

BOARD OF COMMISSIONERS MEETING MINUTES

February 3, 2020

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, February 3, 2020 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 Paoly Vice President
 Commissioner Logan
 Commissioner Pardini
 Commissioner Plutko
 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 Firman Township Attorney
 Jennifer Slagle, P. E. Township Engineer
 Prudence Cooper Recording Secretary
 Missy Fenster Network Deposition Services

EXCUSED: Commissioner Orchowski

PUBLIC: Approximately 9 people attended.

PRESENTATION RE. UPPER ST. CLAIR ATHLETIC ASSOCIATION USER FEES

Mr. Jay Sekernek, President of the Upper St. Clair Athletic Association (USCAA), along with former presidents of the USCAA, Mr. Erik Lund, and Mr. Joe Krolczyk, presented a check to the Township in the amount of \$27,390 for the 2019 user fees.

Mr. Sekernek stated that the USCAA is an all-volunteer organization that has been in existence for over 60 years serving thousands of children in many different sports. He explained that the USCAA could not support the youth of this community without the Township Staff's partnership and support. The USCAA is in the beginning stages of strategic planning to improve the delivery of the USCAA's services as technology changes and to offer some additional sports.

Commissioner Christie thanked Mr. Sekernek and commented that the partnership of the USCAA and the Township works very well together and that he appreciates the time consuming efforts of coaching team sports. Commissioner Christie invited Mr. Sekernek to a future meeting to share more of the USCAA's strategic planning ideas.

Commissioner Waller expressed his appreciation for the adult and family volunteers of the USCAA who have served many who live in Upper St. Clair.

REVIEW OF BOARD OF COMMISSIONERS' REGULAR MEETING MINUTES OF JANUARY 6, 2020

Commissioner Pardini moved to approve the Regular Meeting Minutes of January 6, 2020. This was seconded by Commissioner Plutko and carried with a 6-0 voice vote.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS**PUBLIC HEARING RE. PLC19-1301- ZONING TEXT AMENDMENT TO CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED "ZONING" TO ADD CONDITIONAL USES IN THE SB ZONING DISTRICT**

Mr. Benigni stated that this is the Public Hearing regarding PLC19-1301 – Zoning Text Amendment to Chapter 130 of the Township Code entitled "Zoning" to add conditional uses in the SB Zoning District.

Mr. Benigni explained that Mr. Andy Schaer, Clair Boyce Associates submitted an application to amend Chapter 130 of the Township Code entitled "Zoning" which would create and add a definition of "Personal Fitness Center" to Section 130.3., "Definitions," add "Personal Fitness Centers" and "Massage Therapy Establishments" to the list of conditional uses in the SB-Special Business Zoning District in Section 130.13.2.2. and to add parking requirements for "Personal Fitness Centers" and "Massage Therapy Establishments" in Section 130.13.3.1.6.

Mr. Benigni reviewed the recommended public hearing procedures and stated that Staff recommends that the Board of Commissioners continue this Public Hearing to the Board of Commissioners' Regular Meeting on March 2, 2020 for the purpose of taking staff testimony. This may be accomplished by a simple motion and voice vote.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni then entered Township Exhibits #1 through #19, Applicant Exhibits #1 through #3, and County Exhibit #1 into the record and introduced Mr. Alan Sable, on behalf of the applicant.

Mr. Sable, attorney with Sable and Sable, LLC, representing the applicant and property owner, Clair Boyce Associates, conducted a presentation explaining that this is an application to amend the zoning code that was originally submitted in October, 2018 and presented before the Board of Commissioners in February, 2019. At that time, there was a question by the Board about several items in the proposed amendment, primarily having to do with the size of the fitness center use. This required the application to go back before the Planning Commission. At the Board of Commissioners' meeting in July, 2019, the zoning text amendment was not approved as it did not reach the Board's majority vote per the Home Rule Charter. The application was then resubmitted and most recently, in November, 2019, the Planning Commission unanimously recommended approval of the application. This application is identical to the one presented last spring and last summer.

Mr. Sable stated that this application pertains to the property located at 2600 Old Washington Road, located in the SB Zoning District. There are several uses permitted by right in the district, but no private commercial uses. There are certain conditional uses allowed in the SB Zoning District, in particular, a Planned Office Center Development which is limited to professional offices and business service offices in combination with banks, pharmacies, employee dining facilities, private use helipad and day care centers. This property was approved as a Planned Office Center and did have a bank, a MedExpress, and other offices.

Mr. Sable continued that currently, more than half the building is vacant and the property owner is having difficulty replacing tenants and is now attempting to expand flexibility of the use of the property to increase its marketability. There has been interest to open a day spa, and an exercise or Pilates studio, so through discussion with Township Staff, the applicant is proposing additional conditional uses in the SB Zoning District to add day spa, Pilates, and other boutique exercise uses, that will complement the Township and benefit the local residents. The proposed added uses are all in combination with the Planned Office Center use, as opposed to a stand-alone or single-use facility, and require no additional parking.

Mr. Sable is proposing adding "Personal Fitness Center" as a permitted additional conditional use in the SB Zoning District which is a new use not currently defined. Again, working with Township Staff, the definition of "Personal Fitness Center" was developed to include personal training using exercise equipment or floor space, or the use for the purpose of individual or group exercise such as a spin class. Any accessory uses are permitted provided they support the primary use of the space; therefore, court sports facilities, such as basketball courts, tennis courts or racquetball courts, in addition to swimming pools or spectator seating would not be authorized accessory uses in the SB Zoning District.

Mr. Sable continued that the second use proposed in the SB Zoning District is an existing use defined in the Township Code which is "Massage Therapy Establishment" to allow a day spa for the purpose of improving personal health, beauty, relaxation, or personal care treatment.

Mr. Sable concluded that the proposed amendment includes the addition of two (2) proposed conditional uses: "Personal Fitness Center" and "Massage Therapy Establishments" in combination with the Planned Office Center Development. As part of the amendment, the Board of Commissioners would determine if a parking needs analysis is required, upon recommendation of the Planning Commission. In response to the issue previously raised by the Board of Commissioners, the size of a "Personal Fitness Center" can be no larger than 12,000 square feet, based on a review of the business and market of boutique fitness centers, which would be appropriate for the Township and which limits necessary parking. Also, the allowable size could accommodate two (2) or more complementary uses, such as a Pilates studio and a spin studio. With the addition of these two (2) uses, no additional parking would be required for the property at 2600 Old Washington Road. Furthermore, the express standards and criteria for "Massage Therapy Establishment" is consistent with its existing definition. Mr. Sable asked the Board to approve these amendments to the Township Code.

In response to Commissioner Paoly's question, Mr. Benigni stated that he will provide the hours of operation for the proposed uses at the next Board of Commissioners' meeting, but that would be reviewed during the conditional use process.

Mr. Sable confirmed for Commissioner Plutko that there are only two (2) partners of Clair Boyce Associates, one of which is Mr. Andy Schaer.

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 RE. PLC19-1301-ZONING TEXT AMENDMENT TO CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED “ZONING” TO ADD CONDITIONAL USES IN THE SB ZONING DISTRICT

Commissioner Waller moved to continue Public Hearing Re. PLC19-1301 – Zoning Text Amendment to Chapter 130 of the Township Code Entitled “Zoning” to add Conditional Uses in the SB Zoning District to the Board of Commissioners’ Regular Meeting on March 2, 2020. This was seconded by Commissioner Logan and carried with a 6-0 voice vote.

PUBLIC HEARING RE. PLC19-0010 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Mr. Benigni stated that this is the Public Hearing regarding PLC19-0010 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval.

Mr. Benigni reviewed the recommended public hearing procedures and stated that Staff recommends that the Board of Commissioners continue this Public Hearing to the Board of Commissioners’ Regular Meeting on March 2, 2020 for the purpose of taking staff testimony.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Benigni entered Township Exhibits #1 through #19, Applicant Exhibits #1 through #28, and Citizen Exhibits #1 through #6 into the record.

Mr. Benigni added that since the developer recently requested that this application be tabled, Staff recommends that the Board of Commissioners accept the tabling of PLC19-0010 to the Board of Commissioners’ Regular meeting on March 2, 2020. This can be accomplished by a simple motion and voice vote.

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. PLC-19-0010 – TUSCANY POINTE – PLANNED RESIDENTIAL DEVELOPMENT – AMENDED TENTATIVE APPROVAL

Commissioner Waller moved to table Public Hearing Re. PLC-19-0010 – Tuscany Pointe – Planned Residential Development – Amended Tentative Approval to the Board of Commissioners’ Regular Meeting on March 2, 2020. This was seconded by Commissioner Paoly and carried with a 5-0-1 voice vote. Commissioner Logan abstained from voting.

RECOMMENDATION RE. APPROVAL OF CONTRACTS

Mr. Mansfield reviewed the following contracts for the Board’s approval in accordance with the Township Code:

A. Merante Contracting
Pittsburgh, PA

Morton Complex/Community Gardens \$1,515,650.00
Perimeter Trail – Phase IIA Project

W. A. Petrakis Contracting & Landscaping Export, PA	Sanitary Sewer and Storm Sewer Operations and Maintenance Program	Year 2020: \$214,076.00* Year 2021: \$220,798.00* Year 2022: \$227,769.00* *based upon estimated quantity and unit values
Hunter Truck Sales Butler, PA	One (1) 2020 International HV507 Cab & Chassis	\$86,000.00
Tri-Star Motors Blairsville, PA	One (1) 2020 Ford F-350 4x4 Super Cab & Chassis	\$33,685.00
Tri-Star Motors Blairsville, PA	One (1) 2020 Ford F-550 4x4 Cab & Chassis	\$37,985.00
Tri-Star Motors Blairsville, PA	Two (2) 2020 Ford Police Interceptor Utility AWD Vehicles @ \$37,815.00 each	\$75,630.00
Sabre Equipment, Inc. Coraopolis, PA	Reading Classic II Utility Body Upfit (for new 2020 Ford F-350 4x4 Cab & Chassis)	\$22,286.00

Mr. Mansfield stated that approval of the above contracts may be accomplished by a simple motion and voice vote.

In response to Commissioner Logan's question regarding the Sanitary and Storm Sewer Operations and Maintenance Program, Mr. Mansfield stated that the estimated quantity of work required remains the same year to year, but the costs are inflationary.

Commissioner Christie commented that each piece of the Perimeter Trail is more and more expensive but the remaining phases, although more difficult, are almost complete. Mr. Mansfield added that this contract is for three-tenths of a mile. The last phase is .15 of a mile, but it will include reconfiguration of the walkway and a boardwalk, and therefore, more complex. Commissioner Christie stated that, although the Perimeter Trail installation is expensive, once it is complete, the trails will be tied together and will be frequently used.

Commissioner Pardini asked if the Perimeter Trail contract could be voted on separately from the other contracts presented before the Board this evening.

MOTION AND VOTE TO APPROVE THE CONTRACT WITH A. MERANTE CONTRACTING FOR THE MORTON COMPLEX/COMMUNITY GARDENS PERIMETER TRAIL – PHASE IIA PROJECT

Commissioner Logan moved to approve the contract with A. Merante Contracting for the Morton Complex/Community Gardens Perimeter Trail – Phase IIA Project. This was seconded by Commissioner Paoly and carried with a 5-1 voice vote. Commissioner Pardini cast the negative vote.

MOTION AND VOTE TO APPROVE THE CONTRACT WITH W. A. PETRAKIS CONTRACTING & LANDSCAPING FOR THE SANITARY AND STORM SEWER OPERATIONS AND MAINTENANCE PROGRAM

Commissioner Paoly moved to approve the contract with W. A. Petrakis Contracting & Landscaping for the Sanitary and Storm Sewer Operations and Maintenance Program. This was seconded by Commissioner Plutko and carried with a 6-0 voice vote.

MOTION AND VOTE TO APPROVE CONTRACTS FOR VEHICLES AND EQUIPMENT

Commissioner Pardini moved to approve the contracts for vehicles and equipment. This was seconded by Commissioner Plutko and carried with a 6-0 voice vote.

RECOMMENDATION RE. APPROVAL FOR A GRANT APPLICATION THROUGH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES COMMUNITY CONSERVATION PROGRAM FOR THE MORTON COMPLEX/COMMUNITY GARDENS CONNECTION – PHASE IIB PERIMETER TRAIL PROJECT

Mr. Mansfield stated that Resolution No. 1682 authorizes a grant application through the Department of Conservation and Natural Resources Community Conservation Program in the amount of \$200,000 to be used for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail project.

Mr. Mansfield added that Staff is recommending the approval of Resolution No. 1682 which may be accomplished by a simple motion and roll call vote.

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. 1682 AUTHORIZING A GRANT APPLICATION THROUGH THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES COMMUNITY CONSERVATION PROGRAM FOR THE MORTON COMPLEX/COMMUNITY GARDENS CONNECTION – PHASE IIB PERIMETER TRAIL PROJECT

Commissioner Logan moved to approve Resolution No. 1682 authorizing a grant application through the Department of Conservation and Natural Resources Community Conservation Program for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail Project. This was seconded by Commissioner Waller and carried with a 6-0 roll call vote.

Commissioner Christie congratulated Township Staff for diligently pursuing grant funding which will cover about one-third of the cost of this project.

RECOMMENDATION RE. APPROVAL OF APPOINTMENT AND REAPPOINTMENT TO THE YOUTH STEERING COMMITTEE

Mr. Serakowski stated that members of the Youth Steering Committee (YSC) are jointly appointed by the Board of Commissioners and the Board of School Directors. The following candidates were approved by the School Board and Staff is now requesting approval from the Board of Commissioners:

- Appointment/4 Year Term
Mary Kirk

- Reappointment to Resident Professional/2 Year Term
Joann Petursson Tomnay

Mr. Serakowski added that Staff recommends the Board of Commissioners approve the appointment and reappointment which may be accomplished by a simple motion and voice vote.

In response to Commissioner Logan's questions, Mr. Serakowski stated that YSC members do interview the candidates for the Committee, but to Mr. Serakowski's knowledge, the School Board does not.

MOTION AND VOTE RE. APPROVAL OF APPOINTMENT AND REAPPOINTMENT TO THE YOUTH STEERING COMMITTEE

Commissioner Pardini moved to approve the above appointment and reappointment to the Youth Steering Committee. This was seconded by Commissioner Plutko and carried with a 6-0 voice vote.

OTHER BUSINESS

None.

ADJOURNMENT

Following a motion for adjournment by Commissioner Waller and a second by Commissioner Paoly, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 8:05 PM.

Prudence Cooper
Recording Secretary
February 2020