

**TOWNSHIP OF O'HARA COUNCIL
COMBINED REGULAR MEETING AND WORKSHOP
MINUTES
JULY 9, 2019**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:03 p.m.
- B. Pledge of Allegiance led by President Smith.
- C. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart*, Second Ward; d; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Scott Frankowski, Third Ward

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Loren R. Kephart, Public Service Superintendent; Cathy Bubas, Manager's Secretary

(*) denotes late arrival

Manager Jakubec noted Mr. Frankowski was absent due to a work scheduling conflict, and Treasurer Curran was away on vacation.

II. BID OPENING

- A. Dorseyville Road Sanitary Sewer Project

Manager Jakubec noted four bids were received for the subject project.

Motion by Vice President Vogel to open the bids was seconded by Mr. Denny, Jr. and carried unanimously.

The Manager proceeded to open the bids. Attached is the bid tabulation.

President Smith requested staff to review the bids and provide a recommendation to Council.

III. VISITOR

A. Parkview EMS

Mr. Bob Fischer, President of Parkview VFD and EMS was in attendance to explain the need for a new ambulance and answer Council's questions. He noted it would be a refurbished ambulance with LED lighting instead of incandescent lighting, and have the state required stretcher and brackets. He stated the 2016 ambulance has a new suspension system, struts and air bags, which provides a smoother ride and is more stable on the road. The ambulance can be purchased under to CoSTARS Contract. Mr. Fischer requested authorization from Council to place the order for the new ambulance, which would not be ready until 2020, and could be included in the 2020 budget. He stated of the four ambulances, this is the only ambulance owned by Parkview EMS; the Township owns the other ambulances.

Manager Jakubec stated the Township supports Parkview EMS with an annual \$20,000 allotment. Parkview EMS bills the resident's insurance and does not bill residents for any unpaid balance.

Mr. Stewart questioned what was involved with refurbishment, which Mr. Fischer explained.

Mr. Denny, Jr. and Mr. Fischer discussed paramedic and EMT staffing.

Manager Jakubec noted after this ambulance purchase, the fund will be rebuilt for the purchase of the next fire engine. She also indicated the new ambulance purchase was discussed with the Fire Funding Committee.

Motion by Mr. Denny, Jr. to authorize the ordering of the ambulance was seconded by Vice President Vogel.

Mr. Denis Meinert, Dorseyville Road, questioned the need for four ambulances. Mr. Fischer stated one ambulance is always down for maintenance and there are always two crews on staff.

On voice vote the motion carried unanimously.

IV. COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. James Kappernaros, Tara Villa Place, explained he has a submarine sandwich shop in the Baskin Robins Ice Cream plaza. His lease indicates he can have outdoor seating, which he provided for customers last year. This year he was told outdoor seating is in violation of the ordinance. He appeared before the Zoning Hearing Board seeking a variance for outdoor seating and was denied. Mr. Kappernaros provided copies of the ordinance and letter from the Township to Council. He recalled Zoning Hearing Board said they had to deny his request, just as they had denied other's requests.

Mr. Steve Crucitt of Mercurio's and the representative from Zoup stated they were also denied a variance to provide outdoor seating.

Manager Jakubec stated the Zoning Ordinance is currently under review. She noted concerns of bistro-type seating, and moving chairs to other tables which could block pedestrians. She also noted outdoor seating is not ADA compliant.

Ms. Berger questioned if it was up to the owner to be aware of ADA requirements. The Manager noted lots of law suits include the municipality. President Smith stated the municipality does not enforce ADA regulations. Solicitor Lucas stated the risk of the Township being sued is low as long as the ordinance states that it has to be ADA compliant.

Vice President Vogel supported a change to the zoning ordinance to allow outdoor seating as long as it is ADA compliant. Mr. Denny, Jr. questioned if Council could allow outdoor seating now. Solicitor Lucas stated a pending ordinance would be needed to allow for outdoor seating. President Smith stated Council cannot over-rule the Zoning Hearing Board decision. Solicitor Lucas explained the Zoning appeal process.

Ms. Berger suggested having the Code Enforcement Officer line off the section of the sidewalk where seating could be provided; and Mr. Stewart suggested Council talk with the Zoning Hearing Board about outdoor seating. Solicitor Lucas stated the Zoning Hearing Board is a quasi-judicial Board, separate from Council.

Mr. Denny, Jr. questioned when Council would receive the revised proposed zoning ordinance. Manager Jakubec indicated Council would review the changes to the zoning ordinance at the September workshop and something would be drafted quickly to address outdoor café seating.

Vice President Vogel asked if the Township were to appeal the Zoning Hearing Board decision, could Council tell the Zoning Officer not to enforce the ordinance. Solicitor Lucas stated the Zoning Officer is appointed by Council and the Zoning Officer acts independently. Council cannot talk with the Zoning Officer.

Manager Jakubec stated unless staff receives complaints, outdoor seating will be “invisible”.

Mr. Wally Clements, 619 Glengary Drive, informed Council that thanks to the Township Manager and Engineer, school district officials met with ten families today to discuss the landscaping at Kerr School. He provided photos from his back yard in the winter, summer and now. Mr. Clements stated instead of taking the dirt from the new school foundation and using it to fill in after demolishing the old school, the school district created a 15 to 25-foot high, steep, impenetrable, unkempt grass wall behind at least eight houses that had been level with the school and had beautiful views. When talking with neighbors, the residents realized this wall of dirt was permanent. Mr. Clements explained since the Township and County approved the Plan, the residents’ legal options were limited. Manager Jakubec explained that the Township has rules and makes sure that people comply. Mr. Clements recalled during public meetings no technical drawings were displayed that showed the dirt wall. He and his neighbors sent a barrage of emails to Dr. Freeman about the situation.

Manager Jakubec stated staff informed the school district that the Township was not happy that the topography lines were not shown to and explained to the residents. It went from a 2:1 slope to

a 3:1 slope. Staff told the school district they need to move dirt on the site because of stormwater issues due to the slope being steeper than initially thought. Dr. Freeman said they will bring the height down and try to reduce the slope as much as possible, and the school district's engineers confirmed. Staff pointed out areas for the excess dirt and believes the school district will address the issues.

Ms. Berger inquired about the time line. Manager Jakubec stated the school district hoped to get the last asbestos approvals from the County today to tear down the entire school. Once they demolish the rest of the school they can start moving the dirt.

Mr. Denny, Jr. asked if all the trees came down and if they would be replaced. Mr. Clements stated the trees came down and they're going to plant trees but no one will see trees unless they change things. He indicated if the school district doesn't address the issues, the residents are going to the school board, will picket if they have to, or talk to the newspapers.

Mr. Denny, Jr. suggested staff memorialize the meeting from today in a letter from the Township to the school district as to what was said, that the Township supports that plan, and we will be monitoring the situation. Manager Jakubec indicated she was going to follow up with a letter after discussing the matter with Council. In the meeting, she let the school district know the Township was not happy with how they handled this.

Ms. Eccles confirmed there is no purpose for the mound of dirt there.

Mr. Stewart inquired about regulations when there is buildout on a site. Mr. Steinert, Jr., P.E. stated grading cannot be done within 5' of the building line. President Smith stated the Township has regulations and the school district followed the regulations. Manager Jakubec noted that the regulations do not address preservation of a view.

Mr. Stewart indicated he could understand stockpiling dirt short-term. Manager Jakubec stated the contractor never did what staff had suggested to address the drainage problem.

Mr. Clements asked if school district business is handled the same as any other business, and if anyone is responsible for the school district relationship in any way. Manager Jakubec stated the school district is treated like anybody else. They get absolutely no preferential behavior. She would send a follow-up letter to the school district as Mr. Denny suggested.

Ms. Adrienne Virostek requested a copy of the letter that is to be sent to the school district, and added that the residents are to meet with the school district again next week. The Manager indicated the letter would be a public document and questioned when the residents would meet next week, but Ms. Virostek did not yet have a date. The Manager requested Ms. Virostek to let her know when the meeting is scheduled.

Mr. Stewart asked Mr. Clements if at any point the residents approached the school board. Mr. Clements stated no because they knew nothing until last week. He added that the school board does not meet in July and the next meeting is August 10 and the residents want to be on the agenda.

Ms. Eccles informed the residents they can still send regular, handwritten letters to the school board at the Fox Chapel High School and the letters would be given to the school board. She added that the school board may not know what is going on.

Mr. Herb Torbin, Woodstream Drive, requested Council's help to address a very bad, sharp bend at 725 Field Club Road, noting multiple accidents due to bad road design. He questioned why the Township cannot get the property owner to cut the shrubbery down so people can see around the bend. The shrubbery grows into the road and people going downhill swing out into the other lane.

Manager Jakubec stated the Township is currently in court with the property owner, as the owner has been cited. The guiderail is to be replaced.

Ms. Eccles questioned why the Township could not cut the shrubs, as the Township has a six-foot right-of-way. Manager Jakubec indicated "rogue vandals" could possibly cut back the shrubs.

Ms. Cindy Harris, Fox Pointe, informed Council that there will be a large dumpster and porta-potty in her driveway for about a month, as the contractor will begin working on the solar roof on Monday.

V. APPROVAL OF MINUTES

- A. Council Workshop – June 4, 2019
- B. Council Public Hearing – June 11, 2019
- C. Council Regular Meeting – June 11, 2019
- D. Council Special Workshop – June 18, 2019

President Smith requested clarification of his statement regarding the proposed Unadopted Road Policy. Mr. Stewart was confused about the Peter's Township website discussion, but the majority of Council members thought the minutes were clear.

Motion by Mr. Stewart to approve the minutes as modified was seconded by Mr. Denny, Jr. and carried unanimously.

VI. FINANCE

- A. Vouchers – June 2019

Motion by Vice President Vogel to approve the subject vouchers was seconded by Mr. Denny, Jr.

Mr. Stewart inquired about two payments which staff satisfactorily explained.

On voice vote the motion carried unanimously. The vouchers total \$1,827,355.70.

President Smith acknowledged attendees in the audience for the purpose of New Business, and advanced the agenda to Resolutions.

VIII. NEW BUSINESS

A. Resolutions

- (1) Requesting Minor Subdivision Approval to the Ober / B-24-2019
Neumeyer Plan of Lots

Manager Jakubec stated Kathleen Ober and Fred Neumeyer, owners of property located along Country Club Lane, have proposed to revise the lot lines among parcels 285-D-120, 285-D-130, and 285-H-100. The Township Planning Commission reviewed the application at its June 17th meeting and has recommended that Council approve the plan.

Motion by Mr. Stewart to approve resolution Bill No. B-24-2019 was seconded by Vice President Vogel.

President Smith asked if there would be any new construction. Mr. James Katz, of Cascade Custom Homes, was in attendance to represent the applicants. He explained one new home would be built and a driveway would be moved onto the other lot.

President Smith noted the properties are located in the R-4 Zoning District, but the Plan indicates R-1. Mr. Steinert, Jr., P.E. clarified the properties are located in the R-4 Zoning District and suggested adding a condition of approval that the Plan be corrected to indicate the R-4 Zoning District.

On roll call the motion carried unanimously.

- (2) Requesting Minor Subdivision Approval to the Fox Chapel B-25-2019
Plaza Plan of Lots

The Manager noted Alex Condron, owner of Fox Chapel Plaza, located along Freeport and Fox Chapel Roads, has proposed a consolidation of parcels 228-E-8 and 228-E-130. The Township Planning Commission reviewed the application at its June 17th meeting and has recommended that Council approve the plan.

Motion by Mr. Stewart to approve resolution Bill No. B-25-2019 was seconded by Vice President Vogel and carried unanimously.

- (3) Requesting Minor Land Development Approval to the B-26-2019
Chase Bank Application

Manager Jakubec stated it has been proposed by JP Morgan Chase Bank to construct a building at 50 Fox Chapel Road, the former Sunoco Service Station site. The Township Planning Commission reviewed the application at its June 17th meeting and has recommended that Council approve the plan subject to the conditions listed in the proposed resolution.

Solicitor Lucas stated that Buchanan Ingersoll & Rooney, P.C. also represents JP Morgan Chase and would have to recuse himself due to conflict of interest.

Ms. Erin Gogolin, of Bohler Engineering was in attendance to represent the applicant. She noted the 3,000 s.f. building is proposed at the rear of the site, 20 parking spaces are provided as well as a drive-up ATM. She explained the proposed storm water management, and indicated one existing drive would be closed.

Ms. Eccles questioned the purpose of a waiver for the slope. Mr. Steinert, Jr., P.E. explained the site is flat for drainage. He stated it is the first land development plan to propose stricter storm water control. Mr. Steinert, Jr., P.E. added that a Developer Agreement would need to be executed for the relocation of the sanitary sewer line, which was added as a condition of approval.

Motion by Mr. Denny, Jr. to approve resolution Bill No. B-26-2019 as amended, was seconded by Mr. Stewart and carried unanimously.

VI. FINANCE - Continued

B. Receipts and Expenditures Records – May 2019

Motion by Mr. Denny, Jr. to accept the subject receipts and expenditure records was seconded by Mr. Stewart and carried unanimously.

C. Treasurer's Report

President Smith noted Treasurer Curran is excused.

VII. REPORTS

A. Other Organizations and Agencies Reports

Ms. Berger reported on a meeting with RIDC and the RIDC Business Alliance. They will be putting a Long Range Planning group together to address transportation, mobility and other things specific to RIDC.

Manager Jakubec stated Port Authority Transit ("PAT") received the Township's letter and will be putting forth the most critical issue, rerouting the Flyer.

It was noted that road paving would begin in RIDC Park that night.

Mr. Stewart recalled several members had questioned crack sealing the roads. Manager Jakubec indicated the matter was discussed in depth as to why crack sealing is not a good idea at the meeting yesterday.

President Smith questioned with the demolition of the Kerr School where would people vote. The Manager presumed people would vote at the new Kerr School, but would confirm with Allegheny County Department of Elections.

B. Monthly Departmental Reports

Mr. Stewart presented questions concerning the Finance and Police Department reports, to which staff answered satisfactorily.

Mr. Denny, Jr. questioned if any support or help related to various police training was available through the Senator's office. Jessica Semler, of Senator Williams office indicated she would inquire.

C. Manager's Report

No comments.

VIII. NEW BUSINESS - Continued

A. Resolutions

- (4) Authorizing the Execution of a Snow & Ice Agreement with Allegheny County for Winter Road Maintenance B-27-2019

Manager Jakubec stated the resolution authorizes the execution of a three-year agreement with Allegheny County for the purpose of the County reimbursing the Township for costs associated with winter road maintenance of County-owned roads in the Township.

Motion by Mr. Stewart to approve resolution Bill No. B-27-2019 was seconded by Vice President Vogel and carried unanimously.

B. Motion

- (1) Authorizing the Payment of Routine Invoices in August 2019

The Manager explained staff is suggesting that Council cancel the scheduled August 6th workshop, and August 13th regular meeting. Staff also requests authorization to pay the August routine invoices.

Motion by Mr. Denny, Jr. to cancel the August 6th and 13th Council meetings and authorize staff to pay routine invoices in August 2019, was seconded by Vice President Vogel and carried unanimously.

IX. OTHER BUSINESS

A. Announcing the 2019 Allegheny County Side Yard and Blighted Structure Program

Manager Jakubec announced residents have an opportunity to acquire vacant lots and structures at a discounted cost through the County's Vacant Property Recovery Program. The program provides a way to take vacant, blighted properties and put them back into use as side yards, parks and green space, or other uses. Applications must be postmarked no later than September 30, 2019

and are available at the Township office. Additional information can be found on the Township website and Facebook.

President Smith recalled one resident that wants to acquire land. The Manager explained the property that resident wants to acquire is beyond the scope of the County program, but was informed of other available options.

B. Update on Saxonburg Sewers

Mr. Steinert, Jr., P.E. stated about 60% of the project is complete with the sewer line. The block for the pump station building is going up. He anticipated the system to be tested in October.

Manager Jakubec suggested discussion of the assessment and establishment of a sewer district in September, at a meeting possibly at the Moose Lodge.

Vice President Vogel inquired of any update with Indiana Township participating in the project. The Manager stated she provided an explanation of how the transportation charges would work, but have not heard back from Indiana Township officials.

C. Update on Brownhill Bridge

Manager Jakubec stated the brick on the bridge was stained, and some issues are being addressed. She is planning to open the bridge July 27th following the dedication and reception at the municipal building. Judy Spray's family will be in attendance for the dedication, at which time a plaque will be revealed.

D. Solicitor's June 26, 2019 Invoice

Mr. Denny, Jr. questioned why Council approved the Solicitor's invoice separately every month instead of with all the other invoices. Manager Jakubec presumed a prior Council wanted it that way and it has carried forward over the years.

X. COMMUNICATIONS

A. Council

Mr. Stewart stated water was not functional in the restrooms at Meadow Park a few weeks ago.

Ms. Eccles inquired about the square patch on Cabin Lane. Mr. Steinert, Jr., P.E. stated Fox Chapel Authority had done some water line work. Ms. Eccles stated the patch is getting dippy.

Vice President Vogel stated the urinal at Woodland Park restroom stunk. After flushing the urinal a few times, the odor seemed to dissipate. He also indicated that staples were all over the picnic tables and he was worried he would not get his deposit refunded, so he took photos.

B. Staff

Manager Jakubec stated the Township has partnered with Fox Chapel Borough for glass recycling at the Township municipal building parking lot on September 14th.

The Manager noted the Pizza with Police event was very successful and the program would continue. A pickup game would be scheduled in the winter with the Police Officers at the community center.

Vice President Vogel requested staff and Council to remain for an Executive Session to discuss a legal matter.

XI. ADJOURNMENT

Motion by Vice President Vogel to adjourn the meeting was seconded by Mr. Denny, Jr. and carried unanimously. The meeting adjourned at 9:20 p.m. and following a short break Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment(s): Sign-In Sheet
Bid Tabulation