

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
FEBRUARY 7, 2023**

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; 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; John R. Denny, Jr., At-Large

Also Present: Greg Caprara, Township Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Christopher Komora, Special Projects Coordinator/Code Enforcement Officer; Todd Giammatteo, Public Service Superintendent; Jay Davis, Police Superintendent; Cathy Bubas, Manager's Secretary

II. VISITOR

- A. Jim Pashek, Pashek + MTR

Mr. Jim Pashek thanked Council for the opportunity to provide an update on the process of the Long Range Comprehensive Plan. He indicated the steering committee and consultant are half-way through the process. The Plan will be very different than the traditional plan. Extensive time was spent trying to find out what is important to the community. Mr. Pashek explained the two phases of the process. Phase I included meeting with the joint committee, developing a website and digital social media, and sending post cards and questionnaire for people to comment and tell the consultant and committee what the Township should be doing. The committee also talked to people at events. Mr. Pashek noted at the end of Phase I, key items were articulated:

Active Transportation - ways for people to get around the community.

Greenways and Stormwater - how the Township could help with this and flooding, though the Township and Borough are ahead of the curve on stormwater.

Development and Redevelopment - what is RIDC going to be in 20 years from now; Riverfront development.

Traffic Calming and Congestion - look at where safety issues are and how to resolve.

Community Events - people love what the Township is doing but want more.

Phase II will involve reaching out to people with specific expertise for interviews to find solutions to the issues. The Plan will be a workbook for the future. The Long Range Comprehensive Plan will be presented to Planning Commission and Council and provided to the County and school district for comments prior to approval.

Mr. Denny, Jr. inquired about a time frame for the Plan to be completed. Manager Jakubec noted time would be needed to include things in the budget.

President Smith asked if the tabulated responses could be seen, which Mr. Pashek indicated should be on the website. President Smith asked if the Plan would meet all the State requirements, which Mr. Pashek affirmed.

Vice President Eccles noted O'Hara is a Township, and Fox Chapel is a Borough. She also commented that it is a nice surprise that the Plan will be done by next January.

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Vince Zottola, 406 Central Avenue, asked what happened to the public restrooms. President Smith indicated if Mr. Zottola needed to use the facilities it could be arranged. Manager Jakubec added due to COVID-19 and the hiring of a Social Worker, access to the restrooms was restricted. It was noted a public restroom was currently under construction off the lobby.

IV. REVIEW AND DISCUSSION

A. Requesting Authorization to Participate in the State Road Salt Contract

Manager Jakubec stated so that the Township may continue participating in the Pennsylvania Department of General Services ("DGS") sodium chloride (road salt) contract, a new Salt Contract Participation Agreement must be executed. The Township shares contracts with the North Hills Council of Governments and the State for road salt and it is recommended that the Township continue to share the road salt contracts for the upcoming 2023-2024 winter season to maximize cost savings, needed tonnage and delivery.

Mr. Stewart inquired about the percentages between the State and North Hills Council of Governments contracts, which the Manager provided. She noted road salt needs would be evaluated for the State contract due to the mild winter.

The consensus of Council was to include the resolution on the February 14th regular meeting agenda for consideration.

B. Requesting Authorization to File a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the Meadow Park Tennis Court Improvements

The Manager noted the proposed resolution authorizes the filing of a DCNR Grant Application for the Meadow Park tennis courts in the amount of \$125,000. The Capital Improvement Plan includes the replacement of the existing tennis courts, including new asphalt, coatings, nets, and fencing.

Mr. Stewart asked if the grant would cover the total cost of the project, which Mr. Steinert, Jr., P.E. affirmed. Manager Jakubec noted the project also includes pickle ball courts.

The consensus of Council was to include the resolution for consideration on the February 14th regular meeting agenda.

- C. Proposed Amendment to the Township Zoning Ordinance to Allow for Chickens in Residential Zones and Providing Regulations for the Keeping of Chickens

President Smith suggested, and Council concurred to come back to the proposed Zoning Ordinance amendment for discussion.

- D. Proposed Amendment to the Township Nuisance Ordinance

Manager Jakubec explained each year staff reviews ordinances and has recommended further clarifications in the Nuisance ordinance. The changes include definition of compost and composting, and a restriction of odor traveling beyond the property.

Mr. Hughes recommended removing "turning compost" as it is instructional.

The consensus of Council was to include the ordinance on the February 14th regular meeting agenda for consideration of first reading.

- E. Proposed Amendment to the Township Solid Waste Storage, Collection and Disposal Ordinance

Manager Jakubec stated due to changes in the manner trash will be collected based on the new contract with Waste Management, staff reviewed the Solid Waste Storage, Collection and Disposal ordinance and has recommended updates to correlate to the new contract. All the changes relate to automation and the carts.

The consensus of Council was to include the ordinance for consideration of first reading on the February 14th regular meeting agenda.

- F. Request for Monetary Donation from Cooper Siegel Library

Manager Jakubec stated Jill McConnell, Executive Director of Cooper Siegel Library, has inquired about the status of the Township's monetary contribution. The Manager recalled during the 2023 Budget review that Council agreed to leave the allocation in the budget as a place holder and continue discussion in 2023. She noted Council authorized a gifting of \$20,000 in 2022 to the Cooper Siegel Library Sharpsburg Branch restricted for the use of operational costs and / or the purchase of new equipment, with additional restrictions that the funds must be expended in the year the gift is received, and if funds are held for the following year a detailed explanation must be provided as to why and for what purpose; and in no way can the budget for the Sharpsburg Library Branch be reduced by O'Hara Township's gift or any portion of the gift held over for use the following year, in the years 2022 or 2023.

Mr. Denny, Jr. inquired of the amount budgeted for the contribution, which the Manager indicated to be \$20,000.

Vice President Eccles asked if the Sharpsburg Library used all the 2022 contribution and Mr. Stewart requested a summary report on what the funds were used for and suggested revisiting what other communities contributed. Vice President Eccles recalled the funds were used to keep the Sharpsburg Library open on Fridays. The Manager stated she would request the information.

Mr. Denny, Jr. suggested including the item on the February 14th agenda for Council to render a decision to which Council concurred.

G. Recommending Naming of Township Recreation Partners

The Manager stated representatives of the Lauri Ann West Community Center and Cooper Siegel Library have requested the Township's partnership to provide summer programs in Township parks in 2023. In the past the community center has rented park shelters for events and the library has sponsored reading programs.

Manager Jakubec also recalled a conversation with the community center concerning pickle ball leagues. It was noted the courts at O'Hara Township Community Park are painted for both tennis and pickle ball.

The consensus of Council was to include resolutions on the February 14th regular meeting agenda for consideration.

H. 2022 White Tail Deer Management Report

Manager Jakubec stated the Township collaborates with Whitetail Management Associates to help maintain the deer population in the Township. Whitetail Management Associates carefully screen members for the highest standards in bow hunting proficiency, knowledge, safety, and responsibility. Every third deer is donated to charities such as the Jubilee Soup Kitchen or Salvation Army. During the 2022 deer season, Whitetail Management Associates removed 22 doe and one buck from the Township.

Mr. Hammill inquired about a way to increase the number of deer removed from the Township. Manager Jakubec noted so many acres of land are required to allow hunting. Mr. Steinert, Jr., P.E. and Vice President Eccles noted potential areas for deer hunting.

Mr. Hughes asked if there is any data about the number of deer in this area. The Manager indicated she would reach out to White Tail Deer Management to see if they have any documentation.

I. Council Goals/Objectives/Priorities for 2023

President Smith suggested creating an ad hoc committee to develop an evaluation process for Management. He recommended Mr. Hughes, Ms. Payne, and Mr. Caprara to serve on the committee. Mr. Denny, Jr. noted five years from now the same people may not be on Council,

and suggested establishing a permanent standing committee. Mr. Hughes recommended having the committee make a recommendation for future committee members.

C. Proposed Amendment to the Township Zoning Ordinance to Allow for Chickens in Residential Zones and Providing Regulations for the Keeping of Chickens

President Smith recalled receiving good input during the last discussion. He also modified his suggestions after reviewing other ordinances.

Manager Jakubec noted 'Section 72' was removed and replaced with the new section from e-code.

Mr. Hughes suggested allowing a movable coop within an approved designated area of the rear yard, which would not require a new permit.

Mr. Caprara suggested allowing an exception for the lady that has a business, as it provides an opportunity to try raising chickens and if it doesn't work out the lady collects the chickens and coop.

Vice President Eccles questioned if the bottom of a mobile chicken coop is open, so the poop falls through. She expressed concerns of attracting predators, what the grass would look like under the coop, and wear and tear on the coop every time it is moved.

Mr. Dan Meinert, Crawford Lane, stated where the chicken sleep in the coop is enclosed and predator proof. The bottom of the coop is fenced underneath. Predators that would dig underneath come out at night. Unless a coop sets in one place longer than it should, the grass should be fine.

Mr. Hughes stated he could not find anything in the shed ordinance dictating materials and appearance. He agreed with Dr. Clauer, of Penn State Extension, that the coop should be enclosed, roofed, sanitary, neat in appearance, well ventilated, predator and rodent resistant, and provide easy access to clean and maintain, which would apply to stationery and mobile coops. The Manager explained the effort to avoid a coop being made of multiple products. Ms. Payne suggested dictating things that you can look at and determine whether the rules were followed. Solicitor Garfinkel noted 'neat in appearance' is subjective and difficult to enforce. He recommended including a list of 'Don'ts'.

President Smith stated people that enforce codes are professional and need to have some discretion. He assumed a building permit would be issued and the applicant would have to note what the coop is to be made of. Manager Jakubec clarified residents will receive a chicken permit and part of the permit application will be what the coop is made of.

Ms. Payne suggested 'the coop must be made out of traditional building material, and the Manager suggested or 'proper building material'.

Mr. Denny, Jr. questioned what the major points are, which are height of the roof, maximum size of the coop and location.

The consensus of Council was the ordinance should reflect the coop shall be neat and made of proper building material.

President Smith noted Council was not opposed to allowing mobile chicken coops provided they are far enough away from the property line; whatever distance Council decides.

Mr. Jim Naughton presented scenarios of a mobile coop where he could smell the odors, or the coop encroached the setback requirement, only to be moved within the setback requirement before the Code Enforcement Officer shows up. He recommended Council define the boundary, require the coop closer to the owner's house, and require the coop be a permanent structure.

Mr. Meinert explained with a mobile coop, the poop goes through the bottom wire. When the coop is moved and it rains, the smell goes away. With a mobile coop, people have less chickens. Manager Jakubec noted a person could have a mobile coop but not move it. Mr. Hughes stated the coop must still be kept clean. Vice President Eccles stated Dr. Clauer is not a fan of mobile coops. President Smith noted Dr. Clauer didn't like the bare spots.

Mr. Meinert noted a mobile coop can only be so big so that you can move it. Manager Jakubec suggested limiting the number of chickens for a mobile coop. Mr. Hughes suggested making the setback larger for mobile coops.

Ms. Payne acknowledged some people want to have chickens and there are people that do not want the chickens with the smell, noise, or aesthetics. Council needs to find a way to allow chickens and keep people happy, and it's not in making the chicken coop look uniform.

Mr. Naughton stated nothing would prevent someone from having four mobile chicken coops with five chickens in each coop. He recommended a size limit and only one mobile coop be permitted. He suggested Council step back and reconsider allowing chickens. President Smith asked Council if they want to allow residents to have chickens or not allow it.

Mr. Naughton indicated Council could allow chickens, but neighbors should be consulted. Mr. Denny, Jr. indicated it's impractical to have to consult with neighbors. President Smith stated that is why Council establishes regulations.

Mr. Stewart, Mr. Hughes, Mr. Hammill and President Smith were not opposed to allowing mobile chicken coops; Vice President Eccles was opposed.

Ms. Payne asked if staff had received any complaints and if so, what was the nature of the complaints and does the ordinance address those complaints. Manager Jakubec recalled a past complaint, but it was a service animal for a child. The Zoning Hearing Board granted a variance to allow the chicken. The Manager also recalled four complaints relating to setback and noise. The resident requested a variance from the Zoning Hearing Board, and the request was denied. Manager Jakubec noted the process of requesting a variance from the Zoning Hearing Board.

Mr. Denny, Jr. indicated he would be voting against the ordinance because there are too many issues and feels chickens should not be in the Township. President Smith indicated the Township's neighboring communities have ordinances to allow chickens.

Mr. Hammill stated dogs are more of a nuisance, barking and pooping on other people's yards.

Mr. Naughton asked if the Township can't stop dog nonsense, how do they think they'll be successful with chickens. A lot of people don't want to complain about their neighbor. People do not realize how much work goes in to keeping chickens and there will eventually be odors. President Smith believed most people would follow the rules.

Manager Jakubec confirmed one mobile coop is permitted with maybe an increased setback requirement and a defined area they may move the chicken coop.

President Smith questioned the reference to State and Federal regulations. Solicitor Garfinkel stated people must comply and it provides another tool to have to enforce.

Mr. Meinert referenced new language inserted into the ordinance about managing manure. He suggested stipulating in the ordinance that if people follow those requirements, it meets federal and state requirements.

Vice President Eccles stated it does not hurt to leave State and Federal requirements in the ordinance. She intended to read those regulations. Mr. Meinert explained a formula to determine the amount of manure produced and whether the amount must comply with state and federal regulations. Manager Jakubec stated the current verbiage was recommended by Solicitor Weis. Mr. Hughes stated unless there is an advantage, the Township doesn't have to tell people about the federal or state regulations. People still have to abide by those regulations.

President Smith stated personally, the 10-foot setback for the coop location is too close, especially if the coop or run is 15-feet high. He referenced Dr. Clauer's recommendation of 25 feet.

Mr. Meinert recalled prior discussions where no one had a problem with a 10-foot setback and indicated fifteen additional feet would not make a difference if there was odor. He saw no reason for a coop to be closer to the owner's house than the neighbor's house provided the setbacks are met. President Smith recalled Fox Chapel Borough does not have any regulations about chickens, but they have a nuisance ordinance, noise ordinance and setback requirements. Larger lots have larger setback requirements; smaller lots have smaller setback requirements.

Solicitor Garfinkel stated 'the chicken coop must be closer to your house' came from a municipality where it became a real problem.

President Smith noted the Township has separate setback requirements for accessory structures and principal structures.

Mr. Meinert questioned how the setback went from 10 feet to 25-feet. It was noted the 25-foot setback was for discussion purposes.

Mr. Hughes questioned if a chicken coop is defined as an accessory structure, does Council want to be consistent with other accessory structures. There are other things the Township could do based on the number of chickens, such as increase the setback the more chickens you have.

Mr. Meinert claimed the Township is making it harder for Code Enforcement. Mr. Hughes explained the issue Council is trying to prevent is somebody who doesn't have a well maintained chicken coop and creates problems for other chicken owners. Mr. Meinert stated a chicken coop is an accessory structure and the setback for other accessory structures is 10 feet.

President Smith recommended a chicken coop maintain the same setbacks from all property lines as the house setback. All of the zoning districts that would be modified to allow chickens have established side and rear yards for the principle structure, and recommended chicken coops be the same.

Mr. Hughes differed and stated as an accessory structure, the minimum should be the same as other accessory structures and the coop must be closer to your house than your neighbor's house. If a person does not want the coop next to their house, they probably should not have a chicken coop.

Mr. Stewart asked Mr. Meinert if there would be any issue with his chicken coop and run being closer to his neighbor's house than his. Mr. Meinert indicated the coop is fine, but the run is closer to his neighbor's driveway.

Mr. Stewart asked the Solicitor how a future change to the ordinance, once adopted, would affect people that put their chicken coop based on the original ordinance. Solicitor Garfinkel indicated the people that initially placed their chicken coop in accordance with the original ordinance were in compliance at that time and would be grandfathered.

Mr. Meinert recommended keeping the setbacks for chicken coops the same as for sheds, 10-feet. Mr. Hammill concurred. Mr. Meinert added if the setback is 10 feet, maybe some shrubs should be planted around it. Vice President Eccles indicated plantings would make it more difficult and recommended the setback be the same as the current zoning.

Mr. Stewart and Mr. Denny, Jr. suggested Council move on since there was no consensus on the setback requirement.

President Smith suggested consideration of screening if the setback is only 10 feet from the property line.

President Smith moved to the next section of the proposed ordinance and noted a lack of expert testimony on height for a chicken coop. Mr. Hughes noted the maximum height for a shed is 15 feet. President Smith stated a chicken coop is not a shed. He felt 10 feet is plenty high for a chicken coop. He questioned why a chicken coop would be tied to the same requirements of a shed. Mr. Meinert stated the original committee tried to be consistent.

Mr. Hughes stated if the Township allows up to a maximum height of 15-feet for a shed, why is that not as much of a problem as allowing 15 feet for a chicken coop. President Smith stated there is a lot more activity around a chicken coop, animals living in it, people going in it all the time. Manager Jakubec recalled when talking with President Smith the concern is about the impact on the neighbors. Mr. Hughes stated the visible presence and the fact that it may be used more or used differently is a different argument.

President Smith calculated the size of a chicken coop of 60 s.f. based on 20 chickens, each having 3 s.f. and suggested 100 s.f. as a maximum size of a coop to give the chickens a little more space. Mr. Stewart clarified the 100 s.f. does not take the chicken run into consideration.

Manager Jakubec noted depending on the size, it may have to meet stormwater management requirements. Structures less than 200 square feet are issued a zoning permit. Structures 200 square feet and larger require a building permit. President Smith indicated a building permit should be required for any structure, and include drawings, location, construction details and size.

When Council was polled as to the maximum size of a chicken coop, Mr. Hughes, Ms. Payne, Vice President Eccles, and President Smith supported 100 square feet and if a larger coop was desired the applicant could pursue a variance. Mr. Stewart supported 200 square feet.

Mr. Meinert noted the ordinance indicates a chicken run is not required, but if a chicken run is provided it has to be four s.f. per chicken. He explained setback requirements may prohibit a chicken run and recommended no size per chicken for the run, as any run is better than no run.

Manager Jakubec suggested removing the 'four s.f.' to which Mr. Hughes, Mr. Meinert, and Mr. Stewart concurred.

President Smith noted 20 gauge chicken wire was suggested. Manager Jakubec stated that has been the recommendation in multiple publications, and the Township needs to make sure it is secure and properly constructed. Mr. Meinert added the run is for daytime use. The chickens are in the roost at night. The run needs to be predator proof during the day.

President Smith did not think the chicken run should be 15 feet high, and noted the highest fence allowed is six feet. Mr. Meinert explained if you have a six foot high run and you put a 2 x 6 across the top to hold what you're using to keep predators out, the inside height will be 5'5" and he would hit his head every time he goes in the run to clean it. He suggested seven feet in height for the run. He stated the chicken run is not a fence.

In order to make the chicken run easy for people to walk through and clean it, the consensus of Council was a chicken run shall not exceed seven feet in height.

Mr. Meinert did not see a need for a manure management plan. Manager Jakubec recalled Mr. Joe Zgurzynski came up with a manure management plan to be included with the permit package so people know they have to properly compost the manure, or it will wreak. Mr. Meinert stated it is not a plan, it is a bunch of questions. Manager Jakubec suggested having residents sign off that they agree to properly compost the chicken manure. She noted Waste Management has specifically said they do not take chicken waste. Mr. Hughes noted if they are applying for a permit, the expectation is they are agreeing to the requirements. President Smith stated they have to do it whether or not they agree to it. Mr. Meinert suggested just stating what the requirement is. The Manager stated Mr. Zgurzynski was preparing proper composting guidelines for the permit package for people who are new to chickens, so they know how to properly compost. Mr. Meinert recalled during a prior meeting the Manager said those things shouldn't be in the ordinance, it should be part of a guideline package. Manager Jakubec stated it has to be in the ordinance to be enforceable if not done properly. Mr. Meinert stated creating their own plan does not need to be

in the ordinance, but what the requirements are needs to be in the ordinance. Mr. Hughes suggested removing 'plan' so it is 'collection management of manure waste'; 'property owner shall comply'.

Mr. Hughes noted 'property owner shall comply with Nuisance Ordinance...' He questioned if ordinances typically repeat sections from other ordinances. Manager Jakubec explained she was trying to make sure people are aware that when composting manure, it can't be near the creek so they can't say 'they didn't know that' because it is in the ordinance they are handed. She noted this is also an MS-4 issue for stormwater. Mr. Meinert stated because of what staff took the time to do and create what they did in that section of the ordinance, it is that specific and tells people what they have to do, it negates the need to say 'shall comply with all state and federal regulations'.

Mr. Naughton stated he did not see anything about setbacks and controls on the compost pile. Manager Jakubec stated the Township doesn't have anything on the books that defines where a compost pile can or cannot be. Mr. Naughton recommended including in the ordinance or handout how to properly compost. Manager Jakubec indicated if the Township is to govern composting, that would be part of zoning and include food and other materials.

President Smith indicated he liked McCandless's ordinance pertaining to 'chickens may roam in a secured coop, run, or fenced-in area in the rear yard at all times'.

Vice President Eccles recommended keeping the requirement that chicken feed be properly stored in a sanitary manner, in a secure rodent-proof container and housed within an enclosed structure. The consensus of Council agreed.

Items not resolved would remain blank for further discussion.

J. Proposed February 14, 2023 Regular Meeting Agenda

No changes were noted.

V. CONCERNS OF COUNCIL

Mr. Denny, Jr. noted under 'Council Goals/Objectives/Priorities for 2023' he would like to also include RIDC and resolving long-term fire and emergency medical services.

Mr. Stewart indicated a resident had difficulty seeing during a snow fall with police cars facing toward Route 8 on Dorseyville Road near Alsop Road. Police Superintendent Davis indicated he would inquire about the incident.

Vice President Eccles inquired about the loudness of the O'Hara Elementary School HVAC. Staff indicated they would investigate.

Mr. Denny, Jr. referenced a letter concerning skeet shooting at the Fox Chapel Golf Club. Manager Jakubec noted per State law, skeet shooting cannot be a nuisance. It also is not within O'Hara Township's jurisdiction. As for environmental concerns, the resident should address the Department of Environmental Protection. Per Gary Kohler, Fox Chapel Borough Manager, shooting season is from October to Easter. The resident could sue the club privately.

President Smith recommended Council reply to the resident. The resident wants Council to do something about it. Manager Jakubec stated the Township cannot warn potential property buyers about the skeet shooting.

VI. CONCERNS OF STAFF

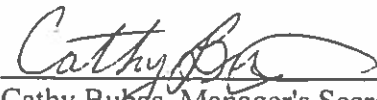
Manager Jakubec stated Allegheny County Councilmember Prizio helped to push the wards reapportionment through the Board of Elections. Solicitor Lucas is working on the next process.

President Smith informed staff that people cannot find where they are to vote on the Township's website. The Manager noted the website redirects residents to a site where they insert their address and the site notes the location of where they are to vote.

Manager Jakubec informed Council that the Township has once again been named a Banner Community.

VII. ADJOURNMENT

The workshop adjourned at 9:40 p.m.


Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet

SIGN-IN SHEET

DATE: 2-7-2023

TOWNSHIP OF O'HARA

Council Workshop
Meeting

Dan McInerney Crawford Lane
Name Address or Organization

Vince Zottola 406 CENTRAL AVE
Name Address or Organization

Richard Heath Zoom
Name Address or Organization

Jim Naughton Zoom
Name Address or Organization

Name Address or Organization

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