

## **BOARD OF COMMISSIONERS MEETING MINUTES**

**AUGUST 3, 2009**

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, August 3, 2009 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 Orchowski      President Pro Tem  
Commissioner Brown  
Commissioner Dandoy  
Commissioner Del Re  
Commissioner Shimer

Matthew R. Serakowski      Township Manager  
August G. Stache, Jr.      Director of Finance  
Scott Brillhart      Director of Planning & Community Development  
Irving Firman      Township Attorney  
Ruthann Omer      Township Engineer  
Diana Pifer      Recording Secretary

EXCUSED: Commissioner Mertz      President  
Commissioner McElhinny      Vice President  
Mark S. Mansfield      Assistant Township Manager

PUBLIC:      Approximately 10 people attended

Commissioner Orchowski announced that at the July 27, 2009 Board of Commissioners' Informational and General Affairs meeting he had been appointed President Pro Tem to preside over tonight's meeting due to the fact that the Board's President, Commissioner Mertz, and Vice President, Commissioner McElhinny, would not be present.

### **REVIEW OF BOARD OF COMMISSIONERS' REGULAR MEETING MINUTES OF JULY 6, 2009**

Commissioner Brown moved to approve the meeting minutes of July 6, 2009. This was seconded by Commissioner Del Re and carried with a 4-0-1 voice vote. Commissioner Dandoy abstained from voting as he was not present at the July 6, 2009 meeting.

### **PUBLIC COMMENTS**

Ms. Jennifer Zebo, 1487 Mayview Road, stated that the traffic on Mayview Road has increased significantly since the opening of the Community Recreation Center and she expressed her concerns for the safety of the families who live on Mayview Road and the residents who are walking and biking to the Community Recreation Center. She wanted to know if Mayview Road had been identified in the Township's Sidewalk and Bikeway Plan and also asked if the Township would consider reducing the speed limit and posting "residential" signs in this area.

Mr. Serakowski provided information regarding the Township's sidewalk projects and recommended that Ms. Zebo talk with Scott Brillhart, the Director of Planning and Community Development. Mr. Brillhart was at the meeting and indicated to Ms. Zebo that he would contact her to provide answers to her questions.

Mr. Bill Bates, 1185 Polaris Circle, provided additional comments regarding the pedestrian traffic on Mayview Road and requested that the Board allocate the monies necessary to expedite the installation of sidewalks in this area.

Mr. Serakowski described how the work on sidewalks in the Township is completed in various segments and how the Township is researching alternative funding sources to assist with the sidewalk projects.

Commissioner Orchowski stated that the Township does take public feedback into consideration when determining the priority of the sidewalk projects and that Staff will note the comments made this evening.

### **OLD BUSINESS**

#### **PUBLIC HEARING RE. PLC08-1301 – AMENDMENT TO CHAPTER 130 ENTITLED “ZONING” ALLOWING FOR ADDITIONAL REQUIREMENTS WITH RESPECT TO MASSAGE THERAPY ESTABLISHMENTS**

Mr. Brillhart stated that this was the continued Public Hearing from July 6, 2009 regarding PLC08-1301 – Amendment to Chapter 130 entitled “Zoning” allowing for additional requirements with respect to Massage Therapy Establishments. He reviewed the recommended Public Hearing procedures and indicated that, provided no additional testimony was required, Staff would recommend that the hearing be closed and that action be taken by the Board to adopt Bill No. 11-09.

All those wishing to present testimony were sworn in by Commissioner Orchowski.

Mr. Brillhart added two Township exhibits and explained that the Township had initiated drafting this Ordinance because there were several business owners who were interested in opening a Massage Therapy Establishment; however, this type of use was not permitted as a principal use in the Township's Zoning Code. He indicated that also on October 9, 2008, the General Assembly of the Commonwealth of Pennsylvania enacted the “Massage Therapy Law,” which requires all massage therapists to be licensed by the Pennsylvania Bureau of Professional and Occupational Affairs. Mr. Brillhart stated that the Community Development Department, with the assistance of the Township Attorney, prepared this amendment to the Zoning Code which allows Massage Therapy Establishments as an Authorized Use by Conditional Use Approval in the C1, C2 and C3 Zoning Districts. He added that the Conditional Use criteria will also provide the Township with the ability to verify that the business is in compliance with the state “Massage Therapy Law.”

Ms. Mary Lou Blair, 4 Patton Drive, expressed her concern regarding the Township allowing Massage Therapy Establishments in residential areas.

Ms. Marge Schiffer, 202 Locust Lane, provided additional comments regarding her concern that Massage Therapy Establishments would be permitted in residential areas in the Township. She also asked for clarification as to the operation of a Massage Therapy Establishment, what guidelines must be met to qualify for this type of establishment, and will the massage therapists be required to be licensed by the state.

Mr. Brillhart stated that the Massage Therapy Establishments are only permitted in the Commercial Districts C1, C2 & C3, and are not permitted in Township residential districts. He described the operation of a massage therapy establishment and reviewed the Conditional Use criteria which will provide the Township with the ability to verify that the business is in compliance with the state "Massage Therapy Law." Mr. Brillhart added that there could however be residents in the Township whose properties are located adjacent to the Commercial Districts which permit Massage Therapy Establishments.

#### **MOTION AND VOTE TO CLOSE PUBLIC HEARING RE. PLC08-1301**

Commissioner Brown moved to close the Public Hearing Re. PLC08-1301 – Amendment to Chapter 130 entitled "Zoning" allowing for additional requirements with respect to Massage Therapy Establishments. This was seconded by Commissioner Shimer and carried with a 5-0 voice vote.

#### **MOTION AND VOTE TO ADOPT BILL NO. 11-09**

Commissioner Brown moved to adopt Bill No. 11-09 to amend Chapter 130 entitled "Zoning" allowing for additional requirements with respect to Massage Therapy Establishments. This was seconded by Commissioner Del Re and carried with a 5-0 roll call vote.

### **NEW BUSINESS**

#### **PUBLIC HEARING RE. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR YEARS 2010-2014**

Mr. Stache stated that in accordance with Chapter 25-2 of the Township Code, this is the Public Hearing for the Five-Year Capital Improvement Program for 2010-2014. He added that the Budget and Finance Committee of the Board of Commissioners reviewed this plan at its meeting held on July 6, 2009. He stated that the Five-Year Capital Improvement Program is a planning document and that no funds are appropriated at this time. He added that this planning document is also used as a tool for the Capital Improvement section of the Township's Budget.

Mr. Stache reviewed the highlights relative to the Township's Five-Year Capital Improvement Program with a comprehensive PowerPoint presentation.

He stated that Staff had prepared and recommends the adoption of Resolution No. 1500 by the Board to update the Township's Capital Improvement Plan for the years of 2010 to 2014.

Mr. Stache answered several questions from the Board.

Mr. Bob Dudas, 177 Warwick Drive, stated that he knows that the Township is complying to a state Consent Order regarding the Sanitary Sewer Projects and inquired when the Township and other communities may know the actual costs they will be facing.

Ms. Omer explained that the Township and other Allegheny County communities should know the actual costs of the Sanitary Sewer Projects sometime in 2012 or 2013. She provided additional comments regarding the current phase of the Sanitary Sewer Consent Order and indicated that the public will be updated as information is made available to the Township.

Mr. Serakowski and Commissioner Orchowski provided additional information regarding the Sanitary Sewer Projects.

Commissioner Orchowski reiterated that the Capital Improvement Program is just a plan and it is absolutely not a commitment for anything in the way of budgeted funds. He also added that in the next few months the Township's Proposed Budget for 2010 will be available to the public.

**MOTION AND VOTE TO ADOPT RESOLUTION NO. 1500**

Commissioner Shimer moved to adopt Resolution No. 1500 approving the Five-Year Capital Improvement Program for the years 2010 through 2014. This was seconded by Commissioner Dandoy and carried with a 5-0 roll call vote.

**OTHER BUSINESS**

There were no Other Business items.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Brown and a second by Commissioner Dandoy, which carried with a 5-0 voice vote, the meeting was adjourned at approximately 8:22 PM.

Diana M. Pifer  
August 2009