MINUTES

REGULAR MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, MAY 27, 2015

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

Those present: V. Son, President; R. Dunlap, C. Montgomery, S. Neugebauer, P. Russ, Members; V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

APPROVAL OF MINUTES

Mr. Russ moved for the approval of the minutes for the Regular Meeting held April 22, 2015, the Public Hearing held May 13, 2015, and the Agenda Meeting held May 13, 2015. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

CITIZEN AGENDA MATTERS

Al Werling of Talley Cavey Road asked Council who he should call if he observes oil drums stacked near a creek. Mr. Lochner advised Mr. Werling to contact the Township if he sees anything like that. Mr. Werling also asked if the Township can stop people from storing chemicals or buoyant materials near a waterway, to which Mr. Lochner replied yes. Regarding an application on Council’s agenda for the Allison Park Church to allow parking on the vacant lot across from the Church on Duncan Avenue, Mr. Werling stated that he wanted to make sure that the Township is considering flood retention issues as a part of the application process. Mr. Lochner replied that, especially due to the location of the lot and the proximity to flood zones, all such requirements will be reviewed. Mr. Werling expressed his concern that removing the soil may cause flooding that could damage the Township’s Water Pollution Control Plant. Mr. Orban added that all of these issues are being reviewed and verified by the Township engineers. A stormwater management plan as well as erosion and sedimentation controls will be required if and when the construction begins. Lastly, Mr. Werling asked what the total amount of remaining developable land is in Hampton Township. Mr. Lochner replied that it is around 5%.

FINAL AULD REPORT

Mr. Son explained that, as a part of the settlement agreement for litigation between the Township and GCA, LP, a statement will be read into the record by both parties, to be made a part of the minutes for this meeting. Attorney Noah Fardo was in attendance representing GCA, LP and read the following statement.

To the citizens of Hampton Township:
Some of you may know that the Auld family was involved in litigation against Hampton Township in a series of lawsuits that started way back in 2008.

Many people have seen what has occurred at the intersection of Route 8 and Duncan Avenue. The Township took the Auld Property by eminent domain, and now a big vacant hole sits where their family office buildings once stood. Many long-time residents of Hampton Township understand and appreciate what that property meant to the Auld family.

As citizens of Hampton Township, we all have an interest in open and honest government, government that respects the rights of individuals and property owners, and government that will not simply disregard the law when the law does not suit its purposes.

Our clients filed a lawsuit in 2009 against Hampton Township as well as its individual Council members – Victor Son, Peter Russ, Martha Hunkele, Michael O’Rorke, and Cary Montgomery – and its manager, Christopher Lochner.

The suit alleges that these Defendants repeatedly violated the Pennsylvania Sunshine Act and in the simplest sense, we brought the lawsuit because we believed the Auld family’s civil rights were violated. Really, our lawsuit has always been about two things – transparency and accountability.

In our complaint, we have alleged that Hampton’s officials met in secret to devise the “Lower Allison Park Improvement Project.” We believe Hampton took great care to avoid publicly using the phrase “eminent domain.” The Defendants admitted deliberately the taking of the Auld property in closed executive sessions in June and September of 2009, discussions we alleged were illegal under the law.

We alleged that Hampton’s officials repeatedly violated the Sunshine Act by holding executive sessions without telling the public why they were holding their closed door meetings.

We alleged that while the stated purposes for taking the property was “flood mitigation,” that the officials had little or no evidence that taking the property would mitigate flooding in any meaningful way. They took it anyway.

Even if the Township’s officials honestly believed in their grandiose “Lower Allison Park Improvement Project,” we believe that there was no reason for them to take the Auld property when they did. The Township took the property in year 1 of a 10 year plan – before the necessary studies or permitting were complete and years before any construction was even planned.

Is it possible that other projects – for example, the dredging of North Park Lake – would have obviated the need for further flood control on Pine Creek?
What we do know is that, over 6 years later, there is no eight acre lake on Pine Creek as planned, no dam as planned. The only thing there, at the intersection of Route 8 and Duncan, is a gaping hole where their buildings once stood.

We believe that flood mitigation was a pretext and the Defendants took the property for a different reason: because the Defendants thought it an eyesore or, as Victor Son testified under oath, in his opinion, “it looked like a piece of shit.”

GCA has settled its lawsuit against Hampton and its officials. The public should know that the Township has paid the Aulds $75,000.00 to settle their claims; this is separate from and additional to court-adjudicated compensation for the property itself. We do not know how much the Township has paid in legal bills to defend their conduct.

Another condition of the settlement is that this letter be read, on the record, at a public Council meeting and incorporated into their minutes.

The people of Hampton Township deserve transparency, deserve a government that respects private property and individual rights, and deserve representatives that actually follow the law.

Personally, we are somewhat relieved that this lawsuit has settled, that our year long battle with Hampton Township is at an end. We are glad that some of what Hampton’s leaders have done has come to light. We do not know how much this conduct has cost the taxpayers of Hampton Township. We can only hope that this marks the beginning – not the end – of a process that will ensure openness in government and serve as a reminder that government exists to help people and not to take advantage of them.

Following Mr. Fardo’s statement, Mr. Son read the following statement in response:

The Township of Hampton, Council Members, both past and present, Controller, and Township Staff respect the right of GCA, LP, to express their distorted perception of the litigation that has languished since 2008.

The undeniable fact is that the only action initiated by the Township was an eminent domain proceeding precipitated by the unreasonable demand of GCA, LP to be paid in excess of Six Million Dollars of taxpayer money for their property located within a flood plain that laid idle, vacant and in disrepair for over 10 years as the property went in and out of bankruptcy and bank ownership. In response to the outright rejection of that demand, GCA, LP embarked upon a series of legal actions against the Township, in which the Township was forced to spend thousands of tax dollars to defend. The Township was successful in defending all of those actions. Subsequent to a realistic, judicially determined fair market value adjudication of the eminent domain case in an amount exceeding Six Hundred Thousand Dollars, GCA, LP, after accepting payment, continued in pursuit of more money. These actions were driven by two underlying objectives, more money and political motivations to impugn the reputations of Council members and staff.
Allegations of demand for transparency and accountability were merely an attempt to secure additional money and damage reputations. Nothing more, nothing less. Logic would dictate that there was no gain to be derived by the Township, as GCA would have you believe. There was no nefarious conspiracy. The only party who stood to gain in all of these actions was GCA, LP. Inappropriately, GCA, LP has done its worst to impugn the good reputation of individual Council Members and Staff of the Township.

As most residents should be aware at this point, the former GCA, LP property, located at the corner of Duncan Avenue and Route 8, is the initial phase of an acclaimed flood and highway master plan for the area, developed by Hampton engineers in cooperation with state and federal officials, in an effort to mitigate flood damage. The design of the project has been overwhelmingly embraced by Hampton residents, Commonwealth and Federal legislators, federal and state environmental agencies, and surrounding communities, especially those downstream. Using a stream of funding creatively established with various local, county, state, and federal sources, we are happy to say the first phase of the project is well underway. We are hopeful that additional grants and funding will allow the scope of the entire project to be completed over the span of a number of years. Currently, the establishment of the dry basin and highway improvement project is proceeding. The dry basin, which currently has a confluence of waterways bisecting it, will be surrounded by a walking track and encompass green space that will be able to be filled during a flood event. The highway improvement project includes a new expanded culvert replacing the deteriorated and dangerous bridge on Duncan as well as the creation of turning lanes in both directions on Route 8, a turning lane on Duncan, and a park-n-ride south of BP. The installation of the turning lanes on Rt. 8 will substantially improve one of the most dangerous intersections in Hampton. With the continued cooperation of PennDot, we expect the project to be completed in 2015.

While we were confident that the Township would ultimately prevail on the remaining legal action, which was financially motivated and unrelated to the eminent domain case, the projected costs for defense, as litigation dragged on for years, would have cost the taxpayers of Hampton more to defend. We felt that it was unfair to the residents to counter GCA’s charade for years and consequently, settled for a sum that was significantly less than the cost of defense going forward. The settlement puts an end to the public demonstration equivalent to a temper tantrum and allows the Township, Staff, and Council to concentrate on the important continued success of on-going operations of the Township.

ADOPTION OF A RESOLUTION ACKNOWLEDGING A VEHICLE LOAN BY THE NORTH HAMPTON VOLUNTEER FIRE DEPARTMENT

Mr. Lochner reported that this matter has been reviewed by the solicitor’s office and Township staff are recommending approval.

Mr. Montgomery moved for the adoption of Resolution No. 933, acknowledging a vehicle loan by the North Hampton Volunteer Fire Department. Mr. Russ seconded the motion and a roll call vote was unanimously in favor.
ADOPTION OF A RESOLUTION IN CONJUNCTION WITH THE COMMONWEALTH WATERSHED RESTORATION AND PROTECTION PROGRAM GRANT APPLICATION

Mr. Montgomery moved for the adoption of Resolution No. 934 in conjunction with the Commonwealth Watershed Restoration and Protection Program grant application. Mr. Russ seconded the motion and a roll call vote was unanimously in favor.

NORTH HILLS COUNCIL OF GOVERNMENTS MONTHLY REPORT

Mr. Montgomery commented that Consolidated Communications is in the midst of negotiating a new contract for the communications systems in part of Hampton Township. He expressed his hopes that this contract will be structured better than several previous contracts that the Township has had with other similar providers. Mr. Son asked if this contract will be approved for the entire North Hills COG. Mr. Lochner replied that it will, however, each individual municipality will have to approve it on their own. Mr. Montgomery also reported on the ongoing conversations that have taken place regarding the TMDL that the Township is subject to and the five year plan that is currently in place.

WATER AUTHORITY MONTHLY REPORT

A copy of the Water Authority 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 a part of Council’s agenda packet.

CONTROLLER’S/MANAGER’S MONTHLY REPORT

Mr. Lochner reported that the revenue numbers for the collection of Earned Income Taxes have been dragging, however, the numbers for the recreation department have been excellent and are an improvement on the last few years. Mr. Dunlap asked if the decrease in EIT could be related to the third party collector. Mr. Locher remarked that that could be the case and the Township will be reaching out to Keystone Collections to check whether any funds are being held back. Mr. Son suggested that the Township may not have all the final numbers from the April 15th filing deadline, which could affect the current numbers. Several comments were exchanged regarding the Township’s Tax and Revenue Anticipation Note.
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OTHER ADMINISTRATION BUSINESS  

Mr. Lochner updated Council regarding the status of the Lower Allison Park Project. He reported that the Township has run into one minor problem with the relocation of a water line but that should be taken care of within the next couple of weeks. Mr. Son asked if the utility companies have finished moving the poles. Mr. Lochner responded that they have not finished yet but they are getting very close to completion. A short discussion was held regarding the procedure for moving utility lines. Mr. Son stressed the importance of finishing that portion of the project so that the paving can be competed before the paving season ends in November.  

HIRING OF NEW PART-TIME POLICE OFFICER CARLOS JATIVA  

Mr. Son explained that, with the number officers who have recently retired, the Township has the need to fill an open slot on the roster of part-time officers.  

Mr. Russ moved to accept the Captain’s recommendation and hire Carlos Jativa as a new Hampton part-time officer. Mr. Montgomery 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.  

AWARD OF A CONTRACT WITH REGARD TO THE 2015 ROAD RESURFACING PROGRAM  

Mr. Son stated that, as per the memo from Mr. Zarenko dated May 21, 2015, the Township is recommending the award of Contract A to Shields Paving for a total of $358,243.40 and the award of Contract C to Shields Paving for a total of $66,812. Mr. Zarenko recommended that Contracts B and D be rebid since they each only returned one bidder.  

Mr. Montgomery moved for the award of Contract A to Shields Paving for $358,243.40, and the award of Contract C to Shields Paving for $66,812 for the 2015 Road Resurfacing Project as per the memo from Mr. Zarenko dated May 21, 2015 (a copy of which has been included as a part of these minutes). Mr. Dunlap seconded the motion.  

Mr. Son clarified that Council is tabling the award of Contracts B and D to the June meetings so that they can be rebid.  

Following Mr. Son’s comments, a roll call vote was unanimously in favor.
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AUTHORIZATION TO PURSUE THE FORMAT CHANGE FOR THE DAY CARE PROGRAM

Mr. Zarenko explained that this change will take effect on August 1, 2015 and it will entail a voluntary withdrawal of the DPW operating license for three day care centers currently held at the individual elementary schools. The Township will be switching to a non DPW licensed program that will involve bussing the participants to the Community Center after school. Ms. Neugebauer asked how the early dismissals on Fridays will be handled. Mr. Zarenko replied that it will be handled the same way as it is currently set up, with coverage from 1:00 to 6:00 pm.

Mr. Montgomery moved to approve the format change to the Township Day Care Program as stated in the April 14, 2015 memo from Mr. Zarenko. Mr. Dunlap 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 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. Variations to lot bulk and area requirements may be granted by Township Council as a modification and have been proposed by the applicant along with a modification request for cul-de-sac length.

Mr. Son noted that the applicant has granted an extension to the Township to the June meetings.

Mr. Russ moved to table the Hampton Place Final Conservation Subdivision (15-02) to the June 2015 meetings. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.

ALLISON PARK CHURCH SITE PLAN (15-04)

The applicant is proposing to improve and utilize this recently consolidated 37 acre lot, located across the street from its existing Church on Duncan Avenue, to serve as auxiliary satellite parking for its previously approved church property and also as outdoor recreational facilities likewise intended for church sponsored activities.
Mr. Son noted that this applicant has also granted an extension to the Township to the June Council meetings.

Mr. Russ moved to table the Allison Park Church Site Plan (15-04) to the June 2015 Council meetings. Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

CONSIDERATION OF THE POSSIBLE ENACTMENT OF A NEW ZONING ORDINANCE

Mr. Son commented that the Township has spent a significant amount of time on this Zoning Ordinance update and Council is prepared to vote on this item.

Mr. Russ moved for the enactment of Ordinance No. 776 relating to a new Hampton Township Zoning Ordinance. Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

REFERRALS

Mr. Russ moved for the referral of the Conermann Lot Consolidation (15-05) and the Faddish Lot Consolidation (15-06). Mr. Montgomery seconded the motion and a roll call vote was unanimously in favor.

OLD BUSINESS

Mr. Lochner remarked that he and Mr. Orban will be having a meeting with representatives of UPMC with regard to Phase 2 of the Central School development. Mr. Lochner explained that, when the School District relocated Central Elementary School, they sold the property to UPMC who implemented Phase 1 of the redevelopment, which is the current status of the property. UPMC would like to build a medical facility to consolidate all of the UPMC practices in this area into one building. Mr. Lochner stated that UPMC will most likely be coming back before the Township for a Revised Site Plan to begin Phase 2.

NEW BUSINESS

Nothing was brought before Council for discussion.
There being no further items for discussion, Mr. Son adjourned the Regular Meeting at 8:10 pm.

Susan A. Bernet,  
Clerk of Council

Victor D. Son,  
President of Council