

# **BOARD OF COMMISSIONERS MEETING MINUTES**

**July 5, 2016**

The regular meeting and public hearings 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 7:30 PM on Tuesday, July 5, 2016 in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241. The Pledge of Allegiance was recited by all present.

PRESENT: Commissioner Christie                      President  
                  Commissioner Waller                      Vice President  
                  Commissioner Del Re  
                  Commissioner Orchowski  
                  Commissioner Paoly  
                  Commissioner Pardini  
                  Commissioner Seitanakis

                  Matthew R. Serakowski                      Township Manager  
                  Mark S. Mansfield                              Assistant Township Manager  
                  Mark P. Romito                                      Director of Finance  
                  Adam A. Benigni                                      Director of Community Development  
                  Irving S. Firman                                      Township Attorney  
                  Ruthann L. Omer, P. E.                              Township Engineer  
                  Diana Pifer    Recording Secretary  
                  Shauna L. Haley                                      Court Reporter, Pittsburgh Reporting Service

EXCUSED: Katie Stringent                              Planning & Zoning Coordinator

PUBLIC:                      Approximately 62 people attended

Commissioner Christie announced the following:

- The June 27, 2016 Informational and General Affairs Meeting of the Board of Commissioners was cancelled last week due to the lack of a quorum.
- There was a Budget & Finance Committee Meeting of the Board prior to this evening's meeting and Commissioner Paoly will provide a status report later in this meeting.
- The Board will conduct an Executive Session following this evening's meeting to discuss Legal and Personnel Matters.

Commissioner Christie also complimented Staff on the very successful Fourth of July fireworks display last evening.

## **RECOGNITIONS**

Commissioner Christie presented Proclamations to Matthew Burton, Benjamin Diffendal and Jack Ryan Johnston for attaining the rank of Eagle Scout. Each Eagle Scout gave a description of their service project and the Board commended them for their accomplishments.

## **REVIEW OF BOARD OF COMMISSIONERS REGULAR MEETING MINUTES OF JUNE 6, 2016**

Commissioner Waller moved to approve the Regular Meeting Minutes of June 6, 2016. This was seconded by Commissioner Orchowski and carried with a 6-0-1 voice vote. Commissioner Del Re abstained from voting as he was not present at the June 6, 2016 Board of Commissioners' Regular Meeting.

**PUBLIC COMMENTS**

There were no Public Comments.

**OLD BUSINESS****CONTINUED PUBLIC HEARING RE. PLC16-0002 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – TENTATIVE APPROVAL**

Mr. Benigni stated that this is the continued public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. He reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibit #17 and Applicant Exhibit #28 into the record. He stated that the proposed project will include a 144-unit apartment complex located at 1500 McLaughlin Run Road. He added that the total area of the development is 20.58 acres. Mr. Benigni stated that the property is located in two (2) zoning districts - R-4, Low-Rise Multifamily Residential District and RM, Restricted Light Industrial District. He added that approximately 17.94 acres of the 20.58-acre property is zoned R-4 and the remaining 2.64 acres is zoned RM. He added additional comments regarding the reasons this multifamily development meets one of the objectives of the Township's recently adopted Comprehensive Plan and how the property is designated as a potential mixed-use site on the Future Land Use and Housing Plan. Mr. Benigni also provided comments regarding this project having a residential density of 8.02 units per acre which complies with planned residential developments being permitted to have a residential density of up to ten (10) units per acre, the parking space requirement, and the proposed landscaping.

Mr. Benigni reviewed the following three (3) modifications requested by the developer:

1. To allow for the construction of a sidewalk on one side of the street on Lexington Court.
2. To allow construction and development on slopes greater than 40 percent.
3. To allow four (4) of the eight (8) residential buildings to have a maximum height of four (4) stories or forty-eight (48) feet in height.

Mr. Benigni stated that provided no additional testimony is needed, Staff recommends that the public hearing be closed and the the Board grant tentative approval to the Tuscany Pointe – Planned Residential Deveopment.

Mr. Eric Smith, Eric Smith Associates, P.C. Architecture and Planning, stated that he represents Jeffrey and Patricia Thomas. He indicated that Ms. Kim Gales-Dunn, Engineer for the applicant, J. R. Gales Associates, Inc. and Mr. Ralph Artuso, P.E., Vice President of Construction Engineering Consultants, Inc., were also present this evening to answer questions. Mr. Smith presented a PowerPoint presentation and reviewed the site plan which consists of six (6) apartment buildings, garages, a clubhouse, an amenity building and a recreation area. He also provided comments regarding the size of the apartment buildings, the perimeter buffer and landscaping, the bridge crossing, the access road, the parking spaces, the garages built below grade level and the benefits of having parking under the buildings, and the change in location of the pool, garbage dumpsters and the maintenance building.

Mr. Smith answered several questions from the Board regarding the elevations of the buildings, the height of the underground parking area and ceilings in the structures, the landscaping, and the apartments being a mix of two (2) bedroom and three (3) bedroom units.

Mr. Benigni answered questions from the Board regarding the 5-foot sidewalk, the safety concerns with the bridge and the single ingress and egress, the maintenance of the bridge which will be private, and the amount that the applicant will pay for the sidewalk modification.

Ms. Gales-Dunn addressed the required landscaping buffer for this development and provided comments regarding the proposed bridge which has been approved by the DEP and the storm water controls for this site.

Ms. Ruthann Omer provided additional comments regarding the elevation of the bridge.

Mr. Artuso answered a question from Commissioner Pardini regarding the distance from the bottom of the proposed apartment buildings to the roof of the mine below the development.

Mr. Jeffrey G. Wilhelm, Reed Smith, representing Dmitri and Ann Shiry, 1309 Wellington Drive, asked Mr. Benigni for clarification regarding the Township's R-4 and R-5 Zoning Districts and asked Mr. Artuso a question regarding the distance from the bottom of the proposed apartment buildings to the roof of the mine below the development. Mr. Wilhelm then presented a PowerPoint presentation and reviewed the concerns that his clients have regarding this planned development. (Mr. Wilhelm gave each Board member a copy of his presentation and entered eight (8) Exhibits into the record.)

Mr. Dmitri Shiry, 1309 Wellington Drive, provided comments regarding the reasons he and his wife moved into the Township and stated that their property is directly adjacent to the property that is being considered for development. He explained in detail their concerns with regard to the modification requested for the buildings to have a maximum height of forty-eight (48) feet, how the large movement of soil for the development will affect their property, the possibility of mine subsidence, the noise from the recreation area, and how their privacy will be affected. Mr. Shiry stated that he would like to share an article with the Board dated May 13, 2016 that appeared in the *Pittsburgh Business Times* regarding a shift away from apartment living to single family housing in non-urban areas. (Mr. Wilhelm stated that he would like to enter this article into the record as Exhibit #9.) Mr. Shiry provided additional comments regarding other documentation he has read to support the shift away from apartment living and how he is concerned that this could present a risk of the property being cleared out, a partial complex being built, or another developer coming in should the market conditions not support the completion of the project. He stated that he and his wife simply want the Board to enforce the Code that has been enacted.

Mr. Wilhelm reviewed the following conditions that his clients would like to present for consideration by the Board:

1. Compliance with Code §130.11.4.1.6.2 which limits multi-family dwellings to three (3) stories which may not exceed thirty-five (35) feet.
2. A prohibition on access to and from Block & Lot 321-C-50.
3. A six-foot privacy fence between the development and the homes on Wellington Drive and Windsor Court.

4. Increased placement of “evergreen buffer trees” between the development and the homes on Wellington Drive and Windsor Court.
5. Staking of buffer yard to ensure full buffer yard is provided
6. Specific hours to perform maintenance (6:00 a.m. to 11:00 p.m. snow removal and 9:00 a.m. to 7:00 p.m. all other outdoor maintenance).
7. Specific hours for party room/outdoor entertainment/pool as well as the operation of bar (11:00 a.m. to 8:00 p.m. on Monday through Friday, 10:00 a.m. to 10:00 p.m. on Saturday, noon to 7:00 p.m. on Sunday).
8. Developer to provide a photometric study showing that there will be zero-foot candle at the property lines of Windsor Court, Wellington Drive, and Deep Wood Drive.
9. All lighting to be downward facing and shielded.
10. No unattended pets and all dogs on leashes.

Mr. Wilhelm provided additional comments regarding the use of the maintenance office that is proposed for the development.

Mr. Jesse Thomas stated that the use of the maintenance office will only be for the rental of the on-site units and there will be no other real estate or construction offices operating from this location. Mr. Thomas stated that he will be the property maintenance manager as well.

Discussion ensued among the Board, Mr. Serakowski, Mr. Firman, and Mr. Benigni regarding the conditions that were presented by Mr. Wilhelm for his clients.

Ms. Kathryn Schwaba, 1305 Wellington Drive, asked if the Township has ever granted a modification to build on a slope of greater than 40% or ever approved buildings in an R-4 District over 35 feet. She also asked for clarification regarding the height of the buildings as she believes that they will be in excess of forty-eight (48) feet and also if there were any other privately owned bridges in the Township. Ms. Schwaba expressed her concerns with the bridge being the only access point to the development and stated the reasons why she lacked confidence in the engineer’s and architect’s presentations. She stated that if this project is going to proceed it should be completed in accordance with the Township’s Code with an emphasis on security and safety.

Commissioner Christie asked Mr. Benigni to follow-up with Ms. Schwaba.

Mr. Michael Platto, 1509 Windsor Court, expressed his concern regarding the building height modification and his hope that the applicant’s presentation would have included a 3-D representation of the building and landscaping. He also would like to know if a price point has been determined for the apartments. Mr. Platto also expressed his concerns regarding erosion of his property from the trees that will be removed to build this development.

Ms. Mary Gilleland, 1421 Deep Wood Drive, explained the reasons why she questions the need for another apartment complex in the Township. She stated that she agrees with the concerns expressed this evening and provided additional comments regarding her concern with the direction the applicant is taking due the changes that have been made in their presentations with regard to the number of apartments and the height of the buildings.

Mr. William Gilleland, 1421 Deep Wood Drive, stated that homes on Deep Wood Drive were built by Jeff Thomas and are well constructed homes; however, Mr. Thomas knows that they were built on fill. Mr. Gilleland asked if the developer is going to indemnify the residents of

Deep Wood Drive against any structural damage that would occur to their foundations as a result of the construction of this new development. He provided additional comments regarding some of his neighbors who have already had cracking and structural damage to their basements.

Mr. Artuso provided answers to several of the resident's questions. He also addressed the conditions presented by Mr. Wilhelm on behalf Mr. & Mrs. Shiry and stated that these conditions will need to be reviewed with Township Staff.

Discussion ensued among the Board and Mr. Firman regarding the conditions that were presented by Mr. Wilhelm and a recess was requested by the applicant.

#### **MOTION AND VOTE TO RECESS FROM THE CONTINUED PUBLIC HEARING**

Commissioner Seitanakis moved to recess from the continued public hearing Re. PLC16-002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. This was seconded by Commissioner Del Re and carried with a 7-0 voice vote.

#### **NEW BUSINESS**

#### **PUBLIC HEARING RE. PLC16-0004 – SIENA AT ST. CLAIR – OUTDOOR DINING PHASE I – CONDITIONAL USE APPROVAL**

Mr. Benigni stated that this is the public hearing Re. PLC16-0004 – Siena at St. Clair – Outdoor Dining – Phase I – Conditional Use Approval to allow 950 square feet of outdoor dining at the Whole Foods Grocery located at 111 Siena Drive. He reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 - #13 and Applicant Exhibits #1 - #15 into the record.

Mr. Gerald Cipriani presented a PowerPoint presentation and explained that the applicant is requesting Conditional Use Approval for Outdoor Dining at Whole Foods Grocery at 111 Siena Drive. He reviewed the proposed 950 square foot outdoor dining area and parking areas.

Mr. Cipriani answered several questions from the Board.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

#### **MOTION AND VOTE TO CONTINUE PUBLIC HEARING**

Commissioner Del Re moved to continue the public hearing Re. PLC16-0004 – Siena at St. Clair – Outdoor Dining – Phase I – Conditional Use Approval to the Regular Board Meeting of Monday, August 1, 2016. This was seconded by Commissioner Seitanakis and carried with a 7-0 voice vote.

#### **PUBLIC HEARING RE. PLC16-0005 – SIENA AT ST. CLAIR – OUTDOOR DINING PHASE II – CONDITIONAL USE APPROVAL**

Mr. Benigni stated that this is the public hearing Re. PLC16-0005– Siena at St. Clair – Outdoor Dining – Phase II – Conditional Use Approval. He added that this was for approval for approximately 1,000 square feet of outdoor dining at The Porch restaurant located at 120 Siena

Drive and 1,500 square feet of outdoor dining at 100 Siena Drive for mixed use office, retail, restaurant at Siena at St. Clair. He reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Gerald Cipriani presented a PowerPoint presentation and explained that the applicant is requesting Conditional Use Approval for approximately 1,000 square feet of outdoor dining at The Porch restaurant located at 120 Siena Drive and 1,500 square feet of outdoor dining at 100 Siena Drive for mixed use office, retail, restaurant at Siena at St. Clair. He also reviewed the parking areas.

Mr. Benigni entered Township Exhibits #1 - #10 and Applicant Exhibits #1 - #9 into the record. He also clarified for the Board that these two outdoor dining areas are on one parcel.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

#### **MOTION AND VOTE TO CONTINUE PUBLIC HEARING**

Commissioner Orchowski moved to continue the public hearing Re. PLC16-0005– Siena at St. Clair – Outdoor Dining – Phase II – Conditional Use Approval to the Regular Board Meeting of Monday, August 1, 2016. This was seconded by Commissioner Waller and carried with a 7-0 voice vote.

At this point, the meeting was reconvened to the continued public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval.

#### **MOTION AND VOTE TO RECONVENE THE CONTINUED PUBLIC HEARING RE. PLC16-0002 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – TENTATIVE APPROVAL**

Commissioner Del moved for the Board to reconvene the continued public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. This was seconded by Commissioner Seitanakis and carried with a 7-0 voice vote.

Mr. Smith reviewed the conditions that were recommended by Mr. Wilhelm’s clients and he explained why the applicant was unable to comply with numbers 1, 2, 3 and 10. He further explained the following conditions that the applicant has agreed to comply with:

4. The applicant shall increase the placement of evergreen buffer trees between the development and the homes on Wellington Drive and Windsor Court.
5. The applicant shall stake the buffer yard to ensure that the full buffer yard is provided.
6. The specific hours to perform ordinary outdoor maintenance shall be limited to the hours of 7:00 a.m. to 7:00 p.m. in accordance with Township Code. There is no limitation on the hours to perform snow removal.
7. The specific hours of operation of the party room, outdoor entertainment, pool and the outdoor bar area shall be limited to the hours of 9:00 a.m. to 8:00 p.m. Sunday through Thursday and the hours of 9:00 a.m. to 10:00 p.m. Friday and Saturday.
8. The applicant shall provide a photometric study with the application for final approval in accordance with the requirements found in Chapter 99 (“Public and Private Improvements”) of the Township Code. The photometric study must show that the site

lighting will not exceed zero foot candles at the property lines of Windsor Court, Wellington Drive and Deep Wood Drive.

9. All site lighting shall be downward-facing and shielded.

Discussion ensued among the Board, Mr. Smith and Ms. Gales-Dunn regarding the above conditions.

Commissioner Christie asked if there were any comments from the Board or the public and there were none.

#### **MOTION AND VOTE TO CLOSE PUBLIC HEARING**

Commissioner Seitanakis moved to close the public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. This was seconded by Commissioner Del Re and carried with a 7-0 voice vote.

In response to the Board's request, Mr. Firman provided comments regarding the Board's authority to accept or decline the conditions which have been agreed to by the applicant. He repeated the above listed conditions and stated that the condition "that the office use in the clubhouse shall be limited to on-site leasing and maintenance" should also be included for consideration by the Board.

Discussion ensued among the Board.

#### **MOTION AND VOTE TO RECESS FROM THE CONTINUED PUBLIC HEARING**

Commissioner Pardini moved for the Board to recess from the continued public hearing Re: PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. This was seconded by Commissioner Seitanakis and carried with a 6-1 voice vote. Commissioner Del Re cast the negative vote.

The meeting was then reconvened to the continued public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval.

#### **MOTION AND VOTE TO RECONVENE THE CONTINUED PUBLIC HEARING RE. PLC16-0002 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – TENTATIVE APPROVAL**

Commissioner Orchowski moved to reconvene the continued public hearing Re. PLC16-0002 – Tuscany Pointe – Planned Residential Development – Tentative Approval. This was seconded by Commissioner Seitanakis and carried with a 7-0 voice vote.

Discussion ensued among the Board.

#### **MOTION AND VOTE TO ADOPT DECISION NO. USC-PRD 1-2016**

Commissioner Seitanakis moved to adopt Decision No. USC-PRD 1-2016 with the three modifications and the additional conditions as outlined above. This was seconded by Commissioner Orchowski and carried with a 5-2 roll call vote. Commissioners Paoly and Pardini cast the negative votes.

In response to Commissioner Pardini's request, Mr. Jeffrey Thomas stated that he could not confirm the monthly rental amounts for the units at this time; however, he is estimating that the two (2) bedroom units will be approximately \$1,800 and the three (3) bedroom units will be

approximately \$2,200.

**RECOMMENDATION RE. ADOPTION OF RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT (PLANNING MODULE) FOR PLC16-0002 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – TENTATIVE APPROVAL**

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Mr. Benigni stated that at its regular meeting on March 17, 2016, the Planning Commission recommended approval by the Board of the Tuscany Pointe site plan which includes the construction of 144 apartment units, garages, a clubhouse, an amenity building, and a recreation area. The Pennsylvania Department of Environmental Protection requires Planning Module Approval for land developments in the ALCOSAN Service Area that create additional waste water. The Planning Module for this project has been reviewed by the Township Engineer and has been found to be in good order. He added that staff recommends adoption of Resolution No. 1618 approving the planning module which may be accomplished by a motion and roll call vote.

Commissioner Christie asked if there were any comments from the Board or the public and there were none.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1618**

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Commissioner Waller moved to adopt Resolution No. 1618 to authorize adopting and submitting to the Pennsylvania Department of Environmental Protection a planning module for land development for Tuscany Pointe as a revision to the Official Sewage Facilities Plan. This was seconded by Commissioner Orchowski and carried with a 7-0 roll call vote.

**RECOMMENDATION RE. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE ALLEGHENY COUNTY CONSERVATION DISTRICT AND THE TOWNSHIP OF UPPER ST. CLAIR RE. CONSERVATION DISTRICT REVIEW AND INSPECTION PROCESSES**

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Mr. Benigni stated that the Allegheny County Conservation District (ACCD) recently released an updated MOU intended for municipalities to sign in order for the ACCD to continue to review and approve Erosion and Sediment Plans and provide inspection of construction activities within the Township. The ACCD currently performs these duties on behalf of the Township. The MOU is intended only to update and memorialize the existing arrangement. The execution of this MOU is also a requirement of the Township's Municipal Separate Storm Sewer System (MS4) Permit. Mr. Benigni stated that staff recommends adoption of Resolution No. 1619 establishing the roles of the respective parties and designating the Township Manager as the Authorized Agent to execute the MOU. He stated that this may be accomplished by a motion and roll call vote.

In response to Commissioner Orchowski, Ms. Omer provided additional comments regarding the MOU.

Commissioner Christie asked if there were any comments from the Board or the public and there were none.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1619**

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Commissioner Orchowski moved to adopt Resolution No. 1619 approving a Memorandum of Understanding (MOU) with the Allegheny County Conservation District to establish the roles of the respective parties and designating the Township Manager as the authorized agent to execute the MOU. This was seconded by

Commissioner Seitanakis and carried with a 7-0 roll call vote.

**RECOMMENDATION RE. ADOPTION OF RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT (PLANNING MODULE) FOR FAIR ACRES PLANNING RESIDENTIAL DEVELOPMENT PARCEL "A" SITUATED IN THE MUNICIPALITY OF BETHEL PARK**

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Mr. Benigni stated that Mr. William McCloskey is proposing to subdivide Parcel "A" located within the Fair Acres Planned Residential Development situated within the Municipality of Bethel Park at 700 McMurray Road. The plan is comprised of constructing two (2) new single family homes following a subdivision of 3.82 acres. The DEP is requesting that the Township sign off on the planning module as the development will convey flow through the Township via the Brush Run Pump Station where it ultimately ties into ALCOSAN's Chartiers Creek Interceptor. The Planning Module for this project has been reviewed by the Township Engineer and has been found to be in good order. Mr. Benigni stated that staff recommends adoption of Resolution No. 1620 approving the planning module which may be accomplished by a motion and roll call vote.

Mr. Serakowski answered a question from Commissioner Del Re regarding this planning module.

Commissioner Christie asked if there were any additional comments from the Board or the public and there were none.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1620**

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Commissioner Orchowski moved to adopt Resolution No. 1620 to authorize adopting and submitting to the Pennsylvania Department of Environmental Protection a Planning Module for land development for Fair Acres Planned Residential Development Parcel "A" situated in the Municipality of Bethel Park as a revision to the Official Sewage Facilities Plan. This was seconded by Commissioner Paoly and carried with a 7-0 roll call vote.

**RECOMMENDATION RE. APPROVAL OF THE APPLICATION FOR TRAFFIC SIGNAL APPROVAL FOR THE PROPOSED SIGNAL AT BOYCE ROAD AND BOYCE PLAZA ROAD**

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Mr. Benigni stated that as a result of the Torrente at Upper St. Clair apartment development on Boyce Plaza Road a traffic signal and turn lanes are warranted at the intersection of Boyce Road and Boyce Plaza Road. Prior to the installation of the signal the Township must apply to the Commonwealth of Pennsylvania Department of Transportation for approval and authorize a Designated Official to execute the application. Mr. Benigni stated that staff recommends adoption of Resolution No. 1621 authorizing the Township Manager to be the Designated Official to submit the application to the Commonwealth of Pennsylvania Department of Transportation on behalf of the Township which may be accomplished by a motion and roll call vote.

Mr. Benigni answered several questions from Commissioner Del Re.

Commissioner Christie asked if there were any comments from the Board or the public and there were none.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1621**

Commissioner Seitanakis moved to adopt Resolution No. 1621 authorizing the Township Manager, as the Designated Official, to submit the application for traffic signal approval to the Commonwealth of Pennsylvania Department of Transportation for the traffic signal at the intersection of Boyce Road and Boyce Plaza Road. This was seconded by Commissioner Waller and carried with a 6-1 roll call vote. Commissioner Pardini cast the negative vote.

**RECOMMENDATION RE. APPROVAL OF CONTRACTS**

Mr. Mansfield stated that Township Staff is recommending approval of the following contracts:

AmbCoach, Inc. Indiana, PA	Ambulance Billing Services (Tri-Community South EMS)	
	• Rate per Billable Ambulance Trip	\$ 17.05
	• Rate per Billable Ambulance Trip for Retention of Current Employee	\$ 2.88
Kaza Fire Equipment, LLC Ebensburg, PA	2017 Rosenbauer Commander 4000 Chassis Pumper Fire Truck (Fire Department)	\$680,914
W. G. Tomko, Inc. Finleyville, PA	Gas Service Line Replacement – Municipal Tennis Courts	\$ 95,675

Mr. Steve Moore, Fire Chief, Upper St. Clair Volunteer Fire Department, provided comments regarding the extensive research that was conducted by the Fire Department to make the recommendation for the purchase of the 2017 Pumper Fire Truck.

Commissioner Del Re thanked Mr. Moore and the volunteers of the Upper St. Clair Volunteer Fire Department for all that they do for the Township.

**MOTION AND VOTE TO APPROVE THE ABOVE CONTRACTS**

Commissioner Orchowski moved to approve the above contracts. This was seconded by Commissioner Paoly and carried with a 7-0 voice vote.

**STATUS REPORT RE. BUDGET & FINANCE COMMITTEE OF THE BOARD MEETING OF JULY 5, 2016**

Commissioner Paoly provided a status report regarding the Budget & Finance Committee of the Board Meeting which was held earlier this evening. He stated that the Board reviewed May 2016 Financial Statements and the draft for the 2017-2021 Capital Improvement Plan. He also stated that the 2015 Comprehensive Annual Financial Report was distributed to the Board and is available on the Township's website and in the Library.

**CONSIDERATION OF THE JUNE 2016 BILL SHEET**

Commissioner Paoly stated the Board received the June 2016 Bill Sheet electronically. Commissioner Waller moved to approve the June 2016 Bill Sheet. This was seconded by Commissioner Pardini and approved by a 7-0 voice vote.

**ACKNOWLEDGE RECEIPT OF FINANCIAL STATEMENTS FOR THE FIVE-MONTH PERIOD ENDING MAY 31, 2016**

Commissioner Paoly acknowledged receipt of the Financial Statements for the Five-Month Period ending May 31, 2016.

**OTHER BUSINESS**

Commissioner Orchowski provided comments regarding the Fourth of July fireworks display and thanked Mr. Serakowski for his efforts in the planning of this event.

Following a motion for adjournment by Commissioner Waller and a second by Commissioner Pardini, which carried with a 7-0 voice vote, the meeting was adjourned at approximately 10:40 PM.

Diana Pifer  
Recording Secretary  
July 2016

**LITIGATION REPORT - SUMMARY  
TOWNSHIP OF UPPER ST. CLAIR  
June 30, 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. George and Marion Bayer - (No. CV-108-2014) (Magistrate Arnoni).
- C. Township of Upper St. Clair v. Patricia Nichols - (No CV-194-2015) (Magistrate Arnoni).
- D. 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

A. BR Associates v. Board of Commissioners of the Township of Upper St. Clair, SA 14-001119.

VI. OTHER LEGAL MATTERS