

TOWNSHIP OF O'HARA
COUNCIL VIRTUAL WORKSHOP MINUTES
AUGUST 4, 2020

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:00 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

Manager Jakubec read a statement regarding meeting procedures and participating in the meeting.

II. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. David Brandner, Locust Drive, stated he sent in a list of issues and is asking the Township for assistance to resolve the issues. Manager Jakubec informed Mr. Brandner that Council was provided a copy of his letter, and reminded him that Mr. Kephart had met with him. She noted Mr. Kephart was on vacation and would contact Mr. Brandner when he returns.

Mr. Wally Clements recalled a year ago he and a neighbor met with Township staff to ask for help with the School District, as he lives behind the new Kerr Elementary School. The School District's final plan is to have a 20-foot high grass wall behind all of their homes instead of the level area originally presented.

Manager Jakubec informed Mr. Clements that this is a discussion item, No. E., on the agenda, at which time she would share her screen to show the final plan.

III. REVIEW AND DISCUSSION

- A. Discussion Concerning Potential Name Change of Squaw Valley Park

President Smith stated based on public comments at the July 14th Council Meeting and the July 22nd Parks and Recreation Commission Meeting, and the large amount of correspondence received, and research that has been done, Council decided to further discuss the matter. Prior to accepting public comments, President Smith requested comments from Council.

Ms. Berger read the following statement:

“I want to thank the Township Parks & Recreation Commission for holding a forum for community members to speak about the name of O’Hara Township’s premier park. I want to thank Ms. Leonard and Mr. Sague for educating us about the meaning of the current name. We have heard from many members of our community regarding the name of our park. This is an issue that has deep meaning for all of us. Let’s focus on what we believe we can all agree on. We can agree that we respect the Indigenous peoples of this area. We agree on the importance of remembering our history and the Indigenous people and settlers who came before us. We agree that we have a community park that we can all be proud of. This park is a representation of the O’Hara community. Over the years the park has evolved while keeping an atmosphere of welcome and peace. Some examples of its evolution are updating playground equipment and making it more accessible, updating trails, cleaning the pond, removing the geese, adding games, and most recently installing charging stations for alternative fuel vehicles. We are poised at this moment for another evolution of our park. Ms. Leonard said it best when she said, “Now that you know what it means, what are you going to do about it.” The Council of Three Rivers American Indian Center has respectfully requested that we remove the name ‘squaw’ from our park and now that we all know the meaning of the word we can and must do better. We can honor the Indigenous peoples by understanding from their perspective this word is a disgusting slur and not something associated with a place of welcome and peace. The deep meaning this park brings to us comes from our experiences we’ve had there; not from its name. Changing the name will not change our memories or our experiences at this park. We have an opportunity now to rename the park and also remember our history. Our Parks and Recreation Commission can work with the Council of Three Rivers American Indian Center and our Historian, Tom Powers, to create interpretive wayside signs and add programming in the park to educate the community about the history of O’Hara Township. I move that we change the name of Squaw Valley Park to O’Hara Township Community Park.”

The motion was seconded by Mr. Denny, Jr.

Mr. Frankowski stated he has not had time to talk to his constituents about the issue and suggested tabling discussion until residents can physically come to a meeting. He believed the older generation does not have access to technology and are unaware of the issue. He noted 50 people are in this meeting, when the Township has over 5,000 residents. He questioned of the 50 people in the meeting how many are O’Hara Township residents. He also indicated history would be erased.

Mr. Stewart stated, “Up to this point Council has received good information from residents and others on this issue. People have been changing names with ‘squaw’ for the last ten years. In researching history, it is fairly clear that ‘squaw’ is considered a slur by Indigenous people. Talking about changing the name of the park will not calm things down, and I support the motion by Ms. Berger. I do not see how changing the name ‘squaw’ changes history.”

Mr. Denny, Jr. stated, “It is always the right time to do the right thing, and this is the right time. As for it being a slur, the research has been done. It is Council’s job to make those decisions. If you do not agree you have the option to vote us out.”

Ms. Eccles agreed with Ms. Berger and commended her beautiful speech.

Vice President Vogel stated he did not know ‘squaw’ was a slur and an insult to a segment of the Township’s population. He agreed the name must be removed and waiting six months or a year, or meeting in person will not change anyone’s mind. Council was put in office to make the right decisions. Vice President Vogel supported the motion.

President Smith stated he is whole-heartedly in favor of changing the name, and would like to know how and why it was named as such, but there is no record.

Mr. Denny, Jr. suggested asking the Parks and Recreation Commission if they would be willing to work with the Council of Three Rivers Indian Center and Tom Powers to add programs that tell the true story of the Native Americans in this area.

Mr. Frankowski commented that Council is moving too fast on this issue.

Ms. Leonard, Ms. Amulya Garimella, Mr. Eli Berman, Mr. Ilya Goldin and Ms. Melissa Compton and several others participating in the meeting supported changing the park name.

Ms. Lisa Mitten spoke on behalf of Miguel Sague of the Council of Three Rivers Indian Center since he was unable to attend. Ms. Mitten stated on behalf of the Council of Three Rivers Indian Center, they are completely behind in changing the park name. She stated ‘squaw’ is not even an Indian word.

On voice vote the motion carried 6 to 1 with Mr. Frankowski voting against.

Mr. Frankowski did not think action could be taken at a workshop. Solicitor Lucas clarified that Council can conduct business at a workshop.

Motion by Mr. Denny, Jr. to ask the Parks and Recreation Commission to work with the Council of Three Rivers Indian Center and Tom Powers to develop programs that will bring to life the true history of Native Americans, was seconded by Ms. Berger and carried unanimously.

B. Proposed Ordinance Enacting a Storm Water System User Fee

Manager Jakubec recalled Lennon Smith Souleret Engineers, Inc. presented information to Council at the March 10th public meeting and again to Council and Township residents and businesses during a Special Town Hall Meeting on June 30th. An application for the storm water credit and a proposed ordinance are before Council for continued review and discussion. The ordinance and storm water credit application encompass comments received at the June 30th Town Hall Meeting, July 7th Workshop and July 14th Regular Meeting. If acceptable a Public Hearing will be scheduled prior to the August 11th Regular Meeting to receive public comments prior to adoption.

Vice President Vogel questioned how people would get a credit for reducing stormwater. Mr. Steinert, Jr., P.E. explained the fee would be calculated on the impervious surface and they will be eligible for a reduction in the fee.

Ms. Berger noted a property owner could retroactively submit an application and have the fee reduced with a detention facility.

President Smith noted the property owner gets a credit for mitigating impervious surface. He suggested saying they get 20% reduction of the newly mitigated surface.

Mr. Stewart noted a commercial facility built in 2000 was required to put in a retention facility to meet the mandates per ordinance. He questioned why they should be given a credit now for something they had to do.

Vice President Vogel stated as long as the detention facility is still working, they should receive a credit.

Ms. Berger stated having to meet the Township ordinance requirements could add an additional \$10,000 to a project. She recommended encouraging property owners to implement stormwater mitigation measures.

President Smith stated if a stormwater facility was built ten or 15 years ago, it would not meet current standards. Ms. Berger stated the property owner would have to go through the application process and be vetted. She suggested including information about the application and the process.

Mr. Frankowski noted the inspection time lines need to be synced between Single Family, Non Residential and Large Single Family.

The Manager suggested asking Mr. Kevin Brett or Mr. Shawn Wingrove of Lennon Smith Souleret to participate in the August 11th Public Hearing via Zoom, to which Council agreed.

Mr. Stewart noted some typographical errors, which the Manager requested he call to discuss tomorrow.

The consensus of Council was to include the ordinance on the August 11th regular meeting agenda for consideration.

C. Police Officer Diversity Training

Manager Jakubec referenced a memo and information from Diversity Builders explaining customized diversity training programs for Police Officers. She noted she and Police Superintendent Slagel reviewed the information. All Officers would go through the two-hour virtual training.

Mr. Denny, Jr. suggested ongoing training on diversity and identity. It should not be once and done. The Manager stated the Police Superintendent continues to look for training programs.

Mr. Stewart suggested asking the Officers their thoughts after the first session. The Manager stated Diversity Builders has a very diverse training group specific to Police Departments. The training sessions are custom tailored.

Mr. Frankowski asked if the Police Superintendent attends the Pennsylvania Chiefs of Police meetings, which the Manager affirmed. Mr. Frankowski suggested he share information on training.

D. Proposed Ordinance Ratifying a One Year Extension of the Public Service Department Employees Labor Agreement

Manager Jakubec stated the ordinance ratifies the extension of the Public Service Employee Labor Agreement for the year 2021. The union has already approved the contract. Employees will receive the same wage increase as received for 2020. There were no other changes to the agreement. She noted because of the COVID-19 it would be difficult to negotiate.

The consensus of Council was to include the ordinance on the August 11th regular meeting agenda for consideration.

E. New Kerr Elementary School Grading Plan

The Manager referenced a change to the Kerr Elementary School grading plan. Mr. Steinert, Jr., P.E. stated the original plan included a steep slope of 2:1 in the northwest corner of the lot, causing storm water to be directed onto residential properties below. At a meeting with the School District and residents, the School District explained they have a lot of extra material from the construction of the school which will cost a lot of money to remove from the site. During the construction of the foundation, it rained and ruined a lot of the subsurface material, so they had to dig it out, and it was placed on that part of the site. He and the Township Manager met with School District officials and the construction company at the site and came to an agreement that is shown on the screen. It shows a reduction of the slope from 2:1 to 3:1. The current slope is steeper than 2:1 and allows stormwater to run off the site and affect the residents below very seriously. In addition to cutting the slope back they are going to place some of this fill in the so-called flex space/overflow parking area. It will be an elevation rise of three-feet from the driveway coming into the site. The original plan was a gentle grade up from there to the northwest corner. With this plan, it is basically the north and western side of the site that has the slopes built up. Once it is built up they are going to seed it with meadow grass and plant numerous pine trees and deciduous trees on the site. Mr. Steinert, Jr., P.E. noted he and Manager Jakubec were still concerned about stormwater affecting the residents after this was completed. If something happens, he and the Manager want the School District to step up and solve the problem by possibly installing a rain garden or some kind of structure to take the water from that corner of the property through a private property to a Township-owned storm water basin. The stormwater report they submitted with this plan focuses the calculations on this affected area and shows that post-construction stormwater is less than preconstruction rate. Once it is seeded and there is full growth, Mr. Steinert, Jr., P.E. indicated he is fairly confident the issues from the last year and a half will be resolved. He noted something could happen if the Township experiences an extreme rain storm, as storm water is being treated on the site, and storm water will still trickle down off the hillside. He noted it is just a matter of the vegetation coverage and how quick and deep rooted it will grow.

Mr. Denny, Jr. requested an explanation of the lines on the revised plan, which Mr. Steinert, Jr., P.E. provided. Mr. Denny, Jr. asked if the residential homes are located to the left of the blue line which Mr. Steinert, Jr., P.E. affirmed.

Ms. Eccles asked what the original plan was. Mr. Steinert, Jr., P.E. recalled the original plan showed a 2:1 slope and it was only a small portion. The fill was only concentrated to that corner, and the fill has spread out east and south, building the whole area up. Ms. Eccles asked if this is better or worse than the original plan. Mr. Steinert, Jr., P.E. stated this is better. He recalled an option no. 3 plan with a 5:1 slope last year, but the cost to remove the dirt increased.

President Smith questioned the Township's responsibility and if Council is to approve the plan. Mr. Steinert, Jr., P.E. explained staff is updating Council on the new plan and informing Council of how staff is working with School District to resolve the problem. President Smith asked if the School District has to obtain a grading permit to move the dirt. Mr. Steinert, Jr., P.E. stated the grading permit was issued along with the E&S Controls and NPDES Permit. Manager Jakubec stated if a revision is submitted and the Engineer is in agreement, it becomes part of their permit package. If something is not done correctly the Township could revoke the permit. This is revision number 5 and is being presented to Council due to the residents' stormwater concerns.

Mr. Stewart questioned what Council approved. Mr. Steinert, Jr., P.E. explained the original plan included a 2:1 slope in the corner of the lot with a one or two-foot mound constructed in the corner and from there the entire field gradually sloped down to the elevation at the back of Kerr at the driveway. He stated the whole area has three to four more feet of extra material that was excavated out from the school construction. Mr. Stewart stated the whole area is enlarged and spreading additional water flow on residential properties below. He was not comfortable, knowing what is changing as far as weather patterns, and having things change in the plan so that there is a possibility of more water coming down on residential properties, or granting the School District a cost savings unless there is an agreement to protect the homeowners. Mr. Stewart asked the Township Engineer to share with all of Council the information provided to him, as he does not like the idea that you can put a 2:1 slope near somebody's house with the potential for damage caused by stormwater. Mr. Steinert, Jr., P.E. explained per Township ordinance, a development is allowed to go to a 2:1 slope as long as it is an engineered slope, and the stormwater also meets the Township's stormwater ordinance. If all the calculations are correct and they show that they have met the requirements for post-construction stormwater runoff, they comply with the ordinance. Technically, the School District could have built the mound up to a peak as long as it meets the stormwater and grading ordinance, and any other ordinances.

President Smith stated the only thing Council could do is review the ordinances for possible changes. Mr. Steinert, Jr., P.E. noted the stormwater ordinance was recently changed to require more retention.

Mr. Clements stated Mr. Steinert and Manager Jakubec have been very helpful from the start of this. He acknowledged the Township has ordinances to enforce and as long as the ordinance requirements are met, there is nothing the Township can do. At the very start of this project nobody even knew about this hill or that it is permanent. The drawings presented at meetings with residents were pictures from above and did not show any grades. No one knew about the grades until the Byrnes' were flooded a year later. The School District built a dirt wall at the base of their houses. The Township does not have an ordinance limiting the height of a wall that someone can build behind your house. Mr. Clements recalled after the Township met with the School District the residents had a series of meetings with the School District and were provided handouts of information. The School District indicated the 20' wall of dirt would come down to provide a 3:1 slope. At a subsequent meeting the School District said the slope would come down to 5:1. He

believed in the integrity of the School District, but the School District had no intentions of changing anything. Mr. Clements commended the Township for their efforts, but asked the Township for more assistance.

Mr. Frankowski indicated the Township Manager and Engineer would make sure the School District makes things right, which Mr. Clements no longer believed.

Mr. Denny, Jr. asked when the School District presented the 5:1 slope to the residents, which Mr. Clements stated last August. Mr. Denny, Jr. stated his understanding is the best the Township can do is hold the School District to a 3:1 slope. Mr. Steinert, Jr., P.E. stated they can implement the 2:1 slope with an Engineer design slope. Manager Jakubec stated a revised plan was submitted, as shown, and is part of their permit package. She believed, when the School District asked the Township to release some of the bond, staff knew the cost to remove some of the dirt would be expensive based on the dirt removed from the community center. So the bond was not released. As a result, the Township received a new, revised plan. Mr. Steinert, Jr., P.E. stated he was looking at the drawing and there is a way the School District could get the slope to 4.5:1 slope, but the residents would have to agree to allow them to do work near the property line. Per the ordinance, they cannot go within 10 feet of the property line. It would raise the bottom of the slope up, but the overall slope would be about 4.5:1. The top of the slope would be the same place. Mr. Clements was acceptable to decreasing the slope, and offered to get the other residents to sign an agreement. Manager Jakubec recommended scheduling another meeting with the School District on site to work this out.

Ms. Dana Byrnes stated she is the house that is being flooded. It started the day they put the hill up. She contacted the School District in September of 2018. She has attended Township and School District meetings and separate meetings with various school administrators. Her house continues to get flooded and they are now at the end of their project and the reason they can't grade down the hill is because they've already paved everything and feel they don't have to do anything. She has documented everything from the beginning. The School District is completely unwilling to work with the residents.

Manager Jakubec recommended scheduling another meeting with the School District on site. President Smith asked the Solicitor what the Township's responsibilities are. Manager Jakubec noted if someone is directing stormwater onto someone's property the Township has the ability to address that. Solicitor Lucas agreed the first step would be to meet with the School District before getting into any potential litigation in the future and recommended further discussion in Executive Session.

President Smith noted the construction site is more than one acre and would also require approval by the Allegheny County Conservation District for their grading and stormwater management plans. He questioned what the County Conservation District has to say about all the plan revisions and the noncompliance the School District is accused of. He recommended pulling the County Conservation District into the situation, to which the Manager agreed.

Mr. Stewart stated to the residents the School Board is the overarching guide to the School District as to what they do. They are elected officials and hold the School District accountable. He strongly encouraged the residents to talk with all of the School Board members, and if possible get on a School Board meeting agenda.

President Smith recommended the residents continue to work with the Township Engineer and Manager, as they will do what they can to help.

Manager Jakubec indicated staff would schedule a meeting with the School District and County Conservation District on site and inform the residents of the date and time, and try to compromise the situation within the legal ability the Township has.

F. Ratifying an Application for Reimbursement of Coronavirus Related Expenditures Through the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”)

Manager Jakubec stated staff is seeking reimbursement of expenses specifically related to the Coronavirus through the CARES Act. The Township is eligible for \$125,000 and will be drawing it all down for Police expenditures.

Mr. Frankowski commended staff for getting the signs posted concerning masks and social distancing procedures.

The consensus of Council was to include the resolution on the August 11th regular meeting agenda for consideration.

G. Announcing the 2020 Allegheny County Side Yard and Blighted Structure Program

The Manager announced residents have an opportunity to acquire vacant lots and structures at a discounted cost through the County 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, 2020 and are available at the Township office.

H. Update on COVID-19

Manager Jakubec noted staff continues to explore available grants through PEMA and FEMA for reimbursement of COVID-19 related expenses. Appropriate signs have been posted in Township parks. She continues to monitor case numbers and orders issued by the Governor and Secretary of Health.

Mr. Frankowski inquired about the numbers in O’Hara Township, which the Manager indicated she would provide the link to the website.

I. Fox Chapel Authority Board Vacancy

The Manager recalled the sudden passing of Michael Miele, a Township representative to the Fox Chapel Authority Board. There are two resident volunteers that may be interested in serving on the Fox Chapel Authority Board.

Mr. Denny, Jr. indicated the Board Chair has requested the Township move quickly to fill the vacancy. He suggested staff reach out to the two volunteers to inquire of continued interest in serving on the Board to which the consensus of Council concurred.

J. Solicitor's July 9, 2020 Invoice

No comments.

K. Proposed August 11, 2020 Regular Meeting Agenda

Manager Jakubec noted representatives from Lennon Smith Souleret would be invited to attend the meeting to answer questions about the proposed stormwater system user fee and rebate program.

IV. CONCERNS OF COUNCIL

Mr. Stewart noted people that have connected to sewer lines have white PVC pipe extending a few feet from the ground and asked staff if they could make the pipe level with the ground. President Smith explained the pipe is left extending from the ground until the dirt settles. Some people cut the pipe, others paint it to blend in. Manager Jakubec indicated she would inquire about what other communities do and report back to Council.

Mr. Frankowski noted concerns of the Kittanning Pike sink hole and flooding; water ponding by the bridge; and asked how Harding Road is holding up. Manager Jakubec stated she emailed Cheryl at Penn D.O.T. but had not received a response. Mr. Steinert, Jr., P.E. explained the storm sewer on Harding Road is connected from Meadow Heights Drive to Grove Road, but water might cross the center of the road until it is paved.

V. CONCERNS OF STAFF

Manager Jakubec informed Council that the bridge in Squaw Valley Park is closed since it was washed out, and will remain closed due to COVID-19.

The Manager noted about 40 letters will be sent to Saxonburg Boulevard area residents reminding them to connect to the sanitary sewer line by the September 30th deadline. Letters will also be sent to Dorseyville Road/Village Drive residents.

VI. ADJOURNMENT

The workshop adjourned at 9:02 p.m. and Council entered into Executive Session to discuss labor and legal matters.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet(s)