

## MINUTES

### REGULAR MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, JANUARY 27, 2021

President Peters called to order the Regular Meeting of Hampton Township Council at 7:30 pm at the Municipal Complex located at 3101 McCully Road, Allison Park, Pennsylvania. This meeting was held online via GoToMeeting due to the COVID-19 pandemic.

Those present at the Municipal Complex: M. Peters, President; W. C. Lochner, Municipal Manager; C. Perrucci, Land Use Assistant. Those present online: B. Blackburn, J. Dougherty, R. Dunlap, C. Johnson, Members; J. Speakman, Controller; V. Tucceri, Legal Counsel. Administrative staff present online: S. Bernet, R. Omecene, R. Zech, Chief Vulakovich, K. Flannery, J. Degnan, A. Gold-Lukas.

#### APPROVAL OF MINUTES

Mr. Peters noted that revisions to the January 13, 2021 Public Hearing minutes were needed in that the Organization Meeting was referenced instead of the Public Hearing and he adjourned the meeting, not Dr. Johnson.

**Mr. Dunlap moved for the approval of the minutes for the Regular Meeting held December 16, 2020, the Organization Meeting held January 4, 2021, the Public Hearing held January 13, 2021, as amended, and the Agenda Meeting held January 13, 2021. Dr. Dougherty seconded the motion.**

Ms. Blackburn stated that she thought there was going to be a discussion after the motion because in the Agenda Meeting minutes for January 13, 2021 the description of the hour long conversation regarding the Comprehensive Fee Schedule in her opinion was inadequately described and she proposed that additional information be provided that describes the conversation. Mr. Peters remarked that he was not inclined to go back and try to reconstruct the minutes, but rather discuss the main points of that conversation and include them in the minutes from this meeting. Mr. Lochner explained that a motion would have to be made to table the minutes. Mr. Tucceri added that if there was lack of a second or a lack of a majority vote to amend the minutes then presumably you would proceed with the approval of the minutes as provided.

**Mr. Dunlap moved for the approval of the minutes for the Regular Meeting held December 16, 2020, the Organization Meeting held January 4, 2021, and the Public Hearing held January 13, 2021, as amended. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**Mr. Dunlap moved for the approval of the minutes for the Agenda Meeting held January 13, 2021. Dr. Dougherty seconded the motion and a roll call vote was unanimously in favor with the exception of Dr. Johnson and Ms. Blackburn who opposed.**

**MINUTES**  
**REGULAR MEETING**

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Dr. Johnson remarked that she thought there was going to be a motion to table the minutes and added that she was confused about the procedure. Ms. Blackburn noted that Mr. Dunlap decided to move to approve the minutes before she had a chance to move to table. Mr. Dunlap explained that a motion to amend should have been made before the vote after the motion was made, adding that typically a motion to amend is done after the main motion is on the floor. Mr. Tucceri explained that an action by Council can be reversed in order to determine whether there are sufficient votes to amend the minutes and suggested Ms. Blackburn make a motion to amend the minutes that were approved, get a second and take a vote. There was discussion on the correct procedure and wording of the motion.

**Ms. Blackburn moved to table the minutes for the Agenda Meeting held January 13, 2021. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor with the exception of Mr. Dunlap and Dr. Dougherty who opposed.**

**NOTE:** It was later determined by Township Legal Counsel that this action was not procedurally correct and that a previously voted upon and approved motion could not be tabled. This being the case, Ms. Blackburn's motion to table the January 13, 2020 Agenda Meeting minutes and the subsequent vote by Council was inappropriate as presented.

**CITIZEN AGENDA MATTERS**

Mr. Peters explained that residents could use the chat option if they had an item they wanted to present.

Mr. Peters stated that Evan Perry of 5086 Hampton Place Drive used the chat feature and asked for an update regarding the final inspection for Hampton Place Drive. Ms. Gold-Lukas gave an update on the development noting that the Township is waiting for the developer to work through the process with Allegheny County in regard to their stormwater facility.

Mr. Peter stated that James and Katie Belt of 4082 Branding Place used the chat feature and asked if they should raise their concerns regarding Hampton Industrial Park Revised Site Plan at this time or wait until that item is discussed later in the meeting. Mr. Peters advised them to wait until that item is discussed.

Mr. Peters noted that Mr. Perry used the chat feature again to raise concerns regarding Hampton Place Drive becoming a public road and noted that the most pressing issue not being provided is public snow removal. Mr. Lochner explained that a formal turnover request would need to be requested in order for the Township to consider providing full services and noted that the developer has not done that. He explained what would need to be done to make that request. Ms. Gold-Lukas added that she is working on a case by case situation to issue permanent occupancy permits to residents of this development since not all improvements have been completed. She stated that she walked the whole site with the Township's stormwater engineer and representatives from Heartland Homes to identify what Heartland Homes was responsible for versus what the developer was responsible for. She stated that until the development is turned over to the Township, the developer has the choice to provide snow removal or to contract with the Township or a third party,

adding that she was not aware of an issue with the snow removal, but if there are complaints, she should be notified so she can address it with the developer.

**ENACTMENT OF AN ORDINANCE ESTABLISHING A COMPREHENSIVE FEE SCHEDULE IN THE AREAS OF ADMINISTRATION, PLANNING-LAND USE, COMMUNITY SERVICES, AS WELL AS PUBLIC SAFETY**

Mr. Peters asked for a brief recounting of why the staff is asking for fee increases. Mr. Lochner explained why the Comprehensive Fee Schedule was created and noted that the fees identified in the Ordinance were fully up to date with those identified in accordance with the passage of the 2021 approved Township budget. He mentioned that questions have been raised with regard to the outdoor pool fees, the park pavilion rental fees, as well as discussion with regard to permit fees that are issued for swimming pools. He discussed the different options for amending the fee schedule by way of a Resolution. Mr. Dunlap apologized to the Solicitor about being skeptical about his advice regarding the Ordinance needing to be readvertised if it was revised and noted that he found in the Municipal Code that the advice was accurate. Mr. Tucceri explained that the Ordinance could be amended by way of an amendment or revision, which is why there were options provided. Mr. Lochner mentioned that even if the Comprehensive Fee Schedule was not being considered at this time, Township staff would have still placed a Resolution on the agenda regarding the outdoor pool fee schedule because of the fact that it has an effect on the Township's overall budget. There was discussion on the timeline of the Ordinance if it was not passed at this time. Ms. Blackburn asked why the fee changes were not presented prior to the budget being adopted so that the budget could have been built on the correct fees, and Mr. Lochner responded that there was a memorandum forwarded at that time that informed Council that there would be adjustments in the outdoor pool fees and the pavilion rental fees but was not followed through on and added that it was not the intent to hide the desire to look at the fee adjustment. Dr. Johnson commented that while she supported the idea of a Comprehensive Fee Schedule, she was not comfortable voting on this Ordinance as it is written as it is problematic in content and in process, it omits fees and requires further clarification, and it increases fees that were not previously discussed prior to them being put in this Ordinance. She remarked that when the advertisement was endorsed for the Ordinance, they were told that the Ordinance could be amended before voting to approve it which turned out to be incorrect and had they known at that vote that the Ordinance would not be able to be amended prior to approval she would not have voted to advertise the Ordinance as it was written.

**Dr. Johnson moved to table Ordinance No. 841 until such time as it is agreed by all Council that it is complete and accurate. Ms. Blackburn seconded the motion.**

Ms. Blackburn gave a timeline of the Ordinance including her investment in it. She suggested that Council not vote on an Ordinance with omissions or where there were sharp differences on content and thus table the Ordinance so that it can be revised and readvertised and is inclusive and satisfactory to all of Council. She explained that there is not an urgency to pass the Ordinance at this time and gave examples to show how long a fee schedule has been requested.

A roll call vote was as follows:

<u>Dr. Johnson</u>	<u>favor</u>
<u>Ms. Blackburn</u>	<u>favor</u>
<u>Mr. Dunlap</u>	<u>opposed</u>
<u>Dr. Dougherty</u>	<u>opposed</u>
<u>Mr. Peters</u>	<u>opposed</u>

With the majority voting 3-2 opposed, the motion did not carry.

Mr. Dunlap moved for the enactment of Ordinance No. 841, establishing a Comprehensive Fee Schedule in the areas of Administration, Planning-Land Use, Community Services, as well as Public Safety. Dr. Dougherty seconded the motion.

Ms. Blackburn noted that she is invested in this Ordinance to create a comprehensive fee schedule to offer the citizens convenience and transparency and therefore cannot vote against the Ordinance. She stated that she also believes that raising the pool fees and several of the other fees during a pandemic is completely against the interest of Hampton residents, and noted that a loss on the pool has occurred in 11 out of the last 16 years, and despite the circumstances the Township is in an excellent financial position with ample reserves from 2020 and projected in 2021, and therefore cannot vote for an Ordinance which increases the fees and has no choice but to abstain from this vote.

A roll call vote was as follows:

<u>Mr. Dunlap</u>	<u>favor</u>
<u>Dr. Dougherty</u>	<u>favor</u>
<u>Mr. Peters</u>	<u>favor</u>
<u>Dr. Johnson</u>	<u>opposed</u>
<u>Ms. Blackburn</u>	<u>abstained</u>

With the majority voting 3-1-1 in favor, the motion carried.

ADOPTION OF A RESOLUTION AMENDING PORTIONS OF THE COMMUNITY SERVICES FEE SCHEDULE AS ESTABLISHED BY ORDINANCE NO. 841

Mr. Lochner explained that since the Ordinance was adopted on a three vote for, one against and one abstained, this particular Resolution would return the fees with regard to the Outdoor Pool and the Community Park Pavilion rentals to the 2020 rate structure.

Dr. Johnson moved for the adoption of Resolution No. 1041 amending Ordinance No. 841 to reestablish the 2020 rate structure for the Outdoor Pool and Community Park Pavilion rentals. Ms. Blackburn seconded the motion and a roll call vote was as follows:

<u>Dr. Johnson</u>	<u>favor</u>
<u>Ms. Blackburn</u>	<u>favor</u>
<u>Mr. Dunlap</u>	<u>opposed</u>
<u>Dr. Dougherty</u>	<u>opposed</u>
<u>Mr. Peters</u>	<u>opposed</u>

With the majority voting 3-2 opposed, the motion did not carry.

**ADOPTION OF A RESOLUTION AMENDING PORTIONS OF THE COMMUNITY SERVICES FEE SCHEDULE AS ESTABLISHED BY ORDINANCE NO. 841**

Mr. Lochner noted that this Resolution establishes new rates for the Outdoor Pool and Community Park Pavilion rentals in conjunction with Alternative #2 that was discussed by Council. There was a discussion on the procedure for issuing resolution numbers.

**Dr. Dougherty moved for the adoption of Resolution No. 1041 amending portions of the Community Services Fee Schedule as established by Ordinance No. 841. Mr. Dunlap seconded the motion.**

Mr. Dunlap commented that he would like to keep the fees as listed in the Ordinance adding that if the fees are lowered too much it goes against having the goal of having the users pay the operating expenses, and if the pool is operating at a loss the taxpayers are essentially subsidizing those that are using the pool by paying part of their pool admission through their tax dollars. He stated that he wanted to get as close to breaking even on the pool operating charges as possible. He remarked that Ms. Blackburn has a different point of view and added that even though he would prefer the higher fees in the Ordinance, he was willing to go halfway and vote for the compromised fees in this Resolution. Dr. Dougherty stated that he agreed with Mr. Dunlap and asked what would occur carrying forward such a large deficit into subsequent years. Mr. Lochner explained that the pool usually operates at a loss to some extent, but if the pool is carrying a large deficit before the budget process is even started, at some point the fee would need to be increased and it would be a greater fee increase arrangement, so the problem would be compounded by delaying the process. There was discussion on the Township budget. Mr. Lochner noted that the increase in pool fees was partly due to raising wages of the lifeguards to keep the pay competitive. Ms. Blackburn recommended looking at the entire pool operation at the Strategic Planning Meeting to come up with creative ways to mitigate the cost, and Dr. Dougherty agreed. Mr. Lochner explained that the spread between revenues and expenditures is getting too far apart and should be addressed at this time. Ms. Blackburn stated that there were several times where the fee increase could have been addressed and noted that this was not an appropriate time for a fee increase during a pandemic. Dr. Johnson remarked that because it is now a choice between the fees as they exist in the Ordinance and a reduction of those fees, she favors this Resolution. Ms. Blackburn stated that she appreciates that the fee increases are smaller and that this represents a compromise but she does not support any kind of increase this year and does not feel that there was an appropriate vote for her and will abstain. Mr. Peters noted that in light of the fiduciary responsibility that Council is entrusted with to manage the Township's finances to provide the best services and amenities to all Township residents, he will favor.

**A roll call vote was unanimously in favor with the exception of Ms. Blackburn who abstained.**

ENACTMENT OF AN ORDINANCE AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND VERIZON PENNSYLVANIA, LLC

Dr. Johnson moved for the enactment of Ordinance No. 842, authorizing the execution of a cable franchise agreement between the Township and Verizon Pennsylvania, LLC. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS FOR PARCELS 830-G-133 AND 830-G-116 LOCATED OFF OF MAPLE LANE

Mr. Tucceri explained that portions of the individuals' properties was incumbered for purposes of sanitary sewer and has long since been abandoned. He noted that the method proposed by way of a quitclaim deed is acceptable. Dr. Johnson asked for verification that the Township was severing any interest in these properties and relinquishing them to the owners of the adjacent properties, adding that they are not being sold, but the benefit is that the Township will now collect the property taxes on those properties which hasn't been the case previously. Mr. Tucceri responded that was correct and noted that there were reversionary clauses in the deeds that if the Township ever abandoned the use of the properties then they would immediately by operation of law revert back to the former owner.

Mr. Dunlap moved to authorize the Manager to execute quitclaim deeds for Parcels 830-G-133 and 830-G-116 located off of Maple Lane. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

APPROVAL OF AN INDEPENDENT AUDITING SERVICES AGREEMENT WITH MAHER DUESSEL FOR THE YEARS ENDING DECEMBER 31, 2020, 2021 AND 2022

Dr. Johnson moved for the approval of an agreement with Maher Duessel for independent auditing services for the years ending December 31, 2020, 2021 and 2022. Dr. Dougherty seconded the motion and a roll call vote was unanimously in favor.

ADOPTION OF A RESOLUTION APPROVING AN INTERGOVERNMENTAL COOPERATION AND MUTUAL AID AGREEMENT AMONG NORTH HILLS COG MEMBER MUNICIPALITIES AND AUTHORITIES

Mr. Lochner noted that this was an updated arrangement because the Borough of Aspinwall has become a member of the North Hills COG.

Dr. Johnson moved for the adoption of Resolution No. 1042 approving an Intergovernmental Cooperation and Mutual Aid Agreement among North Hills COG member municipalities and authorities. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

APPROVAL OF AN AGREEMENT WITH THE PA RESOURCE COUNCIL REGARDING A PERMANENT GLASS RECYCLING CONTAINER

Mr. Speakman noted that there was an additional cost to the Township and there was discussion on the possibility of grants. Ms. Bernet mentioned that there were a few municipalities who have already started this program, but the Township would be the first in the North Hills area. Dr. Johnson asked if this program would be open to other communities, and Ms. Bernet explained that it was geared towards Hampton residents but that would not be enforced, noting that if more people brought glass more money would have to be spent to rotate the containers.

Dr. Dougherty moved for the approval of an agreement with the PA Resource Council regarding a permanent glass recycling container. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

APPOINTMENT OF MARK PEDUTO TO THE ALTERNATE ZONING HEARING BOARD POSITION FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2022

Dr. Dougherty moved for the appointment of Mark Peduto to the Alternate Zoning Hearing Board position for the unexpired term ending December 31, 2022. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

APPOINTMENT OF JANE HALLINAN TO THE ENVIRONMENTAL ADVISORY COUNCIL FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2022

Ms. Blackburn moved for the appointment of Jane Hallinan to the Environmental Advisory Council for the unexpired term ending December 31, 2022. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

APPOINTMENT OF MAUREEN LYONS AND ERIK SIGMUND TO THE ENVIRONMENTAL ADVISORY COUNCIL FOR THE UNEXPIRED TERMS ENDING DECEMBER 31, 2021

Dr. Johnson moved for the appointment of Maureen Lyons and Erik Sigmund to the Environmental Advisory Council for the unexpired terms ending December 31, 2021. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

NORTH HILLS COUNCIL OF GOVERNMENTS MONTHLY REPORT

Dr. Johnson commented that the managers should be having a meeting soon regarding the Morton Salt Contract expiring in two years. She also noted that the negotiations for the Armstrong Cable Franchise agreement have restarted.

WATER AUTHORITY MONTHLY REPORT

A copy of the Water Authority's monthly report was included as a part of Council's agenda packet.

**ENGINEER'S MONTHLY REPORT – GATEWAY**

A copy of the engineer's monthly report from Gateway was included as a part of Council's agenda packet.

**LEGAL COUNSEL MONTHLY REPORT**

A copy of the legal counsel monthly report was included as part of Council's agenda packet.

**CONTROLLER'S/MANAGER'S MONTHLY REPORT**

Mr. Speakman gave a presentation on the 2020 year end finances noting that the Township adjusted and finished the year in a healthy position. He stated that the implementation of the Stormwater Management Fee and Fund was a major contributor to the Township's financial position and that the maintenance and repair expenses previously included in the General Fund were transferred to the Stormwater Management Fund. He noted that revenue for 2020 was below budget but there was significant improvement from as recent as late December. He mentioned that the major negative variations to the budget were EIT, Regional Asset Sales Tax, Building Permits, Pool, and Community Center related revenues. He stated that as a result of extending the Real Estate Tax due date to December 31, 2020, it was difficult to estimate a year-end number but surprisingly, receipts exceeded budget but a portion of that was not available for operating expenses during the year. He remarked that the Real Estate market in Hampton was apparently not affected by the pandemic, and a record was set for Deed Transfer Tax revenues, exceeding the previous high from 2018 and ending the year over budget. He noted that \$175,000 from the CARES Act was allocated from the County to the Township. He stated that with the exception of COVID-19 related expenses there were no significant over-budget expense variations and added that department heads were directed to minimize expenses where possible. With these efforts, operating expenses ended the year below budget before transfers.

Mr. Speakman noted that in December, Council agreed to the transfer of funds in excess of the budgeted surplus to the Emergency Reserve Fund, and in January revenue receipts that applied to 2020 exceeded expectations and allowed an actual year-end transfer that was over what was estimated. The Emergency Reserve Fund was used for projects largely resulting from a single storm in July 2019 and is being replenished toward the goal of \$750,000 which is 5% of the operating budget. He remarked that this was the first year for the Stormwater Management Budget funded by the implementation of a Stormwater Management Fee assessed to all property owners in the Township and summarized the collections and outstanding accounts. Expenses were below budget although engineering expenses were over budget. With the shutdown effect of COVID-19 on construction activities, expenses such as the detention pond and storm sewer maintenance were well under budget. Stream bank restoration was also under budget as engineering was planning those projects which is partially why engineering was over budget. For the year, the Stormwater budget surplus will carry forward toward 2021 projects.

He explained that the primary revenue source for Capital Improvements is Real Estate Taxes and with the uncertainty of collections introduced with COVID-19 and the shut-down, Council agreed to the Manager's and Controller's recommendation to suspend 2020 projects that had not been

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initiated. The following projects were either completed or initiated: the swimming pool renovations expanded to include the men and women's locker/changing rooms, although only one was in the 2020 budget and the other planned for 2021, as such this project was over budget; Road Paving Projects were below budget, attributable to lower material costs and some roadway restorations not as extensive as anticipated; the Herron Road Stabilization project was over budget, but this was offset with unused funds for this project from the 2019 budget; preliminary work on the Topnick Drive Sidewalk Project was initiated and the total project costs are currently estimated to exceed the original budget; engineering for the Community Park Trail Project, which was unbudgeted in 2020, in order to enable the project to be bid in January 2021. He noted that the Capital Improvement Fund carries forward a balance into 2021 which is less than the 2021 budget but that in essence included amounts that were already present on the Community Park budget.

**AUTHORIZATION TO BEGIN THE TESTING PROCESS FOR THE PROMOTION OF A NEW SERGEANT**

Chief Vulakovich stated that Sgt. Witherup would be retiring at the end of the week.

**Ms. Blackburn moved for the authorization to begin the testing process for the promotion of a new Sergeant. Dr. Dougherty seconded the motion and a roll call vote was unanimously in favor.**

**PUBLIC SAFETY MONTHLY REPORT**

A copy of the Public Safety monthly report was included as a part of Council's agenda packet.

**INFORMATION TECHNOLOGY MONTHLY REPORT**

A copy of the Information Technology monthly report was included as a part of Council's agenda packet.

**HAMPTON COMMUNITY LIBRARY REPORT**

Dr. Johnson noted that this is the only library open right now for in person services in the North Hills.

**EMS MONTHLY REPORT**

A copy of the EMS monthly report was included as a part of Council's agenda packet.

Mr. Speakman mentioned that financially the EMS finished on solid ground at the end of the year, adding that revenues from billings exceeded the budget. Acknowledgments were made to Township Council members and staff who contributed to the success of the EMS.

APPROVAL OF BIDS REGARDING THE HAMPTON COMMUNITY PARK TRAIL PROJECT

Mr. Flannery stated that the company that had the best bid was Independent Enterprises and recommended Alternative #1 and that an additional 950 feet be included with the project. The project cost and grant monies received were discussed.

Dr. Johnson moved for the award of bids regarding the Hampton Community Park Phase 1 Trail Project and bid Alternative #1 to Independent Enterprises, with the addition of 950 feet of construction added to the bid, for a total value of \$444,769.53 per Mr. Lochner's memorandum dated January 11, 2021. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

AUTHORIZATION TO PREPARE THE SPECIFICATIONS AND BID THE ELECTRICAL INSTALLATION FOR THE TOPNICK DRIVE SIDEWALK/TRAIL PROJECT

Ms. Blackburn moved for the authorization to prepare the specifications and bid the electrical installation for the Topnick Drive Sidewalk/Trail Project. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

AUTHORIZATION TO BID THE ANNUAL CONSTRUCTION EQUIPMENT AND SANITARY LINE CLEANING EQUIPMENT RENTAL BID PROGRAM

Dr. Dougherty moved for the authorization to bid the Annual Construction Equipment and Sanitary Line Cleaning Equipment and Rental Bid Program. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

APPROVAL TO EXTEND EXISTING COMMUNITY CENTER MEMBERSHIPS FOR 25 DAYS DUE TO THE STATE'S DECEMBER 10, 2020 COVID-19 RESTRICTIONS

Mr. Dunlap moved for the approval to extend existing Community Center Memberships for the person's listed on Mr. Flannery's January 6, 2021 memorandum, due to the State's December 10, 2020 COVID-19 restrictions. Ms. Blackburn seconded the motion.

Mr. Flannery noted that the motion was confusing since there are two different items on his memorandum and the people listed were for the next item.

Mr. Dunlap moved for the approval to extend existing Community Center Memberships for 25 days due to the State's December 10, 2020 COVID-19 restrictions. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

**AUTHORIZATION TO START THE COMMUNITY CENTER MEMBERSHIPS RENEWALS OR PURCHASED DURING THE MONTH OF DECEMBER 2020 TO JANUARY 5, 2021**

Mr. Flannery mentioned that this was only for the new memberships that were purchased and the renewals were rolled into the previous motion.

**Mr. Dunlap moved for the authorization to start the Community Center Memberships purchased during the month of December 2020 to January 5, 2021, per the 26 people identified under “purchased” on Mr. Flannery’s January 6, 2021 memorandum. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.**

**COMMUNITY SERVICES MONTHLY REPORT**

A copy of the Community Services monthly report was included as part of Council’s agenda packet.

**AWARD OF A CONTRACT REGARDING THE HAMLET DRIVE SANITARY SEWER PROJECT**

Mr. Degnan noted that engineering was requesting additional time for the review process prior to making a recommendation. Mr. Peters asked if it would be ready by February and Mr. Degnan replied that it would be.

**Dr. Johnson moved to table the contract regarding the Hamlet Drive Sanitary Sewer Project until February 24, 2021. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**ENVIRONMENTAL SERVICES MONTHLY REPORT**

A copy of the Environmental Services report was included as part of Council’s agenda packet.

Dr. Dougherty asked if there was a way to make the procedure for the newly required planning module requirements more public for resident who are looking to do that. Mr. Degnan stated that KLH Engineering would be responsible for coordinating the sewer modules and noted that the procedure was just finalized with them and it is not yet posted on the website.

**EAT’N PARK REVISED SITE PLAN/CONDITIONAL USE (20-01)**

The applicant is proposing to redevelop the site of the existing Eat ‘N Park restaurant, located at 5143 Route 8 in an HC zoning district. The project would revise the location of the shared lot lines with the property to the northwest, also zoned HC, and would cover numerous site improvements, including the construction of a new restaurant building to replace the existing Eat ‘N Park, a revised parking layout, the installation of a drive-thru lane for take-out orders, and other required site improvements.

Ms. Gold-Lukas noted that as previously discussed, the applicant is restarting the review process after submitting revised plans on January 13, 2021. She recommended that their requested extension be granted and to table this application until March.

**Dr. Dougherty moved to grant the Developer's requested extension and table the Eat'n Park Revised Site Plan/Conditional Use (20-01) until March 24, 2021. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.**

**HAMPTON INDUSTRIAL PARK REVISED SITE PLAN (20-08)**

The applicant is proposing to construct a new 28,000 square foot commercial warehouse building within the existing Hampton Industrial Park on Alpha Drive in a Light Industrial (LI) zoning district. The project will include the installation of the required stormwater management facility, parking area, and landscaping.

Ms. Gold-Lukas mentioned that since the last meeting the applicants have withdrawn their modification request for the bufferyards and plantings and they have agreed to install all of those components as per the requirements in the Zoning Ordinance. She stated that revised plans have been submitted to that effect which have been reviewed by Gateway Engineers, along with the requested slope averaging plan. She stated that she feels as though all of the neighbor's concerns have been investigated and resolved and based on the engineer's recommendation, as well as the recommendations of the PC and EAC, she would recommend approval of the application with conditions.

Katie Belt of 4082 Branding Place raised concerns including noise pollution, property values, the water suppression/sprinkler system, and slope integrity.

James Belt of 4082 Branding Place raised concerns regarding the calculations used for the sprinkler system.

Ms. Gold-Lukas stated that the applicant was granted approval from the Township's UCC Board of Appeals regarding the sprinkler system; however, any regulations in the IBC or State's UCC would still be applicable. She added that once the plans are submitted, Code.sys Code Consulting will review the calculations to verify that they are correct and if a sprinkler system is required then the applicants will have to install one. There was discussion regarding the Township's UCC Appeals Board variance and the building permit process.

Ms. Belt mentioned that a development was started on the site previously and the project was abandoned, which is part of what created the steep slope problem. She asked what would happen if a sprinkler system was required and the applicants could not afford to install one after the project is started. Ms. Gold-Lukas explained that an improvements security would be secured once the applicant is approved which would include the grading, the landscaping, the stormwater management, and anything else on the site that would stabilize it and make it look palatable and be marketable.

Dr. Dougherty asked if anyone could address the Belt's concern about noise from construction and truck deliveries.

Robyn Brady from Hampton Technical Associates was present on behalf of the applicant. She stated that the truck deliveries would be during regular daylight hours only and would be made by box trucks and not tractor trailers. Mr. Tucceri added that there were a variety of requirements both with regard to noise, dust, hours of operation, and hours of construction that would be applicable to any project in the Township. There was discussion on the 4' retaining wall that would be installed to divert water into a storm system and away from the hillside. Ms. Blackburn asked for more information regarding the sprinkler system, and Ms. Gold-Lukas explained that a variance was requested for the Township requirement in part because of the makeup of the building in terms of the different spaces that would reduce the need for fire suppression.

Matthew Kinneman, the applicant, was present. He stated that if the code required a sprinkler system then one would be installed.

Ms. Blackburn asked if there should be concern regarding possible future occupants using semi-trailers. Ms. Gold-Lukas explained that any future tenant would be required to obtain an Occupancy Permit and parking and traffic would be evaluated at that time. She also noted that if the use changed then it would come before Council.

Dr. Dougherty asked if the reason for the variance regarding the sprinkler system was because the Township's rules are more strict than the State requirements, and Ms. Gold-Lukas verified that was correct.

Mr. and Mrs. Belt reiterated their concerns. Ms. Belt asked if there was a way for Code.sys to review the plans before the vote to confirm whether a sprinkler system is needed. Ms. Gold-Lukas explained that this application is entitled to a vote tonight by MPC guidelines. Mr. Dunlap asked if they would have to comply with the State requirement or get a waiver for the State requirement even if it is approved and Ms. Gold-Lukas replied that was correct. Mr. Tucceri remarked that the request that is being made is with regard to the development project itself and there is a time restraint concerning approval or denial, and failure to take action with regard to the matter would constitute an approval, and added that there is no basis to deny this application because they have not had to submit drawings for the construction or improvement of the building yet, and added that the "building specifications" cannot be considered as a part of this process.

**Mr. Dunlap moved to approve the Hampton Industrial Park Revised Site Plan (20-08) subject to the conditions outlined in Ms. Gold-Lukas' memorandum of January 27, 2021. Mr. Peters seconded the motion.**

Mr. Peters stated that this is a land use application and once it is acted on, then the developer will come back with their construction and building plans and then the process begins for the building inspector and engineers to go through those plans and make sure that they are in compliance with either the Township building codes, the State building codes, the IBC, whichever ones are applicable and at that point if they determine that they need a sprinkler system, then the sprinkler

system will be installed because they have to meet the building code. Ms. Gold-Lukas agreed with Mr. Peters statement.

**A roll call vote was unanimously in favor.**

**3141 HARTS RUN ROAD INTERIOR-ONLY CONDITIONAL USE (20-09)**

The applicant, Elizabeth Werling, is requesting conditional use approval to open a wine tasting room in the lower suite of the previously approved two-unit commercial building at 3141 Harts Run Road, in a Neighborhood Commercial (NC) zoning district. The Zoning Ordinance lists “alcohol sales” as conditional use in the NC district. No exterior site or building changes are proposed.

Ms. Gold-Lukas stated that everything has been resolved with this application. She recommended approval of this application with conditions and noted that one of the conditions includes restriction on the hours that they can sell alcohol, which is listed in the Zoning Ordinance. Dr. Dougherty asked if the applicants were aware of the restrictions and Ms. Gold-Lukas responded that they were.

**Dr. Dougherty moved to approve the 3141 Harts Run Road Interior-Only Conditional Use (20-09) subject to the conditions outlined in Ms. Gold-Lukas’ memorandum of January 27, 2021. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.**

**RELEASE OF FUNDS FROM THE IMPROVEMENTS SECURITY FOR THE PIONEER APARTMENTS REVISED SITE PLAN (14-03)**

Ms. Gold-Lukas explained that the development had required improvements that they want to finish up and requested the release of this bond. She added that both of the Township engineers went out and determined that there were some changes that needed to be made and some things that need to be completed, and it is premature to release the money at this point. She stated that the engineers are requesting that the request for release of funds be denied at this time, which she agreed with. Mr. Dunlap asked if a partial release had to be given. Mr. Tucceri noted that the letter from the engineer included the basis for which they do not recommend release and specific numbers, and if the engineers believed that the money could be released partially, they would set that forth in their opinion. He stated that the request could be denied and added that this is a different scenario than another recent application, where there was no precise analysis of what had been completed.

**Ms. Blackburn moved to deny the request for the remaining funds from the improvements security for the Pioneer Apartments Revised Site Plan (14-03) in accordance with the report and recommendation from Gateway Engineers. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.**

**ZONING AND PLANNING MONTHLY REPORT**

A copy of the Zoning and Planning monthly report was included as a part of Council's agenda packet.

**OLD BUSINESS**

Mr. Lochner mentioned that the Traveling Glass Recycling Bin will be in the Township from January 30<sup>th</sup> to February 4<sup>th</sup>.

**NEW BUSINESS**

There was discussion regarding moving the July 3<sup>rd</sup> Community Day event to Labor Day weekend on September 3<sup>rd</sup>. Mr. Lochner stated that the Allegheny County League of Municipalities Strategic Planning conference had already been cancelled and may not be rescheduled until June, which would be too late for the Township, and suggested a local event at Montour Heights on April 9<sup>th</sup> or 16<sup>th</sup>. Mr. Lochner mentioned that the Borough of Fox Chapel Councilwomen Steele has made a request to speak at the February Regular Meeting to advocate against the use of coal tar products. He commented that it was his understanding that the virtual meetings would continue until at least March, and Mr. Peters verified that was correct. Mr. Peters congratulated the Hampton Township School District for being voted the #1 school in Pittsburgh and the #7 school in Pennsylvania.

**There being no further items for discussion, Mr. Peters adjourned the Regular Meeting at 9:56 pm.**

Susan A. Bernet,  
Clerk of Council

Michael L. Peters,  
President of Council