

MINUTES

REGULAR MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, JANUARY 27, 2016

President Son 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: V. Son, President; R. Dunlap (via video call), C. Montgomery, S. Neugebauer, P. Russ, Members; V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

APPROVAL OF MINUTES

Mr. Montgomery moved for the approval of the minutes for the Regular Meeting held December 16, 2015, the Organization Meeting held January 4, 2016 and the Agenda Meeting held January 13, 2016. Mr. Russ seconded the motion and a roll call vote was unanimously in favor with the exception of Mr. Russ who abstained from voting for the minutes for the Agenda Meeting held January 13, 2016.

CITIZEN AGENDA MATTERS

Corey and Lauren Faddish of 3146 Camberly Drive addressed Council regarding the construction of their new home at 5006 Hardt Road. Mr. Faddish explained that they will need to install a new sewer lateral line from their house to the sewer main line, which is owned by the Township but lies underneath a State owned roadway. He noted that, ever since the planning phase of this project, the Township has maintained that it will be his responsibility to pay for and execute the installation of the lateral line. After obtaining his Building Permit he found out that his neighbor at 5018 Hardt Road had experienced problems with their lateral sewer connection in 2008 and the Township replaced it for them. Mr. Faddish asserted that Mr. Degnan and Mr. Lochner confirmed this, which prompted him to file an open records request under the Right to Know Law for all information in the Township's records regarding this matter. Mr. Faddish summarized the information that he obtained as a part of this RTKL request. He stated that the Township did not know the extent of the work that would be needed when the problem at 5018 Hardt Road was identified. He also noted that the work included the reconstruction and relocation of the tap at the main line and the replacement of a small section of the lateral line. He read through the items listed on an invoice he obtained as a part of the RTKL request and reiterated that the Township did pay for the repairs. Mr. Faddish stated the he and his wife are simply asking for fair and equal treatment.

Mr. Son remarked that the work performed in 2008 for 5018 Hardt Road was a repair to an existing line. At that time, there was no clear policy in place regarding repairs to an existing line. However, he noted that there was a very clear policy in place regarding new construction, which has always dictated that the homeowner is responsible for the installation of the new lateral to the main line. He commented that Mr. Faddish's situation is not analogous to his neighbor's situation since one relates to a repair to an existing line and one is an installation of a new line due to new

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 27, 2016

construction. Mr. Son commented that, in 2009 the Township received information from its engineers and from virtually all of the surrounding municipalities that the policy should be clarified to stipulate that the property owner will be responsible for all work done on the sewer lateral line, regardless of whether it is a repair or an installation due to new construction. Due to this information, the Township clarified its policy during the 2009 Strategic Planning Meeting to stipulate that even repairs would now be the responsibility of the property owner. Mr. Son noted that this policy took effect in January of 2010 and has been adhered to since then. He stressed that, despite this information, even in 2008 the construction of a new lateral would have been the responsibility of the property owner.

Mr. Faddish asked what is the distinction between a policy and an ordinance. Mr. Tucceri gave a summary of the differences between the two and stated that virtually all of the surrounding municipalities also have unwritten policies stipulating that the property owner is responsible for any repairs or installations of a sewer lateral. He added that, while he understands where they are coming from, they are being treated the same as everyone else in this regard. Mr. Faddish requested a copy of this policy. Mr. Tucceri replied that this is not a written policy but rather a practice that has been in place for some time. Mr. Faddish questioned if this policy was captured in any meeting minutes. Mr. Tucceri replied that it would most likely be in the minutes for the Strategic Planning Meeting in 2009 when Council discussed a clarification to the policy regarding repairs. He added that information regarding the policy on new construction may not be included in those minutes since that policy was already in effect and was not changing in any way. Mr. Faddish questioned why there is a difference between the two situations. Mr. Lochner provided context regarding the installation of the main sanitary sewer system and how that affected the policy regarding lateral lines. Mrs. Faddish stated that the invoice for the repair work in 2008 is for a much lower amount than they will be required to spend. She questioned if the standard to which they are being required to repair the roadway is the same as it was for the Township in 2008. Mr. Degnan explained that the invoice for 2008 reflects only the contractor's expenses for excavation. All labor costs were not included and much of the materials needed were already owned by the Township and, as such, were not included on the invoice. Mr. Lochner clarified that the policy regarding new construction has been in effect since 1972 when the system was first installed. Mr. Faddish questioned if any repairs have been made on any privately owned sewer laterals since the policy was clarified in 2009. Mr. Lochner and Mr. Degnan reported that there have not. Mr. and Mrs. Faddish briefly discussed the process for obtaining the minutes for Council meetings with Mr. Lochner.

Al Werling of Talley Cavey Road addressed Council regarding the Wildwood Acres Lot Consolidation. He asked for clarification regarding the location of the relevant lots, which was provided by Mr. Son.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 27, 2016

TABLING OF A PROPERTY SALE REQUEST FROM THE PA TURNPIKE COMMISSION

Mr. Lochner remarked that the Township has not had a chance to iron out all of the details with the solicitor's office. As such, he recommended tabling this item for the time being.

Mr. Montgomery moved to table the property sale request from the PA Turnpike Commission. Mr. Russ seconded the motion and a roll call vote was unanimously in favor.

NORTH HILLS COUNCIL OF GOVERNMENTS MONTHLY REPORT

Mr. Montgomery had nothing to report.

WATER AUTHORITY MONTHLY REPORT

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

Mr. Son added that 2016 will be the fifth straight year with no increase in the water rate.

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.

Mr. Tucceri added that he has asked Mr. Russ to make a motion for Council's consideration. Mr. Russ noted that this motion relates to a piece of historic litigation.

Mr. Russ moved to authorize McKee Risk Management to conclude for the costs of defense in an amount of \$5,000, the matter of Auld vs. various municipal defendants, which is docketed 6D10-015256. Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

CONTROLLER'S/MANAGER'S MONTHLY REPORT

Mr. Lochner read the following 2015 Year-End Controller's Summary on behalf of Mr. Speakman.

December revenues exceeded estimates made during the 2016 budgeting process by \$342,092. The main drivers included Current Year Real Estate Taxes (\$19,489), Regional Sales Tax (\$13,230), Delinquent EIT (\$11,129), LST (\$36,645), Deed Transfer (\$85,504) and of course,

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 27, 2016

Current Year EIT (\$155,315). For the year, revenues exceeded budget by \$740,621. The same referenced items above were the primary drivers for the year, totaling \$588,512 over budget. Additionally, Building Permits exceeded budget by \$49,821. Sewer rentals were slightly below budget as were Community Center Rentals. In regard to expenses estimated during the budgeting process, actual expenses exceeded estimate by \$73,316. The primary drivers included a transfer to Capital Improvements for playground equipment and \$15,000 for an unplanned purchase of a replacement lift for the DCS garage. For the year, actual expenses exceeded budget by \$366,409. In addition to the above items, the primary drivers were discussed during the budgeting process (salt, engineering, et. al). For the year, revenues exceeded operating expenses by \$233,633. The 2015 Budget called for expenses to exceed revenues by \$140,580, thereby reducing our General Fund cash balance. In contrast, the year-end cash balance actually increased, putting us in a stronger financial position for the beginning of 2016. As the year-end reports were just completed, a more complete analysis and report will be provided next month.

Mr. Lochner also stated that he recently received an email from State Rep. Hal English, which stated that the Township has been awarded a \$200,000 grant for the hockey, tennis and volleyball courts in the Community Park. Mr. Son thanked Township staff for all of their hard work in finding and applying for this grant.

PUBLIC SAFETY MONTHLY REPORT

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

COMMUNITY SERVICES MONTHLY REPORT

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

ENVIRONMENTAL SERVICES MONTHLY REPORT

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

HAMPTON PLACE FINAL CONSERVATION SUBDIVISION (15-02)

The applicant is seeking final approval to develop approximately 40 acres, located off of West Hardies Road, as a 39 lot single-family conservation subdivision development.

Mr. Orban remarked that the unresolved items discussed at the last Council meeting have been addressed. He added that Township staff and engineers are recommending approval of this application with conditions.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 27, 2016

Mr. Russ made a motion to approve the Hampton Place Final Conservation Subdivision (15-02) subject to the terms and conditions in the decision from Mr. Orban dated January 27, 2016 (a copy of which has been included as a part of these minutes). Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

WILDWOOD ACRES LOT CONSOLIDATION (15-11)

The applicant is seeking approval to consolidate existing vacant lots near the corner of Route 8 and Wildwood Road.

Mr. Orban noted that there are two very minor engineering items that still need to be resolved, however, he stated his belief that they can be addressed as conditions of approval. Mr. Son verified that Township staff and engineers are recommending approval.

Mr. Russ made a motion to approve with conditions the Wildwood Acres Lot Consolidation Plan (15-11), subject to and contingent upon the conditions in the memo from Mr. Orban dated January 27, 2016 (a copy of which has been included as a part of these minutes). Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

REQUEST FOR THE PARTIAL RELEASE OF FUNDS FROM THE IMPROVEMENTS SECURITY ASSOCIATED WITH THE RAIN TREE PHASE 2 DEVELOPMENT

Mr. Orban reviewed the engineer's recommendation to reject this request.

Mr. Russ made a motion to reject the Developer's request, dated December 9, 2015, seeking a final release on the Developer's letter of credit for the Raintree Manor Phase 2 Townhouse development per the recommendation of the Township Engineer. Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

REFERRALS

Mr. Orban gave a brief summary of the Hampton RE Revised Site Plan and Conditional Use.

Mr. Montgomery moved for the referral of the Hampton RE Revised Site Plan (16-01) and the Hampton RE Conditional Use (16-02). Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.

MINUTES
REGULAR MEETING

HAMPTON TOWNSHIP COUNCIL
WEDNESDAY JANUARY 27, 2016

AUTHORIZATION TO ADVERTISE A PUBLIC HEARING RELATED TO THE HAMPTON RE CONDITIONAL USE (16-02) APPLICATION

Mr. Montgomery moved for the authorization to advertise a public hearing related to the Hampton RE Conditional Use (16-02) application with a suggested hearing date of March 9, 2016. Ms. Neugebauer 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

Nothing was brought before Council for discussion.

NEW BUSINESS

Mr. Russ commented that he was recently at a meeting for a group called Leadership Pittsburgh, which includes leaders in various fields. He noted that the topic of the meeting had been local government and several people in attendance were Hampton residents. Mr. Russ reported that the Hampton residents reported a 10 out of 10 for satisfaction with their local government and gave very high praise for the Township. Mr. Russ expressed his pride to be from Hampton and Mr. Son thanked Mr. Russ for sharing this experience.

There being no further items for discussion, Mr. Son adjourned the Regular Meeting at 8:03 pm.

Susan A. Bernet,
Clerk of Council

Victor D. Son,
President of Council

(January 27, 2016)

TOWNSHIP OF HAMPTON

**In re: APPLICATION FOR FINAL APPROVAL OF THE HAMPTON PLACE
CONSERVATION SUBDIVISION PLAN OF LOTS AND LAND
DEVELOPMENT**

**MOTION TO APPROVE WITH CONDITIONS
THE APPLICATION FOR FINAL APPROVAL OF
THE HAMPTON PLACE CONSERVATION SUBDIVISION PLAN OF LOTS
AND LAND DEVELOPMENT**

(Application No. 15-02)

DECISION

That the Council of the Township of Hampton does hereby grant approval of the Application for Final Subdivision Approval of The HAMPTON PLACE CONSERVATION SUBDIVISION Plan, contingent upon and subject to the following conditions:

1. Applicant must submit to the Township for approval a revised Plan and or documentation for Final Approval (“Final Approved Plan”) conforming to the conditions of this Decision and to the conditions of the Tentative Approval previously issued herein (which Tentative Approval dated November 19, 2014, is attached hereto and also incorporated herein by reference as if fully set forth at length herein).
2. Final Approval is further conditioned upon submission to the Township of a revised Final Plan and/or documentation addressing the following to the Township’s satisfaction:
 - a) The Applicant’s revised Final Plan shall address all of the comments and recommendations of the Township Civil Engineer, as set forth in the review letters of Joseph Sites, Gateway Engineers, up to and including those dated January 22, 2016 to the satisfaction of the Township which comments are attached hereto and also incorporated herein by reference as if fully set forth at length herein;

- b) The Applicant's revised Final Plan shall address all of the comments and recommendations of the Township Stormwater Engineer, as set forth in the review letters from Andy Banfield, PVE Sheffler, up to and including those dated January 4, 2016 to the satisfaction of the Township, which comments are attached hereto and also incorporated herein by reference as if fully set forth at length herein;
 - c) The Applicant's revised Final Plan shall address all of the comments and recommendations of the Township Traffic Engineer, as set forth in the review letters from Bob Goetz, Trans Associates, up to and including those dated January 14, 2016 to the satisfaction of the Township, which comments are attached hereto and also incorporated herein by reference as if fully set forth at length herein;
 - d) The Applicant's revised Final Plan shall address all of the comments and recommendations of the Director of Community Services as set forth in the review memo from Alex Zarenko dated December 22, 2015 to the satisfaction of the Township, which comments are attached hereto and also incorporated herein by reference as if fully set forth at length herein;
 - e) The Applicant's revised Final Plan shall address all of the comments and recommendations of the Distribution Supervisor of the HSWA as set forth in the review memo from Robert Sheetz dated November 30, 2015 to the satisfaction of the HSWA, which comments are attached hereto and also incorporated herein by reference as if fully set forth at length herein;
 - f) The Applicant shall schedule a utility meeting prior to, and as a condition of, issuance of any permits. Said meeting shall be at a Township facility. If, based on utility requirements, Township's Engineers or staff, determination revisions to the approved plans and/or reports are required, said documents shall be submitted for review. Costs associated with the Township's Engineer(s) attendance and review of any revised plans and/or reports shall be at the applicant's expense.
 - g) Requests for a grading permit will not be accepted until such time as the conditions 2. a through f are addressed.
3. Prior to and as a condition of the Township's execution and release of the Final Approved Plan for recording, Applicant must execute a developer's agreement under terms and conditions satisfactory to the Township Solicitor, and must post with the Township associated financial security sufficient to guarantee completion of the Plan's required improvements in a form and in an amount satisfactory to the Township Solicitor and Engineer. (Regarding financial security, the Developer, after receiving input at the required utility meeting, shall re-submit an itemized development costs spreadsheet to be reviewed and adjusted as determined necessary in the sound judgment of the Township Engineer to reflect the cost of completing such improvements as if same were put out to public bid, and the Township Engineer's costs shall be used for the developer's agreement and associated security.)

4. All stormwater management facilities including stormwater ponds, outfall structures, open drainage swales and any other stormwater related structures not located in the road right-of-ways shall remain under the ownership, custody and control of the Developer, who shall be responsible to maintain said facilities until their ownership and maintenance responsibilities are transferred to and assumed by the development's resident Homeowners Association (HOA) under covenants binding all property owners and their successors within the Plan. All other common open spaces and associated structures, grounds, fencing, facilities and other amenities shall also be owned and maintained by the Developer until assumed by the resident Homeowners Association. Proof of the foregoing to the satisfaction of the Township Solicitor shall be submitted to the Township prior to the release of the Approved Plan.
5. Prior to and as a condition of the Township's execution and release of the finally Approved Plan (recorded plan), a Stormwater Maintenance Agreement in a form acceptable to the Township Solicitor shall be executed and recorded by Developer, and the associated contribution to the Township's Stormwater Facilities Maintenance Fund shall be provided in accordance with the Township Ordinances. In addition, any off-site improvements to the Township's existing stormwater system, required to accommodate the plan, shall be built to Township specifications and inspected by the Township Engineer.
6. A Highway Occupancy Permit agreement, for the storm water connection, in a form acceptable to the Township Solicitor shall be executed by the Developer along with any associated security prior to release of the recorded plan and prior to the Township making application to PennDOT for said HOP.
7. Revised HOA documents shall be submitted for review and approval prior to release of the plan for recording. Said documents shall address the items specified in condition "2.d." of this approval and all conditions of the attached Tentative Approval dated November 19, 2014 (See Tentative Approval Items R, S & U).
8. Final Approval of the Plan shall be contingent upon Applicant's submission to the Township of proof of recording of the plan. No building permits shall be granted until the plan is recorded and proof thereof provided to the Township. In addition, no building or occupancy permits shall be issued for any lots affected by any stormwater, utility, or other Easements as set forth in Tentative Approval Item U except upon proof to the Township that the subject deed(s) for said properties from Developer/Owner to the builder or other purchaser, and to the first residential occupant buyer, contain(s) the required language specifically referencing said Easement(s) and of the grading and other use restrictions imposed thereby.
9. Required Highway Occupancy Permit (HOP) shall be obtained from PennDOT. Proof of receipt of the HOP shall be provided to the Township prior to the issuance of any building/grading permits.

10. Issuance of any Certificate of Occupancy for any individual lot within the Plan following construction of a dwelling thereon shall be conditioned on strict adherence to the final grading contours as approved in the Drainage and or Grading Plans, unless a modification therefrom has been granted in advance, in writing by the Township Engineer for good cause shown shall be conditioned on following the grading contours as approved in the Drainage Plans. A copy of this Decision document, with notice of this specific condition, shall be provided in advance of closing by the developer owner to all builders or other purchasers of any lot in the Plan.
11. Issuance of building permits for any individual lot within the Plan shall be conditioned on verification from a licensed professional that the first floor elevation (FFE) is in strict adherence to the approved site grading plan upon completion of the basement and first floor flooring. Further construction shall cease until such time as this requirement is met and written confirmation is received from the Township Engineer.
12. The applicant shall reimburse the Township for all Engineer, Solicitor and other professional consultant fees and all other expenses incurred by the Township as a result of the proposed development on the subject property, including all professional review fees associated with the application and approval process for the above applications, as well as all Township inspection fees relating to the construction of the approved plan and any post approval meeting or reviews. A final invoice for the application review fees shall be issued following approval of the Application, with payment of same due in full within thirty (30) days of receipt.
13. The Township shall have inspectors on site when all public and other required improvements are being installed, or when any work is being performed which, in the Township Engineer's judgment, impacts upon required improvements, in accordance with the Township's Inspection Policy then in effect. Public Improvements include, but are not limited to, streets, storm sewer and sanitary sewer systems. Required improvement work subject to inspection includes but is not limited to grading, digging, earthwork, laying material, backfilling and any other work concerning which the Township Engineer considers inspections to be necessary as part of the installation of such improvements. All inspection fees will be invoiced to and paid by the Applicant in accordance with the Township's Inspection Policy and applicable provisions of the MPC.
14. A development outline must be submitted prior to issuance of any permits and then updated annually thereafter for the remainder of the development.
15. Applicant may, within thirty (30) days of receiving the written decision of the Township, notify the Township of its refusal to accept any or all of the conditions, in which case, the Township shall be deemed to have denied Final Approval of the Plan. In the event the applicant does not, within said period, notify the Township of its refusal to accept any condition, Final Approval of the Development Plan, with the foregoing conditions, shall stand as granted.

-end of document-

Township Council
Victor D. Son, President
Peter S. Russ, Vice-President
M. Richard Dunlap
Cary J. Montgomery
Sherry A. Neugebauer

Township Controller
Jerry E. Speakman

Municipal Manager
W. Christopher Lochner

Legal Counsel
Vincent A. Tucceri

PERSONAL & CONFIDENTIAL

TO: Township Council
Jerry Speakman, Township Controller
W. Christopher Lochner, Municipal Manager
Vince Tucceri, Township Solicitor

FR: Martin Orban, Land Use Administrator 

RE: Motion for Approval of the Wildwood Acres Lot Consolidation

The Solicitor and I have prepared a proposed motion for approval, with conditions, for the **15-11 Wildwood Acres Lot Consolidation Plan**, should Council decide to approve the application. In that case, it is Solicitors' recommendation that the following motion be made part of the meeting minutes:

I make a motion to approve with conditions Application No. 15-11, Wildwood Acres Lot Consolidation Plan, subject to and contingent upon the following conditions:

1. Applicant shall address the Township's Planning Commissions conditions by revising the plan for recording by delineating the two drainage easements along Route 8 as "private" and shall also submit an as-built elevation plan for the previous earth work performed on the lots having frontage on Route 8. No permits will be issued until such time as the latter condition is addressed.

2. Applicant shall record the revised plan and associated revised metes & bounds descriptions at the appropriate County offices within 90 days of approval. Two paper copies of the recorded plan shall be provided to the Township along with proof of recordation of the revised metes & bounds.
3. Applicant may, within thirty (30) days of receiving the written decision of the Township, notify the Township of its refusal to accept any or all of the conditions, in which case, the Township shall be deemed to have denied Final Approval of the Plan. In the event the applicant does not, within said period, notify the Township of its refusal to accept any condition, Final Approval of the Development Plan, with the foregoing conditions, shall stand as granted.