

Borough of Jefferson Hills
Agenda Meeting of Council
December 5, 2018

The agenda meeting of Council was called to order by President King at 7:00 p.m. in the Municipal Center, 925 Old Clairton Road. Following the Pledge of Allegiance, Council Members Ielase, Khalil, Montgomery, Sockman, Vice President Weber and President King answered to roll call. Finance Officer Bennett, Solicitor Shimko, Chief Roach, Borough Engineer Glistner, Consulting Engineer Minsterman and Public Works Director Volpe were also present. Mrs. Reynolds was absent. Mayor Cmar arrived at 7:16 p.m.

1. Pledge of Allegiance
2. Roll Call

President King asked for a moment of silence in memory of former United States President George H. W. Bush.

3. Citizen/Taxpayer Comments

Bob Gulla, of 1301 Collins Avenue, stated he was originally against the consolidation/merger of the volunteer fire companies. Mr. Gulla stated he recently joined Floreffe Volunteer Fire Company and is glad he did because it was a real eye-opener. There is a lot more to it than he realized to be a firefighter with all the training and drills that are required. Mr. Gulla expressed the merger is needed in order to have coverage to keep the Borough citizens safe. It is not an individual situation, but a community situation.

4. President King moved Agenda Item Number 5, Report from Borough Boards and Commissions, to this point of the meeting

A) Dave Graffam, of the Library Board, addressed Council with the following:

- Thanked Council for their attendance at the get together in honor of the Library's Gold Star Award last month and the general support. The Library was also awarded a proclamation from the County Council.
- Thanked council for new lights in parking lot.
- Holiday Celebration was a great success.
- There will be a new list of programs for the Library in the In Community Magazine.
- President King commented the Library staff should be proud and Council appreciates that someone gives a report from the Library every month. Vice President Weber agreed the staff should be proud and mentioned there will be an increase in the Library budget next year. Vice President Weber also asked for letters from Library Board members that are expiring at the end of December if they would like to be reappointed.

Mayor Cmar arrived.

5. Fire Department Report – Nick Sohyda, Chief, Mt. Lebanon Fire Department – President King welcomed Chief Sohyda, Pennsylvania Department of Community & Economic Development, Governor’s Center for Local Government Services consultant (and in that capacity author of the Feasibility Study), and noted it has been said lately there is a crisis regarding volunteer firefighters in the state of Pennsylvania. Chief Sohyda stated there have not been many changes regarding volunteers in the state. A report by the Senate and Legislature (SR6) was released to try and bolster some volunteers. The same report was issued in 2004 and, at that time, there were seventy thousand (70,000) volunteers and the state was in a crisis. Today, the report shows thirty-eight thousand (38,000) volunteers and the state is in a crisis. Chief Sohyda stated not a lot has happened and he feels Council is trying to address this correctly. Fire protection is a local government issue and there is not a lot the state or county can or will do. He thanked those that participated in the Feasibility Study and reminded everyone that what is included in its report are recommendations based on national standards, best management practices and his education, background and knowledge gained from thirty-two (32) years of fire service involvement. He mentioned that often the recommendations are not implemented fully, but hopefully they serve a purpose of providing a foundation for further discussion. Chief Sohyda stated he is hired by the state to give an opinion and is not biased, but is looking for what is best for the residents and believes the report reflects that. Chief Sohyda commented he would like to commend the members of the Floreffe Fire Department for the improvements they have made in delivering quality fire service to the residents of Jefferson Hills since his report was made.

Mr. Khalil thanked Chief Sohyda and asked for a detailed history of his work. Chief Sohyda handed out a bio.

Vice President Weber thanked Chief Sohyda and stated the report is very comprehensive and provided a lot of raw data. Vice President Weber listed the goals that Council provided to the fire departments in a letter and asked Chief Sohyda if they mirrored the recommendations in the feasibility study. Chief Sohyda stated they did. Vice President Weber asked what Chief Sohyda’s recommendation would be now that there are two (2) organizations that are in favor of the consolidation and one (1) that is dissenting. Chief Sohyda stated a lot of people and organizations make decisions based on bias and emotion and that cannot be done. Many organizations that struggle are run and controlled by older members that financially control the organizations and make the decisions. He stated that fire trucks and fire stations do not make fire protection. Chief Sohyda asked what the expectation is of your fire department and do you have a fire department or a social organization that goes to fires? Chief Sohyda stated he has been involved in a fair amount of consolidations, very many were successful and Jefferson Hills is not unique. Local governments are willing to get more involved and even provide more funding, but a greater level of accountability is expected from the fire departments. Local government wants and needs to take a greater role and be a partnership with the fire departments.

Mr. Sockman questioned Chief Sohyda’s about an organization that is choosing not to participate in the consolidation. Chief Sohyda asserted he believes Council should continue, for as long as it decides is feasible, to have those conversations. At the end of the day you have the ability to

decertify the company, which means they are no longer permitted to respond to calls in Jefferson Hills and Council no longer needs to provide funding to them, but you cannot seize their assets. They can continue to be a social organization or even a fire department, but cannot fight fires in the Borough. They should want to be part of the conversation and not have be decertified because, at the end of the day, they will not survive.

Mayor Cmar asked, given the volunteer crisis in Pennsylvania, is the situation heading to a paid fire services and, if so, how long did he think it would be before that occurs. Chief Sohyda said he did not believe paid fire service would become the norm and so as long as they continue to recruit and take care of the volunteers, the volunteer fire departments can survive. He noted it is important to figure out what motivates volunteers – provide incentives. Whatever we can do to keep them volunteering. Mayor Cmar asked if it would be prudent to reestablish Large Fire Hall. Chief Sohyda said the Borough’s Task Force is best to answer that. Mayor Cmar stated fire halls and social halls help strengthen the community and asked how to make up for the loss. Chief Sohyda responded, in an ideal world, the firefighters should not have to do fundraising, but realistically that needs to happen and they should be sure to try to get the best bang for their buck. Mayor Cmar commented she hates to see all the parties and social events lost. Chief Sohyda said those are important things, but, at the end of the day, if you have to pick and choose, fire safety is first. President King stated he does not believe anyone on Council or the Task Force is recommending that those social activities cease just because you consolidate. Chief Sohyda indicated the model can be whatever best works for your community.

Mayor Cmar asked for a percentage of suburban fire departments that provide sleeping quarters. Chief Sohyda listed some local communities and stated cancer and cancer presumption has become a big issue in firefighting and, if the Borough gets one cancer claim, the workman’s compensation premium will double. Chief Sohyda said there needs to be a place where the firefighters can shower and change their clothes after coming back from a fire. Mayor Cmar responded she was asking about sleeping quarters. Chief Sohyda indicated it is actually against fire code to have paid staffing and someone living in a firehouse without sleeping facilities. Mr. Khalil stated he feels one of the keys to recruitment is having inviting facilities with a place to sleep and cleanup that is safe and comfortable for the firefighters while they are serving our community. Mayor Cmar stated her belief that this is pushing toward having paid firefighters. Chief Sohyda stated he is definitely not trying to lead the Borough to paid staffing, but feels the volunteers need to be taken care of so that they stay. Chief Sohyda expressed he has volunteers that sleep at the firehouse and they are a huge asset. Vice President Weber stated he did not believe this is going toward a paid service, but will be necessary to recruit and retain the firefighters and shows respect to the volunteers who provide a service that the Borough could not afford otherwise.

Mayor Cmar asked how long will the chief and assistant chief provide training at no cost to the Borough. Mr. Khalil stated at this point there is no pay for training, but we cannot see into the future and may need to provide incentives or perks at some point.

Mr. Sockman asked what Chief Sohyda does for recruitment since he has forty-five (45) volunteers. Chief Sohyda replied you cannot fix a recruitment problem until you fix retention problems. The environment needs to be one that wants them to succeed and makes them feel

welcome. Chief Sohyda stated his department has no fundraising, only firefighting and training. What is going to work is different in every organization. Propose incentives. Make the goal to bring in three (3) firefighters per year. Chief Sohyda indicated he finds most organizations don't have anyone volunteering, but they don't make any changes. Mr. Montgomery stated he read about different incentives being compared, such as Whitehall is going to reward firefighters for being more active. Chief Sohyda stated there are many different incentives, but there is the tax credit bill that allows local government to give a tax credit to volunteers. Chief Sohyda said he would say talk to the volunteers and see if that is an incentive for them, but, in his opinion, that will not really bring or keep a man or woman in the department. It is a nice way to say thank you, but is not a huge incentive. Mayor Cmar asked how the tuition reimbursement is working. Chief Sohyda stated right now if someone joins a volunteer fire company and commits five (5) years, they are given two (2) years of free education at Community College of Allegheny County, which is an incredible program. Colonial Life came up with an accident policy, much like Aflac, that provides accident insurance, but also provides college credits for their children and that is tangible and doesn't cost a lot of money. President King commented these are designed to incentivize volunteers so a paid department is not needed. Mr. Khalil stated Council can work together as a team to figure out incentives, but the environment is the important part. Having new halls is important for health, safety and recruitment. Mr. Khalil stated whatever Council needs to do, they are prepared to do it. Vice President Weber asked Chief Sohyda, whether based on the organizations that he has seen consolidate, is there a positive impact on recruitment? Chief Sohyda stated definitely and nothing should cloud judgement over delivering fire protection for the residents. Vice President Weber asked who is responsible for providing fire service. Chief Sohyda responded the Borough is responsible.

6. Motion to approve minutes of agenda meeting November 7, 2018
7. Motion to approve minutes of regular meeting November 12, 2018
8. Motion to approve the monthly bills
9. Motion to approve the monthly payrolls
10. Motion to enact Ordinance 872 amending Chapter 27, Zoning, of the Borough of Jefferson Hills Code of Ordinances, Article 200, Residential Districts, to remove hospitals as a permitted conditional use in the R-1 Residential-Agricultural and R-2 Low Density Residential Zoning Districts and providing for severability and repeal of all prior inconsistent ordinances or ordinance provisions

Vice President Weber asked if the transcript from the meeting was available. Mr. Shimko stated he requested an electronic version of the transcript for the Borough in the hope of receiving it sooner. Vice President Weber asked if it could be provided to him and Mr. Shimko the Borough could provide it once received.

11. Motion to adopt Ordinance No.873 establishing the base Real Estate Tax rate for the year 2019 at 5.66 mills (General 5.226 mills; Fire 0.355 mills; and Ambulance 0.079 mills)

Mr. Khalil asked if the Fire Tax should be held at this amount and take from General Fund or increase the Fire Tax Millage. Mr. Shimko stated it could be changed and if Council wanted to do so the Borough would need to re-advertise the Ordinance for enactment at a later meeting. Mr. Khalil stated Borough taxes were not increased for the year 2019.

12. Motion to adopt Resolution No. 37-2018 Approving the sale of certain Borough used vehicles to the best responsible bidder through Perryopolis Auto Sales Auction
13. Motion to adopt Resolution No. 38-2018 adopting the Borough Budget for the year 2019 in final form

Mr. Khalil advised Council on changes that had been made since the last draft. He stated the Budget Committee discussed a \$100,000 increase to the parks capital program because of the structure being built at Beedle Park. Mr. Khalil also mentioned Mr. Volpe's proposal to the Budget Committee to tear down the old storage building and erect a new one for storage of the lawn equipment with a rough estimate of \$50,000. Mr. Khalil indicated, if the storage building came to fruition, the cost would be taken from the General Fund at that time. Mr. Sockman expressed he had spoken to Mr. Volpe and they feel the current building should be able to withstand another year or two and a potential auxiliary building may be added at a later time, so this need not be added to the budget this year. Mr. Sockman stated some minor repairs will be needed to the building. Mr. Khalil stated the final change would be to increase the road program budget by \$100,000 and feels the Borough should establish a road paving program. Mr. Minsterman stated there have been some advancements for collecting data for the condition assessments for the road program. The program used will take data from the condition assessments and implement them into a five-year program, which will be reviewed every three (3) years. Mr. Minsterman indicated this will continue to allow all roads to extend life not just the worst road and feels it is a good management tool and is affordable. Vice President Weber asked what was meant by affordable? Mr. Minsterman responded the cost of the program would be in house and there would no longer be a need for two (2) people to walk the roads and rate them on paper. Mr. Khalil commented the balance in the sewer fund is going to be healthier than it has been in some time because of refunding prior WESA Act 537 Project expenditures from the PENNVEST account now being used. Mr. Khalil said the Recreation Board has sent some budget requests regarding a water park. Mr. Sockman and Mr. Montgomery stated they had spoken with the Board and it was understood that \$30,000 is not going to buy a water park. Mr. Montgomery indicated the architect also agreed the amount was not enough. President King thanked everyone for their participation in completing the budget.

14. Motion to adopt Resolution No. 39-2018 amending the salaries, compensation and wages for Borough employees for the year 2019
15. Motion to adopt Resolution No. 40-2018 Granting modification requests to Borough Subdivision and Land Development Ordinance Section 22.609.1 and preliminary approval to the land development plan known as SP-7-2018, PTC New Logistics Warehouse Jefferson Hills

Vice President Weber asked if changing the sewer line slope is becoming a trend because it seems to be increasing this year and asked if engineering is okay with this. Mr. Glister stated the recent uptick in this type of modification request is somewhat of a fluke and, as in this instance, is normally due to the topography of the site and engineering is comfortable with the reduction in slope. Mr. Glister indicated the ordinance will be revisited and possibly revised in the future because the current slope requirement is not always

realistic. Mr. Khalil stated this line will not be adopted by the Borough and will remain the applicant's responsibility for maintenance. Mr. Glister said this is correct. Mr. Montgomery commented this storm sewer line is part of a new rain garden storm management system, which he believes is what allows the smaller grade. Vice President Weber asked what was meant by a rain garden? Mr. Glister responded it is similar to a retention pond, but is a smaller version with the intent of allowing some infiltration rather than storage of the water. Vice President Weber voiced his concerns about the amount of rainfall and landslides in 2018 and asked Mr. Glister if he was comfortable with this concept not causing damage to existing infrastructure or residents' property due to landslides. Mr. Glister replied, in this case, the location of the rain garden is acceptable. Mr. Sockman asked if it was determinate upon the soil composition and Mr. Glister responded correct and that is all taken into consideration as well.

16. Motion to approve Application for Payment No. 2 and Final from Mele & Mele & Sons, Inc. in the amount of \$43,602.86 for work completed on the 2018 Paving Program Project
17. Motion to approve Change Order No. 4 from Global Heavy Corporation for an additional twenty-five (25) day extension due to weather issues for the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract A
18. Motion to approve Application for Payment No. 10 from Global Heavy Corporation in the amount of \$174,515.00 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract A
19. Motion to approve Application for Payment No. 1 from A-1 Electric in the amount of \$73,791.00 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract B
20. Motion to approve the purchase of two (2) Peterbilt 10 Ton Dump Trucks from Hunter Truck Sales & Service, Inc. of Butler, PA in the amount of \$350,828.00 less trade value of \$60,000 for a total purchase price of \$290,828.00, to be paid out of the 2019 Budget
21. Discuss resident fees for the new Garbage/Recycling Contract beginning in January 2019

Mr. Montgomery stated his concern is that there is no way to know how the recycling is going to work out with fines for noncompliance and such. Council may need to reevaluate after about six (6) months. Vice President Weber indicated historically much of the garbage fees were paid out of the general fund, but a garbage fee was later implemented to cover the cost. Vice President Weber stated he would prefer not to pass an unknown and uncharged at this time noncompliance penalty on to the residents. Vice President Weber commented the current average fee is \$175 per year and the new cost will take it to about \$200. Vice President Weber expressed interest that any fines for noncompliance will be individualized rather than generalized and President King stated the Borough needs to request that the violations need to be identified by an address if possible. Mr. Khalil stated the budget will stay as is and will deal with the fines in the future. Mr. Sockman stated that, at the budget meeting, it came to their attention about people with fixed incomes and asked Mr. Bennett to look at what other communities are doing for relief of people on fixed incomes and Mr. Bennett agreed to do so. Mr. Bennett indicated the fee increase will be done by resolution and is once over a five (5) year period.

22. Reports

Fire Chiefs reported:

- Brian Chalfant, Assistant Chief of Jefferson 885 Fire Department and President of Jefferson Fire and Rescue, stated Jefferson 885 received another member.
- Firefighter training is free so there is not a substantial cost. There is a charge for certification, but can be covered by grants. This Sunday there is a free hazmat refresher course that is required by the State.
- Adams Area District has a free live-in program. A room with free internet, cable, a general kitchen and a general living area are provided. They have twelve (12) or thirteen (13) firefighters living at the facility that are required to meet certain criteria and have to respond to a certain amount of calls. It is also a state of the art training facility. The Borough does not need something that elaborate, but sleeping quarters are important and a live in program is feasible.

Engineer Glister reported:

- The demolition of the old Borough Building is being examined. There was an asbestos assessment done last week and the results should be concluded in January.

Consulting Engineer Minsterman reported:

- Nothing to report.

Finance Officer/Treasurer Mr. Bennett reported:

- An insurance claim was made related to the Reily Memorial Park landslide, but it was denied. In the spring, the Borough will have to repair or replace the batting cages, but it will be discussed with Recreation Board to see how to proceed.
- The grants for Beedle Park Phase 1B and Peters Creek Phase 5 have been closed out and the funds should arrive soon.
- Waste Management will start January 1. The schedule is expected to remain the same.

Public Works Director Mr. Volpe reported:

- Nothing to report.

Police Chief Roach reported:

- Provided memorandums indicating three (3) probationary officers' probation is ending soon. President King asked if there were any objections from Council and there were no objections.
- John O'Conner has rescinded his conditional offer of employment.

- Vice President Weber asked if it were possible to use Upper St. Clair's facility for testing. Chief Roach felt it was not an adequate venue. Vice President Weber asked Chief Roach to let Council know if there is any place to contact for use of their facility. President King asked for a consensus of Council to allow Chief Roach to test and hire candidates outside SHACOG and Council agreed.

Mayor Cmar reported:

- Mayor Lattanzi and she have been working Ken Varhola, who is the Chief of Staff of County Council, and John Palmieri regarding the closure on Worthington Avenue. One lane is now open between Route 51 and Oneida Drive. There is no timetable currently as to when the final lane will reopen. Vice President Weber asked if the Mayor could provide the press release to Mr. Bennett to put on the website.
- There is a toy drive at the Police Department for the benefit of residents of Jefferson Hills and West Elizabeth.

Interim Manager Mr. Bennett reported:

- Nothing to report.

Solicitor Shimko reported:

- Nothing to report.

23. General Business

Mr. Montgomery noted the following with respect to SHACOG:

- Considering voluntary clear glass recycling drop off points.
- The salt price will be \$70.39/ton with no fuel escalation. There is a problem with a strike and water in the Cargill mine that is cutting down the salt supply.
- Police cars bids were done November 8.
- Trucks will be bid December 18.
- There are six (6) projects out for bid out of eight (8) projects submitted for CDBG 44 (current contract).
- There are fourteen (14) pre-applications for CDBG 45 (starting next July) and all have been approved.

Mr. Sockman noted:

- The Library is one of the cornerstones of any community and its Holiday Event was very well attended. Congratulations and thank you to everyone for their hard work.
- Asked Mr. Bennett if he has heard anything regarding the elevator situation. Mr. Bennett stated he is waiting until January when quarterly maintenance is done.

Mrs. Ielase noted:

- Attended the School Board Meeting. Homecoming was a huge success. Hoping to move into new High School in February.
- Asked Gill Hall VFD to enter into discussions with Task Force. Please keep an open mind and pull their emotions back. The Borough needs all three (3) companies to be operational to make the Borough safe.
- Thanked the Library and the Mayor for their work on the Holiday Event.
- People are happy that Worthington Avenue is partially open.

Vice President Weber noted:

- A list of Boards and Commission members was in Council's packet. Asked if it was Council's will to have the Borough administrators reach out to individuals with expiring positions to gauge interest in reappointment in advance of placing appointments on the Agenda. President King asked for objections and there were no objections.
- Would like to see vote for fire department consolidation on the agenda as early as Monday even if it means decertification. Mrs. Ielase stated she spoke to Gill Hall firefighters and it was stated that a letter was sent on August 15 from their lawyer giving the reasons why they do not agree with the consolidation. Vice President Weber stated that was five (5) months ago and nothing has been said since. It is time to vote on this subject and get the consolidation done. President King stated if it continues to go on this pace we will still be here next year. President King asked if there were any objections to add this vote to Monday's agenda. Mr. Sockman stated he would like to see it held until January to give Gill Hall VFD the opportunity to respond. Council's consensus was to wait until January.

Mr. Khalil noted:

- Mr. Khalil stated he agrees with Vice President Weber that it is time to make a decision on recognizing fire companies. The arguments in Attorney Houser's letter of August 15 regarding the reasons for not consolidating are very weak.
- The WESA project looks as if it is going to have an overrun due to soft soil located by the holding tank.
- He would like to send a letter to Nicholas and Lamanda Scherer to thank them for their information regarding the sanitary sewer line break at Lick Run.
- He met with the DEP concerning the Coal Valley project and the DEP recommended either a rate district to get some grant money or the DEP may go to Clairton and force original connection point to save the Borough money.
- Thanked Mr. Bennett for all his work as Interim Manager. Mr. Bennett thanked the staff for all their help as well.

President King noted:

- Asked Mr. Shimko to explain the tax credit for firefighters and emergency medical services and Mr. Shimko stated the tax credit for volunteers has been enacted, but the definition of “active volunteer” needs to be completed. Mr. Shimko indicated Chief Sohyda mentioned having a standard of eighteen (18) training sessions a year and seven and one-half percent (7.5%) of calls attended a month and this may be a good place to start. The tax credit would be for EMS as well as firefighters so Council would have to be sure the criteria fit both. The active volunteer status is done by resolution allowing it to be changed as necessary. Mr. Khalil stated he would contact EMS on a reasonable standard. Council agreed to try and get a resolution defining “active volunteer” completed for a vote on Monday.

24. Adjournment

President King adjourned the meeting at 9:41 p.m. with an executive session to follow from which Council would not return on motion by Vice President Weber, seconded by Mr. Sockman and carried unanimously.

25. 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; *Peters Creek Sanitary Authority, Borough of Jefferson Hills and Union Township v. Clairton Municipal Authority*, Court of Common Pleas of Allegheny County, Docket No. GD-17-17711; *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 and *Jefferson Estates Homeowners' Association v. Zokaites Properties et al.*, Court of Common Pleas of Allegheny County, Docket Number GD-17-011526)

Charles W. Bennett
Secretary/Interim Borough Manager