

**TOWNSHIP OF O'HARA
COUNCIL COMBINED VIRTUAL WORKSHOP
AND REGULAR MEETING MINUTES
JULY 13, 2021**

Manager Jakubec noted virtual meeting procedures.

I. OPENING PROCEDURES

- A. Call to Order by Vice President Vogel at 7:00 p.m.
- B. Pledge of Allegiance led by Vice President Vogel.
- C. Roll Call

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

Absent: Robert John Smith, President of Council; Gregory Caprara, Third Ward

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

Manager Jakubec explained that President Smith and Mr. Caprara had personal matters to attend.

II. ANNOUNCEMENT

Vice President Vogel stated Council convened at 6:10 p.m. this evening to interview residents that volunteered for positions on the Civil Service Commission, Planning Commission and Zoning Hearing Board.

Vice President Vogel welcomed everyone to the meeting.

III. APPROVAL OF MINUTES

- A. Council Combined Workshop and Regular Meeting – June 8, 2021

Motion by Mr. Stewart to approve the subject Minutes as presented was seconded by Mr. Denny, Jr. and carried unanimously.

IV. FINANCE

A. Vouchers – June 2021

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

Mr. Stewart presented questions about specific Vouchers, which staff answered satisfactorily.

On voice vote the motion carried unanimously. The Vouchers total \$545,809.25.

B. Receipts and Expenditures Records – May 2021

Motion by Mr. Stewart to accept the Receipts and Expenditures Records as presented was seconded by Ms. Eccles and carried unanimously.

C. Treasurer's Report

Treasurer Curran stated expenditures are compared to revenue from year to year. The Township is behind by about \$100,000 on governmental expenditures, and roughly the same on the sanitary sewer side. He noted a bill received from Tresco Paving for Cabin Lane, which Mr. Steinert, Jr., P.E. explained. Treasurer Curran inquired about the upcoming paving project which Mr. Steinert, Jr., P.E. indicated the bids came in under budget and paving is scheduled to start August 2nd and should be completed in about three weeks. Manager Jakubec noted when the American Rescue Plan was announced, staff purchased manhole covers, piping and risers in anticipation of rising prices due to an increase in demand. Staff continues to purchase items through purchasing contracts and other bidding consortiums.

Treasurer Curran recalled unanticipated expenses over the last few years due to heavy rains and inquired about unanticipated expenses for this year. The Manager noted the only other expenses have been for COVID-19 personal protection equipment, which Treasurer Curran recalled staff had obtained grant funds. He also commended the Bookkeeper for staying on top of expenses and communicating with him.

V. REPORTS

A. Other Organizations and Agencies Reports

Mr. Stewart recalled the RIDC Alliance met and toured the work being done in the industrial park.

Manager Jakubec informed Council that the meeting was being hacked and proceeded to block the intruders. Police Superintendent Slagel indicated he would work with IT to determine the identities of the intruders. The Manager stated the intruders would be prosecuted to the fullest extent of the law.

Vice President Vogel noted the newer curbs in RIDC Park seem to be pitting. Mr. Steinert, Jr., P.E. explained if the concrete is finished with too much water, the concrete bubbles. Concrete should be finished rough and dry, but contractors think the surface has to be smooth.

Mr. Stewart stated the Treasurer has asked him to start attending the North Hills Council of Government meetings.

Vice President Vogel recalled various sessions during the Annual ALOM (Allegheny League of Municipalities) Conference. He noted one session titled “Politicians and Residents Say the Darndest Things”, cautioned elected officials on what they say in public forum as well as social media, because once said, it is public and you cannot block people from expressing opinions. Another session discussed bridging the gap between school districts and municipalities; and another session explained how to spend the stimulus. Vice President Vogel also recalled a Solicitor Panel Discussion with regard to Executive Session. According to the four Attorneys, Council has no legal obligation not to speak in public about Executive Session, which negates the value of Executive Session and is contrary to his belief. Solicitor Lucas clarified there are no state or federal laws prohibiting disclosure of what goes on in Executive Session. However, a Council Person has ethical and fiduciary duties to the Township. Not everything said in Executive Session is confidential, but he urged Council Members to be cautious in what they talk about in public. Vice President Vogel stated Council does have an obligation not to speak about personnel matters in public.

B. Monthly Departmental Reports

Mr. Stewart noted the Code Enforcement Officer is a third-party contractor and inquired about software used by Code Enforcement. Manager Jakubec explained the Township purchased the software and owns the license. Mr. Steinert, Jr., P.E. noted some of the capabilities provided by the software, and that other staff members are able to use the software.

Mr. Stewart inquired about the Lennon Smith Souleret Report concerning water runoff from the VA. Mr. Steinert, Jr., P.E. explained it is a project identified with the storm water fee. The revenue from the fee will be used to add to, or build more, storm water facilities. Lennon Smith Souleret is reviewing the VA project to determine if it could be modified to reduce flooding on Margery Drive. If so, the Township could ask the VA to assist.

Mr. Stewart referenced the Fox Chapel Road Speed Monitor report and suggested moving the monitor more northward to see more speeding.

Mr. Stewart also noted RIDC is interested in an Emergency Plan for the park. The Manager suggested the Alliance talk with the Township’s Emergency Management Coordinator, Tom Heilmann.

C. Manager’s Report

No comments.

VI. REVIEW / DISCUSSION / POSSIBLE ACTION

A. Application for Minor Subdivision – Fanning / Park Place Associates Plan of Lots

B-49-2021

Manager Jakubec stated James Fanning, owner of parcel 228-J-247, and Park Place Associates, owner of parcel 228-J-150 located in Chapel Harbor at the Water, have proposed a revision to the lot line between the parcels. Both parcels are located in the SM (Suburban Manufacturing District) zoning district. The Township Planning Commission reviewed the application and recommended Council to approve the Plan.

Motion by Mr. Denny, Jr. to approve the subject Plan as recommended by Planning Commission was seconded by Mr. Stewart.

Mr. Fanning explained his plan is to build a deck.

It was noted Council approved the Chapel Harbor RUD (Riverfront Unit Development) Plan in the early 2000's.

Manager Jakubec stated the Township would need proof of the deed transfer prior to issuing a building permit.

On roll call the motion carried unanimously.

B. Recognizing the Services of Barbara Simanek on the Zoning Hearing Board B-50-2021

The Manager stated Barbara Simanek submitted her resignation from the Township Zoning Hearing Board. It has been past practice to recognize residents that have served on Township Boards and Commissions.

Motion by Mr. Stewart to approve resolution Bill No. B-50-2021 was seconded by Ms. Berger and carried unanimously.

C. Clarifying the Current Vacancy Election Procedure Consistent with 1983 Ballot Referendum B-44-2021

Manager Jakubec explained the 1983 ballot question asked if the Home Rule Charter should be amended so appointed Council Members can serve until the next general municipal election, rather than the next election, as it is in the current Charter. The electorate voted in favor of the Charter change. However, in 1983, the ordinance was written in a way that did not actually amend the Charter. The proposed ordinance would amend the Home Rule Charter as decided by the electorate. The proposed ordinance was tabled at the June 8th combined workshop and regular meeting and is attached for Council's consideration.

Motion by Mr. Denny, Jr. to introduce for first reading Ordinance Bill No. B-44-2021 was seconded by Mr. Stewart.

Mr. Denny, Jr. clarified if the ordinance is adopted after the second reading, the Home Rule Charter would be amended so a vacancy on Council would serve to the next General Municipal Election.

Ms. Eccles disagreed with the change.

Solicitor Lucas explained ordinances are now drafted to reflect the verbiage changes. The County Department of Law phrases the question on the ballot. The ordinance was not clear in 1983.

Mr. Denny, Jr. noted in 1983, as voted by the people, the change did not make it into the Charter. Solicitor Lucas noted the Auditor position in the Charter was changed, but not Council vacancies.

On voice vote the motion carried 4 – 0 – 1, with Ms. Eccles abstaining.

D. Request for Crosswalks at Fox Chapel, Freeport and Old Freeport Roads Intersection

The Manager referenced an email received from Bethany Carney explaining pedestrian crossing concerns at the subject intersection. Since work was in progress on Fox Chapel Road from Freeport Road, staff was able to have the crosswalks painted.

Mr. Steinert, Jr., P.E. stated he met with Ms. Carney and reviewed the deficiencies at the intersection. He recalled difficulties maneuvering a person in a wheelchair by the former Mattress Factory crossing, in addition to a utility pole that blocks the view. He recommended moving the utility pole and reconstructing the handicap crossing ramps. The crossing ramp by the Howard Hanna building has raised bumps and is too steep for ADA compliance. Mr. Steinert, Jr., P.E. also observed a motorist drive out of the Fox Chapel Plaza through the handicap ramp. He suggested working on the smaller improvements first. He also noted it is hard to get drivers to recognize a pedestrian in a crossing. The quickest improvements would be to update the four ramps and the sidewalks, estimated to cost \$25,000. He noted the Township is the permit holder for the intersection. Mr. Steinert, Jr., P.E. also recommended having Wooster and Associates perform a traffic study in order to make the intersection function better and safer.

Mr. Stewart commended the detail in Ms. Carney's report. He also questioned what 'detectable warning surface' is, which Mr. Steinert, Jr., P.E. explained.

Ms. Carney explained she has spent time at that corner since December of 2018 and has observed driver distraction, running red lights, disregard for pedestrians in the crosswalk while the pedestrian had the right to cross, and has dug out weeds to improve visibility. She questioned how she could provide the videos to Council. Ms. Carney recommended Penn D.O.T., Allegheny County and the Township meet to discuss how to improve the intersection.

Mr. Steinert, Jr., P.E. could not understand why the County did not paint the barrier while painting lines.

Manager Jakubec indicated she would try to coordinate a meeting with the County and Penn D.O.T., and would reach out to State Representatives for assistance.

E. Review of Possible Council Packet Information Availability to the Public

The Manager referenced a memo that outlines potential items to be made public with the Council agenda packets, including additional items based on prior discussion during the June 8th meeting, for Council's consideration. The items listed would be water marked accordingly, i.e. draft 1, draft 2, unaudited, and dated. Council requested additional time to review the items listed and consider other possible items that may be made public with the agendas.

Vice President Vogel noted the Solicitor recommends not sharing ordinances. Solicitor Lucas explained he does not recommend making any draft documents available to the public. Ordinances are statutes, and could subject the Township to liability. Vice President Vogel suggested water marking the ordinances, just as other documents are water marked.

Mr. Stewart believed Council owed it to the public that as soon as possible when they begin working on an ordinance to let the public know what it is about, as that is when you want to hear from people.

Vice President Vogel was not opposed to making a draft ordinance available to the public as long as it is water marked properly.

Solicitor Lucas stated it is within Council's discretion to release these things. He did not recommend making preliminary resolutions public, but resolutions pose less liability.

Vice President Vogel recalled on an Election Day, a woman had a copy of the Property Maintenance Code ordinance that was not of record. If her copy of the ordinance had been water marked, he could have shown her the correct version.

Ms. Cindy Harris, Fox Pointe, stated she or a member of her family have attended Council meetings since 2008, and have had no idea of the details of agenda items. She questioned when an ordinance was last challenged. Letting people see what is up for discussion is important. She believed the Solicitor was being over-protective.

Mr. Stewart noted the importance for people if they miss a meeting to review the minutes, but the minutes are not approved until the next month. He suggested making the recorded meeting available to the public in lieu of not having the minutes available.

Ms. Harris stated a recording is fine, but an electronic document is much easier to search.

Mr. Denny, Jr. agreed with Mr. Stewart, Vice President Vogel, and Ms. Harris in that the Solicitor is being conservative. However, once minutes are released you can't get them back. If something in the minutes is not right, he would not want it out, to which Ms. Harris agreed. Mr. Denny, Jr. was comfortable with making ordinances and resolutions available to the public with a water mark, but not meeting minutes until they have been approved, to which Vice President Vogel agreed. Mr. Denny, Jr. also agreed that internal reports and memos should not be available to the public.

Vice President Vogel recalled being told to never go against the advice of the Solicitor, but in this case he does.

Ms. Harris questioned if internal reports are available to the public with the Right To Know Request, which the Manager answered, "no."

Ms. Berger agreed with making water marked resolutions and ordinances available to the public, but not meeting minutes.

Manager Jakubec recommended not including contracts that are under negotiation.

Motion by Mr. Denny, Jr. to make Council Packet information available to the public as advised by the Solicitor, with the exception of ordinances which are to be water marked, was seconded by Mr. Stewart.

Manager Jakubec verified the fourteen (14) items, and water marked ordinances are to be added to the list.

Vice President Vogel stated the Solicitor invoices are not to be made public.

Mr. Stewart stated Council is voting on items for guidance for the Township Manager, though there may be some exceptions.

Ms. Carney questioned if things like her email could be made public, to which Mr. Denny, Jr. and the Manager answered, ‘no.’

On voice vote the motion carried unanimously.

F. Parks and Recreation Commission Recommendation for Historic Signs in O’Hara Township Community Park

Manager Jakubec informed Council that the historic signs for O’Hara Township Community Park have been ordered and most likely will be installed this summer. The Township Parks and Recreation Commission has recommended announcing that the signs have been installed through social media, followed by a dedication ceremony in the fall. If acceptable, staff will proceed as recommended by the Parks and Recreation Commission. She noted National Native American Month is in November, but the weather may be cold and suggested having the dedication ceremony in October, and inviting the Three Rivers Indian Council to participate, and have some programming.

The consensus of Council concurred with an October Dedication Ceremony for the Historic Signs in the park.

G. Renaming of the Creek Behind O’Hara Township Community Park

Manager Jakubec recalled that Council, by majority vote, agreed to change the name of the creek that runs through O’Hara Township Community Park at the May 4th workshop. Ms. Berger suggested asking Mr. Powers for a recommendation on a name for the creek, which he provided for review and discussion. Fox Chapel Borough voted on their first and second choice names; Trillium Creek or Veteran’s Creek. According to Jennifer Runyon of USGS, the Township and its neighbors would need to put forth a name in formal resolutions, garner the County’s support, elected officials’ letters of support, submit an application to the USGS, who will seek a recommendation from the PAGS. If everyone can agree on the new name, the Township could hear something from USGS late 2021 or early 2022.

Ms. Eccles preferred the name “Eight-Mile Run”, recalling history.

Mr. Denny, Jr. recalled all the municipalities would have to agree on one name. Manager Jakubec noted as long as Fox Chapel Borough and O’Hara Township agree on a name, Indiana Township would just need to not oppose the name.

Vice President Vogel preferred the name “Trillium Creek/Run”.

Mr. Denny, Jr. suggested offering one of Mr. Powers’ suggestions and “Trillium Creek”. Manager Jakubec indicated she had talked with Gary Kohler, the Borough Manager, but he had not taken other suggested names to his Council.

Ms. Harris preferred the name “Trillium Run” or “Hemlock Run”.

The Manager suggested waiting to the September meeting, for President Smith and Mr. Caprara to provide input.

Ms. Berger suggested sending the list to Fox Chapel Borough for consideration to expedite when O'Hara Council meets again. The consensus of Council concurred.

H. Announcing the 2021 Allegheny County Side Yard and Blighted Structure Program

Manager Jakubec announced that 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, 2021 and are available at the Township office. Additional information can be found on the Allegheny County Economic Development website, the Township website and Facebook.

Vice President Vogel suggested including the information in the Township Newsletter.

I. Authorizing the Payment of Routine Invoices in August 2021

Manager Jakubec stated typically, Council does not meet in August, but the meetings are not canceled in advance in the event Council would need to meet. Staff is requesting authorization to pay the routine invoices for the month of August 2021.

Motion by Mr. Denny, Jr. to pay the routine August 2021 invoices was seconded by Mr. Stewart and carried unanimously.

J. Solicitors June 20, 2021 Invoice

No comments.

VII. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Ms. Harris provided an update on the status of the Long Range Comprehensive Plan review.

VIII. CONCERNS OF COUNCIL

Ms. Berger recalled a tree that fell on Delafield Road, causing a power outage for 20 hours during the heatwave. She indicated the response by Duquesne Light Company ("DLC") was slow, and believed someone filed a complaint with the PUC (Public Utility Commission). She stated power outages are a regular occurrence and are not weather related.

Manager Jakubec stated she had reached out to the Duquesne Light Company Government Liaison, but had not received a response.

Ms. Eccles asked if anyone goes out and looks to see if trees are stable. The Manager stated this tree fell from Fox Chapel Borough. Township employees do address trees, but not on private property. Staff would notify a property owner.

Mr. Denny, Jr. believed DLC to have a workforce issue, recalling at the end of May DLC notified him that they would be taking down one of his trees in the next few weeks. A week after DLC notified him the tree fell.

Vice President Vogel noted DLC will not take trees down if they are healthy. They have an arborist on staff.

IX. CONCERNS OF STAFF

Manager Jakubec noted the glass recycling bin is almost full.

The Manager requested Council to remain for an Executive Session to discuss a legal matter.

X. ADJOURNMENT

Motion by Ms. Eccles to adjourn the meeting was seconded by Mr. Stewart and carried unanimously. The meeting adjourned at 9:05 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet