

**TOWNSHIP OF O'HARA
COUNCIL COMBINED VIRTUAL
WORKSHOP AND REGULAR MEETING
MINUTES
OCTOBER 13, 2020**

I. OPENING PROCEDURES

A. Call to Order by President Smith at 7:20 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 Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: Ted Curran, Township Treasurer; 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

II. MOMENT OF SILENCE IN MEMORY OF THE HONORABLE JUDGE JOHN ZOTTOLA

President Smith requested a moment of silence in memory of a good friend, Judge John Zottola who passed away unexpectedly.

III. FIRE PREVENTION WEEK

A. Proclamation Recognizing October 4 – 10, 2020 as National Fire Prevention Week

Manager Jakubec stated October 4 through October 10, 2020 has been designated National Fire Prevention Week. This year's theme is "SERVE UP FIRE SAFETY IN THE KITCHEN!". Council has recognized National Fire Prevention Week for the last several years.

Motion by Vice President Vogel to approve the Proclamation was seconded by Mr. Stewart.

The Manager read the Proclamation in its entirety. On voice vote the motion carried unanimously.

B. Resolutions Recognizing and Thanking the Township's Fire and Emergency Services Providers

Parkview Volunteer Fire Department/EMS
Pleasant Valley Volunteer Fire Company

B-42-2020
B-43-2020

Aspinwall Volunteer Fire Department	B-44-2020
Blawnox Volunteer Fire Company	B-45-2020
Fox Chapel Volunteer Fire Department	B-46-2020
Sharpsburg Volunteer Fire Department	B-47-2020

Manager Jakubec recalled for the past several years Council has recognized fire and emergency services providers to the Township. It is suggested that Council extend gratitude during National Fire Prevention Week to the selfless volunteers who respond to residents in times of need. The attached resolutions recognize and thank the members of Parkview VFD/EMS, Pleasant Valley VFC, Aspinwall VFD, Blawnox VFC, Fox Chapel VFD and Sharpsburg VFD for their support and dedication to fire safety.

Motion by Mr. Denny, Jr. to approve resolution Bill Numbers B-42-2020 through B-47-2020 was seconded by Mr. Stewart and carried unanimously.

IV. APPROVAL OF MINUTES

- A. Council Regular Meeting – August 11, 2020
- B. Council Combined Workshop and Regular Meeting – September 8, 2020
- C. Council Special Workshop – September 15, 2020

Motion by Mr. Denny, Jr. to approve the subject minutes was seconded by Ms. Berger.

Vice President Vogel noted a typographical error. The motion was amended to reflect the correction and carried unanimously.

V. FINANCE

- A. Vouchers – September 2020

Motion by Mr. Frankowski to approve the subject Vouchers as presented was seconded by Mr. Stewart.

Mr. Stewart presented questions which staff answered satisfactorily. On voice vote the motion carried unanimously.

- B. Receipts and Expenditures Records – August 2020

Motion by Vice President Vogel to accept the subject Receipts and Expenditures Records was seconded by Mr. Stewart and carried unanimously.

- C. Treasurer's Report

Treasurer Curran stated the Township finances are okay through September, noting revenue exceeded expenditures. He stated the challenge is planning for 2021. The sewer fee will help fund stormwater projects. The Treasurer was cautiously optimistic.

Mr. Frankowski thanked Treasurer Curran for his expertise.

VI. REPORTS

A. Other Organizations and Agencies Reports

Treasurer Curran noted the North Hills Council of Government (“NHCOG”) has a new Director and President. The focus is on expanding purchasing options. He would provide a full report next month.

B. Monthly Departmental Reports

Ms. Eccles inquired about the increased amount of calls for the Police. Police Superintendent Slagel explained efforts to document all tasks performed in order to provide more accurate reports. He also noted the Visual Alert System was recently updated. In the past manual written reports were submitted. The Police are now using software to document all activities.

Mr. Stewart noted an increase of thefts. Police Superintendent Slagel noted some thefts occurred in Township parks and other thefts were of political signs.

Mr. Stewart inquired about the status of the road paving. Mr. Steinert, Jr., P.E. indicated so far the paving material looks good, but issues might not show for a few weeks. He would be checking the work before the warranty expires.

Mr. Stewart stated measuring traffic speeding with the sled is not accurate because people see it. He noted there are companies that make smaller devices that are not noticeable. Mr. Steinert, Jr., P.E. stated the Township has one of those systems that can be mounted to a sign or utility pole. It has not been used for a number of years. He noted Police Superintendent Slagel is to check the batteries and make sure the software is up to date. Mr. Denny, Jr. stated it is logical to use that rather than it set somewhere in storage. It helps to slow traffic while it is up but does not give real information. Mr. Steinert, Jr., P.E. explained the device is not user-friendly. He recalled helping retired Police Superintendent Farringer set it up. A lot of information has to be entered when setting up, such as the distance of a car to record the speed and the angle to the road. The information collected is good quality. He noted the software may need updated. Police Superintendent Slagel stated the device is 12 to 15 years old. He has been searching for a device with newer technology and is less noticeable.

Mr. Stewart asked when staff looks at the Field Club Road traffic calming situation the numbers were on the edge to do traffic calming. Mr. Steinert, Jr., P.E. stated the data collected on Field Club Road indicates the 85th percentile speeds are between 35-36 m.p.h. which meets the threshold for traffic calming. It does not allow for meeting all the warrants for a stop sign. It is a stop sign that cannot be enforced, and would not be legal and justifiable. Mr. Steinert, Jr., P.E. in reviewing traffic calming methods, was investigating how to restripe the road, but the narrow width of the road is restrictive. At the intersection there are some trees, that could possibly provide 2 ½ feet at Colquitt, but would not provide enough room for any hard, concrete surfaces to slow and deter speeding.

Treasurer Curran left the meeting at 7:49 p.m.

C. Manager's Report

Mr. Stewart inquired about the R-47 meeting, which the Manager indicated possible uses and finance options were discussed.

Mr. Stewart inquired about a meeting regarding Kittanning Pike. Manager Jakubec recalled a meeting with State Legislators to discuss the sinkhole and blocked culvert that has caused the concrete to buckle. Penn D.O.T. has proposed a two-prong approach; a study of the whole drainage system; and look at the construction of some holding ponds. The Township had Lennon Smith Souleret look at some options; one in Greenwood Cemetery, one in a ravine at the edge of Greenwood Cemetery on private property, and another on Township-owned property on Glengary Drive. Penn D.O.T.'s thought was if they were to construct the ponds, the Township would then take ownership. It is in very preliminary discussion. Mr. Stewart questioned if there was an update on the sinkhole or if staff had heard from the property owner. Manager Jakubec did not have an update nor had heard from the resident. She noted the sinkhole is increasing in size. She recalled during the last rain the water barely stayed within the curb.

Mr. Stewart asked if permission from the resident is still needed to put concrete blocks up to divert the water. Manager Jakubec stated the resident would need to sign an agreement with Penn D.O.T. Mr. Stewart questioned if the resident does not enter an agreement with Penn D.O.T., was there anything the Township could do, being the road is in peril, as an emergency situation. Manager Jakubec noted Penn D.O.T. could pursue the condemnation process. Because Kittanning Pike is a state road, that would be their process to undertake.

VII. NEW BUSINESS / REVIEW AND DISCUSSION

A. Resolution

(1) Request for Transfer of Liquor License into the Township B-48-2020

Manager Jakubec referenced a letter dated September 11, 2020 received from Holly Guna of Caputo Law Office on behalf of WPK 900 Gamma, LLC requesting an inter-municipal transfer of restaurant liquor license No. R-14385 from BL Restaurant Operations, LLC, 236-204-244 W. Bridge Street, West Homestead, PA 15120 to Periwinkles, 900 Gamma Drive, Pittsburgh, PA 15238. A Public Hearing was conducted prior to this meeting to receive public comments concerning the request.

Motion by Mr. Frankowski to approve resolution Bill No. B-48-2020 was seconded by Vice President Vogel and carried unanimously.

President Smith advanced to Review and Discussion, item B.

B. Request for Letter in Support of State Funding to State Legislators from the Cooper Siegel Community Library

The Manager noted an email received from Jill McConnell, Executive Director of Cooper Siegel Library, was forwarded to Council which requested a letter of support for State Funding for the library.

The consensus of Council was to send a letter of support to the State Legislators, and the Manager sign the letter.

(2) Proposed Amendments to the Township Traffic Calming Policy B-49-2020

Manager Jakubec stated staff has reviewed the Township Traffic Calming Policy and is recommending a few updates which are redlined in the proposed resolution in order to provide more flexibility in implementing traffic calming measures. If a street is scheduled to be paved and staff is aware traffic calming measures are needed, traffic calming measures could be implemented when the road is paved. In addition, the changes allow for a window of time that speeding occurs. The most recent Pennsylvania Traffic Calming Handbook is attached to the resolution. The handbook also provides other option other than speed humps.

Ms. Berger suggested separating Step 1 into two steps; 1) Receive Request; 2) Screening. She suggested Step 2 begin with 'If the roadway does not meet the eligibility criteria, the program manager denies the application and drafts a letter to the applicant noting the reasons for denial. Ms. Berger questioned what are the eligibility criteria; is it the same or different than Penn D.O.T.'s. Manager Jakubec explained certain streets by their nature would not be eligible, and would further clarify.

Mr. Denny, Jr. noted the amendments are due to issues of the Field Club Road / Colquitt Drive area and questioned what traffic calming changes would directly impact that area. The Manager explained the area is on the boarder of meeting the warrants for traffic calming, which is the 85th percentile speed was 35-36 m.p.h. She noted Field Club is scheduled to be paved next year and Mr. Steinert, Jr., P.E. is exploring if something could be done with concrete curbing or change the cartway so it is not a straightaway so cars would need to slow their speed.

Mr. Denny, Jr. stated the issue is now. It is not a safe area if you have kids. He questioned the ability to install a stop sign at the intersection. Mr. Steinert, Jr., P.E. stated a stop sign is not warranted. The sight distance is clear in both directions, with a minor impairment by the pine trees. The only warrant the intersection meets is the speed. There was insufficient pedestrian traffic. It was noted all the warrants must be met to qualify for a stop sign.

Mr. Denny, Jr. questioned how many warrants Eton Drive meets for the 15 m.p.h. speed limit. Mr. Steinert, Jr., P.E. the speed limit was established as an intersection when it was developed. Eton Drive intersects with Woodshire. Mr. Denny, Jr. asked if the 15 m.p.h. speed limit is legally binding, which Mr. Steinert, Jr., P.E. stated, 'no.' It was noted there are other 15 m.p.h. speed limits in the Township that are not legally binding and are not warranted. Mr. Steinert, Jr., P.E. stated the residential speed limit is 25 m.p.h. Mr. Denny, Jr. stated it seems the Township set a

precedence installing a lot of unenforceable signs, and motioned to install unenforceable stop signs on Field Club Road at Colquitt Drive. Mr. Steinert, Jr., P.E. cautioned against installing the stop sign based on safety. Once residents realize it is an unenforceable stop sign they will blow through it and if people are crossing they have a false sense of security, it could turn deadly. Mr. Denny, Jr. suggested taking down all the 15 m.p.h. speed limit signs because they are not enforceable. Mr. Steinert, Jr., P.E. explained the speed limit does not have to meet all the requirements as stop signs. Mr. Denny, Jr. stated someone crossing the road could be killed with or without a stop sign. Mr. Steinert, Jr., P.E. explained if the Township installs an unenforceable stop sign, liability falls on the Township. Without a stop sign, liability falls on the driver. Solicitor Lucas agreed with the Township Engineer's safety concerns, and by installing an unenforceable sign the Township could anticipate a situation as described, there is liability. He also noted liability if the Township is aware of a danger and does nothing about it. Mr. Denny, Jr. considered someone ignoring a 15 m.p.h. speed limit to be just as liable. He noted an inconsistent policy.

President Smith questioned if installing a crosswalk in addition to the stop signs would make any difference. Mr. Steinert, Jr., P.E. explained crosswalks are not supposed to be put in unregulated intersection.

Mr. Denny, Jr. did not want to wait to do something in the dangerous area and recommended being creative.

Mr. Stewart questioned which direction is the worst case; from north or south, and believed it would be worse traveling down from Timber. Mr. Steinert, Jr., P.E. stated the speeds are higher traveling downhill, from north to south. Mr. Stewart questioned the possibility of installing rumble strips on the straightaway. Mr. Steinert, Jr., P.E. indicated the rumble strips could be implemented, but it may be a nuisance to the neighbors.

Mr. Frankowski stated he lives on a street with eight homes and everyone is always in a hurry. New neighbors have small children. He stated the Township needs to come up with a way to slow people down. He suggested talking with state and county officials.

Mr. Denny, Jr. recalled extensive prior discussion drove the changes to the resolution. He noted a need to do something before next year.

Manager Jakubec asked if the Township installed a crosswalk, would a stop sign be warranted. Mr. Steinert, Jr., P.E. stated, 'no.'

Ms. Berger inquired asked if the pine trees were removed if the warrants for a stop sign would be met. Mr. Steinert, Jr., P.E. stated more warrants are required for a stop sign. He noted trimming the pines back would help to the south, but the speeding is coming from the north.

Ms. Holly Natali, Field Club Road, extended appreciation for Council's thoughts and consideration. She questioned if the concern is an unenforceable sign, or not meeting the protocol, or if it is a legal issue. Based on her research, the Township has some ability to alter the parameters for which a stop sign is called for based on handbooks by Penn D.O.T. She questioned the possibility of changing the Township's parameters so that a stop sign could be placed on Field Club Road. Informed Council that it is a dangerous situation on a road with 26 kids that live on

Colquitt. She had taken a photo Tuesday morning because it was foggy, on her way home from the gym and could not see the intersection at all and there were children at the bus stop. She questioned, now that Council is aware of that hazard, is the Township legally cleared if a pedestrian gets hit in this location and is it any different than placing a stop sign that the Township may be legally responsible for. Ms. Natali noted the speeding parameter threshold was barely met. The position of the speed monitor was further down the road than the location of the speeding. She believed the threshold would be met if the speed monitor was located closer to the Timbers because people have already applied their brakes by the time the speed monitor picked them up. She is curious about any research in other traffic calming measures. Her research on stop signs revealed Penn D.O.T. notes stop signs control speeds 150 feet before and after the sign. So speed would be controlled at this intersection with a stop sign. Though it is unconventional, she questioned if there are levers that could be pulled; some creative ways to go about it; could it not meet all warrants; could it not be unenforceable, and just there for safety. In her opinion, the speed humps, line paintings, chicanes, would not force the attention and speed control as a stop sign would.

Mr. Denny, Jr. suggested installing a stop sign temporarily while staff continues to research other traffic control measures.

Manager Jakubec indicated if something could be designed in the cartway that would slow traffic without a stop sign would be ideal. She did not see the harm in a temporary stop sign, noting it is getting dark earlier and people are less likely to cross the street. Maybe there is another solution that could be designed, and if not, the Township could look into making the stop sign more permanent with possible changes to regulations that would make it enforceable.

President Smith questioned if one temporary stop sign would be installed each way, which the Manager confirmed, with the understanding that staff is going to research to see if we can change anything to make it permanent or if there is some other traffic calming measure that may work better.

Mr. Stewart noted on the liability side, the Township is liable for not regulating the situation; he did not see how putting in a stop sign and somebody blowing through the sign would make the Township any more liable for the situation. He thought the Township would be more liable for doing nothing. Solicitor Lucas noted there is liability in either instance. He believed proving that the Township was negligent would be easier if a plaintiff could show the Township put up a stop sign knowing it is unenforceable and was discussed at a public meeting. The short term solution while we figure out something better is good because it limits the time people could discover the sign is unenforceable.

Police Superintendent Slagel suggested before installing a temporary stop sign, to allow him to reposition the speed monitor on the straightaway, or resurrect the older device that is a little more discreet and see if the numbers increase to warrant a stop sign.

Manager Jakubec asked if the stop sign is posted as a safety sign, could someone be cited for failure to obey a safety sign. Police Superintendent Slagel stated a stop sign is a state statute as a traffic control device, but that traffic control device has to be a legitimate traffic control device that was put in with a traffic control study. The Manager asked the Township Engineer for a traffic control device, does it meet the warrants for a safety sign and we can say our safety sign is the

temporary stop sign while we do other research. Mr. Steinert, Jr., P.E. indicated he would investigate.

Mr. Denny, Jr. asked even if the numbers increase with the monitor relocated, all the requirements would need to be met to install a stop sign at that intersection, which Mr. Steinert, Jr., P.E. confirmed. Mr. Denny, Jr., P.E. suggested moving forward with the temporary stop signs and do the research. Mr. Steinert, Jr., P.E. explained the Township utilizes the Penn D.O.T. warrants for stop signs. He was not sure if the Township could adopt its own warrants and modify what Penn D.O.T. requires. They look at sight distance on both approaches; number of approaches; pedestrian/bicyclists and other on-road items; and reportable crashes. He was not aware of any crashes at that location.

Following discussion, staff suggested installing a temporary stop signs on Field Club Road, in both directions, at the intersection of Colquitt Drive, along with a crosswalk, while researching alternatives, and implementing the changes to the policy as suggested by Council.

Motion by Vice President Vogel to table action on the proposed Traffic Calming Policy resolution Bill No. B-49-2020, was seconded by Mr. Frankowski and carried unanimously.

(3) Proposed Amendment to the Township Fee Resolution B-50-2020

Manager Jakubec noted during review of the Codified Ordinances Project staff realized a fee related to the Island annual fee was erroneously omitted. The proposed resolution amends and restates the current fee resolution No. R-11-2020 to reflect the Island annual fee and fee for each member over 25 years of age using the island.

Motion by Mr. Stewart to approve resolution Bill No. B-50-2020 was seconded by Mr. Frankowski and carried unanimously.

B. Motion

(1) Proposed Reappointments to Various Township Boards and Commissions

Manager Jakubec stated the following individuals have expressed a desire to continue serving on the respective Boards and Commissions for another term.

Civil Service Commission

Dave Schaffner
Judy Bossart
Edward Joyce – Vacant
Dianna M. Rizzo – Vacant

Parks & Recreation Commission

Shamus Petrucelli

UCC Board of Appeals

Nancy Neal

Planning Commission

Joe Kelly - yes
Giovanni Scolieri - yes

Zoning Hearing Board

Richard Lockwood
Lisa Steimer

It is apparent that two Civil Service Commission vacancies will need to be filled. Staff is recommending advertising for resident volunteers to fill the Civil Service Commission vacancies, including posting to social media.

Motion by Vice President Vogel to reappoint the above listed individuals to the respective Boards and Commissions was seconded by Mr. Frankowski and carried unanimously.

VII.a REVIEW AND DISCUSSION

A. Update on COVID-19

The Manager indicated plans approved by Council continue in place. Movies in the Park was well attended with about 40 people, who social distanced. The next movie will be *The Haunted Mansion*.

C. Solicitor's August 13 and September 8, 2020 Invoices

Ms. Eccles questioned an item on the August invoice which Solicitor Lucas explained.

VIII. COMMENTS CONCERNING NON-AGENDA ITEMS

Ms. Cindy Harris, Fox Pointe, noted the Long Range Comprehensive Plan Review Committee would begin working on updating the Plan. She suggested "having coffee" to discuss what Council would like to see in O'Hara Township ten years from now.

Ms. Harris stated now that the park has been renamed, it is time to begin renaming the road. Manager Jakubec stated the road is located in Fox Chapel Borough. Renaming the creek would have to go through the USGA, and is a much more complicated process. Since the creek flows through three communities, each community would need to take action. The History Committee met and discussed history boards for display in the parks. Ms. Harris indicated these are things the Long Range Comprehensive Plan Review Committee should talk about.

Ms. Eccles requested a list of people serving on the Long Range Comprehensive Plan Review Committee, and the number of people on the committee. The Manager indicated there are ten residents, including two from Planning Commission, serving on the committee. She added a 'Meet and Greet' is scheduled for Thursday via zoom.com at 6:00 p.m.

Ms. Eccles and Mr. Stewart expressed interest in serving on the committee to represent Council. President Smith requested staff to send the zoom invitation to Council so they could also attend.

IX. CONCERNS OF COUNCIL

Ms. Eccles inquired about the voting polls. Manager Jakubec noted the Lighthouse Point polling location has been moved to the Fox Chapel Yacht Club, middle door.

Mr. Frankowski asked if Airbnb's are permitted in the Township. The Manager recalled the use is restricted to one zoning district, and would provide the specifics to all of Council.

Mr. Stewart inquired about a meeting at Kerr Elementary School. Manager Jakubec stated Mr. Steinert, Jr., P.E. met with the construction manager and staff is waiting for the submittal of Plan 5 to the grading plan. Mr. Stewart asked if the grading would be done this year. The Manager

noted winter is approaching. Mr. Steinert, Jr., P.E. stated there are some things that can be done.

President Smith asked if Council would discuss a letter in Executive Session. The Manager stated proposed changes to the Nuisance Ordinance were sent to the Solicitor and he is reviewing case law.

Mr. Frankowski commended the Public Service crew on brush collection.

X. CONCERNS OF STAFF

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

XI. ADJOURNMENT

Motion by Mr. Denny, Jr. to adjourn the meeting was seconded by Mr. Stewart and carried unanimously. The meeting adjourned at 9:05 p.m. and Council proceeded into Executive Session.

Cathy Bubas, Manager's Secretary