicated it could be broken into two questions. If Council wants to table action, there is still time to get the questions on the November ballot.

Ms. Berger and President Smith agreed more discussions about the election process was needed. Manager Jakubec suggested further discussion of the election process to fill a vacant seat during the May or June workshop, or a special meeting could be scheduled.

Mr. Denny, Jr. noted the motion is on the ordinance as is, to remove the political party. He questioned if Council could let the motion die and come back and amend the question. Vice President Vogel stated the ordinance addresses the party, as is. The election would have to be addressed separately.

Mr. Portante opposed the change, stating people are elected in principle by party. Vice President Vogel stated the person appointed by Council would only serve for a few months. Mr. Portante stated Council would be circumventing what the voters expressed. Mr. Denny, Jr. recalled the initial intent was how residents could change the Charter. Council said they would pursue the process to get the question on the ballot for the voters to decide. Mr. Portante stated there are ethical and political reasons why it should not be changed.

Ms. Harris stated Council is not voting to make the change; the ordinance allows for the question to be on the ballot for the people to vote. She noted never seeing partisanship getting in the way of this Council; they have voted on what is best for the Township.

Ms. Ann Sokalski, Fox Ridge Farms, stated she brought the subject up so more people could be candidates to fill a vacant seat. She noted more people are registering as Independent, which reduces the poll of candidates. The request is based on seeking the best qualified candidate.

Mr. Portante agreed with Ms. Harris in that there is very little political party contention on this Council, but most action is not political. To Ms. Sokalski, he informed her ten signatures are needed on a petition to get this on the ballot. Mr. Denny, Jr. stated as an Independent he could not be on the ballot for the primary election. Mr. Portante disagreed, noting it had been changed, to which some members of Council disagreed.

Vice President Vogel amended his motion to insert the stricken language as is legally required by law. Mr. Denny, Jr. clarified Council was only voting on the ordinance to remove the political party requirement. Next month Council would discuss the election process to fill a vacant seat for the remainder of the term.

Mr. Denny, Jr. seconded the amended motion. Vice President Vogel again amended the motion to remove “desires” and replace with “has been requested” in the third paragraph of the proposed ordinance. The motion was seconded by Mr. Stewart.

On voice vote, the motion carried 4 – 2 with President Smith and Ms. Eccles voting against. President Smith explained he did not support removing the political party.

Mr. Portante also informed Council that the Home Rule Charter requires the reapportioning of the wards every ten years, and indicated the wards are way out of balance according to his source, not the Census. Reapportioning is to be done within one year of the official Census.

President Smith recalled the wards ran two years apart from At-Large positions. He indicated they would have one Council person running alone for one ward. Vice President Vogel stated the person would serve the remaining unexpired term.

Ms. Harris clarified the changes to the proposed ordinance and Solicitor Lucas suggested Council email any questions to him.

- (3) Restating and Repealing Ordinance No. 1372, Establishing and Enacting Rules and Regulations for the Use of Park and Recreation Facilities in the Township of O’Hara, and to Promote and Preserve the Public Health, Safety and Welfare in the Parks Owned and Maintained by the Township of O’Hara B-25-2021

Manager Jakubec recalled during a recent review of the Township Parks Rules and Regulations, the Township Parks and Recreation Commission recommended amending the rules to prohibit smoking of any devices and the use of all tobacco products in all Township parks. The ordinance restates and repeals Ordinance No. 1372, known as the Township Parks Rules and Regulations.

Motion by Mr. Stewart to introduce ordinance Bill No. B-25-2021 was seconded by Ms. Berger.

Vice President Vogel anticipated hearing a lot of flak on the smoking ban. Ms. Eccles noted people can always go to another park.

On voice vote, the motion carried 5 -1 with Vice President Vogel voting against.

C. Resolutions

- (1) Recognizing the Services of John J. Millburn B-26-2021

The Manager stated John Millburn, Township Police Officer, has decided to retire. The proposed resolution recognizes his 37 years of service to the community.

Motion by Mr. Stewart to approve resolution Bill No. B-26-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

- (2) Recognizing the Services of George J. McBriar B-27-2021

Manager Jakubec noted George McBriar, Fire Chief of Blawnox Volunteer Fire Company, has decided to retire.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-27-2021 was seconded by Mr. Stewart and carried unanimously.

- (3) Recognizing the Services of John Simmons B-28-2021

The Manager stated John Simmons, Assistant Fire Chief of Blawnox Volunteer Fire Company, has decided to retire.

Motion by Vice President Vogel to approve resolution Bill No. B-28-2021 was seconded by Ms. Eccles and carried unanimously.

- (4) Adopting the 2020 Allegheny County Hazard Mitigation Plan as the Official Hazard Mitigation Plan of the Township of O'Hara B-29-2021

Manager Jakubec noted Emergency Management Coordinator Tom Heilmann is recommending the Township adopt the updated Allegheny County Hazardous Mitigation Plan as the Township's Plan.

Motion by Mr. Stewart to approve resolution Bill No. B-29-2021 was seconded by Ms. Berger and carried unanimously.

- (5) Awarding the 2021 Road Improvement Program Contract B-30-2021

The Manager stated after reviewing bids that were received by Fox Chapel Borough on March 15th, the Township Engineer is recommending awarding the Base Bid to Shields Paving in the amount of \$413,349, which includes the milling and resurfacing of Kappa, Weir, Meadow Heights, Alleyne, and Dowling Drives and Joanne Street (north and south), Division Street and Sacco Park parking lot; and Add Alternates No. 6 (Fox Ridge Farms Drive), No. 7 (Davonshire Drive), No. 9 (Village Drive), No. 10 (Emily Drive), No. 11 (Fairgrove Drive), and No. 12 (Queens Court) in the amount of \$260,354.76. The Total Cost of all roads is \$673,703.76. The 2021 budget allocation for the Road Improvement Program is \$1,100,000.

Motion by Vice President Vogel to approve resolution Bill No. B-30-2021 was seconded by Ms. Berger and carried unanimously.

- (6) Authorizing the Execution of a Joint Municipal Agreement for the Ravine Street Stream Removal Project GROW Grant B-31-2021

Manager Jakubec explained the ALCOSAN Grow Grant for the Ravine Street Stream Removal Project requires the execution of a Joint Municipal Agreement between the Township, ALCOSAN, Sharpsburg Borough and Shaler Township. The agreement is acceptable to the Township's Solicitor.

Motion by Mr. Stewart to approve resolution Bill No. B-31-2021 was seconded by Ms. Eccles and carried unanimously.

- (7) Accepting Bids Received by the South Hills Area Council of Governments Purchasing Alliance for 2021 Spring Commodities B-32-2021

The Manager recalled the South Hills Area Council of Governments received bids for its spring commodities contracts on March 12th. Staff is requesting authorization to accept the bids in order to secure the quoted prices on an as needed basis.

Motion by Ms. Eccles to approve resolution Bill No. B-32-2021 was seconded by Ms. Berger and carried unanimously.

- (8) Authorizing the Purchase of Public Service Department Equipment

B-33-2021

Manager Jakubec stated Public Service Superintendent Loren Kephart is requesting authorization to purchase one Backhoe from Groff Tractor and Equipment, Inc., Cranberry, PA through the CoStars Purchasing Alliance Contract. The cost of the new backhoe under the CoStars Contract is \$123,543.55, less the trade in value of \$19,850 for the Township's 1998 580-L Backhoe, and vendor discount of \$10,430.55 for a total purchase price of \$93,263. The purchase price will be shared between the General Fund and the Sewer Fund. The 2021 budgeted allocation for Public Service Department equipment is \$114,378.

Motion by Ms. Eccles to approve resolution Bill No. B-33-2021 was seconded by Mr. Stewart and carried unanimously.

- (9) Authorizing the Execution of a Joint Municipal Agreement for Glass Recycling Program with the Boroughs of Blawnox and Aspinwall

B-34-2021

The Manager stated glass recycling is being removed from the regular recycling stream. In anticipation of the next trash and recycling collection contract not including glass for recycling, the Township is recommending partnering with Pennsylvania Resources Council (PRC) in a pilot program. The Boroughs of Blawnox and Aspinwall have expressed desire to also participate in the program and share any related costs equally. The proposed agreement has been revised to include cost sharing provisions in the event one community withdraws from the program.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-34-2021 was seconded by Vice President Vogel and carried unanimously.

- (10) Authorizing the Execution of an Agreement with Fox Chapel Area Youth Soccer Association

B-35-2021

Manager Jakubec recalled Fox Chapel Area Youth Soccer Association presented a proposal to the Township Parks and Recreation Commission regarding updates and maintenance of the Boyd Soccer Field, including a monetary contribution for the updates and maintenance. In exchange, the Soccer Association requests continued use of the soccer field, as has been past practice, for seven (7) years with options for renewal over a period in total of 20 years. This will not prohibit Lauri Ann West Community Center or the general public from using the fields. Usage volume by the Soccer Association is not changing.

Motion by Mr. Stewart to approve resolution Bill No. B-35-2021 was seconded by Ms. Berger and carried unanimously.

- (11) Authorizing the Filing of a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the O'Hara Township Community Park Trail Stabilization Project

B-36-2021

The Manager noted the resolution authorizes the filing of a DCNR Grant Application for the Trail Stabilization Project at O'Hara Township Community Park. A gabion wall along the creek has failed and is in need of replacement.

Motion by Mr. Stewart to approve resolution Bill No. B-36-2021 was seconded by Vice President Vogel and carried unanimously.

- (12) Authorizing the Filing of a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the O'Hara Township ATV Purchase

B-37-2021

Manager Jakubec stated the resolution authorizes the filing of a DCNR Grant Application for the purchase of an ATV. Staff has indicated the ATV would be useful in maintaining Township parks and trails. The grant request is for \$30,000 and no match from the Township is required.

Motion by Ms. Eccles to approve resolution Bill No. B-37-2021 was seconded by Mr. Stewart and carried unanimously.

- (13) Approving the Acquisition and Subsequent Disposition of Side Yard and Blighted Structure Application for Property Known as Lot and Block 223-R-315 Located Along Mary Street

B-38-2021

The Manager explained Michael Haas of Kittanning Pike is seeking to acquire dilapidated property on Mary Street, across from the rear of his property through the Allegheny County Vacant Property Recovery Program. Mr. Haas indicated the plan is to acquire the property to provide parking.

Motion by Vice President Vogel to approve resolution Bill No. B-38-2021 was seconded by Mr. Denny, Jr. and carried unanimously.

D. Motion

- (1) Extending the Discounted Township Real Estate Tax Deadline to May 28, 2021

Manager Jakubec noted a motion would be needed to authorize the extended deadline to receive the discounted real estate tax to May 28, 2021, which will mirror the extension offered by the Allegheny County Treasurer.

Motion by Mr. Stewart to extend the discounted Township real estate tax deadline to May 28, 2021 was seconded by Ms. Eccles and carried unanimously.

- (2) Authorizing the Auctioning of Used Township Equipment on Municibid

The Manager referenced a memo from Loren Kephart, Public Service Superintendent, requesting authorization to auction various equipment through Municibid, an online auction company. The Township has no use for the equipment listed in the memo.

Motion by Vice President Vogel to authorize various equipment to be auctioned online through Municibid, was seconded by Mr. Stewart and carried unanimously.

VI. COMMUNICATIONS

A. Citizens

Ms. Sokalski asked if Shields Asphalt uses coal tar. Mr. Steinert, Jr., P.E. stated no, and explained coal tar is a seal coat product. Ms. Sokalski asked if Council intends to ban the use of coal tar. Manager Jakubec recalled discussion of the product at a North Hills Council of Government meeting. Tim Rogers, Shaler Township Manager, was an attorney and planned to draft a resolution encouraging people not to use coal tar products.

Ms. Harris commented that she was glad Council discussed the four-way stop intersection at Saxonburg Boulevard and Brownhill Road.

Ms. Harris indicated she fully supported continuing Zoom meetings when in-person meetings resume.

B. Council

Mr. Stewart stated he has been getting calls asking when the park restrooms will be opened. Manager Jakubec explained she continues to monitor the number of COVID-19 cases, and hoped to be able to open the park restrooms in May. Ms. Eccles noted the case numbers have been increasing.

Mr. Stewart questioned when the Council meeting packet could be made more available to the public. The Manager stated she would put out any information Council tells her to put out.

C. Staff

Manager Jakubec noted the Annual Earned Income Tax filing deadline has been extended. The Annual Filing must be submitted to Keystone Collections on or before May 17th.

The Manager requested Council to remain for an Executive Session to discuss a labor matter.

VII. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the meeting was seconded by Vice President Vogel and carried unanimously. The meeting adjourned at 9:20 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet