

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
JUNE 4, 2019**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:02 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; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Allison Berger, Fourth Ward

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

The Manager noted Treasurer Curran was unable to attend the meeting due to a business commitment and Ms. Berger was tending to a personal matter.

II. REVIEW AND DISCUSSION

- A. Application for Minor Subdivision Approval – Freeport Retail

Manager Jakubec stated the Township Planning Commission reviewed the subject application at its May 13th meeting and has recommended to Council that the Plan be approved. The proposed Plan, located at the intersection of Freeport Road and Alpha Drive consolidates parcel 227-S-202 with parcels located in Blawnox Borough. During the prior Land Development approval, a fee in lieu of agreement was approved to compensate the removal of a taxable parcel from O'Hara Township. The fee in lieu of would be based on the entire parcel and strip mall divided by square footage each year.

Mr. Steinert, Jr., P.E. noted the original land development plan included the subdivision, but the developer did not apply for subdivision review.

Vice President Vogel questioned the purpose of the fee in lieu of for the portion in O'Hara. Manager Jakubec explained the fee in lieu of will cost more than property taxes. Vice President Vogel questioned why the developer would agree to the fee. The Manager stated the developer wanted the curb cut on Alpha Drive.

Mr. Stewart asked if the portion of the parcel in O'Hara would still be in O'Hara. Manager Jakubec confirmed, noting the developer could choose who to pay property taxes to.

Mr. Steinert, Jr., P.E. noted the only tenant he was aware of is Sola Hair Salon.

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

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Sanford Leuba, 269 Kittanning Pike, noted concerns of the trees removed from the Kerr Elementary School construction site. Manager Jakubec indicated staff would review the landscape plan. Any trees shown on the plan that were removed will have to be replaced. Mr. Leuba questioned if the Township would consider a tree ordinance. The Manager explained such an ordinance is difficult to enforce and Solicitor Lucas noted the Township would have to have a Tree Planning Committee. Mr. Leuba suggested the trees be replaced with Norway Spruce, as it is a tree deer do not like to eat. The Manager stated the landscape plan includes 124 new tree plantings. She indicated she would send an email to the school district with Mr. Leuba's recommendation.

Ms. Cindy Harris, Fox Pointe, announced June 17 as the start date for her solar roof project, but it could take seven weeks for the electric company to certify the work.

Ms. Harris stated she and Mr. Stewart talked with Peters Township officials about open government and their website. She and Mr. Stewart plan to attend a Peters Township Council Meeting. Ms. Harris indicated Peters Township Council will be having a discussion about putting a swimming pool on the Township's recreation site.

President Smith stated he looked at Peters Township's website and it has the meeting agendas and minutes. Ms. Harris stated they also have plans on the website for review. Ms. Eccles noted the plans would be posted after the meeting, which Ms. Harris acknowledged.

II. REVIEW AND DISCUSSION CONTINUED

B. Review and Discussion of RIDC Bus and Pedway

Manager Jakubec referenced a memo providing information regarding recent concerns related to bus service and pedestrians in RIDC Park, and noted a letter was sent to Port Authority with maps, outlining a loop in order to get riders into the Park. She explained the locations the Allegheny Flyer, Route 1, and 75 drop riders off. She recalled testifying at Port Authority meetings along with members of the Business Alliance when requesting bus service for RIDC. Port Authority has a new team to plan routes with a focus to serve employment centers and Dan Debone suggested sending a letter.

Mr. Denny, Jr. questioned RIDC's responsibilities. The Manager stated RIDC just owns some of the buildings. President Smith indicated there had to be some sort of agreement between RIDC and O'Hara Township when the development was approved. Manager Jakubec stated there are covenants on buildings. A lot of the buildings were sold and are privately owned. Mr. Denny, Jr. thought the businesses should lean on RIDC to provide employee shuttle buses in an effort to keep

the companies there. The Manager thought it should be up to the businesses to provide for employees. Vice President Vogel stated the Business Alliance should be taking action to keep businesses there. Mr. Stewart stated they are very anxious to help people and recognize a lot of people take the bus to work. They also want to start building membership in the Alliance.

The Manager stated if Council wants to focus on Port Authority, someone will need to attend their meetings. As for sidewalks along Alpha Drive, they will be concrete, need to meet ADA requirements, and very expensive, approximately \$330,000. President Smith questioned why there were no sidewalks. The Manager did not believe sidewalks were required at that time. Vice President Vogel confirmed, adding sidewalks are not required anywhere in the Township. If the requirements were changed, it would be up to the property owners in RIDC to install the sidewalks. The Township put in the pedway because they said they would not put in sidewalks. Manager Jakubec noted Penn D.O.T. was copied on the letter to Port Authority in the event a pedestrian gets hurt by the Route 28 ramps, it is a Penn D.O.T. facility, and she hoped Penn D.O.T. would partner with the Township to provide leverage and get, at least the Flyer route changed so people are dropped off in a safer place. President Smith suggested asking County Councilwoman Anita Prizio for assistance. The Manager stated the letter was also copied to public officials.

President Smith recommended having additional discussions with the Business Alliance. He added the Alliance needs to strengthen themselves and build the membership. He acknowledged RIDC provides a big tax base for the Township. Manager Jakubec noted this RIDC was built in the 1970's and it would be very difficult to update the Park with sidewalks, bikeways and walkways. It would involve a joint plan for all businesses, what they would be willing to do to make it more friendly. For the short term she suggesting working with Port Authority to get the people into the park.

Mr. Denny, Jr. asked who leads the RIDC Long Range Plan. Manager Jakubec indicated it would be the Business Alliance in partnership with the Township. RIDC should be a part of the Alliance because they own buildings there.

President Smith requested staff to search for the agreement with RIDC when they developed the property.

Ms. Eccles referenced an email indicating people have been hit and there have been accidents, and asked if there have been a lot. Vice President Vogel stated there have not been a lot of accidents, but there have been some. He recalled one person was hit by a vehicle one evening at the intersection of Gamma and Alpha Drives, where there is a traffic signal. Manager Jakubec believed the pedway has helped the lunch walkers; people use it; and it keeps people off the road.

Mr. Stewart asked if anyone would be interested in meeting with the Business Alliance, which Manager Jakubec was agreeable to talk to officers and members of the Board.

Ms. Eccles referenced the email, noting two years ago the Township promised to extend the pedway to the mailboxes. In researching meeting minutes, she did not see that an extension of the trail was promised. The Manager stated it was not two years ago, it was last year, but with the flooding events, projects had to be prioritized. Vice President Vogel stated that is not the dangerous spot; it is from the mailboxes to the Comfort Inn. Vice President Vogel explained why the bus stops are so dangerous.

Mr. Frankowski inquired about the status of the former Max & Erma's restaurant. Manager Jakubec recalled a bakery/restaurant was presented but the idea was dropped. Mr. Stewart stated he had talked with Jim Kappernaros, and he is going to talk with the Kratsa's about the possibilities for the property. Manager Jakubec suggested having food trucks come into the park on private property.

The Manager indicated discussions with the Business Alliance officers and Port Authority would continue.

Vice President Vogel suggested the businesses pay for people's bus passes so they do not have to pay twice to take the bus up the hill. He and Ms. Berger approached several businesses in RIDC to encourage participation in the Port Authority Jobs Perks Program, but received very little response.

The Manager indicated she would review the history, try to find the covenants, and try to set up a meeting with RIDC officers.

C. Discussion of Unadopted Roads and Potential Policy for Possible Township Adoption

Manager Jakubec referenced a copy of a proposed Unadopted Road Policy, with President Smith's changes redlined, for discussion.

President Smith indicated he gets lost in the process of how the policy is supposed to work.

Ms. Eccles noted President Smith's comment on the bottom of page 3, "The engineer's cost estimate will be borne by the resident." President Smith questioned if the Township Engineer is going to prepare specifications to fix the roads. Mr. Steinert, Jr., P.E. indicated he would provide a cost estimate and list of what is required.

President Smith questioned if the Township Engineer is supplying a cost estimate to have an outside engineer do it. Manager Jakubec stated the cost estimate is so the residents have an idea of the cost of the entire project. Vice President Vogel noted it is the same process as when the Township requests bids; the Township Engineer provides a cost estimate, then bids are received and the actual cost is determined. President Smith questioned once residents are told what they have to do, would staff prepare bid specifications. Mr. Steinert, Jr., P.E. stated if it is something easy job, it could be included with the Road Improvement Program. President Smith clarified someone would prepare bid documents, and the property owners have to pay for that, and questioned who would put it out for bid. Mr. Steinert, Jr., P.E. indicated it could be included with the Township's paving bid, or the resident could do it themselves with a developer's agreement. President Smith indicated if the Township requests bids it could cost more because the Township has to pay prevailing wage.

Vice President Vogel stated in the end it's going to be the Township's facility. Mr. Steinert, Jr., P.E. stated a developer can build a road as long as it meets Township specifications. Vice President Vogel indicated residents will not be able to find someone to design and build the road. Mr. Steinert, Jr., P.E. noted if the Township needs to go with an outside engineer to design the road specifications, the residents would have to pay that actual cost, which the Manager and Mr. Stewart

did not believe the residents would pay because it would be too expensive. Ms. Eccles noted the road has to pass inspection and if it doesn't, the Township does not adopt the road.

Vice President Vogel noted the Policy gives the Township some discretion to pay some of the costs. The Township would limit how much residents will have to pay, which is the right thing to do. It will be a Township road when it's said and done.

President Smith questioned if an old dirt road serves three houses, what purpose would it serve, other than those three people.

It was noted all the roads are dead end, but Country Club Lane could provide access to a housing development. President Smith stated Council should not approve any development on Country Club Lane unless the road is built to Township standards.

Vice President Vogel addressed the issue of serving only the people on the road, comparing it to when the Township installed sanitary sewers along Crawford and Mission Lanes, which served only the eleven homes. President Smith disagreed, noting it prevented the sewage from entering the environment. Vice President Vogel stated no one else used the sewer; only the eleven homes, and the Township subsidized the project, limiting what those residents had to pay.

Mr. Stewart questioned if the any of the roads are preventing emergency services access. Manager Jakubec stated the emergency service providers could be hindered during the winter. Vice President Vogel added roads that do not have stormwater facilities, the water is running wherever. The roads would have to be brought up to properly handle stormwater.

President Smith understood the need for a written policy, but does not understand the proposed policy.

Vice President Vogel stated most of the Township was paved using other people's tax dollars.

Mr. Denny, Jr. noted the policy has the residents paying the entire cost to have a road adopted by the Township. Vice President Vogel stated the Township has discretion to bear some of the cost, and referenced page 4 which states 'The Township may contribute to the costs of improvements to the physical cart way of the street if a direct public benefit can be demonstrated and agreed to by Council at a public meeting.' President Smith stated "direct public benefit" means more than a few people. Vice President Vogel suggested amending that verbiage to allow Council more discretion. He believed the Township should be able to contribute to the costs.

Mr. Denny, Jr. inquired about a general definition of 'direct public benefit', which Solicitor Lucas explained the definition is meant to be broad, noting verbiage on page 5. The Manager read the verbiage, 'Accordingly, Council may adjust or disregard one or more of the provisions listed herein, or employ other considerations not listed herein, where Council has determined that such action is desirable in its discretion.' She added the argument could be an ambulance can safely access Calmwood Drive, and would that be a public benefit.

Solicitor Lucas stated the Policy provides a general framework. It is always within Council's discretion to accept a road for dedication, regardless of the requirements.

Manager Jakubec suggested going through the policy in July to ensure clarity of how engineering is handled.

Vice President Vogel suggested to residents to use the \$3,300 tap in fee waiver and put it toward upgrading the road. He also recommended letting people who would be affected to know about the proposed policy prior to adoption.

D. Requesting Authorization to Prepare Specifications and Request Bids for the Village Drive and Dorseyville Road Sanitary Sewer Extension

Manager Jakubec referenced a memo from Township Engineer Chuck Steinert requesting authorization to receive bids for the Village Drive and Dorseyville Road Sanitary Sewer Extension Contract. This project will allow eleven homes to connect to the public sewer system.

Mr. Stewart questioned the preliminary cost estimate, which Mr. Steinert, Jr., P.E. indicated to be \$185,000. The Manager noted the cost was included with the bond issue.

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

E. Reminder - June 18, 2019 Public Meeting to Review Proposed Restated Zoning Ordinance

Manager Jakubec reminded Council of the special workshop to review the proposed and restated zoning ordinance.

President Smith commended staff for a good job. The big issue is campers. He noted several options and questioned which option staff recommends. Manager Jakubec indicated any of the options.

Ms. Harris inquired about the options. Manager Jakubec noted one option is to issue a permit, another option is to allow five feet back from the front yard setback. Ms. Harris did not think she could meet the five-foot setback, and asked why this was so difficult. Manager Jakubec explained some people are adamant and do not want to see it because the ordinance does not allow it. Mr. Denny, Jr. noted other complaints staff has received. The Manager indicated if someone is an avid fisher, they should be able to have their boat easily available. She asked Ms. Harris if she would keep the camper in her driveway year-round, which Ms. Harris indicated she might because storage fees have increased. President Smith noted a permit would be valid for 90 days during the summer, or it must be stored behind the house. Mr. Stewart stated it could be an eyesore, as not everyone will put a nice boat or camper on their property. Ms. Eccles stated it could be a fixer-upper'. President Smith stated Council cannot legislate eyesores.

F. Update on Saxonburg Boulevard Sanitary Sewer Project

Manager Jakubec informed Council that she and Mr. Steinert, Jr., P.E. visited a homeowner at the bottom of Brownhill Road. The house got water in the basement when water went down the equipment tracks during a rain storm. There is also damage to one vehicle the contractor hit. The

contractor is taking responsibility.

Mr. Steinert, Jr., P.E. indicated the project is approximately 50% complete.

The Manager stated people are asking about the assessment. She explained once the change orders have been processed she may recommend Council conduct a meeting at the Moose Lodge, possibly in September.

Mr. Denny, Jr. inquired about an update on Indiana Township connecting to the sewer. Manager Jakubec stated Deer Creek Drainage Basin Authority (“DCDBA”) has asked about the transportation charge, which KLH Engineers is preparing. Staff has been dealing with DCDBA, not Indiana Township. She explained an offer was extended for 41 Edu’s, which is homes, for \$3,300 to be prepaid, and the Township is willing to honor that offer. Along with the transportation charges, KLH is reviewing the tap-in fees, which staff is likely to recommend an increase. Any additional Edu’s over the 41 will be at the new buy-in rate. President Smith confirmed the Authority would have to bring their sewer line to O’Hara’s sewer line.

The Manager stated there are nine houses that would be able to easily connect. She noted one lady is going to have to put in a new septic system at a cost of about \$25,000.

Vice President Vogel noted the cost is \$3,300 plus the cost to run an 8” pipe. Manager Jakubec noted the cost would still be less than \$25,000.

President Smith inquired about the status of the Brownhill Bridge. Mr. Steinert, Jr., P.E. stated the bridge is scheduled to open just after July 4th.

Mr. Denny, Jr. inquired about the timeline for the entire project. Mr. Steinert, Jr., P.E. noted the foundation for the pump station is in and they will begin back-filling and building on top. Pump station testing is scheduled for October and hopefully the sewer system will be functioning soon after. Then the existing pump stations can be demolished and allowing some residents to begin connecting towards the end of this year and beginning of next year. Mr. Steinert, Jr., P.E. explained the residents will not be permitted to connect until the Township’s flows are going through. President Smith questioned if restoration work would then begin. Manager Jakubec stated restoration is being done as they go along.

Mr. Denny, Jr. asked if each resident has to get one contractor to connect. Manager Jakubec confirmed, adding residents could group together with a contractor, or do the work themselves.

G. Solicitor’s Invoice – May 24, 2019

Mr. Frankowski noted a Zoning Hearing Appeal of the Li Lan Ann minor subdivision proposal.

H. Proposed June 11, 2019 Regular Meeting Agenda

The consensus of Council was to approve the amended June 11th agenda.

IV. CONCERNS OF COUNCIL

Ms. Eccles stated she encountered a non-profit entity soliciting. Manager Jakubec stated the

Township cannot require a non-profit to obtain a soliciting permit. She recommended putting a sign on the door or window stating 'No Solicitation'. Ms. Eccles indicated she has a sign on her door, but they still knocked and she called the Police.

Mr. Frankowski inquired about activity near the stage at Squaw Valley Park, which the Manager explained the Kratsa's are donating a gazebo to memorialize Melissa Kratsa and it will be installed.

Ms. Eccles referred to emails from constituents concerning the landslide on Powers Run Road. Residents have filed complaints with Penn D.O.T. and Penn D.O.T. provided a different response to the residents than what they had told Manager Jakubec. Ms. Eccles stated the residents were told it was the homeowner's and Township's responsibility. She contacted the Manager and subsequently received an email stating it is Penn D.O.T.'s responsibility. Ms. Eccles, in researching ownership of the hillside, discovered it is owned by the resident and questioned how it would be Penn D.O.T.'s responsibility. Mr. Steinert, Jr., P.E. stated Penn D.O.T. is working with the resident that lives at the top of the landslide. Manager Jakubec added that Penn D.O.T. would want to protect their road. Ms. Eccles questioned why Penn D.O.T. did not clean up the road, noting there are cones around a tree trunk. She questioned if Penn D.O.T. does not clear the road if they could contract with the Township to clear the road. Police Superintendent Slagel recalled Penn D.O.T. had said the debris was too heavy for their equipment. Ms. Eccles was tired of the runaround, recalling the landslide began in July 2018 and it is now June 2019. Manager Jakubec stated she would ask her contact at Penn D.O.T. to have Powers Run Road cleared from the landslide.

Mr. Frankowski inquired about the status of the Kittanning Pike landslide. Manager Jakubec stated the landslide has not moved.

Mr. Stewart noted a sink hole, which the Manager stated Penn D.O.T. is sending letters of intent to property owners in the area to obtain permission to enter the property to survey the pipe.

Ms. Eccles stated the Powers Run landslide occurred a year ago and there is no time line. She questioned what kind of pressure the Township could put on Penn D.O.T. Manager Jakubec indicated the best course of action is through Senator Williams and State Representatives, who she would contact.

Ms. Eccles noted part of a lane on Cabin Lane, going toward the High School, was patched and she thought it was supposed to be paved to the center of the road. Mr. Steinert, Jr., P.E. indicated he would investigate as he did not recall issuing a street opening permit, and Cabin Lane was just paved last year.

Mr. Stewart questioned how long it would take for them to do the dye test on Village Drive. Manager Jakubec indicated the County was to send a letter the same day requesting permission to do the dye test. The ultimate solution is the sewers. If they find a problem, the County indicated they would take care of it. Mr. Stewart questioned once bids are received, how long are the bids good, which Mr. Steinert, Jr., P.E. indicated 90 days.

V. CONCERNS OF STAFF

Manager Jakubec informed Council about a letter the Community Center received from Norelco,

the landscape contractor. She noted the performance bond has expired. The Community Center Executive Director does not want the dead trees replaced and planted in the same locations. Norelco has offered a sum of \$2,000 for the trees to be replaced at the Township's discretion.

Motion by Vice President Vogel to accept Norelco's offer to replace the dead trees was seconded by Mr. Stewart and carried unanimously.

Vice President Vogel requested a waiver from the beer restriction on August 17, 2019 at Raymond A. Schafer, Jr. Memorial Park, for the Annual Montrose Hill Picnic. The consensus of Council was to grant the waiver.

Manager Jakubec announced that there will be a Pizza with Police event at the Community Center on June 20 from Noon to 2:00 p.m. President Smith requested staff to email Council a reminder about the event.

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

VI. ADJOURNMENT

The workshop adjourned at 8:45 p.m. and following a short break Council entered into Executive Session.

Cathy Bubas, Manager's Secretary

Attachment(s): Sign-In Sheets