

**TOWNSHIP OF O'HARA
COUNCIL COMBINED WORKSHOP
AND REGULAR MEETING MINUTES
NOVEMBER 12, 2019**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:50 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; John R. Denny, Jr., At-Large

Absent: Scott Frankowski, Third Ward; Allison Berger, Fourth Ward; Cassandra R. Eccles, Fifth Ward

Also Present: Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Daniel Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary; Veronica Trettel, Court Reporter

President Smith re-arranged the order of the agenda.

VII. REVIEW / DISCUSSION / NEW BUSINESS

- A. Review of Conditional Use Application for a Duplex at 718 Edgewood Avenue

Manager Jakubec stated it has been proposed by Nava Chernoff to obtain Conditional Use approval to convert the house located at 718 Edgewood Avenue, Pittsburgh, PA 15215, in the R-3 (Urban Residential District), into a duplex. A Public Hearing was conducted this evening to receive public comments. The Township Planning Commission completed its review at the October 21st meeting and determined that requirements A, H and I of Section 72-13.103 in the Township Zoning Ordinance were not satisfied. Council has 45 days from the Public Hearing to render a decision on the application. Council may choose to table this matter until the December 10th meeting or take action tonight.

Solicitor Garfinkel suggested Council table action on the application to the December 10th meeting, as the resolution may not be the appropriate decision.

Manager Jakubec stated based on comments during the Public Hearing, she would be sending Police to Edgewood Avenue tomorrow and may cite the owner for violating the cease and desist order. The owner was allowed to finish some scheduled reservations, but that was in August.

Motion by Mr. Denny, Jr. to table action on the application to the December 10, 2019 Council meeting was seconded by Mr. Stewart and carried unanimously.

President Smith indicated staff would address all of the problems raised this evening.

Ms. Trettel was excused from the meeting.

II. MOMENT OF SILENCE IN MEMORY OF MICHAEL MIELE

Mr. Denny, Jr. stated many people knew Michael Miele. He served on the Fox Chapel Authority Board, lived on Cabin Lane and raised three kids. Mr. Denny, Jr. stated Mike passed away tragically and unexpectedly, and requested a moment of silence in his memory.

III. EMPLOYEE RECOGNITIONS

President Smith acknowledged Police Officer Dave Harajda was in attendance, and the fine members of the road crew were out salting roads. President Smith read a letter to Officer Harajda in its entirety, recognizing his 20 years of service.

President Smith also recognized the following Public Service Department employees for their respective years of service:

Dave Smith – 20 Years of Service
Ralph Claus – 30 Years of Service
Gary Bruce – 40 Years of Service
Jerry Chalmers – 40 Years of Service

IV. APPROVAL OF MINUTES

- A. Council Workshop – October 1, 2019
- B. Council Regular Meeting – October 15, 2019

President Smith requested a correction to the October 1, 2019 meeting minutes.

Motion by Mr. Stewart to approve the subject minutes as corrected was seconded by Vice President Vogel and carried unanimously.

V. FINANCE

- A. Vouchers – October 2019

Motion by Mr. Denny, Jr. to pay the subject Vouchers as presented was seconded by Vice President Vogel.

Mr. Stewart presented questions which staff answered satisfactorily.

On voice vote the motion carried unanimously. The Vouchers total \$1,420,568.91.

VII. REVIEW / DISCUSSION / NEW BUSINESS

A. Resolutions

- (2) B-56-2019: Granting Minor Subdivision Approval to the Wlodarski-Dorseyville Plan of Lots

Manager Jakubec stated Joel F. Kmetz, Executor of parcel 285-H-20 located along Dorseyville Road, Pittsburgh, PA 15215, is proposing to subdivide the parcel to create two lots. The Township Planning Commission completed its review of the subject application at its October 21st meeting and has recommended to Council that the minor subdivision plan be approved.

Motion by Mr. Stewart to approve resolution Bill No. B-56-2019 was seconded by Vice President Vogel.

Mr. Mark Adelsheim, 208 Country Club Lane, stated he and his wife, Ms. Susan Dodds, own property adjacent to the subject parcel. He objected to the subdivision as his driveway was not considered. His driveway has been there since 1952. He and his wife intend to petition the courts for adverse possession.

Council and Mr. Adelsheim reviewed his deed and the subdivision plan. A 40' easement for Country Club Lane and 20' easement for the driveway were noted on the subdivision plan. It was noted the property to be subdivided is located in the R-2 zoning district and the minimum lot requirement is 20,000 s.f. The subdivided lot is 28,000 s.f. Even by accommodating Mr. Adelsheim's driveway, the lot would still be buildable. Mr. Adelsheim added unless it is from post to post, which would make it an unbuildable lot.

Manager Jakubec noted this is a private matter that will go through a court proceeding.

Vice President Vogel believed a driveway easement would settle the matter and suggested including as a condition of minor subdivision approval that the matter be settled.

Solicitor Garfinkel provided the following verbiage for the condition of approval:

“Certain property subject to the Plan has been the subject of a dispute. Approval is conditioned up on Applicant having ownership of sufficient land to satisfy lot requirements of the Township of O'Hara Zoning Ordinance Section 72-5.26.”

The Manager stated the lot will be in the new Saxonburg Sewer District and subject to the new tax, to which Mr. Jerry Nist, of Hampton Technical Associates, acknowledged.

Manager Jakubec asked Mr. Adelsheim if he was asking for more than the driveway. Mr. Adelsheim stated he was not moving the driveway.

Solicitor Garfinkel informed Council nothing that happens this evening will change things.

On roll call the motion carried unanimously.

(1) Granting Reapproval to the Chase Bank Minor Land
Development Plan

B-55-2019

The Manager stated JP Morgan Chase Bank has proposed to construct a building at 50 Fox Chapel Road, the former Sunoco Service Station site. Council approved the Plan at the July 9th regular meeting. The applicant failed to have the Plan recorded with Allegheny County within 90 days as required by the Pennsylvania Municipalities Planning Code.

Motion by Mr. Stewart to approve resolution Bill No. B-55-2019 was seconded by Vice President Vogel.

Mr. Alex Condron, property owner, confirmed there have been no changes to the Plan. The bank hopes to open in the spring.

On roll call the motion carried unanimously.

V. FINANCE

B. Receipts and Expenditures Records – September 2019

Motion by Mr. Stewart to approve the Receipts and Expenditures Records as presented was seconded by Mr. Denny, Jr. and carried unanimously.

C. Treasurer's Report

Treasurer Curran stated overall finances look in line. He questioned an invoice received from Youngblood Paving, which Mr. Steinert, Jr., P.E. explained and noted a third invoice is anticipated for minor items on the punch list.

VI. REPORTS

B. Monthly Departmental Reports

Mr. Stewart asked the Township Engineer if any testing on the new sewer system had been done. Manager Jakubec indicated testing occurred today with some flows. Mr. Steinert, Jr., P.E. indicated flow testing would occur on the Village Drive section tomorrow.

President Smith inquired about the status of the Cabin Lane sewer issues. Manager Jakubec indicated pipe bursting and upsizing the pipe is scheduled to begin in February. The Manager noted the other issue will take longer to resolve.

Ms. Cheyenne Kirsch and Ms. Donna Kirsch stated sewers are clogged year round with dirt between 847 and 901 Parkview Boulevard.

A. Other Organizations and Agencies Reports

Vice President Vogel stated he attended the Port Authority Board meeting concerning the elimination of bus service in RIDC. He was last on the agenda and the meeting adjourned before

he could get out of his chair. Vice President Vogel recalled the Port Authority Board Chair opened the meeting with how service was made better by eliminating stops.

Mr. Stewart met with the RIDC Business Alliance to discuss the state of things. The Alliance intends to contact more Port Authority people.

C. Manager's Report

Manager Jakubec stated Mr. Ambrose Rocca is helping to manage the North Hills Council of Governments ("NHCOCG") on an interim basis. The proposed budget was delivered to the Executive Board and is expected to be approved next week. The process of hiring a new Director will begin with hopes to have the position filled by February.

Treasurer Curran stated the Manager helped with the budget process. He has a copy of the planning information if anyone would like a copy. Treasurer Curran indicated things look good and noted items discussed.

Manager Jakubec noted the trash contract would be reviewed due to issues encountered.

VII. REVIEW / DISCUSSION / NEW BUSINESS

A. Ordinances – Introduction for First Reading

(1) Reintroducing the Proposed and Restated Zoning Ordinance B-48-2019

The Manager recalled Council was provided a redlined copy of the proposed and restated zoning ordinance with the November 6th workshop packet. The workshop was canceled. Since the ordinance was introduced September 10th several changes and clarifications have been made. The entire ordinance was sent to Allegheny County Department of Economic Development for review. Comments from the County were reviewed by staff and Township Solicitor. Staff is suggesting Council review the proposed and restated zoning ordinance, and recommended reintroducing the ordinance for first reading. Once the ordinance is reintroduced, draft #2 can be posted to the Township website.

Motion by Mr. Denny, Jr. to introduce ordinance Bill No. B-48-2019 was seconded by Mr. Stewart.

Vice President Vogel questioned if duplexes, triplexes, quadruplexes are only mentioned in the R-3 zoning district. Mr. Steinert, Jr., P.E. stated they are also part of Planned Residential Developments ("PRD"). Townhouses could be considered duplexes if side-by-side. Vice President Vogel questioned if a use is not mentioned is it approved. Manager Jakubec stated if a use is not mentioned it is prohibited. Vice President Vogel verified that duplexes are a conditional use in R-3 and an approved use in R-2, which the Manager and Mr. Steinert, Jr., P.E. stated duplexes are a permitted use in the R-2 as a PRD. Vice President Vogel clarified duplexes are not allowed in any other zoning district, and preferred to think about it for future discussion. President Smith stated a duplex has to be allowed somewhere in the Township. Mr. Steinert, Jr., P.E. explained duplexes are usually side-by-side on a zero lot line parcel. Two smaller lots in an R-3 with a shared property line is a typical setup for a duplex; not a house converted to an upstairs and

downstairs. Vice President Vogel noted in the R-2, with 20,000 s.f., a side-by-side duplex is allowed.

President Smith stated zoning is based on two things, the Pennsylvania Municipalities Planning Code (“MPC”) and the Comprehensive Plan, which is a vision for development. He indicated Doug Zaenger’s issue should be addressed as well. However, he did not want to delay the codification of the ordinances any longer.

Mr. Denny, Jr. asked if the review of the Comprehensive Plan is open to the public, which the Manager confirmed. The review would be led by the Planning Commission.

On voice vote the motion carried unanimously.

- (2) Establishing the Creation of the East Little Pine Creek Sanitary Sewer District and Imposing a Special Purpose Part Tapping Fee in Addition to Other Applicable Tapping Fees B-49-2019

The Manager recalled prior discussion about creating a sewer district due to the installation of sanitary sewers in the Saxonburg Boulevard area. Homes in this district would be responsible for paying the special purpose and conveyance tap. All homes, new, and existing without public sewers that are tapping into the new system, would pay the tap fee. A proposed ordinance was prepared by the Township Solicitor for Council’s review and discussion.

Motion by Mr. Denny, Jr. to introduce for first reading ordinance Bill No. B-49-2019 was seconded by Vice President Vogel and carried unanimously.

- (3) Adopting the Township Budget for the Year 2020 B-50-2019

Manager Jakubec stated the ordinance adopts the proposed year 2020 Township budget of \$14,187,048. The proposed budget will be reviewed by Council during a special workshop scheduled for November 19th, and will most likely change before final adoption.

Motion by Vice President Vogel to introduce ordinance Bill No. B-50-2019 was seconded by Mr. Stewart.

Mr. Denny, Jr. requested a memory refresher as to why revenue is 22% less this year compared to last year, which the Manager explained was due to the bond issue. Treasurer Curran noted the operating costs are also up. Mr. Denny, Jr. asked if the general operating expenditures had increased from last year. Manager Jakubec stated ‘no, not if you take out capital’. Mr. Denny, Jr. noted revenues are \$12.4 million. Manager Jakubec explained that includes a modest tax increase and possible storm water fee. She added that the storm water fee would be discussed further during the budget process. The Manager noted Lennon Smith Souleret would undertake a study to determine the amount of the storm water fee.

Treasurer Curran acknowledged expenses were maintained. The operating revenue was up within a fraction of a few percent. Those numbers looked to be in line.

On voice vote, the motion carried unanimously.

(4) Enacting the Real Estate Tax Levy for the Year 2020

B-51-2019

The Manager noted the ordinance establishes the year 2020 Township real estate tax rate at 2.1 mils per the proposed year 2020 Township budget, which is .2 mil higher than the 2019 budget, and is subject to change.

Motion by Mr. Stewart to introduce ordinance Bill No. B-51-2019 was seconded by Vice President Vogel.

Treasurer Curran expressed a concern, which he also expressed last year, recalling discussion about not having to raise taxes this year and next year. He noted talking with the Township Manager about deleting some things but prefers to look at alternative solutions. Treasurer Curran indicated absent prioritization, there's always the need to have room for other things and there is quite a bit of buffering on the budget. He recalled his concerns last year when the tax rate was raised, especially since income in the budget stays flat, when it naturally goes up and you pay higher taxes based on percentage. He noted residents are getting hit with water increases and another tax. Manager Jakubec stated she hates to raise tax rates, but it would mean cutting services. If you cut projects this year, the costs will increase and you will have to raise rates next year. She noted costly expenses due to damages as a result of the July floods.

Mr. Denny, Jr. noted some services included in the budget have been flat-funded for at least the last five years. The Manager noted each Township fire department receives \$75,000 and they have not asked for more. Mr. Denny, Jr. added that the Township also helps by covering vehicle insurance and purchasing the emergency vehicles.

On voice vote the motion carried unanimously.

(5) Enacting the Earned Income Tax Levy Under Act 62 for
the Year 2020

B-52-2019

Manager Jakubec stated the ordinance establishes the year 2020 earned income tax levy under Act 62 at .3%, the same rate as in 2019 and for the past sixteen years. Act 62 requires that the earned income tax levied under the Act be enacted each year. The Township also levies an earned income tax of .5% under Act 511, which does not have to be enacted each year.

Motion by Vice President Vogel to introduce ordinance Bill No. B-52-2019 was seconded by Mr. Stewart and carried unanimously.

(6) Enacting the Real Estate Transfer Tax Levy Under Act 62
for the Year 2020

B-53-2019

The Manager noted the ordinance establishes the year 2020 real estate transfer tax levy under Act 62 at .5%. Act 62 requires that the transfer tax levied under the Act be enacted each year. The Township also levies a real estate transfer tax of .5% under Act 511, which does not have to be enacted each year.

Motion by Vice President Vogel to introduce ordinance Bill No. B-53-2019 was seconded by Mr. Stewart and carried unanimously.

- (7) Establishing a Real Estate Tax Rebate Program for the Year 2020 B-54-2019

Manager Jakubec explained per Act 77 of 1993, as amended, the Township established a real estate tax rebate program for the last several years. The ordinance establishes the same program in 2020 as we had this year. Research has not produced a program that would be more beneficial to Township residents. The program as proposed allows for an eligible resident to receive a rebate of 25% of the increase in 2020 Township real estate taxes paid over the amount of taxes paid in 2019.

Motion by Mr. Stewart to introduce ordinance Bill No. B-54-2019 was seconded by Vice President Vogel.

Mr. Denny, Jr. questioned how much money the Township loses as a result of this program. Manager Jakubec recalled no one has applied for the rebate.

On voice vote the motion carried unanimously.

B. Resolutions

- (4) Establishing the 2020 Employee Contribution Rate for the Police Pension Plan B-58-2019

Manager Jakubec stated the resolution establishes the employee contribution to the police pension plan in 2020 at 3.0% of compensation. Without this action by Council, the employee contribution rate would be 5% of compensation as mandated by State law. She noted the pension funds are fully funded.

Motion by Mr. Stewart to approve resolution Bill No. B-58-2019 was seconded by Vice President Vogel and carried unanimously.

- (5) Ratifying Authorization to Request Bids for the Kirkwood Drive Sanitary Sewer Project B-59-2019

The Manager stated staff is requesting ratification to seek bids for the Kirkwood Drive Sanitary Sewer Project. The project involves installing new sewer pipe to handle added flows from new Saxonburg Boulevard sewer customers, and the decommissioning of the Middlecrest pump station. Bids are scheduled to be opened at the November 19th Council Special Budget Workshop.

Motion by Mr. Stewart to approve resolution Bill No. B-59-2019 was seconded by Mr. Denny, Jr. and carried unanimously.

- (6) Recognizing Eagle Scout Logan Thomas McKaveney B-60-2019

President Smith recalled historically Council has recognized residents that have achieved Eagle Scout status. An email was received from April Giel from Boy Scout Troop 173, requesting Council to acknowledge the achievement to Eagle Scout status by Township resident Logan

Thomas McKaveney. Mr. McKaveney built an elevated garden bed at the Woodland Park Edible Trail.

Motion by Mr. Stewart to approve resolution Bill No. B-60-2019 was seconded by Vice President Vogel and carried unanimously.

(7) Recognizing Eagle Scout Gavin Thomas Hitchens B-61-2019

President Smith stated April Giel from Boy Scout Troop 173, has also requested Council to acknowledge the achievement to Eagle Scout status by Township resident Gavin Thomas Hitchens. Mr. Hitchens constructed a chimney swift tower at Woodland Park.

Motion by Vice President Vogel to approve resolution Bill No. B-61-2019 was seconded by Mr. Denny, Jr. and carried unanimously.

C. Motions

(1) Reappointments to Township Boards/Commissions

<u>Fire Funding Committee</u>	Dempsey D. Bruce, III
<u>Community Center Association Board</u>	Mark Rothert, Liaison

Motion by Mr. Stewart to reappoint Dempsey D. Bruce, III to serve on the Township Fire Funding Committee and Mark Rothert as Council liaison to the Community Center Association Board, was seconded by Vice President Vogel and carried unanimously.

(2) Approving the 2020 Council Meeting Dates and Time

Motion by Mr. Denny, Jr. to approve the list of 2020 Council meeting dates and time was seconded by Vice President Vogel and carried unanimously.

VIII. REVIEW AND DISCUSSION

A. Discussion of Blocked Culvert Near Pleasant Valley Volunteer Fire Company and Mary Street

Manager Jakubec informed Council on Halloween water from the stream popped a concrete slab located a few houses from the Pleasant Valley Volunteer Fire Hall, causing water to run down Kittanning Pike because the stream was blocked. If the stream had not been blocked, and with the sink hole, most likely Kittanning Pike would have been lost. It is not the Township's pipe. The Township did not install this pipe or maintain it. Once again, Penn D.O.T. is not taking responsibility for the pipe. The estimated cost to make repairs is \$26,000.

Mr. Steinert, Jr., P.E. further explained it is part of a concrete culvert that goes into a 72" round pipe that the Township lined years ago. It is the dissimilar shapes that caused the blockage.

Vice President Vogel stated it is so discouraging that Penn D.O.T. will not take ownership of the pipe, but no home owner would install a six-foot pipe along a state highway.

The Manager explained according to Penn D.O.T., it is outside of the ‘white line’. She had contacted State Representative Lori Mizgorski and Senator Williams for assistance.

Mr. Denny, Jr. recalled a number of times the Township has had similar issues with Penn D.O.T. and questioned if there was anything the Township could do.

Solicitor Garfinkel asked if the pipe was on private property. Manager Jakubec explained it is outside of the white line, which Penn D.O.T. will not maintain. President Smith noted a right-of-way beyond the white line. Solicitor Garfinkel stated if the pipe was on his property, or affecting his property, he would attempt to find documentation as to ownership of the pipe.

Manager Jakubec noted the proposed tax increase for 2020 and here is another project that is not the Township’s problem, but the problem will only get worse. That concrete culvert is on the 1959 Pleasant Valley sewer map. Penn D.O.T. will need emergency permission from the Pringle’s to go on the property to secure the sink hole. The Manager suggested sending a letter to Penn D.O.T. notifying them of an eminent life-safety issue. Mr. Denny, Jr. questioned if a joint letter with Sharpsburg Borough would help, which the Manager thought it could. She noted other municipalities have had similar issues with Penn D.O.T. Manager Jakubec suggested having a Town Hall Meeting with everyone, possibly at Pleasant Valley Fire Hall.

Mr. Steinert, Jr., P.E. stated it appears the pipe is in the right-of-way. The Manager confirmed that the Township will not move forward and would let Penn D.O.T. know the cost estimate.

IX. COMMUNICATIONS

A. Citizens

Ms. Cindy Harris, Fox Pointe, informed Council that she’s received approval this evening to operate the solar roof.

B. Council

Mr. Denny, Jr. asked Police Superintendent Slagel about the three threats at the school. Police Superintendent Slagel noted the situation requires due diligence on the Police part and patience from students and parents. He explained an anonymous tip line for students to report potential threats was established by Attorney General Shapiro. Some students are abusing or misusing the tip line. Those are the individuals they need to find and deal with. The School District wants to release the tip line information so parents can make the decisions.

Mr. Denny, Jr. asked if they are working to identify the anonymous callers. Police Superintendent Slagel stated the Police are working with the Attorney General Department, Allegheny County District Attorney Steve Zappala’s office and the FBI.

Manager Jakubec stated when the individuals are found, the Township intends to prosecute to the fullest extent of the law.

The Manager and Police Superintendent Slagel discussed other ways to report potential threats, which would be conveyed to the School District.

Mr. Denny, Jr. stated it is important that the community know that the Township Police are working with several other entities and the importance of tracking issues and dealing with them.

Mr. Stewart stated that Sharpsburg reached out to him, and the Manager and Engineer should expect a phone call regarding Seitz Run, as Sharpsburg Borough is interested in working with the Township. Vice President Vogel recalled the channel was cleaned out years ago in conjunction with Sharpsburg and the dirt was put on the soccer field.

C. Staff

Manager Jakubec requested Council to remain after the meeting for an Executive Session to discuss a legal matter.

X. ADJOURNMENT

Motion by Vice President Vogel to adjourn the meeting was seconded by Mr. Denny, Jr. and carried unanimously. The meeting adjourned at 9:30 p.m. Following a short break Council entered into Executive Session.

Cathy Bubas, Manager's Secretary