

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

August 31, 2020

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, August 31, 2020, in the Community & Recreation Center, 1551 Mayview Road, Pittsburgh, PA 15241.

PRESENT:	Commissioner Christie	President
	Commissioner Paoly	Vice President
	Commissioner Enck	
	Commissioner Orchowski	
	Commissioner Pardini	
	Commissioner Waller	<i>(present via audio conference)</i>
	Matthew R. Serakowski	Township Manager
	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
	Jennifer Slagle, P.E.	Township Engineer
	Laura Long	Recording Secretary

EXCUSED: Commissioner Plutko

PUBLIC: Approximately 6 people attended.

ANNOUNCEMENTS

Commissioner Christie announced that the Board had met earlier in the evening to hold interviews for open committee appointments on various volunteer boards and commissions and that the Board will be meeting in Executive Session following this evening's Informational and General Affairs Meeting to discuss legal and personnel matters.

CITIZENS' COMMENTS

Dr. Frank Gaudio, 2160 Blairmont Drive, expressed concerns to the Board regarding an increase of power outages all of the neighborhoods in the Township. He indicated that he has been in communication with West Penn Power on numerous occasions over the past three to four years and that technicians who have visited his property have relayed that his issues may relate to the infrastructure of the underground power grid; however, have not taken any steps to replace his power lines. He stated that he feels the lack of action from West Penn Power has created an unstable and unsafe environment and he has filed an informal complaint with the Pennsylvania Public Utility Commission (PUC).

Mr. Michael Hanna, 2169 Blairmont Drive, supported Dr. Gaudio's concerns and relayed that he has experienced the same power outage issues over the past five years.

In response to Dr. Gaudio's inquiry regarding how the Township Code may be used to enforce West Penn Power to upgrade the underground power grid, Mr. Serakowski stated that oversight of a utility company does not fall under purview of the Township as the Township does not have an inspection role in this matter.

Mr. Serakowski acknowledged the residents' concerns and relayed that Township Staff have been in communication with Dr. Gaudio over the years and have advised regional contacts with West Penn Power of his concerns. He asked Mr. Benigni to provide a status report of recent attempts to speak with West Penn Power representatives regarding these specific concerns.

Mr. Benigni shared that he received an email from Mr. Jim Cannon, the external regional affairs coordinator of West Penn Power, who stated that the line shop has been contacted in regards to this specific concern. Mr. Benigni stated that he is working to obtain additional information from Mr. Cannon to provide Dr. Gaudio with and has asked Mr. Cannon to follow up with Dr. Gaudio directly.

In response to Mr. Serakowski's statement regarding the PUC being the proper forum for Dr. Gaudio to escalate these concerns, Dr. Guadio asked the Board if the Township would consider joining him in filing a formal complaint with the PUC if he decides to pursue this complaint further.

The Commissioners relayed support to Dr. Guadio's concerns and requested that Township Staff continue to escalate his case with West Penn Power to the extent that falls within Township jurisdiction.

Conversation ensued between Commissioner Orchowski and the Board regarding the positive track record of the Township in escalating resident concerns with West Penn Power, specifically referring back to similar power outages in the Mill Grove neighborhood in Fall of 2019. The transition from regulated utilities to non-regulated utilities within the Power Industry was discussed in reference to how the service provided has been affected as a result of removing designated maintenance funds from customer bills. It was suggested that residents may want to take a closer look at State Legislature to determine if a change within regulating utilities may be desired.

In response to Dr. Guadio's request for a motion to be made for the Township to support his appeal with the PUC, Mr. Firman advised the Board that the Township has not received any official documentation regarding Dr. Gaudio's PUC appeal and that in order to take any action from the Board, a review of these documents would be required to evaluate how the Township can legally respond.

In response to Commissioner Enck's inquiry, Dr. Gaudio clarified that he is requesting to understand what the Township's role can be legally in supporting his complaint with the PUC and providing oversight to the utility companies. He stated that upon review of understanding the Township's role, he would then determine if he would like the Township to join him in a formal complaint with the PUC.

Commissioner Christie stated that the Board supports Dr. Gaudio's position in spirit and requested that Mr. Firman review the documentation that Dr. Gaudio has sent the PUC to determine if the

Township can legally support with any additional action. Mr. Firman verified that once the information has been received, he would review and report back to the Board.

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

INFORMATIONAL ITEMS

COMMUNITY DEVELOPMENT - OLD BUSINESS

Recommendation Re. PLC20-0004 – Woodshire Estates – Preliminary and Final Subdivision Approval.

Mr. Benigni stated that this application was tabled from the August 3, 2020 regular meeting. The application was filed by M & D Properties, Inc. for Preliminary and Final Subdivision Approval to permit the consolidation of seven (7) parcels into two (2) parcels within the R1, Single Family Residential District at 302 Locust Lane. This application was reviewed by the Planning Commission at its regular meeting on June 18, 2020 and was recommended for denial. A bill will be prepared for consideration by the Board on Tuesday, September 8, 2020.

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

Public Hearing Re. PLC20-0005 – Hastings Village Plan Rev. No. 2 – Amended Tentative and Final Approval.

Mr. Benigni stated that this hearing was continued from the Monday, August 3, 2020 public hearing. This application was filed by John and Teres Lucot for Amended Tentative and Final Approval of a Planned Residential Development to receive approval for a revision to Lot No. 37 and Common Area No. 1 located in the R1, Single Family Residential District at 1010 Village Court within the Hastings Village Planned Residential Development. This application was considered by the Planning Commission at its regular meeting on June 18, 2020 and recommended for approval. Following the applicant's presentation, Staff will recommend that the hearing be continued to Monday, October 5, 2020 for the purpose of taking Staff testimony.

In response to Commissioner Orchowski's inquiry, Mr. Benigni verified that the residents have received communication notification regarding the status of the Public Hearing.

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

OTHER AGENDA AND DISCUSSION ITEMS

Discussion Re. Recognition

Commissioner Christie announced that a Proclamation will be presented at the September 8, 2020 Regular Meeting of the Board recognizing the Upper St. Clair High School Odyssey of the Mind Division III Problem Performance Team, under the direction of their coaches, Laura Murtough, Stacey Seewald, and Meridith Markovitz, for placing first at the World Finals competition.

GENERAL AFFAIRS

Review of the Informational and General Affairs Meeting Minutes of July 27, 2020

Commissioner Pardini moved to approve the Informational and General Affairs Meeting Minutes of July 27, 2020. This was seconded by Commissioner Orchowski carried with a 6-0 voice vote.

Consideration of the August 2020 Bill Sheet

Commissioner Waller stated that the Bill Sheet was reviewed and that he had no further questions. Commissioner Enck moved for approval of the August 2020 Bill Sheet, which was seconded by Commissioner Waller and approved by a 6-0 voice vote.

Acknowledge Receipt of Financial Statements for the Seven-Month Period ending July 31, 2020

Commissioner Waller asked Mr. Romito if he would like to share any additional information relating to the financial statements. Mr. Romito shared that August showed a year-over-year decline in Earned Income Tax Revenue; however, the year-to-date Earned Income Tax Revenue is tracking fairly close to last year. He indicated that November would be the next benchmark to indicate the 3rd quarter results. Real Estate Transfer tax and Sales tax was discussed in how both taxes have rebounded. He noted the uncertainty of earned income tax revenue and commented on how expenses that had been previously cut are returning back to normal.

Commissioner Christie asked if there were any questions from the Board and there were none.

Commissioner Christie acknowledged receipt of the Financial Statements for the Six-Month Period ending July 31, 2020.

Commissioner Christie asked if there were any additional questions from the Board and there were none.

ADJOURNMENT

Commissioner Pardini moved to adjourn the Informational & General Affairs Meeting, which was seconded by Commissioner Paoly. This was approved by a 6-0 voice vote and the meeting was adjourned at approximately 8:16 PM.

Laura Long
Recording Secretary
August 31, 2020

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
August 26, 2020

I. CASES WHERE TOWNSHIP IS PLAINTIFF

- A. Township of Upper St. Clair v. James Hawk - Nos. CV-222-2016 & CV-223-2016)
(Allegheny County)
- B. Township of Upper St. Clair v. Family Property, LLC, No Docket Number Assigned
(Magistrate Arnoni).
- C. Township of Upper St. Clair v. Rene Marasco, No Docket Number Assigned
(Magistrate Arnoni):
- D. Township of Upper St. Clair v. Paul Day, No Docket Number Assigned (Magistrate
Arnoni):

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

NONE.

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

- A. Folino v. West Penn Power and Upper St. Clair Township, GD 15-11969 (Allegheny
County)
- B. Estate of Wendy Abbott vs. Bloomin' Brands Inc. et al., GD 20-6398 (Allegheny
County).
- C. Zatta Martin LLC vs. Upper St. Clair Township and Bridgeville Borough, GD 20-
6870 (Allegheny County):

IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS

- A. David and Mary Conn - 14-22699

B. Vincent Kelly - 16-24838

V. LAND USE

VI. OTHER LEGAL MATTERS

A. REDINGER V. ALLEGHENY COUNTY HEALTH DEPARTMENT

B. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ACTION
PURSUANT TO 33 U.S.C. §138

C. TOWNSHIP OF UPPER ST. CLAIR V. SUJILIDA, S.A. NO. 19-000168