

**TOWNSHIP OF O'HARA**  
**COUNCIL VIRTUAL WORKSHOP MINUTES**  
**APRIL 6, 2021**

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Manager Jakubec read a statement regarding Virtual Meeting procedures.

**I. OPENING PROCEDURES**

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

President Smith requested a moment of silence in memory of Richard Panza, the former Mayor of the Borough of Sharpsburg.

**II. VISITORS**

- A. PWSA Water Quality Presentation

Mr. Will Picking and Ms. Rebecca Zito, of Pittsburgh Water and Sewer Authority ("PWSA") were in attendance to present corrective action plans and remediation efforts as a result of criminal charges for violating the Clean Water Act by discharging into the Allegheny River.

Mr. Picking noted changes in staffing at the water treatment plant from consultants to full-time employees.

Mr. Picking explained the water treatment process, noting equipment to be updated and renewing the existing infrastructure instead of building a new water treatment plant. Water within the service area still has some lead service lines. They are required to treat the water to reduce the amount of lead. Currently, seven percent (7%) of the lead lines have been replaced. The goal is to replace all lead service lines by 2026.

Mr. Tom Portante, Margery Drive, inquired about the additive to mitigate the lead in the water and who would replace the lead service lines. Mr. Picking explained if they are doing a water line

project, they have an “On Demand Program” which is based on income, where the individual can be reimbursed.

Ms. Eccles inquired about the size of the sludge mound in the Allegheny River. Mr. Picking indicated he could not see the mound the last time he was at the water treatment plant. He noted the water level changes.

Ms. Eccles questioned when the water rates will increase, noting the remediation and equipment updates have to be paid for somehow. Mr. Picking intended to apply for grants.

Mr. Stewart inquired about the lead lines and amount of lead in the water, which Mr. Picking stated the homes with lead service lines have been verified and lead is undetectable in the water. Mr. Stewart questioned what authority inspects the plant. Mr. Picking stated the County Health Department and Pennsylvania Department of Environmental Protection. They also invited the EPA into the plant to provide recommendations.

Mr. Stewart asked if procedures are now up to date. Mr. Picking stated they continue to work on it, and have hired a Compliance Director.

Ms. Berger thanked the PWSA representatives for their presentation. She asked if the riverfront trail would go through the Aspinwall campus. Mr. Picking explained the security experts do not want anything within a 50-mile radius. They want to be a good neighbor and indicated there has to be ways to accommodate a trail, which he would follow up on. Manager Jakubec noted sending a letter of support for a grant application by Aspinwall Riverfront Park to purchase the Brilliant Rail in order to expand the trail.

#### B. Tom Powers – Presentation of O’Hara Township Community Park Historic Signs

The Manager acknowledged Tom Powers was in attendance to present the proposed Historic Signs for the O’Hara Township Community Park. The signs were presented to the Parks and Recreation Commission at the March 24<sup>th</sup> meeting. The Commission has recommended to Council that approval of the signs be granted.

Mr. Powers noted some signs had a lot of text changes by Dr. Joe Stahlman of the Seneca Iroquois National Museum. The signs will go back to the Heinz History Center for final proof-reading.

Mr. Powers indicated the Township website would need to include information relative to the QR codes on the signs. He proceeded to summarize information on each of the proposed signs. He noted a lot of changes about GUYASUTA which involved more research. Mr. Powers stated there is physical evidence of GUYASUTA being buried in upstate New York, on land owned by his nephew, Cornplanter.

Mr. Powers stated all references of “Squaw Run” have been removed. He also stated the Heinz History Center has been very helpful.

Manager Jakubec asked if Council was comfortable with Mr. Powers preparing the final signs for the park, which a consensus of Council affirmed.

President Smith inquired about the size and placement of the signs. Mr. Powers indicated the signs are 4' x 3' and Manager Jakubec indicated they would work on the locations for the signs.

Ms. Berger thanked Mr. Powers for preparing the signs, noting these stories need to be told. Ms. Eccles added the signs look really good.

### III. CITIZENS COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Portante indicated the way the storm water fee is being billed seems cumbersome, and it would have been easier to manage if it was just added to the tax bill. Mr. Steinert, Jr., P.E. explained if it were a tax, non-profit organizations would not pay the tax. With a fee, everyone pays their share. President Smith added that Council also wanted to give people the opportunity to reduce the fee by adding a new rain barrel, rain garden or a new stormwater detention facility.

Two high school students informed Council about concerns of bullying and hazing happening at the High School and Middle School. They also believe there are drugs and alcohol at the Middle School. A lot of bullying takes place through social media platforms. The student felt more presentations about bullying and mental health might help students.

Mr. Denny, Jr. asked if the school is being held accountable. It was noted the Principal and Teachers' response is they can't do anything if it doesn't happen on school property; or they will talk to the 'bully' and see if it happens again; and even then they look the other way.

Manager Jakubec suggested students talk with the Township's two Community Liaison Officers. Police Superintendent Slagel stated the Police take all bullying charges seriously and investigate. He acknowledged social media and cyber bullying is growing astronomically, but it is a very slow process to obtain warrants for social media sites. He stated in the last year the Township Police Officers were distanced from the school, but is excited to get back. Police Superintendent Slagel stated this is a very serious matter; young peoples' lives have been lost. He encouraged the students to attend other meetings at municipalities and the School Board.

Mr. Denny, Jr. suggested the students meet via Zoom with the Community Liaison Police Officers, to which Vice President Vogel concurred. One student stated most kids are afraid to say anything. Vice President Vogel suggested the Community Liaison Officers talk to the School Board. He stated the Officers are there to help the students.

The student questioned why there are no women Police Officers at the school. Police Superintendent Slagel noted there is one female Officer assigned to the Middle School.

### IV. REVIEW AND DISCUSSION

#### A. Proposed Ordinance Amending the Township Home Rule Charter to be Gender Neutral

Manager Jakubec stated the proposed ordinance was prepared by the Township Solicitor and provides for a ballot question to the electors for the November 2021 election, concerning an

amendment to the Township Home Rule Charter with regard to changing the Charter to be gender neutral.

It was noted a Public Hearing would be required for the proposed ordinance.

Ms. Eccles referenced Section 304 and asked if ‘registered voter in the Township’ should be added. Solicitor Lucas indicated the current Home Rule Charter read that way and believed the section was clear that the person has to live in the Township.

Mr. Denny, Jr. clarified the procedure to adopt the ordinance. The Manager stated after the ordinance is introduced it would be posted to the Township website under ‘draft ordinances’.

Jim, an attendee, questioned what was being changed to be gender neutral. Manager Jakubec explained ‘he’ would be changed to the position, i.e. Township Manager, Council Member, etc.

The consensus of Council was to include the ordinance for consideration on the April 13<sup>th</sup> regular meeting agenda.

B. Proposed Ordinance Amending the Township Home Rule Charter Concerning Removal of Political Affiliation Requirement for Appointments to Vacant Council Seats

Manager Jakubec explained the proposed ordinance, prepared by the Township Solicitor, provides for a ballot question to the electors for the November 2021 election, concerning an amendment to the Township Home Rule Charter with regard to removing the political affiliation requirement for appointments to vacant Council seats.

Vice President Vogel noted Council has not been following the Charter. Council has been appointing someone to fill the vacant seat until the November election. The proposed ordinance would refer to a special election. Solicitor Lucas stated that is how it should be handled, and was not aware it was not being done that way.

Mr. Portante stated he would not advocate for a special election. He explained Pennsylvania has an election twice a year. People can go through the same mechanism as now, have a petition of signatures to get on the ballot; or Council could appoint someone to fill the seat until the next election. Mr. Denny, Jr. questioned if the next election is the general election, how would it be decided which candidate gets on the ballot. Mr. Portante stated on the next County election that is practical would be when the seat is filled. It could not be done now for the primary election. He indicated as many people that want to fill the seat can file a petition to get on a ballot.

Vice President Vogel noted a person appointed by Council to fill a vacant seat would only serve a few months. He lives in a predominantly Democratic ward, yet was elected as a Republican. Mr. Portante stated Vice President Vogel is well known and has done what the people want to be done. When an election is held, usually a Democrat and Republican are elected. People vote for the representative to the party.

Mr. Denny, Jr. stated he changed his party to Independent, which is not a party. If he were to resign his seat would be vacant until the next election. Mr. Portante questioned how Mr. Denny, Jr. was elected. Vice President Vogel stated that is not how the ordinance reads. Mr. Portante stated it should be changed to ‘the position as elected’.

Mr. Portante asked if the Township is going to publicize the proposed Home Rule Charter changes to the voters, other than on the website, which Vice President Vogel indicated could.

Ms. Eccles proposed the following verbiage:

“A vacancy in the Council for any reason set forth in this Charter shall be filled by Council. A majority vote of Council’s remaining members shall appoint a qualified person to fill the vacancy, until the Manager shall arrange for the earliest available election to be held in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania.”

Ms. Eccles also noted a person cannot get on the fall ballot with a petition; only for the May ballot, which the Solicitor agreed, and requested the language to be forwarded to him.

Jim stated if a newly elected representative in Congress passed away, whoever was in charge of the House would appoint that party. He agreed with Mr. Portante and noted Congress holds special elections.

Vice President Vogel stated the language suggested by Ms. Eccles clarifies the process. Mr. Caprara indicated Ms. Eccles’ language provides the checks and balances.

Manager Jakubec indicated once the ordinance is first read it would be posted to social media. Ms. Eccles suggested including an explanation as to why Council was considering the changes.

#### C. Recommending Adoption of the 2020 Allegheny County Hazard Mitigation Plan

The Manager stated Emergency Management Coordinator Tom Heilmann is recommending the Township adopt the updated Allegheny County Hazardous Mitigation Plan.

The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

#### D. Recommending Awarding of the 2021 Road Improvement Program Contract

Manager Jakubec recalled bids were received by Fox Chapel Borough for the 2021 Road Improvement Program on March 15<sup>th</sup>. It is recommended that the Township award the Base Bid to Shields Paving in the amount of \$413,349, which includes the milling and resurfacing of Kappa Drive, Weir Drive, Meadow Heights Drive, Joanne Street (north and south), Alleyne Drive, Dowling Drive, 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.

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

- E. Requesting Authorization to Execute a Joint Municipal Agreement for the Ravine Street Stream Removal Project GROW Grant

The Manager 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 was reviewed by the Township Solicitor and determined to be acceptable.

The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

- F. Recommending Acceptance of Spring Commodities Bids Received by the South Hills Council of Governments Purchasing Alliance

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

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

- G. Requesting Authorization to Purchase Public Service Department Equipment

The Manager noted Public Service Superintendent Loren Kephart is requesting authorization to purchase one Backhoe from Groff Tractor and Equipment, Inc., Cranberry, PA through 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.

The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

- H. Requesting Authorization to Execute a Joint Municipal Agreement for Glass Recycling Program with the Borough of Blawnox and Borough of Aspinwall

Manager Jakubec explained how a Glass Recycling Program would function. The Boroughs of Blawnox and Aspinwall have also expressed desire to participate in the program and share any related costs equally.

President Smith noted if residents choose not to recycle, they would just toss the glass in with regular trash. Manager Jakubec agreed, but noted this would provide an opportunity to recycle glass.

Ms. Berger questioned if any providers are recycling glass. The Manager indicated one provider is recycling glass but does not have great reviews.

It was noted the glass recycles would be hauled by Michael Brothers to Kapps.

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

#### I. Discussion of Extending the Discounted Real Estate Tax Deadline

The Manager referenced an announcement from the Allegheny County Treasurer extending the discounted real estate tax deadline by 30 days. She requested discussion with Council about the possibility of also extending the Township discounted real estate tax deadline.

Mr. Stewart inquired about extending the deadline for the local tax. The Manager had not heard of any municipalities extending the local tax deadline. She noted staff is recommending mirroring the County's extension.

The consensus of Council was to include a motion for consideration on the April 13<sup>th</sup> regular meeting agenda.

#### J. Application for Banner Community Status

Manager Jakubec explained part of the requirements for the Township to be considered a "Banner Community" includes 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.

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

#### K. Recommendation from Parks and Recreation Commission Concerning Park Rules and Regulations

The Manager recalled during a recent review of the Township Parks Rules and Regulations, the Township Parks and Recreation Commission has recommended amending the rules to prohibit smoking of any devices and all tobacco products in all Township parks.

Vice President Vogel anticipated considerable opposition, and intended to vote against the change. He stated smoking is a legal activity. He was not opposed to limiting certain areas for smoking.

President Smith noted the parks are Township property and suggested further discussion next week.

The consensus of Council was to include the ordinance on the April 13<sup>th</sup> regular meeting agenda for consideration.

L. Proposed Agreement with Fox Chapel Area Youth Soccer Association Relative to Updates to the Boyd Soccer Field and Continued Use

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 for 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.

The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

M. Recognizing John Millburn

The Manager stated John Millburn, Township Police Officer, has decided to retire after serving the community for 37 years.

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

N. Recognizing George McBriar

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

The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

O. Recognizing John Simmons

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

The consensus of Council was to include a resolution on the April 13<sup>th</sup> regular meeting agenda for consideration.

P. Proposed Proclamation Recognizing the Services of PA One Call

Manager Jakubec noted Council is being requested to consider recognizing PA One Call and the services they provide.



The consensus of Council was to include a resolution for consideration on the April 13<sup>th</sup> regular meeting agenda.

Q. Solicitors March 18, 2021 Invoice

There were no comments.

R. Proposed Agenda for the April 13, 2021 Regular Meeting

Manager Jakubec indicated two resolutions would be added to the agenda for grant applications to fix the trail at O'Hara Township Community Park.

V. CONCERNS OF COUNCIL

Mr. Stewart stated he received information about things RIDC is planning for this year and would forward the information to Manager Jakubec.

President Smith referenced a letter received about changing the name of the creek. The Manager noted someone in Fox Chapel Borough is proposing another name for the creek. She stated at some point it will come before Council.

VI. CONCERNS OF STAFF

Manager Jakubec informed Council about a Redevelopment Authority of Allegheny County (RAAC) grant for constructing the retention ponds in Greenwood Cemetery. She noted letters of support were provided by Senator Williams, Senator Innamorato, State Representative DeLuca and State Representative Mizgorski. The Manager also stated she was working on a grant application for the stormwater pond above Kirkwood Drive.

The Manager reminded Council about tree planting scheduled for April 11<sup>th</sup>. Trees would be planted along the creek near the bottom of Delafield Road.

Manager Jakubec requested Council to remain after the workshop to discuss labor and legal matters.

Police Superintendent Slagel noted the intersection of Powers Run Road at Field Club Road is now a four-way stop intersection. He stated signage was installed today.

VII. ADJOURNMENT

The workshop adjourned at 9:23 p.m. and Council proceeded directly into Executive Session.

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Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet