

Borough of Jefferson Hills
Agenda Meeting of Council
September 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, Mayor Cmar and Council Members Ielase, Khalil, Montgomery, Reynolds, Sockman, Vice President Weber and President King answered to roll call. Finance Officer Bennett, Solicitor Shimko, Chief Roach, Borough Engineer Glister, Consulting Engineer Minsterman and Public Works Director Volpe were also present.

1. Pledge of Allegiance
2. Roll Call
3. Citizen/Taxpayer Comments

- A) Triscia McCann, of 427 Elliott Road, stated she has found in research that hospitals are extremely hazardous to people's health and the neighborhood surrounding them because of the waste products and being energy intensive. Ms. McCann stated she is coming to Council as one of their resident and asking they stand up for her right to be healthy and not allow UPMC into the area.
- B) Deb Balas, of 532 Old Clairton Road, stated her concern that there will be no relief from this UPMC hospital if built claiming it will be lit up twenty-four (24) hours a day seven (7) days a week, there will be noise and all the attendant things that come with a hospital and that she has not seen anything positive about UPMC building in the area to this point. Ms. Balas commented the reason why Jefferson Hills is desirable is because of the work Council has done. Ms. Balas asked for a public hearing so that there can be a dialog.
- C) Erin Allen, of Marcus & Shapira, LLP, stated she understood UPMC recently filed a zoning application to build a hospital on the portion of land that it owns, but that does not affect what she is asking to be done tonight: for Council to schedule and advertise a hearing on the residents' proposed Office Park Zoning Ordinance revision ordinance for two (2) reasons. First, she believes Council is legally required to do so because the Planning Commission is letting the residents' ordinance die. Second, it is the right thing to do because, after that hearing, Council may still vote their conscience. Vice President Weber asked Ms. Allen if her firm represents Jefferson Hospital and AHN. Ms. Allen replied, as at every meeting, her firm represents the residents. Vice President Weber asked if Ms. Allen was denying that her firm represents Jefferson Hospital. Ms. Allen responded no. Vice President Weber asked if Ms. Allen was agreeing that they do. Ms. Allen stated she was disagreeing with the characterization of the question. Vice President Weber stated that Mr. Marcus mentioned that he wears two (2) hats. Sometimes representing the residents and sometimes representing Jefferson Hospital and AHN. Vice President Weber stated he would like Ms. Allen to make it clear that this ordinance is specifically beneficial to the residents and has nothing to do with benefiting a hospital or a network because he feels there is a big distinction. Ms. Allen stated every time she has come before Council, it has been on behalf of the residents in Jefferson Hills and every ordinance or argument her firm has made has been to advance the residents' interest. President King stated, if there is a plan that comes before Planning Commission and it is

recommended to Council, there will be a thorough question and answer process and Council will absolutely take into consideration the concerns of the residents. Ms. Allen expressed, with the fact that UPMC just filed a zoning permit application, she is trying to impart the urgency of having a hearing on the residents' ordinance, which cannot wait until October or November. President King asked Ms. Allen to explain why this cannot wait. Ms. Allen responded because it takes time to get the ordinance advertised and she feels the residents' voice will be lost. President King asserted that the residents' voice will not be lost because Planning Commission will thoroughly go over the question and answer process and then Council will as well. Ms. Allen stated that would be under the current Zoning Ordinance that exists and she is asking to have a hearing to change it. Ms. Allen said that she and her firm will be available for discussion to get this item on the meeting agenda for Monday so that there may be a vote. Mr. Shimko stated the Borough has received a zoning permit application from AUUE, Inc., but he believes the majority of Council does not know anything about it because it is not something that ever comes in front of them. Mr. Shimko explained it is a ministerial item that goes to the Zoning Officer and the Zoning Officer has thirty (30) days to make the decision of whether what is on the plans meets the zoning requirements only. Ms. Allen questioned if the Zoning Officer's answer would be different if the residents' proposed ordinance was adopted. Mr. Shimko replied if the residents' proposed ordinance was adopted the Zoning Officer's answer would likely be different. Ms. Allen stated she would like to have a hearing because the process has begun and reiterated her belief Council has a legal obligation at this point to do so. Vice President Weber stated Council's legal obligation to act on the residents' ordinance was discussed at the last meeting and the ordinance reads Council is not legally obligated and asked Mr. Shimko if anything has changed in this regard. Mr. Shimko replied there was no change.

Mrs. Reynolds commented she was told there was a meeting last week some Council Members and our Recreation Board met with UPMC. President King asked who met with UPMC. Mrs. Reynolds stated there was a meeting last week. President King responded he has not met with or talked to anyone who works for UPMC or any agent of UPMC and asked the rest of Council if they had done so. Vice President Weber responded he has not met with anyone from UPMC last week or prior who has had any dialog about bringing a facility into this community nor has he seen any plans. Mr. Khalil, Mrs. Ielase, Mr. Sockman and Mr. Montgomery all responded they had not.

Mr. Khalil asked Ms. Allen who paid for the various flyers he has received through the mail from the concerned citizens of Jefferson Hills. Ms. Allen replied her clients.

- D) Karen Devine, of 708 Old Clairton Road, stated UPMC provided information at their meeting that the planned emergency exit location has a two (2) ton weight limit and is about thirty (30) years old. Ms. Devine commented that the residents just want a public meeting as was done when Jefferson Hospital moved into the area.

4. Report from Borough Boards and Commissions

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

- The “Love Your Library” campaign is underway and promotes supporting libraries across the country. Local donations made in the month of September will be matched by the Boucher Foundation.
- The library is partnering with the United Way of Southwestern Pennsylvania and the Jefferson Regional Foundation to provide a six (6) week workshop at Community College of Allegheny County beginning Monday, September 17 from 1:00 to 3:30 called “Better Choices, Better Health” to help with chronic health conditions.

B) Don Withers, Floreffe Fire Chief, addressed Council with the following:

- Responded to one hundred ninety-five (195) calls this year and are averaging three (3) personnel for daylight shift and roughly five (5) after 5:00 p.m.
- The station has been upgraded and purchased ten (10) new sets of gear and other necessary equipment.
- Weekly training has been occurring with Jefferson 885 Fire Department.
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Mr. Khalil commented that Floreffe Fire Department deserves a lot of credit for what they have done.

C) Andrew Tomer, Fire Chief for Jefferson 885 Fire Department and Emergency Management Coordinator, addressed Council with the following:

- He applauds Chief Withers and his team for their hard work and explained the equipment purchased by Floreffe Fire Department was much needed. Staffing has been fantastic.
- Water Rescue Awareness and Water Rescue Emergency Responder trainings have been completed and everyone has a boat license. There are still three (3) classes left so that the team will be FEMA typed, which will allow grant funding. The boat was delivered on Saturday.
- Relief association money will be available next month and feels discussion will be needed on how to allocate the funds.

Mr. Sockman thanked Chief Tomer and Chalfant for their efforts regarding the water safety training and assisting Floreffe Fire Department. Mr. Sockman also thanked Chief Withers and his team for their hard work.

D) Adam Galis, Fire Chief for Gill Hall Fire Department, addressed Council with the following:

- Read a prepared statement regarding consolidation: Approximately one year ago, the feasibility study to evaluate fire service delivery in the Borough of Jefferson Hills was

completed and a detailed report with several options was proposed to Council and the Fire Departments, with that the Fire Department Task Force was created with the hope that the fire departments could and would work together toward improvement. Since the installation of the Task Force, the three (3) fire departments have met on several occasions. In his opinion, the meetings were very constructive and productive with excellent dialog. Throughout the discussions, Gill Hall Fire Department retained legal representation. It has been made clear in recent weeks that this representation was not to represent Gill Hall as it entered into the new fire department, but rather to represent Gill Hall in the majority of their membership wanting to prevent the consolidation. The idea of improving fire service delivery defines this consolidation and Chief Galis has zero hesitation that this consolidation must take place in order to best serve our residents. As a result of Gill Hall Fire Department choosing to not be a part of the consolidation, he is resigning as Fire Chief of Gill Hall Fire Department effective immediately.

Vice President Weber stated Gill Hall appears to be operating at a very low standard and asked Chief Galis to expound a little more on what is driving him to not want to be Chief anymore. Chief Galis responded it mainly comes down to ability to deliver fire service and that we have lost over fifty percent (50%) of our membership. Vice President Weber asked if Chief Galis felt the residents in the Gill Hall area have a false sense of security based on the functionality of the Gill Hall Fire Department. Chief Galis replied trucks and equipment do not make a department. Vice President Weber asked Chief Galis to please reconsider his resignation. Mr. Sockman asked Chief Galis how many active members from Gill Hall were responding to fires. Chief Galis replied maybe seven (7) or eight (8). Mr. Sockman asked what could be done to increase the number. Chief Galis responded it was not a problem a year ago, but some of the viewpoints have driven away membership in the past six (6) to eight (8) months. Chief Galis stated the things that are preventing Gill Hall from agreeing to the merger have nothing to do with fire service delivery. Mr. Khalil asked Chief Galis if he is reaching out to Broughton and Pleasant Hills for help and Chief Galis stated there are already mutual aid agreements in place with them.

E) John Thatcher, Chairman of the VFC Task Force, addressed council with the following:

- Jefferson 885 is a wonderful fire department and Floeffe has come a long way, but there are problems at Gill Hall. Gill Hall has the vehicles and equipment needed, but has very few people to respond to calls. Mr. Thatcher stated the Task Force is also wondering what is happening with all the donations and tax money that has been given to them. Perhaps an audit of their accounting books may be appropriate. Mr. Thatcher stated the Task Force is requesting Council's help with this.
- There are several members of Gill Hall that do not want to cooperate with this merger and hereby request that Council reconfigure the Task Force. Once that is done, the Task Force can meet with Council with ideas to help drive this consolidation forward.
- Vice President Weber commented it seems over the last year the culture at Gill Hall has become toxic and is causing firefighters to leave. Vice President Weber asked if the Task Force members representing Gill Hall were active firefighters. Mr. Thatcher

replied at least one of them does not respond to calls. Vice President Weber stated the last thing Council wants to do is defund one of our fire departments. Keith Reynolds became disruptive in the audience and was asked to leave. Vice President Weber continued to say the top two (2) goals of the Task Force are resident and firefighter safety and it seems to him Gill Hall is not interested in firefighting, but only the social and legacy aspect of it and that is not acceptable. Vice President Weber stated, if the Task Force needs to be reconfigured, he is not opposed to that. Vice President Weber asserted it can be as easy as consolidating the companies that want to consolidate and the ones that do not want to consolidate Vice President Weber proposed be decertified and defunded. Mr. Thatcher commented he agreed as long as there is mutual aid and a plan to protect the residents of the Gill Hall area in the future, which should be done concurrently.

- President King asked if Chief Galis were to move to one of the other departments as a firefighter, would that department have to pay for his equipment. Mr. Thatcher replied yes. President King stated that just emphasizes the need for consolidation because people and equipment could be moved as needed from facility to facility.

F) Bob Zirkle, Vice President of Gill Hall Fire Department, addressed council with the following:

- One (1) year ago Broughton Fire Department was taken off automatic aid. Mr. Zirkle commented speaking about consolidation, he thinks the Borough of Jefferson Hills should be dissolved and merged into Clairton, West Elizabeth and Pleasant Hills.
- Mr. Tomer stated Broughton Fire Department was actually removed about four (4) years ago and that happened so that the three (3) Jefferson Hills departments would work together. Broughton, Pleasant Hills, Clairton, Glassport, Elizabeth are all on the second alarm and, as soon as it becomes a working incident (smoke or fire showing), it is automatically moved up to a second alarm bringing in all those fire departments. Broughton and Pleasant Hills have both offered to provide first alarm mutual aid assistance until a more permanent solution is provided at Gill Hall at no cost to the Borough.

G) Brian Chalfant, Assistant Chief of Jefferson 885 Fire Department and President of Jefferson Fire and Rescue, addressed Council with the following:

- Mr. Chalfant responded to a fire on Gill Crest Road and no one from Gill Hall Fire Department responded. There was an apartment fire in Jefferson Ridge and, during the first ten (10) minutes, only Chief Galis responded from Gill Hall. At another fire in Floreffe, there were five (5) responders from Floreffe and two (2) from Gill Hall, but not one could go inside the building with him. Mr. Chalfant said that he wants trained people behind him when fighting a fire, not a million-dollar fire truck. Mr. Chalfant stated Floreffe has been training vigorously, the firefighters have a willingness to learn and they are rising. Mr. Chalfant stated he is tired of his tax money going into an organization that only wants to keep their building and not put trucks on

the road. Mr. Chalfant asserted if no one wants to do what is right for the Borough, he will be resigning as well.

H) Brian Konick and Holly Rubinoff, of the Recreation Board, addressed Council with the following:

- The baseball infield work and field drainage at Reilly Memorial Park needs done desperately and is on the agenda as No. 20. President King stated he didn't feel Council had any objections to this work being done.
- The pickle ball courts are a rounding success at Gill Hall Park and a quote has been provided to Council to install the same surface on the basketball courts at 885 Park.
- Golf Outing is Friday, September 14, 2018.
- Mr. Konick stated the Recreation Board did meet with UPMC to introduce themselves and discuss recreation opportunities, but no one from Council was in attendance or knew about it.

5. Motion to approve minutes of agenda meeting August 8, 2018
6. Motion to approve minutes of regular meeting August 13, 2018
7. Motion to approve the monthly bills
8. Motion to approve the monthly payrolls
9. Motion to adopt Resolution No. 23-2018 approving preliminary subdivision plan S-7-2018, Jefferson of Monticello Inc. Plan of Lots Second Amendment.
10. Motion to adopt Resolution No. 24-2018 granting modification requests to the Borough Subdivision and Land Development Ordinance Sections 22.609.1 to allow storm sewer pipe grade less than 2% and 22.504.1.B to not require a sidewalk and preliminary approval to the Land Development Plan known as SP-5-2018, William J., Robert G. and Lillian Kozel Proposed Storage Garage Development located at 1456 State Route 51

Mr. Khalil asked Mr. Glister if the new storm sewer pipe would become public at some point or stay private. Mr. Glister responded it would stay private and will remain their responsibility.

11. Motion to consider awarding and to authorize execution of Articles of Agreement for the SHACOG Joint Garbage/Recycling/Leaf Waste Collection Bid for January 1, 2019 through December 31, 2023

Mr. Bennett stated there were three (3) bidders. SHACOG is not making a recommendation, but it leaving it up to the municipalities. Waste Management is the lowest bidder. President King called for and received a consensus to add a motion to Monday's agenda to award the bid to Waste Management using standard collection.

Mr. Sockman advised Council and meeting attendees he would be recusing himself because of his daughter's employment with one of the bidders.

12. Motion to ratify the acceptance of a proposal from Joyce Insurance Group for property/casualty insurance coverage (9/6/18 – 9/6/19) and workers' compensation insurance coverage (8/31/18 – 8/31/19) in the amount of \$290,045.00

Mr. Bennett indicated this is about 4.3% increase from last year, but is still far under what we were paying three (3) years ago.

13. Motion to authorize the proper Borough officials to execute a Grant Contract with the Redevelopment Authority of Allegheny County in the amount of \$7,000.00 for evaluating potential upgrades and improvements to the Montour trail
14. Motion to approve Application for Payment No. 3 and 4 (Final) to Select Contracting, LLC in the amount of \$13,021.80 for the SHACOG CD 43 7.5 ADA Wheelchair Lift and Doors Project at the Gill Hall Recreation Center
15. Motion to approve Application for Payment No. 7 from Global Heavy Corporation in the amount of \$164,931.87 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract A
16. Motion to approve Application for Payment No. 5 from Jet Jack, Inc. in the amount of \$354,140.46 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract C
17. Motion to approve Application for Payment No. 5 from Jet Jack, Inc. in the amount of \$66,094.52 for work completed on the Jefferson Hills/West Elizabeth Sewershed ACT 537 Plan Capital Improvements Project Contract D
18. Motion to approve the Work Authorization dated August 15, 2018 from Gateway Engineers, Inc. to assist the Borough with participation in the Peter's Creek Interceptor Engineering Group in combination with the other CMA customer municipalities in the amount not to exceed \$7,500.00
19. Discuss Riverlift Industries modification request to Subdivision and Land Development Ordinance Section 305.1.A to allow preliminary and final land development approval to be combined for proposed land development known as Riverlift Industries Truck Terminal & Coke Dryer Facility, located at 1000 Glasshouse Road

Mrs. Reynolds stated that she will not vote in favor of this item. Mrs. Reynolds indicated it was originally stated Riverlift would not build buildings or dig and now they are digging because of the contaminated soil from the glass factory and wants to build garages. Mrs. Reynolds asked if anyone considered the health of others at the surrounding companies. Attorney William Ball, counsel to Riverlift Industries, commented some of the things Mrs. Reynolds stated were not accurate. Nothing in the application states any buildings are being built. Mr. Sockman mentioned the dust and pollution possibly being generated is a concern

of the residents and workers in the area and asked if Mr. Ball could address that. Mr. Ball stated his client has applied for and obtained all their permits and dust is monitored by Allegheny County. Bob Schaefer, owner of Riverlift Industries, stated there will be much less truck traffic and less employees at this location than there was when it was a glass manufacturer. Mr. Shaefer indicated the materials are clean and once dried will be sealed so there is no dust. President King asked if there was a truck wash station. Mr. Shaefer stated there is a truck wash at Riverlift's West Elizabeth site, but there is no need for a truck wash at this site, which would be required for the County permit if there was a need. President King asked Mr. Montgomery if this was recommended by the Planning Commission and Mr. Montgomery replied it is recommended by the Planning Commission to combine the preliminary and final approval.

20. Discuss request from Recreation Board regarding baseball infield work and field drainage quotes at the Andrew Reilly Memorial Park

President King stated this was for two (2) fields and would complete the T-Ball field later, Council agreed at previous meetings these fields need work and would like a consensus. Mr. Sockman responded he was in favor as long as the T-Ball field is done as well. President King said we should make a commitment to complete the T-Ball field in the Spring. Mr. Sockman asserted that something needs to be done for the fall at least in house to make it playable. Mr. Volpe stated all new underdrain needs to be installed, but that can be done in house. President King asked Mr. Bennett to add this as a motion on the agenda. Mr. Bennett stated the other item from the Recreation Board is the resurfacing and painting of the basketball courts at 885 Park. President King asked Mr. Bennett to add this to the agenda also.

21. Reports

Engineer Glister reported:

- Mr. Glister had a preconstruction meeting with GeoBuild regarding Waterman Road West on August 28 and they are currently working toward finalizing their soil nail design to stabilize the slides and will be starting at the beginning of October.

Consulting Engineer Minsterman reported:

- Would like to get a change order on the WESA 537 Plan Contract C to extend for thirty (30) days due to weather. President King asked this be added to the agenda.

Public Works Director Mr. Volpe reported:

- Nothing to report.

Finance Officer/Treasurer Mr. Bennett reported:

- The water rescue equipment was received and will be provided to Council next week for reimbursement to Jefferson Fire and Rescue.
- The Boards and Commission term expiration dates has been updated and will be put on the website if Council so desires. Council requested that it be added.

Police Chief Roach reported:

- The candidate that became eligible for hire recently has since withdrawn from the process. Chief Roach stated he will continue with the 2018 testing process.

Mayor Cmar reported:

- She had received complaints about Worthington Avenue being closed. Mayor Cmar talked to Richard Lattanzi, the Mayor of Clairton, and she and he will meet with the County to see what can be done about that and will mention UPMC as well.

22. General Business

Mr. Montgomery noted:

- About ninety percent (90%) of the SHACOG meeting was taken up by discussing recycling and solid waste. The winner of the bid will provide materials to distribute to the community twice a year, but because of the changes to recycling, the Borough will have to do more to educate the residents. Mr. Montgomery would like to get Jane Milner involved in this.
- CD 45 needs to be done soon if the Borough wants to apply and asked for project ideas. Mr. Bennett suggested ADA upgrades to 885 Park. Mr. Glistler added there is definitely opportunity for parking and sidewalk ADA access at some of the parks and will speak to Mark Reis about any demolition opportunities. Mr. Glistler stated pre-applications are due September 14.
- The SHACOG Technical Rescue Team was certified this past month.

Mr. Sockman noted:

- Thanked Mr. Minsterman for the document he prepared regarding the proposed Coal Valley Road sewer to be presented to DEP.
- Beedle Park Phase 1B is complete. Phase 2 is requesting a change for the grant.
- The Borough and Gateway met with Moranda Homes and their design engineers to establish roles and responsibilities regarding Frank Street. Moranda is responsible for constructing Frank Street once all permitting and easements are obtained.

Mrs. Ielase noted:

- She is getting calls regarding Worthington Avenue as well and asked if Mr. Glister or Mr. Volpe can explain why the County is not opening the road. Mr. Volpe explained the County is concerned with the liability of more slides occurring and possibly trees falling.

Vice President Weber noted:

- Sable Kennel sent a letter to the Borough regarding some issues with animal control and Vice President Weber asked Chief Roach if he was still content with the services they are providing. Chief Roach replied they provide a reasonable service. They are not full service, which would be nice to have, but he does not believe anyone in the area offers full service.
- Earlier this evening Mrs. Reynolds accused Council of meeting with UPMC and that was shown to be false. Vice President Weber stated Mrs. Reynolds said she had read this on the computer and did not want to divulge her source. Vice President Weber asserted this is not team building. Vice President Weber continued to say Mrs. Reynolds also accused Riverlift of erecting buildings that was also false and he would like this to stop.

President King noted:

- A lot of discussion was made tonight from the experts that protect the Borough in the fire departments. It is concerning that Gill Hall does not show up for calls. Council has been notified that there is a safety issue and it is Council's job to provide fire protection to the Borough. President King has no interest in funding Gill Hall Fire Department this year.

23. Adjournment

President King adjourned the meeting at 10:09 p.m. with an executive session to follow from which Council would not return on motion by Mr. Khalil, seconded by Mr. Sockman and carried unanimously.

24. Executive Session – Personnel, 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, potential personal matter claim, EEOC Notice of Charge of Discrimination No. 533-2018-01896)

Charles W. Bennett
Secretary/Interim Borough Manager