

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL WORKSHOP
MINUTES
DECEMBER 7, 2021**

I. OPENING PROCEDURES

A. Call to Order by President Smith at 7:08 p.m.

B. 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: Gregory Caprara, Third Ward; John R. Denny, Jr., At-Large

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; Christopher Komora, Code Enforcement / Storm Water Coordinator; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

II. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

No comments.

III. REVIEW AND DISCUSSION

A. Discussion of Dedication of the Tara Villa Infrastructure

Manager Jakubec referenced a memo from Chuck Steinert, Jr., P.E. requesting discussion about the dedication of the Tara Villa infrastructure.

Mr. Steinert, Jr., P.E. noted the wearing course of the road was finalized in November and all of the infrastructure was installed within the last three years. The stormwater facility is privately owned. The four-lot development is 75% complete with one lot outstanding, and meets the requirements to proceed with dedication.

Manager Jakubec asked if a Home Owners' Association was established to maintain the stormwater facility. Mr. Steinert, Jr., P.E. stated an agreement was executed between the two property owners where the stormwater facility is located; it straddles the two properties. He was not sure if, or how, the third property owner would be included in the stormwater facility agreement.

Vice President Vogel noted there are three catch basins, a stormwater pipe and roadway. He questioned if stormwater is caught by the basins and sent into the stormwater facility, which Mr. Steinert, Jr., P.E. confirmed. Vice President Vogel asked if the stormwater facility drains to the creek, which Mr. Steinert, Jr., P.E. stated it drains into Powers Run Creek at two different locations. The area to the east has two catch basins that go into a series of ponds constructed years ago; and stormwater from the road flows to a stormwater facility at the bottom of the cul-de-sac and handles the remaining water from the roadway and the two houses built on the cul-de-sac.

Vice President Vogel noted people are not supposed to blow their grass clippings onto the street, but they do and it goes into the catch basin. He questioned what happens when debris comes out of the Township's pipe and goes into their facility. Mr. Steinert, Jr., P.E. stated the owners are required to maintain the facility. Just like all the other stormwater facilities in the Township, staff inspects the facilities and the property owner is informed of any deficiencies and the property owners has so much time to report that remediation has been completed.

Mr. Stewart questioned if it is typical for stormwater facilities to be private. Mr. Steinert, Jr., P.E. stated yes, adding it is preferred for all new subdivision and land developments in the Township. He noted the Township does not have staff to cut all the stormwater facility grass. Owners should cut the grass in the stormwater facility when they cut their lawns. President Smith stated it is always preferred that the property owners maintain the facilities.

Mr. Steinert, Jr., P.E. noted the Township is holding the money for the maintenance bond in addition to a portion of the 15% bond for inspections and improvements.

Mr. Stewart asked if the water that does not go into the stormwater facility could cause any problems. Mr. Steinert, Jr., P.E. stated water from Powers Run Road ultimately goes into a ravine. The stormwater has some effect on the ravine but that is up to Penn D.O.T. to address.

Manager Jakubec suggested including an ordinance for introduction on the December 14th regular meeting agenda, followed by possible adoption of the ordinance in January, to which Council concurred.

B. Proposed Amendment to the Township Civil Service Commission Rules and Regulations

Manager Jakubec 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.

Mr. Stewart questioned who will administer the test and who has administered the test in the past. The Manager indicated Allegheny County Police Academy has administered the test in the past and would continue to do so.

Police Superintendent Slagel stated the Cooper Standards focus on physical fitness instead of specific movements. For example, the Cooper Standards to not include a trigger pull or window

climb. He indicated the Cooper Standards are a more accurate assessment of physical fitness for job performance.

Mr. Stewart referenced the positives and negatives of grading based on age; and questioned how the test would be graded. Police Superintendent Slagel believed there would be one standard for all applicants, as most other police departments do, but it would be a decision for the Civil Service Commission.

The consensus of Council was to include the ordinance for consideration of introduction on the December 14th regular meeting agenda.

C. Request from Fire Committee to Allow Fire Chiefs to Make Changes to the Run Cards

The Manager stated Pleasant Valley Volunteer Fire Company Chief Ed (Butch) Michalowski was in attendance to answer questions Council has concerning making changes to run cards.

Chief Michalowski explained to make changes to the run cards, they send the change to Allegheny County; the County notifies Manager Jakubec and sends the paperwork; the Manager signs off on the change and sends it back to the County; the County then sends the paperwork to the fire department to sign off; then it takes time to enter the change into the system. It takes two to three weeks to implement a change to the run cards. In order to expedite the process, Chief Michalowski stated he would like to make the change to the run card and notify Manager Jakubec either verbally or through email, and the change could be implemented within one week.

Ms. Eccles requested an example of a run card. Chief Michalowski recalled a recent call to the Comfort Inn in RIDC, noting the first two companies to respond are Blawnox and Aspinwall, followed by Pleasant Valley and Parkview. He would also like to add Sharpsburg to respond. Ms. Eccles stated that is the order of response if more help is needed.

Manager Jakubec did not have any concerns as long as the fire departments inform the Township; herself or Police Superintendent Slagel. She recalled prior history of political dispatching, which these fire departments were not a part of. Vice President Vogel did not anticipate any issues as long as Township staff are kept in the loop.

President Smith noted run card changes also affect the other fire departments and asked if the other departments are notified. Chief Michalowski stated absolutely, adding he would not make any major changes without discussing first and informing the Manager. Keeping everyone informed is the best way to do this.

The consensus of Council was to include a motion on the December 14th regular meeting agenda for consideration.

D. Certification of 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.

The consensus of Council was to include a motion for consideration on the December 14th regular meeting agenda.

E. Proposed Agreement with Penn D.O.T. Regarding the Construction of Stormwater Retention Facility near the Sunoco Tank Farm

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 stormwater retention pond located on property owned by Sunoco. The Township would design the facility and Penn D.O.T. would construct it. Penn D.O.T. also expects the Township to take ownership of the stormwater facility upon completion of construction.

Mr. Steinert, Jr., P.E. stated the stormwater facility would be located between Central Avenue and the Millennium property. Vice President Vogel noted where the facility will be is a steep hillside. Mr. Steinert, Jr., P.E. explained after the facility is constructed it will be a 2:1 slope, regraded and a safety fence installed. Vice President Vogel asked if the trees that would be cut down would be replaced. Mr. Steinert, Jr., P.E. stated only the trees that are along Central Avenue would be replaced. They would try to provide a buffer for the six-foot high fence.

The consensus of Council was to include a resolution on the December 14th regular meeting agenda for consideration.

F. Recommending Adoption of the ALCOSAN Act 537 Special Study

Manager Jakubec referenced a memo from Township Engineer Chuck Steinert regarding his review of the ALCOSAN Act 537 Special Study. She stated Mr. Steinert, Jr., P.E. is recommending to Council that the Act 357 Special Study be adopted.

Mr. Steinert, Jr., P.E. stated the study goes into detail about the deep tunnels ALCOSAN intends to build under the river to store the overflows.

The consensus of Council was to include a resolution for consideration on the December 14th regular meeting agenda.

G. Requesting Authorization to Auction Used Police Vehicle on Municibid

The Manager stated 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. She noted staff has been watching the prices that vehicles have been selling for on Municibid. The vehicle can only be sold with the equipment to another police department.

Mr. Stewart asked if the equipment could be used on new vehicles. Police Superintendent Slagel indicated the radio could be used on new vehicles, but none of the other equipment.

Mr. Komora stated a 2016 Ford Explorer with 80,000 miles sold in Pennsylvania for \$15,000. The Township's vehicle is a 2019 with 83,000 miles. It would have to be sold to another police department or remove the equipment and bid the equipment separately. A reserve would be set and if it is not met the vehicle would be traded in.

Vice President Vogel asked if the vehicle is sold as-is without any warranty, which Mr. Komora confirmed.

The Manager noted selling other equipment on Municibid totaled about \$33,000.

The consensus of Council was to sell the police vehicle on Municibid.

H. Continued Review and Discussion of Proposed Township Year 2022 Budget

Manager Jakubec asked if there were any other questions about the proposed year 2022 budget, or any other numbers to adjust. She noted \$5,000 was added to Parkview EMS, and changes made at the special workshop were minor. The fund balance is holding at 29%. Additional roads could be paved or other projects could be done. The budget is conservative.

President Smith inquired about the allocation for the library. The Manager recalled Council agreed to leave the allocation in the budget as a place holder and discuss next year. Ms. Eccles recalled questions were to be answered, and preferred to give the money to the Sharpsburg branch.

Ms. Berger stated this is not whether we support the library or not, because we do. The question is giving money to a non-profit outside of our community. She stated the Township also gives to the community center that not all residents use. Ms. Berger wasn't sure the Township should be funding the library at all, recalling history. She stated if she is the minority, and Council wishes to contribute funds to the library, she requested the amount not to exceed \$5,000.

Vice President Vogel acknowledged the library is outside of the Township but it is part of the school district. He was not opposed to funding the library and suggested funneling most of the money to the Sharpsburg branch, where funding is needed. He stated it is a regional library and libraries are not revenue-generating.

President Smith suggested leaving the \$20,000 in the budget as a place holder and further discussing later. It does not mean the Township has to spend the money.

Ms. Eccles questioned who came up with the \$20,000 figure, which the Manager and other Council Members explained.

Ms. Berger cautioned about setting a precedent based on the number of residents using the library. She also had reviewed the library's budget.

Manager Jakubec noted conditions on the allotment could be implemented. She indicated she would ask Jill McConnell what the cost would be to have the Sharpsburg Library open more. Upon reviewing the library's 990, they are breaking even. The Manager offered to pass on the library's financial information to Council. Ms. Eccles stated she was interested in seeing the past two years of financials. Manager Jakubec requested Council to think about the dollar amount and any

conditions to place on the allocation. Funds will be in the budget as a place holder and the amount may be less pending future discussion.

President Smith questioned why and how the library bought a property and are talking about expanding if they are breaking even.

Mr. Stewart asked if the list of questions was sent to Ms. McConnell and if she responded. President Smith stated questions have been sent before. He recalled Treasurer Curran was never impressed with their presentation and how they operate. Vice President Vogel agreed, but believed the Treasurer supported the library.

Manager Jakubec asked the Solicitor if a motion would be appropriate that no money will be disbursed to the library until further discussed. Solicitor Garfinkel noted the disbursement of funds is contingent on further discussion.

Mr. Stewart stated he would like the questions to be answered, and recommended clarifying that the Township is not committing to a certain amount per year. He suggested revisiting the old agreement.

Mr. Tom Powers recalled a meeting with Ms. McConnell in April about committing to acknowledge local history, but didn't get a definitive answer; she was noncommittal. A separate archive is not on the library's agenda. He strongly supported at least a small research area at the library.

President Smith recalled Ms. McConnell said Mr. Powers did not want to give up his information. Mr. Powers stated he has items to get started, which are poster-size images. He noted Ms. McConnell said they would think about it.

Ms. Berger asked if the archives does not work out with the library if there is space at the municipal building or community center, which Manager Jakubec answered no.

Mr. Powers recalled the library had a room that they were trying to decide what to do with it. They would have to devote staff to take care of the archives, but no one on staff is qualified. He recommended at least having a shelf so people are aware the local history exists. Mr. Powers stated he could take the information to the Carnegie Library.

President Smith, Vice President Vogel, and Mr. Stewart supported leaving the \$20,000 in the budget as a place holder.

Manager Jakubec stated she would forward three years of 990s to Council and ask Ms. McConnell what the cost would be to keep the Sharpsburg Library open more.

Ms. Eccles recalled sending questions via email a few weeks ago, and would resend the email to the Manager. Manager Jakubec requested if anyone else has questions for Ms. McConnell to email the questions to her as soon as possible, and she would forward the questions to Ms. McConnell. President Smith noted the following three proposed resolutions for next week and asked if discussion was needed, or if the resolutions should just be included on the agenda. The consensus of Council was to include the following three proposed resolutions on the agenda for consideration.

- I. Proposed Resolution Recognizing the Services of Charles A. Vogel
- J. Proposed Resolution Recognizing the Services of Allison Berger
- K. Proposed Resolution Recognizing the Services of Gregory Caprara

- L. Solicitor's November 12, 2021 Invoice

Mr. Stewart inquired about the status of the Li Lan An zoning case. Manager Jakubec stated the Zoning Hearing Board met last night; her attorney deliberated; Zoning Hearing Board denied the request. The Manager anticipates going back to Commonwealth Court. Mr. Stewart asked if the Zoning Hearing Board's decision would be solid, which the Manager confirmed.

- M. Proposed December 14, 2021 Regular Meeting Agenda

Manager Jakubec asked if a formal motion about the library was necessary. Solicitor Garfinkel indicated a motion would not be out of line. The budget could also include a footnote. President Smith and Vice President Vogel preferred a footnote in the budget. Solicitor Garfinkel noted a motion would make it perfectly clear, and the footnote could mention the motion. President Smith, Vice President Vogel and Mr. Stewart did not feel a motion was necessary. Mr. Stewart requested a note in the budget that the library allocation is up for further deliberation by Council.

IV. CONCERNS OF COUNCIL

Mr. Stewart recalled an accident on Dorseyville Road the evening of the election, and commended all responders. Police Superintendent Slagel stated the Police were waiting on chemical blood test results and anticipates charges would be filed.

V. CONCERNS OF STAFF

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

VI. ADJOURNMENT

The workshop adjourned at 8:20 p.m. and Council entered directly into Executive Session.

Attachment: Attendance Sheet

Cathy Bubas, Manager's Secretary