

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

**August 31, 2009**

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, August 31, 2009, 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

              Matthew R. Serakowski        Township Manager  
              Mark S. Mansfield            Assistant Township Manager  
              August G. Stache, Jr.         Director of Finance  
              Scott Brilhart                Director, Planning & Community Development  
              Irving S. Firman                Township Attorney  
              Ruthann L. Omer                Township Engineer  
              Cynthia Kane                  Recording Secretary

PUBLIC:       Approximately 7 people attended.

**CITIZENS' COMMENTS**

Ms. Lois Fussell, 1684 Northgate Drive, stated her opinion on the Mayview barn. She does not believe there is much use for the barn and doesn't think it suits the architectural style of the Boyce Mayview Community Recreation Center.

Ms. Tracey Buckman, 1535 Redfern Drive, stated her opinion on the Mayview barn. She believes it is an important part of the little that is left of the agricultural history in the Township. She suggested one possible use is that the Regional Environmental Education Center may be able to use the space.

*[Note: An additional Citizen's Comment was accepted later in the meeting]*

**Community Development – Old Business**

None.

**Community Development – New Business**

None.

## Items of Interest Report

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The Board reviewed the Items of Interest Report.

### **Other Agenda and Discussion Items**

#### Continued Discussion Re. Signage and Naming of Boyce Mayview Park Community Recreation Center

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Mr. Serakowski stated that staff is seeking direction from the Board of Commissioners regarding the naming of the new recreation center at Boyce Mayview Park. The options have been narrowed down to either "Boyce Mayview Park Community Recreation Center" or "Boyce Mayview Park Community & Recreation Center." Mr. Serakowski also stated that Kolano Design has submitted ideas on signage to the Board.

This matter will be placed on the Agenda of September 8, 2009 for Board discussion and/or action.

#### Continued Discussion Re. Status of the Mayview Barn

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Commissioner Mertz stated that the silos and red brick barn at Boyce Mayview Park had been taken down because they were in disrepair and were a danger.

Mr. Serakowski stated that a study had been conducted in 2006 and the cost for repairing the remaining barn was estimated at between \$750,000 and \$1.5 million depending on what repairs would be done.

Commissioner Shimer stated that the preservation of the barn has not been very effective. Rain has been coming through the roof. He agrees the barns are an important part of the Township's heritage and also thinks the building has great potential. He stated the Township had asked residents for opinions on what to do with the barn and some stated that because there is a lack of food service at the Community Recreation Center that could be a good use.

Commissioner Shimer suggested that a minimal amount of funds be used to paint the doors and to do repairs to stop infiltration. He would like to see some professional guidance and action taken to do a proper feasibility study.

Commissioner Orchowski agreed something needs to be done as far as roof repair. He stated that the Public Works crew is made up of great craftsmen and maybe their services could be used to renovate the space.

Commissioner Del Re asked the age of the barns.

Mr. Serakowski answered they are approximately 90 years old.

Commissioner McElhinny stated the \$750,000 to \$1.5 million is a sobering number just to have the barn shored up with additional funds required to convert the space into a use whether for eating, meeting, or another.

Commissioner Mertz asked that Commissioner Del Re, staff from the Public Works Department, and any other appropriate staff tour the barn preferably before next week's meeting or by the end of September 2009.

#### Continued Discussion Re. Automated Refuse/Recycling Collection, Direct Billing, and E-Cycling

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Mr. Mansfield updated the Board on the status of automated refuse/recycling collection by stating that three containers have been placed in service for testing. Additional 96 gallon toters and two 65 gallon ones will be available to test soon.

Mr. Mansfield also stated that Staff will be preparing several budget scenarios that exclude refuse and recycling from the General Fund and use direct billing. This puts the Township in a better position for grants.

Mr. Mansfield stated that Waste Management is not yet ready to begin curbside pick-up for e-cycling. JVS Environmental is willing to do a monthly e-cycling collection where residents take their electronic items to a drop-off location in the Township. If the Board mandates e-cycling, that would generate enough business for a monthly collection. Most items would be free but there would be a charge for television and computer monitors. If direct billing is chosen, an additional amount could be added onto the bill and then e-cycling would be free to residents. As the budget process proceeds Staff needs a decision from the Board.

Mr. Stache reviewed the Refuse Collection Costs Fact Sheet with regard to direct billing. Generally speaking higher income residents are subsidizing the collection and that raises a fairness issue.

Commissioner Shimer stated a neighbor of his (uphill site) used a 96 gallon toter for one week and did not wish to continue using it. Commissioner Shimer is now using it and suggests a Commissioner with a hilly driveway use. He said the container is awkward to fit in the garage and the size of the containers deserves additional consideration or a change in the Township Code to accommodate storage of the containers when they won't fit in a garage. He stated the Board needs to be sensitive to this matter and it deserves some thought.

Commissioner McElhinny stated there would be an option between using a 65-gallon or 96-gallon container.

Mr. Mansfield stated that an e-cycling mandate is a Board decision. Additionally, the annual Waste/Recycling brochure is sent out before Christmas and any new regulations should be noted in that.

Mr. Mansfield also stated that both Allied Waste and Waste Management are just getting into this market. Cranberry Township is one of the leaders in this area and more are moving towards this.

Commissioner Brown stated other communities in SHACOG are also considering this.

Commissioner McElhinny stated this item should be publicized for the public to have a chance to comment before the Bill is voted on.

Commissioner Mertz stated that a draft Bill should be available for review at the September 28, 2009 Informational and General Affairs Meeting.

#### Discussion Re. Resolution for Mayview Road Right-of-Way Dedication

Mr. Brillhart stated a Resolution will be prepared for the Board to consider at the Regular meeting of September 8, 2009, for the Mayview Road Improvement Project. The Resolution authorizes the Township Manager to sign the Deed Fee Simple that transfers the right-of-way acquired by the Township of Upper St. Clair to the Pennsylvania Department of Transportation.

#### Discussion Re. Approval of Contract

- Joint Sodium Chloride Bid through SHACOG

Mr. Mansfield stated the SHACOG Purchasing Alliances recently opened bids for various winter commodities utilized in roadway maintenance. The best responsible bidder for sodium chloride was Cargill, Inc., North Olmsted, Ohio, at a price of \$52.75 per ton, which is \$9.82 over last year's per ton price. The new price is consistent with market conditions and is on the low end of the current price range for rock salt.

Staff will place this matter on the September 8, 2009 Regular Meeting for action by the Board.

#### Review of Informational and General Affairs Meeting Minutes of July 27, 2009

Commissioner Shimer moved to approve the meeting minutes of July 27, 2009. The motion was seconded by Commissioner Dandoy and approved by a 5-0 voice vote. Commissioners Mertz and Del Re were not present at the July 27, 2009 meeting and therefore did not vote on this motion.

#### Consideration of August 2009 Bill Sheet

Commissioner McElhinny moved to approve the Bill Sheet of August 2009. The motion was seconded by Commissioner Orchowski and approved by a 7-0 voice vote.

#### Acknowledge Receipt of Financial Statements for the Seven-Month Period Ending July 31, 2009

Commissioner Orchowski acknowledged receipt of the Financial Statements for the Seven-Month Period ending July 31, 2009.

#### **Other Business**

Mr. Serakowski asked Mr. Stache to explain the Resolution which will be brought before the Board at the Regular Meeting of September 8, 2009 re. regional tax collection of Earned Income Tax (EIT).

Mr. Stache stated that Act 32 calls for consolidation of EIT collection across the State which will result in 500+ taxing collectors consolidating to 69. Allegheny County has been divided into 4 regions, and the Township is in the Allegheny Southwest Region. The next step is to form a tax collection body which requires naming delegates and alternates. The School District has elected Finance Director Frosina Cordisco as their delegate. The Township will be making the recommendation to name August Stache as Delegate, Matthew Serakowski as First Alternate, and Mark Mansfield as Second Alternate. The Resolution will also state that at any time the Board of Commissioners has the right to name a different delegate.

The Resolution will be before the Board for consideration at the Regular Meeting of September 8, 2009.

Commissioner Mertz thanked Mr. Stache.

### **CITIZENS' COMMENTS – Continued**

Commissioner Mertz permitted Mr. Jerry Grunnagle to address the Board since he arrived after the Citizens' Comments portion of the meeting was over through no fault of his own.

Mr. Jerry Grunnagle, 15 McMurray Road, stated that if the Township is looking at Waste Management to pick-up e-waste, then that is an entirely different waste stream than single stream. He also stated that the Township would not be supporting non-residents' e-cycling at a drop-off location because driver's' licenses would be checked and a non-resident would be required to pay.

### **Other Business**

Commissioner Orchowski asked if all the Board members had received a letter from Councilman Gastgeb inviting them to a meeting on September 17, 2009 re. RAD funding for ACLA.

All Commissioners have received this letter.

Commissioner Orchowski asked if a date had been chosen for the Parks and Recreation Committee Meeting of the Board.

Commissioner McElhinny stated the date would be finalized within a day or two.

### **ADJOURNMENT**

Following a motion for adjournment by Commissioner McElhinny and a second by Commissioner Del Re, the motion carried with a 7-0 voice vote and the meeting adjourned at approximately 8:43 PM. An Executive Session followed for the purpose of discussing Legal matters.

Cynthia Kane  
Recording Secretary

**LITIGATION REPORT - SUMMARY**  
**TOWNSHIP OF UPPER ST. CLAIR**  
**August 28, 2009**

**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. Joseph Konzier, Legal Request 12-09.
4. Township of Upper St. Clair v. Financial Freedom Senior Funding Corp., Legal Request 22-09.

**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
2. Dennis Fleeher Contracting, Inc. v. Township of Upper St. Clair
3. Knickerbocker Russell Co. vs. Twp. of Upper St. Clair

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

None.

**IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS**

1. Gary and Janice Zaborowski - 08-22778
2. Karen Demma - 08-23546
3. Philip and Denise Robinson - 09-23232
4. Christina M. Marszalek - 09-24111
5. Gerald E. Schutz - 08-21491

**V. CONDEMNATION**

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

**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.
3. Fox Chase Plan PRD Plan Phase IV Amended Final Approval.

**VII. OTHER LEGAL MATTERS**

1. 264 Trotwood West - Earth Movement Claim
2. Personnel Advice re New Employees at the Community Recreation Center
3. Legal Request: 20-09 Municipal Lien on 2348 Hidden Timber
4. Legal Request: 21-09 Right of Way Agreement between Allegheny Land Trust (ALT) and Township of Upper St. Clair
5. Brookdale Drive Gas Well
6. Legal Request: 17-09 Municipal Lien 100 Johnston Road
7. Legal Request: 18-09 Procedure to Appeal realty transfer taxes on recorded deed
8. Legal Request: 22-09 Condition of Property at 2557 Old Washington Road