

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
SEPTEMBER 3, 2019**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:05 p.m.
- B. Pledge of Allegiance led by President Smith.
- C. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Scott Frankowski, Third Ward; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Also Present: Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Scott K. Slagel, Police Superintendent; Loren R. Kephart, Public Service Superintendent; Cathy Bubas, Manager's Secretary

Manager Jakubec noted Treasurer Curran was unable to attend the meeting due to a business commitment.

II. VISITOR

- A. PFM, Inc.

Manager Jakubec acknowledged Mr. Tony Masiti of PNC Capital Markets was in attendance to discuss the possibility of refinancing the Series 2014 Bonds, since interest rates are very low.

Mr. Masiti referenced a packet of information prepared by Zach Williard of PFM for Council's review. He noted historic interest rate tracking and indicated the low interest rates were very unexpected. It is believed the interest rates are being driven by the rhetoric tariffs and rumors that the economy is heading into a recession. Mr. Masiti explained the interest rates were reviewed with the Township's Series 2014 bonds being the focus because they can be called beginning November 1 with 30-days advance notice to the bondholders and new bonds can be reissued at a lower interest rate. Mr. Masiti stated the 2014 bond interest is 2.6%, compared to Penn Vest rates that are closer to 3%. The estimated savings by refinancing the 2014 bonds is 2.4% of the indebtedness refunded.

Mr. Denny, Jr. asked what is being suggested. Mr. Masiti recommended a "Not to exceed" condition and setting a minimum savings level. The bonds would not be issued if the market is not cooperating.

Mr. Stewart asked if the down side was pushing the debt out longer. Mr. Masiti explained that the

debt is not pushed out longer. Council would set a principal amount and the interest rate cannot go higher than at maturity and you would match the maturity to set the savings level. The Township could do a traditional bond purchase but it is less flexible. When refinancing bonds, everything is in place and if the market goes away you do not do the deal. If the market comes back, you can do the deal then.

Manager Jakubec noted an ordinance could be introduced for first reading at the September 17th special workshop, followed by adoption in October. A savings of at least \$60,000 would have to be realized in order to make sense of refinancing the bonds.

Mr. Masiti stated the bonds would be priced after October 8th, which is when the interest would be locked in.

Manager Jakubec asked Council if staff should proceed, or if Council was not interested, noting an extensive process through the Local Government Unit Debt Act (“LGUDA”).

Vice President Vogel asked if the community center savings was tied to the 2014 bonds. Manager Jakubec explained the community center portion is a separate amortization schedule. Vice President Vogel asked if the savings had to go to the community center, which the Manager stated no money would be refunded. The savings can be structured any way Council wishes.

The consensus of Council was to proceed with refinancing the Series 2014 bonds.

III. REVIEW AND DISCUSSION

A. Application for Minor Subdivision Approval – Meinert View Plan of Lots

Manager Jakubec stated the Township Planning Commission reviewed the subject application at its July 15th meeting and has recommended to Council that the Plan be approved. The proposed Plan, located along Dorseyville Road, subdivides parcels 286-C-110 and 286-C-106 and creates a new parcel. She acknowledged Mr. Denis Meinert was in attendance.

It was noted Mr. Meinert would build a driveway at the end of Village Drive to the new home.

The consensus of Council was to include the resolution for consideration on the September 10th regular meeting agenda.

President Smith diverted from the agenda to Citizen’s Comments.

IV. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Frank Harkiewicz, 609 Midway Drive, noted issues he experienced with a roofing contractor and suggested Council consider requiring a permit to replaced roofs, similar to other communities, to protect residents.

Manager Jakubec referred to the Uniform Construction Code, noting the Code does not require permits for roof replacement. She suggested checking the contractors’ reviews on Angie’s List

and the Better Business Bureau. Mr. Frankowski recommended checking with the Attorney General, as each contractor is required to register.

Ms. Megan Lorenz, 105 Cabin Lane, informed Council that the storm drain across from her home cannot handle all the water runoff. She moved into the house and in one month the house flooded and sewage came into the basement. Manager Jakubec indicated the storm drain is up to Code. Mr. Steinert, Jr., P.E. explained none of the storm drains can handle the amount of rain the area has been getting. Ms. Eccles understood, noting she gets water from the other side. She questioned if making the creek bed wider would help. Ms. Tracy Kohler, 112 Cabin Lane, suggested adding another pipe, which Mr. Steinert, Jr., P.E. indicated could be done at a cost. He stated Insight Pipe is checking the pipes in Cabin Lane to see if there are any breaks in the pipe. Mr. Denny, Jr. recommended raising the level of priority and come up with a long term plan to alleviate the situation. Vice President Vogel stated staff needs to find out where the sewage is getting in. Manager Jakubec acknowledged the complexity of the situation, noting stormwater ponds have to be inspected to determine if they could hold more water. The Manager recalled the school district checked the lines and have informed staff the lines are in good shape. Staff would continue to investigate, but any work would require a permit through Pennsylvania Department of Environmental Protection (“PA DEP”), and it is not a quick process. Mr. Steinert, Jr., P.E. indicated he would let the residents know what the investigation finds.

III. REVIEW AND DISCUSSION CONTINUED

B. Application for Conditional Use Approval (Wireless Communication Facilities) – SQF, LLC

Manager Jakubec stated the Township Planning Commission reviewed the subject application at its July 15th meeting and has recommended to Council that the Plan be approved subject to one condition which has been satisfied. The applicant is proposing the installation of two additional antennae on existing utility poles located at 1360 and 1382 Old Freeport Road. The utility poles are owned by Verizon Communication and Duquesne Light Company. A Public Hearing to receive public comments has been scheduled for September 10th.

Mr. Mark Kulik, of Tilsen Technologies was in attendance to answer questions. He stated if Council wants the antennae painted to match the utility poles, they would be happy to do so. He noted the antennae are much smaller due to technology.

The consensus of Council was to include the proposed resolution on the September 10th regular meeting agenda for consideration.

C. Recommending the Rejection of Bids Submitted for the Village Drive and Dorseyville Road Sanitary Sewer Extension

Manager Jakubec stated bids for the subject project were opened during the July 9th combined regular meeting and workshop. After reviewing the bids, staff has determined that the bids exceed the budgeted allocation of \$105,000 for the project. Township Engineer Chuck Steinert is recommending the rejection of bids for the subject project. Mr. Steinert, Jr., P.E. noted an error in the initial bid specifications that had been corrected.

Vice President Vogel asked if costs are expected to be less when the project is rebid. Mr. Steinert, Jr., P.E. did not anticipate costs to decrease, and planned to request more money in the 2020 budget.

Manager Jakubec noted the project would be bid in conjunction with the Upper Powers Run Sanitary Sewer Project, with a start date of January 2020.

The consensus of Council was to include the proposed resolution for consideration on the September 10th regular meeting agenda.

- D. Requesting Authorization to Request Bids for the Upper Powers Run Sanitary Sewer / Fox Chapel Interconnect and the Village Drive / Dorseyville Road Sanitary Sewer Extension Projects

Manager Jakubec stated Chuck Steinert is requesting authorization to receive bids for the Upper Powers Run Sanitary Sewer / Fox Chapel Interconnect and the Village Drive / Dorseyville Road Sanitary Sewer Extension Projects. The two projects may be bid individually or together with the Village Drive / Dorseyville Road portion as an alternate, in order to take advantage of the economies of scale. The Upper Powers Run project will allow for the replacement of approximately 2,500 linear feet of sanitary sewer and provide an interconnect with the Fox Chapel sanitary sewer system. The interconnect will allow the Township to take the flow of 60 homes and offset the 60 units that Fox Chapel took with the elimination of the Crofton Pump Station. The funding for the project will be from a grant in the amount of \$313,881 and Fox Chapel will provide the required match. The Village Drive / Dorseyville Road Project will allow nine homes to connect to the public sewer system.

The consensus of Council was to include the resolution on the September 10th regular meeting agenda for consideration.

- E Condemning Property Located at 911 Powers Run Road (Mary Kelly)

The Manager explained that negotiations to acquire property owned by Mary Kelly have not been successful. The Township is seeking to acquire the property in order to improve and maintain sanitary and stormwater sewer systems. It is a small piece of property, less than 10,000 s.f. located in a floodplain. It is not a buildable lot. Mrs. Kelly thinks there are gas rights there, and does not remember conversations with staff. Staff has reached out to her family but they have not been able to help Mrs. Kelly understand.

The consensus of Council was to include the resolution for consideration on the September 10th regular meeting agenda.

- F. Requesting Authorization to Award Contracts Through the North Hills Council of Governments for Sanitary Sewer Rehabilitation

Manager Jakubec stated per the Allegheny County Health Department Administrative Consent

Order the Township is required to maintain its sanitary sewer lines. The North Hills Council of Governments received bids for its annual sanitary sewer repair contracts on August 2nd. Staff is requesting authorization to execute the necessary contracts on an as needed basis for sanitary sewer repairs in order to comply with the Consent Order. The estimated cost for repairs has been between \$200,000 and \$300,000 in past years.

Mr. Stewart questioned if the contracts are in line with past contracts, which Mr. Steinert, Jr. P.E. confirmed.

The consensus of Council was to include the resolution on the September 10th regular meeting agenda for consideration.

G. Acknowledging Receipt and Acceptance of the Employee Pension Plan Budgets for the Year 2020

The Manager explained the Township is required by law to establish an appropriation in each year's budget for police and employee pension plans. The appropriation for 2020, referred to as the Minimum Municipal Obligation (MMO), for the non-uniform defined benefit plan will be \$18,119, for the non-uniform defined contribution plan will be \$33,620, and for the police plan it will be \$104,829 according to documentation received from the pension actuary, Mockenhaupt Associates. The proposed resolution acknowledges the receipt and acceptance of the 2020 budget appropriation for the employees' pension plans. All pension plans are fully funded.

The consensus of Council was to include the resolution for consideration on the September 10th regular meeting agenda.

H. Requesting Authorization to Destroy Certain Records

Manager Jakubec stated staff is requesting authorization to destroy accounts payable, payroll and Joint Tax records from 2011 and prior years, as well as scanned drawings that hard copies are not deemed needed by Township staff. She recalled having an intern scan drawings and attach the document to the property file. It was noted some records have to be retained forever. She stated the Township follows the Historic Commission requirements for document retention.

The consensus of Council was to include the resolution on the September 10th regular meeting agenda for consideration.

I. Update of July 11th Flooding

Manager Jakubec acknowledged Cabin Lane and the Kittanning Pike areas were hit hard by the back-to-back storms. She and Public Service Superintendent Loren Kephart were trapped on a porch along Kittanning Pike. She had made a list of issues that need to be addressed, including exposed pipes at 905 Powers Run Road, Cabin Lane, some of the water on Kittanning Pike was from the Kerr Elementary School construction site. She noted Kittanning Pike and Kirkwood Drive are under Penn D.O.T.'s jurisdiction. The Manager indicated the Township needs to jointly work with Penn D.O.T. on ways to hold and/or retain the water.

Mr. Denny, Jr. questioned if there are ways to create more permeable areas. Mr. Steinert, Jr., P.E.

indicated areas would need to be designated as flood plain. Kittanning Pike is in a valley with hills on both sides.

Manager Jakubec recalled trees had dammed the creek by Margery Drive, which staff cleared. The trees came downstream from Fox Chapel Borough. Staff will look for solutions, but the large area makes it complicated. She noted the Fox Chapel sewer system project would be 100% funded through the Army Corps of Engineers. Mr. Steinert, Jr., P.E. indicated a draft report may be available in May 2020. The Manager recalled sending video from her cell phone of how fast the rain flooded Kittanning Pike to Senator Samuel Weiss and State Representative Mizgorski.

J. Update on Saxonburg Boulevard Sanitary Sewer Project

Mr. Steinert, Jr., P.E. stated all the sewer pipe is in the ground and they have started constructing a retaining wall just north of Brownhill Bridge. Now restoration work can begin. He noted they were working on getting Berryhill Road paved. The estimated cost to pave Berryhill Road is \$111,000. The paving contract is for \$165,000. Manager Jakubec stated Youngblood does not want to touch Berryhill Road. Folino has paved steep roads. She noted a \$280,000 positive change order in process. Staff was recommending paving all of Berryhill Road Extension, instead of repairing it. It was recommended that staff make sure the trench repair costs are not passed on to the Township.

Mr. Denny, Jr. recalled receiving letters from Claus and Patsko. Manager Jakubec explained the sewer line was extended to their homes, but the homes are below grade, and require a grinder pump. The estimated cost is \$13,000 plus the cost of the grinder pump. Mr. Denny, Jr. recalled something about 'if it was put on the other side of the road'. Mr. Steinert, Jr., P.E. explained if the pump station had been put on another piece of property those residents would not need a grinder pump. The other property had a house and was valued over \$200,000. Staff did not want to kick someone out of their home. Mr. Denny, Jr. asked if the numbers were accurate. Mr. Steinert, Jr., P.E. was not sure, as he was told the cost for the grinder pump and electric only. The connection to the sewer system was not included.

Manager Jakubec explained some residents may have to run a 50' line to connect to the sewer, while someone else might have to run 100' of line to connect. Because these residents are below grade, they have to have a pump.

Mr. Denny, Jr. asked what if the residents cannot afford to connect. Manager Jakubec recalled liens were placed against homes the last time a sewer line was extended. Payment options included paying up front at a discount; paying over a period of time; and W.I.C. guidelines.

President Smith questioned how deep the lines will have to be. Mr. Steinert, Jr., P.E. stated 1-inch lines have to be 3-feet deep. Most other lines will be eight-feet deep.

Mr. Frankowski asked if there is any money available to help the residents. Vice President Vogel stated the people that need the grinder pumps will be putting in a one-inch line three feet deep, while others will be putting in four-inch lines eight feet deep, which will cost more. He requested Mr. Steinert to prepare a cost estimate for the homes that need the pumps, and a lineal price for the four-inch pipe that will be eight feet deep for comparison. Then Council could decide whether or not to help those that need the grinder pumps.

Ms. Berger asked if any assistance might be available through State or environmental organizations. Mr. Steinert, Jr., P.E. noted additional information is needed.

Manager Jakubec noted staff is recommending that the clock to connect to the new system not start until January, and allow one year for the residents to connect. Staff would also inform the residents that need the grinder pumps that Council is reviewing the matter.

K. Recognizing the Heroic Effort of Jerry Chalmers During the July 11, 2019 Flash Flood

The Manager stated the proposed proclamation recognizes Township Public Service Department Employee Jerry Chalmers for selflessly saving the life of a resident during the July 11th flash flood on Kittanning Pike. She explained how Mr. Chalmers rescued a woman holding on to her car while the water rushed by. Had he not been at the right place at the right time, the woman would probably have been swept away in the rushing water.

The consensus of Council was to include the proclamation on the September 10th regular meeting agenda for consideration.

L. Designating Trick-Or-Treat Night in the Township

Manager Jakubec stated Halloween is October 31st. Trick-Or-Treating has always been on Halloween night between 6:00 and 8:00 p.m. This year Halloween falls on Thursday.

The consensus of Council was to include a motion for consideration on the September 10th regular meeting agenda.

M. Review of Proposed and Restated Zoning Ordinance

The Manager recalled basic changes made to the zoning ordinance. She also noted provisions recently added to the proposed ordinance with regard to outdoor seating based on an ordinance adopted in Santa Monica, California. She explained the proposed requirements for minor outdoor seating and major outdoor seating.

Ms. Berger questioned how ‘aesthetically pleasing’ could be enforced. Manager Jakubec suggested replacing ‘aesthetically pleasing’ with ‘visually appealing’.

Corrections on pages 174, 205, 207 and 217 were noted.

The consensus of Council was to include the ordinance for consideration of introduction and first reading on the September 10th regular meeting agenda.

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

President Smith informed all of Council that the Township has a policy concerning unadopted

roads. It has always been required that the resident bring a road up to Township standards and the Township would consider adopting the road. He questioned if Council wants to change the policy, which implies the Township will be spending tax payer dollars on private property. Vice President Vogel noted other items tax payer dollars are spent. Solicitor Garfinkel agreed with Vice President Vogel, and explained the road would become Township property, and the Township could not give it back. President Smith stated the Township cannot spend tax payer money on private property without a public purpose. His example was acquiring property at 911 Powers Run Road in order to repair and maintain the Township's sewer systems. President Smith noted 19 private roads in the Township, of which 11 roads have two or less houses, so they are considered driveways. Spending tax payer dollars to pave someone's driveway is not a public purpose. People knowingly buy houses on private roads.

Vice President Vogel noted the Riverwatch developer built and dedicated the roads to the Township. He questioned what the public purpose was, other than access to the 12 homes.

Mr. Denny, Jr. confirmed the current policy is not written. Vice President Vogel stated if there is nothing in writing, there is no policy. Mr. Denny, Jr. clarified owners of private roads have to bear the cost to bring the road up to Township standards before the Township would consider adopting the road. He believed the Township should help those residents.

Solicitor Garfinkel explained it is within the Township's authority to bring sizable roads that serve multiple homes up to standards and accept the road.

Ms. Berger noted if she were to ask Council to adopt a road, she would be asking staff for help. Vice President Vogel asked if the Township Engineer had ever been asked about the process of the Township adopting a road. President Smith indicated he would refer the resident to Section 6.3 of the subdivision ordinance. He stated just like a developer presents a plan, there is an application process and fee.

Mr. Denny, Jr. noted there are people that live on private roads and people affected by flooding. He noted other infrastructure that needs work.

Solicitor Garfinkel noted a private road is usually an easement.

Mr. Stewart compared the two policies, which ultimately do the same thing. Vice President Vogel noted one policy is user friendly. Ms. Eccles asked staff which policy is easier. Manager Jakubec indicated President Smith's short policy with an application, to which Vice President Vogel agreed, noting the application needs to be attached to the policy.

O. Solicitor's Invoices – July 27 and August 26, 2019

No comments.

P. Proposed September 10, 2019 Regular Meeting Agenda

It was noted 'Unadopted Road Policy' is to be removed from the agenda.

V. CONCERNS OF COUNCIL

Mr. Frankowski indicated the contractor planted five trees along Spring Grove Road, but in the wrong places. When the leaves fall the mausoleum will be visible.

Mr. Frankowski noted the stream from the cemetery might be a problem in the winter.

Ms. Berger noted the culvert on Eton Drive is getting dippy.

Mr. Stewart noted a need to include in the Long Range Comprehensive Plan how to address stormwater. He stated the storm sewers cannot take all the water and it flows to low points causing problems for residents.

VI. CONCERNS OF STAFF

- A. September 17, 2019 Special Workshop – at The Pittsburgh North Hills Moose Lodge on Saxonburg Boulevard

Council was reminded that the Special Workshop was relocated to the Pittsburgh North Hills Moose Lodge #46 on Saxonburg Boulevard, to accommodate those residents for the sanitary sewer discussion.

VII. ADJOURNMENT

The workshop adjourned at 9:28 p.m.

Cathy Bubas, Manager's Secretary

Attachments): Sign-In Sheet(s)