

**TOWNSHIP OF O'HARA
COUNCIL
VIRTUAL TOWN HALL MEETING MINUTES
JUNE 30, 2020**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:01 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; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: Ted Curran, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Cathy Bubas, Manager's Secretary

President Smith welcomed those in attendance. Manager Jakubec noted meeting procedures.

II. PRESENTATION

- A. Proposed Storm Water System User Fee

Manager Jakubec stated the purpose of the meeting is to explain a proposed storm water user fee. She noted as a result of the increased occurrence of significant storm events requiring mitigation to lessen the impact, and regulatory requirements associated with the Municipal Separate Sanitary Sewer System (MS-4) permit, Lennon Smith Souleret Engineering, Inc. ("LSSE") prepared a storm water fee study. Kevin Brett and Shawn Wingrove, representatives of LSSE were in attendance to explain the results of the study and the calculation method for the proposed storm water system user fee.

Mr. Wingrove explained the Township requested an analysis of a study for a potential storm water utility fee since the Township storm water system is a utility that serves the entire township. He also explained what storm water runoff and impervious surface are and how it impacts the quality of water as a result of pollutants.

Mr. Wingrove noted storm water is a budgetary concern. Storm water systems include inlets, storm drains, pipes, and detention basins that the Township must keep in operating order with routine maintenance every year. As a result of record-setting rain fall events the last two years, capital improvements are needed to help mitigate the impact of storm water on the surrounding areas.

Mr. Wingrove stated the Township is issued a NPDES permit by Pennsylvania Department of

Environmental Protection (“DEP”), which allows the Township to collect storm water runoff and discharge it into a stream, subject to environmental conditions. The permit legislation was enacted as part of the Clean Water Act in 1970, which has evolved over time. The MS-4 permit was introduced to big cities initially, and to smaller municipalities in 2003. The Township’s permit was renewed in 2013 and 2018. Permits issued in 2003 and 2013 required nonstructural tasks, such as mapping, water sampling, etc. The 2018 permit involves capital improvements based on a Pollution Reduction Plan. Over a five-year period, the Township must reduce pollutants and sediment by 10% to improve water quality. This will involve implementing Best Management Practices (“BMPs”) such as a detention basin or retention pond.

Mr. Wingrove stated traditionally the Township has funded storm water projects from the general fund, which is comprised of real estate and earned income taxes. Because of the severe storms and regulatory requirements, there is a focus to hold storm water. Council began looking for a better, and fairer way to fund storm water management projects.

Mr. Wingrove stated a utility fee is a better way to fund storm water projects, because the utility fee would apply to all developed properties, including tax-exempt properties. The fee is not tied to a property value. Properties with the most amount of impervious area will have the most impact on the Township’s storm water system and discharge of pollutants to the stream, which is a regulatory requirement for the Township to address.

Mr. Wingrove explained in order to provide for equitability, a base unit had to be established, which becomes the Equivalent Residential Unit (ERU), for the proposed fee. All Township properties were analyzed, and the statistical analysis was determined that one ERU is equal to 3,200 s.f. of impervious area, which includes rooftop, driveway, patio, etc. Mr. Wingrove also noted a distinction between different sized lots. Lots of one acre or less were fairly uniform, while larger lots were very diverse. The lots were placed into three categories: 1) Single Family Residential Lots of one or less acres; 2) Single Family Residential Lots of one or more acres; 3) Non-Single Family Residential Lots, which include multi-family, apartments, commercial property, businesses, offices, stores, industrial and everything else. As proposed a Single Family Residential Lot of one acre or less would be billed for one ERU. A Single Family Residential Lot of one acre or more, and Non Single Family Residential Lots would be billed based on the actual impervious area. The ERU relates to impervious area; not lot size. Any developed property would be a contributor to the fee; nobody would be exempt.

Mr. Wingrove noted the next side of the equation is the financial impact in complying with the regulatory requirements, which fall into two broad categories; 1) capital improvements for infrastructure, operation and maintenance (“O&M”); 2) MS4 regulatory requirements. The most important requirements are maintaining the system, mapping the system, and repairing the system as needed.

Mr. Wingrove stated the proposed fee is \$8.00 a month per ERU and is based on the Township’s financial need to meet the regulatory goals and implement infrastructure improvements.

Manager Jakubec requested Mr. Wingrove to review the incentive program, noting individuals or businesses that do something to reduce storm water, such as implement rain gardens, rain barrels, could receive a reduction in their storm water fee. Mr. Wingrove explained as part of the incentive program, a property owner could receive a reduction in the storm water fee by doing something in

an effort to manage storm water, such as implementing a rain garden or installing a roof drain sump. The Manager noted a property owner would submit an application that includes options for incentives, the Township would inspect the BMP, and the property owner would receive a credit as long as the BMP is functioning properly.

III. CITIZEN QUESTIONS AND COMMENTS

Ms. Megan McKissick, 117 Valley Drive, questioned if bids were made public; how Lennon Smith Souleret got the project; the total cost of the project; how the Township separates its system from Fox Chapel Borough's storm system, and Aspinwall Borough; what the ERU calculation is; and why the Township was not approved for FEMA money. The Manager and Township Engineer answered and explained each question.

Mr. Ilya Goldin questioned a possible incentive for residents to collaborate in storm water issues together. The Manager indicated staff would be open to discussion.

Ms. Doris Dick noted seeing homes directing water onto the road, while she redirected storm water to a rock pit on her own property, and questioned if she would be eligible for a credit, which Mr. Steinert, Jr., P.E. confirmed, adding as long as it was functioning properly.

Ms. Mary Lou Westman, Valley Drive, stated she did not feel the residents should be subjected to the uncontrollable floods. Mr. Frankowski and Mr. Stewart pointed to the uncommon amount of rainfall in a short period of time. Mr. Stewart also noted ongoing projects to mitigate the flooding issues. Mr. Steinert, Jr., P.E. stated the Army Corps of Engineers is performing a complete watershed study for Squaw Run that includes O'Hara Township and Fox Chapel Borough. The study will show what needs to be done to alleviate the flooding, including the implementation of storm water detention facilities. However, the Township does not have the money to resolve every issue and the fee will provide a financial boost to accomplish the goals.

Mr. Denny, Jr. reiterated the issue has been going on for some time and has accelerated. Storm water management is a top priority and as the Township begins updating the ten-year long range plan, storm water management will probably be the most important issue.

Ms. Amy Snider, Dorseyville Road, asked if a property on a non-Township road has any impact on the calculation. Manager Jakubec stated the fee is per residential home in the Township.

The Manager noted a question pertaining to an indication of where the money would go for this fee. She explained the Township Budget would include a dedicated fund for storm water, and during the budget process Council will allocate monies to specific projects.

Ms. Westman stated she lives along a state road and noted a conflict of the State working with the Township. Manager Jakubec recalled reaching out to the State many times to partner with storm water facilities in the area. She acknowledged the sink hole problem in the area that the State needs to address. The Township is having Lennon Smith Souleret review projects that would be Township-specific if the State will not collaborate.

Ms. Westman requested contact information for the State Representative that visited the sink hole and had promised to have the creek cleaned out every few months, but no one has been back. The Manager indicated she would provide the information requested.

Ms. Skowron asked when the fee would be enacted; if the Township was considering putting in a storm basin at the intersection of Delafield Road and Valley Drive; and where the work is occurring on Delafield. The Manager noted the process for enacting the fee, which could be effective in September. Mr. Steinert, Jr., P.E. explained the storm water separation project may not happen and Delafield is a low position, elevation wise to Valley Drive, to be positively impacted by a storm water facility. He also noted the work on Delafield is occurring at a section going through Aspinwall. Ms. Skowron requested additional information, which the Manager suggested Ms. Skowron call the office.

Mr. Westman recalled talk about getting a credit for work done on property for water runoff and asked if an area where water could pool to and sink into the ground would be eligible for a credit. Manager Jakubec stated that would be considered.

Mr. Robert Palumbo, Highmeadow Road, stated he put a rock sump in his yard for the downspouts 48 years ago and questioned if the sump would be eligible for a credit. He also asked why they are not allowed today. Manager Jakubec stated the downspouts cannot drain into the street, but a rock sump is allowed. Staff would look at the rock sump to verify it is still functioning properly, and if so would be eligible for a credit.

The Manager noted Ms. George expressed concerns of flooding on Fox Chapel Road. The Manager noted a study is being done by the Army Corps of Engineers in collaboration with Fox Chapel Borough. Manager Jakubec stated the fee money could be used to implement some of the recommendations in the study. The study results are not yet available.

Ms. Laura Teschke stated she has been flooded as well and questioned if the Township has a plan to work on bigger projects and then residential issues, and once everything is built, is there a maintenance plan to make sure the pipes, storm drains and runoffs are still functional. Manager Jakubec explained the Township is required to perform inspections as part of the MS4 permit. She also noted Ms. Teschke's address to include on a list of property concerns. Ms. Teschke noted a sinkhole that developed four years ago between 110 and 112 Berwick Drive and she was wondering her place on the list and if she would not see anything done for another four years. Manager Jakubec stated if it is the Township's pipe causing the sinkhole, she will talk with staff to make sure it is on the radar. She noted staff can do a lot of the work, but some projects are just too big for the Township's talented staff and has to look to contractors. Each year, during the budget process, projects are reviewed as to what can be done internally, what projects qualify for grant funding, and what projects require other allocations. Ms. Teschke requested advance notification so she could be present when Township staff investigates.

Manager Jakubec read a question from Mr. Vincett, stating total runoff is also partially dependent on lot size. Regardless of impervious surface, especially during large rainfall events. Why has this not been considered in the ERU calculation. Mr. Wingrove explained the look at impervious surface is to try to best evaluate the change from a natural state to a developed state. While a 100-acre parcel has more runoff than a one-acre parcel that is just grass, the equitability is found in the manmade change to the parcel to create impervious area.

Mr. Vincett asked how the sediment pollution reduction was proceeding. Mr. Steinert, Jr., P.E. stated the Township is working with Lennon Smith Souleret and has begun working on projects identified. The sediment reduction is basically in Squaw Run. The Township is looking at storm water retention facilities in conjunction with Fox Chapel Borough to help both municipalities meet their goals. Right now we're in design and should get to the point of making real progress in the next eight months.

Manager Jakubec read a question, does the federal government give the Township money for storm water. Staff is always looking for grants; we have three State grants out now for various possible storm water ponds. If there is a possibility would could get a grant for a project, the Township would certainly apply. Mr. Denny, Jr. added that there are fewer dollars coming down to local municipalities, whether it be from the federal government or the state. It is almost as if the Township is on its own to take care of our own problems.

The Manager referenced a question about what are separation projects. She explained the separation projects involve removing streams and storm water from Aspinwall and Sharpsburg's combined systems, because it causes problems for ALCOSAN.

The Manager referred to a question about a fully permeable asphalt driveway, and indicated it would most likely be listed as a credit when approved.

Ms. Emily Corran stated she was at the last in-person meeting. Nothing has changed since before COVID. Her concern is being able to sell her home in five or six years. She reiterated the importance of addressing uncontrolled flooding along Kittanning Pike, with or without the State's help. There needs to be action on this street, there needs to be people cleaning the pipes. Manager Jakubec stated some of the storm water studies being done by Lennon Smith Souleret look at what would directly impact Kittanning Pike, and that would be without State participation. Possibly storm water ponds farther up Kittanning Pike would mitigate that. Ms. Corran stated after this has happened multiple times, words are just words; they need action. She intends to be at every meeting until the issues are addressed.

Manager Jakubec noted a question about the process. She explained Council would continue discussion in July and could introduce the ordinance at that time. An ordinance requires two readings, and following more discussion in August, Council may second read and adopt the ordinance in August. Due to the spike of COVID-19 cases, meetings would most likely continue via Zoom.

The Manager noted a question about flooding on Cabin Lane. She stated Lennon Smith Souleret is looking at that area as well and considering solutions.

Ms. Snider stated even if future meetings are held in person, it would be great to be able to join the meetings electronically.

President Smith stated he wants to make sure everyone has an opportunity to have their questions answered.

Ms. Berger acknowledged the frustration expressed by residents and the lack of information coming to this meeting even though it had been previously discussed. She requested everyone in

attendance to write in the chat how they would like to receive information about storm water in order for the Township to better communicate.

Mr. Denny, Jr. noted lots of questions regarding the incentives and how they would be implemented. He suggested Council flush out the incentives prior to taking any action on the fee.

President Smith reminded everyone in attendance that Council meets the first and second Tuesday of the month. Lately the meetings have been conducted virtually due to the COVID-19 Pandemic, but everyone is invited to attend.

Mr. Stuart Hoffman, 523 Dorseyville Road, stated he has been flooded twice and did some remediation with his neighbor's cooperation, but is now having some difficulty with the neighbor. He noted that he may need some assistance from the Township to work with the neighbor to resolve the problem.

Mr. Stewart noted one of the most important things he heard tonight and may be most effective, is working together with our neighbors because if you work as a team you know what's happening and can talk with Township staff, who may be able to help with ideas on how to reduce the amount of water getting into the storm system.

Manager Jakubec requested anyone to feel free to reach out to staff with additional questions. Staff will review what has been said in the Chat and provide more information on the storm water and upcoming projects. Staff will try to get the credit incentives to Council in July.

IV. CONCERNS OF COUNCIL

No comments.

V. CONCERNS OF STAFF

No comments.

VI. ADJOURNMENT

Motion by Vice President Vogel to adjourn the Town Hall Meeting was seconded by Mr. Stewart and carried unanimously. The meeting adjourned at 8:30 p.m.

Cathy Bubas, Manager's Secretary

Attachment(s): Attendance Sheet(s)