

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
JANUARY 3, 2022**

I. OPENING PROCEDURES

A. Call to Order by President Smith at 8:17 p.m.

B. Roll Call

Councilmembers Present: Robert John Smith, President of Council; Cassandra R. Eccles, Vice-President of Council; Richard S. Hughes, First Ward; George H. Stewart, Second Ward; Michael F. Hammill, Third Ward; Olivia T. Payne, Fourth Ward

Absent: 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; Christopher Komora, Code Enforcement / Storm Water Coordinator; Loren R. Kephart, Public Service Superintendent; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

Manager Jakubec stated Mr. Denny, Jr. had to leave the workshop due to a business commitment.

President Smith explained the purpose of the workshop is to review and discuss matters and decide whether or not to include on the regular meeting agenda.

II. REVIEW AND DISCUSSION

A. Application for Minor Subdivision Approval – Hidden Grove, 105 Harding Road

Manager Jakubec stated it has been proposed by Summerhill Development, owner of parcels 168-D-246, 223-S-102, 22-S-104 and 223-S-168, located along Harding Road, to revise the lot line as part of the Hidden Grove Development. The Township Planning Commission reviewed the subject application at its scheduled December 20, 2021 meeting and has recommended to Council that approval be granted subject to one condition which is noted in the proposed resolution. The Manager also referenced the Engineering Report that was provided to Council.

President Smith noted the development is by Meadow Park.

Mr. Stewart inquired about how the stormwater requirements for the Plan were handled. Mr. Steinert, Jr., P.E. explained parcel AB is the stormwater retention facility and it is sized to accommodate all of the lots except for two lots along Grove Road, which will have on-lot systems. The plan was designed with this expansion in mind when they went through Planning Commission. It was noted the stormwater retention facility is above-ground and open.

Manager Jakubec requested Mr. Steinert, Jr., P.E. to review for the newly elected Councilmembers what the stormwater facilities are designed to do and accommodate.

Mr. Steinert, Jr., P.E. stated the Township recently changed the stormwater rules to a release rate of 65%, which means a development can release no more than 65% of the pre-development stormwater. The older requirements allowed up to 100% of the stormwater to be released. This facility is one of the first that will affect the residents of Kittanning Pike. The Township was built with many subdivisions that had no stormwater control, which leads to flooding.

Mr. Hammill noted Patricia Road borders this development and knows of two areas that the water flows into the woods. He questioned if that was taken into consideration and if it would be blocked somehow. Mr. Steinert, Jr., P.E. stated any water that would travel across the ground would continue, and be absorbed naturally by the vegetation. The stormwater controls involve analyzing the entire site to determine how much water they have to store. They can direct the water with swales and other types of diversion structures, but they cannot build a wall and stop the water from flowing over. It is a 3:1 cut slope in the back yards and the water would continue to drain into the rear yards. Mr. Hammill noted concerns of yards flooding and water flowing down Patricia Road, a dirt road. He indicated if there is a problem he would talk to Shawn of Pitell Homes. Mr. Steinert, Jr., P.E. stated any issues during construction would be flagged for the developer to correct.

Mr. Hammill questioned if there was going to be any retention at the very bottom of Patricia Road, where the mailboxes are. Mr. Steinert, Jr., P.E. indicated there would not. The two lots at the bottom would have on-lot gravel sump pits in their yards and the downspouts will be directed to the pit so the water will be stored underground and absorbed.

Mr. Hammill noted the location where trash cans are placed for collection and questioned if it would cause a problem when a house is built. Mr. Steinert, Jr., P.E. stated the trash cans would be placed in the Township right-of-way, which is actually Township property, and would not be a problem.

President Smith inquired about the stormwater management plan. Mr. Steinert, Jr., P.E. noted this application is for a minor subdivision; the entire development plan was previously approved by Council, at which time the entire stormwater management plan was provided. The Manager requested the stormwater information be provided to the new Councilmembers.

Mr. Stewart questioned the main stormwater facility's outfall location. Mr. Steinert, Jr., P.E. stated the water will discharge over the hill toward Harding Road, connect into a stormwater pipe and a basin on Harding Road, and flow into the stream along Kittanning Pike. Mr. Stewart noted stormwater from some of the older developments flows down hillsides and sometimes things start moving and questioned if staff would monitor those situations. Mr. Steinert, Jr., P.E. acknowledged over time the water does cause erosion. This is a pipe that discharges to a natural ravine. The discharge from Hidden Grove will be connected directly to the catch basin on Harding Road.

President Smith questioned the purpose of the condition, which Mr. Steinert, Jr., P.E. explained it is to restrict access to the new lots from Bader Street. President Smith suggested clarifying the language for the condition of approval.

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

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Vogel wished the newly elected Councilmembers good luck, and expressed confidence that they would serve the Township well.

II. REVIEW AND DISCUSSION CONTINUED

- B. Consideration of Accepting Dedication of the Streets, and as Part of the Pubic Storm Drainage System, the Storm Sewers Installed in the Pubic Streets and Rights-of-Way as Shown in the Tara Villa Plan

The Manager referenced a memo from Mr. Steinert, Jr., P.E. recommending the acceptance of dedication of streets and storm sewers installed in the public streets and rights-of-way in the Tara Villa Plan. She recalled Council had tabled action on the proposed ordinance in December due to the lack of legal descriptions required in the ordinance.

Mr. Stewart indicated he had visited the site.

President Smith requested clarification of Section 3 of the proposed ordinance. Manager Jakubec stated the two property owners will maintain the detention pond because the pond straddles both properties. Mr. Steinert, Jr., P.E. noted the two property owners had executed an agreement concerning the maintenance of the detention pond. The Manager indicated language would be added to the ordinance to address maintenance of the privately owned stormwater pond.

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

- C. Consideration of Accepting Dedication of the Streets, and as Part of the Pubic Sanitary Sewer System and Public Storm Drainage System, the Sanitary Sewers and Storm Sewers Installed in the Pubic Streets, Rights-of-Way and Easements as Shown in the Riverwatch of O'Hara Woods Plan

Manager Jakubec referenced a memo from Mr. Steinert, Jr., P.E. regarding storm sewers installed in the public streets, rights-of-way and easements in the Riverwatch of O'Hara Woods Plan. The punch list of outstanding items was provided to Council prior to the meeting. The Manager stated the Township is not accepting dedication of the stormwater pond due to known deficiencies and the lack of a Home Owners Association for the development. The developer, Three Gen, is responsible for maintaining the stormwater pond. Township staff performs regular inspections and notifies the owners of any deficiencies.

Mr. Hughes questioned if the developer is responsible for maintaining the stormwater pond in perpetuity, which the Manager confirmed, noting Council could accept the pond if and/or when they are comfortable.

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

D. Consideration of Executing an Agreement with Penn D.O.T. Regarding the Construction and Maintenance of Stormwater Retention Facility near the Sunoco Tank Farm

Manager Jakubec stated in order to reduce flooding that occurs on Freeport Road near the Sunoco Tank Farm, the Township, Penn D.O.T., Sunoco Partners and Millennium Hospitality Enterprises have negotiated an agreement for the design, construction and maintenance of a retention pond to be located on property owned by Sunoco. The proposed resolution was tabled during the December 14, 2021 meeting due to a maintenance conflict regarding the Highland Park Bridge sidewalks. The Manager recalled a conversation with Cheryl Sirriani, a representative of Penn D.O.T. Ms. Sirriani insists the Township is responsible for maintaining the bridge sidewalks. The Township has an ordinance dating back to 1933 stating the Township is not responsible for the bridge. In 1933, Allegheny County requested permission from the Township to reconstruct the bridge. Penn D.O.T. is referring to a law that essentially states whoever gave the bridge to Penn D.O.T. is responsible, which would be the County.

Manager Jakubec explained when Penn D.O.T. does bridge cleaning, they clean trash from the sidewalks. The company Penn D.O.T. used to clean bridges went bankrupt. Mr. Hughes noted there is no interim measure to mitigate the problem. Manager Jakubec recalled suggesting everyone team together and clean the bridge one time, but they do not want to do that.

The Manager stated she would continue to work with Ms. Sirriani and Allegheny County officials to resolve the bridge maintenance issue, but noted the importance of addressing the flooding on Freeport Road and recommended moving forward with executing the agreement. She believed Penn D.O.T. got Council's message by tabling action on the ordinance.

Mr. Stewart questioned where the Township was as far as snow removal. Manager Jakubec stated the Township is not touching the sidewalks. She stated Penn D.O.T. is pointing to the Township because of a statute and her understanding is whoever gave Penn D.O.T. the bridge is responsible for maintenance.

Solicitor Lucas stated the statute isn't as clear as he would like it to be, but that is his position. The Township gave the County permission to build this bridge. The County built the bridge and then turned it over to the State at some point in time. For maintenance, it is between the County and Penn D.O.T. in terms of allocating responsibility. It certainly shouldn't be the Township's responsibility.

Vice President Eccles noted the ordinance from the 1940's gave the bridge to the State, but it seems very unclear as to who is not responsible for cleaning it, but it definitely was not the Township.

Mr. Stewart asked if it is totally clear that there will never be an issue where whatever is in the tanks will get into the stormwater facility. Mr. Steinert, Jr., P.E. explained the tank farm actually has an earthen structure around the entire site as required for their design. If one of the tanks fails, the earthen structure must contain all the contents. Mr. Stewart questioned if the tanks have impermeable liners, which Mr. Steinert, Jr., P.E. did not know.

President Smith referenced the duties of the Township is to maintain the retention pond, which is very vague. He explained when the ponds are designed, they are required to have as part of the design, a design for maintenance. He suggested referencing that design for maintenance. Mr. Steinert, Jr., P.E. explained the way the pond is designed, it is on Sunoco's property. He noted Sunoco wants to subdivide that parcel and give the parcel with the retention pond to the Township so the facility itself is located on Township-owned property. When Penn D.O.T. finalizes the design, the Township will receive a copy of the Operation and Maintenance Plan requirements for that facility. He suggested referencing 'in accordance with the O & M Plan for the facility'.

Mr. Hughes noted Sunoco's participation is providing the land for the retention facility.

Solicitor Lucas noted having the language vague is to the benefit of the Township. The Township is not subject to any strict requirements, and can determine in its discretion, what is maintenance.

Mr. Steinert, Jr., P.E. stated under the MS-4 permit the Township is required to maintain this facility in good working order. If not maintained, the Township can be fined. The Township has a mower to cut the retention facilities, and if there is a problem with the facility, it is rebuilt.

Manager Jakubec asked if the Engineer had reviewed the maintenance requirements and if the pond is a low maintenance design, which Mr. Steinert, Jr., P.E. confirmed. He added that an access road was provided and the fencing is simple.

The consensus of Council was to include the resolution for consideration on the January 11, 2022 regular meeting agenda.

E. Option of Newly Elected Official(s) to Re-Open the 2022 Budget

Manager Jakubec stated in reorganization years new Councilmembers can motion to reopen the budget. If four Councilmembers agree, adjustments to the budget could be made.

Mr. Hughes stated he sees no reason to reopen the budget, to which all of Council concurred.

F. Council Goals/Objectives/Priorities for 2022

Manager Jakubec noted the following goals are in motion:

Electoral Redistricting
Ordinance Codification Project - approximately 90% completed
Home Rule Charter Update - to include all amendments

Mr. Stewart noted the Long Range Comprehensive Plan Committee has the vendor and are moving forward with the ten-year Plan with Fox Chapel Borough. When spring comes, hopefully COVID-wise, everything will be better and they can get rolling to get public opinion. He intends to double down on communication with the public in terms of anybody that wants to be making a contribution, can, and also making sure Council thoroughly understands what the public's needs are. Manager Jakubec agreed that winter is not the best time to go to the parks and talk with people to gather input. She indicated Council would be kept up-to-date as the Plan moves forward.

G. Appointing Delegates to Various Boards and Agencies

The Manager suggested Councilmembers think about the various boards and agencies they would like to represent. She noted boards with vacancies due to outgoing Councilmembers.

Vice President Eccles expressed much interest in serving on the Fire Funding and Safety Committee.

H. Solicitor's December 9, 2021 Invoice

No comments.

I. Proposed January 11, 2022 Regular Meeting Agenda

President Smith noted the Old Business items were not discussed this evening. Manager Jakubec indicated all backup documentation would be included with the Regular Meeting Agenda Packet.

Vice President Eccles questioned if any other testing of Police Officers is required after being hired. Police Superintendent Slagel stated Police Officers have mandatory 16-hours of classwork training and it includes taking an exam. In 2022 the Officers have to have defensive tactics training and meet State requirements, but no testing is required as far as physical fitness. Manager Jakubec noted the labor agreement includes provisions and incentives for maintaining physical fitness.

IV. CONCERNS OF COUNCIL

Mr. Stewart asked if the Township is at the point of replacing the guard rail, or if the Township is still working with the homeowner. Mr. Komora stated the Township is waiting on a court hearing for grading work without a permit. Mr. Steinert, Jr., P.E. explained the property owner removed the guiderail to create a parking area. When the property owner created the parking area he filled the area in without a proper grading permit. Mr. Steinert, Jr., P.E. was not sure if the fill was dumped, or if it was compacted properly. He noted a hazard was created for the property below.

Mr. Stewart questioned if any of that prevents just replacing the guard rail. The guard rail was there for a reason and it seems like it should be put back.

Mr. Steinert, Jr., P.E. explained if a property owner removed the guard rail to create a parking pad, had access to their property from that road, and proper permits had been issued, he would not have a problem replacing the guard rail. The way this resident has it, he should be required to install some kind of safety device; a barrier or guide rail, around his parking area to prevent a car from going over the edge. He indicated these issues can be worked out at the hearing.

Manager Jakubec stated the Township could also just do it and lien the property. She explained typically if the Township is going to do work on private property, the resident is notified in advance and the property is liened. The Township fee resolution includes rates for doing work on private property when it is a hazard or danger.

Mr. Steinert, Jr., P.E. stated the guide rail is in the Township right-of-way; it is a township-owned and maintained guide rail. The resident did not have the proper permits, and Mr. Steinert, Jr., P.E.

felt the Township could just close it off. However, the property owner has some abandoned cars there and he did not know if there was another way to get the cars out.

V. CONCERNS OF STAFF

Manager Jakubec stated new emails will be established this week for the new Councilmembers.

The Manager also noted new Township polo shirts are in and suggested Council contact the secretary with sizing information and she would get the shirts to them.

VI. ADJOURNMENT

The workshop adjourned at 9:00 p.m.


Cathy Bunas, Manager's Secretary