

Borough of Jefferson Hills
Agenda Meeting of Council
March 6, 2019

The agenda 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, Council Members Khalil, Montgomery, Sockman and Vice President Weber answered to roll call. Finance Officer Bennett, Solicitor Shimko, Chief Roach, Borough Engineer Glistler, Consulting Engineer Minsterman and Public Works Director Volpe were also present. Mayor Cmar and Council Members Ielase, Reynolds and President King were absent.

1. Pledge of Allegiance
2. Roll Call

Vice President Weber introduced PA State Representative Michael Puskaric, serving Pennsylvania's 39th Legislative District, who spoke about the Turnpike Commission updates to the 43 Corridor and the Southern Beltway. Representative Puskaric indicated his office is located at 1633 Route 51, Suite G-102, Jefferson Hills, PA.

3. Citizen/Taxpayer Comments

A) Vincent Talarico, of 151 Margaret Street, Apartment #4, Pittsburgh (Mt. Oliver), PA 15210, apologized to Council for some of the things he said to Council members regarding the merger of the three (3) fire stations. Mr. Talarico stated he fought very hard for Gill Hall VFC, however, he was lied to by Calvin Felix. Mr. Talarico indicated Mr. Felix told him there were no proposed Jefferson Hills Fire & Rescue Bylaws prepared for review by the three (3) volunteer fire companies, but Mr. Talarico spoke in depth with Chief Chalfant, was given a copy of the Bylaws and agrees with them. Mr. Talarico stated he hopes Council accepts his apology. Mr. Talarico asserted the last thing he wants is for a child or anyone to lose their life because of his pride or ego and explained he told this to Mr. Felix and Mr. Felix said he did not care. Mr. Talarico indicated he was the Gill Hall VFC Treasurer, but is no longer. Mr. Talarico asserted he never saw the books and could not write checks and was not sure the purpose of his position. Mr. Talarico said he wishes Mr. Felix would give the Gill Hall VFC building up and wishes also that everyone knew what he knows now. Mr. Talarico said he believes Mr. Felix would rather merge with Broughton or Pleasant Hills than Jefferson Hills Fire & Rescue, but he does not know why. Mr. Talarico stated his vote has changed in support of the merger. Mr. Sockman stated he appreciates what Mr. Talarico expressed and indicated it says a lot for him to come before this Council and do so and thanked him. Mr. Khalil stated it takes a lot of courage for Mr. Talarico to come forward and say what he said, look at the facts that he was not initially given, become informed on his own and, based on that information, find that the merger really is the right thing to do. Mr. Khalil expressed it is very troubling to hear Mr. Felix's comment and to know that Mr. Felix and Mr. Latorre did not disseminate the information provided at the Task Force meetings to the rest of the organization and that the Treasurer of an organization never saw the books – which begs the question why the Gill Hall VFC books were not delivered into the care of the Gill Hall VFC Treasurer. Mr. Khalil indicated Council wants Gill Hall VFC to be part of the

new organization, but, for Gill Hall VFC to reach out to neighboring fire stations to be part of their organization is insulting to this community that has paid for their apparatus, for their gear and for their station. In some cases, it has been one hundred percent (100%) taxpayer money and in some cases it has been a portion, but it is, nonetheless, insulting and a real problem. Mr. Khalil thanked Mr. Talarico again and stated it speaks to his character that he had the wherewithal to come forward, state he was misinformed, wrong and apologize. Mr. Khalil accepted Mr. Talarico's apology and stated he hopes that Mr. Talarico will continue to serve in our community at another station or at Gill Hall VFC if they get back in the fold. Mr. Talarico indicated he has not resigned as a member of Gill Hall VFC, only as Treasurer and holds no position of authority.

B) Peter Taucher, of 114 Gill Hall Road, stated he is still upset about what he called "Council closing a fire hall that is a stone's throw from his house," but now feels he may have been misled or not told the complete truth. Mr. Taucher stated he has not been able to get answers from Mr. Felix regarding the reason why he does not want to consolidate. Mr. Taucher indicated if Mr. Felix is not willing to meet Council halfway, he realizes there may be no choice, but he hates to see Gill Hall VFC closed. Vice President Weber stated Council appreciates Mr. Taucher coming to the meeting and voicing his concerns and hopes Mr. Taucher knows Council has many of the same concerns and the decision to decertify Gill Hall VFC was not taken lightly. Mr. Khalil stated, if Mr. Taucher were to get answers from Mr. Felix, Council would be happy to speak to Mr. Taucher about them. Mr. Taucher said, if Council cannot get answers from Mr. Felix, he does not believe he will be able to either.

4. Report from Borough Boards and Commissions
5. Motion to approve minutes of agenda meeting February 6, 2019
6. Motion to approve minutes of regular meeting February 11, 2019
7. Motion to approve the monthly bills
8. Motion to approve the monthly payrolls
9. Discuss an Ordinance amending Chapter 18, Part 1, Subpart A, Section 18-112, and Chapter 20, Part 1, Subpart A, Section 103.2 of the Borough of Jefferson Hills Code of Ordinances providing for (1) low income sanitary sewer fees discount; (2) low income garbage collection fees discount

Mr. Khalil explained this Ordinance is to remove the flat fee for sewage and reduce the garbage by half for those at or below a specified income threshold. Mr. Bennett stated, currently, the discount is geared toward seniors that qualify under the PACE guidelines for income. Mr. Bennett indicated what the Borough wants to do is increase the income guidelines and tie it to an index of the Health and Human Services Poverty Guidelines, which will allow the Ordinance to automatically adjust when the poverty guidelines change every year. The Borough would require residents to submit tax returns yearly to verify household income eligibility. Vice President Weber asked if this is for any age or just for seniors and Mr. Bennett replied it would be for any age. Mr. Shimko stated this Ordinance will be on April's agenda for enactment.

10. Motion to adopt Resolution 9-2019 granting final approval of the subdivision plan known as S-2-19, Moscatiello Subdivision Plan
11. Motion to accept the proposal of Whitmoyer Auto Group in the amount of \$37,722.00 to purchase one (1) 2019 Ford F-150 Police Responder police vehicle under the SHACOG Purchasing Alliance Program
12. Motion to approve Application for Payment No. 1 and Final from Soli Construction, Inc. in the amount of \$80,743.00 for work completed on the Hollywood Emergency Sanitary Sewer Re-Route Project
13. Motion to approve Invoice #2018-74 from Soli Construction, Inc. in the amount of \$5,116.00 for work completed on the Shady Timber Storm Sewer Sinkhole Repair Project
14. Motion to approve Invoice 19-107 from D & D Engineering, Inc. in the amount of \$2,954.75 for Electrical Engineering Design Services for the Jefferson Hills/West Elizabeth Sewershed 537 Plan Capital Improvement Project
15. Motion to approve Application for Payment No. 13 from Global Heavy Corporation in the amount of \$315,464.67 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract A
16. Motion to approve and execute Jefferson Hills/West Elizabeth Sewershed Act 537 Plan Capital Improvements Project Contract C Change Order No. 2 from Jet Jack, Inc. in the amount of \$372,384.09 for additional costs for over excavation required by moisture content and type of soil encountered and placement of Geotextile stabilization matting with additional stone backfill
17. Motion to approve and execute Jefferson Hills/West Elizabeth Sewershed Act 537 Plan Capital Improvements Project Contract C Change Order No. 3 from Jet Jack, Inc. in the amount of \$162,794.35 for additional costs for delays and additional work caused by utility interference and mismarked lines
18. Motion to approve Work Authorization dated February 20, 2019 from Gateway Engineers, Inc. to assist the Borough with surveying and preparation of an easement for the relocated Hollywood Sanitary Sewer in the amount not to exceed \$6,000.00
19. Motion to approve Work Authorization dated March 1, 2019 from Gateway Engineers, Inc. to assist the Borough with preparation of the site plans and specifications for the Beedle Park Restroom and Concession Stand Project in the amount not to exceed \$9,500.00
20. Motion to approve Work Authorization dated February 25, 2019 from Gateway Engineers, Inc. for the 2019 MS4 Program in the amount not to exceed \$30,000.00
21. Motion to approve Work Authorization dated February 25, 2019 from Gateway Engineers, Inc. for Sanitary GIS Assistance in the amount not to exceed \$10,000.00

22. Discuss moving of the TBall field at Andrew Reilly Memorial Park

Mr. Sockman stated he and Mr. Khalil met with the Engineering Committee and there was a strong feeling not to move the TBall field. Mr. Sockman stated he and Mr. Montgomery met with the Recreation Board and it was decided to leave the TBall field where it is. There was a consensus of Council and Vice President Weber asked that this item be removed from agenda.

23. Discuss purchase of batting cages and equipment from Pioneer Athletics in the amount of \$5,897.00 and relocating the cages at Andrew Reilly Memorial Park

Mr. Sockman stated one cage was destroyed from the landslide and probably cannot be saved and indicated he believes one batting cage will be left there and a site needs to be decided for the second cage. Vice President Weber asked if there was an insurance claim regarding the landslide damage and Mr. Bennett stated the insurance claim was denied. Vice President Weber questioned if it is premature to purchase when there is not a set location. Mr. Bennett stated what is being purchased is less of a structure than what is there now and would not be hard to move. Mr. Sockman stated he believes it should be purchased now. The consensus was to make the purchase and Vice President Weber stated to leave this item on the agenda.

24. Discuss appointing _____ to the Library Board of Directors for a term ending December 21, 2021

Vice President Weber stated a letter of interest was received by Mr. Campbell, there is a current opening on the Library Board of Directors and this will be left on the agenda with Mr. Campbell's name added.

25. Discuss setting a public hearing date/time for the WJHSD Gill Hall Elementary School Addition conditional use application

Mr. Shimko stated, in order for the School District to add on to the school, it needs to bring a conditional use application to Council and a public hearing needs to be scheduled sixty (60) days from the date of application, which is April 20. Vice President Weber asked if there was any urgency. Mr. Montgomery stated there was. Mr. Shimko indicated he and Mr. Trant have reviewed the application, it is complete and has been accepted. Vice President Weber suggested April 1 at 6:00 and that was the consensus of Council. Vice President Weber asked that the hearing date and time be added to the agenda.

26. Reports

Don Withers, Floreffe Fire Department Fire Chief, reported:

- Floreffe VFC responded to 60 calls so far this year.
- Some upgrades were done on the trucks and foam equipment was purchased.

Andrew Tomer, Fire Chief for Jefferson 885 Fire Department and Emergency Management Coordinator, reported:

- He wanted to acknowledge and thank Mr. Talarico for also stopping by the fire station to apologize regarding his being misled.
- So far for the year Jefferson 885 has responded to 97 incidents.
- Fire call in former Gill Hall VFC district came in and Jefferson 885, Floreffe and Pleasant Hills responded. Everything went as planned and everyone on the alarms now are working well together.
- Water rescue training is officially complete and there are now 12 certified water rescue technicians in the Borough. Thank you to Council for expending the funds for the boat, equipment and training.
- Mr. Khalil stated he received an email from Brian Chalfant, Assistant Chief of Jefferson 885 Fire Department and President of Jefferson Fire and Rescue, in which he requested diesel exhaust systems in the fire stations and provided documentation regarding related cancer concerns that Mr. Khalil will provide to Mr. Bennett to distribute to Council. Chief Chalfant explained diesel exhaust is a leading cause of firefighting cancer and that is his reason for requesting the exhaust systems for each fire station, which can be purchased through COSTARS. Chief Chalfant also requested a gear washer and dryer for Floreffe VFC to remove contaminants from firefighting gear. Mr. Khalil mentioned Chief Chalfant stated the exhaust systems are able to be moved if the station were to relocate. Chief Chalfant confirmed and explained there would be a transfer fee, but the equipment would not need to be repurchased. Mr. Khalil asked if that could be put in writing and Chief Chalfant replied definitely. Mr. Sockman stated he feels this should be accomplished as soon as possible because it is a health and safety issue. Vice President Weber thanked Chief Chalfant for bringing this to Council's attention and asked Mr. Chalfant to provide a quote for the gear washer and dryer so this may be put on the agenda for Monday and to start looking into the exhaust systems to get firm numbers.
- Chief Chalfant, as President of Jefferson Fire Rescue, stated, on February 12, JFR had an annual meeting and election of officers. All three (3) fire departments were in attendance. All the officers stayed the same, namely, Chief Chalfant President; Adam Galis, Vice President; Stacy Tomer, Recording Secretary; and Jay Girman, Treasurer. Chief Chalfant expressed JFR sent an email and certified letter to the President/Fire Chief of Gill Hall Fire Department asking that they turn over the ladder truck to JFR until this issue is resolved. The certified letter was signed for, but no response was received to the letter or email. Chief Chalfant expressed he asked Mr. Felix about turning over the ladder truck that was paid for with taxpayer dollars to provide fire protection to the Borough and Mr. Felix responded no. Chief Chalfant indicated JFR voted and hired an attorney, who has reached out to Gill Hall VFC's attorney several times and has gotten no response. The next step will be for JFR's attorney to send a certified letter asking that the truck be turned over or there will be a lawsuit. Chief Chalfant asserted \$535,000 was paid for a truck that is locked in a building not accessible by JFR.

Engineer Glister reported:

- Nothing to report.

Consulting Engineer Minsterman reported:

- Nothing to report.

Public Works Director Mr. Volpe reported:

- Mr. Sockman asked Mr. Volpe to explain to Council his reasoning for the elimination of a newer truck rather than one that is older, with the purchase of two (2) new trucks. Mr. Volpe indicated, although normal practice is to get rid of the older vehicles first, this truck has been very troublesome and it makes sense to do away with it before one that is older. Council agreed with this decision.

Police Chief Roach reported:

- Nothing to report.

Finance Officer/Treasurer Mr. Bennett reported:

- Liquid Fuels funding was received March 1 and was more than budgeted. This funding is used primarily for road salt and street lighting.
- Provided some financial highlights of the Borough for IN West Jefferson Hills IN Community Magazine.

Interim Manager Mr. Bennett reported:

- Mayor Cmar asked him to present her letter dated February 13, 2019 stating and providing the reasons for her veto of Ordinance 874. Vice President Weber asked Mr. Shimko to advise Council on the proper procedure to address the veto. Mr. Shimko stated the Mayor has the opportunity to veto any Ordinance that is enacted by Council. The Mayor must return the unsigned Ordinance and a statement of her veto and reasons for objection at the next Council meeting more than ten (10) days past the meeting when it was enacted, which she has done through the Interim Borough Manager. The Borough Code requires the text be put into the Minutes. The Borough Council – if it desires – has ten (10) days to override the veto, which could occur tonight, Monday or at a scheduled special meeting by March 16. According to the Borough Code, there must be five (5) votes, rather than just a majority. Vice President Weber asked if this could be put on the agenda for Monday. Mr. Shimko recommended it be put on the agenda for Monday because that meeting is already scheduled. Consensus of Council was to add the override of the veto to the agenda for Monday.

- The Mayor's February 13, 2019 veto letter reads as follows: The action taken by Council at last night's [sic] meeting, where the Large and Gill Hall Volunteer Fire Company were officially decertified by Ordinance #874 is subject to the veto power granted the Mayor by Borough Code. Therefore, pursuant to Section #1009 of the Borough Code (1965 P.L. 1656, No. 581, as amended), I hereby veto Ordinance #874. My reason for the veto is: **The closing of a borough Fire Company, specifically the Gill Hall Volunteer Fire Company, seriously jeopardizes public safety.** The Gill Hall Volunteer Fire Company is situated in the fastest growing and the most populous area of the borough. The alternatives, Broughton, Pleasant Hills, Floreffe and 885 Fire Companies are simply too distant from this population center. Even under the best of circumstances, a fire vehicle would simply take too long to reach destinations in this section of the borough given the difficult terrain, arduous turns, the amount of vehicles on the road, traffic lights, tunnels, and blind hill sides. From Gill Hall Fire Hall in a two mile radius alone, hundreds of residences are located. Also, Gill Hall Elementary is only .8 miles away from the Gill Hall Fire Company and two other schools are within 3.2 miles. Especially troubling is the amount of borough taxes paid by the homeowners in the Gill Hall neighborhood. They are, in effect, subsidizing fire protection for the rest of the community while losing fire service themselves.
- The Borough of Jefferson Hills was, again, recognized as a Banner Community by the Allegheny League of Municipalities.

27. General Business

Mr. Montgomery noted the following with respect to SHACOG:

- There was no consensus on how to move forward with voluntary glass recycling. Mr. Montgomery stated he would like to pursue regional voluntary glass recycling with Pleasant Hills and South Park and report back to Council at the next meeting.
- Civil Service test will be August 10.
- April 25 is the annual banquet at Nevillewood Country Club.
- Franchise negotiations with Verizon Fios are ongoing.
- CDBG 45 application review is underway and decisions are due at the end of the month.
- CDBG 46 pre-application project must be in by July 1 and the Recreation Committee has an idea to provide a path in 885 Andrew Reilly Memorial Park from the parking lot to the fields. Mr. Glister will work with them to submit the pre-application.
- SHACOG will put in, at a request, for the communities to do the road robotic analysis and a few communities are doing it. Mr. Montgomery is going to see if we can bid it as a SHACOG service.

Mr. Sockman noted:

- The bridge over Peters Creek on Gill Hall Road will be closing in May. Vice President Weber asked if the bridge closing should be put on the website. Chief Roach mentioned he provided the information to Jane Milner to do so.

Mr. Khalil noted:

- Regarding the remote real estate tax appeal program, there is a concern of having a huge influx of participation during the roll out of the program. They would like to use smaller communities with far less appeals initially and start Jefferson Hills next year once the bugs have been worked through.
- At the Ambulance Association meeting, there was discussion about the fundraiser letter that was mailed. It is considering that anyone donating to the new ambulance association would be given a discount when an ambulance call is needed or maybe the communities themselves contribute as a group and all residents receive a discount. Mr. Khalil wondered whether Jefferson Hills might eliminate the need for a fund drive in the Borough and increase the ambulance millage to cover the donations for all residents. There is no urgency on this. He would just like Council to think about it. Vice President Weber stated he would like to see all the communities that are involved, their population and their usage before considering this. Mr. Khalil stated all communities must participate for the municipal contribution and all resident discount to be possible.
- Discussions at the Engineering Committee meeting included a possible slow down on preventative maintenance work to prepare for unexpected items. The thinking is that maybe the Borough should get through a portion of the year before doing more preventative work.
- There was mention of the screen that was bought by the Recreation Committee for the Beedle Park baseball field having a possible sail effect and the fencing potentially not being designed to withstand such sail effect. There will be discussion with the Recreation Committee asking them to speak to the fence manufacturer to verify there will be no safety hazard.
- McLean Architects were approved to begin preparing the design for the concession stand at Beedle Park. Concurrently, there will be a conditional use being sought.
- Updating the potential acceptance of Providence Drive, the requester will be contacted to see if he is willing to pay for core samples that need to be done. Mr. Montgomery asked if there will be examinations of the sewers as well. Mr. Khalil responded it will be one step at a time. Mr. Khalil stated, if the road will be cost prohibitive to them, that will stop the project, but, yes, everything will be examined.
- WESA Pump station pumps are in and should be online by May. Reimbursement from PENNVEST for the WESA loan was received.
- Mr. Khalil stated Mr. Minsterman mentioned the research on the Fallen Timber Watershed within the Borough revealed it is not a viable site for the Pollution Reduction Plan project. That leaves two options: 1. Look elsewhere in the Borough for a different watershed; or 2. Partner with a neighboring community within that watershed.

Vice President Weber noted:

- February 17-23 was Engineer's Week and Mr. Minsterman received the Dedicated Service Award from the Pennsylvania Society of Professional Engineers, Pittsburgh Chapter. Congratulations, Mr. Minsterman.
- Thanked Mr. Talarico for speaking to Council. Listening to Chief Withers and Chief Tomer brought to his attention that the firefighters took effort to become better and are taking the effort to find new ways to keep the community safe. Thank you. Council is greatly appreciative.

28. Adjournment

Vice President Weber adjourned the meeting at 8:33 p.m. with an executive session to follow from which Council would not return on motion by Mr. Sockman, seconded by Mr. Khalil and carried unanimously.

29. Executive Session – Personnel, Collective Bargaining, Real Estate, Legally Privileged/Confidential and Litigation (*EQT Production Company and ET Blue Grass Clearing LLC v. Borough of Jefferson Hills*, Supreme Court of Pennsylvania, Docket No. 4 WAP 2018; *Levander v. Borough of Jefferson Hills*, United States Equal Opportunity Commission, Charge No. 533-2018-01896, *104 Residents of Jefferson Hills v. Mark Reis, Borough of Jefferson Hills Zoning Hearing Board*, Docket Number ZN-14-2018; *Clemens vs. Borough of Jefferson Hills*, Court of Common Pleas of Allegheny County, GD-15-012654; *Clemens v. Borough of Jefferson Hills*, United States Equal Employment Opportunity Commission, Charge No. 533-2014-01265); *Peters Creek Sanitary Authority, et al. v. Clairton Municipal Authority*, Court of Common Pleas of Allegheny County, GD-17-017711

Charles W. Bennett
Secretary/Interim Borough Manager