

TOWNSHIP OF O'HARA
COUNCIL REGULAR MEETING MINUTES
DECEMBER 10, 2019

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:07 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

Absent: Scott Frankowski, Third Ward; John R. Denny, Jr., At-Large

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

Manager Jakubec noted Mr. Denny, Jr. was not feeling well and Mr. Frankowski had a work scheduling conflict.

II. APPROVAL OF MINUTES

- A. Council Public Hearing – November 12, 2019
- B. Council Combined Workshop and Regular Meeting – November 12, 2019
- C. Council Special Workshop – November 19, 2019

President Smith noted changes to all of the minutes.

Motion by Mr. Stewart to approve the subject minutes as corrected was seconded by Vice President Vogel and carried unanimously.

III. FINANCE

- A. Vouchers – November 2019

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

Mr. Stewart and President Smith presented questions on various vouchers which staff answered satisfactorily.

Ms. Eccles recalled seeing kids walking on the path to school instead of crossing in the middle of Field Club Road.

On voice vote, the motion carried unanimously. The vouchers total \$942,296.19.

B. Receipts and Expenditures Records – October 2019

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

C. Treasurer's Report

Manager Jakubec noted Treasurer Curran was attending the Eagle Scout Awards Ceremony and may arrive later.

IV. REPORTS

A. Other Organizations and Agencies Reports

No comments.

B. Monthly Departmental Reports

Ms. Eccles inquired about the code enforcement at GetGo. Manager Jakubec explained the Zoning Hearing Board approved specific signage limitations and over time GetGo began to violate the approved signage. Staff sent enforcement letters which were ignored. Staff issued citations for the violation and GetGo complied so the citations were withdrawn.

Ms. Eccles questioned how to proceed with enforcing Bed and Breakfast uses. Manager Jakubec indicated once the ordinance is introduced the regulations should be followed. She added no Airbnb will be allowed in any residential district. Any current licenses will not be renewed once they expire. The Manager noted a problem Airbnb on Freeport Road and after the Police have been called about it three times, citations will be issued to the landlord. She added that Airbnb owners would be notified of the recent change.

Mr. Stewart inquired about the Pringle Conditional Use application. Manager Jakubec stated the Pringle's have applied to have two rental units in one building. The application will be reviewed by the Planning Commission on Monday evening.

C. Manager's Report

Manager Jakubec informed Council that the 2019 Bonds had settled. The 2014 bonds and PennVest Loans were paid off.

V. OLD BUSINESS

A. Ordinances – Second Reading and Adoption

- (1) Establishing the Creation of the East Little Pine Creek Sanitary Sewer District and Imposing a Special Purpose Part Tapping Fee in Addition to Other Applicable Tapping Fees B-49-2019

Manager Jakubec stated a sewer district is being created due to the installation of sanitary sewers in the Saxonburg Boulevard area. Homes in this district would be responsible for paying the special purpose and conveyance taps. All homes, new and existing without public sewers that are tapping into the new system, would pay the tap fees. She noted an amount was inserted into the ordinance at the Solicitor's recommendation. Since an application for new construction on Saxonburg Boulevard has been submitted, in order that the applicant pays their fair share the ordinance is up for enactment this evening.

Motion by Mr. Stewart to adopt ordinance Bill No. B-49-2019 was seconded by Ms. Berger and carried unanimously.

- (2) Adopting the Township Budget for the Year 2020 B-50-2019

The Manager stated the ordinance adopts the proposed year 2020 Township budget in the amount of \$14,187,048. She noted the year-to-date projections were updated today.

Motion by Mr. Stewart to adopt ordinance Bill No. B-50-2019 was seconded by Vice President Vogel and carried unanimously.

- (3) Enacting the Real Estate Tax Levy for the Year 2020 B-51-2019

Manager Jakubec noted the ordinance establishes the year 2020 Township real estate tax rate at 2.1 mils per the proposed year 2020 Township budget. The real estate tax rate is an increase of .2 from the 2019 tax rate.

Motion by Mr. Stewart to adopt ordinance Bill No. B-51-2019 was seconded by Vice President Vogel and carried unanimously.

- (4) Enacting the Earned Income Tax Levy Under Act 62 for the Year 2020 B-52-2019

The Manager stated the ordinance establishes the year 2020 earned income tax levy under Act 62 at .3%, the same rate as in 2019. 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. Stewart to adopt ordinance Bill No. B-52-2019 was seconded by Ms. Eccles and carried unanimously.

- (5) Enacting the Real Estate Transfer Tax Levy Under Act 62 B-53-2019
for the Year 2020

Manager Jakubec stated the ordinance establishes the year 2020 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-53-2019 was seconded by Vice President Vogel.

Mr. Stewart requested the Manager to explain how Act 62 and Act 511 affect the Wage Tax and Real Estate Transfer Tax. The Manager noted the Township is governed by a Home Rule Charter, which provides for the enactment of the Earned Income Tax and Real Estate Transfer Tax. The Earned Income Tax is shared with the school district, with .8% going to the Township and .5% going to the school district. The Real Estate Transfer Tax is also shared with the school district, with 1% going to the Township and .5% going to the school district.

On roll call, the motion carried unanimously.

- (6) Establishing a Real Estate Tax Rebate Program for the B-54-2019
Year 2020

Manager Jakubec 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 2020 as in 2019. 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 2020 Township real estate taxes paid over the amount of taxes paid in 2019. The Township follows the County's Program Income Requirements.

Motion by Ms. Eccles to adopt ordinance Bill No B-54-2019 was seconded by Ms. Berger and carried unanimously.

VI. NEW BUSINESS

A. Ordinance – Introduction for First Reading

- (1) Ratifying the Clerical Labor Agreement for the Years 2020, B-63-2019
2021, 2022 and 2023

The Manager stated the Township and clerical staff have reached a tentative labor agreement. Details of the agreement may be discussed during Executive Session.

Motion by Mr. Stewart to introduce ordinance Bill No. B-63-2019 was seconded by Ms. Eccles.

Mr. Stewart questioned what 'longevity' is which the Manager explained. She added the contract is for four years. The first three years include an \$0.80 per hour increase, with an \$0.85 per hour increase in 2023; \$75.00 per year increase for longevity; and an increase to the pension multiplier.

Ms. Eccles questioned the average percent increase, which the Manager estimated to be 3%.

On voice vote, the motion carried unanimously.

B. Resolutions

- (1) Granting Minor Subdivision Approval to the Mark & Carol's B-64-2019 Hilltop Plan of Lots

Manager Jakubec stated Carol Zurawka and Mark Rimmel, owners of four parcels located along Meadow Park Lane, wish to consolidate the four lots into one lot. The Township Planning Commission reviewed the Plan at its November 18th regularly scheduled meeting and has recommended to Council that the Plan be approved as submitted. She noted a paper street would need to be officially vacated by a Judge's order for the line on the plan to disappear, though they officially own it.

Motion by Ms. Eccles to approve resolution Bill No. B-64-2019 was seconded by Mr. Stewart and carried unanimously.

- (2) Awarding a Contract for the Powers Run Road – Fox Chapel B-65-2019 Interconnect Sewer Extension Project

The Manager recalled bids were received for the subject project at the October 15th regular Council meeting. Township Engineer Chuck Steinert has recommended awarding the bid to W. A. Petrakis Contracting in the amount of \$290,635.00. The proposed 2020 budget allocation for the project is \$400,000. The project would be funded through a grant with Fox Chapel Borough funding the required match.

Motion by Mr. Stewart to approve resolution Bill No. B-65-2019 was seconded by Vice President Vogel.

President Smith noted the full budgetary allocation would not be used.

On roll call the motion carried unanimously.

- (3) Awarding a Contract for the Dorseyville Road – Village Drive B-66-2019 Sanitary Sewer Extension Project

Manager Jakubec recalled bids were received for the subject project at the October 15th regular Council meeting. Township Engineer Chuck Steinert has recommended awarding the bid to North Beaver Contracting, LLC in the amount of \$158,975.00. The proposed 2020 budget allocation for the project is \$225,000.

Motion by Mr. Stewart to approve resolution Bill No. B-66-2019 was seconded by Ms. Berger and carried unanimously.

(4) Awarding a Contract for the Kirkwood Drive Sanitary Sewer Project B-67-2019

The Manager noted bids were received for the subject project at the November 19th special workshop. Township Engineer Chuck Steinert has recommended awarding the bid to Jet Jack, Inc. in the amount of \$274,302.00. This is part of the Saxonburg Sanitary Sewer Project.

Motion by Mr. Stewart to approve resolution Bill No. B-67-2019 was seconded by Vice President Vogel.

Mr. Stewart questioned the timing for all three projects. Manager Jakubec anticipated the projects would begin in February, after executing all the contracts. She also referred to needed cash flow, such as earned income tax revenue.

Vice President Vogel inquired about the Cabin Lane Project, which the Manager stated the sewer line is the one under the field.

On voice vote the motion carried unanimously.

(5) Restating the Township Fee Resolution B-68-2019

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

Motion by Mr. Stewart to approve resolution Bill No. B-68-2019 was seconded by Vice President Vogel.

Mr. Stewart requested the Manager review the changes in fees and explain why, which Manager Jakubec did.

On roll call the motion carried unanimously.

C. Decision

(1) Conditional Use Application for Conditional Duplex at 718 Edgewood Avenue B-57-2019

Manager Jakubec recalled Nava Chernoff had submitted an application to obtain Conditional Use approval to convert the house located at 718 Edgewood Avenue, Pittsburgh, PA 15215, in the R-3 (Urban Residential District), into a duplex. The Township Planning Commission completed its review at the October 21st meeting and has recommended to Council that approval be denied. The Planning Commission determined that requirements A, H and I of Section 72-13.103 in the Township Zoning Ordinance were not satisfied. Council conducted a Public Hearing on November 12, 2019 to receive public comments, and subsequently tabled action on the application at the regular meeting to deliberate. Council is requested to render a decision concerning the conditional use application this evening. The Township Solicitor has prepared a proposed resolution for Council's consideration.

Motion by Ms. Eccles to approve resolution Bill No. B-57-2019 was seconded by Mr. Stewart.

President Smith clarified the resolution denies conditional use approval. Mr. Stewart referenced the conditions that resulted in denial.

On roll call, the motion carried unanimously.

The Manager indicated Ms. Chernoff had been notified that all bookings are to conclude by December 31, 2019.

D. Motion

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

Manager Jakubec stated Council is requested to certify a list to be provided to the Township Manager, of Eligible Volunteers for the Local Tax Credit in accordance with Act 172 of 2016.

Motion by Vice President Vogel to certify the List of Eligible Volunteers for the Local Tax Credit was seconded by Mr. Stewart.

The Manager indicated she had not yet received the list from Pleasant Valley VFC. Three volunteers from Parkview VFD would receive the tax credit, and she anticipated about ten volunteers from Pleasant Valley VFC would receive the tax credit.

On voice vote, the motion carried unanimously.

- (2) Ratifying the Extension of the Police Officer Eligibility List

The Manager stated the Township Civil Service Commission met on December 9, 2019. During the meeting, the Commission unanimously voted to extend the validity of the Police Officer Eligibility List for six (6) months. Council is requested to ratify the extension of the Police Officer Eligibility List. Manager Jakubec explained statutorily, the Eligibility List is only valid for a total of 24 months. She noted one Police Officer is contemplating retiring in March, and using vacation days to May.

Motion by Mr. Stewart to ratify the extension of the Police Officer Eligibility List for six months was seconded by Ms. Eccles and carried unanimously.

VII. COMMUNICATIONS

A. Citizens

No comments.

B. Council

Mr. Stewart recommended staff monitor the Parkview Airbnb after the December 31st deadline, noting concerns that the owner had not attended any Council meetings.

Mr. Stewart noted dirt is moving on the upper lot at Kerr Elementary School. Manager Jakubec indicated the school district is hoping to get the dirt moved and get something down. The issue is asphalt plants are closing; there is no sidewalk; and they cannot have any special functions. She also noted the Police have been monitoring parking near the school along Kittanning Pike.

Mr. Stewart asked Mr. Steinert, Jr., P.E. about water running down Kittanning Pike from the lower end of the Kerr Elementary School property. Mr. Steinert, Jr., P.E. explained the water goes into the storm water system. The Manager added water also flows to the detention pond. Mr. Stewart indicated it is a significant amount of water, to which Mr. Steinert, Jr., P.E. indicated he would investigate.

Mr. Stewart asked Police Superintendent Slagel about communications with the school concerning public safety. Police Superintendent Slagel stated the Police have a very good working relationship with the school.

Vice President Vogel recalled a news station reported that work will begin on Route 28 to remove the bottleneck by the Highland Park Bridge. The Manager believed the project would be out for bids in the spring. Ms. Berger asked if the Highland Park Bridge would be closed, which Mr. Steinert, Jr., P.E. answered 'no'.

Vice President Vogel stated he was unable to access his Township email on his cell phone. The Manager indicated she would see that he is able to get emails on his cell phone. Mr. Stewart stated Outlook is not compatible with Apple. Manager Jakubec stated the Township will be changing to Office 360. She recalled several emails have been going into the SPAM folder.

C. Staff

Manager Jakubec informed Council about an upcoming Cocoa and Cookies with Cops event to be held at the community center on January 22, 2020 between 6:00 and 8:00 p.m. The information would be included in the newsletter.

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

VIII. ADJOURNMENT

Motion by Ms. Berger to adjourn the meeting was seconded by Vice President Vogel and carried unanimously. The meeting adjourned at 8:08 p.m. and following a short break Council entered into Executive Session.