

TOWNSHIP OF O'HARA
COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 10, 2019

I. OPENING PROCEDURES

A. Call to Order by Vice President Vogel at 7:08 p.m.

B. 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; Scott
Frankowski, Third Ward

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. PROCLAMATION

A. Recognizing the Heroic Efforts of Jerry Chalmers During the July 11, 2019 Flash Flood

Manager Jakubec stated the proclamation recognizes Township Public Service Department Employee Jerry Chalmers for selflessly saving the life of a resident during the July 11th flash flood on Kittanning Pike.

Motion by Mr. Stewart to approve the subject proclamation was seconded by Ms. Berger and carried unanimously.

Vice President Vogel invited Mr. Chalmers to the front of the room and read the proclamation in its entirety.

Mr. Stewart inquired about the status of 65 Kittanning Pike since the flood. Manager Jakubec stated Penn D.O.T. has cleaned under the bridge; Senator Williams and State Representative Mizgorski have viewed the area. Staff has ideas of where to hold water upstream, but needs to partner with Penn D.O.T. Manager Jakubec stated the Township has an agreement with Penn D.O.T. to clean out under the bridge annually.

Ms. Emily Corcoran, Kittanning Pike, expressed concern of her property value declining due to flooding in front and landslide in back of her home. Manager Jakubec explained the landslide is private property.

Mr. Denny, Jr. asked if the residents had flooding in the basement or if sewage backed up. Brian Kozer, member of Pleasant Valley Volunteer Fire Company, stated when pumping water out of the basements, it is stormwater, not sewage.

Manager Jakubec noted a change in Penn D.O.T.'s District Executive, who has been very responsive. She explained the pipe under M & M Auto is pinched and would require cracking the concrete floor to fix the pipe. The Manager acknowledged Ryan of Senator Williams' office was in attendance and taking notes.

III APPROVAL OF MINUTES

A. Council Combined Regular Meeting and Workshop – July 9, 2019

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

IV. FINANCE

A. Vouchers – July and August 2019

Motion by Mr. Stewart to pay the subject vouchers as presented was seconded by Ms. Berger.

Mr. Stewart and Ms. Berger presented questions which staff answered satisfactorily.

The motion carried unanimously. The July vouchers totaled \$1,226,688.94 and the August vouchers totaled \$1,611,220.84.

B. Receipts and Expenditures Records – June and July 2019

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

C. Treasurer's Report

Treasurer Curran stated finances look clean. He noted expenses from the two July storms exceed \$100,000 in addition to other planned project expenses. Treasurer Curran questioned how to manage unplanned expenses. Manager Jakubec stated the budget is very conservative. Vice President Vogel stated the worst case scenario is the Township would have to borrow money. The Manager noted another alternative is to pass a resolution to reimburse the bond fund.

Mr. Stewart stated long term the Township needs to work with other agencies to stave off disasters. Manager Jakubec stated the Township does partner with Fox Chapel Borough and the Army Corps of Engineers.

V. REPORTS

A. Other Organizations and Agencies Reports

No reports.

B. Monthly Departmental Reports

Ms. Eccles referenced a zoning variance request which staff explained the homeowner was operating a fitness studio from her home.

Mr. Stewart noted all meetings are on the Township website and are open to the public.

C. Manager's Report

No comments.

VI. NEW BUSINESS

A. Ordinances – Introduction for First Reading

- (1) Restating the Township Zoning Ordinance and Repealing Township Ordinance Nos. 1091, 1134, 1142, 1237, 1239, 1280, 1294, 1324, 1336, 1337, 1339 and 1349 B-28-2019

Motion by Mr. Stewart to introduce for first reading ordinance Bill No. B-28-2019 was seconded by Mr. Denny, Jr.

Manager Jakubec recalled Council and staff have worked to update and incorporate amendments into the Township Zoning Ordinance. Once the ordinance is introduced it will be posted on the Township website for public review. Public Hearings will also be conducted.

Vice President Vogel noted other entities involved with updating the ordinance.

Ms. Cindy Harris, Fox Pointe, inquired about the schedule for approval, which the Manager explained. Ms. Harris questioned what the other ordinance numbers pertained to, and if the document for the website would be annotated. Manager Jakubec indicated the online version of the ordinance would be redlined. The other ordinance numbers pertained to zoning amendments.

On voice vote the motion carried unanimously.

B. Resolutions

- (1) Granting Minor Subdivision Approval to the Meinert View Plan of Lots B-29-2019

Motion by Mr. Stewart to approve resolution Bill No. B-29-2019 was seconded by Ms. Berger.

The Manager stated the Township Planning Commission reviewed the subject application and has recommended to Council that the Plan be approved. The proposed Plan, located along Dorseyville Road, subdivides parcels 286-C-110 and 286-C-106 and creates a new parcel.

Vice President Vogel acknowledged Mr. Denis Meinert was in attendance.

On roll call the motion carried unanimously.

- (2) Granting Conditional Use Approval to SQF, LLC for B-30-2019
Wireless Communication Facilities

Motion by Ms. Berger to approve resolution Bill No. B-30-2019 was seconded by Mr. Stewart.

Manager Jakubec recalled the Planning Commission reviewed the application and has recommended to Council that the Plan be approved subject to one condition. The applicant is proposing the installation of two additional antennae on existing utility poles located at 1360 and 1382 Old Freeport Road. The utility poles are owned by Verizon Communication and Duquesne Light Company. A Public Hearing for public comments was conducted prior to this meeting.

Mr. Stewart requested an executive summary of the application, which Mr. Mark Kulik provided.

On roll call the motion carried unanimously.

- (3) Rejecting Bids Submitted for the Village Drive and B-31-2019
Dorseyville Road Sanitary Sewer Extension Project

Motion by Ms. Eccles to approve resolution Bill No. B-31-2018 was seconded by Mr. Stewart.

The Manager explained bids for the subject project were opened during the July 9th Council meeting. After reviewing the bids, the Township Engineer has determined the bids exceed the budgeted allocation of \$105,000 for the project and has recommended rejecting the bids. She also noted an error in the bid specifications which has been revised.

Vice President Vogel inquired about the schedule for the next bid, which the Manager anticipated bids would be opened in October.

On roll call the motion carried unanimously.

- (4) Authorizing the Advertisement to Receive Bids for the B-32-2019
Upper Powers Run Sanitary Sewer / Fox Chapel Interconnect
and the Village Drive / Dorseyville Road Sanitary Sewer
Extension Projects

Motion by Ms. Eccles to approve resolution Bill No. B-32-2019 was seconded by Mr. Denny, Jr.

Manager Jakubec stated Chuck Steinert is requesting authorization to receive bids for the Upper Powers Run Sanitary Sewer / Fox Chapel Interconnect Project and the revised Village Drive /

Dorseyville Road Sanitary Sewer Extension Project as an alternate. The Upper Powers Run project will allow for the replacement of approximately 2,500 linear feet of sanitary sewer line and provide an interconnect with the Fox Chapel sanitary sewer system. The interconnect will allow the Township to take the flow of 60 homes and offset the 60 units that Fox Chapel took with the elimination of the Crofton Pump Station. The funding for the project will be from a grant in the amount of \$313,881 and Fox Chapel will provide the required match. The Village Drive / Dorseyville Road Project will allow nine homes to connect to the public sewer system.

On roll call the motion carried unanimously.

- (5) Authorizing the Awarding of Contracts Received by the North Hills Council of Governments for Sanitary Sewer Rehabilitation B-33-2019

Motion by Mr. Stewart to approve resolution Bill No. B-33-2019 was seconded by Ms. Eccles.

The Manager noted in accordance with the Allegheny County Health Department Administrative Consent Order the Township is required to maintain its sanitary sewer lines. The North Hills Council of Governments received bids for its annual sanitary sewer repairs contracts. Staff is requesting authorization to execute the necessary contracts on an as needed basis for sanitary sewer repairs in order to comply with the consent order. The estimated cost for repairs has been between \$200,000 and \$300,000 in past years.

Vice President Vogel asked if the MS4 work falls under these bids, which Mr. Steinert, Jr., P.E. stated no.

Treasurer Curran noted the cost difference if the contracts were not jointly bid.

On roll call the motion carried unanimously.

- (6) Acknowledging Receipt and Acceptance of the Employee Pension Plan Budgets B-34-2019

Motion by Ms. Eccles to approve resolution Bill No. B-34-2019 was seconded by Mr. Stewart.

Manager Jakubec explained the Township is required by law to establish an appropriation in each year's budget for police and employee pension plans. The appropriation for 2020, referred to as the Minimum Municipal Obligation (MMO), for the non-uniform defined benefit plan will be \$18,119; the non-uniform defined contribution plan appropriation will be \$33,620, and the appropriation for the police plan will be \$104,829 according to documentation received from the pension actuary, Mockenhaupt Associates. The resolution acknowledges the receipt and acceptance of the 2020 budget appropriation for the employees' pension plans. All pension plans are fully funded. She added that the MMO is usually paid by state aid. The state sets a per employee value each year and the employees contribute to the plan.

Treasurer Curran noted trouble arises when the pension is underfunded.

On rollcall the motion carried unanimously.

(7) Authorizing the Destruction of Certain Records

B-35-2019

Motion by Mr. Stewart to approve resolution Bill No. B-35-2019 was seconded by Mr. Denny, Jr.

The Manager explained the Township follows the State Historic Commission Retention Schedule. She noted staff is requesting authorization to destroy accounts payable, payroll and Joint Tax records from 2011 and prior years, as well as scanned drawings that hard copies are not deemed needed by Township staff. She noted some records must be kept in perpetuity.

On roll call the motion carried unanimously.

C. Motions

(1) Designating Trick-or-Treat Night in the Township

Motion by Ms. Berger to approve the subject motion, was seconded by Mr. Stewart.

Manager Jakubec stated staff would soon begin receiving questions about when is trick-or-treating. She noted historically trick-or-treating has been on Halloween between the hours of 6:00 and 8:00 p.m.

The motion carried unanimously.

VII. COMMUNICATIONS

A. Citizens

Vice President Vogel requested anyone wishing to speak to approach the microphone, state their name and address, and if they had not signed in to do so at this time.

A spokesperson for the Parkview neighborhood expressed concerns related to an Air BnB on Edgewood Avenue. Their objective is to be better informed about Air BnBs as it relates to the Parkview Plan and Township Ordinances. She noted Parkview is zoned R-3 and questioned the guidelines to living and parking spaces. She questioned how the Township views an Air BnB, noting other neighboring communities consider it commercial. She inquired about the pros and cons of issuing such a permit in a residential neighborhood. The spokesperson requested frequent police visualization, compliance with Megan's Law (250 feet from school bus stops), and implementation of speed deterrents.

Vice President Vogel noted the Township is in the process of restating the Zoning Ordinance and Air BnBs are addressed in the Zoning Ordinance, which was introduced for first reading this evening. He questioned if staff is aware of the Air BnB. Manager Jakubec stated the Air BnB was recently brought to staff's attention. Staff also just learned that the owner lives in the house. She noted typically an Air BnB is treated as a rental property, which is a separate ordinance and requires inspection and limits the number of days it can be rented. The Manager stated that Code

Enforcement is investigating because the Township does not allow boarding homes, which this would be considered since the owner is living there. If Police respond to three calls at a rental property, the owner is cited under the nuisance ordinance.

Mr. Denny, Jr. clarified the Township does allow Air BnBs in residential areas as long they meet all the criteria of a rental unit which Solicitor Lucas confirmed. The Manager stated Air BnBs are not restricted in any area. Solicitor Lucas indicated the Air BnB could be restricted to commercial. The Manager noted a recent case law, which the Solicitor is reviewing.

Ms. Jennifer Walters, 719 Edgewood Avenue, stated someone new comes every Friday night and leaves Sunday. The visitors are using her driveway as a turn around. She noted safety concerns for her nine-year-old daughter who plays in the driveway.

Ms. Donna Borowski, 7122 Spring Grove Road, stated her granddaughter lives near the Air BnB. She noted Edgewood Avenue is a circle and the guests do not know the community. The Air BnB does not have a sign so people could be knocking on anyone's door in the middle of the night.

Vice President Vogel stated staff just became aware of the situation and will be investigating.

The spokesperson stated she did not see where it was stated that the ordinance was being reviewed on the website, or about the meeting. Mr. Denny, Jr. explained preliminary draft ordinances are not posted to the website because in the past residents have received misinformation. Council is now in a position to put the proposed ordinance on the website for the public's review.

It was noted Council would continue review of the proposed ordinance at the October 1st workshop.

Mr. Denny, Jr. questioned if it is an option and if Council chose, to restrict Air BnBs to Commercial and SM zoning districts. Solicitor Lucas indicated he would need to review available properties for Air BnB in the Commercial and SM districts. The Township cannot restrict Air BnBs entirely.

Ms. Borowski questioned if an earned income tax questionnaire is submitted for every renter. The Manager renters would complete the earned income tax questionnaire for their permanent address.

Ms. Borowski questioned how the Parkview neighborhood could get speed humps installed to slow speeders. The Manager explained the Traffic Calming Policy procedures. She stated the 15 m.p.h. signs were put up as a deterrent, but cannot be legally enforced. Police Superintendent Slagel added that a car sits at a bus stop because of speeding concerns. He requested the residents send an email listing the other streets experiencing speeding.

Another issue noted was a shrub hanging over a stop sign.

A four-way stop intersection at Seifried Lane and Kirkwood Drive was also requested. Staff explained that both roads are State roads.

Ms. Walters stated she has asked the owner to keep the renters out of her driveway. When the renters back out of the owner's driveway they hit either her retaining wall or the fire hydrant. Manager Jakubec advised Ms. Walters to post a "No Trespassing" sign, which is allowed in the

Township right-of-way. When she sees someone turning around in her driveway she needs to call the police. Three calls to the police and then the owner will be cited. She stated the legal process must be followed.

Mr. Thomas McFadden, 745 Midway Drive, supported the ladies 100%. He questions if it would make sense to petition the neighborhood between now and the October meeting. Vice President Vogel stated staff was just made aware of the situation and will act on it after getting all the facts together. As for speeding cars, the Township has a policy in place.

Ms. Walters recalled the Police Officer she spoke with on Saturday suggested making Edgewood a one-way street. The Manager noted a traffic study would be done, and possibly more signs installed.

Ms. Harris stated these people just made her point. They cannot find anything on the website. Vice President Vogel and Mr. Denny, Jr. explained the reason for not posting draft documents on the website.

Ms. Harris stated she is very interested in certain things in the zoning ordinance. She stated her camper is currently parked in her driveway, as she is planning to use it. Though it is outside of the parameters in the proposed zoning ordinance, she has been told she would not be ticketed.

Ms. Harris inquired about the status of the Long Range Comprehensive Planning Committee, which she is very interested in participating. The Manager asked if she had submitted a letter of interest, as requested in the latest Newsletter.

Mr. Stewart encouraged residents to report any suspicious activity. The Manager recalled having call-fired and tweeted past incidents and advising residents to be alert.

B. Council

Ms. Berger inquired about the status of the new Kerr Elementary School. Manager Jakubec stated the new school is open. The contractor needs to address asbestos testing prior to demolishing the old school building. Ms. Eccles inquired about the earth mound, which Mr. Steinert, Jr., P.E. indicated is down to where it was supposed to be. Ms. Eccles noted some low railings. Police Superintendent Slagel recalled Mr. Breitreutz was looking into the railing. The railing is on top of a masonry wall. The concern is a child may step on the wall and fall.

Vice President Vogel stated he took a ride to Cabin Lane. He heard the pipe under the football field at O'Hara Elementary School. He noted the pipe under Cabin Lane is a 3' pipe. Mr. Kephart indicated the pipe should be 4'. Vice President Vogel stated the house is where the creek used to be. The Manager stated the sewer pipe is 8" and has bellies that allow water to sit in the pipe. When water enters the pipe it creates a hydraulic shock wave. The Township could use the North Hills COG pricing to upsize the pipe to 12". Funds may be available from the bond.

C. Staff

Manager Jakubec presented information regarding the potential refinancing of the Series 2014 Bonds. She suggested Option 1, which would include an additional \$250,000 to correct the Cabin Lane sewers. The debt service would increase between \$11,000 to \$20,000 over 20 years. She explained a “Not to exceed” number would be needed for the bond ordinance.

The Manager also suggested doing a study for a possible stormwater fee, which would be discussed during the budget process. Another option would be to raise taxes.

Vice President Vogel indicated there has to be infiltration in the Cabin Lane sewer, which Mr. Steinert, Jr., P.E. confirmed, but noted where the infiltration is occurring has not yet been located. Mr. Kephart noted people’s basements get wet and the water goes down the sanitary sewer drain.

Vice President Vogel noted 8” to 12” pipe gets more capacity. He questioned if the pipe in Powers Run Road is big enough. Mr. Steinert, Jr., P.E. stated by increasing the diameter of the pipe it allows the water to flow. The Powers Run pipe goes to 10” and then 12” at the bottom. Vice President Vogel questioned when the work could begin. Mr. Steinert, Jr., P.E. indicated as soon as he receives a quote based pm the CPG Bods, and the work is authorized.

Manager Jakubec asked if Council wanted to add \$250,000 to the bond issue. The consensus of Council was to add \$250,000 to the bond issue.

Manager Jakubec asked Council how they wanted to proceed with interviews for the Long Range Comprehensive Planning Committee. Historically the committee consisted of Planning Commission Members, Parks and Recreation Commission Members, citizens and employees. Mr. Denny, Jr. asked if any volunteers had stormwater backgrounds. The Manager noted Eric, of the Army Corps of Engineers is a Township resident, and may be interested. Mr. Steinert, Jr., P.E. recalled the last committee had at least 10 people. The Manager indicated Pearce & Associates may help with the update. Mr. Stewart questioned how input from residents could be obtained. The Manager recalled the committee sent a survey the last time. Mr. Denny, Jr. asked if the Long Range Plan includes Emergency Management and Fire Services, which the Manager indicated it does not.

VIII. ADJOURNMENT

Motion by Ms. Eccles to adjourn the meeting was seconded by Mr. Stewart and carried unanimously. The meeting adjourned at 9:25 p.m.

Cathy Bubas, Manager’s Secretary