

Borough of Jefferson Hills  
Agenda Meeting of Council  
January 9, 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, Khalil, Montgomery, Reynolds, Weber and King answered to roll call. Manager Arndt, Solicitor Shimko, Engineer Omer, Chief Roach, Finance Officer/Treasurer McCreery, Planner/Zoning Officer Cohen and Public Works Director Lovell were in attendance. Council Member Ielase and Mayor Green were absent.

The following tentative agenda for the regular meeting of January 14, 2013 was reviewed and discussed.

1. Pledge of Allegiance
2. Roll Call
3. Citizens

None.

4. Report from Borough Boards or Commissions
  - A. David Graffam - Library Board Member thanked Council for their support, reported the Fall Festival went great, and the Christmas party was terrific. He advised tomorrow the library is hosting The Library Advisory Council, which consists of 45 Directors from southwestern Pennsylvania.
5. Presentation by McLean Architects, LLC concerning new Public Works Garage and Salt Storage Facilities Project

Mr. Dave McLean and Mr. Joe Fagan gave a Powerpoint presentation on the project. They reported a couple of issues with the site: 1) they performed 15 test borings and at four of them they hit bedrock at a higher elevation than the remaining borings. They weren't able to tell by walking the site that the other borings had about 40 feet of fill in them. 2) the coal seam is about 110 feet below the proposed bore level, which is a decent thickness, but when you take away 40 feet of soil, it doesn't leave a lot of rock to protect the building above it. To accommodate this there are two procedures you can do: 1) grouting, where you drill holes on a tight spacing on the perimeter of the building you want to protect down through the mine, and fill the holes with a thick cement grout. Then you go inside those holes and bore more holes and also fill them with grout trying to fill as much of the void as you can. or 2) use caisson foundations that go through the fill, through the rock above the hole and actually support it on the rock below the hole. Both are expensive in comparison to going with a conventional shallow foundation. They adjusted the site and shifted the garage on what they know to be better ground. As we move in that direction not only is the amount of fill reduced, the good rock cover over the mine is increased. That way we will get a better substratum underneath us in terms of the thickness of the rock, and we are bringing the surface of the ground closer to the rock, so we will save the cost of needing a deeper foundation. This is also moving the location closer to the source of utilities, saving on shorter

utility runs. Mr. McLean reported the site work lump sum is \$925,000.00, the building is \$2.1 million, and the salt storage facility is \$396,000.00 for a total of \$3.5 million. He advised the truck wash bay, which is an add on, is estimated at \$320,000.00.

Mr. Weber voiced aesthetic and logistic concerns over the salt storage bins being located between the buildings. Since the bins don't need to be on the firmer foundation, they may be able to be moved or they can be screened. Mr. Weber asked that since natural light is going to be used in the public works facility, that consideration be given to optimizing the light.

Mr. Khalil voiced concern about going over the \$3.5 million budget amount for the project, so he is glad the truck wash bay and salt storage facility are add ons to the Master Plan.

Mr. Weber stated the cost of the salt storage facility took him by surprise, because when this was first talked about a few years ago, the cost was estimated at \$200,000.00 to \$250,000.00. He is glad it is being considered as an alternate at this time. He is very concerned about the budget for this project, and in his opinion it is unacceptable to go over the \$3.5 million budget. He would like to discuss scaling back on the salt storage facility.

In response to Mr. King's inquiry, Mr. McLean advised the life expectancy of the salt storage facility roof is 40 years. Mr. King asked if the majority of the increase in cost of this project is because of the site preparation, and Mr. McLean replied yes. Mr. King advised he is in favor of deducting the salt storage facility, but not scaling back on the public works facility.

Mr. Weber remembered that previously one of the choices for the salt storage facility was a wooden gambrel building with a 25-year life expectancy. The facility before Council tonight is roughly twice the amount of the gambrel building. Mr. McLean explained they can get an estimate on the wood gambrel building for the same size as the one before Council tonight.

Mr. Lovell explained the salt storage facility is brought in in pieces and bolted together. We can scale the size in length not width, and be able to build it out at a later date. We usually have 2,000 tons of salt on hand, but Mr. Arndt advised we wanted the capability to store more to take advantage of purchasing extra salt at a lower rate at the end of winter, and have more on hand in case of a shortage like we've had in the past.

Mr. McLean stated he will try to get this project out for bid during this construction season, with the expectation of having it completed in summer or early fall of 2014.

## 6. Engineer's Report

Ms. Omer introduced John Mowry from the Clairton Municipal Authority (CMA) to discuss the Act 537 Regional Sanitary Sewer Plan. Mr. Mowry reported they submitted the Plan to the DEP for their review, and they came back with a series of comments that we are trying to answer. One of the requirements they have is that we have all the upstream communities re-adopt the Plan, although it has not changed. CMA is going to incorporate some cost estimates that the DEP wanted to see. They also have to update the implementation schedule. Ms. Omer will be involved in the correspondence back and forth.

Mr. Weber asked if the Regional Plan addresses the CMA's ability to handle those additional flows, and Mr. Mowry replied no, but they do have the capacity for Jefferson Hills. Mr. Mowry advised the CMA has never been formally approached by the DEP as far as whether they will take on Jefferson Hills' sewage, but DEP is aware that CMA has the capacity to do so. Mr. Weber asked if there would not be any additional upgrades based on the Plan as written. The only requirement they would have, is that the facility that they are building, does not have the capacity, but Jefferson Hills would just have to pump directly to the treatment facility and bypass the new facility. Mr. Weber asked if it would be prudent for us, prior to reaccepting the plan, to request an addendum that would have some language that would encourage the DEP to understand that we are in favor of it, and that the CMA could accept those flows. Mr. Mowry said he would have to think about that, because he is afraid that would bog down the process tremendously. The sense is that there is going to be an issue with the West Elizabeth Sanitary Authority (WESA), if they let us out. Ms. Omer asked if the CMA could write a letter of support to DEP on our process, and Mr. Mowry stated he will discuss that with the CMA Board. Mr. Weber asked Mr. Mowry if the relationship between the CMA and Jefferson Hills administration and engineering is favorable, and he replied yes. Mr. Weber asked for documentation that CMA has the capacity or the willingness to accept the flows if we decide to go with Clairton, that he can take with him for support. Mr. Mowry will take that request back to the Board, and he thinks they will agree to do it.

Mr. Weber advised his understanding is that CMA has set the rate per 1,000 gallons of flow, and asked the rate. Mr. Mowry replied \$2.00 per 1,000 gallons. Mr. Weber asked if there are any plans to raise that rate, and Mr. Mowry replied yes, because of interest rates on money they already borrowed for the project.

Mr. Mowry also discussed the debt services payments CMA is required to pay. CMA capitalized the interest for one year, and the \$79,000.00 monthly payments are now due. According to the agreement with Jefferson Hills, that is a new charge. Jefferson Hills will continue to pay the \$2.00/1,000 gallons for the operation and maintenance, but the debt service for the treatment plant expansion is going to be divided by all the users' percentage of use. He gave kudos to Jefferson Hills and Gateway Engineers for the work which has significantly decreased the flows, thus lowering our percentage from 30% into the 20<sup>th</sup> percentile. We need to pay approximately 30% of the \$79,000.00. Every year the agreement and the percentages will be evaluated and the payment will fluctuate. Mr. King asked if there was any language in the agreement pertaining to delinquency of the \$79,000.00 monthly payment, and Mr. Mowry replied if any other municipality defaults on their portion of the payment, the CMA cannot raise Jefferson Hills' rate. Mr. Weber advised the engineers from WESA have advised in writing that the CMA plans to increase the rates to \$3.25/1,000 gallons once the project is complete. Mr. Mowry was asked that question by Gateway Engineers, and he also told them no. The CMA talked about maybe, once the plant is online in three years, the \$2.00/1,000 gallons will pay for the operation and maintenance of the plant. When the plant is brought online, the capacity will almost double. The operation and maintenance of the new plant may go up, but they won't be sure how much, and he doesn't see the rate being increased for three years.

7. Motion to approve minutes of agenda meeting December 5, 2012
8. Motion to approve minutes of regular meeting December 10, 2012
9. Motion to approve the monthly bills

Mr. Khalil asked, to help the budget, if we could write the Growing Greener grants in-house, and just have Gateway Engineers review them, to save money. Mr. Arndt replied, in general there are probably some we can do in-house, but he would have to look at each individually. He stated there is some specific engineering information that sometimes needs to be provided, so maybe it could be done in combination with Gateway Engineers. Ms. Omer thought the Borough could write all the grants with the technical processing being provided by Gateway Engineers. Mr. King asked that when all the staff reviews the bills when they come in, if they have suggestions for improvements, to address them.

Mr. Weber voiced concern over the number of billable hours on the Shagbark Street site, and asked if it was necessary to have an engineer at the site that much. He would like to see some of those hours that were not engineering specific be carried by our administrative staff. Mr. King stated this issue is different because there is some history and legality to it. Mr. Arndt explained that we do not permit residents to call Gateway Engineers directly, we try to handle it internally, and most times it works. Mr. Arndt suggested when Gateway Engineers receives calls from our residents, that they advise them of the policy to call the Borough Manager first, and Ms. Omer replied they already do this.

10. Motion to approve the monthly payrolls
11. Motion to adopt Resolution No. 1-2013 granting preliminary and final approval of a land development plan known as SP-3-2012, LaMarca Construction Plan, Phase 2

Mr. Khalil complimented Mr. Cohen and the Planning Commission for streamlining the process and bringing plans before Council that have no conditions attached to them, like what used to happen often in years past. In response to whether Ms. Omer reviewed the plan and all is in order, she replied yes.

12. Motion to adopt Resolution No. 2-2013 approving the Revised Act 537 Regional Sanitary Sewer Plan for the Clairton Sewershed

Mr. Arndt suggested, unless there's an urgency to adopt this resolution, we wait another month and see what kind of response we get with respect to the request that will be made of the CMA Board. Ms. Omer replied she will check with John Mowry, but she thinks they plan to get the permit on July 1<sup>st</sup>. Mr. Weber mentioned that tonight he suggested to Mr. Mowry, about having an addendum, and he agrees that might slow the process down, and does not want to do that, but he thinks we should discuss it. He thinks formal language should be added to say, perhaps, that Jefferson Hills' desire is to bring on all of WESA's flow. His goal is to put protective language in the plan for the future. Mr. King asked if any other municipalities have adopted the revised plan, and Ms. Omer agreed to find out. Solicitor Shimko advised Council not to be surprised if the answer is no to adding an addendum. The plan has already been approved pending the changes that DEP says to make. They are under the same time restraints we are, and if we make any other changes it would go through the whole process again taking months longer.

13. Motion to adopt Ordinance No. 829 accepting public improvements for Chamberlin Ridge Plan Phase 2A (Tabled from 12/10/12 meeting)

Mr. Cohen reported this item will be tabled again because the legal descriptions have not been submitted by the developer.

14. Motion to adopt Ordinance No. 830 memorializing acceptance of two (2) parcels of real property transferred to the Borough of Jefferson Hills

In response to Mr. Montgomery's question of the location of these properties, Solicitor Shimko explained one is .72 acres, is along Wakefield Road and is part of the Blue Horseshoe Trading Subdivision. It was supposed to be dedicated and accepted when the plan was recorded, but because of an error by the County, that never happened. That led to litigation between the Borough Tax Collector and the owner of the property, which we stopped by drawing up a deed to give the property to the Borough. Now we are seeking a tax exemption. The other piece of property is .36 acres on Cochran Mill Road from Royal Park Estate that can be used for expanded right of way if needed.

15. Motion to approve Change Order submitted by Stash Trucking in the amount of \$1,200.00 for additional work related to CDBG Demolition Project Year 38 (Tabled from 12/10/12 meeting)

Mr. Cohen reported he was told by the Allegheny County Health Department that the septic tank did not need to be removed or filled before the demolition happened. He then contacted the contractor and told him he could proceed with the project, but nothing has been done. Another site on Circle Glen Drive was not completed either. He sent a certified letter to the contractor indicating the contract requirements, but no response has been received. Mr. Cohen contacted Lou Gorski of SHACOG and he directed Council to take action to : 1) if there's no action by the end of this week, send him a letter indicating lack of his performance and requesting action on his part to contact the bonding company of the contractor, and Mr. Gorski will in turn send a letter to the contractor indicating their initiation of calling their performance bond. Mr. Gorski suggested we proceed with authorizing this change order and making it part of the project so it can be part of the action of completion for the contractor to be responsible for. Mr. Cohen was advised that at the Director's Meeting last week, it was noted that there have been issues with this contractor in other municipalities. Solicitor Shimko reiterated that Mr. Gorski is recommending that this change order be approved, regardless of the problems that are going on, so it can be included in any action against their completion bond that SHACOG may take.

16. Motion to approve Work Authorization dated January 3, 2013 in the amount not to exceed \$23,000.00 for Gateway Engineers to assist in the completion of 2013 Sanitary Sewer Operations and Maintenance Plan Open-Cut Repairs Project
17. Motion to approve Work Authorization dated January 3, 2013 in the amount not to exceed \$16,000.00 for Gateway Engineers to assist in the completion of the 2013 Sanitary Sewer Operations and Maintenance Plan Lining Repair Project
18. Motion to accept a proposal from Seals & DeMillion, P.C. to conduct the 2012 Financial Audit of the Borough of Jefferson Hills in the amount of \$13,400.00 and Jefferson Hills Library in the amount of \$1,650.00

Mr. Weber stated a few years ago the Borough went from a ledger system to an electronic system, and we were led to believe at that time that our cost for these audits was very high based on the fact that the paper system was very laborious. He asked if this was a reasonable charge based on the fact that we have electronic records now and the process should probably be substantially easier. He thought we would see a significant reduction in the audit. Mr. McCreery explained it is a fair cost, as there has been no increase in the Borough audit. The original price came in \$500.00 higher, but Mr. McCreery talked him down telling him he is doing less. The auditor asked if we will be going for an RFP soon for auditing services, and he did not answer the question. Standard practice is to do an audit cycle,

changing auditors every five years. We are also changing over from a cash basis on our DCED report to an accrual basis, and it might not make much sense to change auditors right now. We are not quite where we need to be to realize a reduction in the audit costs, but we will be there soon, he advised. Mr. Khalil asked Mr. McCreery's opinion of whether Seals & DeMillion should be included in the RFP, and he replied he didn't see a detriment to that. Solicitor Shimko explained that even if he came in as the lowest bidder, we don't have to choose him. We have to choose the lowest, responsible bidder. We can make the claim that he is not responsible because he has been the auditor for "X" number of years and we want to go a different way, which we can do. Mr. McCreery, reported for the record, that when he was hired, he declared that he works for an auditing firm part time for his CPA hours, and there will be a conflict of interest Maher Dussel cannot participate in the RFP process. He also stated it is probably too late to go out for RFP this year, and recommended the RFP go out in April or May after the busy season is over.

19. Motion to accept a bid received from Tri-Star Auto Group in the amount of \$55,566.00 for two (2) Ford Utility Police Interceptors under the SHACOG Purchasing Alliance Program

The motion is to be changed to read "SUV" in place of the word "Utility" for Monday's meeting agenda.

20. Motion to award a bid for a 2013 International 7400 SFA 4X4 cab and chassis in the amount of \$98,410.58 from Hill International Trucks and Service under a COSTARS cooperative purchasing contract

Mr. Lovell reported this truck came in cheaper than the same 2012 truck.

21. Motion to award a bid for a stainless steel dump body, plow and spreader in the amount of \$57,045.00 from Walsh Equipment under a COSTARS cooperative purchasing contract
22. Discuss request from Castor Farm Associates, Inc. for Borough to provide snow plowing and salting services of the improved portion of Castor Lane in the Castor Farms Plan of Lots

Mr. Arndt reviewed a letter from Don Housley, requesting snow plowing and salting of the improved portion of Castor Lane. Mr. Arndt replied we have received similar requests throughout the years. Mr. King asked if this was going to eventually be a dedicated public road, and Mr. Arndt replied yes. Mr. Cohen reported the developer is submitting a formal request to begin the process of review of the improvements. If the developer gets the letter in by our timeframe, it can be put on Monday's agenda, and start the organization process to authorize the Borough Engineer to begin acceptance. This is a factor of whether it will be a public or private road. Solicitor Shimko advised if the developer cannot get us the letter in time, in order to not have to ratify something later, it would behoove the Borough to consider a motion to direct Mr. Cohen to authorize the Engineer to begin the process.

23. Reports

Chief Roach reported the Civil Service Commission is in place and at a point where they can make decisions. Chief Roach is recommending, based on background checks, disqualification of two candidates high on the list. The Commission will meet and discuss whether they agree with his recommendation.

Mr. Cohen reported the Borough may have sewer taps available before the snow melts. Mr. Weber stated he understands the Borough charges residents and developers for the taps, and asked if the Municipal

Authority also charges. Mr. Cohen replied yes, and Ms. Omer stated the Clairton Municipal Authority charges \$809.00 each, and WESA also charges. Mr. Cohen explained the Borough does not issue our tap until the resident or developer shows proof they purchased the tap from the authority.

Mr. Cohen reported his office has established more efficiency in the review of plans with increased consistency.

Mr. Lovell reported the T.J. Baseball Association is requesting to do some work at Tepe Park at no cost to the Borough, and he recommends we allow them to do this work. Council agreed.

Mr. McCreery stated, because interest rates are so low right now, Huntington Bank approached him explaining their new program called the MMAX Program. This program right now is at 20 basis points, and we are currently at 2-5 basis points. This program attaches to your savings accounts with a minimum of \$250,000.00, which would be our general fund contingency and sewer accounts, and it trades your money to different money market accounts with FDIC insured banks throughout the United States. We have a similar program now through PLGIT for certificates of deposit, which tie up your money for 6-9 months. He asked Council's approval and they agreed.

Mr. McCreery reminded Council that in our Tax Ordinance passed in December, the intention was that we would have to amend and pass it by January 31<sup>st</sup>. The judge involved in all the reassessments amended the deadline to June 15<sup>th</sup> to set our millage. We have received our assessment numbers from the County plus everything that is outstanding. Currently, we have 309 parcels that are under formal appeal that amount to a difference of \$28M in assessment value. He recommends Council wait until the May meeting to set the millage, and Council agreed.

Solicitor Shimko reviewed a memo regarding the potential for Council to change some ordinance enforcement penalties. Mr. King instructed Council to look over the memo and report their comments to Mr. Arndt.

#### 24. General Business

Mr. Khalil requested Tim Schuman be highlighted in the next issue of InMagazine.

Mr. Khalil asked for an update on the Large Bridge. Mr. Cohen advised that enforcement is on hold as directed by Council. Mr. King explained to Council that if we enforce repairs to the bridge, taxpayer monies may have to be used for them, and Council is not in favor of that solution. Mr. Khalil voiced concern that if we take no action, we still have the problem of an unsafe bridge in the Borough. Mr. Weber stated the bridge is a private bridge on private property, and although he does not agree with the owner not making the necessary repairs, there is nothing more the Borough can do.

Mr. Khalil reported receiving a letter from Maryjay Rush, who is interested in a position on the Civil Service Commission. He was also approached by Dave Kostanich, showing interest in a position on the Civil Service Commission. He felt both candidates are well qualified. Mrs. Cmar has someone who is also interested and she will provide Council with their information at Monday's meeting.

Mrs. Cmar stated she would like to see something done with the plaque commemorating the renovation and dedication of the Municipal Center. Mr. Arndt advised he needs Council's final approval of the names to be included. He was instructed to put his draft list in the next Council packet.

Mrs. Cmar would like pictures of all of Council and the staff so people know who everyone is when they enter the building. Mr. Arndt relid that would be a project entailing taking of the pictures, labeling the names underneath and their positions. It will cost some money, and he is concerned with vandalism with their pictures in the hallway, especially during election time. He stated that could be a staff project, if Council wishes. Mrs. Cmar replied that Jane Milner would be great for the job, and Mr. Arndt stated if Council is willing to pay her to do it, that's fine. Mr. McCreery advised he would rather have his picture on the internet than out in the hallway. Mr. King stated it was Council's intent to put the pictures on the website, and also in the hallway. Mr. Arndt was instructed to have Jane Milner work on this project.

Mr. Weber stated he thought Jane Milner was doing a terrific job on the quarterly newsletters. He's getting positive feedback on them.

Mrs. Cmar stated it is horrible that David Levdansky is advertised on the Borough Map as our representation. She stated there is no excuse for this oversight, and stated it was not Jane Milner's fault. Mr. Arndt explained he paid the money to get on the map as an advertiser.

Mr. Weber wished to followup on the VOC issue regarding Hercules and the PICO Landfill. We're spending tens and hundreds of thousands of dollars for engineering for the work down there. He is in favor of stopping the work until we are reimbursed, if that's possible. He is in favor of direct reimbursement from Hercules in a timely fashion.

Mr. Weber stated Mr. Cohen had discussions with the Clairton Sportsman Club and he redid the overlay for oil and gas drilling, to make sure they were included in that. Mr. Cohen agreed, as there was an omission of one parcel of their facility because it is partially in West Mifflin. Mr. Cohen stated the parcel is included in the map and will be included in an ordinance to be reviewed by Council at the public hearing.

Mr. Weber stated all Council received notification of the Spring Conference in Seven Springs and he thought the tentative topics looked very interesting. He suggested Council get their responses to Mr. Arndt as soon as possible. He stated a lot of municipal representatives who attend wear shirts with their municipality's name on it, and it has been about 3 or 4 years since we did it. He would like to do that again. Mr. Khalil stated the company where they purchased the shirts before has closed, but he will look into this request. Mr. Arndt volunteered the staff to research it also.

Mr. Montgomery advised Mr. Doug Wildman is not able to serve on the Civil Service Commission, but he is willing to serve on the Vacancy Board. Mr. Arndt was instructed to add this to Monday's agenda.

Mr. King reminded Council they received a list of appointments for Boards and Committees that are up, and we need to look at the list and reappoint members if we wish and submit new names for openings. Mr. Weber requested Mr. Arndt make a revised list with a note if they are requesting reappointment. Mr. Arndt was instructed to add Civil Service Commission appointments to Monday's agenda.

Mr. King adjourned the meeting at 10:15 p.m. with an executive session to follow concerning legal and personnel matters on motion by Mr. Weber, seconded by Mr. Khalil and carried unanimously.

Douglas C. Arndt  
Borough Manager/Secretary