

## **BOARD OF COMMISSIONERS MEETING MINUTES**

**APRIL 7, 2008**

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, April 7, 2008 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 Mertz                      President  
Commissioner McElhinny                      Vice President  
Commissioner Dandoy  
Commissioner Del Re                      Arrived at 7:33 PM  
Commissioner Orchowski  
Commissioner Shimer

Mark S. Mansfield                      Acting Township Manager  
Matthew R. Serakowski                      Assistant Township Manager  
August G. Stache, Jr.                      Director of Finance  
Shannon Miller                      Planning & Zoning Administrator  
Charles P. McCullough                      Township Attorney  
Ruthann Omer                      Township Engineer  
Deborah Bakowski                      Recording Secretary

EXCUSED: Commissioner Brown

PUBLIC:                      Approximately 23 people attended.

### **RECOGNITIONS**

Commissioner Dandoy presented a Proclamation to Ms. Helen Palascak, Director of Library, in recognition of National Library Week, April 13-19, 2008. Ms. Palascak has been with the library for 12 years and last month became the Director of the Library when Lois Hoop retired.

Ms. Palascak thanked the Board for all of their support and invited everyone to visit the Library to see all of the changes made to the Children's area.

Commissioner Mertz, on behalf of the Board, mentioned how proud he is of the Township Library.

Commissioner Del Re presented a Proclamation to the Staff of the Upper St. Clair Today magazine. The members of the Today Staff who were present to receive the Proclamation were: Colleen DeMarco, Lynn Dempsey, Linda Dudzinski, Erin Allen Gibson, Terry Kish, and Julie Sweet along with two of the original Steering Committee members, Paul Fox and Mark Mansfield.

Mr. Fox commented that the first edition of the magazine was printed in 1994 and that the magazine just published their first edition in full color. He mentioned that there has only been

three advertising rate increases in the past 14 years while keeping the quality of the magazine top of the line.

Commissioner Mertz, on behalf of the Board, thanked the Staff and commented on how very proud that both the Township of Upper St. Clair and the Upper St. Clair School District are for publishing a first rate magazine. He mentioned that the Township frames each magazine cover and displays them throughout the Township Offices.

#### MOTION AND VOTE TO ADOPT PROCLAMATIONS

The Board of Commissioners unanimously approved the Proclamations.

#### REVIEW OF BOARD OF COMMISSIONERS REGULAR MEETING MINUTES OF MARCH 3, 2008 AND SPECIAL MEETING MINUTES OF MARCH 11, 2008

Commissioner McElhinny moved to approve, as noted, the Regular Meeting Minutes of March 3, 2008. This was seconded by Commissioner Del Re and carried with a 6-0 voice vote.

Commissioner Shimmer moved to approve the Special Meeting Minutes of March 11, 2008. This was seconded by Commissioner Dandoy and carried with a 4-0 voice vote. Commissioners Del Re and Orchowski abstained from voting because they were not present for the March 11, 2008 Special Board of Commissioner's meeting.

#### PUBLIC COMMENTS

Mr. Jerry Kender, 1470 Meteor Circle, questioned the approval by the Commissioners of a holding pond that will be at the Wingfield Pines property. He indicated that the holding pond will be 800 feet in diameter and will be going over the easement for the sewer line. He expressed his concern regarding a problem that may arise due to mosquitoes, the size of the holding pond and the look of this area. He stated that the sulphur iron oxide that is to be retained in the holding pond will make it look like a sewage plant. He understands that there will be some plants being placed around the holding pond but stated that looking down from his property the plantings will not be able to provide any camouflage to the pond. He stated that he spoke with Allegheny Land Trust personnel and they assured him that they have the necessary approval from the Township of Upper St. Clair. Mr. Kender indicated that he did not see this issue come before the Commissioners and questioned when the approval took place. Mr. Kender stated that he also spoke with the Health Department regarding mosquito management and indicated that the Health Department is also concerned about the mosquito problem. Another concern that Mr. Kender has pertains to the runoff is from the Boyce Mayview Park CRC property. He asked the Commissioners if there could be something designed so that the water from that area goes directly into Chartiers Creek instead of over the hill into the holding area. He feels that the area is going to be a hazard.

Commissioner Mertz commented that Allegheny Land Trust's demonstration of abandoned mine drainage for remediation is a program that is getting a lot of attention from the environmental standpoint, not just from this region but from other areas as well. He explained that this process will extract the iron from the water.

Mr. Serakowski explained that Allegheny Land Trust has not received approval from the Township. The plan that Mr. Kender referred to was received by the Township approximately

two weeks ago and is currently under review by the Township Engineer. The Township has some concerns regarding the information submitted. Allegheny Land Trust has already received DEP and Allegheny Conservation District approval which was accomplished prior to the plan that Mr. Kender has referred to this evening. Mr. Serakowski suggested inviting ALT to make a presentation to the Board.

Ms. Ruthann Omer, Township Engineer, explained that ALT does not have approval from the Township.

Mr. Kender said that when he spoke with ALT about three hours before the meeting, they insisted that the Township had given them the approval.

Ms. Ruthann Omer stated that ALT has submitted a grading permit and they have a fairly extensive list to accomplish. She indicated that keeping water out of the sewer is a main concern; Ms. Omer does not want to add water to the sewer. She assured Mr. Kender that ALT does not have a permit. Ms. Omer explained that the Boyce Mayview Community Recreation Center (CRC) area has a Stormwater Management plan. She indicated that there are multiple ponds, rain gardens, swales, etc. so when the water leaves the site no additional water is leaving than before the site was developed. Ms. Omer stated that the runoff was a very critical situation of importance to the Township when developing the CRC site. She asked Mr. Kender to keep in touch with the Township regarding further approval of this project.

Mr. Bill Bates, 1185 Polaris Circle, commented that the Board of Commissioners has been actively working on controlling the mosquito problem for years. Mr. Bates stated that he has worked with Walter Jarosh, ALT, and the County Health Department to try and stay ahead of the mosquito problem every year. The plan that the Township has developed to divert the water from the Mayview site onto the ALT area, has allowed the channels to open up, which will allow the water to flow instead of being stagnate, which would be more of a breeding site for mosquitoes. He mentioned that all of the landowners along Polaris Circle, except for one, has agreed to let the Township take the run-off from Mayview Park, up behind Polaris Circle, down into the wetlands in order to clean it out and let the water flow to help with the mosquito situation. He asked the Board of Commissioners if they could involve the residents, maybe by sending out a post-card to the residents along Polaris Circle, Galaxy Circle, and the other surrounding neighbors to make them aware and help them understand this process.

Commissioner Mertz thanked the gentlemen for their thoughts and opinions.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **PUBLIC HEARING RE. PLC08-0001 – ST. CLAIRE PLAZA PROPOSED EXPANSION, AMENDED TENTATIVE APPROVAL**

Mr. Serakowski reviewed the recommended public hearing procedures and requested the public hearing be continued to the regular Board of Commissioners' meeting on Monday, May 5, 2008 for the purpose of taking Staff testimony.

Those wishing to give testimony were sworn in by Commissioner Mertz.

Mr. Serakowski entered into the record Township exhibits 1-21 and the applicant exhibits 1-15. He introduced Mr. Ed Klett, BR Associates, to give a brief presentation.

Mr. Klett noted that the project is located on Boyce Road, in front of St. Claire Plaza. He stated that he is asking for approvals for drive-thrus at either end of the center; one for a coffee shop and a financial center. He explained that with the square footage being reduced from the original square footage of the building, the site could accommodate the drive-thrus. He further explained that the site is now 1600 square feet less than was approved approximately a year ago. There has been 10 feet by 80 feet taken off both sides of the building. He noted that there has been a lot of time spent with the Staff going over the plans to correct some of the issues regarding sidewalks, crosswalks and radius. There have been substantial revisions made, as requested by the Township Staff, and those revisions have been added to this Amended Plan. The Planning Commission had approved this Plan at its 2008 February meeting.

Mr. Klett then introduced Mr. Dan Falcioni, Management Team Member and Mr. Kevin Doody, Engineer.

Commissioner Mertz asked for questions from the Board.

Commissioner Orchowski commented that he has a concern regarding the traffic for that area but will wait for the Township Traffic Engineers' report and recommendation.

Commissioner Mertz asked if the financial center that was referred to was a bank.

Mr. Klett indicated that it could be a loan center or a banking center.

Commissioner Dandoy asked if the new addition sits between the existing buildings on Boyce Road.

Mr. Klett indicated that it is between the existing buildings on Boyce Road.

Commissioner Mertz asked for additional testimony from the public.

There was none.

**MOTION AND VOTE TO CONTINUE PUBLIC HEARING RE. PLC08-0001 - ST. CLAIRE PLAZA PROPOSED EXPANSION, AMENDED TENTATIVE APPROVAL TO THE BOARD OF COMMISSIONER'S REGULAR MEETING ON MONDAY, MAY 5, 2008**

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Commissioner Orchowski moved to continue public hearing Re. PLC08-0001 – St. Claire Plaza Proposed Expansion, Amended Tentative Approval to the Board of Commissioner's regular meeting on Monday, May 5, 2008. This was seconded by Commissioner Dandoy and carried with a 6-0 voice vote.

**PUBLIC HEARING RE. PLC08-0002 – FOX CHASE PRD PHASE FOUR REVISION NO. 2, AMENDED TENTATIVE APPROVAL**

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Mr. Serakowski reviewed the recommended public hearing procedures and requested for the

public hearing be continued to the regular Board of Commissioners' meeting on Monday, May 5, 2008 for the purpose of taking Staff testimony.

Those wishing to give testimony were sworn-in by Commissioner Mertz.

Mr. Serakowski entered Township exhibits 1-16 and applicant exhibits 1-27 into the record.

Mr. Serakowski introduced Ms. Kim Gales-Dunn, J. R. Gales and Associates.

Ms. Gales-Dunn explained that Williamson & Jefferson, Inc. would like to incorporate property acquired from the USC School District, which is under Agreement of Sale, with Williamson & Jefferson, Inc., into revised lots 428 and 429 and add four new lots. She stated that the approval of the revised plan will not affect the use of the remaining 12 acres as playing fields.

Commissioner McElhinny inquired if there will be any barrier between Parcel A and the property added to create the four additional lots.

Mr. Jesse Thomas, Vice President of Williamson & Jefferson, Inc., stated that the landscaping that is already on Winchester Drive will be extended.

Commissioner Orchowski asked if there would be sidewalks in this plan.

Ms. Ruthann Omer indicated that there would be sidewalks on one side.

Commissioner Mertz asked if the public had any questions or comments.

There were no public comments.

**MOTION AND VOTE TO CONTINUE PUBLIC HEARING RE. PLC08-0002 – FOX CHASE PRD PHASE FOUR REVISION NO. 2, AMENDED TENTATIVE APPROVAL TO THE REGULAR BOARD OF COMMISSIONERS' MEETING ON MONDAY, MAY 5, 2008 FOR THE PURPOSE OF TAKING STAFF TESTIMONY**

Commissioner McElhinny moved to continue public hearing re. PLC08-0002 – Fox Chase PRD Phase Four Revision No. 2, amended tentative approval to the regular Board of Commissioners' meeting on Monday, May 5, 2008 for the purpose of taking Staff testimony. This was seconded by Commissioner Shimer and carried with a 6-0 voice vote.

**PUBLIC HEARING RE. INTER-MUNICIPAL LIQUOR LICENSE TRANSFER SCOGLIO SOUTH – 1600 PAINTERS RUN ROAD**

Mr. Serakowski reviewed public hearing procedures and explained that the application filed by Scoglio South, Inc., is for the transfer of Liquor License R-18831 from the former location in Collier Township to the new location at 1600 Painters Run Road, Pittsburgh, PA 15243. Mr. Serakowski stated that assuming no additional testimony is required, Staff recommends that the hearing be closed and action be taken to transfer the liquor license. He stated that this may be accomplished by adoption of Resolution No. 1486.

Those wishing to give testimony were sworn in by Commissioner Mertz.

Mr. Gary Komoroski, owner of Scoglio South, indicated that he has been in business over 20 years and would like his liquor license to transfer from Collier Township to the Township of Upper St. Clair.

Commissioner Del Re asked once the Resolution is adopted how long it takes to be in effect.

Mr. Komoroski indicated that it takes 30 days.

MOTION TO CLOSE PUBLIC HEARING - RE. INTER-MUNICIPAL LIQUOR LICENSE TRANSFER SCOGLIO SOUTH – 1600 PAINTERS RUN ROAD

Commissioner McElhinny moved to close public hearing re. Inter-Municipal Liquor License Transfer Scoglio South – 1600 Painters Run Road. This was seconded by Commissioner Orchowski and carried with a 6-0 voice vote.

MOTION AND VOTE TO ADOPT RESOLUTION NO. 1486

Commissioner McElhinny moved to adopt Resolution No. 1486. This was seconded by Commissioner Shimer and carried with a 6-0 roll call vote.

RECOMMENDATION RE. PLC08-9901 – AMENDMENT TO CHAPTER 99 OF THE CODE OF THE TOWNSHIP ENTITLED “PUBLIC AND PRIVATE IMPROVEMENTS”

Ms. Miller explained that as a result of a review by the Township Staff and the Township Engineer, it has been determined that Amendments are necessary to this Chapter of the Code. The Amendments include the requirement for deflection tests, that video inspections of all new storm and sanitary sewers be required prior to acceptance of the public improvement, that standards for driveways for single family lots be added, and that Figures within Section 99.5. entitled “Illustrations” be revised.

Ms. Miller stated that Staff recommends the Board of Commissioners adopt Bill No. 8-08 to effect this amendment.

MOTION AND VOTE TO ADOPT BILL NO. 8-08

Commissioner Dandoy moved to adopt Bill No. 8-08. This was seconded by Commissioner Del Re and carried with a 6-0 roll call vote.

RECOMMENDATION RE. APPROVAL OF CONTRACTS

Mr. Mansfield presented the following contracts to the Board of Commissioners for their approval in accordance with the Township Code:

Cleveland Brothers Equipment Murrysville, PA	Hydraulic Track Excavator	\$ 66,911.00
Donegal Construction Corp. Greensburg, PA	Public Works Retaining Wall	\$491,440.75
Tri-Star Motors McKeesport, PA	Mechanics Service Vehicle	\$ 31,926.34
Goettler Associates Columbus, Ohio	Fundraising Services	\$150,000.00

Mr. Mansfield stated that a simple motion and voice vote would authorize the above actions.

Discussion ensued regarding the contracts listed above.

Mr. Mansfield confirmed that PennDOT has declined the proposed improvement to the Chartwell Drive crossing outlined by the Township Traffic Engineer.

Ms. Miller indicated that she and Mr. Kyle Robinson, Public Works Director, met with three members of PennDOT and the Township Traffic Engineer last Wednesday. PennDOT said they will not provide the Township with HOP because it does not meet warrants for the crossing. They did suggest signage for the crossing into Tustin Park indicating "pedestrian area." Staff has sent a letter to PennDOT requesting the installation of those signs. At that time, the Township will notify the residents who have requested a change that the signs would be going up.

A lengthy discussion ensued among the Commissioners and Ms. Miller regarding PennDOT's information.

Commissioner Mertz expressed his concern regarding children playing in that area and the possibility of a car going out of control and causing harm. He would like a flashing light installed.

Ms. Miller said that installing the flashing light had been discussed in the meeting held last week and PennDOT has refused that suggestion also due to the flashing light that exists for the sharp bend.

Commissioner Mertz asked for Ms. Miller to keep on this problem.

Commissioner Mertz asked that the Township Manager's office contact the Township Police Department in regards to the area and concerns discussed.

MOTION AND VOTE TO APPROVE THE ABOVE CONTRACT WITH CLEVELAND BROTHERS EQUIPMENT FOR A HYDRAULIC TRACK EXCAVATOR

Commissioner Orchowski moved to approve the contract with Cleveland Brothers Equipment for a Hydraulic Track Excavator. This was seconded by Commissioner Del Re and carried with a 6-0 voice vote.

MOTION AND VOTE TO APPROVE THE ABOVE CONTRACT WITH DONEGAL CONSTRUCTION CORPORATION FOR THE PUBLIC WORKS RETAINING WALL

Commissioner Shimer moved to approve the contract with Donegal Construction Corporation for the Public Works Retaining Wall. This was seconded by Commissioner Del Re and carried with a 6-0 voice vote.

Discussion ensued among the Commissioners, Mr. Mansfield, Mr. Stache and Ms. Omer.

Ms. Omer stated that this project has been considered for over 2 years and she does not feel that going out to bid again would result in lower bids. She said that soil testing has been done and Gateway Engineering does not anticipate discovering any problem once construction begins.

Commissioner Shimer expressed his concern over the wall collapsing onto a state highway and the Public Works Garage building being damaged as the wall has been coming down on its own.

MOTION AND VOTE TO APPROVE THE ABOVE CONTRACT WITH TRI-STAR MOTORS FOR MECHANICS SERVICE VEHICLE

Commissioner McElhinny moved to approve the contract with Tri-Star Motors for Mechanics Service Vehicle. This was seconded by Commissioner Orchowski and carried with a 6-0 voice vote.

MOTION AND VOTE FOR APPROVAL TO THE ABOVE CONTRACT WITH GOETTLER ASSOCIATES FOR FUNDRAISING SERVICES

Commissioner Mertz stated that this contract has been given a lot of attention from the Board.

Mr. Mansfield reviewed the cover letter sent by Mr. Goettler and the changes to be made to the contract by Goettler Associates to meet the Board of Commissioners' concerns.

Commissioner Del Re suggested that Mr. Goettler and Mr. Green be invited to the Informational and General Affairs April 28, 2008 meeting to answer questions and concerns of the Board of Commissioners regarding the submitted contract.

Mr. Mansfield stated that he will invite Mr. Goettler to the April 28, 2008 Informational and General Affairs meeting.

Discussion ensued among Mr. Mansfield, residents, and the Board of Commissioners regarding cost, verbiage and choosing a fundraising company from out of the area.

Commissioner Mertz explained that a few different companies were interviewed and it was an unanimous decision to choose Goettler Associates. The Commissioners were disappointed that they could not get a Pittsburgh firm that was a good fit for the Township. The Board did question Mr. John Goettler about the firm not being from the Pittsburgh area but from the information that was presented it illustrated that Goettler Associates had more knowledge about the Township's local situation, demographics, etc. than the Pittsburgh firm.

Mr. Jim Welch, 1208 Montclair Drive, expressed his disagreement with hiring a fundraising firm. He feels that there is a strong support for building the CRC but suggested that volunteers may want to help with raising funds.

Commissioner Mertz thanked Mr. Welch for his comment.

Commissioner Shimer commented that he works for a non-profit organization and has experienced all kinds of fundraising. The Board was attracted to Goettler Associates because the Township needs professionals who know how to effectively raise funds for the CRC.

**OTHER BUSINESS**

Commissioner Mertz announced that the following residents are being appointed to the following boards or committees.

<b>Board/Commission</b>	<b>Name</b>	<b>Term Expires</b>
Building Fire Codes Appeals & Advisory Board	Robert Stevens	12/31/2009
Parks & Recreation Board	Daniel Paoly	12/31/2010
Youth Steering Committee	Celia Evans	06/30/2012
Youth Steering Committee	Robert Plummer	06/30/2012

MOTION AND VOTE TO APPROVE THE ABOVE APPOINTMENTS

Commissioner Shimer moved to approve the above Commissions. This was seconded by Commissioner McElhinny and carried with a 6-0 voice vote.

Commissioner Mertz asked Commissioner McElhinny to update the Board on the Charge to the Gilfillan Study Group.

Commissioner McElhinny asked the Commissioners to refer to the draft of the Charge to Gilfillan Study Group that was in the Commissioners' April 4<sup>th</sup> AR. She proposed to change the April 1 date in the last paragraph in the Charge to September or October. Commissioner McElhinny suggested that the first sentence of the Charge be changed to read: "The Study Group (SG) should brainstorm ideas for use of the Township's portion of Gilfillan Park which would support the continued use of the land primarily for passive use for historical, cultural, recreational and educational purposes."

She indicated that she hoped to have this group bring multiple ideas before the Board for discussion. She proposed that the entire Parks and Recreation Board be utilized instead of creating a new Ad Hoc group. In using the Parks and Recreation Board the residents would know that at their regular Tuesday monthly meeting this item would be discussed every month over the next several months. This way would also allow for greater public participation versus having Ad Hoc meetings periodically. Commissioner McElhinny said that the Parks and Recreation Board is more than willing to work on this project. She stated that there may be concerns about keeping the group smaller but feels that it is important in keeping the Parks and Recreation Board together.

Commissioner Mertz asked Commissioner McElhinny to distribute the revised Draft of the Charge to the other Board members. He asked if any of the Commissioners have any additions or comments to direct them to Commissioner McElhinny so that the Township can move ahead with the Charge at the April 28, 2008 General Affairs and Informational meeting.

Commissioner Mertz commented that this property is a jewel for the Township and would like the Township to develop the best use of this property for the residents.

Commissioner Mertz asked if the Township Attorney would address the issue of a City/County consolidation. He asked if a position statement could be prepared.

Attorney McCullough said he would be happy to do that.

Commissioner McElhinny suggested that a Public Service Announcement be placed on Cable 7 notifying the Township residents that if they acquire Verizon Cable service they will lose their PEG Channels possibly until October 2008.

Mr. Mansfield stated that he has been talking with Susan Kanonczyk, Verizon Representative, regarding having the PEG Channels available before October 2008. Mr. Mansfield stated that he will keep the Board of Commissioners updated on Verizon's progress.

### **ADJOURNMENT**

Following a motion for adjournment by Commissioner McElhinny and a second by Commissioner Dandoy, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 9:30 PM.

Deborah Bakowski  
April 11, 2008