

**BOARD OF COMMISSIONERS MEETING MINUTES**

**JULY 6, 2009**

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, July 6, 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 Mertz                      President  
              Commissioner McElhinny              Vice President  
              Commissioner Brown  
              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 Brillhart                          Director of Planning & Community Development  
              Irving S. Firman                          Township Attorney  
              Ruthann L. Omer                          Township Engineer  
              Diana Pifer                                  Recording Secretary

EXCUSED: Commissioner Dandoy

PUBLIC:            Approximately 3 people attended

Commissioner Mertz announced that the Board held an Executive Session at 7:15 PM this evening, Monday, July 6, 2009.

**REVIEW OF BOARD OF COMMISSIONERS' REGULAR MEETING MINUTES OF JUNE 1, 2009**

Commissioner McElhinny moved to approve the meeting minutes of June 1, 2009. This was seconded by Commissioner Del Re and carried with a 4-0-2 voice vote. Commissioners Brown and Shimer abstained from voting as they were not present at the June 1, 2009 meeting.

**PUBLIC COMMENTS**

There were no public comments.

**OLD BUSINESS**

There were no Old Business items.

### NEW 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 opening of Public Hearing 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.

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

Mr. Brillhart explained that a Bill had been prepared to amend the Township’s Code to add a definition for Massage Therapy Establishment and to establish specific criteria to allow Massage Therapy Establishments as an Authorized Use by Conditional Use Approval in the C1, Neighborhood Commercial District, C2, Highway Commercial District, and C3, Regional Shopping Center District; to add Massage Therapy Establishment to the list of Prohibited Home Occupations; and, to relocate §130.8.3.3.3., Permitted Home Occupations, and §130.8.3.3.4., Prohibited Home Occupations from the R-1 section of District Regulations to the General Regulations section. He entered Township and Allegheny County exhibits into the record. He also stated that the Planning Commission reviewed this amendment at its regular meeting on April 16, 2009 and recommended adoption of the Bill. Mr. Brillhart recommended that the Board of Commissioners continue this Public Hearing to Monday, August 3, 2009 for the purpose of taking staff testimony.

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

Commissioner Shimer moved to continue the Public Hearing Re. PLC08-1301 – Amendment to Chapter 130 entitled “Zoning” allowing for additional requirements with respect to massage therapy establishments to the Regular Board Meeting of August 3, 2009. This was seconded by Commissioner Brown and carried with a 6-0 voice vote.

#### **RECOMMENDATION RE. APPROVAL OF REVISIONS TO THE BY-LAWS OF THE YOUTH STEERING COMMITTEE**

Commissioner Mertz stated that Mr. Jeffrey Krantz, former Chairman of the Youth Steering Committee (YSC), had made a presentation to the Board last Monday, June 29, 2009 at the Informational and General Affairs meeting regarding the following recommended revisions to the YSC By-Laws:

- The purpose of the Committee has been stated more substantively.
- Voting rights will be established for some of the youth on the Committee (one representative from each of the four grades in the High School).
- To allow other high school students from some other groups on campus to be involved with the YSC.

#### **MOTION TO APPROVE THE REVISIONS TO THE BY-LAWS OF THE YOUTH STEERING COMMITTEE**

Commissioner McElhinny moved to approve the revisions to the By-Laws of the Youth Steering Committee. This was seconded by Commissioner Brown.

Commissioner Del Re stated that Article Five, Meetings, 5.3 Meeting Quorum of the YSC By-Laws is not clear as to the number of members that are required to be present for a quorum.

Discussion ensued among the Board and Mr. Firman regarding voting and the meeting quorum for the YSC.

Commissioner Mertz asked Staff to contact Mr. Krantz and recommend that 5.3 Meeting Quorum be clarified as to the number of members that are required to be present for a quorum.

**VOTE TO APPROVE THE REVISIONS TO THE BY-LAWS OF THE YOUTH STEERING COMMITTEE**

The motion to approve revisions to the By-Laws of the Youth Steering Committee, with the additional clarification of the Meeting Quorum, carried with a 6-0 voice vote.

**OTHER BUSINESS**

Commissioner Mertz stated that at the last Regular Meeting of the Board on June 1, 2009, Mr. Mike Mudry, Trans Associates, reviewed the Traffic Calming Development Plan for Truxton and Clairmont Drives. He stated that there were five Commissioners present at that meeting and the Traffic Calming Plan was approved for Clairmont Drive; however, it was not approved for Truxton Drive due to the lack of responses to the survey that the Township mailed to the residents of Truxton Drive. He added, that subsequent to this meeting, the Board had received a letter from Jay and Katie Lynch, which was also signed by approximately 20 residents of the Truxton Drive neighborhood, asking the Board to reconsider their decision to place speed humps on Truxton Drive. He stated that Mr. Lynch had also pointed out to Mr. Serakowski that there was a letter/survey that was sent from the Township to Truxton Drive residents which may have been confusing.

Mr. Serakowski stated that the letter/survey that was mailed from the Township to the residents of Truxton Drive did have a typographical error which referenced Clairmont Drive; therefore, Mr. Lynch believed that was the reason the Township did not receive many surveys back from the residents of Truxton Drive. He added that Mr. Lynch indicated that the residents of Truxton Drive who had signed the letter would be willing to attend a Board meeting to show their support for the Traffic Calming Plan on their street.

Commissioner Mertz stated that due to the fact that there may have been some confusion from the letter/survey received by the residents of Truxton Drive, he would like to reintroduce discussion regarding Traffic Calming for this street. He added that Mr. Mudry had indicated at the Regular Meeting of the Board on June 1, 2009 that Truxton Drive had met all the criteria to have speed humps installed for a one-year trial. He stated that if the Board would like to revisit this issue, they could put another motion on the floor.

**MOTION TO APPROVE THE TRAFFIC CALMING PLAN FOR TRUXTON DRIVE**

Commissioner Orchowski moved to approve the Traffic Calming Development Plan for Truxton Drive. This was seconded by Commissioner Brown.

Discussion ensued among the Board regarding the cost for this project (approximately \$6,000), the percentage of residents on Truxton Drive that did not respond to the survey, the fact that this would be a valid experiment for speed humps due to the proximity of the school, and that a follow-up study should be done to evaluate the effectiveness of the speed humps.

**VOTE TO APPROVE THE TRAFFIC CALMING PLAN FOR TRUXTON DRIVE**

The motion carried with a 5-1 roll call vote. Commissioner McElhinny cast the negative vote.

Commissioner Orchowski stated that a Budget and Finance Committee Meeting was held earlier this evening, Monday, July 6, 2009. He added that the Township's Proposed Five-Year Capital Improvement Plan for years 2010 - 2014 has been prepared and there will be a Public Hearing at the Regular Meeting of the Board on August 3, 2009 to review this Plan.

Commissioner Orchowski expressed his deep sorrow for the passing of W. Theodore "Ted" Brooks, who was the solicitor for Upper St. Clair School District. Commissioner Mertz also expressed his deepest sympathy on the behalf of the Board for the loss of Mr. Brooks.

Mr. Serakowski referred to a memo that had been directed to the Board from Paul Besterman, the Director of Recreation and Leisure Services, on behalf of the Parks and Recreation Advisory Board regarding the Gilfillan Park charge. He recommended that the Township invite the President of the Parks and Recreation Advisory Board, Roger Hartung, to attend the July 27, 2009 Informational and General Affairs meeting of the Board to review their recommendation and answer questions from the Board.

Commissioner Orchowski stated that the development and/or preservation of Gilfillan Park has been a topic of discussion since 2002 and he had compiled some notes from these previous discussions that he would like to forward to the Township Manager so that they may be distributed to the Board.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Brown and a second by Commissioner McElhinny, which carried with a 6-0 voice vote, the meeting was adjourned at approximately 7:55 PM.

Diana M. Pifer  
July 2009