

## **BOARD OF COMMISSIONERS MEETING MINUTES**

**October 3, 2016**

The regular meeting and public hearing 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, October 3, 2016 in Community Room B, Community & Recreation Center at Boyce Mayview Park, 1551 Mayview Road, Upper St. Clair, PA 15241. The Pledge of Allegiance was recited by all present.

PRESENT: Commissioner Christie            President  
Commissioner Del Re  
Commissioner Orchowski  
Commissioner Paoly  
Commissioner Pardini  
Commissioner Seitanakis

Matthew R. Serakowski            Township Manager  
Mark S. Mansfield                Assistant Township Manager  
Mark P. Romito                    Director of Finance  
Adam A. Benigni                 Director of Community Development  
Marlene Peck                     Accounting Manager  
Charles Succop                  Planning & Zoning Coordinator  
Irving S. Firman                 Township Attorney  
Ruthann L. Omer, P. E.         Township Engineer  
Deborah A. Bakowski            Recording Secretary

EXCUSED: Commissioner Waller            Vice President

PUBLIC:            Approximately 20 people attended

### **PROCLAMATION AND RECOGNITIONS**

Commissioner Pardini stated it is his honor to present a Proclamation designating October 9-15, 2016 as Fire Prevention Week in Upper St. Clair to the Upper St. Clair Volunteer Fire Department. He commented that he had worked with them for over 40 years and always found the Volunteers to be exceptionally dedicated and professional. Commissioner Pardini said that he feels, "Upper St. Clair has one of the finest and best fire departments in the country." Mr. Dan Barr, President of the Volunteer Fire Department thanked the Commissioners, Mr. Serakowski, Mr. Mansfield and Mr. Romito for the support that they give the fire department throughout the year.

Commissioner Pardini also recognized the following members of the Volunteer Fire Department for their years of service:

Ray Tomnay – 45 years  
Russell Rauch – 40 years  
Gregory Gerlach – 25 years  
David Kish – 20 years  
John Lekse – 20 years  
Joe Pascarella – 15 years  
Marc Chlebowski – 5 years  
Alan Epler – 5 years

Commissioner Del Re asked for all residents to please check their home's fire alarms and if help is needed, please call the Fire Department. A volunteer from the Fire Department will come to your home to be sure the fire alarms are in good working order and will replace the batteries if needed. He said that approximately 35% of households contribute to the Fire Department. Commissioner Del Re asked for this percentage to increase as he explained that having a Volunteer Fire Department saves the taxpayers a great deal of money. He stated that if every homeowner would donate \$50 a year it would sustain the Fire Department.

### **REVIEW OF BOARD OF COMMISSIONERS REGULAR MEETING MINUTES OF SEPTEMBER 6, 2016**

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Commissioner Orchowski moved to approve the Regular Meeting Minutes of September 6, 2016. This was seconded by Commissioner Del Re and carried with a 6-0 voice vote.

### **PUBLIC COMMENTS**

Mr. Jeffrey Valperga, 3331 Walther Lane, requested assistance from the Township in regards to First Energy removing trees along the creek banks, the condition of the creek banks, and the condition/replacement of the bridge. During this time, Mr. Valperga distributed a letter and photos to the Board of Commissioners. He expressed his concern in regards to the erosion of his property once the trees are removed. Mr. Valperga commented that the Department of Environmental Protection (DEP) said he is not permitted to make any improvements to the stream banks until the bridge is reconstructed.

Mr. Serakowski stated that he has not met with the Valpergas regarding this topic but is very aware that Mr. Valperga has had many meetings with representatives from the Township's Public Works department regarding this subject matter. He stated that as Walther Road is a private lane, it is the owner's responsibility for the maintenance of the lane. Mr. Serakowski explained that the bridge has been inspected by the state and that the report has been made available to Mr. Valperga over the years. He commented that the Township is aware of the work that needs to be done on the bridge. Mr. Serakowski further noted that the Township's Engineer, in conjunction with the Public Works department, is currently working on a solution on how the bridge will look through some manner of reconstruction.

Discussion continued among the Commissioners, Mr. Serakowski, and Mr. Valperga.

Commissioner Christie thanked Mr. Valperga for his time and comments.

Commissioner Christie asked Mr. Serakowski to share the history of this issue with the Commissioners.

### **OLD BUSINESS**

### **CONTINUED PUBLIC HEARING RE. PLC16-1301 – ZONING MAP AMENDMENT FOR REZONING 1320 MAYVIEW ROAD FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT AND R-LI LOW INTENSITY RESIDENTIAL DISTRICT TO R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT**

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Mr. Benigni stated that this was the continued public hearing from September 6, 2016 to this evening for the purpose of taking Staff testimony. He reviewed the recommended public hearing procedures and entered Township Exhibits #25 and #26 into the record.

Those wishing to testify were sworn in by Commissioner Christie.

While reviewing the PowerPoint on the overhead projector, Mr. Benigni explained it is the responsibility of the property owner in matters of rezoning to provide a convincing justification for the proposed rezoning. He stated that while it is not mandatory that the proposed rezoning be found consistent with the Comprehensive Plan, it is good planning practice to determine the relationship between the Comprehensive Plan and the Zoning Code. Mr. Benigni further explained that the Planning Commission and the Board of Commissioners may evaluate petitions for rezoning in terms of the following:

1. *Consistency with policies and recommendations of the 2015-2025 Comprehensive Plan and the validity of the current Plan as a guide.*
2. *Site suitability for the proposed use in the proposed zoning district as opposed to uses permissible in the present zoning district in terms of such matters as topography, accessibility, compatibility, existing and potential future land uses, traffic impact, environmental impact and economic impact.*
3. *Feasibility of developing the site in conformity with the requirements of the proposed zoning district.*

He stated that relative to the feasibility of developing the site, Staff believes that the applicant can develop the property in conformance with the requirements of the R-3 Medium Density Residential District.

Mr. Benigni said that provided no additional testimony is required, Staff recommends that the public hearing be closed and that the Board of Commissioners adopt Bill No. 7-16 which may be accomplished by a simple motion and roll call vote.

Commissioner Christie asked if there were any comments from the Board or the public.

Commissioner Paoly asked if the entrance to the development would remain the same as it is shown on the PowerPoint.

Mr. Terry Bove, Principal, Bove Development, agent for the applicant, responded that he would be meeting with the Traffic Engineers and that the exact placement of the entrance was to be determined.

Commissioner Orchowski asked if Mr. Benigni had received any comments from the public which Mr. Benigni answered he has not.

#### **MOTION AND VOTE TO CLOSE PUBLIC HEARING**

Commissioner Paoly moved to close the public hearing Re. PLC16-1301 – Zoning Map Amendment for Rezoning 1320 Mayview Road from C-1 Neighborhood Commercial District and R-LI Low Intensity Residential District to R-3 Medium Density Residential District. This was seconded by Commissioner Orchowski and carried with 6-0 voice vote.

#### **MOTION AND VOTE TO ADOPT BILL NO. 7-16**

Commissioner Orchowski moved to adopt Bill No. 7-16 Re. PLC16-1301 – Zoning Map Amendment for Rezoning 1320 Mayview Road from C-1 Neighborhood Commercial District and R-LI Low Intensity Residential District to R-3 Medium Density Residential District. This was seconded by Commissioner Del Re and carried with a 6-0 roll call vote.

**NEW BUSINESS****RECOMMENDATION RE. ESTABLISH PUBLIC HEARING DATE RE. PLC16-1302 – ZONING MAP AMENDMENT FOR REZONING OF 1353, 1355, 1357 AND 1361 MC LAUGHLIN RUN ROAD FROM RM-RESTRICTED LIGHT INDUSTRIAL DISTRICT AND RL-I LOW INTENSITY RESIDENTIAL DISTRICT TO RM-RESTRICTED LIGHT INDUSTRIAL DISTRICT**

Commissioner Seitanakis stated that, due to a business conflict, he is recusing himself from participation, deliberation and/or consideration of “Resolution No. 1626” pertaining to rezoning certain parcels on McLaughlin Run Road.

Mr. Benigni stated that Thomas A. Robinson, on behalf of Thomas A. Robinson LP and John and James Kaucic, have filed an application to rezone properties located at 1353, 1355, 1357 and 1361 McLaughlin Run Road from RM Restricted Light Industrial District and R-LI Low Intensity Residential District to RM Restricted Light Industrial District. He commented that the Planning Commission completed its review of this application on September 15, 2016 and recommended approval.

Mr. Benigni stated that Staff recommends the Board of Commissioners establish the public hearing date of Monday, December 5, 2016 by adoption of Resolution No. 1626 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. 1626**

Commissioner Paoly moved to adopt Resolution No. 1626 to establish the public hearing date of December 5, 2016 for PLC16-1302 – Zoning Map Amendment for Rezoning of 1353, 1355, 1357 and 1361 McLaughlin Run Road from RM-Restricted Light Industrial District and RL-I Low Intensity Residential District to RM-Restricted Light Industrial District. This was seconded by Commissioner Pardini and carried with a 5-0-1 roll call vote. Commissioner Seitanakis, due to a business conflict, recused himself from voting.

**RECOMMENDATION RE. PLC16-0007 – SIENA AT ST. CLAIR – AMENDED FINAL LAND DEVELOPMENT APPROVAL**

Mr. Benigni stated the Planning Commission reviewed this application on September 15, 2016 at which time they recommended approval subject to certain conditions. He stated that the applicant is requesting an Amended Final Land Development approval for Siena at St. Clair and that the developer is proposing to remove street lights from the residential portion of the project. Mr. Benigni commented that the Township is in receipt of a letter from the applicant, Gerald Cipriani, requesting that this matter be continued to the November 7, 2016 Board of Commissioners meeting and granting a thirty-five-day extension of all applicable deadlines under the Pennsylvania Municipalities Planning Code to hold additional hearings.

Mr. Benigni stated that Staff recommends that this matter be continued to the Monday, November 7, 2016, Board of Commissioners meeting for the applicant to make their presentation.

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 APPLICANT'S REQUEST TO CONTINUE THIS MATTER TO THE REGULAR BOARD MEETING OF MONDAY, NOVEMBER 7, 2016 AND TO GRANT A THIRTY-FIVE-DAY EXTENSION OF ALL APPLICABLE DEADLINES UNDER THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE RE. PLC16-0007 – SIENA AT ST. CLAIR – AMENDED FINAL LAND DEVELOPMENT APPROVAL**

Commissioner Orchowski moved to approve the applicant's request to continue this matter to the Monday, November 7, 2016 Board of Commissioners meeting and to grant a thirty-five-day extension of all applicable deadlines under the Pennsylvania Municipalities Planning Code Re. PLC16-0007 – Siena at St. Clair – Amended Final Land Development Approval. This was seconded by Commissioner Paoly and carried with a 6-0 voice vote.

**RECOMMENDATION RE. AUTHORIZING THE TOWNSHIP OF UPPER ST. CLAIR TO ENTER INTO A MULTI-MUNICIPAL AGREEMENT BETWEEN THE SOUTHWESTERN PENNSYLVANIA CORPORATION (SPC) AND THE MUNICIPALITY OF BETHEL PARK FOR THE MCMURRAY ROAD SINC-UP PROJECT**

Mr. Benigni commented that in 2013, the Township of Upper St. Clair and the Municipality of Bethel Park submitted an application to the Southwestern Pennsylvania Commission (SPC) for a Signals in Coordination with Equipment Upgrades (SINC-UP) project that will optimize signal operations and equipment in the McMurray Road corridor. SPC has informed the Township that the application was approved and the SPC plans to advance the project. He further explained that the funding for the project includes a 20% local match and that 80% of the cost will be federally funded. The total cost of the project is \$192,156 with the required 20% local match being shared with Bethel Park, bringing the Township's share of the required local match to \$14,887.

Mr. Benigni stated that Staff recommends adoption of Resolution No. 1627 by the Board of Commissioners in order for the project to proceed and for the Agreement to be executed. This 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. 1627**

Commissioner Pardini moved to adopt Resolution No. 1627 Re. Authorizing the Township of Upper St. Clair to enter into a Multi-Municipal Agreement between the Southwestern Pennsylvania Corporation and the Municipality of Bethel Park for the McMurray Road Sinc-Up project. This was seconded by Commissioner Seitanakis and carried with a 6-0 roll call vote.

**RECOMMENDATION RE. 2008 BOND REFUNDING ORDINANCE**

Mr. Romito explained that Bill No. 8-16 would authorize the Township to issue Series 2016 General Obligation Bonds to provide financing for the following:

- Refund the 2008 variable rate bonds, including payment of principal and accrued interest
- Terminate the existing interests rate swap Agreement on the 2008 bonds
- Fund the Brush Run force main sanitary sewer project

He further explained that Bill No. 8-16 follows the discussion from the September 26, 2016 Budget & Finance Committee meeting as well as the Informational & General Affairs meeting of the same date. As stated at those meetings, it is important to keep in mind that approval of this Bill does not obligate

the Township to issue the 2016 Bonds. He said that the Bonds would only be issued if market conditions are favorable to the Township.

Commissioner Christie stated that this was discussed at length at last week's Budget & Finance meeting, at the Informational & General Affairs Board meetings and this is the second time at the Board of Commissioners Regular meeting. He asked if there were any additional comments from the Board or the public and there were none.

Mr. Romito stated that Staff recommends that Bill No. 8-16 be adopted by the Board of Commissioners which may be accomplished by a simple motion and roll call vote.

#### **MOTION AND VOTE TO ADOPT BILL NO. 8-16**

Commissioner Paoly moved to adopt Bill No. 8-16 Re. 2008 Bond Refunding. This was seconded by Commissioner Seitanakis and carried with a 6-0 roll call vote.

#### **OTHER BUSINESS**

Commissioner Del Re stated that he had recently attended the Allegheny League of Municipalities Conference and had participated in the following seminars:

- ✓ Ms. Jennifer Liptak, Chief of Staff to the County Executive's Office, substituted for Mr. Rich Fitzgerald and gave a comprehensive report on several county matters.
- ✓ Mr. Robert J. Burnett, Esquire, on Municipal Ownership and Regulation of Oil & Gas. He said that he is not sure if this type of situation will affect Upper St. Clair in the future but found it noteworthy.
- ✓ Mr. Joe Kuklis, CEO Wellington Strategies, on "It Pays to Support Your Local Library – Here's Why", which was a presentation regarding the Allegheny County Library Association (ACLA).

Commissioner Del Re said that these seminars were exceptionally interesting and very informative.

Commissioner Orchowski complimented the spaciousness of the C&RC meeting room.

#### **ADJOURNMENT**

Following a motion for adjournment by Commissioner Paoly and a second by Commissioner Pardini, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 8:25 PM.