

Borough of Jefferson Hills
Regular Meeting of Council
August 12, 2019

The regular meeting of Council was called to order by Vice President Weber at 7:00 p.m. in the Municipal Center, 925 Old Clairton Road. Following the Pledge of Allegiance, Mayor Cmar and Council Members Ielase, Khalil, Montgomery, Reynolds, Sockman and Vice President Weber answered to roll call. Borough Manager Stinner, Finance Officer Bennett, Solicitor Shimko, Chief Roach, Borough Engineer Glister and Public Works Director Volpe were also present. President King was absent.

CITIZENS/TAXPAYERS COMMENTS:

Donald Rahuba, of 139 MacArthur Road, discussed a storm sewer issue in the ground next to his driveway. Mr. Rahuba said he spoke to Mr. Volpe in 2018 and was told it would be repaired when the weather broke. On April 15, a camera was put down in the sewer, but he had not heard anything yet. Mr. Volpe commented he visited the property several times and feels there are some issues with drain pipes, roof leaders and that maybe some landscapers broke a pipe. Mr. Volpe indicated video was taken and given to Mr. Glister to review with The Gateway Engineers because it does not look as if it is a storm sewer off the road and is unsure if it is the Borough's responsibility. Vice President Weber asked Mr. Volpe to provide Mr. Rahuba with a final analysis once the review is completed.

William Lucas, of 5012 Dana Drive, asked if the Borough will be overseeing the Hunters Field homeowner's association monitoring of the stormwater pond in Hunters Field Plan for insect control or any other problems. Vice President Weber stated the detention pond is the responsibility of the homeowner's association. Mr. Khalil stated the homeowners that live in the area would report any issues with respect to that pond to the homeowner's association and, if the homeowner's association does not react, the homeowner may come to Council, but that is really beyond Council's control.

MINUTES:

Mrs. Ielase moved the minutes of the agenda meeting July 3, 2019 be approved, seconded by Mr. Khalil and carried unanimously.

Mr. Sockman moved the minutes of regular meeting July 8, 2019 be approved, seconded by Mr. Khalil and carried unanimously.

MONTHLY BILLS:

Mrs. Ielase moved the July bills be approved, seconded by Mr. Khalil and carried unanimously.

MONTHLY PAYROLLS:

Mr. Sockman moved the payrolls for the month of July in the amount of \$263,650.52 be approved, seconded by Mr. Montgomery and carried unanimously.

AGENDA ITEMS:

Mr. Sockman moved to enact Ordinance No. 877 accepting Hunters Field Circle and Labrador Lane in Phase 5 and Spaniel Lane in Phase 6a of the Hunters Field Plan of Lots as public streets of the Borough of Jefferson Hills; further accepting the infrastructures of storm and sanitary sewers serving said streets, with the exception of any Phase 5 and/or 6a (1) stormwater detention pond, and (2) storm sewer-related improvement within a (a) stormwater detention pond, and/or (b) private stormwater easement as depicted on the recorded plans for Phases 5 and 6a which shall be owned and maintained by the homeowners' association; and authorizing the appropriate officials of the Borough of Jefferson Hills to execute any and all documents necessary to approve such acceptance and dedication, seconded by Mr. Khalil and carried unanimously.

Mr. Sockman moved to adopt Resolution No. 24-2019 granting modification requests to Borough Subdivision and Land Development Ordinance Section(s) 22.504.1.B and 22.305.1.A and preliminary approval to the land development plan known as SP-5-2019, Evolution Automation Land Development, seconded by Mr. Khalil and carried unanimously.

Mr. Montgomery moved to adopt Resolution No. 25-2019 granting preliminary and final approval to the subdivision plan known as S-6-2019, St. Moritz Subdivision, seconded by Mr. Khalil and carried unanimously.

Mr. Sockman moved to adopt Resolution No. 26-2019 granting final approval to the subdivision plan known as S-7-2019, FVJM Partnership Subdivision, seconded by Mr. Montgomery and carried unanimously.

Mrs. Ielase moved to adopt Resolution No. 27-2019 granting final approval to the land development plan known as SP-8-2019, Beedle Park Concession Stand, seconded by Mr. Montgomery. The vote was not unanimous and a roll call vote was taken. Council Members Ielase, Khalil, Montgomery, Sockman and Vice President Weber voted yes. Council Member Reynolds voted no. The motion carried 5-1.

Mr. Sockman moved to adopt Resolution No. 28-2019 granting the Borough of Jefferson Hills permission to join the Congress of Neighboring Communities ("CONNECT"), seconded by Mr. Khalil. Mr. Montgomery stated he was uncomfortable with joining CONNECT because it may lead to metropolitanism and he will not be voting for it. Mr. Khalil thanked Mr. Stinner for his explanation of how CONNECT differs from a COG and stated he feels very comfortable moving forward with this. The vote was not unanimous and a roll call vote was taken. Council Members Ielase, Khalil, Sockman and Vice President Weber voted yes. Council Members Montgomery and Reynolds voted no. The motion carried 4-2.

Mrs. Ielase moved to adopt Resolution No. 29-2019 supporting the inclusion of the Bucar Farm in the Forward Township Agricultural Security Area, seconded by Mr. Khalil. Mrs. Ielase motioned to table this motion until next month, seconded by Mrs. Reynolds. Mr. Stinner commented he spoke with Ms. Vario and she will participate next month as well. The vote to table was not unanimous and a roll call vote was taken. Council Members Ielase, Khalil, Montgomery and Sockman voted yes. Vice President Weber voted no. The motion to table carried 5-1.

Mr. Sockman moved to approve Application for Payment No. 1 from Alex E. Paris Contracting Company in the amount of \$328,401.68 for work completed on the 2019 Road Program, seconded by Mr. Montgomery and carried unanimously.

Mrs. Ielase moved to approve Application for Payment No. 2 and Final from Geobuild, LLC in the amount of \$17,625.00 for work completed on the Waterman Road West Stabilization project, seconded by Mr. Khalil and carried unanimously.

Mr. Montgomery moved to approve Application for Payment No. 1 from SHACOG for Select Contracting, LLC in the amount of \$17,685.00 for work completed on the Borough Building ADA Doors Project, subject to the receipt of an invoice from SHACOG, seconded by Mr. Sockman and carried unanimously.

Mrs. Ielase moved to approve and execute Jefferson Hills/West Elizabeth Sewershed Act 537 Plan Capital Improvements Project Contract A Change Order No. 6 from Global Heavy Corporation in the amount of \$9,571.01 for additional costs for adding a pressure reducing valve, replacement of actuator and aeration unit, seconded by Mr. Khalil and carried unanimously.

Mr. Montgomery moved to approve Work Authorization dated August 9, 2019 from Gateway Engineers, Inc. to assist the Borough in the preparation of plans and specifications for the Andrew Reilly Memorial Park ADA upgrades in the amount not to exceed \$7,000.00, seconded by Mrs. Ielase and carried unanimously.

Mr. Khalil moved to authorize the execution of an administrative agreement with the South Hills Council of Governments concerning the SHACOG Joint O&M CCTV Inspection and Cleaning Project-Year 9, seconded by Mr. Sockman and carried unanimously.

Mr. Montgomery moved to authorize the execution of an administrative agreement with the South Hills Council of Governments concerning the SHACOG Joint Municipal Sanitary Sewer Lining Project – Year 13, seconded by Mrs. Ielase and carried unanimously.

Mr. Khalil moved to authorize the execution of an administrative agreement with the South Hills Council of Governments concerning the SHACOG Joint O&M Point Repair Project-Year 8, seconded by Mrs. Ielase and carried unanimously.

Mrs. Ielase moved to reject all bids received for the Beedle Park Concession Stand and Restroom project, seconded by Mr. Khalil. Mrs. Reynolds stated she feels Council should not hold back and feels that the residents deserve to have this. Mr. Sockman commented two (2) bids were received and they were both well over the amount allocated for this project. Mr. Sockman

expressed the thought is most construction companies are very busy now causing their bids to be higher and felt, if the project was re-advertised at a later time for construction early next year, lower bids would be received. The vote was not unanimous and a roll call vote was taken. Council Members Ielase, Khalil, Montgomery, Sockman and Vice President Weber voted yes. Council Member Reynolds voted no. The motion carried 5-1.

Mr. Montgomery moved to award a bid for rock salt for the 2019-2020 winter season to Cargill, Inc. in the amount of \$82.24 per ton and authorize the appropriate Borough Officials to execute all necessary bid award documents, seconded by Mr. Sockman and carried unanimously.

Mr. Sockman moved to approve the eligibility lists provided by Jefferson 885 VFC, Gill Hall VFC and Floreffe VFC for the Volunteer Service Credit Program, calendar year 2018, seconded by Mrs. Ielase.

Mr. Sockman moved to issue a Request for Proposal (RFP) for a complete information technology overhaul in Borough Offices including: a new server; ten new computers for Borough Administration and Public Works; software licenses for each computer, seconded by Mr. Khalil and carried unanimously.

Mrs. Ielase moved to issue a Request for Proposal (RFP) for a new Borough-wide telephone system which would include the system, all individual telephone units, and any new wiring IT equipment or to facilitate use, seconded by Mr. Khalil and carried unanimously.

BOROUGH ENGINEER:

Nothing to report.

FINANCE OFFICER/TREASURER'S REPORT:

Mr. Bennett received an application for the use of the small shelter at 885 Park for the Healthy Kids Running Series on Sundays in October. The Borough has waived the fee for this use of this facility for the last several years and the Applicant would like to request the waiver again this year. Council directed Mr. Bennett to waive the fee.

PUBLIC WORKS DIRECTOR'S REPORT:

Nothing to report.

POLICE CHIEF'S REPORT:

Nothing to report.

BOROUGH MANAGER'S REPORT:

Nothing to report.

SOLICITOR'S REPORT:

Nothing to report.

MAYOR'S REPORT:

Marcy's Law will be on the ballot in November. She stated Pennsylvania is one of the only states that does not provide constitutional rights for crime victims and this law allows victims these rights. Mayor Cmar indicated she will provide information to Jane Milner to put on the Borough's website.

Mayor Cmar stated she has a veto for the eminent domain ordinance for these reasons: (1) the assessed approximation of the value of the property will cause this to be too costly for Borough taxpayers; (2) the condemnation process could take months or longer and the present solution to providing fire service to residents is unacceptable; and (3) Gill Hall VFC and Council had agreed to have mediation, which did not happen, and, in the ordinance, it does say that there should be a negotiation. Mr. Khalil stated Mayor Cmar noted that Gill Hall VFC came to a Council meeting and said they would like to negotiate. Mayor Cmar expressed Brian Huston, Vice President of Gill Hall VFC, came to a meeting and said Gill Hall VFC had agreed to mediate. Mr. Khalil commented Council requested a corporate resolution showing that Gill Hall VFC was willing to negotiate and that was never done. Vice President Weber stated the request for a corporate resolution was actually from Mr. Thatcher and the Task Force. Mayor Cmar expressed her beliefs that taking Gill Hall VFC's property is getting the situation nowhere while Gill Hall is without any fire protection. Mayor Cmar stated, when government tries to take over your property, that is scary and she feels the government does not have the right to take property unless it is for roads or railroads like they did back when they were building things.

Mrs. Reynolds stated there is a problem with bullying in our schools and those children are not born with that feeling, but are taught it from adults. Mrs. Reynolds commented there are some members of Council that call other members and bully them. Vice President Weber said Mrs. Reynolds has called our chief firefighter a bully and he received two (2) telephone calls from residents asking how she could be removed from Council.

Mrs. Ielase asked, if Gill Hall VFC provides Council with a corporate resolution stating it is all behind negotiation, may a motion be made to hire a mediator. Vice President Weber stated the fire departments need to work amongst themselves and the action to decertify Gill Hall VFC was to show that taxpayer money is not going to be thrown at a fire company that does not have the personnel to provide fire protection. Mrs. Ielase expressed the idea of the merger was to have all three (3) fire companies on board and Council needs to find a way to do that. Vice President Weber stated the fire companies need to find a way to do that and is why the Task Force was created. Mrs. Ielase stated Council needs to get some kind of mediation so Gill Hall VFC can come back to the table. Vice President Weber expressed if Floreffe VFC and Jefferson 885 VFC want to engage a mediator, that is their prerogative, but Council cannot force that, just like Council cannot force consolidation.

Vice President Weber asked if Mrs. Ielase heard the name being mentioned when firefighters came to speak at Council meetings and explained why they left Gill Hall VFC. Mrs. Ielase said Calvin Felix. Vice President Weber asked why, then, is it being portrayed that it is Council's fault. Mrs. Reynolds stated because it is. Mr. Sockman stated no it isn't.

Vice President Weber expressed the Mayor Cmar's veto is not recognized because she did not provide the veto at the Wednesday Council meeting. Mayor Cmar stated her belief is she has ten (10) days once it is presented at a meeting. Mr. Shimko explained the Borough Municipal Code states, once an ordinance is enacted, it is to be given to the Mayor for approval, which was done at the conclusion of the July 8 meeting and she declined to sign or take the ordinance. Mr. Shimko stated the Borough Code goes on to say, if the Mayor does not approve of the ordinance, the Mayor is required to return the ordinance with objections at the next Council meeting occurring at least ten (10) days after the meeting in which it was enacted. The ordinance was enacted July 8, so at the next meeting occurring after July 18, the ordinance and the veto is supposed to be returned, which would have been the August 7 Council meeting and Mayor Cmar did not return the ordinance or veto to Council. Mayor Cmar stated she took a veto letter to Mr. Stinner. Mr. Shimko acknowledged this and that he spoke to Mayor Cmar at the same time, showed her the Borough Code veto provision, and advised her she had to return the ordinance and the veto at the next Council meeting and that she then asked Mr. Stinner to hold the veto letter until that time. Mr. Shimko expressed the Borough Code states the Mayor must present the unsigned ordinance and veto at the next meeting to start the ten (10) day clock for Council's response. Mayor Cmar stated she handled the last veto similarly. Mr. Shimko explained to Mayor Cmar it was handled differently because she was out of town for the next meeting and she specifically asked Mr. Bennett to present to Council at the meeting for her.

Mr. Shimko noted that when an ordinance is not returned with a veto, the ordinance is considered enacted; however, this does not mean a declaration of taking is filed condemning the property, only that the Borough is able to do so, if necessary, within the next twelve (12) months.

GENERAL BUSINESS:

Mr. Montgomery stated he went to Pleasant Hills Community Day on Saturday and met with Dan Alwine, Chief of Staff for State Senator Pam Iovino, who reported there are more grant opportunities available. There are two (2) issues for sewer and water and one (1) for bridge rehabilitation. Mr. Montgomery discussed the Coal Valley #1 sewer project with Mr. Alwine and he feels it may be eligible for a grant. There will be a forum in October and Mr. Montgomery asked Mr. Alwine to send an email to Mr. Stinner regarding this.

Mr. Sockman stated it is difficult to sit here meeting after meeting and listen to the fire hall merger argument. Mr. Sockman indicated he asked Calvin Felix, prior to all this starting, to please tell Council what Gill Hall VFC is having a problem with so that it can be resolved. He also went to a meeting at Gill Hall VFC, along with Mr. Montgomery, Mrs. Reynolds and Mrs. Ielase and left since there were four (4) Councilmembers attending, but still nothing was discussed about the issues preventing consolidation at that meeting. Mr. Sockman expressed he never has heard what the problems are and encouraged the fire companies to just get it done as this is something Council does not control and has to be done by the firefighters.

Mr. Sockman stated he did not agree with the comments Mr. Khalil added to the July 8 meeting minutes noting Mr. Montgomery has sat silent with respect to a lot of the discussion in Council Chambers regarding the fire company merger. Mr. Sockman indicated, from what he remembers, Mr. Montgomery has voted for everything except when it came to taking over the fire hall building when he abstained and feels he should have that right. Mr. Khalil stated he agrees we all should vote the way we feel, but did not believe Mr. Montgomery was able to abstain since he had no conflict with or personal gain regarding this vote. Mr. Sockman said he did not feel Mr. Montgomery sat silent in that he always voted yes or no until this abstention. Mr. Khalil noted he should have been more clear in his comment because he was talking about being silent during discussions, not when voting.

Mr. Khalil spoke about the budget and feels it is in good shape, but there are some line items that need to be discussed with Mr. Stinner and Mr. Bennett. The sewer revenues and expenses are also in good shape.

Mrs. Ielase hoped everyone enjoys their last few weeks before the children go back to school and reminded everyone to be careful driving because children are still playing outside.

Vice President Weber announced there will be a public hearing at 6:00 p.m. on September 4 regarding a proposed billboard on Route 51 in Large.

ADJOURNMENT:

Vice President Weber adjourned the meeting at 7:56 p.m. with an executive session regarding personnel issues to follow from which Council would not return on motion by Mr. Sockman, seconded by Mrs. Ielase and carried unanimously.

John P. Stinner
Secretary/Borough Manager