

**TOWNSHIP OF O'HARA**  
**COUNCIL REGULAR MEETING MINUTES**  
**MARCH 10, 2020**

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**I.     OPENING PROCEDURES**

- A.     Call to Order by President Smith at 7:04 p.m.
- B.     Pledge of Allegiance led by President Smith.
- C.     Roll Call

Council Members Present:     Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Scott Frankowski, Third Ward; Allison Berger, Fourth Ward

Absent:     Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present:     Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Daniel Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Loren R. Kephart, Public Service Superintendent; Ben Wolfson, Police Sergeant; Cathy Bubas, Manager's Secretary

**II.    CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS**

Mr. Tom Powers, Powers Run Road, referenced the recent issue of Shady Ave, which is devoted to O'Hara Township. He offered to ask the editor for extra copies. Manager Jakubec noted highlights in the magazine and suggested sending a thank you note signed by Council President or all of Council.

**III.   MINUTES**

- A.     Council Workshop – February 4, 2020
- B.     Council Public Hearing – February 11, 2020

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

Mr. Stewart and Vice President Vogel noted corrections to the February 4, 2020 Workshop minutes.

On voice vote, the minutes were unanimously approved as corrected.

**IV.    FINANCE**

The Manager noted an additional Bill List. She explained the Bookkeeper was out of the office to attend a funeral and prepared the additional Bill List upon her return.

A. Vouchers – February 2020

Motion by Mr. Denny, Jr. to approve the subject Vouchers was seconded by Mr. Stewart.

Mr. Frankowski inquired about cost savings as a result of installing LED streetlights. The Manager noted additional streetlights were installed so the cost savings is minimal.

On voice vote the motion carried unanimously. The Vouchers total \$685,834.90.

B. Receipts and Expenditures Records – January 2020

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

Manager Jakubec stated the 2019 audit was completed last week and should be finalized in a week or so. She noted extraordinary expenses were higher than the budget, which requires a budget amendment.

On voice vote the motion carried unanimously.

C. Treasurer's Report

Treasurer Curran stated finances look good. He noted the ALCOSAN bill was more than \$500,000; due to the minimal amount of snow there should be a significant overage of salt. The Township is committed to purchase a minimum amount of salt, and if need be, it could be stored by the supplier for a cost. Manager Jakubec stated there is some salt in the dome and the rest would be stored in other areas and covered with a tarp.

Treasurer Curran noted the potential impacts of the coronavirus. Manager Jakubec informed Council that staff is following the Center for Disease Control ("CDC") guidelines and included the information on the Township's website, Facebook page and on Twitter.

Treasurer Curran questioned if the Township has a disaster plan. The Manager referenced mutual aid with emergency service providers and the Township's Emergency Management Plan, which she would provide him with a copy.

President Smith advanced the agenda order to the Lennon Smith Souleret Presentation.

VII. REVIEW AND DISCUSSION / NEW BUSINESS

C. Discussion

- (2) Presentation of Study on Possible Storm Water Facilities User Fee by Lennon Smith Souleret Engineering

Manager Jakubec introduced Mr. Kevin Brett and Mr. Shawn Wingrove, of Lennon Smith Souleret Engineering. Mr. Brett and Mr. Wingrove were in attendance to present the results of a storm

water fee study. The study includes a possible storm water user fee, which would be charged to all residents, commercial businesses, nonprofits and government agencies in the Township. The purpose of the fee is to fund storm water specific expenses through a dedicated fund with a dedicated funding stream. This user fee may be warranted to address flooding concerns the Township has experienced the past two years. Council authorized the study November 2019. A Town Hall meeting could be scheduled to discuss the potential storm water user fee plan.

Mr. Shawn Wingrove reviewed the results of the storm water fee study. He noted the increased occurrence of significant storm events has resulted in many capital projects that mitigate some of the impacts of storms, as well as increased regulatory requirements associated with the most recent MS-4 permit. A dedicated funding source would provide revenue to accomplish the capital improvement projects, meet regulatory goals and storm water controls.

Mr. Wingrove noted one mechanism to generate the storm water funding source is a municipal fee. The study considers a storm water fee to be an equitable source of revenue as it is based on the amount of impervious area on a property and the contribution of storm water runoff. Mr. Wingrove explained the study suggests splitting the regular single family lot into two groups: less than one acre; and more than one acre. There is also a non-single family lot which includes everyone else, i.e. office building, warehouse, church, school, etc. A benchmark for equitability was developed, which is the equivalent residential unit (ERU). Based on analysis, the average square foot home in O'Hara Township has 3,200 square feet of impervious area, which includes rooftop, driveway, patio, sidewalk, etc. As a result, one ERU is 3,200 square feet. Mr. Wingrove continued to explain how the fee was calculated in order to provide funding for capital projects and MS-4 permit requirements.

It was noted a storm water fee would not be assessed for vacant land until the land is developed, at which time the fee assessment would be implemented through the approval process. Development increases the rate of water runoff and pollutant runoff.

During the 2020 budget process, a separate storm water budget was created. The storm water budget is based on annual storm water obligations, including Administrative staff's time contributed to storm water, annual operating and maintenance of the system, capital improvements to mitigate the impact of storms, and new MS-4 permit regulatory compliance requirements. The annual storm water budget would be reassessed after analyzing revenue collected and funds needed for projects to meet Township obligations.

The storm water fee would also include a credit incentive program for properties that manage storm water proportionate to the amount of mitigation impact. Storm water mitigation and BMP (Best Management Practices) must be maintained and operate properly. New land development is required to meet the ordinance requirements and entitled to the credit. The incentives are to encourage residents and businesses to want to control storm water. Mr. Denny, Jr. favored a plan that has strong incentives for home owners and businesses, as well as allotting money to market the incentives.

Ms. Cindy Harris, Fox Pointe, suggesting changing the terminology to 'earning credits' and to encourage people to do things that lessen the amount of storm water.

Mr. Kevin Brett, noted most people prefer to pay the fee and let the municipality do the improvements. People do not want to maintain a rain garden or reuse rain water collected in rain barrels.

Manager Jakubec stated Fox Chapel Plaza would be implementing storm water mitigation measures due to the construction of Chick-fil-A Restaurant. The Plaza currently has no storm water controls. The property owner, Alex Condrón, would be eligible for an assessment credit.

The Manager recommended having Jordan Tax bill the storm water fee due to the potential discount if the fee is paid all at once. Jordan Tax is processing billing for Fox Chapel Borough at no cost. If Council decides to move forward with the storm water fee, the Manager would contact Jordan Tax to inquire about charges for processing the billing. If a resident or business implements storm water management controls after paying the storm water fee, a proportionate refund would be paid by the Township.

Manager Jakubec reviewed the next steps of the process, which include Council and staff to review the information that was received late; forward questions and comments to the Manager to forward to Lennon Smith Souleret; Council meet to discuss potential issues in the proposed ordinance, such as the appeal process; prepare questions and answers for a town hall meeting; schedule a town hall meeting for late April at the community center to educate and let the public know what is going on; schedule a public hearing to receive public comments; introduce the proposed ordinance at the May business meeting; adopt the ordinance at the June business meeting; fee to be effective July 1. Legal advertising requirements of the town hall meeting and public hearing were noted.

## V. REPORTS

### A. Other Organizations and Agencies Reports

Manager Jakubec noted the North Hills Council of Governments will be interviewing the top six candidates for the Executive Director position on April 1, 2020. Treasurer Curran noted the new President is Mike Schurko and Ambrose Rocca is the part-time Interim Executive Director. The Board is also discussing things to expand on through the COG.

Mr. Steinert, Jr., P.E. indicated the asphalt plants would begin opening by the end of March and he would investigate the potholes along Alpha Drive when the weather breaks.

### B. Monthly Department Reports

Mr. Denny, Jr. noted the revenue received this month is below the norm. Manager Jakubec explained the issue is timing. The Township just received approximately \$387,000 in earned income tax revenue.

Mr. Stewart suggested ideas for including in the Township Newsletter. Manager Jakubec indicated an announcement about the Hometown Heroes Banner would be included in the next Newsletter. She also stated some banners would be hung in the Kittanning Pike area.

Mr. Stewart inquired about a traffic study for Valleyview Drive, a change order for Village Drive, and commented that some Township roads look like jigsaw puzzles, which the Township Engineer addressed.

Mr. Frankowski inquired about the sewer line on Kirkwood Drive. Mr. Steinert, Jr., P.E. explained the sewer line comes down the shoulder of Kirkwood Drive. A pipe under Kirkwood is encased in concrete and there is no way to access it. The pipe needed to be enlarged to handle the flow. It was also noted pipe bursting was on schedule.

Mr. Stewart inquired about ‘home improvement solicitation’ and ‘harassment by communication’ noted in the Police Department Report, which Sergeant Ben Wolfson explained. President Smith complimented the narrative in the Police Department Report.

C. Manager’s Report

Manager Jakubec informed Council that Zoll has donated AEDs.

VI. OLD BUSINESS

A. Ordinances – Second Reading and Adoption

(1) Amending the 2019 Township Budget B-4-2020

Manager Jakubec stated as a result of the July 2019 storm damages and severe flooding the 2019 budget needs to be amended to accurately reflect the unanticipated expenses in the amount of \$484,500.

Motion by Vice President Vogel to adopt ordinance Bill No. B-4-2020 was seconded by Ms. Berger and carried unanimously.

(2) Amending Ordinance No. 1354 Which Established the East Little Pine Creek Sanitary Sewer District and Imposed A Special Purpose Part Tapping Fee B-5-2020

The Manager stated the numbers for the project have been finalized and the Township’s portion deducted. Staff finds it necessary to amend Ordinance No. 1354 to accurately reflect the special purpose part tapping fee for the East Little Pine Creek Sanitary Sewer District.

Motion by Mr. Stewart to adopt ordinance Bill No. B-5-2020 was seconded by Mr. Denny, Jr.

President Smith clarified there is a special purpose tap fee and a conveyance tap fee. The fees were established so when a person that has 10 acres and wants to build 5 new homes they pay their fair share. Manager Jakubec added the conveyance tap continues and has to be paid. KLH Engineers is reviewing the conveyance tap fee, which may increase.

President Smith noted the ‘tap fee’ in the fee resolution should be changed to ‘conveyance tap’.

On roll call the motion carried unanimously.

- (3) Authorizing the Execution of a Cable Franchise Agreement B-16-2020  
With Comcast Cable Communications Management, LLC  
and Comcast of Pennsylvania I, Inc.

Manager Jakubec stated the ordinance authorizes the execution of a cable-TV franchise agreement with Comcast Cable Communications Management, LLC and Comcast of Pennsylvania I, Inc. to provide cable-TV service to the Township. A service area map is available upon request. The agreement is the result of negotiations with Comcast as part of the North Hills COG joint project for franchise renewal involving fifteen (15) of the member communities. The franchise fee percentage has been negotiated to match the same percentage as in the prior agreement.

Motion by Mr. Stewart to adopt ordinance Bill No. B-16-2020 was seconded by Vice President Vogel.

Mr. Stewart complimented Mr. Cohen's attention to detail in the contract.

On roll call the motion carried unanimously.

## VII. REVIEW AND DISCUSSION / NEW BUSINESS

### A. Proposed Proclamation

- (1) Recognizing Pennsylvania 811 Safe Digging Month

The Manager referenced an email received from Marcos R. Bernal of Pennsylvania One Call System, Inc. requesting Council's consideration of a proclamation recognizing the 48<sup>th</sup> year of continuous 811 service.

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

### B. Proposed Resolutions

- (1) Requesting Authorization to Purchase Public Service Department Equipment

Manager Jakubec noted Public Service Superintendent Loren Kephart is requesting authorization to purchase one 2020 Ford F-550 4x4 Dump Truck with plow and spreader from Tri-Star Motors, Blairsville, PA, the low bidder through the Pennsylvania State Contract No. 025-245. The total cost of the new dump truck, plow and spreader is \$54,490, which includes the trade-in of the 2013 Ford F-550, 4 X 4 dump truck with plow and spreader. The 2020 budgeted allocation to replace the dump truck is \$86,000.

Motion by Mr. Stewart to approve resolution Bill No. B-17-2020 was seconded by Vice President Vogel and carried unanimously.

(2) Requesting Authorization to Purchase Police Vehicles

The Manager stated Police Superintendent Scott Slagel is requesting authorization to purchase two 2020 Ford Utility AWD Police Interceptors from Tri Star through the SHACOG Purchasing Alliance. The cost of the two vehicles is \$39,376, including trade-ins of two 2018 Ford Police Interceptors with equipment, plus the cost of new equipment needed for the vehicles. The 2020 budgeted allocation for the vehicles is \$70,910. She stated the existing equipment cannot be retrofitted to the new vehicles. The police radios and computers were not part of the trade-in.

Motion by Mr. Frankowski to approve resolution Bill No. B-18-2020 was seconded by Mr. Stewart and carried unanimously.

(3) Request from the Fox Chapel School District for a reduction in the Performance Guarantee for the Construction of Kerr Elementary

Manager Jakubec noted the Fox Chapel Area School District has requested a reduction of the Performance Guarantee for the Construction of Kerr Elementary. The Township Engineer has reviewed the request and is recommending that the Performance Guarantee be reduced to \$500,000 as there is still site work, paving, dirt removal, landscaping and final grading to be completed. She recalled requesting the bid tabulations from the school district in order to consider a greater reduction to the Performance Guarantee, but the information was not provided. As a result, the Performance Guarantee stays at \$500,000.

Motion by Mr. Stewart to approve resolution Bill No. B-19-2020 was seconded by Vice President Vogel and carried unanimously.

C. Discussion

(1) Proposed Possible Development of a Scope Document for Joint Collaboration with Fox Chapel Borough on Long Range Comprehensive Plan Update

The Manager referenced an email from Fox Chapel Borough Manager Gary Kohler concerning cooperating and collaborating on the updates to both municipalities' Long Range Comprehensive Plans. Staff is requesting further discussion and if Council wishes to move forward, a motion to authorize the Township Manager to meet with the Fox Chapel Borough Manager to develop a scoping document for the joint review. The scoping document would be presented to Council for final authorization of the joint effort. She noted certain synergies between the two communities makes sense to work together. Some things will just be related to Fox Chapel Borough and some just O'Hara Township. There would be a joint consultant.

Mr. Denny, Jr. recommended including emergency management.

Motion by Vice President Vogel to authorize the Township Manager to meet with the Fox Chapel Borough Manager to develop a scoping document for joint review of the Long Range Comprehensive Plans was seconded by Mr. Stewart and carried unanimously.

## VIII. COMMUNICATIONS

### A. Council

Mr. Denny, Jr. acknowledged two high school students in the audience as a requirement of the AP Government and Politics class. Manager Jakubec explained why local government is the most important form of government, and noted important topics discussed this evening.

Ms. Cindy Harris, Fox Pointe, commented that she did not see a benefit to working with Fox Chapel Borough on the Long Range Comprehensive Plan. Manager Jakubec noted similar issues that could be jointly discussed, such as storm water and traffic, that affect both communities. Ms. Harris questioned if the boards that are going to work on updating the Long Range Comprehensive Plan should have a say in working with Fox Chapel Borough. Manager Jakubec explained staff will prepare a scoping document for Council's review and consideration; Council has the final say.

Mr. Frankowski chatted with Ms. Harris about her solar shingles.

Mr. Denny, Jr. suggested preparing a proclamation or resolution commending the High School Musical performance, which he thought was phenomenal.

### B. Staff

The Manager noted the Police have received bodycams, which Sergeant Wolfson and Officer McMahill are testing. Sergeant Wolfson stated the bodycams are self-activated and vibrate every 30 seconds to remind the Officer the camera is still recording, though audio has been disabled.

President Smith inquired about the status of the ordinance codification project, which the Manager indicated is moving forward.

Vice President Vogel recalled a request to maintain the sidewalk on the Highland Park Bridge. Manager Jakubec requested permission to inform Penn D.O.T. that the Township is not going to maintain sidewalks on the Highland Park Bridge. The Township does not have the proper equipment or manpower to do so. She had sent an email to Cheryl at Penn D.O.T. and talked with State Representative Lori Mizgorski and Senator Lindsey Williams about the request. The Manager stated if Penn D.O.T. deems it the Township's responsibility she would block and close the sidewalks.

Mr. Frankowski inquired about the status of the Ravine Street project. Mr. Steinert, Jr., P.E. stated the low bidder for the first portion of the project on Clay Street withdrew their bid. The second low bidder is Costa. Mr. Steinert, Jr., P.E. indicated the rest of the project would be going out to bid.

Vice President Vogel stated people are not supposed to ride bicycles on sidewalks. Ms. Berger recalled the bicyclist came to Council with new laws. Manager Jakubec stated she has an ordinance from 1936 that states the Township **is not** responsible for maintenance of the Highland Park Bridge.



IX. ADJOURNMENT

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

The meeting adjourned at 9:10 p.m.

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Cathy Bubas, Manager's Secretary

Attachment(s): Sign-In Sheet(s)