

**BOARD OF COMMISSIONERS INFORMATIONAL  
AND GENERAL AFFAIRS MEETING MINUTES**

**JULY 25, 2016**

The Informational and General Affairs Meeting of the Board of Commissioners of the Township of Upper St. Clair, duly advertised and posted in accordance with law, was called to order at approximately 7:30 PM, Monday, July 25, 2016, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: Commissioner Christie                      President  
                 Commissioner Orchowski  
                 Commissioner Paoly  
                 Commissioner Pardini  
                 Commissioner Seitanakis

                 Mark S. Mansfield                      Assistant Township Manager  
                 Mark P. Romito                              Director of Finance  
                 Adam A. Benigni                              Director of Planning & Community Development  
                 Irving S. Firman                              Township Attorney  
                 Ruthann L. Omer, PE                              Township Engineer  
                 Cynthia Kane                                      Recording Secretary

EXCUSED: Commissioner Waller                      Vice President  
                 Commissioner Del Re  
                 Matthew R. Serakowski                      Township Manager

PUBLIC:                      Two persons attended.

**CITIZENS' COMMENTS**

None.

**INFORMATIONAL ITEMS**

**Community Development – Old Business**

Continued Public Hearing Re. PLC16-0004 – Siena at St. Clair – Outdoor Dining Phase I – Conditional Use Approval

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Mr. Benigni stated this hearing was continued from July 5, 2016. The application was filed by 1800 Washington Road Associates, LP, for Conditional Use Approval to allow for approximately 950 square feet of outdoor dining at Whole Foods Grocery located at 111 Siena Drive. Provided no additional testimony is required, staff will recommend that the hearing be closed and action taken. A Bill granting approval will be prepared for consideration by the Board on August 1, 2016.

Continued Public Hearing Re. PLC16-0005 – Siena at St. Clair – Outdoor Dining Phase II – Conditional Use Approval

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Mr. Benigni stated this hearing was continued from July 5, 2016. This application was filed by 1800 Washington Road Associates, LP, for Conditional Use Approval to allow for approximately

1,000 square feet of outdoor dining at The Porch located at 120 Siena Drive and 1,500 square feet of outdoor dining at 100 Siena Drive mixed use office, retail, restaurant at Siena at St. Clair. Provided no additional testimony is required, staff will recommend that the hearing be closed and action taken. A Bill granting approval will be prepared for consideration by the Board on August 1, 2016.

### **Community Development – New Business**

Public Hearing Re. PLC16-1301 – Zoning Map Amendment for Rezoning 1320 Mayview Road from C-1 Neighborhood Commercial District and R-LI Low Intensity Residential District to R-3 Medium Density Residential District

Mr. Benigni stated this is the initial public hearing on an application filed by Laurel Communities, LLC, for the rezoning of 1320 Mayview Road from C-1 Neighborhood Commercial District and R-LI Low Intensity Residential District to R-3 Medium Density Residential District. This application was reviewed by the Planning Commission on April 28, 2016 and was recommended for approval subject to certain conditions. Following the applicant's presentation, staff will recommend the hearing be continued to Tuesday, September 6, 2016 for the purpose of taking staff testimony.

### **Community Development – Other**

None.

### **Other Agenda and Discussion Items**

#### **Discussion Re. Five-Year Capital Improvement Program for 2017-2021**

Mr. Romito announced a public hearing for the Five-Year Capital Improvement Program for 2017-2021 has been scheduled for August 1, 2016. Staff will prepare a Resolution for the Board's approval to adopt the Program at the August 1, 2016 Regular Meeting.

#### **Discussion Re. Approval of Contracts**

- **Perimeter Trail Installation**

Mr. Mansfield stated that on July 19, 2016, three pre-qualified vendors submitted bids for the Perimeter Trail Installation-Boyce Mayview Park. R&B Contracting & Excavating, Inc., West Mifflin, PA, was the best responsible bidder for the following bids for a grant total of \$1,400,714:

Base Bid #1 – Southern Extension Trail	\$ 606,050
Alternate #1 – Reforestation of the Southern Perimeter Trail	\$ 26,000
Alternate #2 – Sign Installation	\$ 3,000
Base Bid #2 – Morton Trail	<u>\$ 794,250</u>
Total of All Bids	\$1,429,300
Less 2% Reduction For Total Award to One Bidder	<u>(\$ 28,586)</u>
Grand Total of Award	<u>\$1,400,714</u>

Mr. Mansfield continued that 2016 funding for the Perimeter Trail Installation-Boyce Mayview Park is allocated in the Boyce Mayview RAD Fund in the amount of \$980,000. The Southern Extension Trail received a Department of Conservation & Natural Resources (DCNR) Grant in the amount of \$250,000 and the Morton Trail received a Department of Community & Economic Development (DCED), Greenways, Trails & Recreation Program (GTRD) Grant in the amount of \$200,000, comprising a total of \$450,000 of this allocation. The remaining funding for this multi-year project

will be provided in a 2017 Boyce Mayview RAD Fund allocation. He also noted the reduction for the total award being to one bidder.

Commissioner Pardini asked if R&B Contracting has previously worked on Township projects and what the pre-qualification process is. He then requested a copy of the questions/requirements for a company to be pre-qualified which will be provided to the entire Board.

Commissioner Paoly requested a sketch of the area in question, which will be provided to the entire Board.

Mr. Romito explained this project is viewed as a multi-year one spread over two years. A greater portion is anticipated being done this year rather than next but that may change a bit.

Commissioner Orchowski questioned the breakdown of the grant funds and tax funds being allocated for the project and asked for clarification.

Discussion ensued among staff and the Commissioners re. the cost.

Commissioners Pardini and Paoly questioned the usage of the trails and whether there is any way to determine that.

Commissioner Seitanakis stated he sees others when walking the trail and thinks it is well used.

Commissioner Christie questioned the maintenance cost of the trails.

Mr. Mansfield answered that the trails have not had to be touched up at all in the 10 years since they were put in. There might be a bid of side damage or minimal sun damage to the asphalt.

Commissioner Christie noted that the trails are clearly a regional asset.

### **Discussion Re. Recognition**

Commissioner Christie announced that at the Regular Meeting on August 1, 2016, Mr. David Corbin will be acknowledged for his attainment of Eagle Scout Rank. (Commissioner Christie will present.)

## **GENERAL AFFAIRS**

Recommendation Re. Authorizing the Filing of an Application for a Multimodal Transportation Fund Grant through the Commonwealth Financing Authority (CFA) for Boyce Road and Boyce Plaza Road Intersection Improvements

Mr. Benigni stated that the Township desires to file a grant application to seek funding for Boyce Road and Boyce Plaza Road Intersection Improvements. The application requires the Township to make an official request to the Commonwealth Financing Authority (CFA) in the amount of \$276,000 and confirm the provision of local matching funds through a Resolution. Approval of Resolution 1622 authorizing the Township Manager as the Designated Official to submit the application is recommended by staff.

MOTION AND VOTE TO APPROVE RESOLUTION NO. 1622 AUTHORIZING THE FILING OF AN APPLICATION FOR A MULTIMODAL TRANSPORTATION FUND GRANT THROUGH THE COMMONWEALTH FINANCING AUTHORITY (CFA) FOR BOYCE ROAD AND BOYCE PLAZA ROAD INTERSECTION

Commissioner Seitanakis moved to approve Resolution No. 1622 authorizing the filing of an application for a Multimodal Transportation Fund Grant through the Commonwealth Financing Authority (CFA) for Boyce Road and Boyce Plaza Road Intersection. This was seconded by Commissioner Paoly and approved by a 4-1 roll call vote, with Commissioner Pardini casting the negative vote.

Review of the Informational and General Affairs Meeting Minutes of May 31, 2016

Commissioner Paoly moved to approve the Informational and General Affairs Meeting Minutes of May 31, 2016. This was seconded by Commissioner Orchowski and approved by a 5-0 voice vote.

Consideration of the July 2016 Bill Sheet

Commissioner Paoly stated the Board has received the July 2016 Bill Sheet. Commissioner Paoly then moved to approve the July 2016 Bill Sheet. This was seconded by Commissioner Seitanakis and approved by a 5-0 voice vote.

Acknowledge Receipt of Financial Statements for the Six-Month Period ending June 30, 2016

Commissioner Paoly acknowledged receipt of the Financial Statements for the Six-Month Period ending June 30, 2016.

Other Business

Mr. Mansfield reported that during the current renovation of the Municipal Building Multi-Purpose Room, pyrite was exposed under the slabs. An emergency purchase was authorized by the Township Manager via a change order.

Mr. Mansfield continued that, coincidentally, the same condition recently occurred on the Bethel Park Community Center renovation. A full geotechnical investigation was performed for that project with Mr. Mark Edelmann negotiating a price of \$365.00cy. Since containment of the pyrite was not in the original bid, it was decided this was a reasonable cost for the work required.

Mr. Mansfield continued that in the Township Code, Chapter 25.7, the authorization of an emergency purchase is addressed, as follows:

*“§ 25.7. Emergency purchases.*

*25.7.1. When emergency circumstances require that a purchase be made within a limited period of time so as to preclude the competitive bidding process, the Township Manager may waive the bid requirement and authorize an emergency purchase. Such emergency purchases shall be limited to situations where:*

*25.7.1.1. Delay in making the purchase would present a threat to the health, safety or welfare of the residents of the township.*

*25.7.1.2. The purchase is required by unforeseen circumstances and delay would seriously hinder the effective delivery of essential township services.”*

Ms. Omer explained that pyrite is not uncommon but once exposed it needs to be sealed quickly due to its expansion qualities.

Commissioner Christie acknowledged that this emergency purchase was reported to the Board of Commissioners.

Commissioner Orchowski stated the Township recently prepared a “Total Maximum Daily Load (TMDL) Narrative and Strategy” for Brush Run as required by the US Environmental Protection Agency, and stated the public should be made aware of the items addressed.

Ms. Omer added that new criteria will be issued on September 1, 2017.

Commissioner Christie asked if the McLaughlin Run Road work is complete as it appears to be, but there are still traffic cones along the route.

Mr. Mansfield will check if any additional work is scheduled.

### **ADJOURNMENT**

Commissioner Paoly moved to adjourn the meeting. This was seconded by Commissioner Pardini and approved by a 5-0 voice vote. The meeting was adjourned at approximately 8:07 PM at which time the Board convened in Executive Session to discuss Legal Matters.

Cynthia Kane  
Recording Secretary

**LITIGATION REPORT - SUMMARY**  
**TOWNSHIP OF UPPER ST. CLAIR**  
**July 22, 2016**

**I. CASES WHERE TOWNSHIP IS PLAINTIFF**

- A. Township of Upper St. Clair v. Carol Ann Caporali - (No. CV-221-2014) (Magistrate Arnoni).
- B. Township of Upper St. Clair v. H. Samuel Price and Kris Price - (No CV- 038-2016) (Magistrate Arnoni).

**II. CASES WHERE TOWNSHIP IS DEFENDANT NOT DEFENDED BY INSURANCE CARRIER**

- A. Athan Chaliotis and Rita Chaliotis vs. Township of Upper St. Clair, No. GD 12-6782 (Allegheny County).
- Nasoco LLC vs. Township of Upper St. Clair, No. AR-13-2516 (Allegheny County).

**III. CASES WHERE UPPER ST. CLAIR IS DEFENDANT AND INSURANCE COMPANY IS DEFENDING**

- A. Waldron v. Upper St. Clair Township, GD 14-7316.
- B. Folino v. West Penn Power and Upper St. Clair Township, GD 15-11969

**IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS**

- A. Gary and Tywanta Walton - 10-27461
- B. John and Tracy Pancari - 12-20169
- C. Andrew and Diana James - 11-27696
- D. David A. Mackowick - 12-26163
- E. George and Melissa Drews -13-23545
- F. Marc Wolkoff - 13-21084
- G. Meghan E. Webb - 13-22643
- H. Lance and Susan Falce - 13-23468
- I. Norman and Barbara Swiech - 13-24404

- J. David and Mary Conn - 14-22699
- K. Florence I. Underhill - 14-23547
- L. Brad and Patricia Gilles - 14-23596
- M. Raymond and Michele Champagne - 14-23668
- N. Vincent Kelly - 15-20009
- O. Karen Demma - 08-23546
- P. Andrew and Marcella Lantzman - 15-21857
- Q. Robert and Adriene Bruno - 15-22160
- R. Linda K. Rutter - 15-24427

**V. LAND USE**

**VI. OTHER LEGAL MATTERS**