

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
OCTOBER 1, 2019**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:04 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; Allison Berger, Fourth Ward; Cassandra Eccles, Fifth Ward

Absent: Scott Frankowski, Third 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 stated Mr. Frankowski and Mr. Denny were unable to attend due to work commitments.

II. VISITOR

- A. Informed PA Group – Gerrymandering

President Smith introduced Mr. Larry Wolfson and Ms. Sue Brown of the Informed PA Group.

Ms. Brown noted the presentation is based on information previously provided to Council. She explained how redistricting in Pennsylvania is more complicated. In reviewing the Constitution of the Commonwealth, it was difficult to gerrymander. Ms. Brown noted Article II, Section 16 of the Pennsylvania Constitution adopted in 1968 specifically sets the process for redistricting, which the elected officials are not following. She presented a video explaining how gerrymandering can occur.

Ms. Brown requested Council's consideration to adopt a resolution supporting the creation of an independent redistricting commission of citizens with no political interest to oversee the redistricting process.

Ms. Nancy Snyder indicated the districting has always been political and she would not trust five people on a committee. Ms. Brown indicated it is a system that is so precise, it does not fail.

Vice President Vogel questioned who would appoint the five people to the commission. Ms. Brown explained the five people are already there; 2 Democrats and 2 Republicans are to appoint a fifth person to chair, but they do not agree. She clarified the Informed PA Group wants 11 people on the commission, that are registered voters.

Ms. Harris asked who would appoint the three or 4 Republicans. Ms. Brown explained there would be an open application process. Mr. Joe McLaughlin, Venise Road, Pittsburgh, PA 15209, indicated the commissioners would have to be vetted because they would not be allowed to have any family member holding office.

Mr. Marco Attisano, Woodshire Drive, referenced House Bills 22 and 23, which would amend the current process of the decennial redistricting as outlined in the Constitution of the Commonwealth. He noted House Bill 23 would establish the 11-member independent redistricting commission. Members and spouses of the commission could not have been lobbyists, political operatives, federal or state employees within five years prior to appointment. Mr. Attisano proceeded to read a proposed resolution for Council's consideration.

Ms. Snider asked what group is pushing this. Mr. Attisano stated himself, Mr. Stewart, Fair Districts PA and the League of Women Voters.

Ms. Maria Smith, Dorseyville Road, asked what kind of bipartisan discussions are going on. Ms. Brown indicated non-partisan is 1/3 Republican and 2/3 Democrat. Mr. Stewart noted many Republicans and Democrats are sponsoring the bills.

Ms. Eccles asked if Ms. Brown has been able to get all the other municipalities to get on board. Ms. Brown indicated not all municipalities have adopted a resolution, and proceeded to list some of the municipalities that had.

Vice President Vogel asked if the Solicitor had reviewed the proposed resolution. Solicitor Garfinkel indicated the resolution is purely political.

The consensus of Council was to include a resolution supporting the 11-person commission to oversee the decennial redistricting process on the October 15th regular meeting agenda for consideration.

III. MS-4 TRAINING

Mr. Shawn Wingrove, of Lennon Smith Souleret, was in attendance to provide the mandated training to Council. He distributed a packet of information to Council. He reviewed updates on required tasks, which remain ongoing. The permit is issued by Pennsylvania Department of Environmental Protection ("PA DEP") to the Township for stormwater flowing from storm sewers to waters of the Commonwealth. PA DEP has delegated responsibility to the municipalities to improve water quality. Everyone has the same timeframe.

Mr. Wingrove recalled the application to renew the permit was submitted last August and issued in December. The Annual Report is due September 30th of each year, and the Township has complied with all the requirements.

He reviewed the six minimum control measures. Mr. Stewart suggested putting the video on the Township website for people to self-educate. Mr. Wingrove noted several ways to educate the public.

Mr. Wingrove noted new requirements include a pollutant reduction plan, which involves reducing the amount of sediment to streams. Pollutant control measures include identifying outfall and discharges on a map. He noted PA DEP is looking for acid mine drainage and other chemicals.

IV. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

No comments.

V. REVIEW AND DISCUSSION

President Smith suggested advancing to item G. on the agenda and acknowledged Mr. Doug Zaenger was in the audience to discuss a zoning matter.

G. Discussion of Proposed Restated Zoning Ordinance

Manager Jakubec stated based on comments from the last review session on September 3rd, changes and corrections have been made. Doug Zaenger has requested time to address Council concerning Fourth Ward zoning requirements. Staff has also received detailed comments from Allegheny County Economic Development, which are currently being reviewed. Staff is waiting on a court decision with regard to Airbnb.

Mr. Zaenger, 607 Virginia Avenue Extension, stated the zoning ordinance does not provide relief to homes built prior to 1968, when the first zoning ordinance was enacted. He noted garages that encroach side yards. If there is a fire and the structure must be demolished, a new structure would have to be built to conform with the current ordinance. Mr. Zaenger stated he needs to replace his garage, but can't because he cannot meet the zoning requirements. He indicated people might not make improvements to their homes, resulting in deteriorating properties. He explained it would be helpful to residents if there was a special zoning district to address older homes. He noted homes in Pleasant Valley were built on the sidewalks. The homes are a conforming use built on a non-conforming lot. People will have to go through a variance process to replace a home or garage.

President Smith stated the zoning ordinance has regulations for non-conforming uses, structures and lots. They are allowed to continue to exist but not become more non-conforming. He also referred to the variance process. Mr. Zaenger stated if the variance is not granted there is nothing to motivate people and no one will want to buy it. President Smith stated the process is to seek a variance which the Zoning Hearing Board can grant. Mr. Zaenger stated the mechanism does not work as well as he would like.

Mr. Stewart asked if Mr. Zaenger is suggesting Council make rules so people do not have to go through the process. Mr. Zaenger stated of the 22 lots on his street, 18 do not meet the square footage requirement.

Vice President Vogel understood the problem, and noted the problem exists in other neighborhoods. He did not know how making special districts would help, as areas would have to be carved out in all districts.

Manager Jakubec stated the problem arises when a neighbor's property is more encroached upon. President Smith questioned how close Mr. Zaenger wants to be to his neighbor. The Manager indicated there has to be a mechanism for the neighbors.

President Smith stated the mechanism is to request a variance from the Zoning Hearing Board. Variances are granted based on physical condition and hardship. In Mr. Zaenger's case, his property is too small to put a garage anywhere else. Manager Jakubec noted Mr. Zaenger has existing steps in the right-of-way and wants to replace them. The Zoning Hearing Board wanted something from the Township indicating it would not be an issue. The Solicitor provided suggested verbiage which has been executed by Mr. Zaenger and the Township.

A. Acknowledging Receipt and Acceptance of the Revised Employees' Pension Plan Budget for the Year 2020

The Manager noted the Township pension actuary, Mockenhaupt Associates, has provided a revised appropriation for the employees' pension plan budget. The appropriation for 2020, referred to as the Minimum Municipal Obligation (MMO), for the employees' plan will be \$0 instead of the original \$18,119, according to the revised documentation. The pension plan is fully funded.

The consensus of Council was to include a resolution for consideration on the October 15th regular meeting agenda.

B. VA Pittsburgh Health System Implementing Smoke-Free Campus - H. J. Heinz Campus

Manager Jakubec referenced an email received from Donald Koenig of the VA Pittsburgh Health System, stating effective October 1, 2019 the H. J. Heinz Campus will be a Smoke-Free Campus. She noted it is for the entire campus and includes patients, staff and visitors. She and Fox Chapel Borough Manager Gary Kohler discussed safety concerns in anticipation of smokers standing along Delafield Road or strolling along neighborhood roads, litter, and some patients may be on Megan's Law List. The Manager stated she and Mr. Kohler suggest sending letters expressing the concerns to the VA, and copy elected officials, to which Council supported.

C. National Fire Prevention Week – October 6 – 12, 2019

Manager Jakubec informed Council that National Fire Prevention Week is acknowledged during the week of October 6th through October 12th this year. The 2019 Campaign Logo is "*Not Every Hero Wears a Cape. Plan and Practice Your Escape!*". She recalled Council has historically proclaimed National Fire Prevention Week.

The consensus of Council was to include a Proclamation on the October 15th regular meeting agenda for consideration.

D. Recognizing and Thanking Township Fire Service Providers

The Manager noted as part of National Fire Prevention Week, Council has recognized the Township's Fire and Emergency Medical Service providers. If Council wishes to recognize the fire and emergency medical service providers, resolutions will be prepared for Parkview Volunteer Fire Department /Emergency Medical Service, Pleasant Valley Volunteer Fire Company, Aspinwall Volunteer Fire Department, Blawnox Volunteer Fire Company, Fox Chapel Volunteer Fire Department, and Sharpsburg Volunteer Fire Department.

The consensus of Council was to include resolutions for consideration on the October 15th regular meeting agenda.

E. Proposed Reappointments to Various Township Boards and Commissions

Bob Ward – Civil Service Commission
Paul Iurlano – Fox Chapel Authority Board
Joe Jablonski & Mary Lasher – Parks & Recreation Commission
Chuck Bleil & Ed Crates – Planning Commission
Don Lightner – UCC Board of Appeals

Manager Jakubec stated staff has contacted the Township resident volunteers currently serving on Township Boards and Commissions to determine continued interest in serving another term. All volunteers have responded favorably to serving another term.

The consensus of Council was to include a motion on the October 15th regular meeting agenda for consideration.

F. Discussion of Grinder Pump Options

The Manager referenced information provided to Council regarding grinder pump options for the six or seven residents that will require grinder pumps to connect to the Saxonburg Sanitary Sewer Line. Information concerning the grinder pump was also provided from Tepco. Chivers provided information, indicating a 5% markup if they were to purchase the grinder pumps.

Mr. Stewart asked if it is fair to give a monetary deviation for those individuals who need the grinders, since the Township could have put the pump station elsewhere and these residents would not have needed grinder pumps. Manager Jakubec indicated if Council wishes to provide a monetary deviation to the six or seven residents it could be done. She added that the Township would have had to condemn a property with a family living in the house to put the pump station elsewhere.

Ms. Eccles questioned the average cost to run a line to connect to the sewer line. Manager Jakubec indicated the cost varies, as some residents have to run 700 feet at \$60 a foot, and someone else may need to run 50 feet of sewer line. She also noted the additional cost to install the grinder pump and maintain it.

Ms. Eccles questioned a cost savings if the Township were to purchase the grinder pumps. The Manager indicated there would be no markup or sales tax. She explained everyone will have expenses. Ms. Eccles indicated if the Township buys the pumps in bulk, the residents could reimburse the Township.

Mr. Stewart stated it is more than just buying the pumps. Mr. Steinert, Jr., P.E. noted electrical costs to connect the pump.

Ms. Berger questioned if the Township is assisting with purchasing the pumps, and if the assistance is only for now, or later too. Vice President Vogel indicated for now. He also questioned the differences between the options. Manager Jakubec noted concerns indicated by the Township Solicitor, while Eric Tissue, of KLH Engineers, is aware of municipalities that have purchased the pumps for the residents.

Ms. Eccles suggested the Township purchase the pumps with a signed agreement by the resident that they will pay the Township for the pump. She did not want to get hit with someone else that wants another consideration, to which Vice President Vogel agreed.

President Smith noted some residents will run a 1-1/2" line four feet deep, while others have to run a 4" line eight feet deep.

Manager Jakubec noted a lien would be placed against the house when the agreement is signed.

Solicitor Garfinkel indicated the residents could buy the pumps directly from the supplier, if the supplier is willing to sell the pumps to the residents at the same cost as the Township would pay.

Manager Jakubec stated some residents are on fixed incomes and the agreement would allow them to pay back over five years or through the W.I.C. guidelines. President Smith recalled telling the people that attended the meeting at the Pittsburgh North Moose that they could pay upfront or over five years for the sewer, and suggested including the pumps as well.

Ms. Berger questioned if financial assistance information is available through the Township website. Manager Jakubec recalled providing handouts at the meeting, but could post the information to the website. Ms. Berger also suggested including other associated costs on the website.

H. Proposed October 15, 2019 Regular Meeting Agenda

The consensus of Council approved the October 15th regular meeting agenda.

VI CONCERNS OF COUNCIL

Ms. Eccles asked when the newly paved roads would have lines painted on them. Mr. Steinert, Jr., P.E. indicated a separate company would be coming to paint the lines.

Vice President Vogel stated beginning in November he will have to drive to Harmar to take the bus to work due to the elimination of the bus stop in RIDC. Ms. Berger explained what precipitated

the study, noting the location of the bus stop and people crossing the street by the Route 28 South on ramp. Manager Jakubec indicated the issue is safety. Vice President Vogel believed after a year PAT would say no one is on the bus and will eliminate the route. The Manager noted the P10 has a limited number of routes, but will have a route through RIDC Park for the people riding the bus at that time of the morning.

Mr. Stewart questioned the issue with people parking at the Comfort Inn in RIDC Park. Manager Jakubec stated it is private property. Vice President Vogel noted the route through RIDC takes two minutes and questioned how it could not be profitable. Manager Jakubec acknowledged the safety issue of people getting off the bus and walking on the road with no side walk.

Ms. Berger asked how many other buses go into RIDC Park. Manager Jakubec stated just the 91. Ms. Berger did not know why PAT was not bringing the 75 into the park. The Manager recalled sending information, including a map, to Port Authority Transit (“PAT”) about another potential route for the bus service.

Mr. Stewart confirmed that there has been no progress for the people that are walking up and down Alpha Drive. Manager Jakubec stated the 75 is sitting on Old Freeport Road, and could not understand why it could not go into the RIDC Park.

Ms. Eccles noted the additional light by the high school had been installed.

VII. CONCERNS OF STAFF

Manager Jakubec informed Council that the Township received a grant award for bullet-proof vest, which will pay for half of the cost.

The Manager requested Council to remain after the workshop for an Executive Session to discuss labor and legal matters.

VIII. ADJOURNMENT

Council adjourned the workshop at 9:18 p.m. and following a short break entered into Executive Session.

Cathy Bubas, Manager’s Secretary

Attachment(s): Sign-In Sheet(s)