

MINUTES

REGULAR MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, JANUARY 23, 2019

President Peters called to order the Regular Meeting of Hampton Township Council at 7:30 pm in the Council Chambers of the Municipal Building located at 3101 McCully Road, Allison Park, Pennsylvania.

Those present: M. Peters, President; B. Blackburn, C. Johnson, S. Neugebauer, Members; J. Speakman, Controller; V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

APPROVAL OF MINUTES

Dr. Johnson moved for the approval of the minutes for the Regular Meeting held December 19, 2018, the Organization Meeting held January 7, 2019, and the Agenda Meeting held January 9, 2019. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor with the exception of Ms. Neugebauer who abstained from voting for the minutes for the Organization Meeting held January 9, 2019.

CITIZEN AGENDA MATTERS

Brian King of 2700 W. Hardies Road reported that he requested a copy of the audio recording for the January 22, 2019 ZHB meeting but only two hours out of the five-hour meeting were recorded. He asked if there was a reason for that, to which Mr. Lochner replied that he did not know but Township staff will have to check the technology to determine what happened. Mr. King asked how he can go about requesting a new hearing due to this issue. Mr. Tucceri replied that Mr. King should direct this question to the Zoning Hearing Board. Mr. King stated that he has been referencing the voice recordings because they actually reflect what was said. Mr. Lochner replied that a court reporter was present who recorded everything that was said during the meeting. He explained that the ZHB can use that record as the official documentation of their meeting. Mr. King replied that he understands this but asked again what the procedure is to go about requesting a new hearing. Mr. Tucceri explained that the ZHB is an independent, quasi-judicial body that is not under the jurisdiction of the Township Council. As such, he suggested that Mr. King bring his question to the ZHB directly. He noted that Mr. Orban can put Mr. King in touch with the ZHB's solicitor to discuss this matter. Mr. Tucceri added that the stenographic transcript created by the court reporter will be the official record of that meeting. Mr. King replied that he understands and respects that, but the audio recording allows them to catch some things that are sometimes worded differently than the official record.

Stanley Ostrowski of 2749 W. Bardonner Road asked if it is true that there is a plan to sell the four radio towers that are located in a Conservation zoning district on top of Wickline by Graphic Drive. He stated that he heard a rumor that there is a plan to sell the lot and put in another new housing development. Mr. Lochner replied that Township staff has heard the same rumor. Mr. Ostrowski asked if the conservation area would be for sale or just the area of the towers. Mr. Lochner replied that the only thing the Township has heard is that the company that owns the radio towers is

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

contemplating selling the lot and getting out of the business. He reported that the Township has no idea which portion of the lot may be sold and has received no presentations or applications regarding this lot. Mr. Ostrowski asked if the whole conservation area could be sold or just the fenced-in area. Mr. Lochner answered that the conservation area is owned by Hampton Township, not the owner of the radio towers.

Maureen Lah of 2617 Lah Road stated after one of the meetings she approached Council asking about the validity of the tree variance. She stated that the tree variance was granted but then the plans were changed, so she asked if that meant that the variance would need to be reapplied for. Ms. Lah reported that no one directly knew the answer to her question and that she believes she was told that case law would be researched, and the answer would be provided. She noted that, at the time she asked this question the residents were still within the timeframe to appeal the ZHB decision. Ms. Lah remarked that the residents never heard back regarding this matter, leaving the question unresolved. Ms. Lah added that this matter was brought up several times, namely on November 12, 2018 and on November 28, 2018. She commented that, at that point, she was unaware that there were different solicitors for the Township and the ZHB and she was under the impression that Mr. Tucceri would be making this decision. She commented that, by the time they were given the answer that the ZHB would need to make that decision, time had passed for the tree variance. Ms. Lah stated that she feels she could have received better information, especially since she was asking the question to be better informed. She stated that there are things they have observed that make it seem like the residents are not always given the benefit of the doubt and maybe the Township is a little bit biased. She stated that maybe this is because there are more meetings that occur than what the residents see. She cited discussions regarding Pioneer Road, Crestview Drive, and W. Hardies Road being access roads and noted that it seems like a decision was made but the information that was provided is contradictory to that.

Ms. Lah stated that a rumor was spread that another developer, Frank Zokaites, would purchase the property if the current plan falls through. She asked if Council picks up on these things too. Ms. Lah commented that it is hard for the residents because when Township staff says something they think it is more fact than in reality. She commented that everyone on the board and representing the residents has more clout than them. Ms. Lah referenced the recent EAC meeting and said that Ms. Gold-Lukas brought up extending the hearing for the EAC. She said that, while she doesn't think that it was intentional that she did that, it seemed to favor Crossgates instead of the residents. She remarked that she would just like to make the members of Council aware that some things are becoming ambiguous. She asked that Council pay attention to those things when the residents itemize them for Council at the Public Hearing because it is important. She again remarked that she thought that Mr. Tucceri was the person who would be making a decision regarding the tree variance, but he wasn't, which she didn't realize that until after the decision was already made and put out there. She asserted that Crossgates received an answer when the residents had not received one, even though they have been calling regularly to check and see if an answer has been made. Ms. Lah asked that Council be more aware of the fact that the residents want that information too.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

AUTHORIZATION TO ADVERTISE A CITIZENS TOWN HALL MEETING

Mr. Lochner stated that the suggested date for the Citizens Town Hall Meeting is March 6, 2019 in the Hampton Community Center, starting at 7:00 pm.

Ms. Blackburn moved for the authorization to advertise a Citizens Town Hall Meeting for March 6, 2019 at 7:00 pm. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

AUTHORIZATION FOR A NEW HOT WATER CIRCULATING SYSTEM AT THE COMMUNITY CENTER THROUGH THE CAPITAL IMPROVEMENT FUND BUDGET

Mr. Lochner commented that this item is on Council's agenda because it is a Capital Improvement expenditure, which requires Council's approval. Mr. Lochner summarized the information in Mr. Corace's memo, including the range of costs for the project. He explained that this problem has to do with the manner in which the hot water circulates through the showers in the locker rooms.

Ms. Blackburn moved for the authorization for a new hot water circulating system at the Community Center through the Capital Improvement Fund Budget, in an amount not to exceed \$20,000. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

ADOPTION OF A RESOLUTION ACCEPTING THE 2019 RATES FOR ENGINEERING SERVICES BY TRANS ASSOCIATES

Dr. Johnson moved for the adoption of Resolution No. 1004, accepting the 2019 rates for engineering services by Trans Associates. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.

APPOINTMENT OF JERRY E. SPEAKMAN TO THE SHALER HAMPTON EMS BOARD FOR A TERM EXPIRING DECEMBER 31, 2021

Ms. Blackburn moved for the appointment of Jerry E. Speakman to the Shaler Hampton EMS Board for a term expiring December 31, 2021. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

NORTH HILLS COUNCIL OF GOVERNMENTS MONTHLY REPORT

Dr. Johnson had nothing new to report.

WATER AUTHORITY MONTHLY REPORT

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

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

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 a part of Council's agenda packet.

CONTROLLER'S/MANAGER'S MONTHLY REPORT

Mr. Speakman stated that he presents an annual year-end report comparing the final numbers with the budgeted amounts. He presented the following highlights from the year-end report. For 2018 the Township projected a surplus during the budgeting process of \$40,000; however, during the 2019 budgetary development process this was revised to an estimated deficit of \$28,000. He explained that the primary reason for the deficit was the decision to purchase approximately \$100,000 of additional salt ahead of time so that the Township could reduce that expense in 2019 and balance the 2019 Budget. Mr. Speakman noted that the year ended up more favorably than expected, with year-end revenues \$91,000 greater than the estimates in November and expenses around \$16,000 less. He added that the Township ended 2018 with a net surplus of Revenue over Expenses of \$81,000. Mr. Speakman continued by stating that Real Estate Taxes were \$53,800 above budget on the current year real-estate taxes; however, the Township was behind in collection of delinquent liens by approximately \$22,000. He noted that this is actually a good thing since it means that there are less properties being lienied at the end of the year, which means that more real estate taxes are being paid on-time. In total, he stated that Real Estate Taxes exceeded the Budget by \$37,843, which is a modest amount but typical of the growth that is seen in real estate taxes.

Mr. Speakman commented that there is a real concern with the collection of Earned Income Taxes, which the Township was projecting would miss Budget by \$44,000, but actually ended the year \$188,000 below Budget. He noted that this is a big miss and surprising given the nature of the economy in the last year. Mr. Speakman stated that the Township was saved and offset by Real Estate Deed Transfer Taxes, which were \$211,000 over than Budget and made up for the deficit in Earned Income Taxes. He remarked that the collection of sewage fees was \$86,000 below Budget, adding that this is the lowest amount of sewer revenues the Township has received in a decade. Mr. Speakman stated that sewage revenues keep decreasing inexplicably despite continuing expansion. He noted that the Township has seen continuing increases from Richland Township and added that their build and customer base have been very positive for the sewer fees. Mr. Speakman commented that it was a banner year for pavilion rentals, which, although not a big-ticket item, were \$6,000 over Budget. This represents \$6,000 higher than since records for this account have been kept. He added that Community Center facility rentals and fitness memberships are down.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

Mr. Speakman stated that since the bond money for the WPCP was received, the Township was able to collect money for the legal and engineering costs associated with that project. The monies that were received from the bond were then transferred and received as Revenue. He noted that this did not directly offset the cost item, but it did allow approximately \$34,000 to be charged to the sewer project fund. Also, the Township received extra revenue from the State Liquid Fuels Fund and was able to transfer an additional \$30,000 due to this. He added that, in summary, Revenues exceeded the Budget in 2018 by \$83,871.

On the expense side, Mr. Speakman remarked that salaries and benefits exceeded Budget by \$54,939, with \$45,000 of that going to overtime for the road crew related to snow/ice control and rain storm call outs. Regarding contracted services, the Township ended the year below Budget by \$97,000, which is a cumulative effect of many modest savings and many accounts that were below Budget. He noted that legal fees were \$90,000 over Budget, but contracted services still came in under because of all the other accounts. Mr. Speakman stated that 2018 was the first year since the reassessment that the Township has not had an excessive amount of refunds resulting from exonerations on appeals, which will hopefully create more stability in that category. Commodities ended 2018 at \$69,000 over Budget, which was a direct result of the decision to buy salt ahead of time. He noted that if this salt had not been purchased the commodities account would have ended the year below Budget. He added that Capital Outlay was \$29,000 over Budget, with approximately \$50,000 of that attributed to the renovations in the Police Building to accommodate the EMS.

Mr. Speakman stated that, in summary, Operating Expenses were \$55,962 over Budget; however, Expenses would have been below Budget if the advance purchase of road salt had not been approved; and, for the year, Revenues exceeded Expenses by \$80,925. He commented that this is less than 1/2 of 1% of a variation on the Budget, which shows that it was overall a very good Budget, even though there were small fluctuations here and there.

Mr. Lochner and Dr. Johnson had nothing to add to the IT and Community Library monthly reports.

CERTIFICATION OF THE NEW PART-TIME POLICE ELIGIBILITY LIST

Chief Vulakovich asked Council to approve the new Police Eligibility Hiring List. He added that the list was compiled based upon the Township Police Department's Hiring Ordinance, with the candidates listed according to their ranking on the Eligibility List. He asked that Council certify the list so that he can move forward with hiring a new police officer.

Ms. Blackburn moved for the certification of the new Part-time Police Eligibility List, as per the memo from Chief Vulakovich dated January 3, 2019. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

APPOINTMENT OF A NEW PART-TIME POLICE OFFICER

Chief Vulakovich reported that Officer Kline recently retired and, as such, a part-time officer was moved up to fill this position, which has left a vacancy on the part-time roster. Chief Vulakovich stated that he recommends Benjamin Colosimo as the best applicant to bring into the Department, based upon his scoring on the Eligibility List and his interviews. He asked that Township Council give Ben Colosimo a conditional offer of employment for the position of part-time police officer with the Hampton Township Police Department, with a scheduled start date of February 18, 2019.

Ms. Neugebauer moved for the approval of a conditional offer of employment to Ben Colosimo, pending the results of the physical and psychological examinations, with a start date of February 18, 2019, as per the memo from Chief Vulakovich dated February 18, 2019. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

AUTHORIZATION TO AUTHOR A LETTER TO COUNTY COUNCIL OUTLINING THE TOWNSHIP'S CONCERNS REGARDING THE ESTABLISHMENT OF A COUNTY (CIVILIAN) POLICE REVIEW BOARD

Mr. Lochner reported that it was brought to Council's attention that the Allegheny County Council is considering possible legislation establishing an independent Citizens Police Review Board. He noted that, at the time it was first discussed, the Chief gave a lengthy presentation as to why he had concerns regarding participating in this board and specifically, regarding the way the legislation was written. He remarked that a letter to this effect was prepared, and it was requested that the members of Council forward any input or concerns to include in the letter. He noted that Mr. Peters and Dr. Johnson both provided versions of the letter and he also understands that Mr. Dunlap communicated several suggested changes to Mr. Peters as well. Mr. Lochner asked for Council's authorization to submit a letter to County Council regarding this matter.

Dr. Johnson moved for the authorization to author a letter to County Council outlining the Township's concerns regarding the establishment of a County (civilian) Police Review Board. Ms. Blackburn 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.

EMS MONTHLY REPORT

Eric Schmidt, the New Director of Shaler Hampton EMS addressed Council to present the monthly EMS report. He thanked Dr. Johnson for her service on their Board and welcomed Mr. Speakman to the Board. Mr. Schmidt presented a report with a compilation of data representing all the 2018 activities for the Shaler Hampton EMS. He summarized several highlights from the report, noting that the communities primarily serviced were Etna, Hampton, and Shaler Townships. He

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

presented a breakdown of communities that were provided with mutual aid responses, as well as the mutual aid response times for both the Shaler station and the Hampton substation, noting the types and priorities of the calls represented. He remarked that the last page of the report is a disposition of the patients that they were called to care for over the course of the year. Mr. Schmidt outlined the various types of calls and responses that receive service from EMS personnel in support of the community, but do not result in transport to a hospital or any revenue for the EMS. Mr. Schmidt noted that this isn't a complaint, but an explanation of the type of community service that they bring. He added that, in the last year, out of their 4,739 responses, approximately 1,427 of these were one of these types of calls. He noted that this shows that the EMS responds and supports the community, including the other emergency groups and residents, in a variety of ways that may be outside of the way the people normally think of the business that the EMS would do.

Mr. Schmidt remarked that it is getting to be the time of year for the annual Shaler Hampton EMS subscription campaign. He noted that they will be formulating the relevant materials, which will be sent out in February. The new subscription program will begin across all three communities on April 1, 2019. He reported that it will be very similar to last year's program, with a slight price increase of \$5 across all subscription levels. Mr. Schmidt explained that an important difference in the Shaler Hampton EMS is that their subscription service covers any and all out of pocket costs incurred if a resident needs ambulance service. He explained that, because of the changes in the insurance industry with copays and deductibles, many EMS agencies have changed their programs to only cover 50% or 75% of these deductibles; however, Shaler Hampton EMS covers 100% of these costs for their subscription holders. Mr. Schmidt remarked that they did incur a slight increase in costs due to this policy, but they did not change the practice of paying for 100% of the outside copays and deductibles for subscribers. He briefly detailed the commodities the subscription funds support, including automatic CPR devices and winter coats for staff.

COMMUNITY SERVICES MONTHLY REPORT

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

OTHER COMMUNITY SERVICES BUSINESS

Mr. Zarenko stated that the annual construction and sanitary equipment rental bid information will be presented to Council in February for authorization to advertise, with a bid award recommendation the following month.

Mr. Zarenko noted that the Girl Scout Troop Ga Ga pit that was authorized by Council some time ago will be completed within the next month or so. He anticipated having a final presentation for Council in March, with implementation in April.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

PURCHASE OF THE PROPERTY LOCATED AT 2524 TONER AVENUE

Mr. Lochner remarked that a memorandum regarding this matter dated January 18, 2019 was forwarded to Council's attention. He reported that the total price for the property acquisition is \$160,000 and asked that Council authorize the sales agreement in conjunction with the design of the new WPCP and the additional space that it necessary. Mr. Lochner noted that this is a voluntary purchase, not an eminent domain situation. Mr. Peters asked if the Township will receive a cost savings for the design of the new plant due to the purchase of this property. Mr. Lochner replied yes and explained that this will allow the Township to design the plant is such a way that the Township can obtain a substantial cost savings. Ms. Blackburn referenced the relevant memo, which stated that the Township would save up to 3%, or \$1,300,000. Mr. Lochner elaborated that an email was forwarded from KLH Engineers that estimates the savings to be approximately \$1,170,000, which is around 3% of the total \$43,000,000 cost.

Ms. Blackburn moved for the approval of the purchase of the property located at 2524 Toner Avenue, as per the memo from Mr. Lochner dated January 18, 2019. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.

ENVIRONMENTAL SERVICES BUSINESS

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

REQUEST FOR RELEASE OF FUNDS FROM THE IMPROVEMENTS SECURITY FOR THE WILDWOOD SPORTS CENTER REVISED SITE PLAN

Mr. Orban explained that, at the time of the last Council meeting there was an outstanding requirement for the applicant to obtain a grading permit for off-site fill work. Since then, the applicant has submitted the required application and, as such, the Township's engineer has reviewed this request. Mr. Orban noted that the original request was for \$1,194,565, but the Township engineer did not agree with that number and is recommending a lesser amount of \$691,776.50 to be released. Mr. Peters asked for verification that that the owners of Wildwood Highlands have applied for the Grading Permit but have not yet received approval from Allegheny County. Mr. Orban replied that this is correct and remarked that the permit will have a condition attached requiring the property owner to meet any requirements established by the Allegheny County Conservation District. He stated that they cannot perform any earthwork until they get approval from ACCD. Mr. Peters verified from Mr. Orban that he is recommending approval a reduction in the Letter of Credit of \$691,776.50.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

Dr. Johnson moved to accept the Township engineer's report and recommendation to reduce the Letter of Credit obligation by \$691,776.50 for the Wildwood Sports Complex, as presented in the memo from Mr. Orban dated January 21, 2019. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

WINDMONT FARMS PRELIMINARY PRD (18-06)

Mr. Tucceri remarked that a Public Hearing is scheduled for Wednesday, February 13, 2019 for the Windmont Farms Preliminary PRD. He asked Council to reconsider the decision they made on December 18, 2018 to limit the submission of plans by the developer, to allow the revisions submitted on January 11, 2019 to be reviewed by Township staff and engineers, as well as the residents. He provided an explanation of the chain of events that led to this recommendation. He stated that the developer, in complying with the request from the Township's own engineers to revise the plan in accordance with their letters, made those changes and submitted them on the revised plans dated January 11, 2019. Mr. Tucceri stated that he is assuming that the developer received the December 28, 2018 letter sometime after January 2nd, but before January 11th. He remarked that the changes reflected on the plans are not substantive and are changes that the Township's engineers specifically requested. He added that the plan has not been "officially" accepted by the Township. Mr. Tucceri proposed a motion that Council officially refers the plan to the EAC and PC, as well as the Township engineers. He stated that, knowing that the residents have a vested interest in seeing that plan, he asked that the Township staff permit the plan's dissemination prior to this meeting with caveat that it had not been "officially" filed with the Township. He explained that this was so the residents would have the chance to have their engineer review the plan. Additionally, he noted that at the last PC meeting, the Chairman of the Planning Commission, Dean Hess, made a comment that he would like to see the comments from the engineers addressed prior to coming back to the PC. At that time the developer informed Mr. Hess that a plan had been submitted to the Township addressing those concerns but not had not been "officially" filed. Mr. Tucceri added that, if there is some legitimate reason for Council to continue the hearing, he would ultimately make that recommendation to Council. He proposed that Council to authorize staff to officially accept and review the January 11, 2019 revised plans submitted in the Windmont Farms Preliminary PRD Plan and refer same to the EAC and PC prior to the February 13, 2019 Public Hearing. Merrit DesLauriers of 5152 Lakewood Drive requested to comment on this matter before a vote occurred. Mr. Lochner explained to Ms. DesLauriers the process Council must follow procedurally to discuss this matter and hear her comment.

Dr. Johnson moved to authorize staff to officially accept and review the January 11, 2019 revised plans submitted in the Windmont Farms Preliminary PRD (18-06) and refer same to the EAC and Planning Commission prior to the February 13, 2019 Public Hearing and have said plans released to the public for their own review. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

Ms. DesLauriers commented that this item was not listed on the agenda and is news to the residents. She noted that she did request the January 11th plans through an open records request

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

since it was stated by the developer that they submitted plans after the deadline, which was not permitted by Council in their vote. She commented that she did not receive the plans in an “official” capacity but did receive them in an email not thinking that they were pertinent to the February 13th Public Hearing because she did not know that the solicitor planned on presenting this motion, even though the Township had this information at the time. Ms. DesLauriers added that it was withheld from the residents that there would be a motion to release these plans, but at the same time the developer was in discussion with the Township solicitor that the taxpayers pay for. She stated that this is concerning, and it confirms what Ms. Lah said about how the residents feel there is a bias at the Township. Ms. DesLauriers remarked that the developer submits last minute and Ms. Sebring made a statement at the EAC or PC meeting that they wanted to be compliant with the deadline, so "her boys", or developer's engineers, came in on a holiday to prepare the plans and submit them. Ms. DesLauriers continued by asserting that when the residents raised more concerns at the EAC and PC meetings about the number of unresolved items, the developer went back and changed the plans. She claimed that they did this because there was no evidence to substantiate the claims that were made in the letters submitted in response to the engineers reports on January 2nd. Mr. DesLauriers reviewed the two most recent Township engineering review letters and stated that the developer’s engineer responded on January 2nd with letters but without submitting plans to substantiate the changes listed in the letters. Ms. DesLauriers stressed that the responses were just words, with no plans to back up those words. She added that the PVE review letter was received earlier in December, but the developer chose not to respond until January 2nd. She remarked that the engineers and the Township could not compare the claims in the response letters with the plans.

Ms. DesLauriers stated that the residents have been held to the deadlines, but the developer has constantly asked for continuances and more time every month. She added that the residents are investing a very large amount of time and money because they have so much at stake. Ms. DesLauriers asserted that she knows that Township administration is aware of the deadlines that the developer has with the seller of the land, but she doesn't know if Council is aware of this. Ms. DesLauriers stated her opinion that there is a bias from the Township administration, not Council, because Council might not be aware of the deadlines that the developer is trying to meet. She stated her belief that this is why the application is being pushed through to February, which is another bias being shown. Mr. Peters asked if the review comments from Gateway and PVE that she claims the developer answered in the letters of January 2nd are the same items that are shown on plans that were informally submitted on January 11, 2019. Ms. DesLauriers replied no and said that there were still not enough plans submitted on January 11th to substantiate those responses. She noted that she understands these responses are vital for them to be in compliance; however, they have been at this for six months. Ms. DesLauriers remarked that there are many comments that say that if the associated item is not addressed then the entire site plan layout can change. She stated that this will have huge effects on many aspects of the plan if the site layout changes. She added that the information that is being presented is contradictory and is extremely hard to decipher, even for the PC and the EAC. Ms. DesLauriers commented that she did not know this item would be discussed at that meeting and she should not have to call the Township every day and check up to see what the developer is doing or find out that the developer’s attorney is talking

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

with the Township solicitor and no one is informing the residents of these changes. She added that there have been no updates to the Township website regarding the new submission and stated that she thinks the Township administration is aiding the developer to meet the constraints from the land seller and that things are being rushed. She stressed that things cannot be rushed at this point. Ms. DesLauriers remarked that deadlines are being extended for the developer, but not the residents, which is exactly what Ms. Lah spoke about earlier in the meeting. She again remarked there was no update on the Township website. Ms. DesLauriers stated the day before at the Zoning Hearing Board there were eight exhibits submitted by the developer at the last minute that the residents did not have access to. She asked how this is fair and how they can be informed when the documents are submitted last minute and cannot be reviewed. Ms. DesLauriers stated that she remembers when Mr. Orban and Mr. Lochner recommended that Council abides by the timeline at the previous meeting. Ms. DesLauriers noted that council voted at that meeting but now the matter is up for debate again because the developer called the Township solicitor requesting an extension. She said this is very unfair.

Mr. Tucceri provided a lengthy response to Ms. DesLauriers, addressing her negative remarks about his professional abilities. He explained that the engineers have submitted recommendations that the plans be changed, which he has no control over. He explained his role and duty to represent the Township and he took issue to her challenge of his professional conduct. He noted that the plans were made immediately available to the residents as soon as he became aware of them, even though Council had already decided that they did not want any further revisions submitted for the purposes of the Public Hearing. He explained that he did this because he knew that at some point a decision would need to be made about these plans, that are addressing the Township's own engineers' comments. He noted that there is nothing nefarious occurring and he is simply trying to provide the best legal counsel that he knows how. Mr. Tucceri provided an explanation addressing Ms. Lah's assertions pertaining to their discussion about the ZHB decision at the previous Council meeting. A short discussion was held between Mr. Tucceri and Ms. DesLauriers regarding the contents of this conversation. Mr. Peters remarked that the question under discussion relates to the acceptance of the revised plans from the developer. Ms. DesLauriers commented that the engineer's responses came in before January 2, 2019 and Ms. Sebring stated that her team came in over a holiday to address all of those responses. She asserted that it was not until the residents went before both the EAC and ZHB and pointed out that the statements in the response letters are not substantiated with any set of plans that Ms. Sebring said that they wanted to provide additional plans to substantiate those comments. Mr. Peters asked if these are the plans that were submitted on January 11, 2019. Ms. DesLauriers replied that she has not looked at all of the plans because she was under the assumption that they could not be submitted. She noted that she has been working on the ZHB variance since she received the plans and has not reviewed them because she did not think it was pertinent. Ms. DesLauriers reported that she quickly scanned through the plans and she did not see a full set. She added that while she did see a new tree count, no tree species or DBH's were listed, which is a requirement. She stated that she cannot give an opinion as to if everything that is needed to substantiate the responses is shown on the plans because she was told that the plans were not allowed.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

Mr. Lochner replied that the same problem is facing the EAC, PC and Township engineers unless the plans are released into the system. He explained that, if Council elects not to accept the plans the developer can show up at the Public Hearing on February 13th and say that the revised plans are in compliance with the engineer's requests and there is no way that the Township can respond because the plans would not have been seen in advance. He added that, if Council elects not to accept the plans, the only thing that would be admissible at the Public Hearing would be the engineers' review letters addressing the December 5, 2018 and January 2, 2019 plans, which the developer could immediately refute by presenting the January 11, 2019 plans. In this case the Township engineers would have no basis to evaluate that claim. Mr. Lochner added that it was already stated by Mr. Tucceri that, if the residents legitimately feel they have not had enough time to review and comprehend the plans, he will recommend that Council extend the Public Hearing to March. He added that, if the Township doesn't accept the plans, the February EAC and PC meetings will be a waste of time because they will be looking at out of date information. Ms. DesLauriers said that the January EAC and PC meetings were already a total waste of time. Ms. DesLauriers and Mr. Lochner exchanged several more remarks regarding this.

Ms. DesLauriers stated that the residents will not have had time to review the plans and, as such, she requested that the developer grant a continuance of the Public Hearing to March so that the residents can have enough time to review the plans. She added that one or two weeks is not always enough time, which is why the developer keeps continuing. Ms. DesLauriers stated that the developer hears recommendations from the residents who are studying the plan, and then they come back with changes. Ms. Blackburn asked isn't this what the Township wants them to do. Ms. Blackburn noted that Council completely respects the fact that they approved a timeline, but they also have to respect the fact that the engineers made comments on the plans and those comments were then responded to. She noted that this cannot be ignored and she wants to give an opportunity for the EAC and PC to review the revisions that were made at the recommendation of their own Township engineers. She added that the second issue is whether or not to hold the public hearing on February 13th. Regarding this matter, Ms. Blackburn stated that she doesn't see a way for Council not to accept the new plans since they are addressing the Township engineers' comments and she doesn't want to take plans that are not relevant. She reported that, because of this she feels compelled to say yes, she wants to see the new plans; however, the second piece of this question is the timing of the public hearing, which they can look at as well. She stated that they want to have the best plans for the committees to review and they also want to have a timeline that is suitable for the residents.

Ms. Blackburn noted that she takes it to heart that Ms. DesLauriers asserted that there is a bias at the Township. She added that, even though a distinction was made between Township staff and Council, Ms. Blackburn explained that Township staff and Council work together as a team on most things. She added that, at this point they are trying to balance their obligation to hear what the developer wants to do with the land with their obligation to make sure that they are addressing the citizens' concerns. Ms. DesLauriers responded with a summary of the previous continuances to the Public Hearing. She asserted that the developer had plenty of time to respond to the engineers' letters, especially the PVE letter; and added that the developer only decided to make

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

these changes after issues were brought up by the residents at the EAC and PC meetings. Mr. Tucceri replied that Ms. DesLauriers is representing facts that do not relate to the specific request being considered by Council. Several contradictory remarks were exchanged between Mr. Tucceri and Ms. DesLauriers regarding the timeline of the developer's responses.

Ms. Sebring provided clarification regarding the dates that she received various review letters, noting that she did receive the Gateway and PVE letters before the end of the year, but she was not aware of the January 2, 2019 deadline for plan submissions. Ms. Sebring responded that she takes exception Ms. DesLauriers' attacks on her professionalism. She asserted that Ms. DesLauriers' recitation of the dates of letters that were received and plan submissions is incorrect and provided a contradictory timeline of their submissions. Ms. Sebring also took issue to Ms. DesLauriers' claim that she called her team of engineers "her boys" and said that this was totally false. Ms. DesLauriers replied that this is what she recalls. Ms. Sebring explained the difficulty that they had complying with the January 2nd deadline since the schedule of the holidays prevented many of her engineers, as well as the client, from being available. She commented that her engineers cut short their holidays so that they could provide the responses on January 2nd, after which they immediately began incorporating these responses into revised plans. She stated that it was not because of the residents' comments during the meetings that the revised plans were created, as Ms. DesLauriers claimed, but because the Township's engineers requested those changes and January 11th was the earliest that they could produce the plans. Ms. Sebring commented that the revised plans comply with every requested revision in the December 28th Gateway letter, therefore, she requested that the Township engineers have the opportunity to review these plans. She detailed numerous concessions that the developer has made to try to work with the residents, namely holding community meetings, changing the Crestview Drive connection, increasing buffer zones, and continuing the Public Hearing in December. She added that the PC has expressed that it is a great plan, but they will not sign off on it unless they receive the revised plans addressing the engineer's comments. Ms. Sebring asserted that it is in the best interest of the Township to release the plans so that they can be appropriately reviewed by the engineers. Ms. DesLauriers replied that she disagrees with this statement.

Mr. Peters asked if the plans that were submitted on January 11th respond to all the items in Gateway's review letter of December 28th, to which Ms. Sebring replied yes. Mr. Peters inquired if the plans include any changes to the size of the lots, the number of lots, or the amount of tree canopy. Ms. Sebring replied that she does not believe so. She stated that, as long as the accesses remain the same, there should be no changes to the plans moving forward. Ms. Blackburn clarified from Ms. Sebring the sequence of submission material in January. Mr. Tucceri commented that he has reviewed the plans and he does not believe that they contain any changes to the size of the lots, number of lots, or amount of tree canopy. He noted that these plans were prepared to address the Township's own engineers' comments. He added that the residents will have three weeks to review the plans, but, if at the time of the Public Hearing they report that they were unable to meet the timeline, then Council can always choose to continue the Public Hearing to March. He added that Council's interest is the residents at heart, and the developers must be dealt with from a legal standpoint, but Council wants to receive all of the pertinent resident feedback. Ms. DesLauriers

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

thanked Mr. Tucceri for this clarification and remarked that the PVE review letter submitted on December 20, 2018 has not been discussed but states that the plans can change. She added that there are 34 substantial items on the PVE response letter that need to be addressed, which can affect the grading and the amount of tree removal. Ms. DesLauriers asked that Council not make a decision on this matter that night until they have had time to review the engineering review letters from Gateway and PVE. She also countered Ms. Sebring's assertion that she was unaware of the January 2nd deadline since it was advertised in the newspaper. Ms. Sebring and Ms. DesLauriers exchanged several comments regarding this. Ms. Blackburn noted that the only matter they are deciding upon is whether the Township wants the committees to review the plans that respond to the Township engineers' comments. She noted that this is not an acceptance or denial of the application itself, but simply a referral of the most recent plans, which she did not believe was unreasonable.

Ms. DesLauriers replied that the residents are being left behind again because of late submissions, which is why the deadline was imposed in the first place. She added that no one could review all the resubmissions in a timely manner. Ms. Blackburn acknowledged that the developer missed a deadline but added that this does not change the fact that it is Council's responsibility to make sure that the most recent plans addressing the Township engineers' comments are reviewed. She added that they can have a separate discussion regarding the timeline, but they cannot refuse to review plans because the developer missed a deadline. Mr. Peters and Ms. DesLauriers discussed the timeline moving forward. Mr. Peters commented that, if the residents feel that they have been placed under an undue time burden at the time of the February 13th Public Hearing, then Council will continue it to March. He stressed the importance of everyone having access to the most current plans and stated his belief that they will be doing a disservice to the Township and the residents if they do not allow this to occur. Ms. DesLauriers replied that she understands this position now that the members of Council have stated that the Public Hearing will be continued if the residents have not had enough time to prepare. She explained that she previously thought it was up to the developer to grant a continuance of the Public Hearing. Mr. Tucceri stated that this is not correct and explained the legal responsibilities of Council, adding that they absolutely want resident feedback and they admire the amount of interest and time that the residents are investing. Mr. Tucceri clarified that it would not be his recommendation for Council to continue the February 13th Public Hearing unless there is a legitimate reason from the residents or their experts that, although they have begun to review the plans, they were unable to complete the review in time. He advised Ms. DesLauriers that this is not akin to a blanket continuance, which Ms. DesLauriers said is fair. Mr. Tucceri reviewed the procedure that will be required for any expert testimony.

Wayne Lusebrink of 5086 Lakewood Drive stated that he is a civil engineer and has been a resident of Hampton Township since 1994. He commented that three weeks goes by very quickly. He questioned how thorough the drawings are and asked if they address all the outstanding comments. Dr. Johnson and Mr. Peters replied that this is why the Township is recommending releasing the plans, so that they can be reviewed, and it can be verified if they address all the outstanding comments. Mr. Lusebrink asked that Council take a realistic look at the timeline and asserted that the developer will release another set of plans prior to the February 13th Public Hearing with even

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

more changes. Mr. Peters stated that there will not be another submission of plans and Mr. Lusebrink replied that this is why the deadline was created in the first place. Mr. Lusebrink spoke to the difficulty the residents have experienced trying to track the various review letters, response letters, and versions of the plans. Mr. Lusebrink and Mr. Tucceri discussed the timeframe for the Township engineers to review these plans. Mr. Lusebrink posed the question, what will happen if the EAC and PC have comments on these plans. Mr. Lochner replied that those comments would then be incorporated into the Public Hearing, which is the whole point. Mr. Lusebrink expressed doubt that the developer could have addressed all the outstanding comments since Ms. Sebring testified that it was a “scramble” to produce the plans. Ms. Blackburn replied that this is why the Township engineers need to be able to evaluate these plans. Mr. Peters agreed and expanded upon Ms. Blackburn’s comments. He added that there will not be another submission of plans between the January 11th submission and the February 13th Public Hearing. Mr. Peters again stated that the only way to move forward is to have the engineers and committees evaluate the most recent plans so that Council has the best information possible going into the Public Hearing. Several more remarks were exchanged regarding this matter. Mr. Lusebrink commented that many residents are upset because their properties are being washed away or they are experiencing problems with stormwater runoff/flooding. Mr. Tucceri replied that Council should absolutely hear Mr. Lusebrink’s concerns regarding stormwater runoff, but the appropriate time for those comments is at the February 13th public hearing. He noted that these comments are not germane to the matter that Council is considering that evening. He reviewed the schedule of upcoming Township meetings that Mr. Lusebrink can speak at. Mr. Peters, Ms. Blackburn and Mr. Tucceri encouraged Mr. Lusebrink to offer his comments during the appropriate time but noted that this meeting was not that time. Mr. Tucceri reiterated that previously stated motion.

Following the discussion, a roll call vote was unanimously in favor.

OTHER ZONING AND PLANNING BUSINESS

Mr. Tucceri stated that Council commissioned Township staff and the solicitors some time ago to evaluate the oil & gas ordinance, and attendant ordinances, as part of a complete revamp to these regulations. He noted that, at the time, there were residents who expressed an interest in offering commentary on the proposed ordinance. Mr. Tucceri reported that a draft of the revised regulations was compiled based on the comments from the residents and Township staff. He noted that, at the suggestion of Township Council, members of the EAC, PC, Township staff, and the interested residents were invited to participate in a round table discussion, which occurred the previous Monday. He noted that this meeting produced some great feedback, which the solicitor’s office is in the process of compiling into a revised draft for Council’s consideration. He asked that Council consider a motion to authorize Township staff, in conjunction with the solicitor’s office, to; 1) advertise a comprehensive amendment to the Township’s Oil and Gas Ordinance; 2) advertise a Public Hearing on the same, and; 3) refer the ordinance amendment to the EAC, Planning Commission and Allegheny County DCED. He briefly detailed the timing considerations regarding this matter.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

Dr. Johnson moved to authorize Township staff, in conjunction with the solicitor's office, to; 1) advertise a comprehensive amendment to the Township's Oil and Gas Ordinance; 2) advertise a Public Hearing on the same, and; 3) refer the ordinance amendment to the EAC, Planning Commission and Allegheny County DCED. Ms. Neugebauer seconded the motion.

Ms. Blackburn stated that she really does appreciate a healthy debate, the exchange of information, and the passion from the residents. She remarked that it makes Council better informed and forces them to evaluate their decisions much more closely. Ms. Blackburn commented that the conversation was held in good faith and she looks forward to the upcoming Public Hearing for Windmont Farms and the public discussion surrounding the revised oil and gas regulations.

Following the discussion, 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

Nothing was brought before Council for discussion.

NEW BUSINESS

Mr. Lochner provided an update on the vacancies on the Township's boards and commissions, and stated that vacancies will be advertised in the next edition of the Hampton Magazine. He discussed with Council how they would like to proceed with the application and interview process.

Mr. Lochner noted that the Recycle Rama group has asked the Township to take over this event effective 2020. Mr. Lochner expressed some hesitancy with taking this on because of the scale of the program. He stated that the group that previously ran the event is stepping away and no longer wants to be in charge of it after 2019. Ms. Blackburn asked for information regarding any alternative recycling events, in case Recycle Rama does not occur. Mr. Lochner detailed numerous upcoming changes to the recycling service. He also provided more information on the Household Hazardous Waste Program offered by the Township, which can be used by the residents to recycle many of the same types of items that are taken to Recycle Rama. He noted that this has become a community event; however, in terms of recycling there are other options out there. Ms. Blackburn and Ms. Bernet discussed the timeframe for Council's decision on this matter. Ms. Blackburn asked that this item be added to the February Council agenda. She stated that she is not prepared to make a decision on this matter since this is a valued community event that has been embraced as a way to keep the community healthy and have an outlet to recycle items that are otherwise dangerous. Dr. Johnson requested that a summary of the scope of the event be included with the agenda packets. Ms. Neugebauer and Mr. Lochner discussed the payment arrangement for HTPD

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 23, 2019

;

officers who help during this event. Several remarks were exchanged between Mr. Peters and Mr. Lochner regarding the possible upcoming changes to the Township's recycling contract.

Mr. Lochner provided a brief summary of several upcoming community events, including the Hampton Community Library Annual Chili Cook Off on January 26, 2019 and the HCA's Taste of Hampton on February 2, 2019. Mr. Lochner noted that the the annual First Responders picnic needs to be moved up to August 16, 2019 to ensure that there is sufficient staffing at the pool.

There being no further items for discussion, Mr. Peters adjourned the Regular Meeting at 9:07 pm.

Susan A. Bernet,
Clerk of Council

Michael L. Peters,
President of Council