

TOWNSHIP OF O'HARA
COUNCIL VIRTUAL WORKSHOP MINUTES
MAY 4, 2021

Manager Jakubec noting virtual meeting procedures.

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; Gregory Caprara, Third Ward; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: 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

II. VISITORS

- A. Representatives from the Lauri Ann West Community Center – Mark Rothert and Anthony Allison

Mr. Anthony Allison, Executive Director, and Mark Rothert, Township Liaison, were in attendance to update Council about the Community Center and the effects of the COVID-19 Pandemic. Mr. Allison indicated since the beginning of the pandemic, approximately 40% of memberships have been lost. Operating restrictions were implemented, including limited fitness classes and children's programs. The after school programs last year involved 60 students per day compared to 29 students this year. He also noted an increased cost for cleaning. The Community Center continues to serve 4,000 members. Summer Camps will begin in June and Mr. Allison anticipated pre-pandemic participation.

Mr. Allison stated a full marketing campaign has been implemented and the outdoor space is being utilized for 50% of the fitness classes. The Community Center has received two PPE loans and is in the process of receiving funding for State-certified after school programs. He commended the Township Manager for her partnership and the Township's support.

Mr. Rothert also thanked Council for their support. He stated from a financial point, the Community Center is doing well. There are a total of 14 Board Members; seven from O'Hara Township, six from Fox Chapel Borough and one from Aspinwall Borough. Each Board Member

serves on at least two committees, and there are several committees. Mr. Rothert extended appreciation for the interaction with the Township.

Ms. Eccles asked if either of the PPE loans included funding for salaries. Mr. Allison stated the first PPE loan provided for 80% of salaries and wages, and 60% was required for loan forgiveness. The second PPE loan is on the way to 80% for wages. He anticipated full forgiveness of the second loan as well. Mr. Rothert indicated people kept their membership even if they did not come to the Center.

Mr. Denny, Jr. complimented the custodian for being very on top of things.

III. REVIEW AND DISCUSSION

A. Application for Minor Subdivision – Schaffner Subdivision, 1119 Saxonburg Boulevard

Manager Jakubec stated David Schaffner, owner of parcels 357-J-20 and 357-J-15 located at 1119 Saxonburg Blvd., Glenshaw, PA 15116, is proposing to revise the lot line between the parcels. Both parcels are located in the R-4 (Special Moderate Density Residential District) zoning district. The Township Planning Commission reviewed the application during its April 19th meeting and has recommended that Council approve the Plan.

Mr. Stewart inquired of the reason for revising the lot line, which Mr. Steinert, Jr., P.E. indicated to create two buildable lots. One lot has a house and the rear lot was landlocked. It was noted the house was connected to the sanitary sewer line and when the second lot is developed it will connect to the sanitary sewer line and pay all associated fees.

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

B. Application for Preliminary Land Development – Hidden Grove, 105 Harding Road

The Manager noted it has been proposed by Summer Hill Real Estate Development, LLC, owner of 105 Harding Road, Pittsburgh, PA 15215, to develop and construct 11 single-family houses. The property consists of 4.287 acres zoned R-3 (Urban Residential District) that is currently a vacant lot. The Township Planning Commission reviewed the application during its scheduled April 19th meeting and has recommended that Council approve the Plan subject to 9 conditions as listed in the proposed resolution. She acknowledged Mark Schmidt and Tom Taylor, of Hampton Technical Engineers, and Shaun Seydor, of Pitell Homes were in attendance.

Mr. Seydor stated he represents Summer Hill Real Estate and is President of Pitell Homes. He has been in business for 32 years. The development includes all the infrastructure. He has built three homes on Grove Road and five homes on Meadow Park Lane. They are custom homes. Most recently he completed a 19-lot Plan in Ross Township.

Mr. Taylor stated the cul-de-sac with 11 lots is predominantly served by water, sanitary sewer, gas and electric with on-street connections. He worked with Fox Chapel Authority on how to loop each house and have a nice, small yard. Stormwater will be controlled by a detention pond and rock sumps.

Mr. Caprara, Council Member representing the Third Ward, expressed serious concerns about stormwater. Mr. Taylor stated all the storm event calculations and assumptions indicate the water will be held, percolate and slowly release into the storm sewer system. Mr. Schmidt added the detention facility is designed to reduce predevelopment flow by 65%. The filtration process discharges to the storm sewer to a 25" line. Mr. Caprara stated everything has to go downhill, and affects the properties below. Mr. Steinert, Jr., P.E. explained the stormwater measures will definitely help downstream. He recalled all the land washed out at Harding Road. The detention pond will hold all that water and slowly release it.

Vice President Vogel inquired about the lots with rock sumps, which Mr. Schmidt noted the two lots that would have rock sumps since gravity was not an option. Vice President Vogel noted Lot No. 10 is very narrow. Mr. Schmidt noted the lot has 9-foot side yards and 20-foot setbacks in the front and rear. He also noted the developer is looking to Jordan Tax to acquire lots to the north, which he would also develop. The stormwater controls are designed with the additional lots.

Mr. Schmidt noted a waiver would be requested for the concrete curb in order to conform with the rest of the area. He also noted trees would be provided for the edible trail.

Ms. Eccles questioned who would provide the fire hydrant. Mr. Schmidt indicated the developer would pay the water authority to install the hydrant and the Fire Marshal would determine the appropriate location for the hydrant.

Vice President Vogel questioned the width of the road. Mr. Steinert, Jr., P.E. explained the road meets Township requirements.

President Smith recalled waiving concrete curbs for several development plans in the past and said that perhaps the requirements for concrete curbs should be changed because concrete curbs deteriorate quickly and are costly to repair.

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

IV. CITIZENS COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Tom Powers, Powers Run Road, noted updates to the historic signs for O'Hara Township Community Park. The signs were resized to 4' x 3' and the URL to direct people to the Township website may need changed at some point and a sticker could be placed over the URL.

Mr. Powers recalled talking with Jill McConnell of Cooper Siegel Library about hiring an archivist. He noted a magazine that was published between 1929 and 1931 for the archive, but she was noncommittal about providing storage or putting more photos on the walls.

President Smith thanked Mr. Powers for his efforts.

Mr. Tom Portante, Margery Drive, apologized to Mr. Denny, Jr. for his comments last month with regard to how to get on the ballot.

III. REVIEW AND DISCUSSION CONTINUED

C. Proposed Ordinance Posing a Ballot Question to Amend the Township Home Rule Charter to be Gender Neutral

Manager Jakubec stated the proposed ordinance was prepared by the Township Solicitor and provides for a ballot question to the electors for the November 2021 election, concerning an amendment to the Township Home Rule Charter to be gender neutral. If acceptable, a Public Hearing will be scheduled prior to the May 11th regular meeting. Council may consider adopting the ordinance during the May 11th regular meeting, or in June and still make the County Board of Elections cutoff.

Mr. Portante stated there is not enough time to notify the public about the Public Hearing or the ballot question. Solicitor Lucas stated the time requirements to advertise the Public Hearing and for Council to take action at the regular meeting would be met.

Vice President Vogel recalled discussing the matter since January. Mr. Denny, Jr. added a resident asked for direction on how to change the Home Rule Charter and Council agreed to get the question on the ballot. Vice President Vogel stated to get the question on the November ballot Council has to pass the ordinance in June. Mr. Denny, Jr. clarified Council is not making a decision to change the Charter. Council is deciding to put the question on the ballot for the voters to decide.

Ms. Ann Sokalski stated she brought the matter to Council in January and has attended every meeting to make sure it is being discussed. Her suggestion was to get the best qualified candidate to represent the Ward. She noted an article in *The Herald* last week and information is on social media. She questioned what else could be done to get people in on the debate.

Ms. Cindy Harris, Fox Pointe, agreed with Ms. Sokalski. She also noted people keep getting the issue confused, which is should citizens have the right to vote on this.

Solicitor Lucas stated the Township does not word the question; the Board of Elections phrases the question. Ms. Harris stated there is plenty of time to discuss the issue before the November election and people will either vote for or against it.

Ms. Marybeth Dodd stated she heard about the matter through social media and *The Herald*, which got her to join the meeting. She stated the information is out there.

Mr. Stewart noted sometimes the Public Hearing generates interest and suggested having the vote on it the next month.

The consensus of Council was to schedule Public Hearings for both ballot question ordinances for May 11th and vote on the ordinances in June.

D. Proposed Ordinance Posing a Ballot Question to Amend the Township Home Rule Charter Concerning Removal of Political Affiliation Requirement for Appointment to Vacant Council Seat

Manager Jakubec stated the proposed ordinance was prepared by the Township Solicitor and provides for a ballot question to the electors for the November 2021 election, concerning an amendment to the Township Home Rule Charter to remove the political affiliation requirement for appointments to vacant Council seats. She noted a Public Hearing would be advertised for May 11th, the matter would be included on the June workshop, and voted on at the June Regular Meeting.

Mr. Portante noted the upcoming election has three Wards with no opponents. He explained if you want to get on the ballot, you need ten signatures on a ballot under any party or as a write-in.

Vice President Vogel informed Mr. Portante that is not the matter being discussed. The discussion is about changing the rules to remove the party affiliation requirement when a vacant seat needs to have someone appointed.

Ms. Sokalski stated she does not live in any of those wards and explained it is about getting appointed; not getting on the ballot. Also, people that are registered as Independent or a different party are excluded for consideration. Her request was to change the verbiage so it can be more open so the right candidate can be selected.

President Smith did not believe the current language stops anybody from applying for the position. What is being proposed is forgetting about everybody that voted party lines. In his experience, a lot of people vote by party affiliation. Instead of disenfranchising all those people, this one person just needs to change their party, to which Ms. Harris and Mr. Denny, Jr. disagreed. Mr. Denny, Jr. explained this is more of a basic right. We would be excluding a significant portion of Township residents who are not registered Republican or Democrat from having their name entered or considered to fill a vacancy. More and more people do not want to be affiliated with either party because of the extreme nature they've become. We are forcing someone to choose one of the two political parties to be considered to be on Council. Though he respects what Mr. Portante has said and his position, he disagrees. If the voters vote this down, he will accept that.

Ms. Harris stated some registered Independents have chosen other roles. She is already on the ballot in another roll and participates on the Long Range Comprehensive Plan Review Committee. She reiterated what Ms. Sokalski and Mr. Denny, Jr. said, that this is about allowing anyone who is a citizen, registered voter to raise their hand in the case of a vacancy.

Mr. Portante apologized, as he did not mean to offend anyone. He stated the problem is the Township is a political-run government, as decided by the State Supreme Court. Pennsylvania rules state every political operation is run in a political system. The State Supreme Court made a ruling and this is why we have closed primaries. People wanted on the ballot as Independent and the State Supreme Court ruled unless the law is changed in Pennsylvania, in any partisan-type election, everything is run in the political system. Vice President Vogel noted the Township has to have its elections that way, but does not have to run appointments to office that way. Mr. Portante noted it doesn't say that, but that's the point. Vice President Vogel stated what Council

is proposing is to let the citizens decide and it is within State law. Mr. Portante questioned why Council doesn't let the residents decide other issues, such as changing the name of the park and other things that are voted on through the Council mechanism. Council is not consistent. Mr. Stewart stated Council is elected to make decisions. Residents can't decide on every issue. Some issues need to be decided in an expedient matter.

The consensus of Council was to conduct a Public Hearing to receive public comments on the proposed ballot question on May 11, 2021, followed by discussion at the June Workshop and action at the June Regular Meeting.

E. Discussion About the Township Home Rule Charter and Election Process to Fill Vacant Council Seat

Manager Jakubec referenced a memo from Township Solicitor Brendan Lucas explaining the effects of a ballot question posed and approved by the electorate in 1983, and other scenarios.

Solicitor Lucas recalled 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 original Charter, which explains why the Township has been operating that way for as long as we can remember. In order to keep the process as it currently is, where the term is filled at the next municipal election, there would not need to be another referendum. It was already decided in 1983. If Council wants to specify the language and show that text in the Charter, he had provided the Township Manager with verbiage that would just clarify more specifically by deleting language and adding language that the unexpired term would be filled at the next municipal election, with that person taking office the first Monday in January, which is customary under Pennsylvania Election Law.

Mr. Denny, Jr. questioned if there would be another ballot question. Manager Jakubec explained it was put on the ballot in 1983 and the Township has been doing it as such. She indicated the Solicitor is posing no change unless Council would want to pose a question, but it was asked and answered in 1983.

Solicitor Lucas recalled from the last meeting that they were going to separate this procedural issue and look at it closer. Upon reviewing the amendment that was passed in 1983, Council really doesn't need to make a change to clarify the procedure that we're currently using to fill the unexpired term.

Mr. Stewart asked if the language includes 'at the next municipal election'? Solicitor Lucas stated it was in the referendum question that was approved but it was never written into the Charter. An option would be to pass an ordinance that states in 1983 the voters approved this ballot question; this is how it is interpreted by Council and has been addressed for the past number of years, to clarify for anyone not familiar with past Councils procedures.

Mr. Stewart noted possible costs, and differences in how long the seat would be open, etc. He supported clarifying the Charter, noting Council did not understand it, and others should be able to understand it and should agree with the original intent.

Solicitor Lucas indicated he would prepare an ordinance to clarify for consideration next month, to which Council concurred.

- F. Amendment to the Township Parks Rules and Regulation – Prohibiting Smoking of Any Cigars, Cigarettes, Electronic Smoking Devices, or Use of Any Type of Tobacco Product in All Township Parks

Manager Jakubec noted the proposed ordinance was introduced during the April 13th regular meeting. Discussion may continue relative to the proposed amendment to ban smoking or use of any tobacco products in all Township parks.

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

Mr. Stewart clarified all electronic smoking devices would be prohibited, no matter the substance.

- G. Proposed Resolution Recommending the Use of Alternative Seal Coatings

The Manager stated due to recent concerns expressed about the use of coal-tar-based seal coatings, the proposed resolution recommends the use of alternative seal coatings that are safer. She noted it was also a recommendation of a number of North Hills COG communities to pass a resolution recommending nonuse by residents.

Ms. Sokalski noted the resolution pertains to residential nonuse and asked if the Township would make a firm stance about not using the material. The Manager stated the Township does not use any coal-tar-based products.

Mr. Stewart suggested including an article in the newsletter to alert the public about the two different substances, and Mr. Caprara suggested when people come in for permits, providing a handout.

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

- H. Requesting Authorization to File a Grant Application with Pennsylvania Department of Community and Economic Development Greenways, Trails and Recreation Program for the O'Hara Township Community Park Trail Stabilization Project

Manager Jakubec stated the proposed resolution authorizes the filing of a DCED Grant Application for the Trail Stabilization Project at O'Hara Township Community Park. A gabion wall along the creek has failed and is in need of replacement.

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

- I. Requesting Authorization to File a Grant Application with Pennsylvania Department of Community and Economic Development Watershed Restoration Program for the Pollution Reduction Plan

The Manager noted the proposed resolution authorizes the filing of a DCED Grant Application for the Pollution Reduction Plan.

Mr. Caprara asked if the levels are very high now, or what is the issue driving this from a pollution or toxicity standpoint. Mr. Steinert, Jr., P.E. the Pollution Reduction Plan is to remove sediment within our streams, particularly the stream along Fox Chapel Road. In a high-quality stream the Township is required to reduce the sediment by a certain percentage under the MS-4 permit. The Township is working toward trying to obtain grant funds to construct a retention pond in RIDC, along with working with Fox Chapel Borough to construct a larger stormwater facility of some sort. Mr. Caprara asked if the creek is not so much polluted, but it is more of the silt and what it can collect over time. Mr. Steinert, Jr., P.E. noted there are also additional pollutants within the nutrients. Nutrients do not originate from O'Hara. The point of origination is more or less the golf courses in Fox Chapel Borough. That is a requirement under Fox Chapel Borough's MS-4 permit.

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

- J. Discussion about Possibly Renaming the Creek That Runs Through O'Hara Township Community Park

Manager Jakubec stated staff wishes to discuss how to proceed with the renaming of the creek that runs through O'Hara Township Community Park. She also referenced a letter received from VFW Post 3945, and emails from Indiana Township and Fox Chapel Borough.

Mr. Denny, Jr. questioned if they were discussing the new name or how to proceed. Manager Jakubec recalled a conversation with Jennifer Runyon of USGS and indicated 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. The process, on a fast track, the Township could hear something in October or November, and if everyone can agree on the new name, the name could be changed in June.

It was noted that Indiana Township decided not to participate. O'Hara Township and Fox Chapel Borough would need to agree on one name for the creek.

Vice President Vogel questioned by Indiana Township not participating, if it would impact this in any way. The Manager stated USGS advised it would be best if Indiana Township did not object to the name.

Mr. Denny, Jr. stated because of the leadership the Township took with renaming the park, he did not see how the stream name could not be changed.

Motion by Vice President Vogel to change the name of the creek that runs through O'Hara Township Community Park, was seconded by Ms. Berger and carried 6 – 1, with Mr. Caprara voting against.

Manager Jakubec noted Fox Chapel Borough voted at a public meeting on their choice of names, the first being Trillium Creek and the second choice Veterans' Creek. Ms. Berger suggested asking Mr. Powers for a recommendation.

K. Discussion About Opening Park Facilities

The Manager noted Governor Wolf announced all mandates are to be lifted on June 1, 2021 at noon. She and Mr. Kephart have been talking about what needs to be done to open the restrooms and shelters. The restrooms need to be de-winterized and repairs made if needed. The plan is to have the restrooms cleaned twice a day with a sanitizing spray that turns to water, which will involve overtime on the weekends, two people for a minimum of two hours. It also includes emptying the trash in all rentable parks. Staff is recommending opening shelter rentals to Township residents on May 14 or May 17, with rentals scheduled after June 1, to which Ms. Berger and Mr. Denny, Jr. concurred. Non-Township residents may rent the parks beginning June 2nd. The Park opening will be put on social media. Vice President Vogel stated people have to follow the law and CDC Guidelines to keep people safe.

L. Discussion About Resuming In-Person Meetings (Possibly in September)

Manager Jakubec noted Council will continue to meet virtually in June and July. Typically, Council cancels the August meetings. She suggested in-person meetings, as well as virtual meetings begin in September. Ms. Sokalski thanked Council and staff for considering zoom and in-person meetings. The Manager noted the September meeting would be set up as a webinar.

The consensus of Council agreed to begin in-person meetings in September.

M. Discussion About Scheduling Interviews for Civil Service and Planning Commission Vacancies

Manager Jakubec stated the Planning Commission has one vacancy and the Civil Service has two vacancies. The Township is in receipt of one letter of interest to serve on the Civil Service Commission and three letters of interest to serve on the Township Planning Commission from residents. Since these positions are not elected, the interviews are not required to be public. She suggested scheduling interviews during an Executive Session before the July Workshop, to which Council concurred.

N. Solicitors April 16, 2021 Invoice

Mr. Stewart presented questions which staff answered satisfactorily.

O. Proposed Agendas for the May 11, 2021 Meeting

It was noted the two proposed ordinances were to be removed and two resolutions for the grant applications were to be added to the Regular Meeting agenda.

V. Citizens Comments Concerning Non-Agenda Items

No comments.

VI. Concerns of Council

Mr. Denny, Jr. congratulated the Manager on her daughter's college graduation.

Mr. Stewart inquired about the status of providing people with Council agenda information, and what would be suitable per the Right-To-Know Law. Solicitor Lucas indicated he would meet with the Township Manager to review. Mr. Caprara asked if the Planning Commission reviews and plans are public or confidential. Solicitor Lucas noted anyone can come to the Township office to review the plans; reports or memos to Council should be withheld until after the meeting.

Ms. Harris commented that being able to look at the plan of homes was great and agreed with Mr. Stewart.

VII. Executive Session – Labor and Legal Matters

Manager Jakubec requested Council to remain after the workshop to discuss labor and legal matters.

The meeting adjourned at 8:56 p.m. and Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet