

Borough of Jefferson Hills
Agenda Meeting of Council
February 6, 2013

The agenda meeting of Council was called to order by Council President King at 7:00 p.m. in the Municipal Center, 925 Old Clairton Road. Following the Pledge of Allegiance, Council Members Cmar, Ielase, Khalil, Montgomery, and King answered to roll call. Solicitor Shimko, Engineer Omer, Chief Roach, Finance Officer/Treasurer McCreery, Planner/Zoning Officer Cohen and Public Works Director Lovell were in attendance. Council Members Reynolds and Weber, Manager Arndt and Mayor Green were absent. Council Member Ielase left at 8:40 p.m.

The following tentative agenda for the regular meeting of February 11, 2013 was reviewed and discussed.

1. Pledge of Allegiance
2. Roll Call
3. Citizens
 - A. Walette Shealey - spoke on behalf of an EQT Pipeline Federal Energy Regulatory Commission regulated project. They need to replace a gas line that runs through Tepe Park and need the Borough to sign off on documents. Mr. King replied that Solicitor Shimko is in receipt of documents that he needs to review, then he will give Council guidance.
4. Report from Borough Boards or Commissions
 - A. Kelly Landers - Library Board Member announced a few programs that are new through the library including a yoga class on Saturday mornings, a Zumba class on Tuesday nights, and on Thursdays there's a Master Gardener class. She announced the annual book sale will be held in April.
5. Presentation by McLean Architects, LLC concerning Municipal Center HVAC Improvement and New Public Works Garage

Mr. Dave McLean requested approval from Council on two Change Orders: 1) The original drawings for the existing building HVAC systems indicated two cabinet heaters in the lobby area as having electrical controls when they are actually pneumatic. East West Manufacturing and Supply (EWM&S) has submitted pricing for conversion of these controls from pneumatic thermostats to line voltage thermostats. McLean requested that pricing (\$1,549.00) be broken out indicating labor and material. 2) Existing pipeline testing ports (18 in all) are very fragile and the recommendation is that they be replaced. EWM&S has advised the cost will be \$2,759.00. Mr. McCreery was instructed to add the Change Order with both items listed to Monday night's agenda.

Mr. McLean updated Council on the Public Works Garage, stating the geotechnical report is suggesting that the building be being placed where there is not an exaggerated problem with the mine. The report is also suggesting the Borough purchase mine subsidence insurance for the building, which is approximately \$300.00 per year for \$500,000.00 worth of insurance. Ms. Omer added the current

Municipal Center had similar test results, and there has been no mine subsidence. Mr. King voiced concern that the project is estimated at \$3.5 million and it is suggested we purchase mine subsidence insurance that will only cover \$500,000.00. Mr. McLean answered that the Public Works Garage is only valued at under \$2 million. Mr. Khalil voiced the same concern, but said he felt a little better after Joe Fagan, Soils Engineer, spoke with such confidence that the building will be supported adequately.

6. Engineer's Report

Ms. Omer reported we are requesting 133 taps from DEP and we submitted a progress report on our Operations & Maintenance Plan. She pointed out that the Borough had budgeted \$800,000.00 in 2012 for O&M, and budgeted \$1.7 million in 2013.

Ms. Omer advised, Council asked if there are areas that can be sewerred in conjunction with the Coal Valley Road project, and she stated Frontier Drive, Miller Road, and Wall Road. We may be able to eliminate one of the pump stations that pump into Clairton's lines to flow into the treatment plant. She mentioned the above four items are potential new sewers where the Borough may be financing the money and/or going out to the residents to repay these costs to the Borough. Coal Valley Road is under the Health Department letter, but the other three are not. DEP wants to know our schedule on if we are going to build these, and it needs to be added to our Act 537 Plan. She advised, after discussing this with the Engineering Committee, Council does not have to do Frontier Drive as it is a Planning project. She stated Council has three options: 1) we can do it and get reimbursed by the residents; 2) we can say we want to put it in Planning, put it in the report, be done with the Planning and that would last forever; or 3) say we will plan for Wall and Miller Roads, but we don't want to do Frontier Drive right now. She stated she needs direction from Council so the report can be finished and submitted to DEP. Mr. King asked if the Engineering Committee had any suggestions or additional comments. Mr. Montgomery replied Miller Road is where the extension to Interstate 43 is supposed to go, if it is ever finished, so he cannot justify that road. Wall Road, he explained, is questionable because of where it is. A lot of that land is undeveloped, and he thought the Borough should not spend the money putting in sewers when the land may never be developed. The residents on Frontier Drive already have septic tanks, and the cost of the sewers divided amongst themselves would be very costly. Mr. Montgomery stated there is no guarantee the residents will pay the sewage assessments. It was the consensus of Council not to take on the additional sewer lines for Frontier Drive, Miller Road and Wall Road at this time. Ms. Omer suggested the Borough send a letter to all the potential properties with a ballpark figure of how much it would cost them if the Borough installed sewers, and get their opinion of whether they would be interested. Council agreed to have staff look into sending letters to these residents.

Mr. Khalil questioned the costs of the Borough to help eliminate the VOC odors at WESA which we are to be reimbursed by Ashland Oil. Instead of the Borough fronting the costs, he wondered why Ashland could not pay the costs up front. The Borough is to write a letter to Ashland Oil acknowledging they are trying to fix this problem, and making them aware of the costs already incurred by the Borough.

Mrs. Ielase left.

7. Motion to approve the monthly bills

Mr. Khalil asked for more detail on the Gateway bill titled, "Dick Corp. Industrial Remedial Investigation, Risk Assessment and Final Report Review". Ms. Omer explained there is one site, that they had to do a Remediation Plan because they have gas tanks on the property. They were required by DEP to do this study, and the Borough has to give their opinion. We are to be reimbursed from Dick Corp. for this cost. Mr. King stated we need to make sure the proper person manages this to make sure we get reimbursed for this cost, and Mr. McCreery agreed to take care of it.

Mr. Khalil voiced concern over another \$370.00 bill from Gateway Engineers on the Demolition of Structures along Rt. 837 bringing the total engineering cost to \$900.00 on a \$1,200.00 project. He asked that we be mindful of all bills.

Mr. Khalil asked when a resident builds a new home in the Borough and receives an Occupancy Permit, does that mean that the person has met all the standards of the Borough, and there should never be anything coming back within a reasonable time, that they didn't meet some requirement. Mr. Cohen replied the Occupancy Permit has two aspects: 1) does it meet the zoning ordinance requirements, and 2) does it meet the Building Code requirements. Mr. Khalil asked if it has any bearing on stormwater management of the property, and Mr. Cohen stated yes, that would be part of the grading permit. Mr. Khalil stated there were two bills that came up last month regarding violations to stormwater management on Patterson Avenue and Riverview Drive, and he has a problem with the Borough paying these bills. Mr. Cohen stated he is familiar with the Riverview Drive situation, which stemmed from a complaint from a neighbor. He stated these costs will be reimbursed to the Borough, and Mr. Khalil asked who is watching for this reimbursement, and Mr. Cohen replied he is.

8. Motion to approve the monthly payrolls
9. Motion to adopt Resolution No. 2-2013 approving reimbursement of the General Fund by the General Obligation Bond Series of 2005 project fund in the amount of \$122,322.66
10. Motion to adopt Resolution No. 3-2013 relative to the procurement of Borough pension plan professional services based on the requirements of Act 44 of 2009
11. Motion to adopt a policy concerning potential conflicts of interest related to the Borough pension system based on the requirements of Act 44 of 2009
12. Motion to authorize the purchase of two (2) In-Car Digital Video Systems from Watch Guard in the amount of \$10,540.00
13. Motion to authorize the purchase of gym equipment for the Police Department from the Fitness Doctor in the amount of \$9,865.00 to be paid out of the Borough Forfeiture Fund
14. Motion to authorize the proper officers to execute an agreement with the South Hills Area Council of Governments for the Joint O & M Preventive Maintenance Project - Year 2
15. Motion to approve Work Authorization dated January 25, 2013 in the lump sum amount of \$35,000.00 for Gateway Engineers to perform services for 2013 Pavement Maintenance Program
16. Motion to approve Work Authorization dated January 30, 2013 in an amount not to exceed \$15,000.00 for Gateway Engineers site plan revision services for Public Works Facilities Project
17. Motion to approve Work Authorization dated January 31, 2013 in an amount not to exceed \$22,000.00 for Gateway Engineers to perform permitting services for the Walton Road Sanitary Sewer Upsizing Project
18. Discuss request from Richard Bendel for real estate tax abatement

Solicitor Shimko advised Mr. Bendel is requesting a tax exoneration, not an abatement. Solicitor Shimko explained the property in question is 2,400 feet long and about 10 feet wide along Walton Road. Therefore, Mr. Bendel owns the first 10 feet of everyone's front yard. Mr. Bendel has paid the

taxes ever since he bought the property, and is asking for exoneration for back taxes. In order for Mr. Bendel to have access to his property, he needed to buy this property, and he had a title search performed, and this did not show up. Council agreed on the tax exoneration with the resident paying all lien costs for removal. Mr. McCreery was instructed to contact Keystone Municipal Co. to start the process.

19. Discuss request from Eastman Chemical Resins, Inc. concerning Jones Street

Mr. Lovell advised Eastman contacted him on property they purchased across the street from their facility. They are going to expand their plant onto that property and requested they take over maintenance of Jones Street since they will be traveling back and forth over the roads continually. Mr. Arndt had concerns over Jones Street being a public access road to the river. Mr. Lovell explained they don't really want to take ownership of Jones Street, they only want to control it. Mr. Montgomery stated the only way he would consider this, is if they take ownership of the road. Solicitor Shimko advised there is a Borough Code process that requires the Borough vacate Jones Street if we wish to give it to them. He also stated the standard for vacating a road is to prove why it is in the public interest to do this, and this burden should be put on Eastman. Mr. Lovell voiced concern that Jones Street is the last public access to get to the river. If that is given up, there is no other Borough access to the river. His recommendation is to allow them maintenance of the road, but to think hard about giving up ownership. Mr. McCreery advised they want to put a gate at the end of Jones Road. Mr. Cohen was instructed to look into if this is good for the community.

20. Discuss request from Pleasant Hills Borough concerning West Bruceton Road

Mr. Lovell explained this stems from the development of Hunters Field. There was initial confusion on the truck routes getting into the development. There were very large vehicles using Old Clairton Road and West Bruceton Road in Pleasant Hills. The Police Chief and Public Works Director from Pleasant Hills met with Mr. Cohen and himself over these issues. Mr. Cohen contacted the developer and explained their concerns about truck traffic in Pleasant Hills. He thought it was taken care of, but more large vehicles were cited in Pleasant Hills. Their Public Works Director came back and brought a letter from Pleasant Hills Council. Signs were installed at the end of the roads in the development instructing the trucks to follow Jefferson Hills roads. Mr. Cohen again contacted the developer and explained the situation again. Pleasant Hills would like us to mill West Bruceton Road under the underpass. We recommended the developer use vehicles that conform with the height limit, which is not unreasonable. We recommended Pleasant Hills cite all the vehicles caught on their side of West Bruceton Road to the fullest extent of their law. We tried the best we could to stop the contractor from using their roads. Mr. Cohen reported he met again with the developer and the contractor about the concerns of Pleasant Hills, and was told it was the sub-contractor not following the rules. He advised our position now is that Pleasant Hills has the authority to deal with Maronda Homes as they see fit in terms of enforcement. Mr. McCreery agreed to draft a letter to Pleasant Hills and email it to their Manager.

21. Discuss funding plan for Beedle Park Improvements Project

Mr. Cohen advised we are getting to a critical stage of the decision making on this project. DCNR is accepting applications for the next fiscal year, with them due in April. If Council wishes to proceed with Phase 1B, Council will have to put a resolution on the agenda in March to authorize that

application for funding. Phase 1B basically involves the refurbishing and improvement of the baseball field, construction of a large pavilion, and the engineering portions. Phase 1B would be implemented in 2014. We need to decide what is the commitment that Council is willing or not willing to take to implement the entire project. He asked if we want to authorize the application for funding for Phase 1B now or later, and how will the long-term funding plan be addressed? He advised Phase 1B is the least costly phase of the project. Mr. Cohen recalled that the open field in Phase 1A was not funded by DCNR, so the Borough Council committed itself to doing that project at 100% Borough expense. It is conceivable that the open field can be moved to Phase 1B and apply for a grant application in which that's funded in Phase 1B at 50% by DCNR. Mr. King asked exactly what Mr. Cohen was requesting, and was told does Council want to apply for funds in 2013 for Phase 1B. Council agreed to apply for funding. Mr. McCreery stated it was discussed by the staff and they agree the commitment to Phase 1 should include Phase 1B. We should be able to budget funds for the project out to 2016. He said Phase 2 does not need to be decided this evening. Mr. Cohen suggested corporate sponsorship for the field.

22. Discuss additional appropriations for Borough share of Clairton Municipal Authority bond payments beginning March 2013

Mr. McCreery explained it came to our attention that a bond issue was settled in mid-year 2012 for the facility upgrades at the CMA plant. It came to the attention of the Borough Solicitor, and the other attorneys for CMA, Peters Creek, and South Park, that during the budget time in December 2012 the outgoing Finance Director for CMA notified them that the bond payments for a year in advance were being billed monthly prior to the bondholders being paid December 1, 2013. They started receiving bills in November for December payment on a cycle of \$1.96 million divided by 12 months and CMA was fronting that money. Mr. McCreery, Solicitor Shimko, the other solicitors for the corresponding municipalities and authorities met yesterday, and this will now be billed monthly to the municipalities and authorities for the \$1.96 million divided by the nine payments that are left. The Borough portion would be 30.29% or approximately \$593,934.00 in 2013. There are a few outstanding issues that still need to be worked out. Mr. King asked if this will affect our cash flow and Mr. McCreery replied no, we have the money for the monthly bills.

23. Discuss DEP meeting on February 15, 2013

Ms. Omer advised she will email everyone tomorrow to see who will be available to attend the meeting and a pre-meeting to discuss their strategy. She suggested we not talk numbers again, but to generate a list of questions to ask DEP to try to lead them down the path to admit that going to CMA is a better option, and how we get there. Mr. King thinks it important to let DEP know that we did reach out to Union Township once, but they were not interested in meeting a second time. We tried to meet with WESA more than once and there was no interest there either.

24. Reports

Chief Roach asked Council's consideration to up-fit the two 2013 Ford Interceptors.

Mr. Cohen reported the letter from SHACOG pulling their bond for Stash Trucking worked because the third property has been demolished, and they are in the process of cleaning up the other sites.

Mr. Lovell reported the improvements to the first floor of the Gill Hall Community Center are almost complete. His crew sanded and refinished the hardwood floor, and it looks beautiful. They also painted and made minor improvements. Mr. Lovell was instructed to take down the banner at the Community Center, and he agreed.

Solicitor Shimko reminded Council of the memo he submitted to them last month regarding the ordinances and enforcement penalties, and asked that when they get a change to look at it, he would like to discuss it.

24. General Business

Mr. Montgomery reported that at the SHACOG meeting, it was mentioned that Pennsylvania American Water announced their potential to give each fire company a \$1,000 grant. Mr. Montgomery gave the form to each of our three volunteer fire companies to fill out and submit.

Mr. Montgomery advised Tom Sarracco has shown interest in being appointed to the WESA Board, Cliff Warner would like to be appointed to the Educational Service Agency, and Bev McConeghy requested she be appointed as an alternate to the Zoning Hearing Board. All three names are to be included on Monday's agenda.

Mr. King suggested the following names be added to the plaque for the renovations to the Municipal Center: Members of Council, Mayor, Architect and Contractor.

Mr. King announced that Council held an executive session at 6:00 p.m. before tonight's meeting for personnel matters.

Mr. King adjourned the meeting at 9:40 p.m. with an executive session to follow concerning legal and personnel matters on motion by Mr. Khalil, seconded by Mr. Montgomery and carried unanimously.

J. Andrew McCreery
Assistant Secretary