

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL
WORKSHOP MINUTES
FEBRUARY 1, 2022**

Township Manager Julie Jakubec noted virtual meeting procedures.

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; 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: Julie A. Jakubec, CPA, CGMA, Township Manager; Brendan Lucas, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Christopher Komora, Code Enforcement / Storm Water Coordinator; Loren R. Kephart, Public Service Superintendent; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

II. INTERVIEW(S) FOR TOWNSHIP TREASURER POSITION

Manager Jakubec stated a letter of interest and resume was submitted by Gregory Caprara to serve as Township Treasurer. Interviews must be conducted publicly for elected municipal positions.

President Smith recalled Council declared the Township Treasurer position vacant at the January 11th meeting due to the death of the Treasurer. The Township advertised the vacancy and call for service as well as posted through social media.

Mr. Stewart confirmed Mr. Caprara was the only resident that submitted a letter of interest.

Members of Council proceeded to ask Mr. Caprara about his experience as it pertains to the roll of Township Treasurer, why he wants to serve as Treasurer, and his prior relationship with Council as a former Councilmember, which Mr. Caprara answered.

President Smith stated four Councilmembers served with Mr. Caprara on Council. However, he was not familiar with Mr. Caprara's experience at that time. He commented that Mr. Caprara, in his opinion, has the most important qualification and that is his willingness to serve.

Mr. Denny, Jr. questioned if Council was at a point to vote, or if they should wait until next week. Solicitor Lucas explained Council must make an appointment within 31 days from when the position was declared vacant, which is February 3rd, or a resident could petition the Courts to appoint someone to fill the seat.

Motion made by Mr. Stewart to appoint Greg Caprara as Township Treasurer was seconded by Ms. Payne and carried unanimously.

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

Mr. Caprara thanked Council for enabling Manager Jakubec to move very quickly on the sinkhole at the bottom of Kittanning Pike. It has made a tremendous difference in traffic flow.

Ms. Cindy Harris, Fox Pointe, recalled recent discussion about the Long Range Comprehensive Plan and a survey was being prepared for residents to complete.

IV. REVIEW AND DISCUSSION

A. Possible Appointment of Township Treasurer

The Notary Public administered the Oath of Office to Mr. Caprara.

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

Manager Jakubec stated Mr. Steinert, Jr., P.E. had suggested discussing possible acceptance of dedication of public streets, and storm sewers installed in the public streets, rights-of-way and easements in the Riverwatch of O'Hara Woods Plan. The Township would not accept dedication of the stormwater pond as it has not been properly maintained. The ordinance was introduced at the January 11, 2022 regular meeting.

Mr. Steinert, Jr., P.E. noted a tree in a manhole needs to be removed and the condition of the stormwater pond had not changed, except the winter weather killed the Japanese knotweed, which will return in the spring. He planned to inspect the site tomorrow.

Mr. Stewart requested a copy of the punch list be emailed to him. He noted the considerable amount of time from beginning the development to now and questioned if it is typical to take this long to adopt a development. Manager Jakubec stated it is very unusual for adoption to take this long. Several punch lists were provided to the developer in an effort to get things addressed, but there was no response. Mr. Steinert, Jr., P.E. recalled the process began in 2009 with the initial punch list. With each subsequent punch list items were added because of the time lapse. The Manager stated there is no Home Owners Association; the developer is responsible for the stormwater pond until it is brought up to a condition that is acceptable for dedication. In the current condition it would be extremely time-consuming for staff to maintain.

It was noted the Township holds a small escrow.

President Smith questioned if the required performance bond was provided. Mr. Steinert, Jr., P.E. confirmed, and noted the performance bond covers the installation of the infrastructure. From when the infrastructure was installed to when he inspected it there were several issues that were included on the punch lists. As part of the dedication, the developer is required to provide a 15% maintenance bond for 18 months so the Township has funds to correct anything that arises.

President Smith stated the developer is required by DEP and by law to maintain the pond. Mr. Steinert, Jr., P.E. noted it is the Township's responsibility to issue citations. Once the dedication is finalized, citations could be issued until the pond is brought up to standards.

Mr. Hughes questioned the Township's additional risk if the proposed ordinance is adopted. Solicitor Lucas believed the Developer Agreement states once the roads meet Township standards and are inspected, the Township would accept. It is a legal, binding document between the developer and the Township. If the Township were to delay acceptance it could create a dispute. In addition, the idea is public improvements are eventually to become a part of the Township, using taxpayers' dollars to maintain.

It was noted the Developer Agreement is different than agreements written now. Current developer agreements state 'the Township may accept dedication' and require a Home Owners Association.

Mr. Denny, Jr. questioned why the developer has not brought the stormwater facility up to the requirements. Mr. Steinert, Jr., P.E. stated the pond was built to Township requirements. The problem is the growth of the Japanese knotweed in and around the stormwater facility. The cuttings plug the outfall resulting in several feet of water in the pond for days. The Township would have to cut the knotweed every week and rake out the cuttings, which is what the developer should be doing now.

President Smith agreed, noting the developer presented a plan on how they were going to build it and included in that plan was how they would maintain it. They haven't been maintaining it. Mr. Steinert, Jr., P.E. stated during the pandemic the developer cut it once, early in 2021.

Mr. Hughes was agreeable to accepting the roads as long as the Township has a strategy to hold the developer accountable for the stormwater pond and to collect fines. He questioned if there was a way to require the developer to have a Japanese knotweed mitigation strategy over the 18 months. Manager Jakubec noted there are folks that know how to get rid of Japanese knotweed and the developer should reach out.

President Smith stated the plan the developer submitted did not show the bank of the pond with knotweed. Mr. Steinert, Jr., P.E. recalled grass was shown on the plan. He explained Japanese knotweed is an extremely invasive species and is in the back yards of Riverfront property owners. Even if the knotweed is removed from the stormwater facility, it will still be in the area and eventually migrate into that facility.

It was noted the Township charges the developer for snow plowing the roads in the development. The developer was behind in paying the fees, but is now current.

Mr. Denny, Jr. was not opposed to include the proposed ordinance on next week's agenda. Mr. Hughes asked if the outstanding punch list items would be addressed before next week. Mr. Steinert, Jr., P.E. indicated he would expect the developer to address the tree, and noted the other item is providing the maintenance bond.

Manager Jakubec questioned what recourse the Township has if the developer walks away. Solicitor Lucas indicated the Township and the landowners that have a cause of action against the developer would have to go after the company, but preferred to avoid the cost of litigation.

Mr. Stewart requested the developer be invited to attend the February 8th meeting. Manager Jakubec stated the developer was to attend tonight.

The consensus of Council was to include the ordinance on the February 8th regular meeting agenda for consideration.

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

The Manager explained in order for the Township to continue participating in the Pennsylvania Department of General Services (“DGS”) sodium chloride (road salt) contract, a new Salt Contract Participation Agreement must be executed and submitted to DGS by March 15, 2022. 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 2022-2023 winter season in order to maximize cost savings, and ensure needed tonnage and delivery.

The consensus of Council was to include the resolution for consideration on the February 8th regular meeting agenda.

D. Requesting Authorization to Submit a Grant Application with Pennsylvania Department of Community and Economic Development Greenways, Trails and Recreation Program for the O’Hara Township Community Park Trail Stabilization and Pedestrian Bridge Project

Manager Jakubec stated the proposed resolution authorizes the filing of a DCED Grant Application in the amount of \$106,200 for the Trail Stabilization and Pedestrian Bridge Project at O’Hara Township Community Park.

Mr. Denny, Jr. questioned why Council needs to approve of staff applying for a grant. The Manager explained sometimes a monetary match is required, and for some grants it is a legal obligation.

The consensus of Council was to include the resolution on the February 8th regular meeting agenda for consideration.

E. Requesting Authorization to Submit a Grant Application with Pennsylvania Department of Conservation and Natural Resources for the O’Hara Township Community Park Trail Stabilization Project

Manager Jakubec noted the proposed resolution authorizes the filing of a DCNR Grant Application in the amount of \$62,500 for the Trail Stabilization Project at O’Hara Township Community Park.

The consensus of Council was to include the resolution for consideration on the February 8th regular meeting agenda.

F. Requesting Authorization to Jointly Bid the 2022 Road Improvement Program with Fox Chapel Borough

Manager Jakubec stated Mr. Steinert, Jr., P.E. had requested authorization to request bids jointly with the Borough of Fox Chapel for the 2022 Road Improvement Program in order to realize economies of scale. The roads recommended for milling and resurfacing include Kappa Drive, Emily Drive, Papercraft Avenue, Joanne Street (north), Field Club Road (Powers Run east to Fox Chapel Line), Farmington Road, Westchester Drive, and Westchester Place. Alternates include Alpha Drive (Kappa Drive to Bridge over Route 28), Glen Brook Drive, W. Marshall Drive and Maurers Lane.

Mr. Stewart believed John Kight, of RIDC Business Alliance, had sent photos of a portion of Alpha Drive toward Blawnox that was in poorer condition. Mr. Steinert, Jr., P.E. indicated he could add more of Alpha Drive to the contract.

The Manager noted staff put together a package of \$1,500,000 for paving roads in order to catch up the Road Improvement Program. Due to the pandemic, the program was cut back.

Mr. Hammill asked if north Joanne Street would still be paved if it is not widened. Mr. Steinert, Jr., P.E. preferred to widen the street and pave it, noting it is only a 16' wide road, difficulty plowing snow and no place to push it, and no place for the plow truck to turn around. By creating a hammerhead, the snow could be pushed into an area and the plow truck could turn around. Mr. Hammill asked if every resident has been made aware of plans to widen the road. Mr. Steinert, Jr., P.E. recalled the residents he had spoken with about widening the road. Mr. Hammill recalled talking to one resident that is very frustrated with the condition of the road and would reach out to the other Joanne Street residents for comment. If the Township could widen the road it would not only improve it, but also make it safer for everyone.

Manager Jakubec suggested inviting the residents of Joanne Street to a Town Hall Meeting through zoom.com to review the project, to which Mr. Steinert, Jr., P.E. agreed.

Mr. Denny, Jr. questioned when the project would begin. Mr. Steinert, Jr., P.E. hoped the work would occur with the paving in June or July. The Manager noted easements/rights-of-way would be needed to widen Joanne Street.

Mr. Hughes clarified the request is to bid the paving with Fox Chapel Borough. Manager Jakubec recalled the Township has done this with Fox Chapel Borough for years because it makes the bid more attractive.

The consensus of Council was to include the resolution on the February 8th regular meeting agenda for consideration.

- G. Requesting Authorization to Jointly Share Engineering Inspection Services Related to the 2022 Road Improvement Program with Fox Chapel Borough

The Manager stated Mr. Steinert, Jr., P.E. had recommended joint sharing of engineering inspection services with Fox Chapel Borough for the 2022 Road Improvement Program in order to realize economies of scale. She believed the engineering firm for inspections would be Lennon Smith Souleret Engineers.

The consensus of Council was to include the resolution for consideration on the February 8th regular meeting agenda.

- H. Requesting Authorization to Request Bids for Grass Mowing, Landscaping and Related Services

Manager Jakubec stated the contract for Grass Mowing and Landscaping Services with Vigliotti Landscape and Construction expired December 31, 2021. Staff has requested authorization to prepare bid specifications and advertise to receive bids for said services. She noted Public Service also cuts grass but the Township owns a vast amount of parkland and other properties that are too much for current staff to undertake.

The consensus of Council was to include the resolution on the February 8th regular meeting agenda for consideration.

I. Requesting Authorization to Purchase Public Service Equipment

The Manager stated Public Service Superintendent Loren Kephart had requested authorization to purchase one 2022 Ford F-250 4x4 Crew Cab with the Snow Plow Package from Laurel Ford, Windber, PA, through CoStars Purchasing Alliance Contract. The cost of the new truck under the CoStars Contract is \$38,220. The 2022 budgeted allocation to replace the 2015 F-250 4x4 crew cab is \$43,940.

Mr. Denny, Jr. asked if it is a new snow plow truck or a truck that allows for doing snow plowing. Mr. Kephart stated the truck is used mainly for parks, but a plow could be put on it if necessary. Mr. Denny, Jr. extended huge kudos from the people at the community center for plowing and leaf collection. Mr. Kephart stated the guys are really good at what they do.

The consensus of Council was to include the resolution for consideration on the February 8th regular meeting agenda.

J. Requesting Authorization to Auction Used Township Equipment on Municibid

Manager Jakubec noted staff had requested authorization to auction the 2015 Ford F-250 4x4 crew cab pickup truck through Municibid, an online auction company where the Township gets money for equipment no longer used and other municipalities and individuals have an opportunity to purchase needed equipment at a price they can afford. She stated Mr. Komora has been tracking vehicle prices on Municibid to compare with trade-in values and believes the Township would do much better auctioning the truck than trading it in.

The consensus of Council was to include a motion on the February 8th regular meeting agenda for consideration.

K. Amending Certain Provisions of the Non-Uniform Pension Plan for Public Service Employees

The Manager explained as a result of the recently negotiated Public Service Bargaining Unit Agreement, the pension multiplier has increased from 1.31% to 1.35%, and the Plan must be amended to include the change.

The consensus of Council was to include an ordinance for consideration on the February 8th regular meeting agenda.

L. Amending Certain Provisions of the Police Pension Plan

Manager Jakubec stated as a result of the recently negotiated Police Bargaining Unit Agreement, the Township agreed to provide a service increment for the pension plan for every full year worked after 25 years of service, with the increment maxing out at 30 years of service. The Plan must be amended to include the change.

The consensus of Council was to include an ordinance on the February 8th regular meeting agenda for consideration.

M. Recommending the Naming of Township Recreation Partners

The Manager recalled representatives of the Lauri Ann West Community Center and Cooper Siegel Library requested the Township's partnership to provide summer programs in Township parks in 2022, in accordance with COVID-19 safety protocols. In the past the library has done reading in the park with parents and toddlers. The community center offers active programs, such as tennis, baseball and nature camps.

The consensus of Council was to include resolutions for consideration on the February 8th regular meeting agenda.

N. Delivery of New Police Vehicle

Manager Jakubec noted the prior Council approved the purchase of a 2021 Ford F-150 Responder, which has been delivered.

O. Council Goals/Objectives/Priorities for 2022

Mr. Denny, Jr. emphasized the need to get the redistricting of Township wards done this year. He suggested setting a time frame to begin the process. He noted Council was waiting on a memo from Senior Solicitor Weis, which he hoped to have by next week's meeting.

Solicitor Lucas stated a memo has been prepared but he and Solicitor Weis wanted to discuss further with the County Solicitor how they are handling the appeals process. Because it is a reapportionment there will have to be alterations to electric district boundaries. Part of Act 77 of 2019 says the election districts cannot be altered until after the appeals period for the 2020 Census congressional redistricting, and sets a date of November 20, 2022 or later if appeals are still happening. Mr. Lucas explained the Township is under one statute, the Municipal Reapportionment Act empowered to redistrict/reapportion within one year of a census, but a conflicting State law passed in 2019 restricts that ability until after the appeals are decided.

Mr. Denny, Jr. clarified the law says municipalities cannot undertake the process of redistricting until after the appeal process on the congressional districts runs its course. Solicitor Lucas explained there is nothing that says municipalities can't begin to look at reapportionment issues, but redistricting cannot alter the election districts until appeals are decided.

Mr. Stewart stated the municipality can move forward with the calculations, but not formally redistrict. The work is in figuring out how we're going to change things around. Solicitor Lucas stated Council can begin to do that. He explained the issue is the election districts. Some of the boundaries match up with congressional election districts and municipalities have to work within those proportions of boundaries because you cannot divide an election district or ward between two congressional districts.

Mr. Denny, Jr. stated if the congressional district map is done and approved and O'Hara Township is fortunate to be in one congressional district, it's not a problem. Solicitor Lucas explained Council can conceptually begin to see where the numbers are and where they should be, but as far as determining where the final boundaries might be moved, they may or may not change based on appeals.

Mr. Denny, Jr. recalled members of Council agreed to serve on an adhoc committee and suggested getting guidance on starting the process and determine the number of members to include in the

working group. He suggested that by the March meeting they have an outline of how they should proceed in light of the fact there may be a waiting period to finalize a map.

Manager Jakubec requested the Solicitor provide the memo for her to circulate to Council.

Vice President Eccles questioned if November 22nd is the latest, or earliest the committee could start the process. Solicitor Lucas stated he would have to review the law for the exact date, but it would be the earlier. Mr. Denny, Jr. did not believe November 22 would be correct because it would impact the 2023 election. Municipalities would have less than two or three months to finalize a map, conduct public hearings and approve it in order for petitions to go out. Solicitor Lucas noted the County's initial interpretation and the County will not support a petition to the courts until the appeal period is done, which after reapportionment, the Township would need to petition the court to change the election boundaries, and that is done in conjunction with the County.

Mr. Stewart questioned if everything is settled before the November date, can't the Township proceed. Solicitor Lucas stated no, the way the law is written, it states the later of the two.

Mr. Denny, Jr. stated that makes no sense and asked the Solicitor to revisit the matter, because they are going to have to have the Pennsylvania congressional maps done well before the primary because Pennsylvania loses a district. You can't just wait to the 2024 elections. Solicitor Lucas stated they will be set, subject to appeal, and be used until an appeal says otherwise.

Mr. Denny, Jr. noted the Township has not been reapportioned for probably the last 20 years. President Smith agreed the redistricting should be a priority and asked the Solicitor to provide the memo and provide information, if any, for next week's meeting.

Manager Jakubec requested Solicitor Lucas to get the County Solicitor's interpretation in writing. Solicitor Lucas indicated he would forward the email.

Mr. Denny, Jr. noted Vice President Eccles and Mr. Hammill serve on the fire committee and suggested thinking about the volunteer fire companies now because they are having a hard time getting members. He stated one volunteer fire company may be out of business by 2024-2025. He questioned what to do with the shrinking number of volunteer fire fighters in the future.

Vice President Eccles stated the conversation has already started. Mr. Hammill questioned the last time recruiting volunteers was pushed. He suggested Councilmembers and some fire fighters go to the high school and maybe get some students to be fire fighters. Mr. Denny, Jr. indicated the fire departments have been trying to get volunteers but the State has made it difficult to become certified. He suggested also thinking about other avenues to provide the service.

Manager Jakubec stated it appears that Aspinwall and Sharpsburg volunteer fire departments may be merging. She was invited to attend a meeting tomorrow and would share the information.

President Smith acknowledged volunteer fire fighters has been an issue for a long time. He recalled asking the fire departments at one time to merge, but it didn't work.

Mr. Denny, Jr. stated if a person is a member of Parkview VFD, they do not have to be a member to ride with another fire department. The Manager noted the numbers of volunteers is dwindling further and further due to the numbers of required hours of training. She stated they need to have conversations with surrounding communities because everyone is going to face the same issue. Mr. Denny, Jr.

indicated they may need to have a hybrid system with some paid fire fighters, to which Manager Jakubec agreed.

President Smith asked if the Newly Elected Officials classes discussed the matter. Mr. Hammill and Ms. Payne indicated it had not yet been discussed.

President Smith noted over the years they have done fire studies but nothing seems to come out of the study.

Mr. Hammill stated there is a class coming up at the Allegheny County Emergency Service Center and he would bring up the subject to get their insight about what is going on.

Mr. Stewart asked if the fire departments have a program for junior members, which the Manager confirmed.

Ms. Payne asked with the new standards of training and hours, would it be possible to do any training at the high school, and Mr. Denny, Jr. added Beatty Technical School. The Manager indicated she would ask the Fire Chiefs, since they schedule the training.

Vice President Eccles suggested offering student credit. Manager Jakubec recalled trying to get college credit with then Senator Randy Vulakovich, but colleges were reluctant. She suggested asking Senator Williams to attend a fire committee meeting. The Manager noted Pleasant Valley VFC put in a weight room to attract younger folks they could become junior members.

President Smith noted the ALOM Conference may have a workshop discussion about firefighting.

President Smith stated he would like to see the ordinance codification project finished. Manager Jakubec indicated 95% of the project is complete. Staff just received questions that need answers. President Smith explained the project involves having all the ordinances in one book and available to search online.

Mr. Stewart indicated he wants to get as much involvement with the Long Range Plan with the community, such that O'Hara Township, with all the staff, Council unifies with the community as much as possible and through the long range planning process, we're able to develop an implementable plan to move the community forward.

P. Solicitor's January 18, 2022 Invoice

No comments.

Q. Proposed February 8, 2022 Regular Meeting Agenda

Manager Jakubec noted the final report from White Tail Management Associates would be included in the February 8th regular meeting agenda packet, and an agreement with the Tax Collector would be added for consideration.

V. CONCERNS OF COUNCIL

Mr. Stewart asked if the Township was responsible for maintaining trees along Sharpshill Road by the cemetery. Mr. Kephart indicated he was already notified by the cemetery about a large branch stuck

in the wires and had contacted Penn D.O.T. and Duquesne Light, but they have not responded. Manager Jakubec indicated she would send an email to Penn D.O.T.


Mr. Stewart asked if the property where the guardrail was removed had been blocked off. Mr. Steinert, Jr., P.E. stated the property owner put a piece of equipment across the opening which is unacceptable. The owner also submitted a permit to place some large boulders to prevent any vehicles or accidents from occurring, but he intended to deny the permit. President Smith stated in general residents are not permitted to put anything in the road right-of-way. The Manager explained this is an ongoing issue and anticipated they would be at the Magistrate.

VI. CONCERNS OF STAFF

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

VII. ADJOURNMENT

The workshop adjourned at 8:30 p.m. and Council entered into Executive Session.


Cathy Bubas, Manager's Secretary

Attachment: Attendees List

COUNCIL WORKSHOP ATTENDEES
FEBRUARY 1, 2022

Greg Caprara
Cindy Harris
Maria Smith
Ed Crates
Falcon