BOARD OF COMMISSIONERS MEETING MINUTES

August 5, 2019

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 Monday, August 5, 2019 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.

Commissioner Christie President
Commissioner Seitanakis Vice President
Commissioner Logan
Commissioner Orchowski
Commissioner Paoly
Commissioner Pardini
Commissioner Waller

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
Jennifer J. Slagle, P. E. Township Engineer
Prudence Cooper Recording Secretary
Lance Hannaford Network Deposition Services

PUBLIC: Approximately 41 people attended.

REVIEW OF BOARD OF COMMISSIONERS’ REGULAR MEETING MINUTES OF JULY 1, 2019
Commissioner Orchowski moved to approve the meeting minutes of July 1, 2019. This was seconded by Commissioner Paoly and carried with a 4-0-3 voice vote. Commissioners Seitanakis, Logan, and Waller abstained as they were not present at the July 1, 2019 Board of Commissioners meeting.

PUBLIC COMMENTS

Mr. Wayne Harrod, 89 Long Drive, expressed concerns regarding the condition of the back of the CVS store property located near his property that is overgrown with high weeds and dead trees along the retaining wall and inside the retention pond. Mr. Harrod claims that CVS has violated the original landscaping plan to the property considering the back hill has not been properly maintained in two (2) years. He referred to the photographs he provided to the Board and Township staff last week. Mr. Harrod opined that CVS is in violation of federal, state, county and Township codes and that surrounding property values have dropped 10%. Since it may take years to resolve these issues through the court systems, Mr. Harrod is suggesting that the Township, in addition to issuing Notices of Violation, rescind the CVS store’s Occupancy Permit until the landscaping is properly maintained.

Mr. Benigni stated that a Notice of Violation has been issued to the property owner and CVS after meeting with the store manager several times and speaking with a regional manager, who assured that
the front and back of the property would be cleaned up. Mr. Benigni stated that the Township solicitor would need to be consulted before rescinding the Occupancy Permit as he is unsure of the legal ramifications.

Discussion ensued between Mr. Benigni and the Board on the current status of this matter, the next steps to be taken by the Township, and the timing of the matter going before the Magistrate.

Commissioner Christie thanked Mr. Harrod for continuing to keep the Board up-to-date on the status of the condition of the CVS property. Commissioner Logan, as a resident of the same neighborhood, expressed her appreciation for Mr. Harrod’s diligence and agreed that the property is in poor condition.

OLD BUSINESS

None.

NEW BUSINESS

PUBLIC HEARING RE. PLC19-0003 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Commissioner Christie stated that this is the Public Hearing regarding PLC19-0003 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval.

Mr. Benigni reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 through #28, Applicant Exhibits #1 through #29, County Exhibit #1 and Citizens’ Exhibits #1 and #2 into the record. Mr. Benigni stated that the Applicant has requested this matter be tabled to the next Board of Commissioners’ Regular meeting on September 3, 2019, which can be accomplished by a simple motion and voice vote.

The applicant did not wish to add further comment regarding the tabling of this matter.

Commissioner Logan recused herself from this application due to a business conflict.

In response to Commissioner Orchowski’s question, Mr. Benigni confirmed that an alternate plan to this development is not currently before the Planning Commission. Mr. Firman stated that due to the recommendation from the Planning Commission and engineering plans that need to be finalized, Township staff is recommending that this application be tabled.

Applicant, Mr. Jesse Thomas, 1181 Turnberry Drive, confirmed the request that this matter be tabled and that he intends to proceed with the plans for the application under this Public Hearing.

Mr. Jeff Wilhelm, attorney with Reed Smith, 225 5th Avenue, Pittsburgh, PA, representing Ann and Dimitri Shiry, 1309 Wellington Drive, stated that he intends to make a case, intends to conduct cross examinations as is their right under the Municipalities Planning Code (MPC) and reserves the right to do so after the applicant makes their case.
Mr. Firman confirmed for Commissioner Orchowski that Mr. Wilhelm was not waiving his right to present his case in opposition and that Mr. Wilhelm would proceed with his case after the applicant’s testimony which is in line with the Township’s process in this matter.

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

**MOTION AND VOTE TO TABLE THE PUBLIC HEARING RE. PLC19-0003 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL**

Commissioner Seitakis moved to table the public hearing Re. PLC19-0003 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval to the Board of Commissioners’ Regular meeting of September 3, 2019. This was seconded by Commissioner Paoly and carried with a 7-0 voice vote.

**PUBLIC HEARING RE. PLC19-0005 – ST. CLAIR COUNTRY CLUB – UNIFIED CONDITIONAL USE / PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL**

Commissioner Christie stated that this is the Public Hearing regarding PLC19-0005 – St. Clair Country Club – Unified Conditional Use / Preliminary and Final Land Development Approval.

Mr. Benigni reviewed the recommended public hearing procedures.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 through #17, and Applicant Exhibits #1 through #17 into the record.

Mr. Kevin Hayes, Principal with Hayes Design Group Architects, stated his firm is the architect for this project and is representing St. Clair Country Club this evening. He introduced Mr. Dave Hardwick, member of St. Clair Country Club’s Board of Governors.

Mr. Hayes provided a presentation on the overhead projector of the proposed renovation and expansion of St. Clair Country Club’s swimming pool facilities. Mr. Hayes explained that they are maintaining existing pool facilities, including the locker rooms and pool filter house. The addition will include a covered outdoor seating area, along with an indoor, three-season grill area and full-service kitchen, an outdoor patio with pergola, and the existing lawn area will almost double in size. In order to accomplish this addition, a double retaining wall each at a height of 5½ feet will be installed separated by landscaping. The locker rooms will be improved to make them handicap accessible, but the storage and filter rooms will remain unchanged. The addition that faces the golf course will have many windows and will have a green metal roof that will match the existing clubhouse and a brick and synthetic stucco exterior.

In response to Commissioner Orchowski’s question, Mr. Hayes stated that they are asking for one (1) modification to the width between the two (2) retaining walls. Township Code dictates that the width between the walls be equal to the height of the walls and Mr. Hayes is requesting the width between the 5½ foot walls be 4 feet. Mr. Hayes confirmed that their post construction stormwater plan does comply with the Township’s new stormwater ordinance and explained how the renovation plan will not increase the amount of stormwater leaving the property.
Mr. Benigni confirmed for Commissioner Orchowski that the only required modification is for the width between the two (2) retaining walls. Mr. Hayes confirmed that each of the walls are considered on their own and are under the maximum height of six (6) feet which meets Township Code.

Ms. Maria Simbra, 2276 Glendale Drive, was sworn in by Commissioner Christie. Ms. Simbra expressed her concern of the danger to public safety from the many golf balls that have come across Old Washington Road onto her property since the Township approved moving St. Clair Country Club’s driving range. She has had several meetings with the country club, but the problem persists. Ms. Simbra is concerned that there may be unforeseen consequences of the proposed renovations of the country club such as additional golf balls coming onto neighboring properties. Ms. Simbra submitted six (6) poster-sized photographs of the collection of golf balls that have come onto her property in the last few years which will be entered as exhibits to this application.

Mr. John Gentry, 2315 Old Washington Road, was sworn in by Commissioner Christie. Mr. Gentry questioned what the expanded capacity will be for this development and whether a traffic study will be conducted to determine the impact on the roads from the added development. Mr. Gentry stated that there currently is a traffic and speeding problem on Old Washington Road from the country club.

In response, Mr. Benigni stated that he will provide Mr. Gentry with the traffic calming process for Old Washington Road. Mr. Hayes added that the country club does not anticipate an increase in membership with this development and that it is intended to serve the current membership.

Commissioner Orchowski confirmed for Ms. Simbra that this is the first time that this development is before the Board and that a decision will not be made tonight. He asked Mr. Dave Hardwick, St. Clair Country Club Board of Governors, to address the golf ball situation for the Board.

Mr. Dave Hardwick, 2509 Heartwood Drive, was sworn in by Commissioner Christie. Mr. Hardwick stated that the country club is aware of the golf ball issue and confirmed that there have been a couple of meetings with the residents of Old Washington Road. The problem has been addressed with the golf course architect and monitors have been placed to look at the golf ball trajectory from the driving range. Feedback from the architect has been requested regarding installing netting at the driving range. Mr. Hardwick added that the country club takes this issue very seriously as they do not want anyone injured. Mr. Hayes added that the current plans for the pool have no impact on the existing golf course.

Mr. Tom Siroka, 1441 Deepwood Drive, was sworn in by Commissioner Christie. As a member of St. Clair Country Club, Mr. Siroka wanted to testify that the country club is aware of problem with the golf balls from the driving range. He stated that the club employs a full-time person at the driving range to direct people where to hit the golf ball and to watch the area to try to eliminate golf balls being hit in the wrong direction.

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

**MOTION AND VOTE TO CONTINUE THE PUBLIC HEARING RE. PLC19-0005 – ST. CLAIR COUNTRY CLUB – UNIFIED CONDITIONAL USE / PRELIMINARY AND FINAL LAND DEVELOPMENT APPROVAL**

Commissioner Waller moved to continue the public hearing Re. PLC19-0005 – St. Clair Country Club – Unified Conditional Use / Preliminary and Final Land Development Approval
to the Board of Commissioners’ Regular meeting of September 3, 2019. This was seconded by Commissioner Pardini and carried with a 7-0 voice vote.

RECOMMENDATION RE. PLC19-0007 – CHASE BANK – FINAL LAND DEVELOPMENT APPROVAL
Mr. Benigni stated that this is the final land development approval for Chase Bank on property located at 1815 Washington Road in the C2 highway commercial district. The Planning Commission reviewed this application on July 18, 2019, at which time they recommended approval subject to conditions outlined in Bill No. 8-19. The applicant is proposing to redevelop this property in order to construct a one-story 2,597 square foot Chase Bank office building with associated site improvements, parking, and landscaping.

Mr. Benigni added that the applicant received Unified Conditional Use/Preliminary Land Development Approval from the Board of Commissioners on July 1, 2019 and staff recommends that the Board grant final land development approval subject to the conditions listed in Bill No. 8-19. This can be accomplished by a simple motion and roll call vote.

A representative from Chase Bank did not wish to make any comments.

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

MOTION AND VOTE TO APPROVE BILL NO. 8-19
Commissioner Pardini moved to approve Bill No. 8-19 Re. PLC19-0007 – Chase Bank – Final Land Development Approval. This was seconded by Commissioner Logan and carried with a 7-0 roll call vote.

RECOMMENDATION RE. ADOPTION OF A RESOLUTION FOR A REVISION TO THE OFFICIAL SEWAGE FACILITIES PLAN – MCLAUGHLIN RUN ROAD ROUNDBOUGHT – McMILLAN ROAD
Mr. Benigni stated that as a result of the Pennsylvania Department of Transportation’s (PennDOT) future roundabout project at the intersection of McLaughlin Run Road/Lesnett Road/McMillan Road, the Township must relocate and upgrade certain sanitary sewer facilities along McMillan Road. The Pennsylvania Department of Environmental Protection (PA DEP) requires planning module approval for any new development in the ALCOSAN service area. 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 it is recommended that the Board of Commissioners approve Resolution No. 1675 which adopts and authorizes submission of the planning module to the PA DEP. This may be accomplished by a simple motion and roll call vote.

In response to Commissioner Logan’s question, Mr. Benigni stated that PennDOT has scheduled the roundabout project to go out to bid in early winter, but this time frame has not been confirmed. Due to the right-of-way acquisition process of post office property, the project may not start until spring.

Commissioner Christie clarified that before the roundabout project can begin by the State, certain sewer work needs to be completed. Mr. Benigni added that the sewer work will be completed by PennDOT in conjunction with the roundabout project.
Discussion ensued between the Board and Mr. Benigni regarding traffic studies completed at this intersection.

Mr. Serakowski stated that during a five (5) year study, PennDOT looked at a traditional intersection with turn lanes added versus a roundabout, and concluded that with installing a roundabout, less property is acquired, and a roundabout is more efficient in keeping traffic flowing. In addition, there would be less maintenance on traffic signals which would be the burden of the Township, and that full funding for this project would come from PennDOT and not the Township. Mr. Serakowski stated that it may be another two (2) years before this project is completed and that improvements at this intersection are definitely needed.

Mr. David Sirota, 1500 Windsor Court, asked if there are plan drawings of the roundabout project. Mr. Benigni responded that the drawings can be viewed in the office of Planning and Community Development and that there is information on the Township’s website with a link to PennDOT’s video about roundabouts.

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. 1675 FOR A REVISION TO THE OFFICIAL SEWAGE FACILITIES PLAN – MCLAUGHLIN RUN ROAD ROUNDABOUT – MCMILLAN ROAD

Commissioner Orchowski moved to adopt Resolution No. 1675 for a Revision to the Official Sewage Facilities Plan – McLaughlin Run Road Roundabout – McMillan Road. This was seconded by Commissioner Paoly and carried with a 6-1 roll call vote. Commissioner Pardini cast the negative vote.

RECOMMENDATION RE. 2020-2024 CAPITAL IMPROVEMENT PROGRAM

Mr. Romito stated that in accordance with Chapter 25.2 of the Township Code, this is the public hearing for the Five-Year Capital Improvement Program (CIP) for the years 2020-2024. Mr. Romito explained that after his presentation, he will recommend that the Board of Commissioners approve Resolution No. 1676 to update the Township’s CIP for the years of 2020-2024. This may be accomplished by a simple motion and roll call vote.

Mr. Romito outlined the highlights of the CIP with a PowerPoint presentation.

Mr. Romito stated that that Budget & Finance Committee of the Board of Commissioners met on June 24, 2019 about the CIP and that that there have been no modifications to the CIP since it was initially presented.

Mr. Romito stressed that the adoption of this Resolution does not imply approval of any specific projects or programs included in the CIP, unless or until funding is appropriated by separate ordinance as part of the budget process.

Commissioner Christie thanked Mr. Romito for his presentation.

Discussion ensued amongst the Board regarding recommendations for the CIP including a better connectivity of the Township’s bikeway plans and the unique opportunity for improvements to the Township building, especially to the police department and library, upon the School District moving out of the building.
Mr. Allan Golden, 1403 Old Meadow Road, asked for the total square footage of the Township building and whether the $7 million allocated for building renovations was determined by dollar amount per square foot. Mr. Romito confirmed that this is how the $7 million was calculated for building renovations and that he will provide the square footage to the Board at the next Board meeting.

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. 1676 RE. 2020-2024 CAPITAL IMPROVEMENT PROGRAM
Commissioner Paoly moved to adopt Resolution No. 1676 Re. 2020-2024 Capital Improvement Program. This was seconded by Commissioner Logan and carried with a 7-0 roll call vote.

RECOMMENDATION RE. AUTHORIZING THE TOWNSHIP TO ENTER INTO A MULTI-YEAR AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR COMPREHENSIVE ROAD MAINTENANCE
Mr. Mansfield stated that for a number of years, the Township has entered into a Comprehensive Maintenance Agreement with the Commonwealth of Pennsylvania Department of Transportation for maintenance of State roads that run through the Township.

Mr. Mansfield further stated that for the period July 1, 2019 to June 30, 2022, the Comprehensive Maintenance Agreement provides reimbursement for up to $22,668.40 annually based upon a prescribed line item unit cost for services provided by the Township which include mowing, street sweeping, minor paving and inlet repair.

Mr. Mansfield explained that adoption of Resolution No. 1677 will authorize the Township to enter into this multi-year Agreement. This may be accomplished by a simple motion and roll call vote.

Mr. Mansfield confirmed for Commissioner Christie that the amount of this Agreement did not change much from the previous Agreement.

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. 1677 AUTHORIZING THE TOWNSHIP TO ENTER INTO A MULTI-YEAR AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR COMPREHENSIVE ROAD MAINTENANCE
Commissioner Pardini moved to adopt Resolution No. 1677 authorizing the Township to enter into a multi-year Agreement with the Pennsylvania Department of Transportation for Comprehensive Road Maintenance. This was seconded by Commissioner Waller and carried with a 7-0 roll call vote.

RECOMMENDATION RE. APPROVAL OF CONTRACTS
Mr. Mansfield reviewed the following contracts for the Board’s approval in accordance with the Township Code:
Mr. Mansfield explained that the Rock Salt contract price includes a sliding scale for fuel adjustment which amounts to a 15% increase from last year’s pricing.

Mr. Mansfield stated staff is recommending approval of the above contacts and a simple motion and voice vote will authorize that action.

In response to Commissioner Christie’s request for an explanation of the C&RC Aquatics Masterplan Proposal, Mr. Romito stated that this is a recommendation from the Facility Implementation Team (FIT) Committee to assist with developing a masterplan for the Aquatics portion of the C&RC in response to the Ballard King study that was performed and presented last year. As part of the agreement with Water Technologies, Inc. (WTI), they would provide up to three (3) concepts that could be considered for the Aquatics facilities that would include construction costs, if any, as well as the operational and budgetary impact with each of those concepts.

Further discussion ensued between the Board and Mr. Romito regarding possible recommendations and options from WTI regarding the C&RC’s Aquatics facilities.

Commissioner Christie indicated that a plan for the Aquatics facilities has been discussed for a long time and the FIT Committee recommends that WTI provide guidance moving forward.

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

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

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

**OTHER BUSINESS**

Commissioner Paoly stated that the link on the Township’s website to the roundabout video on PennDOT’s website results in an error. He suggested that this be fixed or the link be deleted from the Township’s website.

Commissioner Seitanakis wanted to make sure staff has knowledge of a trip and fall accident that occurred recently at the library. Mr. Serakowski stated that staff is aware of this incident.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Orchowski and a second by Commissioner Waller, which carried with a 7-0 voice vote, the meeting was adjourned at approximately 8:50 PM.