

**TOWNSHIP OF O'HARA**  
**COUNCIL REGULAR MEETING MINUTES**  
**MARCH 13, 2018**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:10 p.m.
- B. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Scott Frankowski, Third Ward; Allison Garcia, Fourth Ward; Cassandra Eccles, Fifth Ward

Absent: John R. Denny, Jr., At-Large

Also Present: Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; James R. Farringer, Superintendent of Police; Cathy Bubas, Manager's Secretary

II. MESSAGE FROM COUNCIL PRESIDENT

Manager Jakubec informed President Smith that she had just received a confirming email message.

President Smith explained he had an informational statement to make concerning the April 3, 2018 Workshop. He stated O'Hara Township Council and staff have always strived to provide the best services to our residents. Public Safety is one of those important services. The Fox Chapel Area School District communities, through cooperation, collaboration and mutual aid agreements have always helped one another with the delivery of excellent Public Safety service. Recently, there have been discussions among community elected officials about how the communities could improve efficiencies and effectiveness of Public Safety delivery. As a result of these meetings, the Township has been asked to participate in an information gathering study conducted by the State Department of Community and Economic Development (DCED). The study would gather, compile and present valuable information about the operation of the Police Departments participating in the study. The information gathered by studying police operations would be a valuable input in updating the Township's Comprehensive Ten Year Plan (the overall Plan addressing the direction and priorities of our Township). This study would be done at no cost to all of the local municipalities. Council has invited Ron Stern from the DCED who would conduct the proposed police study to give a presentation on the study methodology, process, and timeline at our April 3<sup>rd</sup> Workshop Meeting. Ron Stern is a local government policy specialist with the Governor's Center for Local Government Services, a DCED office. He is a retired police officer with 20 years of service, including 10 years as a municipal police chief. If the Township agrees

to participate in the study it will have to execute a standard DCED form letter of intent. A letter of intent to participate in the DCED study does not commit O'Hara Township to make any changes in our Police Department or to join any other communities in a Joint or Regional Police Force. Council wishes to invite all interested parties to attend the April 3rd Workshop.

### III. APPROVAL OF MINUTES

- A. Council Workshop – February 6, 2018
- B. Council Regular Meeting – February 13, 2018

Motion by Mr. Frankowski to approve the subject minutes as presented was seconded by Mr. Stewart and carried unanimously.

### IV. FINANCE

- A. Vouchers – February 2018

Motion by Vice President Vogel to pay the subject vouchers as presented was seconded by Ms. Eccles and carried unanimously. The vouchers total \$852,246.37.

- B. Receipts and Expenditures Records – January 2018

Motion by Vice President Vogel to accept the receipts and expenditures records as presented was seconded by Mr. Stewart and carried unanimously.

- C. Treasurer's Report

Treasurer Curran indicated the Township finances look good. He was really impressed with the level of bidding by Mr. Kephart and Police Superintendent Farringer on some of the capital items purchased.

Manager Jakubec informed Council that the independent audit has been completed but she is waiting for the official statement. She stated everything in the audit was perfect.

### V. REPORTS

- A. Other Organizations and Agencies Reports

Vice President Vogel stated Council was invited to an event sponsored by Blawnox Volunteer Fire Company at which time a plaque was presented to the Township. Vice President Vogel read the plaque and requested staff to display the plaque. He and Mr. Frankowski stated it was a very nice event. Mr. Frankowski commended Fire Chief George McBriar, who is a Township resident and has been very successful in motivating young people. He noted Fire Chief McBriar also runs the swift water rescue.

B. Monthly Departmental Reports

No comments.

C. Manager's Report

Vice President Vogel inquired about discussions with Penn D.O.T. regarding the sound walls near Route 28. Manager Jakubec explained folks living within a certain radius of the sound walls will be able to vote; neither Aspinwall nor O'Hara representatives have a say. Staff reviewed the wall designs and expressed concern of where the sound from Route 28 would go. Mr. Steinert, Jr., P.E. recalled Penn D.O.T. officials believe the sound will go up and dissipate.

Manager Jakubec noted Aspinwall Manager Melissa Lang-O'Malley believes residents living under the sound wall would be in favor.

Ms. Garcia questioned how the radius is determined, which Mr. Steinert, Jr., P.E. explained.

Mr. Frankowski verified the sound wall is for the Highland Park Bridge area, and the project is fully funded.

Mr. Stewart asked if the wall would have any sound absorbing material in the wall, which the Manager was unaware. Vice President Vogel suggested using a glass bubble, and the road would not require plowing and salting in the winter. The Manager indicated it is important for O'Hara residents to be involved in the project.

Ms. Garcia noted the roof leaks at the community center were not covered by the warranty. Manager Jakubec stated she had spoken with the roofing company and the rubber was sliced, which is not covered under the warranty. After speaking with Interim Director Keith Fenton at the community center, no one is permitted on the roof without proper protection because the rubber easily rips. The Manager also noted water ponding on the roof with green algae.

Ms. Garcia inquired about the status of the crosswalk along Field Club Road. Manager Jakubec stated the crosswalk lines were painted at Timberlane Drive and additional signs with flashing lights have been installed. Police have been monitoring the kids walking to and from school. Ms. Garcia questioned if buses were provided for Crofton area students, which the Manager answered, "No." The children are to walk to the crosswalk at Timberlane.

Vice President Vogel inquired about citing students for jaywalking. Police Superintendent Farringer explained if Police Officers are not sitting there, there is no way to stop the kids from crossing outside of the crosswalk. Vice President Vogel acknowledged there is plenty of sight distance. Manager Jakubec suggested asking the school district to remind the students not to cross Field Club Road at Crofton Drive. She noted the flashing signs seem to have caught peoples' attention.

Vice President Vogel inquired about painting corrected berm lines, which Mr. Steinert, Jr., P.E. indicated to be too early.

VI. NEW BUSINESS

A. Proclamation

- (1) Recognizing Pennsylvania 811 Safe Digging Month

Manager Jakubec referenced an email received from Marcos R. Bernal of Pennsylvania One Call System, Inc. requesting Council's consideration of a proclamation recognizing the 46<sup>th</sup> year of continuous 811 service.

Motion by Ms. Garcia to read the subject proclamation was seconded by Mr. Stewart and carried unanimously. Manager Jakubec read the proclamation in its entirety.

B. Resolutions

- (1) Granting Conditional Use Approval to the Catholic Cemeteries Association for a Permanent Mausoleum at St. Mary's Cemetery B-18-2018

The Manager stated the Catholic Cemeteries Association, owner of parcel 222-H-150 (St. Mary's Cemetery) located along Sharpshill Road and Kirkwood Drive, Pittsburgh, PA 15215, is seeking Conditional Use Approval for the construction of a permanent mausoleum. The structure will be located at the site of the former St. Mary's baseball field, which is in a CD-1 (Conservation District). A Mausoleum is an approved conditional use in the CD-1 zoning district. The Township Planning Commission reviewed the application and has recommended to Council that approval be granted. A Public Hearing before Council was scheduled prior to this regular meeting to receive public comments.

Motion by Mr. Frankowski to approve resolution Bill No. B-18-2018 was seconded by Vice President Vogel.

Mr. Frankowski asked Mr. Dan Martone of Martone Engineering and Surveying if he had investigated the stormwater runoff from Kirkwood Drive and down Spring Grove Road. Mr. Martone had not been to the site but indicated if the water is coming off the cemetery site they would address it. If the water is coming from the state road, he would be happy to call Penn D.O.T. to see if they could address it. Mr. Frankowski was hopeful that once some sewer work was done the issue would be resolved.

Mr. Frankowski requested the trees that were decimated by Duquesne Light to be replaced by the cemetery. Mr. Joe Huber of Catholic Cemeteries Association stated he would look at the situation, but could not control what Duquesne Light Company does. Mr. Frankowski requested just a couple of trees to hide the building. Treasurer Curran recalled a discussion about moving the trees away from the power lines. Mr. Frankowski noted the plan had trees just at the corner, but not coming down the road and it is wide open now and was just asking for a couple trees. Mr. Huber noted a landscape plan was presented to Planning Commission and they seemed satisfied with the plan, but if the trees are not there they could certainly add trees. Mr. Frankowski recalled the plan

he saw kept the existing trees and just had a couple pine trees at the corner, but it comes way down, actually in front of his house. He would just like some sort of buffer.

Mr. Steinert, Jr., P.E. stated as far as the stormwater issue, part of the land development that's there doing the work, their main issue is stormwater and we'll have them remedy it.

President Smith questioned what the Zoning Ordinance requires for screening. Mr. Steinert, Jr., P.E. indicated no screening is required for mausoleums.

Mr. Frankowski stated the trees were cut in half and was just requesting some more trees. Mr. Huber stated he was familiar with the area and had photos, but had not been to the site recently. He hoped by cutting the trees that they didn't kill the trees. If the trees do not grow back, he would be pleased to plant some trees.

Ms. Eccles verified when the trees were cut, and noted the trees have not gone through a season and could be dead.

President Smith stated there must be a Duquesne Light right-of-way there and asked if the plans do not show the right-of-way. Mr. Steinert, Jr., P.E. stated Duquesne Light is allowed to clear 20' from the center of their furthest out utility wire.

Mr. Frankowski was just asking for a few more trees to act as a buffer. Mr. Huber stated if we need a buffer and the trees do not grow back, we will do that. When they presented the plan those trees were there. There wasn't an issue. Had Duquesne Light not cut them down it obviously wouldn't be a problem. Mr. Huber stated he had no problem putting additional buffer there if necessary. Ms. Eccles questioned what makes it necessary, as it could be a matter of opinion.

Manager Jakubec asked if Council wished to make additional buffer a condition of approval. Mr. Frankowski just wanted the buffer bumped up a bit than what is on the plan, because half of the trees marked on the plan aren't existing. It is an incorrect plan.

Mr. Stewart indicated it's difficult to make it a condition when the representatives haven't seen the site recently. Manager Jakubec suggested including a verbal agreement in the minutes that representatives of St. Mary's Cemetery agree that once spring has sprung to meet at the site with the Township to determine if additional screening is needed, additional trees, up to five pine trees. Mr. Martone suggested meeting with Mr. Frankowski, Mr. Steinert, Jr., P.E., Mr. Huber, Manager Jakubec and himself at the site and determine what is appropriate. Manager Jakubec believed three to five evergreens may provide an appropriate buffer. Mr. Huber was not opposed to adding three to five trees as long as the trees did not have to be 50-foot tall. Manager Jakubec stated typically the Township plants 8-foot trees.

The Manager asked the St. Mary's Cemetery representatives if they would be agreeable to inspecting the stormwater on the cemetery's site to ensure it is not contributing to the problem in the Penn D.O.T. inlet previously referenced, and if they were in agreement to work together to contact Penn D.O.T. to resolve the issue. Mr. Huber was agreeable.

Mr. Tom Pantano, Spring Grove Road, stated all the water comes through the cemetery and comes right out across from Mr. Frankowski's house. All the water comes from the cemetery; there's a big hole right across from there and it fills up and water goes straight down Spring Grove. He's lived there for 57 years.

Manager Jakubec confirmed that the St. Mary's Cemetery representatives would inspect the stormwater from the site, analyze it, and come up with a solution if water from the cemetery property is contributing to the problem. Mr. Huber agreed.

Mr. Pantano stated he doesn't want the mausoleum built there. He questioned why they couldn't build it near the main road, as there is six and one-half acres that is fairly level. He would rather make the ball park bigger. Mr. Frankowski stated that property does not have the proper zoning for a mausoleum, as he had also suggested building the mausoleum there. Mr. Pantano stated Council can change the zoning. Mr. Frankowski indicated the process is way past that option. He also recalled a letter was sent to all residents of Spring Grove Road and Mr. Pantano was the only resident to attend the meeting.

On roll call the motion carried unanimously.

- (2) Granting Minor Land Development Approval to the Catholic Cemeteries Association for the Construction of a Permanent Mausoleum at St. Mary's Cemetery Located Along Kirkwood Drive B-19-2018

The Manager stated the Catholic Cemeteries Association, owner of St. Mary's Cemetery located along Kirkwood Drive, Pittsburgh, PA 15215, has proposed the construction of a mausoleum at the former St. Mary's baseball field site. The Township Planning Commission reviewed the Plan and has recommended to Council that approval be granted subject to nine (9) conditions as listed in the proposed resolution.

Motion by Vice President Vogel to approve resolution Bill No. B-19-2018 was seconded by Mr. Stewart and carried unanimously.

- (3) Granting Minor Land Development Approval to the Freeport Retail Plan B-20-2018

Manager Jakubec noted ICON Development, developer of the property located along Freeport Road, Pittsburgh, PA 15238, has proposed the construction of a retail center. The property is split between Blawnox Borough and O'Hara Township, with the retail building and majority of the parking to be located in Blawnox. A portion of the parking lot is to be located in O'Hara Township. The applicant is also requesting an entrance and exit from Alpha Drive in O'Hara Township. The Planning Commission completed its review of the Plan and has recommended to Council that approval be granted subject to seven (7) conditions listed in the proposed resolution.

Motion by Ms. Eccles to approve resolution Bill No. B-20-2018 was seconded by Ms. Garcia.

Mr. Stewart asked if a formal agreement had been provided regarding a financial commitment to address the traffic on Alpha Drive. Manager Jakubec explained the Township is considering a formula based on the assessed value of the entire property and dividing it by square footage and determining a calculation based on that. The retail business will factor into the taxes that have to be paid for the entrance and exit on Alpha Drive. She could not prepare the calculation until the property is developed and assessed. The Manager noted it is a condition included in the resolution and the developer agreed to during the March 6<sup>th</sup> workshop. The formula/calculation will be in perpetuity.

On roll call the motion carried unanimously.

- (4) Authorizing the Purchases of Public Service Department Equipment B-21-2018

Manager Jakubec stated Public Service Superintendent Loren Kephart has requested authorization to purchase one Johnston Sweeper mounted on a 2017 Freightliner M2 Conventional Chassis through the COSTARS Contract. The total cost of sweeper as specified, less various discounts and the trade-in value of the 2000 Johnston Sweeper, is \$268,486.97. The 2018 Budget allocation for the sweeper replacement is \$270,000. Loren is also requesting authorization to purchase through the COSTARS Contract one 2019 7400 SFA International Dump Truck, with automatic transmission and air conditioning from Hunters Truck Sales & Service of Butler, PA, with stainless steel body, spreader and Western 10' plow supplied by U.S. Municipal of Evans City, PA. The total cost, as specified, less the trade-in value of the 2008 7400 SFA International Dump Truck with Plow and spreader is \$105,437.20. The 2018 Budget includes \$132,000 to replace the 2008 dump truck. Loren is requesting authorization to replace the 2003 Ben Pearson 12,000-pound, four-post vehicle lift with a new Mohawk Lift 25,000-pound four-post lift. The total cost of the Mohawk lift including installation is \$24,003.57. The 2018 Budget allocated \$25,000 for the lift replacement.

Motion by Vice President Vogel to approve resolution Bill No. B-21-2018 was seconded by Mr. Stewart and carried unanimously.

- (5) Authorizing Intentions to Work with Allegheny County to Accomplish Goals of the *Live Well Allegheny* Campaign B-22-2018

The Manager stated the Township has been requested to participate in the *Live Well Allegheny* Campaign, which is a comprehensive and innovative initiative with Allegheny County and other municipalities, schools, work places and community organizations to implement wellness practices and programming.

Motion by Ms. Eccles to approve resolution Bill No. B-22-2018 was seconded by Ms. Garcia and carried unanimously.

## VII. COMMUNICATIONS

### A. Citizens

No comments.

### B. Council

Mr. Stewart stated he reached out to the head of Allegheny County Emergency Management concerning the school radio problem, and he promised he would call Police Superintendent Farringer. Police Superintendent Farringer stated he never heard from anyone from the county. Mr. Stewart indicated he would reach out to them again, and acknowledged the issue has dragged on indefinitely. He suggested Council make a definite commitment to the kids that they would get something done by a certain date. He requested Manager Jakubec to spearhead getting people together. Manager Jakubec agreed the issue has stalled with their attorney, and would contact School Superintendent Gene Freeman again and ask them to please move forward. She believed the attorney was drafting a letter. The Manager indicated information would be provided to State Senator Randy Vulakovich so that he could talk with County Executive Rich Fitzgerald. If the school's attorney can't get it done, the Township's solicitor would get it done.

Mr. Stewart noted a couple of residents reached out to him about 499 Kerrwood Road. Less than five years ago a house was built on the property. The residents feel the property owner might not be paying adequate taxes because the property is still assessed as undeveloped based on the County real estate website.

Manager Jakubec indicated staff would look into the matter. She noted a County Assessor comes in and checks the building permits, and all permits are sent to the County. When the County Assessor comes in staff will inform him about the property.

Mr. Stewart noted a resolution would be presented to Fox Chapel Borough Council and asked if this Council was interested in passing a resolution about fair districts bills that are in the House and Senate for redistricting. It seems to be a totally nonpartisan issue. The new maps that were recently drawn was a decision by the Courts instead of the typical method of doing the redistricting without having an even-handed process for us to get this thing done with every census. It leads to people that essentially win the primary election are automatically elected. It's got a lot of people that don't represent the public. Mr. Stewart was asking his fellow Council people if they are interested, and he could provide information on what some neighboring communities have done for a resolution.

Mr. Frankowski stated he has followed this issue from the beginning and thinks it is fair. There were two top-leading democrats and two top-leading republicans that picked the fifth person, and they were the ones that played like a poker game. Then all of a sudden it becomes political. Ten years ago it was never political. Mr. Frankowski stated he would be opposed to any kind of resolution.

Vice President Vogel asked what specifically Mr. Stewart was asking of Council; a resolution urging the state legislature to do their job. Mr. Stewart stated he would distribute copies of some of the typical resolutions for Council's review.

Ms. Garcia noted when a developer submits plans and Council receives big copies of the plans, what is the history of all of Council getting individual copies and who pays for all the copies. Manager Jakubec stated the developer pays for the copies. Mr. Steinert, Jr., P.E. stated the developer is required to provide 20 copies, and usually provide full-size copies. Developers have been asked to submit 18, 11" x 17" copies. Ms. Garcia stated it is important for Council to see the plans, but it is a waste of paper, and the huge plans are really expensive. She questioned if anything could be done to reduce the waste.

Mr. Frankowski noted the County requires full-size sets of plans.

Manager Jakubec indicated she would think about it, noting electronic versions are difficult to see the whole plan.

Ms. Garcia preferred to review a printed plan, and suggested maybe one copy for Council to come into the office to look at.

The recording secretary noted the good news is all that paper is recycled.

Mr. Frankowski inquired about the status of the landslide on Kittanning Pike. Manager Jakubec stated there has been a landslide on Kittanning Pike, the hillside between 60 Kittanning Pike and past M&M Auto. Unfortunately the house at 60 Kittanning Pike has been deemed uninhabitable. A wall behind the house may be shoved into the home. She noted the Township Engineer has been working with M&M Auto who has been remediating the slide behind their building. The Township will continue to work with residents to try to help them get the hillside secured. Mr. Frankowski stated part of the canal system is underneath all that from years ago. He believed it was a storage area under Dave Christ's shop. He has a basement down in there that's incredible. It could be causing some of that too.

Manager Jakubec noted Mr. Steinert, Jr., P.E. has been working with M&M Auto and gave permission for what they are doing behind the building. Mr. Steinert, Jr., P.E. explained M&M Auto is trying to redirect water that flows off the hill. There is a spring they are trying to get drained out and give it a place to relieve itself. To get the water out of the soil he was hopeful to take a minimal amount away. Mr. Frankowski asked if it is a 60" pipe under M&M Auto. Vice President Vogel stated the creek is under the building. President Smith verified the landslide is on private property.

Manager Jakubec noted the uninhabitable could be lifted once the pressure on the wall is alleviated. Vice President Vogel asked if the wall has moved. Mr. Steinert, Jr., P.E. stated the wall is blown over, it's buckled and the blocks are in disarray. The last time he looked the wall was less than one foot away from the house.

Vice President Vogel informed staff of a landslide behind a house at the horseshoe bend near Linden Avenue. Some big rocks came down. The house is at intersection of Clifton and Linden Avenues.

C. Staff

Manager Jakubec informed Council that two properties on Winchell Street were sheriff sold for \$7500, combined. A house on Midway was sheriff sold for \$70,000. A property on Clifton Avenue, where the Township demolished a house, is up for sheriff sale. It is being sold for liens and cost of demolition. There is still a mortgage holder on the property. Staff has not found any obituary notice for the owner.

Manager Jakubec requested Council to remain after the meeting for an Executive Session to discuss labor and legal matters.

VIII. ADJOURNMENT

Motion by Ms. Garcia to adjourn the meeting was seconded by Vice President Vogel and carried unanimously. The meeting adjourned at 8:10 p.m. and following a short break Council entered into Executive Session.

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Cathy Bubas, Manager's Secretary