

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

March 31, 2008

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, March 31, 2008, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: Commissioner Mertz President
 Commissioner McElhinny Vice President
 Commissioner Brown
 Commissioner Dandoy
 Commissioner Del Re
 Commissioner Orchowski
 Commissioner Shimer

 Mark S. Mansfield Acting Township Manager
 Matthew R. Serakowski Assistant Township Manager
 August G. Stache, Jr. Director of Finance
 F. Kyle Robinson Director of Public Works
 Shannon Miller Planning & Zoning Administrator
 Charles P. McCullough Township Attorney
 Ruthann L. Omer Township Engineer
 Cynthia Kane Recording Secretary

PUBLIC: Approximately 11 people attended.

CITIZENS' COMMENTS

There were no Citizens' Comments.

INFORMATIONAL ITEMS

Community Development – Old Business

None.

Community Development – New Business

Public Hearing Re. PLC08-0001 – St. Claire Plaza Proposed Expansion Revised, Amended Tentative Approval

Mr. Serakowski stated this is the initial public hearing on this application to reduce the size of the previously approved building to accommodate a drive-through at each end. The Board of Commissioners granted Tentative Approval on February 6, 2006 by Decision USC-PD 1-06 and Final Approval on June 5, 2007 by Ordinance 1958. The plan has not been recorded to date. Staff will recommend the hearing be continued to May 5, 2008 for the purpose of taking Staff testimony.

Public Hearing Re. PLC08-0002 – Fox Chase PRD Phase Four Revision No. 2, Amended Tentative Approval

Mr. Serakowski stated this is the initial public hearing to amend two lots and add four new lots within the plan. This second revision will incorporate part of the School District property, which is under agreement of sale, pending plan approval. Presentation will be done by applicant, and Staff will recommend the hearing be continued to May 5, 2008 for the purpose of taking Staff testimony.

Public Hearing Re. Transfer of Liquor License – Scoglio South, Inc., 1600 Painters Run Road

Mr. Serakowski stated this is the public hearing for the transfer of Liquor License R-18831 from the Scoglio Restaurant in Collier Township, to its new location at 1600 Painters Run Road. Staff will recommend the hearing be closed. A Resolution authorizing the transfer will be prepared for consideration by the Board.

Recommendation Re. PLC08-9901 – Amendment to Chapter 99 Entitled “Public and Private Improvements”

Mr. Serakowski stated that a review by Staff indicates that certain sections of Chapter 99 of the Code of the Township require amending, in particular a change in deflection tests, a new condition to require video inspection of all new storm and sanitary sewers prior to acceptance of the public improvement, inclusion of driveway standards for single family uses and changes to certain figures within the Illustrations.

Items of Interest Report

The Board reviewed items on the Items of Interest Report.

Other Agenda and Discussion Items

Presentation by Regional Environmental Education Center Board Members

Commissioner Mertz welcomed Mr. Rick Jacobs, Mr. David Wade, Mr. Doug Shuck, Mr. Ken Pasterak, and Ms. Jessica Stombaugh from the Regional Environmental Education Center (REEC).

Mr. Rick Jacobs, REEC Board Member and Township resident, gave a presentation about REEC, its history, growth, and programs. REEC is a non-profit educational organization with its mission being to connect people of Southwestern PA with their environment. The REEC uses the 10 miles of Boyce Mayview trails to conduct its classes and show its unique resources. Since the REEC opened in fall 2004, programs have grown to serve approximately 8,000 students from both private and public schools in Allegheny and surrounding counties. Seventy-five percent of visitors are from areas other than Upper St. Clair. This is an important factor in obtaining Regional Asset District (RAD) funds.

Mr. Jacobs stated that approximately 20% of the budget is covered by program income leaving the remaining 80% to be raised annually. Major grants are difficult to sustain year to year and it is important for REEC to develop a plan on becoming sustainable. After meeting with consultants, REEC has been advised to hire an Executive Director whose primary function would be to develop a sustainable fundraising plan over the next three years. At the end of that time, REEC should be well on its way to being self-sustaining.

Mr. Jacobs stated the REEC is also seeking funding for operations and is looking to the Township for support over the transitional period from now to 2011.

Mr. Jacobs thanked the Board for the opportunity to present this information.

Commissioner McElhinny complimented Ms. Jessica Stombaugh for her hard work stating she has heard numerous compliments about the REEC programs. She stated much of the credit goes to Ms. Stombaugh and to the REEC Board members who are working very hard to advance the REEC.

Commissioner Mertz stated that he and Commissioner Shimer had met with the REEC Board earlier this year and that it is agreed that it makes sense for REEC and the Township to go hand and hand through RAD. As far as this year is concerned, it's been determined from Mr. Mansfield and Mr. Stache that \$30,000 can be provided and possibly an additional \$30,000.

Mr. Dave Wade stated the projected budget is based on \$76,000, \$10,000+ of that is the annual payment with regard to the composting toilet.

Commissioner McElhinny asked for clarification re. the \$88,000 composting toilet and annual payment.

Mr. Jacobs stated the composting toilet was constructed by the Township and an agreement was reached that the REEC Board would pay back the cost of construction at \$10,000 annually.

Commissioner McElhinny asked if progress had been made re. schools which would sign on with a regular commitment as their way of fulfilling the environmental education mandate in their programming.

Ms. Stombaugh stated Upper St. Clair has tied the REEC programs right in with theirs. Now that that has been done, other school districts can be approached with the same model.

Commissioner McElhinny asked REEC to supply information showing income growth over the three years.

Mr. Ken Pasterak, Chair of the REEC Board, stated that on advice of non-profit consultants, REEC desires to have a staff person on board to develop and implement a sustainable fundraising plan. If being sustainable is not achieved within 3 years, then it probably will not happen. After three years, REEC would envision not requesting funding from the Township because REEC would be generating funds.

Commissioner McElhinny asked if REEC is considering expanding the facility within the next 3 years.

Commissioner Mertz stated there have been recent conversations about this and there is great support from Congressman Murphy. The tentative plans would be modular construction which could be expanded. If the dollars are received, the matter would be discussed with the full Board.

Commissioner McElhinny stated she has some concern about expansion prior to the successful completion of the 3 year sustainable timeframe. If dollars do become available she would prefer to see the expansion on the back end of the 3 year timeframe.

Mr. Pasterak stated that it is easier to receive capital dollars than operating dollars in fundraising. It is REEC's vision that once staff that is competent in raising funds is in place, it will aid the fundraising cause.

Commissioner McElhinny asked exactly what the Board is committing to and what would be done if there is no RAD funding.

Commissioner Mertz answered either the money would come from the General Fund or the Board would decide not to be part of it. The Township is attempting to get a 10-year commitment from RAD.

Commissioner Shimer stated that the RAD Board views the fact that this is a regional asset more seriously because of the REEC. The growth of student participation is truly remarkable. Last year's application shows that much of the population REEC is serving are from areas outside of the Township. The Township may not have received the \$500,000 if it had not been for REEC.

Commissioner Orchowski agreed with Commissioner McElhinny with regard to sustainability and the funding situation. He believes if the Board approves funding, it would need to give REEC a multi-year commitment.

Commissioner Mertz stated the Board would be seeking approval of REEC's funding request before the end of May meeting.

Attorney McCullough suggested that if the Township goes forward on this, consideration should be given to having an intergovernmental agreement between the REEC and the Township specifying the parameters by which the Township would make this additional contribution, with the conditions discussed tonight as part of the agreement.

Commissioner Mertz thanked Attorney McCullough for the suggestion.

Commissioner Mertz thanked the REEC Board Members and Ms. Stombaugh for attending tonight's meeting and giving their presentation. He wished them well on behalf of the entire Board.

Status Report Re. Boyce Mayview Park Community Recreation Center Construction

Commissioner Mertz introduced Mr. Mark Edelmann, EPM Architecture, Project Manager for the Community Recreation Center Project.

Mr. Edelmann reviewed the project memorandum which was enclosed with the Commissioners' agendas. [The Project Construction Update dated March 26, 2008 is attached for reference]. He stated it has been a good construction month, even with the rain. Site grading work has proceeded, in addition to the completion of the majority of site utilities. Masonry work is due to begin April 7 in the pool equipment and outdoor pool locker room areas. Total project construction cost is approximately \$1,600,000 to date.

Commissioner Mertz thanked Mr. Edelman for his presentation.

Commissioner Mertz stated that a meeting had been held with Representative John Maher and a meeting with Senator John Pippy is scheduled for April 16, 2008 to discuss possible funding assistance for the Mayview Road turn lane. The Board is cautiously optimistic that some funding will be available.

Recommendation Re. Approval of Contracts

- Public Works Retaining Wall

Mr. Mansfield reviewed the results of the March 25, 2008 bid for the construction of a new retaining wall in front of the Public Works building on McLaughlin Run Road. Staff recommends the proper Township officials be authorized to enter into a construction contract with Donegal Construction Corporation in the amount of \$491,440.75.

Commissioner McElhinny questioned the bid amount, stating it was expected to be \$350,000-\$400,000.

Township Engineer Ruthann Omer explained that one potential bidder could not be qualified and another chose not to bid. She stated that if the bid is re-bid, the new cost could be higher.

Mr. Robinson stated that when the wall is being built, McLaughlin Run Road will remain open to traffic with no detour. He also stated he does not see a way to cut any costs from the project.

- Hydraulic Track Excavator

Mr. Mansfield reviewed the need for the purchase of a new hydraulic track excavator. Under the Pennsylvania State Contract, the price of the equipment is \$92,911, less trade of the outgoing backhoe (\$26,000) yielding a net price of \$66,911. Staff recommends the proper Township officials be authorized to enter into a contract with Cleveland Brothers Equipment for this purchase.

- Public Works Service Vehicle

Mr. Mansfield reviewed the need for a Public Works Service Vehicle. The current vehicle, which had been scheduled for replacement in 2009, was involved in a traffic accident and was determined to be a total loss. The Township received \$9,700 from the insurance carrier. A replacement cab and chassis is available under the COSTARS Piggyback Purchasing Program from Tri-Star Motors in the amount of \$31,926.34. Staff recommends the proper Township officials be authorized to enter into a contract for the purchase of the service vehicle.

Mr. Robinson stated the Public Works Department is in immediate need of the service vehicle.

These contracts will be considered at the Regular Meeting of April 7, 2008.

Commissioner Mertz requested Township Staff prepare a list of recent Township projects showing over/under amounts of actual costs vs. budgeted costs.

Recommendation Re. Establishing Upper St. Clair Veterans Monument Committee

Commissioner Mertz stated that the Board of Commissioners had identified the building of a Veterans Monument as one of its Top Ten Priorities for 2008-2009. On March 24, 2008 a meeting was held with interested parties to discuss designing, funding, and constructing such a

monument. The next meeting is scheduled for April 10, 2008, 4:30 PM in the Board Conference Room. He stated the Board should formally establish an Ad Hoc Committee.

MOTION TO ESTABLISH AN AD HOC COMMITTEE, "UPPER ST. CLAIR VETERANS MONUMENT COMMITTEE," TO EVALUATE POTENTIAL LOCATIONS AND DESIGNS FOR A VETERANS MONUMENT, RECOMMEND A TIMELINE, AND DEVELOP A FUNDRAISING PLAN

Commissioner Brown moved to establish an Ad Hoc Committee, "Upper St. Clair Veterans Monument Committee," to evaluate potential locations and designs for a Veterans Monument, recommend a timeline, and develop a fundraising plan. The motion was seconded by Commissioner Del Re and carried with a 7-0 voice vote.

Recognitions

Commissioner Mertz stated that at the Regular Meeting of April 7, 2008, a Proclamation will be presented recognizing the week of April 13-19, 2008 as National Library Week in Upper St. Clair. Commissioner Dandoy will present the Proclamation on behalf of the Board.

Commissioner Mertz stated that at the Regular Meeting of April 7, 2008, a Proclamation will be presented to the Staff of Upper St. Clair Today Magazine. Commissioner Del Re will present the Proclamation on behalf of the Board.

GENERAL AFFAIRS

Recommendation Re. Ratification of Corrective Deed Re. Boyce Mayview Park

Attorney McCullough explained that a Corrective Deed for Boyce Mayview Park had been prepared and signed by the appropriate parties. The Board of Commissioners is asked to ratify this corrected indenture.

MOTION AND VOTE TO RATIFY THE CORRECTED INDENTURE RE. BOYCE MAYVIEW PARK

Commissioner McElhinny moved to ratify the corrected indenture re. Boyce Mayview Park. The motion was seconded by Commissioner Dandoy and was approved by a 7-0 voice vote.

Recommendation Re. Approval of Contract

Mr. Mansfield reviewed the contract for fundraising services for the Community Recreation Center proposed by Goettler Associates.

MOTION TO APPROVE THE GOETTLER ASSOCIATES CONTRACT UP TO \$150,000 RE. FUNDRAISING FOR THE COMMUNITY RECREATION CENTER AND RELATED PARK IMPROVEMENTS

Commissioner Brown moved to approve the Goettler Associates Contract up to \$150,000 re. Fundraising for the Community Recreation Center and related Park Improvements. The motion was seconded by Commissioner Shimer.

Discussed ensued.

The contract amount of \$150,000 is proposed to be paid in 10 monthly payments; the first 5 months at a rate of \$18,000 and the second 5 months at the rate of \$12,000. The Board

instructed Mr. Mansfield to go back to Goettler Associates and request 10 equal monthly payments of \$15,000 each.

Mr. Mansfield was also asked to discuss with Goettler Associates point #4 in the contract stating "Client agrees to use its best efforts to support said campaign and to provide volunteers to staff the campaign. Goettler does not engage in the direct solicitation of pledges or donations, but directs the fund-raising solicitation of Client's staff and volunteers." It is the understanding of those who attended a meeting between Goettler Associates, Commissioners, and Township Staff that staff from Goettler would participate in visits to potential donors.

WITHDRAWAL OF MOTION

Commissioner Brown withdrew the motion.

Review of Informational and General Affairs Meeting Minutes of February 25, 2008

Commissioner Brown moved to approve the meeting minutes of February 25, 2008. The motion was seconded by Commissioner McElhinny and carried by a 7-0 voice vote.

Consideration of March 2008 Bill Sheet

Commissioner Orchowski stated he has reviewed the March 2008 Bill Sheet and moved to approve it. Commissioner Shimer seconded the motion which was approved by a 7-0 voice vote.

Acknowledge Receipt of Financial Statements for the Two-Month Period Ending February 29, 2008

Commissioner Orchowski acknowledged receipt of the Financial Statements for the two-month period ending February 29, 2008.

Other

Commissioner McElhinny, speaking as Chair of the Parks and Recreation Committee of the Board, requested that the Board review the Gilfillan Study Group Charge. A copy will be in the Friday, April 4, 2008 packets.

Commissioner Brown stated there are neighborhood residents and members of the Historical Society who are interested in serving. It has not been determined who the Parks and Recreation Board and Commissioner representative will be.

Commissioner McElhinny stated the entire Parks and Recreation Board should be involved in this Charge and that they can use their Board's regular monthly meetings as a vehicle for public participation and awareness of this process.

Commissioner Mertz asked that a motion be considered for the Board's consideration at the Regular meeting of April 7, 2008.

Commissioner Mertz stated that one of the priorities identified by the Board, was to assess the commercial property that is undeveloped in Upper St. Clair. Commissioner Mertz charged Commissioner Shimer to serve as head of that particular subcommittee and Commissioner Dandoy (as Chair of the Community Development Committee), and the Staff of Community Development to put together a plan the Board could act on in terms of a Charge and makeup of that Committee.

Executive Session Announcement

Commissioner Mertz announced an Executive Session was held on Friday, March 7, 2008 to discuss legal matters.

ADJOURNMENT

Following a motion for adjournment by Commissioner Brown and a second by Commissioner Dandoy, the motion carried with a 7-0 voice vote and the meeting adjourned at approximately 9:57 PM. An Executive Session followed for the purpose of discussing Legal, Personnel, and Real Estate matters.

Cynthia Kane
Recording Secretary

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
MARCH 27, 2008

I. CASES WHERE TOWNSHIP IS PLAINTIFF

1. Township of Upper St. Clair v. Philip Robinson, No. GD06-26113.
2. Township of Upper St. Clair v. Highley, et al., No. GD07-3585.
3. Township of Upper St. Clair v. Dominion Joint Venture, GD05-031635.
4. Township of Upper St. Clair v. Medoff.

II. CASES WHERE TOWNSHIP IS DEFENDANT NOT DEFENDED BY INSURANCE CARRIER

1. Thomas S. White, Mark G. Trombetta, M.D., Robert E. Faust, Leonard C. Highley and H. Scott Hawkins v. Township of Upper St. Clair, Robert Crown, t/d/b/a Crown Communications, and Barbara Crown, his wife, No. GD96-16806, No. 477 CD 2008, Commonwealth Court

III. CASES WHERE UPPER ST. CLAIR IS DEFENDANT AND INSURANCE COMPANY IS DEFENDING

None.

IV. TAX APPEALS

1. County Base Year Assessment Litigation

V. CONDEMNATION

1. Township of Upper St. Clair v. Bedner, et al., GD 03-12776
2. Township of Upper St. Clair v. Pantelis

VI. LAND USE

1. Godish vs. Zoning Hearing Board of Upper St. Clair, SA 04-1171.
2. Ross Development – Land Use Appeal of Commerce Partnership #9505, S.A. 07-641.



2700 West 10th Street
 Suite 1000 - A1000

MEMO

To: Township of Upper St.Clair
 Board of Commissioners
RE: USC-CRC Project Update
 3-31-08 USC Commissioners
 Informational Meeting

Date: 3/26/08
Project Number: 200625 80
Project: USC- Community
 Recreation Center

Notes:

Dear Township of Upper St.Clair Board of Commissioners;

The following is a Project Construction update for the USC-Community Recreation Center for the Month of **March, 2008**. The following is included in our monthly report packet to you;

- **Project Construction Status;** indicating specific issues, milestones and general progress of the project.
- **Current Project Site Construction Photos;**
- **Current Project Schedule;** as included within the last construction job conference, and indicating progress of major construction milestones.
- **Current Project Cost Summarization Worksheet;** this includes project construction costs to date, taken from the previous months payment package (February-08) provided to the Township.

A short summary of this month's Project Update include;

1) **Project Construction Status:**

Key Construction Items Completed and/of In Progress Include;

- Site storm lines complete at North parking lot, partial Southern Lot and East of building façade-final grading remains.
- Site sanitary complete from manhole-A (bottom of hill) to manhole-H (top of hill adjacent to building entry, with exception of manhole-D).
- Permanent gas and water lines to building pad in place.
- Pool equipment surge tanks poured complete w/forms stripped.
- Building foundations complete at column lines R2 (curved aquatics wall), column lines A thru E, 13 & 5 (Gymnasium Area surround).
- All building foundations are scheduled to be completed by April 14th, barring extreme wet weather.
- Interior sanitary work has begun at the Indoor Aquatics area.
- Initial steel sequence (at Gymnasium) is scheduled for second week of April.
- Masonry bearing walls at Pool Equipment Area and Exterior Pool Changing Rooms is on schedule to begin April 7th.

Sent By: Mark M. Edelmann, AIA

Copies To: File

Current Project Site Construction Photos:

Project site photographs taken from the after last job conference (3/26/08) are attached. These photos indicate the following;

- Page-1;
 - Northern parking lot area, near sub grade. All subsurface storm utilities are in place.
- Page-2;
 - Gymnasium Area- Looking Northeast; Column Line 5- with A thru G foundation "fingers" beyond.
 - Gymnasium Area- Looking Northeast; Column Line A- at the top slope. Electrical secondary conduit stubbed up to Electrical Room, from Electrical Transformer location in foreground.
- Page-3;
 - Sanitary manholes in place (top will be finished grade) and North side of concrete pool surge tank.
 - Indoor Aquatics and Gymnasium demising wall foundation- looking South.
- Page-4;
 - Electrical Room- looking East.
 - Concrete surge tanks at Pool Equipment Room.

Current Project Schedule:

Current Project Schedule from the last job conference (3/12/08) is attached. Some key items include;

- We have made good progress in the last two weeks, and have been able to proceed with some site grading work, in addition to the completion of the majority of site utilities.
- Building foundation and concrete work has lost a couple of weeks, due to weather and is anticipated to be completed by April 15th. We do not believe this will affect the overall project schedule at this time.
- Masonry work will start on site April 7th in the Pool Equipment and Outdoor Pool Locker Room Areas.
- The Western edge of the site (near the proposed DPW facility) is beginning to shape up with the bit of dryer weather, and is anticipated to be graded by April 15th.
- Miscellaneous steel embedment items are scheduled to be on site the week of April 7th and structural steel for the Gymnasium on April 14th.

Current Project Cost Summarization Worksheet:

The attached Construction Contract Summarization Worksheet is attached to all monthly consolidated contract billing statements provided to the Township each month. The attached sheet is from the last billing; the February-08 contractor's billings. Included are Spent-to-date and Project Budget comparisons. This sheet is a useful tool to allow you see the "Total Project Construction Costs to Date". Some key items include;

- Total contractors invoicing paid to date is; \$1,257,894.81
- Total contractor invoicing remaining to date is; \$19,786,488.21
- Percent of contractor invoicing completed to date is; 5.98%
- (2) Change Orders has been executed in the amount of \$68,736.02
-These include the required modification on the Erosion and Sedimentation design from the as-bid documents, due to required modifications by Allegheny County Soils Conservation review requirements & the site pre-development for the DPW Annex Building.
- **Total Project Construction Costs to date is: \$1,624,244.79**

We look forward to our discussions on March 31st, and providing you with any additional information that you may require and answer any specific questions you may have.

Sincerely,

Mark M. Edelmann, AIA
EPM Architecture

Attachments;

- Project Construction Photos from 3/26/08 (Job Conference No.9)
- Project Construction Schedule from 3/26/08 (Job Conference No.9)
- Project Cost Summarization Worksheet from February-08 Construction Billing