

**TOWNSHIP OF O'HARA
COUNCIL WORKSHOP MINUTES
JANUARY 3, 2023**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:00 p.m.
- B. Pledge of Allegiance led by President Smith.
- C. Roll Call

Council Members Present: Robert John Smith, President of Council; Cassandra R. Eccles, Vice-President of Council; Richard S. Hughes, First Ward; George H. Stewart, Second Ward; Michael F. Hammill, Third Ward; Olivia T. Payne, Fourth Ward

Absent: John R. Denny, Jr., At-Large

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

President Smith wished everyone a happy new year.

Manager Jakubec noted Mr. Denny, Jr. was unable to attend the meeting due to a business commitment.

II. MOMENT OF SILENCE IN MEMORY OF BRACKENRIDGE POLICE CHIEF JUSTIN MCINTIRE

President Smith requested a moment of silence in honor of Brackenridge Police Chief Justin McIntire who was recently killed in the line of duty.

III. CITIZEN COMMENTS CONCERNING NON-AGENDA ITEMS

There were no comments.

IV. REVIEW AND DISCUSSION

- A. Requesting Authorization to Jointly Bid the 2023 Road Improvement Paving 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 2023 Road Improvement Program in order to realize economies of scale. Though several roads are in need of resurfacing, the bid cost will determine which roads

will be paved and which roads will be included as alternates. The 2023 budget allocates \$1,250,000 for the program.

Mr. Stewart asked if other municipalities had been asked to participate. Mr. Steinert, Jr., P.E. indicated Blawnox and Aspinwall Boroughs had been invited to participate but had not responded.

Mr. Hammill asked if N. Joanne Street would be widened and paved. Mr. Steinert, Jr., P.E. recalled reaching out to one other resident before the holidays, but would reach out again.

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

B. Requesting Authorization to Bid the Powers Run Sanitary Sewer Upgrade and Stream Removal Project

The Manager recalled the sanitary sewer project was identified in a feasibility study and would reduce surcharging in the Township's sanitary sewer line. As an alternate, the restoration of the stream involves removing a collapsed pipe to open the stream. Grant funds in the amount of \$100,000 have been awarded for the project. Staff is requesting authorization to request bids for the project.

Mr. Stewart inquired of the surcharge dollar amount. Mr. Steinert, Jr., P.E. explained it is the amount of water that flows back up into the manhole.

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

C. Continued Review of Proposed Amendments to the Civil Service Commission Rules and Regulations

Manager Jakubec explained the Civil Service Commission was recently informed of State mandated changes to the Rules and Regulations. The Commission has been working on updating the Rules and Regulations with the Township's Civil Service Solicitor, Neva Stotler of N. Stotler Law.

Mr. Stewart asked if any changes had been made since the last review, which the Manager indicated no.

The consensus of Council was to include the ordinance for consideration of adoption on the January 10th regular meeting agenda.

D. Proposed Amendment to the Township Zoning Ordinance to Allow for Chickens in Residential Zones and Providing Regulations for the Keeping of Chickens (a)

The Manager stated the Township Planning Commission formed a subcommittee consisting of two Planning Commission members, Township staff and a resident to review considerations to allow chickens in residential zones.

Council proceeded to review the draft ordinance.

Vice President Eccles questioned if residential permits should be issued to a renter. President Smith indicated no permits should be issued to a renter, only the property owner.

Vice President Eccles questioned the need of a professional survey of the property. President Smith preferred a dimensional site plan. It was noted a new survey was not necessary. An existing survey would be acceptable with the location of the chicken coop and run notated on the survey.

Mr. Dan Meinert, Crawford Lane, recalled being cited for having chickens. He stated keeping chickens in your backyard is not a commercial operation of agriculture. He also indicated O'Hara Township requires that all site plans be based on an existing survey, which is required to be submitted with the application. He indicated citizens should not have to pay to have their property surveyed to put in a little chicken coop.

Mr. Stewart questioned if the plan for collection and management of manure and waste should be dependent on the number of chickens. Mr. Joe Zgurzynski, a member of the subcommittee and Planning Commission member, explained even if you have one chicken, the manure and waste are not to be put into a municipal waste stream or in the sewer systems; you want to protect the environment.

Mr. Meinert stated the State regulations refer to tons of manure per acre; not just 20 chickens. Manager Jakubec recalled discussions with the Township Solicitor who recommended including references to State and Federal regulations in the ordinance. Mr. Stewart suggested including the references, but also to state what the regulations require. Township Solicitor Dan Garfinkel clarified the provisions of the State and Federal regulations must be complied with even though the Township may not enforce those regulations; the Township would enforce that a plan is submitted. It was noted even if the State and Federal regulations are not referenced, the regulations still apply.

It was noted the removal of a chicken coop no longer in operation poses the potential to attract vermin and at some point, may be considered an eyesore, which would be enforced under the Nuisance Ordinance.

President Smith recommended definitions be provided for 'flock' and 'domestic chicken'. He did not see the need for acknowledgement that the permit holder read the recommended best practices. He questioned if a maximum coop size should be regulated. President Smith indicated screening should not be required for the coop or chicken run, as the Township does not require screening for sheds, swimming pools, etc. He requested clarification of "the chicken coop or any run structure must be closer to the principal structure than any neighbor's principal structure or immovable recreation area". Manager Jakubec explained it is so the coop and/or run are closer to your property and the neighbor doesn't complain and have to deal with odors and noise.

President Smith stated to have chickens, residents must own 10,000 s.f. of property. He noted areas of the Township with less than 10,000 s.f. properties. Mr. Zgurzynski recommended for properties less than 10,000 s.f. a cap of three chickens. President Smith did not support requiring a certain number of chickens. Mr. Zgurzynski explained that chickens are different than other types of animals and as a flocking animal, a chicken could be very unhappy if you only have one chicken.

Solicitor Garfinkel noted how close the chicken coop and run are to your neighbor's structure versus your structure is really policy, as is the size of a property to allow a chicken coop. President Smith questioned the need to mandate the amount of space needed per chicken. Mr. Zgurzynski explained there are various references as to how much space is needed, but he recommended having a certain amount of floor space for a chicken coop so manure doesn't accumulate faster than it can be cleaned out and creates an odor problem. He also noted if you have a chicken run, the size of floor space can be reduced.

Nadia Ustinova, Orchard Hill, indicated four square feet of coop space per chicken is excessive, noting chickens just sleep and lay eggs in the coop. Chickens stay in the run. Mr. Stewart noted the township is not requiring a chicken run. Ms. Ustinova indicated the run is more important than the coop. She also stated there are some high-end chicken coop tractors, but they provide less than the four square-feet per chicken. She questioned why the Township would prohibit chicken coop tractors. Mr. Zgurzynski explained Dr. Phil Clauer of Penn State Extension did not recommend chicken coop tractors for highly residential areas because the coop tractor must be moved every day, or you would have a concentrated manure problem, odor and mud problems. Chicken coop tractors are not very predator-proof, as they are made of light material; you need a sturdy coop.

Ms. Payne questioned the possibility to compromise and reduce the square feet requirement. Mr. Zgurzynski indicated three square feet per bird would be reasonable. President Smith recommended providing residents with all the reading material and let the residents decide on how big they want to make the coop.

President Smith questioned the purpose of mandating the color of a coop. Manager Jakubec explained the committee did not want someone getting scrap wood and piecing something together, not patchwork. President Smith stated the Township does not mandate the color of a shed or house, screening of sports courts, swimming pools.

Gina Carr, Valleyview, stated everything in the ordinance is to avoid conflict with neighbors. There is nothing in the ordinance to help chicken keepers. Vice President Eccles questioned what Ms. Carr would change in the ordinance. Ms. Carr stated the minimum space would be 2 s.f.; choice of color, something she enjoys looking at; no fencing, no shrubs.

Ms. Payne acknowledged the chicken people in the audience had done their research. She noted rules, regulations and ordinances are helpful for people that have not done research; for people who just go get some chickens and not take care of them.

Mr. Hughes acknowledged some residents have expressed concern about allowing chickens.

Homestead Jen from Rent-A-Chicken stated her business operates in the Township, but with the restrictions in the proposed ordinance she would no longer be allowed to do business in the Township. She explained only portable chicken coops are available for rental. Residents are offered a six-month chicken rental that includes the portable chicken coop, hens, feed, education and her phone number. The portable coops are very safe, with wire on the bottom so the droppings fall through as the coop is moved. She agreed with prohibiting roosters. The smaller the coop, where chickens sleep and lay eggs, the less space the chickens have to keep warm and use less

energy. If you provide more space, she recommended more space for the run, which would be more beneficial for the chickens.

President Smith suggested the height of the chicken run should be '15-feet or less in height'. He noted several items under General Chicken Requirements that he felt should be in the rules and regulations and not the ordinance.

Ms. Payne recommended keeping 'chickens may not roam off of your property'.

Mr. Hughes suggested instead of saying 'scrap' or 'waste board', to say 'it must be structurally sound'.

President Smith noted recommendations under Chicken Run Requirements, that should not be in the ordinance. It was noted the chicken run must adhere to the 10-foot setback requirement. Mr. Hughes questioned the need to specify what material the run is made of. Manager Jakubec noted a recommendation to keep predators out was 20-gauge wire or a chain link fence. President Smith felt that belongs in the guidelines.

The consensus of Council was to research mobile chicken coops for consideration.

President Smith noted Other Requirements include no selling eggs, butchered meat and questioned the selling of chicks or chickens. The consensus of Council was to include no selling of chicks or chickens. Mr. Stewart recommended 'No advertising the selling of eggs, butchered meat, chicks or chickens'. Not that people couldn't sell the items, but they cannot advertise.

Mr. Jack Teschke, Berwick, questioned the specificity of 'advertise'. President Smith indicated Council would refer to Webster's Dictionary definition.

Mr. Jim Naughton, via zoom.com, stated he was surprised to learn Council was considering allowing chickens in the newspaper. When he and his family moved to O'Hara Township, chickens were not permitted in residential neighborhoods. Mr. Naughton recommended adopting a brief ordinance that would require residents that want to raise chickens to go through a variance process, so neighbors have an opportunity to comment, exchange information, support or object the request for a variance. Mr. Naughton believed a lot of people are not aware of the proposed ordinance allowing chickens in residential neighborhoods. Having lived around chickens, chickens make noise.

Mr. Stewart was hopeful that Council could adopt an ordinance to allow chickens in residential neighborhoods that includes what is necessary while preventing people from being aggrieved by having chickens next door.

Ms. Payne acknowledged Council would never be able to appease both sides. She agreed Council needs to take into consideration variance possibilities and comments provided this evening.

President Smith noted the other option is to continue on as is and not allow chickens.

Mr. Meinert argued the Township's ordinance is against the commercial operation of agriculture and keeping backyard chickens is not a violation of a commercial operation.

Mr. Hughes stated Council is trying to find something to protect people who would like to have chickens and make sure that they can have chickens; and protect people who prefer not to be affected by chickens to have that opportunity. He thanked Mr. Naughton for his comments.

Mr. Zgurzynski stated the goal is to allow people to keep a few chickens as pets as a family interest, but not to do commercial agriculture or make anybody's home unlivable or undesirable.

Manager Jakubec indicated staff would work to revise the proposed ordinance based on this evening's comments.

E. Recognizing Sergeant Ben Wolfson for Receiving the Pennsylvania DUI Association Top Gun Award (a)

The Manager stated Sergeant Wolfson received the PA DUI Association Top Gun Award for the second year in a row as a Drug Recognition Expert. The selection is made by an independent panel of highway safety experts and the award winners are comprised of officers who have excelled in the apprehension of impaired drivers. Sergeant Wolfson has also been recognized by the PA DUI Association as a Drug Recognition Expert Instructor.

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

F. Council Goals/Objectives/Priorities for 2023

Manager Jakubec noted Council may wish to discuss potential goals, objectives and priorities for 2023. She suggested thinking about what goals and objectives to strive for in 2023 and to continue discussion in February, to which Council concurred.

G. Appointing Delegates to Various Boards and Agencies

The Manager stated Council typically appoints Council Members to various Township-related Boards and Commissions each January. The current list of appointees is listed below.

(a) North Hills Council of Governments Board of Delegates

George Stewart, Delegate
Michael F. Hammill - Alternate Delegate

(b) Municipal Risk Management Board of Delegates

George H. Stewart - Delegate
John R. Denny, Jr. - Alternate Delegate

(c.) Fire Funding & Safety Committee

Cassandra R. Eccles - Council Representative
Michael F. Hammill – Council Representative

(d) Northern Basin Advisory Board

Richard S. Hughes - Council Representative

(e) Community Center Association Board

Cassandra R. Eccles - Alternate Council Representative

(f) RIDC Business Alliance

George H. Stewart - Council Representative

Olivia T. Payne - Council Representative

President Smith questioned why Vice President Eccles was an alternate for the Community Center Association Board, noting Mark Rothert, the Council Representative, intended to step down. Manager Jakubec stated Mr. Rothert had not made an official announcement.

H. Solicitor's December 8, 2022 Invoice

There we no comments.

I. Proposed January 10, 2023 Regular Meeting Agenda

Manager Jakubec noted the chicken ordinance would be removed for introduction; another item may be added to the agenda.

V. CONCERNS OF COUNCIL

Mr. Stewart recommended getting information out about why Jalen was hired. Manager Jakubec noted articles in the Newsletter and The Herald, and a spotlight on Facebook.

VI. CONCERNS OF STAFF

The Manager stated the Newsletter has been sent out and includes information about the trash collection changes. Residents will receive a survey and can request a smaller trash container. The Township has agreed to swap trash cans.

VII. ADJOURNMENT

The workshop adjourned at 9:15 p.m.

Cathy Bubas, Manager's Secretary

Attachment: Attendance Sheet