

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

**July 27, 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, July 27, 2009, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: Commissioner McElhinny      Vice President  
          Commissioner Brown  
          Commissioner Dandoy  
          Commissioner Orchowski  
          Commissioner Shimer

          Mark S. Mansfield              Assistant Township Manager  
          Irving S. Firman                Township Attorney  
          Andrew McCreery                Budget & Finance Accountant  
          Cynthia Kane                    Recording Secretary

EXCUSED: Commissioner Mertz  
          Commissioner Del Re  
          Matthew R. Serakowski  
          August G. Stache, Jr.  
          Scott Brillhart  
          Ruthann L. Omer

PUBLIC:      Approximately 7 people attended.

**CITIZENS' COMMENTS**

Mr. Larry Burke, 229 Cherokee Road, as a resident and member of the USC Citizens for Land Stewardship, addressed the Board regarding the Mayview Barn. The group believes the barn is of historical value and is hoping it will not be demolished. Mr. Burke suggested a two phase plan: (1) contract to improve the structure, i.e. doors, louvers, and installing windows that are currently boarded up, and (2) contact an architectural firm to study uses such as office space, restaurant, amateur theater, and more. Mr. Burke is willing to contact workers who may volunteer their time.

Commissioner McElhinny thanked Mr. Burke for his comments.

**Community Development – Old Business**

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 Section 130.8.3.3.3., Permitted Home

Occupations, and Section 130.8.3.3.4., Prohibited Home Occupations from the R-1 Section of District Regulations to the General Regulations Section

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Mr. Mansfield stated this hearing was continued from July 6, 2009 to August 3, 2009 for the purpose of taking staff testimony. Provided no additional testimony is required, staff will recommend that the hearing be closed and action taken to effect the Amendment.

**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**

**Discussion Re. Waste Management Automated Collection and Direct Billing Program**

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Mr. Mansfield stated that Waste Management has approached several municipalities in the South Hills regarding the prospect of introducing automated collection services. Staff has held several meetings with Waste Management regarding this program and the main points are as follows:

- Without a DEP grant, the automated program will be more expensive than the traditional program.
- DEP is expected to announce a new round of grants later this year and the Township can apply for up to \$500,000. The prospect of receiving a grant is unknown. DEP routinely changes points of emphasis and “pay as you throw” (direct billing) may or may not be a priority this round.
- Based upon previous Board discussions, a move to having trash directly billed by the vendor is being considered for 2010. The service cost was previously included in general taxes so residents with high home value assessments pay far more than lower assessed homes for the same service. Additionally, if the Township were to make applications to DEP, a “pay as you throw” (direct billing) would likely improve the changes of receiving this funding.
- Mandatory e-recycling for 2010 has been discussed several times this year. Any changes to the refuse recycling program/billing should be jointly promoted.
- Cranberry Township began automated service several years ago and recently benchmarked (ICMA) in the top 10% nationally in citizen satisfaction for refuse/recycling services.

Mr. Mansfield reviewed different scenarios and the costs associated with them.

Commissioner Brown stated that the topography in the Township could cause difficulty in transporting the 96 gallon totes to the curb.

Commissioner McElhinny stated she and her family have been using a tote and it is very easy to maneuver.

Commissioner Shimer shared the concern about the totes being difficult for some residents to move and suggested that some citizens who have hilly driveways test them.

Mr. Christ stated that if a 96 gallon toter is too large for some residents, they can downsize to a 60 gallon size.

Mr. Christ stated two or three town meetings could be scheduled showcasing the toters and explaining the program.

Commissioner Orchowski suggested having toters and handouts regarding the program on display at the Boyce Mayview Park Community Recreation Center.

Commissioner Orchowski stated it could be difficult for some residents to store the toters in their garages because of space limitations and wondered if the Township Code prohibits them from being outside.

Ms. Tracey Buckman, 1535 Redfern Drive, stated her neighborhood's Homeowners Association prohibits trash receptacles from being kept outside.

Mr. Christ stated that now almost everything is recyclable except Styrofoam.

Commissioner McElhinny asked how much would need to be budgeted for this service before knowing if the Township receives a DEP grant.

Mr. Mansfield answered it would be approximately \$1.3 million.

Mr. McCreery stated that if a trash bill is delinquent, the trash will still be picked up. A lien could be put on the property for unpaid trash bills.

Mr. Mansfield stated staff is seeking feedback and direction from the Board.

Commissioner Dandoy suggested adding a small charge, perhaps 50 cents per bill, to go toward the Regional Environmental Education Center. This could possibly help secure the Grant.

Commissioner McElhinny stated that would need to be explored further.

Commissioner McElhinny thanked Mr. Christ for his attendance tonight.

#### Discussion Re. Capital Improvements Program 2010-2014

Mr. Mansfield stated a public hearing for the Five-Year Capital Improvements Program for 2010-2014 is scheduled for August 3, 2009. Staff will prepare a Resolution for the Board's consideration.

#### Continued Discussion Re. Status of the Boyce Mayview Barns

Mr. Mansfield stated that Township Manager Matthew Serakowski gave direction to continue discussion re. the status of the Mayview Barn to the August 31, 2009 Informational and General Affairs Meeting Agenda.

Commissioner Brown inquired if the Board could get feedback and suggestions from citizens on the barn.

Mr. Mansfield stated an announcement will be put on the Township's website asking for citizen input.

### **GENERAL AFFAIRS**

#### Recommendation Re. Grant Application for CDBG Year 36 Funding, Resolution 1499

Mr. Mansfield stated the Township's pre-application for CDBG Year 36 funding has been approved, clearing the way for the submission of final applications. The Township has requested \$11,050 (85% grant) for Directional Signs – ADA Upgrades for the Municipal Building complex. Staff recommends the Board adopt Resolution No. 1499 which will authorize SHACOG Executive Director Stanley Louis Gorski to file an application for the signage.

Discussion ensued with Commissioner Orchowski asking if the end use for this funding is committed and if there is the possibility of adding the Veterans Park in the future for ADA upgrades funding.

Mr. Mansfield stated the use is committed for this year but he will look into the possibility of adding the Veterans Park in the future applications.

#### MOTION AND VOTE TO ADOPT RESOLUTION 1499 AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT FOR DIRECTIONAL SIGNS – ADA UPGRADES FOR THE MUNICIPAL BUILDING COMPLEX

Commissioner Orchowski moved to adopt Resolution 1499. This was seconded by Commissioner Brown and approved by a 5-0 roll call vote, with Commissioners Mertz and Del Re absent.

#### Review of Informational and General Affairs Meeting Minutes of June 29, 2009

Commissioner Brown moved to approve the meeting minutes of June 29, 2009. The motion was seconded by Commissioner Dandoy and approved by a 5-0 voice vote, with Commissioners Mertz and Del Re absent.

#### Consideration of July 2009 Bill Sheet

Commissioner Orchowski moved to approve the Bill Sheet of July 2009. The motion was seconded by Commissioner Shimer and approved by a 5-0 voice vote, with Commissioners Mertz and Del Re absent.

#### Acknowledge Receipt of Financial Statements for the Six-Month Period Ending June 30, 2009

Commissioner Orchowski acknowledged receipt of the Financial Statements for the Six-Month Period ending June 30, 2009.

#### Election of President Pro Tem to Preside at August 3, 2009 Regular Meeting of the Board of Commissioners

Commissioner McElhinny reviewed the procedure for election of a President Pro Tem.

Commissioner Shimer nominated Commissioner Orchowski to serve in this capacity as he is the senior member of the Board.

**MOTION AND VOTE TO APPROVE COMMISSIONER ORCHOWSKI TO SERVE  
AS PRESIDENT PRO TEM FOR THE AUGUST 3, 2009 BOARD OF  
COMMISSIONERS' REGULAR MEETING**

Commissioner Brown moved to approve the nomination of Commissioner Orchowski as President Pro Tem for the August 3, 2009 Board of Commissioners' Regular Meeting. This was seconded by Commissioner Dandoy and approved by a 5-0 voice vote, with Commissioners Mertz and Del Re absent.

**ADJOURNMENT**

Following a motion for adjournment by Commissioner Brown and a second by Commissioner Dandoy, the motion carried with a 5-0 voice vote and the meeting adjourned at approximately 8:20 PM. An Executive Session followed for the purpose of discussing Legal matters.

Cynthia Kane  
Recording Secretary

**LITIGATION REPORT - SUMMARY**  
**TOWNSHIP OF UPPER ST. CLAIR**  
**July 24, 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.

**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

**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
2. Betty Boykin
3. Karen Demma
4. Philip and Denise Robinson
5. Christina M. Marszalek

**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. Legal Request: 22-09 Condition of Property at 2557 Old Washington Road
6. Brookdale Drive Gas Well