

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

**July 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, July 27, 2020, in the Community & Recreation Center, 1551 Mayview Road, Pittsburgh, PA 15241.

PRESENT: Commissioner Christie                      President  
                 Commissioner Paoly                      Vice President  
                 Commissioner Orchowksi  
                 Commissioner Pardini  
                 Commissioner Plutko  
                 Commissioner Waller

                 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: Matthew R. Serakowski                      Township Manager

PUBLIC:                      Approximately 6 people attended.

**ANNOUNCEMENTS**

Commissioner Christie 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.

**CITIZENS' COMMENTS**

Mr. Richard DiSante, 431 Cadberry Court, expressed concerns relating to the Woodshire Estates Agenda item, specifically with the potential of neighborhood property values being lowered as a result of the proposed development by M & D Properties, Inc. In addition, he inquired about any ordinances that may restrict M & D Properties, Inc. from consolidating the 7 parcels into a flag lot.

Mr. Jon Cwalina, 499 Locust Lane, referred to a summary and drawing that he submitted to the Township earlier in the day through the citizens comment email. He indicated that he provided examples of code provisions that should restrict M & D Properties, Inc. from consolidating the parcels as they have proposed.

Mr. Jeff Perri, 433 Cadberry Court, shared his concerns regarding the proposed development and indicated that potential stormwater drainage issues should be considered. He indicated that his property already experiences stormwater drainage issues and that the proposed development may create more challenges.

Mr. Tom Oles 212 Locust Lane, referenced the history of the development and shared the previous concerns of his neighbors, requesting that the Board consider denying the potential development in an effort to maintain the nature of the neighborhood.

In response to Mr. Disante's inquiry, Mr. Firman stated that the Board would not be in a position to make any decisions this evening, as the purpose of the Informational & General Affairs meeting is to gather the information needed to make their decision at the Regular Meeting of the Board on August 3, 2020. He encouraged the residents to attend the Regular Meeting to make their comments on record.

Commissioner Orchowski thanked the residents for sharing their concerns.

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

#### Proclamation Recognizing Former Ward 2 Commissioner C. Elise Logan

Commissioner Christie recognized former Commissioner Logan for her two and a half (2.5) years of service on the Board of Commissioners as she announced her resignation effective July 2020. He shared the appreciation of the Board and presented a Proclamation recognizing her loyal and dedicated service.

Former Commissioner Logan shared what a tremendous honor it was for her to serve on the Board, along with her deep gratitude for the community that she will miss as she prepares for her move out of the Township.

### **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 July 6, 2020 regular meeting. It 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 denying the subdivision will be prepared for consideration by the Board on Monday, August 3, 2020.

In response to the inquiries from Commissioner Christie and Commissioner Pardini, Mr. Firman stated that late in the afternoon, the attorney for M & D Properties, Inc. submitted a written

document that had not yet been reviewed. He stated that as the document is reviewed, details will be shared with the Board.

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

### **COMMUNITY DEVELOPMENT – NEW BUSINESS**

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

Mr. Benigni stated that this is the initial public hearing on an application 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 101 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 Tuesday, September 8, 2020 for the purpose of taking Staff testimony.

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

Recommendation Re. Establish Public Hearing Re. PLC20-1301 – Zoning Map Amendment for Rezoning of 169 McMurray Road from R2 Suburban Residential District to C2 Highway Commercial District.

Mr. Benigni stated that this application was filed by Milton E. Hamel, Jr. for a Zoning Map Amendment to permit the rezoning of property at 169 McMurray Road from R2, Suburban Residential District to C2, Highway Commercial District. This application was reviewed by the Planning Commission at its regular meeting on July 16, 2020 and was recommended for denial. A resolution establishing a public hearing on October 5, 2020 will be prepared for consideration by the Board on August 3, 2020.

In response to Commissioner Paoly's inquiry, Mr. Benigni stated that he would work to provide the Board with a list of commercial zones along with the zoning definitions.

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

### **OTHER AGENDA AND DISCUSSION ITEMS**

Discussion Re. 2021-2025 Capital Improvement Program.

Mr. Romito stated that a public hearing for the Five-Year Capital Improvement Program for 2021-2025 has been scheduled for August 3, 2020. In accordance with Chapter 25-2 of the Township Code, Staff will prepare a Resolution for Board adoption of the presented Capital Improvement Program.

In response to Commissioner Christie's inquiry, Mr. Romito confirmed that the Capital Improvement Program presentation will highlight the significant year over year changes.

### **GENERAL AFFAIRS**

Appointment of Ward 2 Commissioner to Fill the Unexpired Term of former Commissioner C. Elise Logan.

Commissioner Christie stated that in order to proceed with the recommendation on the appointment of the Ward 2 Commissioner position to fill the unexpired term of former Commissioner C. Elise Logan, it will first be necessary for the Board to suspend a provision of the Township Code, Chapter 19, "Board of Commissioners", to permit formal action this evening.

Section 19.6.2 of the Township Code, sets forth that action by the Board at Informational and General Affairs meetings shall be limited to routine non-legislative matters. The section further provides the Board may suspend this requirement, by motion and majority vote.

Per Section C-311 of the Home Rule Charter the Board has 30 days after a vacancy occurs to fill the unexpired term. The deadline is Thursday, August 6, 2020.

It is therefore recommended the Board take action to suspend Section 19.6.2 of the Township Code for purposes of filling the unexpired term for Ward 2 Commissioner. This may be accomplished by a simple motion and roll call vote.

#### **MOTION AND VOTE TO SUSPEND A PROVISION IN THE TOWNSHIP CODE, SECTION 19.6.2, WHICH LIMITS THE BOARD'S ABILITY TO PROCEED WITH BUSINESS OTHER THAN ROUTINE ACTIONS AT A MEETING OTHER THAN THE REGULAR MEETING**

Commissioner Paoly moved to suspend a provision in the Township Code, Section 19.6.2 which limits the Board's ability to proceed with business other than routine actions at a meeting other than the Regular meeting. Commissioner Waller seconded the motion and it was approved by a 6-0 voice vote.

#### **MOTION AND VOTE TO APPOINT A CANDIDATE TO FILL THE UNEXPIRED TERM OF WARD 2 COMMISSIONER (THROUGH DECEMBER 31, 2021)**

Commissioner Waller stated that he would like to nominate Ms. Pamela L. Enck for the Ward 2 Commissioner position.

Commissioner Waller moved to appoint Ms. Pamela L. Enck to fill the Unexpired Term of the Ward 2 Commissioner position. This was seconded by Commissioner Orchowski and was adopted by a 6-0 roll call vote.

Commissioner Christie thanked all of the candidates that had interviewed for the unexpired term of Ward 2 Commissioner and congratulated Ms. Pamela L. Enck for being appointed to fill the unexpired term of Commissioner Logan.

### Status Report Re. Budget and Finance Committee of the Board of Commissioners' Meeting of July 6, 2020

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Commissioner Waller shared that two (2) items were primarily discussed including the year-to-date financials as of May 2020 and the Capital Improvement Plan which occupied the majority of the discussion.

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

### Review of the Informational and General Affairs Meeting Minutes of June 29, 2020

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Commissioner Pardini moved to approve the Informational and General Affairs Meeting Minutes of June 29, 2020. This was seconded by Commissioner Paoly and carried with a 6-0 voice vote.

### Consideration of the July 2020 Bill Sheet

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

### Acknowledge Receipt of Financial Statements for the Six-Month Period ending June 30, 2020

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Commissioner Waller asked Mr. Romito if he would like to share any additional information relating to the financial statements. Mr. Romito shared that the Township is waiting on the earned income tax results which are expected to be received in August. He stated that the Township should have a better understanding of the impact from the expected decline of this revenue source. He indicated that Real Estate Taxes have been performing well and that there has been a focus on reducing expenditure categories through personnel from the Library and Community & Recreation Center along with reductions in costs from professional services.

Commissioner Christie asked if the Township experienced an increase of Sewer Lateral Inspections as a result of the reopening of real-estate activities after the COVID-19 restrictions. Mr. Romito confirmed that there was an increase which should be a positive indicator for the expected real estate transfer tax.

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 June 30, 2020.

### Other

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Commissioner Orchowski thanked the Township Attorney, Mr. Firman, for his assistance with the errant golf-ball matter with St. Clair Country Club (SCCC) and inquired about the actions taken to resolve. Mr. Firman confirmed that SCCC is using the old golf range in the interim as they work to determine a solution that mitigates errant golf balls on neighboring properties.

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

**ADJOURNMENT**

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

Laura Long  
Recording Secretary  
July 27, 2020

**LITIGATION REPORT - SUMMARY  
TOWNSHIP OF UPPER ST. CLAIR  
July 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).

**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