

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL WORKSHOP MINUTES
SEPTEMBER 14, 2021**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:05 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; Chris Komora, Code Enforcement / Storm Water Coordinator; Cathy Bubas, Manager's Secretary

II. ANNOUNCEMENT

President Smith stated Council convened at 6:15 p.m. this evening in order to interview residents that have volunteered to fill vacancies on the Civil Service Commission, Planning Commission and Zoning Hearing Board. The Township is lucky to have a lot of good volunteers.

III. MOMENT OF SILENCE TO COMMEMORATE THOSE WHO DIED DURING THE SEPTEMBER 11, 2001 TERRORISTIC ATTACKS ON THE UNITED STATES OF AMERICA

President Smith requested a moment of silence in memory of those who lost their lives during the September 11th terrorist attacks.

Vice President Vogel commented that we all have moments in our lives that we will never forget, and this is one of those moments.

Manager Jakubec noted the virtual meeting procedures.

IV. VISITOR

- A. Request for Financial Support from the Cooper Siegel Library

Ms. Jill McConnell, Executive Director and William "Pat" Getty, Board Member were in attendance to explain the library's income sources. State and County Regional Asset District

(RAD) Funds provide approximately 34% of the income and 20% from fund raising. Ms. McConnell noted Fox Chapel Borough would like to see equitable support from the communities served. She stated O'Hara Township has the largest budget in the school district, yet does not contribute to the library.

Treasurer Ted Curran recalled an agreement between the Township and Fox Chapel Borough whereby the Township funds the Laurie Ann West Community Center and Fox Chapel Borough funds the library. President Smith noted at one time it was a joint project. Ms. McConnell stated it is no longer a joint project.

Ms. McConnell stated 1/3 of library card holders are from O'Hara Township; 23% of the library staff are O'Hara Township residents; and 40% of library volunteers are O'Hara Township residents. She explained more funding would provide more benefits, such as materials, specialized staff, technology upgrades to the meeting rooms, and more programs. If the flat funding continues the library will have to close on Sundays and 50% of the programs will have to be cut. Ms. McConnell also noted the building is ten years old and there is no money set aside for maintenance and upkeep of the building. She was asking municipalities that contribute less than the \$5.00 per capital expenditure per resident, to increase their by \$2.50 by the end of 2022 and get to the \$5.00 by the end of 2025.

Ms. Eccles questioned how the Sharpsburg Library Branch is doing. Ms. McConnell indicated the Sharpsburg branch is doing well. They have their own operating budget. The information she presented is just for the Cooper Siegel Library. Ms. McConnell stated Sharpsburg Borough provides funding just to the Sharpsburg Branch. She noted some of the RAD and state funding are shared with the Sharpsburg Library branch. Ms. Eccles recalled giving the Sharpsburg Library money so they could stay open. She questioned how much Fox Chapel Borough gives to the Sharpsburg Library. Ms. McConnell stated \$390,000. Ms. Eccles asked how much Fox Chapel Borough gives to the Laurie Ann West Community Center. Ms. McConnell did not know. Manager Jakubec stated the community center does not receive any funding from Fox Chapel Borough. The Township allocates funding in addition to in-kind services.

Treasurer Curran noted the Township Historian, Tom Powers, was searching for a place to archive and store his records. Ms. McConnell indicated she had met with Mr. Powers and he was not ready to give up the records right now. He would provide records to digitize. There is space in the existing library to house quite a bit of Mr. Powers' material as well as digitize.

Mr. Denny, Jr. explained he views all the items as regional assets. He stated libraries do not generate revenue. He did not know how to appropriately support both the community center and library.

President Smith noted they are asking for operating funds; they are also thinking about a capital project. Ms. McConnell indicated fund raising for the project would not start until 2023.

It was noted Cooper Siegel Library plans to retrofit the basement area with meeting rooms that could be rented. President Smith indicated renting the meeting rooms at the library would compete with the community center; the library programs are not to conflict with programs offered at the community center. Manager Jakubec recalled the Township's donation to Sharpsburg was sent with conditions.

Ms. McConnell explained the increase in funding would pay for an Archivist and allow for the purchase of equipment to digitize, purchase shelving and storage for preserving.

Mr. Stewart questioned incentives to return books if there are no fines. Ms. McConnell referenced studies that indicate people that can afford the fines, will pay; those who cannot afford to pay the fines are too embarrassed and don't return the books.

Mr. Caprara asked if the archives area would be climate-controlled. Ms. McConnell indicated possibly, but there is more interest to digitize the records and hire an Archivist that has expertise.

Mr. Denny, Jr. asked if all municipalities contributed \$2.50 per resident how much it would help. Ms. McConnell stated it would allow the elimination of fines. They will spend 12% of the budget on materials as required by the State, which the library has not been able to do. The additional \$50,000 would allow for a lot more; and \$100,000 would enable the library to grow. They would complete the lower rooms and have the latest and greatest technology.

Mr. Caprara questioned how it would enhance or compete with Fox Chapel Area School District. Ms. McConnell indicated they would communicate with what is going on at the schools and have items the students would need to use when school is not open; such as vinyl cutters, sewing machines. She also talked with Shadyside Academy about collaborating.

Ms. Eccles asked how much is spent a year on their collection. Ms. McConnell stated \$110,000 to \$120,000 should be spent. Ms. Eccles asked when people do memory books if the library can include that as part of the 12%, which Ms. McConnell confirmed. Ms. Eccles suggested running a campaign to collect books to collect more money. Ms. McConnell stated they hired a Director of Development last year and would talk to her about the best way to go about that.

President Smith noted the library has 24 paid staff members. Ms. McConnell noted 24 staff are at Cooper Siegel. They usually have 28 to 30 staff members at any one time across both locations.

Mr. Stewart questioned how the budget is decided for the Sharpsburg Library. He recalled at one time Cooper Siegel Library wanted to cut Sharpsburg's hours. He asked if the policy on hours is system-wide and if the hours are the same at Fox Chapel and Sharpsburg. Ms. McConnell stated, "No", they have never had the same hours at both locations. She explained the Fox Chapel library is open 55 hours a week, including Sunday. The Sharpsburg library is open 30 hours a week year-round. Sharpsburg has a much smaller budget and is operated by four employees, of which only one employee is full-time. The Sharpsburg library budget total is \$140,000 and the main library budget is about \$900,000. She stated the Sharpsburg Library doesn't have the funds to be open more and there has been no show of a real need for the Sharpsburg Library to be open more.

Mr. Stewart asked if any Sharpsburg residents go to the main library. Ms. McConnell believed a few do, but did not know the exact number.

Mr. Denny, Jr. requested staff to see if a contribution could be provided in the budget.

Ms. Berger asked to look at the library's operating budget before considering making this a recurring donation. Ms. McConnell indicated she would share this year's budget.

Ms. Eccles stated the Sharpsburg library has some activities and inquired about the percentage as compared to the Fox Chapel library. Ms. McConnell stated Sharpsburg does their own programming. Ms. Eccles thought the Sharpsburg and Fox Chapel libraries were two of the same, but it seems like they are completely separate entities. She asked if the Sharpsburg Branch has a separate EIN than Cooper Siegel. Ms. McConnell answered “No”. Ms. Eccles indicated Sharpsburg seems to get the short end of the stick and if they had more things available there, more people would go.

Mr. Denny, Jr. noted there are different needs for each community. Ms. McConnell stated they do cater programs to the communities they serve.

Manager Jakubec asked if the library is audited by external auditors and if they file form 990, which Ms. McConnell confirmed yes to both questions. Manager Jakubec requested copies of the last financials.

Ms. Harris, Fox Pointe, recalled the library agreement and that O’Hara would support the community center and Fox Chapel would support the library. If Council is going to fund the library, she suggested looking at the relationship between the community center and library and the two communities. She indicated the Long Range Comprehensive Planning Committee needs to have that conversation with Fox Chapel Borough. Ms. Harris stated the community center was a good opportunity because it could fund itself. She also noted she had heard from the new Consultant who is happy to be on board.

V. CITIZENS COMMENTS CONCERNING NON-AGENDA ITEMS

There were no comments.

VI. REVIEW AND DISCUSSION

A. Proposed Sewer Facilities Planning Module for Miramar Landings Along River Road

Manager Jakubec stated the Pennsylvania Department of Environmental Protection requires the submittal of a Sewage Facilities Planning Module for each subdivision and land development plan.

Mr. Stewart asked if the edu’s are under present rates or the past where they do not have to hold so much water. Mr. Steinert, Jr., P.E. explained sanitary and storm water are separate. The Township is not restricted by the number of taps, so Council could approve the plan.

The consensus of Council was to include the plan for consideration on the September 21st regular meeting agenda.

B. Ratifying a Proposed Public Service Department Labor Agreement for the Years 2022, 2023, 2024, and 2025

The Manager stated the ordinance ratifies the proposed Public Service Contract for 2022 through 2025. The union has already approved the contract. They were able to clarify certain language,

such as overtime, pension multiplier, longevity, uniform allowance, and wage increases, as in prior years.

The consensus of Council was to include the ordinance for consideration on the September 21st regular meeting agenda.

C. Discussion of Proposed Plan for the Kittanning Pike Culvert Repair

Manager Jakubec recalled attending a meeting with State Representative Lori Mizgorski, Senator Lindsey Williams' Chief of Staff Megan Winters, and Penn D.O.T. officials to discuss the Kittanning Pike sinkhole. She noted after the last storm event a utility pole began to lean. Township staff presented their recommended fix, but Penn D.O.T. officials had a different idea which involved purchasing two houses. The Township's fix will cost \$260,000. The Township will work with Penn D.O.T. so Penn D.O.T. will pay the contractor and own this pipe. The Pringles have signed the easement agreement.

Mr. Steinert, Jr., P.E. believed this to be the right fix.

The Manager noted Pennsylvania Department of Environmental Protection (PA DEP) is willing to sign off on the emergency permit.

President Smith asked if the rest of the pipe is in good shape. Mr. Steinert, Jr., P.E. stated it is, recalling after the other storm that section of pipe was lined.

Mr. Stewart stated the \$260,000 is just for that stretch on Township property and Penn D.O.T. gets into the creek in the future. Mr. Steinert, Jr., P.E. clarified between Murray and Winchell Streets, 140 Kittanning Pike.

Manager Jakubec stated the Township is able to piggyback on a County contract. She has been exchanging emails with Cheryl Moon-Sirianni at Penn D.O.T. about what they will bring to the table. The Manager also noted other damages to the sidewalk.

Mr. Stewart noted a \$65,000 grant is available. Manager Jakubec noted Senator Williams secured that funding through a grant; State Representatives Lori Mizgorski and Anthony DeLuca are also trying to secure funding.

Mr. Stewart noted the bill for the Greyfriar storm water facility had not been processed. The Manager stated groundbreaking occurred today.

President Smith indicated the Township will be stuck with maintaining this pipe. Manager Jakubec noted Penn D.O.T. claims it is the Township's anyway.

D. Request to Enter Into an Agility Agreement with Pennsylvania Department of Transportation

The Manager stated the subject agreement addresses Penn D.O.T. reimbursing the Township for any work the Township performs on State maintained roads, infrastructure and rights-of-way. This is one way Cheryl thought the Township could get money for the project. The Agility Agreement

is needed to allow the Township to do work on State roads and get reimbursed. Currently the Township cuts grass along State roads but does not receive reimbursement.

The consensus of Council was to include the resolution for consideration on the September 21st regular meeting agenda.

E. Update on Fox Chapel, Freeport and Old Freeport Roads Intersection – Pedestrian Concerns

Manager Jakubec recalled staff meeting with Penn D.O.T. and Allegheny County officials, Megan Winters, Senator Williams' Chief of Staff, and Wooster and Associates, the Township's traffic consultant, to discuss ADA and pedestrian concerns at the Fox Chapel, Freeport and Old Freeport Roads intersection. Penn D.O.T. refuses to accept any responsibility for the ramps **they** installed. Allegheny County would not take responsibility since the traffic signals are the Township's responsibility. The traffic signal permit was not part of the permit for the ramps.

The Manager stated Bethany Carney ("B Man's Mom"), plans to call State Representatives, Senators, and have her friends also call. The estimated cost to fix the ramps by Howard Hanna and Mattress Firm and move a utility pole is \$35,000.

President Smith questioned if the ramps were installed per Code at the time. Mr. Steinert, Jr., P.E. answered, "no." He noted the project requires approvals and would probably not begin until spring.

F. New Allegheny County Administrative Consent Order Agreement

Manager Jakubec referenced the new Administrative Consent Order Agreement with Allegheny County Health Department. A letter from Dave Kovac of Lennon Smith Soulerett Engineers notes the Phase 2 tasks and request for authorization to proceed. The Township must accept the Agreement by October 31, 2021, which allows time to further review.

Mr. Denny, Jr. questioned what the agreement is about. The Manager explained the Environmental Protection Agency and Department of Environmental Protection have mandated the elimination of sewer overflows.

Mr. Berger noted the locations are identified by meter name and not specific location. Mr. Steinert, Jr., P.E. explained the locations are Ravine Street, Delafield Road toward Aspinwall, and Freeport Road, which he believed was left over from the prior consent order. The projects involve stream water removal.

Manager Jakubec noted flow monitors have been installed to get hard data because staff disagrees with the consent order's data flows.

Ms. Berger questioned the color key and <10% and >10%. Mr. Steinert, Jr., P.E. explained all are points of connection. If it is <10% the connection should be ok.

President Smith stated the connections the Township needs to address come from O'Hara and Shaler Townships and are trying to correct jointly.

Ms. Berger asked if the three locations were already addressed in the monthly report from Lennon Smith Souleret. Mr. Steinert, Jr., P.E. stated two are; not Ravine Street because ALCOSAN and Penn D.O.T. were to begin in August but it has been delayed. The project was awarded. He noted to follow up on the status. Ms. Berger noted typographical errors.

President Smith questioned Lennon Smith Souleret's per diem of \$4,500. Mr. Kovac explained it is a "Not to Exceed" amount and is split with the other municipalities.

The consensus of Council was to include the resolution for consideration on the September 21st regular meeting agenda.

G. Requesting Authorization to Award Contracts Through the North Hills Council of Governments for Sanitary Sewer Rehabilitation

The Manager stated per the Allegheny County Health Department Administrative Consent Order ("ACO") the Township is required to maintain its sanitary sewer lines. The North Hills Council of Governments received bids for its annual sanitary sewer repairs contracts on August 26th. Staff is requesting authorization to execute the necessary contracts on an as needed basis for sanitary sewer repairs in order to comply with the ACO. The estimated cost for repairs has been between \$200,000 and \$300,000 in past years.

The consensus of Council was to include the resolution for consideration on the September 21st regular meeting agenda.

H. Acknowledging Receipt and Acceptance of the Employee Pension Plan Budgets

Manager Jakubec explained the Township is required by law to establish an appropriation in each year's budget for police and employee pension plans. The appropriation for 2022, referred to as the Minimum Municipal Obligation (MMO), for the non-uniform defined benefit plan will be \$0, for the non-uniform defined contribution plan will be \$41,363, and for the police plan it will be \$180,858 according to documentation received from our pension actuary, Mockenhaupt Associates. The proposed resolution acknowledges the receipt and acceptance of the 2022 budget appropriation for the employees' pension plans. All pension plans are fully funded.

The consensus of Council was to include the resolution for consideration on the September 21st regular meeting agenda.

I. Request for Waiver of Interest and Penalty on Storm Water Fee

The Manager referenced an email received from Robert Kling of the VA Healthcare System, requesting waivers of interest and penalties on the storm water fee. The interest and penalties total \$8,554.54. The invoices have an incorrect address. Mr. Kling is taking steps to correct the billing address. She added the address Jordan Tax used is from County records and it is not a good address. The VA has not received any bills. Staff requested a ledger of outstanding fees from Jordan Tax. Those with large amounts were contacted.

Treasurer Curran stated the request is reasonable. Vice President Vogel questioned if Jordan Tax made the mistake, noting Jordan Tax is very unforgiving. If it is their error they should pay the penalty and interest. He was in agreement to waive the penalty and interest for the VA. Ms. Eccles concurred.

Manager Jakubec explained the bills were not returned to Jordan Tax. Jordan Tax had no way of knowing it was a bad address.

The Manager noted Mr. Denny, Jr. encountered technical difficulties and was trying to get back into the meeting.

Motion by Mr. Stewart to waive the penalty and interest in the amount of \$8,554.54 due to the fact the customer did not receive the bills, was seconded by Ms. Eccles and carried unanimously.

Motion by Vice President Vogel to request Jordan Tax pay the penalty and interest because it was their mistake. Mr. Denny, Jr. questioned if that request could be done with a strongly worded letter from the Township Solicitor.

President Smith did not see that the Township lost any money.

Treasurer Curran noted Vice President Vogel's point is Jordan Tax is not kind to our residents, so the Township should not be kind to Jordan Tax for their mistake. Mr. Stewart noted it is on record.

The Manager noted the Township would send a message to Jordan Tax to be more careful.

J. Options Regarding Nonpayment of Storm Water Fee

Manager Jakubec noted proposed scenarios for when to move delinquent storm water fees into a collection status and possibly lien the property. Bills have been sent as well as reminders. The outstanding payment ledger is 18 pages. Anyone with large outstanding amounts were called. Jordan Tax recommends instead of setting a dollar amount, to establish a time period. If it hasn't been paid for two years, then accelerate collection. She asked if Council wanted to set a rule of thumb to follow as to when to send it to additional action.

Mr. Stewart inquired about the percentage of non-payees and can it be compared to other municipalities. Vice President Vogel noted \$230,000 is outstanding, which is about 30% of the fees we were supposed to collect.

The Manager stated Solicitor Weis is aware of the same problem in other communities. Typically when people get used to seeing the bill they start to pay it.

Ms. Berger thought it to be a messaging issue. Residents get the school and county taxes and they get this bill which looks different. She suggested including information in the Township Newsletter and on social media.

Mr. Denny, Jr. suggested having the water authority bill for the storm water fee. Manager Jakubec explained the water authorities may not have the capacity to calculate the bill, whereas Jordan Tax has the full mailing list. She noted Fox Chapel Borough includes the fee on the tax bill, which

could cause confusion because the storm water fee is not a tax. She also stated the Township is served by Fox Chapel Authority, Hampton Shaler Authority and PWSA.

Treasurer Curran questioned if the delinquent storm water fee shows up when someone is selling their property, which the Manager stated, “yes.” She questioned at what point does Council want to lien a property.

Vice President Vogel stated this is the first year billing the storm water fee, and issues were expected. The Township also expected to receive \$900,000 this year to fund storm water projects, but if the fee is short by \$230,000, that’s ¼ of the projects that can’t be done. He recommended reinforcing the purpose of the fee in the Newsletter, and questioned when the next Newsletter would be sent. Manager Jakubec indicated the next Newsletter would be mailed in October or November, but a separate mailing could be done.

Vice President Vogel was hopeful the delinquent storm water fee would correct itself over time, but it has to be collected. He suggested if a bill is not paid for two years, it should be lien against the property.

Treasurer Curran questioned if relief was available for people experiencing a hardship. The Manager stated there are no relief programs for taxes or utilities. Jordan Tax is sending reminders and the Township can communicate with residents. If taxes are not paid, the next year a lien is filed.

Mr. Stewart questioned the percentage of delinquent taxes that are residents. Manager Jakubec stated a majority are residents. Mr. Stewart recommended making sure the residents are aware of the new fee and make sure the bill is mailed to the right address.

Manager Jakubec verified after storm water fees are not paid for two years a lien would be filed.

K. Designating Trick-Or-Treat Night in the Township

The Manager stated people are calling to inquire about when Trick-Or-Treating is scheduled in the Township. Traditionally Trick-Or-Treating has been on Halloween between 6:00 and 8:00 p.m. Halloween falls on a Sunday this year. Updated safety precautions, as last year’s Boo To You Program, are recommended. She recommended continuing tradition and allow Trick-Or-Treating between the hours of 6:00 p.m. and 8:00 p.m. in the Township.

L. Solicitors August 10, 2021 Invoice

No comment.

M. Proposed Agenda for the September 21, 2021 Regular Meeting

Manager Jakubec stated one item would be added to the agenda; a list of equipment for Council to approve for sale through Municibid.

VII. CONCERNS OF COUNCIL

Ms. Eccles recalled with the last rain storm she had sewage coming up in her yard. Mr. Steinert, Jr., P.E. explained a bunch of inflow and infiltration occurred. The pipe was upsized so it is not holding the sewage. He also noted some people have illegal connections. Ms. Eccles stated she is smelling it now and was sure it went into the stream. Mr. Steinert, Jr., P.E. noted the Township performs a significant amount of repairs every year.

Treasurer Curran inquired about the status of recycling. Manager Jakubec explained the Waste Management contract has one more option year. Residents can still recycle glass for one more year; but it will go away. She noted the glass recycling container in the municipal parking lot has been very active. The North Hills Council of Governments has already begun talking about the next contract.

Ms. Eccles asked if the glass recycling bin is attracting animals, which the Manager answered, "No."

Vice President Vogel explained when trucks pull up to the Sunoco Station at the bottom of Montrose Hill, the trucks have to wait for the gate to open, while the back of the truck sticks out onto Freeport Road. He asked if the gate could be moved in. Manager Jakubec suggested the Township Engineer meet with Sergeant Wolfson and Police Superintendent Slagel to see if anything could be done.

Mr. Stewart noted the RIDC Alliance is happy with the roads and sidewalk work. They would like to get a bus shelter. The Manager recalled Mr. Steinert, Jr., P.E. met with Heffner Advertising last week to discuss. Mr. Steinert, Jr., P.E. indicated a bus shelter could be installed northeast of Gamma Drive at Alpha Drive. A discussion with Port Authority was scheduled for tomorrow.

Vice President Vogel noted a bench was installed at the bottom of Clifton. The Manager indicated someone must have put it there.

VIII. CONCERNS OF STAFF

Manager Jakubec stated she participated in the COVID lecture. She also participated in Dr. Joe Stahlman's lecture last Sunday, which was well attended.

The Manager requested Council to remain after the workshop for an Executive Session to discuss labor and personnel matters.

IX. ADJOURNMENT

The workshop adjourned at 9:07 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet(s)