

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL
REGULAR MEETING MINUTES
DECEMBER 14, 2021**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:01 p.m.

Manager Jakubec noted 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; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Gregory Caprara, Third 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; David Kovac, LSSE Consulting Engineer; Loren R. Kephart, Public Service Superintendent; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

Manager Jakubec explained that Mr. Caprara had personal matters to attend.

II. APPROVAL OF MINUTES

- A. Council Virtual Combined Workshop and Regular Meeting – November 9, 2021
B. Council Virtual Special Workshop – November 16, 2021

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

III. FINANCE

- A. Vouchers – November 2021

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

Mr. Stewart presented questions about specific vouchers which the Manager answered satisfactorily.

The motion carried unanimously. The vouchers total \$1,134,589.36.

B. Receipts and Expenditures Records – October 2021

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

C. Treasurer's Report

Treasurer Curran indicated the Township will end the year financially strong.

IV. REPORTS

A. Other Organizations and Agencies Reports

Mr. Stewart reported on the North Hills Council of Government meeting. Items discussed included the budget; option of receiving meeting agenda information digitally or mail; a mutual aid agreement among fire fighters; the reserve for the Special Response Team; and the cable agreement.

B. Monthly Departmental Reports

Mr. Stewart inquired about the status of the chicken ordinance. Manager Jakubec recalled meeting with subcommittee members and the subcommittee would reconvene after the holidays.

Mr. Stewart inquired about a stream gauge along Lower Road. Mr. Steinert, Jr., P.E. explained it is to figure the flows through the stream during rain events and is part of the Army Corps of Engineers study.

Mr. Stewart noted the Freeport Road traffic signals upgrade project has been reinstituted.

President Smith recalled the governmental funds and sanitary sewer fund and questioned if the storm water should also have its own section in the budget. Manager Jakubec indicated a separate section could be added to the budget, noting the storm water fee is projected to generate between \$820,000 and \$830,000 a year.

Mr. Stewart referenced the Police Department Report and stated when a mental health event occurs, it would be nice to be able to know the people in the community. Police Superintendent Slagel indicated some are well known by the Police. When a young person is involved, the parents have come forward so the Police are aware and not blindsided at a scene. He recalled prior training in dealing with people with special needs; to not make assumptions when interacting; try to assess between a mental health situation and criminal situation. Police Superintendent Slagel indicated the Township could reach out to the community through social media or the newsletter. If the Police are notified, the address could be flagged through the County 9-1-1 system. Manager Jakubec added elderly residents could have a Knox Box so the Police could enter a residence with a key. Mr. Denny, Jr. stated the message should come from the Police Superintendent.

Mr. Stewart questioned if the Township's Police Officers responded to an incident at the Waterworks Mall. Police Superintendent Slagel clarified Waterworks Mall is within the City of Pittsburgh jurisdiction. Township Police did assist at a distance and established road blocks.

C. Manager's Report

No comments.

V. OLD BUSINESS

President Smith noted the following agenda items were reviewed during prior workshops and a public hearing.

A. Ordinances – Second Reading and Adoption

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

Manager Jakubec noted the ordinance adopts the proposed year 2022 Township budget of \$14,489,600. The proposed budget was reviewed by Council during a special workshop on November 16th.

Motion by Mr. Denny, Jr. to adopt ordinance Bill No. B-76-2021 was seconded by Ms. Berger.

The Manager stated the budget as proposed does not include any tax increases. She recommended reviewing revenue sources in March 2022 to determine if additional projects could be planned.

Ms. Berger recommended allotting \$5,000 for the library, but not \$20,000 as included in the budget. She noted questions that need answers. Ms. Berger recalled the library was requesting \$5.00 per capita, but not all residents use that library. She suggested deciding on an allotment for the library after the questions have been answered. Ms. Eccles was in agreement.

Mr. Denny, Jr. supported the \$20,000 allotment to the library. Vice President Vogel suggested leaving the funding in the budget but if the questions do not get answered, maybe the library won't receive as much. Just because money is in the budget does not mean it has to be spent. Mr. Stewart noted a lot of due diligence is needed on the Township's part. He supported leaving the funding in the budget as a placeholder. President Smith supported leaving the \$20,000 for the library in the budget, but it is not a commitment.

On roll call the motion carried unanimously.

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

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

Motion by Ms. Eccles to adopt ordinance Bill No. B-77-2021 was seconded by Vice President Vogel and carried unanimously.

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

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 Mr. Denny, Jr. to adopt ordinance Bill No. B-78-2021 was seconded by Mr. Stewart and carried unanimously.

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

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 Mr. Stewart to adopt ordinance Bill No. B-79-2021 was seconded by Vice President Vogel and carried unanimously.

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

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 2022 as 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 Ms. Berger to adopt ordinance Bill No. B-80-2021 was seconded by Ms. Eccles and carried unanimously.

VI. NEW BUSINESS

A. Ordinance – Introduction for First Reading

- (1) Repealing and Restating the Township Civil Service Commission Rules and Regulations B-85-2021

The Manager stated the Civil Service Commission recently learned that the Allegheny County Police Academy no longer administers the type of Physical Agility Test the Township uses. The County administers the Cooper Standards Physical Agility Test, which is based on physical fitness. The Civil Service Commission has recommended that the Rules and Regulations be amended to reflect the Cooper Standards Physical Agility Test.

Motion by Vice President Vogel to introduce ordinance Bill No. B-85-2021 was seconded by Ms. Eccles.

Mr. Stewart asked if a candidate does not pass the Physical Agility Test if they get a second chance. Manager Jakubec stated, “No”, and explained the candidates have to pass the Physical Agility Test or they cannot move forward with testing.

On voice vote, the motion carried unanimously.

- (2) Accepting the Dedication for Public Use and for Highway Purposes the Streets as Set Forth in the Certain Recorded Plan Named Tara Villa and Accepting as Part of the Public Storm Drainage System, the Storm Sewers Installed In the Public Streets and Rights-Of-Way Shown In Said Plan, and Portion of Storm Water Pipe Crossing In the Street B-86-2021

Manager Jakubec stated Township Engineer Chuck Steinert is recommending the Township accept dedication of the Tara Villa Plan, as more fully described in the attached proposed ordinance. Development is 75% completed and the stormwater facility will remain privately owned and maintained per an agreement between the two property owners where the facility is located.

It was noted that the legal descriptions were not included in the proposed ordinance.

Motion by Ms. Eccles to table consideration of the ordinance until the legal descriptions are provided was seconded by Mr. Stewart.

Mr. Stewart questioned if the Township would adopt all of the streets, pipes, stormwater facility. Mr. Steinert, Jr., P.E. stated the Township is not adopting the stormwater facility.

On voice vote the motion carried unanimously.

B. Resolutions

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| (1) | Authorizing the Execution of an Agreement with Penn D.O.T. Regarding the Construction and Maintenance of Stormwater Retention Facility near the Sunoco Tank Farm | B-87-2021 |
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Manager Jakubec stated in order to reduce flooding that occurs on Freeport Road near the Sunoco Tank Farm, the Township, Penn D.O.T., Sunoco Partners and Millennium Hospitality Enterprises have negotiated an agreement for the design, construction and maintenance of a retention pond located on property owned by Sunoco.

Mr. Denny, Jr. recommended Council table consideration of the resolution. He recalled recent emails exchanged with Penn D.O.T. officials, indicating Penn D.O.T. is not responsible for maintaining the Highland Park Bridge sidewalks, even though an agreement from 1936 says the Township is not responsible. He noted the Township does not have the equipment or staff to shovel and salt the bridge sidewalks. Mr. Denny, Jr. indicated the proposed stormwater retention facility agreement could be used as leverage to get Penn D.O.T. to take responsibility of the Highland Park Bridge sidewalks.

Vice President Vogel understood the point, but noted with every heavy rain Freeport Road floods and has to be closed several times a year. It must be corrected as soon as possible.

Manager Jakubec requested time to talk with Penn D.O.T. officials, since the project has not gone out for bid.

Mr. Denny, Jr. was acceptable to tabling the resolution to January. Mr. Stewart did not want to delay the Freeport Road project. He questioned why the agreement was by resolution since the agreement goes on in perpetuity. Solicitor Lucas explained it is a contract per the Home Rule Charter.

Motion by Mr. Denny, Jr. to table resolution Bill No. B-87-2021 to January 2022, was seconded by Ms. Berger and carried unanimously.

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| (2) | Adopting the ALCOSAN Act 537 Special Study | B-88-2021 |
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The Manager stated Township Engineer Chuck Steinert has reviewed the ALCOSAN Act 537 Special Study and is recommending to Council that the Act 357 Special Study be adopted.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-88-2021 was seconded by Vice President Vogel and carried unanimously.

President Smith shifted the order of the following resolutions.

(5) Recognizing the Services of Gregory Caprara B-91-2021

President Smith read the resolution in its entirety.

Motion by Ms. Eccles to approve resolution Bill No. B-91-2021 was seconded by Mr. Stewart.

President Smith thanked Mr. Caprara for sharing his experience and knowledge.

On roll call the motion carried unanimously.

(4) Recognizing the Services of Allison Berger B-90-2021

President Smith read the resolution in its entirety.

Motion by Vice President Vogel to approve resolution Bill No. B-90-2021 was seconded by Mr. Denny, Jr.

President Smith acknowledged the Township has benefited from Ms. Berger's eight years of service. Though she was not always vocal, she did her research and when she spoke, people listened. Ms. Berger thanked everyone on Council, stating it was an honor to serve with them. She also thanked staff and acknowledged their hard work for the betterment of the community.

On roll call the motion carried unanimously.

(3) Recognizing the Services of Charles A. Vogel B-89-2021

President Smith read the resolution in its entirety.

Motion by Ms. Eccles to approve resolution Bill No. B-89-2021 was seconded by Mr. Stewart.

President Smith thanked Huck, recalling his 24 years on Council, his knowledge, influence and accomplishments, including hiring a new Township Manager, a new community library, a new community center, housing and stormwater improvements. President Smith recalled Vice President Vogel always kept a close eye on the budget, and kept a Home Rule Charter in his briefcase. His decisions were made as a Professional Engineer and a life-long resident.

Vice President Vogel stated he has enjoyed the last 24 years and it has been an honor to represent O'Hara Township. He always tried to do what was best for the Township. He will miss it; and still enjoys doing it. He also thanked his Mother for talking him into doing it. He stated the Township is in good hands.

On roll call the motion carried unanimously.

C. Motions

- (1) Certifying Volunteer Fire Fighters and EMS Personnel to Receive Act 172 Earned Income Tax Refund

Manager Jakubec stated the Township volunteer fire department/company have provided a list of Eligible Volunteers for the Local Tax Credit in accordance with Act 172 of 2016.

Motion by Ms. Eccles to certify the Eligibility List of volunteer fire fighters and EMS personnel to receive the Earned Income Tax Refund was seconded by Mr. Denny, Jr. and carried unanimously.

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

The Manager noted staff is recommending auctioning a used police vehicle on Municibid, an online auction company. It is anticipated that the auctioning of the vehicle could be more lucrative than trading in the vehicle. If the auction does not meet the trade-in price, the Township will trade the vehicle in.

Motion by Mr. Denny, Jr. to authorize the auctioning of a used police vehicle on Municibid was seconded by Ms. Berger and carried unanimously.

- (3) Authorizing the Volunteer Fire Chiefs to Make Changes to Run Cards Upon Notification of Township Staff

Manager Jakubec recalled Ed Michalowski, Fire Chief of Pleasant Valley Volunteer Fire Company, attended the December 7th workshop to explain the current process to change Run Cards and the delayed implementation of the change. In an effort to expedite any future Run Card changes, the Fire Chiefs have requested authorization to make changes.

Motion by Mr. Denny, Jr. to authorize the Township's Volunteer Fire Chiefs to make changes to the run cards was seconded by Vice President Vogel.

Mr. Denny, Jr. requested an explanation since he was unable to attend the December 7th meeting. Manager Jakubec explained only the Fire Chiefs will make any changes and they have to notify Township staff.

On voice vote the motion carried unanimously.

VII. COMMUNICATIONS

A. Citizens

Ms. Cindy Harris, Fox Pointe, thanked Huck and Ally for many years of service.

B. Council

Vice President Vogel questioned the chance of the Reorganizational Meeting being in person. He suggested conducting the Reorganizational Meeting at the Community Center, since it is a bigger room. Manager Jakubec indicated the meeting could be via Zoom.com. If the meeting is conducted at the municipal building, everyone must be masked because there is not enough room to social distance. President Smith thought an in-person meeting would be nice for the newly elected officials being sworn

into office, and they could bring family members. Ms. Eccles suggested they leave after the swearing in.

The consensus of Council was to conduct the January 3, 2022 Council Reorganizational Meeting at the municipal building, with all attendees fully masked.

The Manager indicated the meeting would be available through Zoom.com and videotaped.

President Smith asked if Port-A-Johns would be provided in the parks. Manager Jakubec stated she preferred not to put Port-A-Johns in parks, noting they were not provided last year. She could not ensure the cleanliness, noting the Port-A-Johns might be cleaned once every two weeks.

The consensus of Council was not to provide Port-A-Johns in parks.

C. Staff

Manager Jakubec indicated Council could conduct an Executive Session this evening or in January.

President Smith verified Council had received information he had sent.

Mr. Denny, Jr. and Ms. Berger preferred to conduct the Executive Session this evening.

VIII. ADJOURNMENT

Motion by Vice President Vogel to adjourn the meeting was seconded by Ms. Berger and carried unanimously. The meeting adjourned at 8:26 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet