

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

JANUARY 27, 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, January 27, 2020, in the Board of Commissioners' Meeting Room, Township of Upper St. Clair Municipal Building, 1820 McLaughlin Run Road, Pittsburgh, PA 15241.

PRESENT:	Commissioner Christie	President
	Commissioner Paoly	Vice President
	Commissioner Logan	
	Commissioner Orchowski	
	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 Planning & Community Development
	Irving S. Firman	Township Attorney
	Jennifer Slagle, P.E.	Township Engineer
	Amy Wiszczor	Recording Secretary

PUBLIC: Approximately 10 people attended.

ANNOUNCEMENTS

Commissioner Christie announced that the Board of Commissioners and Township Staff held a publicly advertised 2020-21 Planning Priorities Workshop this evening beginning at 5:30 PM.

Commissioner Christie also announced that the Board will be meeting in Executive Session following this evening's Informational and General Affairs Meeting to discuss legal and personnel matters.

Commissioner Christie began the meeting with a moment of silence for Fire Chief Steven Moore who passed away on January 25th. Commissioner Christie recognized his family and his accomplishments. Chief Moore graduated from Upper St. Clair High School and also attended Robert Morris University. He began a career with the Upper St. Clair School District where he worked for 30 years. In 1982 he joined the Upper St. Clair Volunteer Fire department where he was a member for 38 years, ten of those years as Chief. Commissioner Christie thanked him for his service and extraordinary volunteerism.

CITIZENS' COMMENTS

Mr. Brad Tupi, 1470 Redfern Drive, stated he resides in Deerfield Manor and is a West Penn Power customer. He has filed a formal complaint against West Penn Power due to the extraordinarily bad service. Since 2017 they have had a total of 17 outages. In addition to the power outages, the response time is slow. In one instance the outage was 949 minutes and another lasted 508 minutes. Under PUC Code, the power company is responsible to provide reliable power and to restore interruptions as quickly as possible. Mr. Tupi is looking forward to the comments tonight from West Penn Power.

Mr. & Mrs. Thomas Browand, 1624 Pinetree Drive commented they received an analysis of their power outages over about a 2.5-year period. They had 20 outages over this time period. Mr. Browand advised it seems to happen on Saturdays around noon. He believes it has to do with the trees and is hoping the power company has a solution.

Ms. Suzanne Kennedy, 1683 Ewing Circle, stated she lives in the same neighborhood as Commissioner Orchowski and has exchanged several emails with him regarding the numerous power outages. She also stated that the Englewood neighborhood has issues as well. She advised at the top of Morrow Road after Clairmont, there is a very large pine tree hanging over the transformer. She would like to see the Township be proactive in taking care of the trees.

Mr. Mark Prus, 2428 Millgrove Road, stated he also lives in the same neighborhood as Commissioner Orchowski. He advised the outages have increased in frequency recently and seem to be getting worse, not better. He stated that he lives at the end of Millgrove and there is a power line behind the property, and has not been trimmed in five (5) years. Mr. Prus commented that he works from home and his concern is what he calls "micro outages", when power goes out and comes back on in 30 seconds, which can cause disruption when he is working on the computer. He said that he looks forward to hearing what the power company is going to do to address these outages.

Mr. Steven Maglin, 1884 Tilton Drive, stated he has lived in this area for 16.5 years. Over the years he has complained about the outages. He stated that they do not seem to be caused by extreme weather; they just happen during normal everyday weather. He has also contacted the Township and West Penn Power numerous times. He also voiced his frustrations to the maintenance workers who came to look at the problem and they advised him not to call West Penn Power, but to file a formal complaint with PA Utility Commission and also have the neighbors file complaints as well.

Ms. Karla Tirimacco, 1351 Oakledge Court, shared some of the comments and observations from residents in her neighborhood. With the increased frequency, of power outages, it is an enormous security issue. Another concern involves those residents with children who rely on an electronic keypad to enter their homes. Also, any power outage could be an enormous disruption for the voting process during election day.

Mr. Brian Butler, 1491 Mayview Road, stated that over the past two (2) or three (3) years power has degraded and there are more outages. He advised the power goes on and off quickly, which is harsh on equipment. He stated that the power company sent out a letter that advised homeowners to purchase insurance for products instead of fixing the problem. Mr. Butler called multiple times

about trees sitting on the power lines and the tree branches are still on the line and the line is bending down. After six or eight months the tree branches are still sitting on the line with no response from the power company. He advised these micro outages are detrimental to TVs and laptops.

Commissioner Christie asked if there were any additional comments. There were none and he thanked everyone for their comments.

INFORMATIONAL ITEMS

Status Report Re. Randy Durr – Regional External Affairs with West Penn Power – FirstEnergy

Mr. Randy Durr made a power point presentation to review Service Restoration for a Large Event and also a Normal Daily event, Vegetation Management and the current trimming cycle, Scheduled Maintenance Programs and the recent issues in the Upper St. Clair area. At the conclusion of the detailed presentation, residents' questions were answered.

Commissioner Orchowski thanked Mr. Serakowski for contacting Mr. Durr. He appreciated Mr. Durr's quick response and his presentation was very informative. Commissioner Orchowski gave additional comments regarding the area that his Ward 3 covers and advised there are still issues of dangerous trees and flickering. He asked that West Penn Power review this area and advise how these trees can be taken care of and find the potential causes of the flickering that the residents encounter. He stated that the response by West Penn Power is impeccable after these recent storms and thanked West Penn Power for their quick response time.

Commissioner Christie thanked the residents and Mr. Durr for attending. He also acknowledged Councilman Tom Duerr and thanked him for attending the meeting.

COMMUNITY DEVELOPMENT - OLD BUSINESS

None.

COMMUNITY DEVELOPMENT – NEW BUSINESS

Public Hearing Re. PLC19-1301 – Amendment to Chapter 130 of the Township Code Entitled “Zoning” To Add Conditional Uses in the SB – Special Business Zoning District

Mr. Benigni stated this is the initial public hearing on an application filed by Andy Schaer of Clair Boyce Associates, L.P. to amend the SB Zoning District by adding “Personal Fitness Centers” and “Massage Therapy Establishments” to the list of conditional uses in the District. This application was considered by the Planning Commission at its regular meeting on November 21, 2019 and recommended for approval. Following the applicant's presentation, Staff will recommend that the hearing be continued to Monday, March 2, 2020 for the purpose of taking Staff testimony.

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

Public Hearing Re. PLC19-0010 – Tuscany Ponte – Planned Residential Development – Amended Tentative Approval

Mr. Benigni stated this is the initial public hearing on an application filed by Jeffrey Thomas for Amended Tentative Approval to permit the construction of a 144-unit apartment complex located in the RM – Restricted Light Industrial District and R4 – Low-rise Multifamily Residential District at 1500 McLaughlin Run Road. This application was considered by the Planning Commission at its regular meeting on December 19, 2019 and was recommended for denial. Following the applicant's presentation, Staff will recommend that the hearing be continued to Monday, March 2, 2020 for the purpose of taking Staff testimony.

Commissioner Christie asked if there were any questions from the Board.

Mr. Benigni addressed questions from the Commissioners regarding the sale of this property and the amendment to this application.

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

Items of Interest Report

The Board reviewed the Items of Interest Report.

OTHER AGENDA AND DISCUSSION ITEMS

Discussion Re. Approval of a Contract for the Morton Complex/Community Gardens Perimeter Trail – Phase IIA Project

Mr. Mansfield advised there was a bid opening held on Tuesday, January 21, 2020 for the Morton Complex/Community Gardens Perimeter Trail – Phase IIA project in Boyce Mayview Park, which attracted two (2) bidders. The best responsible bidder was A. Merante Contracting, Pittsburgh, PA, at a base price of \$1,515,650.00.

He stated that funding for this project will be from the 2020 Boyce Mayview Park RAD Fund/Park Capital Expenditures/Perimeter & Interior Trail Construction budget in the amount of \$1.3 million. Additional expenditures would be allocated from the 2020 Capital Reserves.

The project is being funded approximately 33% by the following grants:

- Pennsylvania Department of Conservation and Natural Resources (DCNR)
- Allegheny Regional Asset District (ARAD)

Mr. Mansfield explained that this Phase is the most challenging to date due to the steep slopes off of Morton Road. This project leaves only an additional .16 miles (Phase IIB) to link the Perimeter Trail.

Staff, therefore, will recommend that the proper Township officials be authorized to enter into a contract with A. Merante Contracting in the amount of \$1,515,650.00 for the Morton Complex/Community Gardens Perimeter Trail – Phase IIA project in Boyce Mayview Park at the Regular Board Meeting on February 3, 2020.

Commissioner Christie asked if there were any questions from the Board.

Discussion ensued between Mr. Mansfield and the Commissioners regarding the deduct option on the bid for a road closure, presentation to give a brief refresh of the project and the length of Phase IIA. Mr. Serakowski advised a site plan would be included in the next agenda packet.

Commissioner Christie asked if there were any questions from the public.

A resident questioned if the road would be moved during this phase. Mr. Mansfield confirmed it would not be moved during this phase.

Commission Pardini had additional questions regarding the cost to complete this portion of the trail.

Discussion Re. 2020 Sanitary Sewer and Storm Sewer Operations and Maintenance Program

Mr. Mansfield stated on Tuesday, January 21, 2020, two (2) vendors submitted a bid for the Township's 2020 Sanitary Sewer and Storm Sewer Operations and Maintenance Program. Based upon estimated quantity and unit values to reconstruct defective sanitary and storm sewers at various locations and depths within the Township over a three (3) year period, W. A. Petrakis Contracting & Landscaping of Export, PA, was the best responsible bidder.

He explained this bid also provides unit pricing for reconstruction of storm endwalls, point repairs of sanitary sewers, construction of storm sewers, and the raising of buried manholes to grade.

The Township has successfully contracted with W. A. Petrakis for prior Operation and Maintenance programs, a sanitary sewer repair in Thousand Oaks in 2017, and for the construction of the new force main for the Brush Run pump station in 2018.

Therefore, Staff recommends that the proper Township Officials be authorized to enter into a contract with W. A. Petrakis Contracting & Landscaping, accepting the unit pricing per the bid of January 21, 2020, for Sanitary and Storm Sewer repair work over a three (3) year period, ending December 31, 2022, at the Regular Board Meeting on February 3, 2020.

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

Discussion Re. Authorization of Contracts for Public Works Vehicles and Equipment

Mr. Mansfield advised that Staff is seeking approval to purchase the following vehicles and equipment in accordance with the Fleet and Equipment Replacement Schedule:

<u>Vehicles</u>	<u>Vendor</u>	<u>Bid/GSA</u>	<u>Amount</u>
One (1) 2020 International HV507 Cab & Chassis	Hunter Truck Sales Butler, PA	PA COSTARS Contract #025-101	\$86,000.00
One (1) 2020 Ford F-350 4x4 Super Cab & Chassis	Tri-Star Motors Blairsville, PA	PA COSTARS Contract #025-245	\$33,685.00
One (1) 2020 Ford F-550 4x4 Cab & Chassis	Tri-Star Motors Blairsville, PA	PA COSTARS Contract #025-245	\$37,985.00
Two (2) 2020 Ford Police Interceptor Utility AWD Vehicles @ \$37,815.00 each	Tri-Star Motors Blairsville, PA	SHACOG Purchasing Alliance	\$75,630.00
<u>Public Works Equipment</u>	<u>Vendor</u>	<u>Bid/GSA</u>	<u>Amount</u>
Reading Classic II Utility Body Upfit (for new 2020 Ford F-350 4x4 Cab & Chassis)	Sabre Equipment, Inc. Coraopolis, PA	PA COSTARS Contract #025-078	\$22,286.00

Funding sources for the above vehicles and equipment are as follows:

- Public Works vehicles and upfit are allocated in the Township's 2020 Capital Projects Budget under Dump Trucks, and Other Trucks in an aggregate amount of \$387,000.
- Police vehicles are allocated in the Township's 2019 Capital Projects Budget in an aggregate amount of \$143,000.

Staff will recommend that the proper Township officials be authorized to enter into contracts with the above referenced vendors in the amounts indicated at the February 3, 2020 Regular Meeting of the Board.

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

Discussion 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 the Township desires to apply for grant funding through the Department of Conservation and Natural Resources (DCNR) Community Conservation Program, in the amount of \$200,000 for the Morton Complex/Community Gardens Connection – Phase IIB Perimeter Trail project.

Staff will prepare the appropriate Resolution for the February 3, 2020 Regular Board Meeting to authorize Mark S. Mansfield, Assistant Township Manager, to file all applications, documents, and forms between the Township of Upper St. Clair and DCNR.

Staff will recommend that the Resolution be adopted at the February 3, 2020 Regular Meeting of the Board.

Commissioner Christie asked if there were any questions from the Board.

Mr. Mansfield commented that there is approximately \$500,000 to \$550,000 in grant funding for this final phase of the project.

Commissioner Christie would like to know the investment that has been made on other sections of the trail up to this point. Mr. Mansfield advised this information could be obtained for the next meeting.

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

GENERAL AFFAIRS

Recommendation Re. Establish Public Hearing Date Re. PLC20-0001 – Frosty Valley Professional Building – Amended Tentative and Final Approval

Mr. Benigni stated this application for Amended Tentative and Final Approval of a Nonresidential Planned Development is to receive approval for two (2) conditional uses, Massage Therapy Establishment and Photography Studio, within the Frosty Valley Professional Building, located in the RM-P – Planned Restricted Light Industrial District at 2652 Hidden Valley Drive. This application was considered by the Planning Commission at its regular meeting on January 16, 2020 and recommended for approval subject to certain conditions.

A public hearing is required for applications for Amended Tentative and Final Approval of a Nonresidential Planned Development. Staff recommends that the public hearing be scheduled for Monday, March 2, 2020. This may be accomplished by a simple motion and voice vote.

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

MOTION AND VOTE TO ESTABLISH MONDAY, MARCH 2, 2020, AS THE PUBLIC HEARING DATE RE. PLC20-0001 – FROSTY VALLEY PROFESSIONAL BUILDING – AMENDED TENTATIVE AND FINAL APPROVAL

Commissioner Waller moved to establish Monday, March 2, 2020, as the public hearing date Re. PLC20-0001 – Frosty Valley Professional Building – Amended Tentative and Final Approval. This was seconded by Commissioner Plutko and approved by a 7-0 voice vote.

Review of the Informational and General Affairs Meeting Minutes of December 16, 2019

Commissioner Orchowski moved to approve the Informational and General Affairs Meeting Minutes of December 16, 2019. This was seconded by Commissioner Paoly and approved by a 7-0 voice vote.

Consideration of the January 2020 Bill Sheet

Commissioner Logan and Commissioner Paoly stated that the Bill Sheet was reviewed. Commissioner Logan moved for approval of the January 2020 Bill Sheet, which was seconded by Commissioner Pardini and approved by a 7-0 voice vote.

Acknowledge Receipt of Financial Statements for the Twelve-Month Period ending December 31, 2019

Commissioner Logan acknowledged receipt of the Financial Statements for the Twelve-Month Period ending December 31, 2019.

Other

Mr. Serakowski advised that the Board has received their list of Committee assignments for 2020-2021. Staff recommends the Board to affirm these Committee assignments this evening. This can be accomplished by a simple motion and voice vote. Commissioner Christie moved to approve the Committee assignments, which was seconded by Commissioner Paoly and approved by a 7-0 voice vote.

ADJOURNMENT

Commissioner Waller moved to adjourn the Informational & General Affairs Meeting, which was seconded by Commissioner Paoly. This was approved by a 7-0 voice vote and the meeting was adjourned at approximately 9:13 PM.

Amy Wiszczor
Recording Secretary
January 2020

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
January 23, 2020

I. CASES WHERE TOWNSHIP IS PLAINTIFF

- A. Township of Upper St. Clair v. James Hawk - Nos. CV-222-2016 & CV-223-2016)
(Magistrate Arnoni).
- B. Township of Upper St. Clair v. Carl Bellini et al. - Docket Number Unknown
(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

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. R&B CONTRACTING - ALLIED WORLD INSURANCE COMPANY BOND CLAIM
- D. TOWNSHIP OF UPPER ST. CLAIR V. SUJILIDA, S.A. NO. 19-000168