

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

September 28, 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, September 28, 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 Shimer

 Matthew R. Serakowski Township Manager
 Mark S. Mansfield Assistant Township Manager
 August G. Stache, Jr. Director of Finance
 Scott Brillhart Director, Planning & Community Development
 Irving S. Firman Township Attorney
 Richard Minsterman Gateway Engineers, Inc., Township Engineer
 Cynthia Kane Recording Secretary

EXCUSED: Commissioner Orchowski

PUBLIC: Approximately 7 people attended.

CITIZENS' COMMENTS

Mr. Larry Burke, 229 Cherokee Road, stated he had spoken at the last meeting regarding potential uses for the Mayview barn. Mr. Burke then read excerpts of the Boyce Mayview Park Master Plan of October 1999, the Wallace Roberts & Todd Report, and the Land Management Plan which outline uses of the area and the feasibility of using the farm buildings.

Ms. Lois Fussell, 1684 Northgate Drive, stated that if the Township is thinking of building a new structure, why not use the barn. Mrs. Fussell also pointed out a stone carving which is on site at the Mayview Hospital and inquired if the Township could salvage that stone.

Ms. Tracey Buckman, 1535 Redfern Drive, stated she strongly supports saving the barn.

Ms. Mary Ann Maloy, 109 Sandhurst Drive, stated that the barn is part of the history of the Township and means a lot to the community.

Mr. Patrick Campbell, 2633 Lindenwood Drive, President of the Citizens for Land Stewardship (USC CLS), stated that having the barn is an asset and in viewing it as such there is great value in it. The USC CLS would be happy to help in any way.

Ms. Nancy Burke, 229 Cherokee Road, agrees with the opinions expressed and stated the barn is a beautiful building. If the Township needs space, whether for storage or offices, there could be different and creative ways to use the structure.

Mr. Jerry Grunnagle, 15 McMurray Road, remarked on the electronics recycling in the Township. Over 100 cars came through the last event with a total of \$2000 collected. He suggested that JVS Environmental have a drop-off location in the Township once per month which will eliminate long lines. A charge of \$9/household per year could be levied so drop-off would be free. Users would show identification proving residency.

Commissioner Mertz thanked everyone for their comments.

Mr. Grunnagle thanked the Township staff and Board for considering an electronics-recycling Ordinance.

Mr. Campbell returned to the floor and stated he fully supports keeping electronic-waste out of landfills.

Commissioner Mertz added that the Township would be one of the first in the state to have this type of Ordinance prohibiting electronics waste at the curb.

Community Development – Old Business

None.

Community Development – New Business

None.

Items of Interest Report

The Board reviewed the Items of Interest Report.

Other Agenda and Discussion Items

Continued Discussion Re. Status of the Mayview Barn

Commissioner Mertz asked Mr. Serakowski to begin discussion re. the Mayview Barn.

Mr. Serakowski stated the Board directed Township staff, Commissioner Del Re, and Gateway Engineers staff to tour the Mayview Barn. Mr. Brian May, Gateway Engineers, is present tonight to report on his findings.

Mr. May stated there are 5 or 6 areas of concern. On the main floor the wood planking is corroded and no large vehicles should be parked on it. There is minimal security and there has been vandalism. The roof is not structurally sound. There are unsanitary conditions with soiled hay and animal waste. Paint (lead based) is peeling. There is suspicion that the roof contains asbestos.

Mr. May continued that in the left wing of the barn the ceiling has partially collapsed. He also stated that it is his informal opinion that it would cost between \$50,000-\$150,000 to demolish the

building, between \$750,000-\$1.5 million to repair for storage use, and between \$2 and \$5 million to repair or renovate depending on other uses.

Commissioner Mertz asked if the barn could be cocooned until a future date.

Mr. May answered that he does not believe the roof is safe for equipment or men to work on it. A cost estimate for roof repair or tarping would be about \$30,000. He does not believe the roof on the wings could provide any support.

Mr. Serakowski stated the work required cannot be done by the Township's service force.

Commissioner Del Re stated he appreciates all the citizens' comments and believes it would be great to preserve the barn but there is a money issue. He also expressed concern about liability.

Commissioner Brown said the barn is an attractive building and he has read the comments residents provided to the Board. He does not believe the Board should decide to rush in and demolish the barn.

Commissioner McElhinny stated she appreciates the comments made and that it would be great to renovate the barn but just to repair it is \$750,000 - \$1.5 million. She also has concerns about liability issues.

Commissioner Mertz stated that when the Board was faced with making a decision on the silos, they were starting to collapse and the Board decided to demolish them.

Commissioner Dandoy said he had the opportunity to tour the barn and the two wings have significant damage. He stated it is great having the barn but it is not an economically feasible project. He inquired if there was a citizens group willing to take the project on.

Commissioner Shimer believes there should be a low cost way to reinforce the barn so there is no further deterioration. The building now looks like no one cares about it. Commissioner Shimer stated the renovated barn could be used for a museum, food service, or visitors' information center. Also, some Township departments could be housed there.

Commissioner Mertz thanked the Board and citizens for their comments. He stated there are many good ideas on one side but financial concerns on the other. He believes it is worth the Board's consideration to keep the barn for a future Board to decide what to do.

Commissioner Del Re questioned the restrictions the County placed on the deed for park use.

Mr. Serakowski will have the permitted uses confirmed. Staff will request a better estimate of costs associated with lead paint and asbestos removal.

Discussion Re. E-Cycling Ordinance

Mr. Mansfield reviewed a draft Bill which would prohibit disposal of electronic equipment curbside in the Township.

Discussion ensued among the Commissioners.

Commissioner McElhinny expressed concern about residents having to transport larger items listed on the draft Bill such as dishwashers, ovens, washers, and dryers to the electronic-recycling drop-off location. She also believes residents should be informed of this proposed Ordinance and given more time for public comments. An announcement will be placed on the Township's website informing residents of this proposed Ordinance.

Commissioner Mertz suggested companies that pick-up large items could be listed in "Upper St. Clair Today" magazine.

The proposed Bill will be revised and reintroduced at the next Informational and General Affairs Meeting on October 26, 2009.

Update Re. Parks and Recreation Committee Meeting of the Board held September 16, 2009

Commissioner McElhinny, Chair of the Parks and Recreation Committee of the Board, stated a meeting had been held on September 16, 2009 between that Committee, three members of the Parks and Recreation Advisory Board and other Commissioners. The Parks and Recreation Advisory Board stated they have had several meetings and most of the residents who attended were neighbors of the Gilfillan Farm and/or Historical Society members. One comment was that they didn't totally understand the Gilfillan Charge given to them by the Board of Commissioners.

Commissioner McElhinny continued that the Parks and Recreation Board members were asked to list questions for the Board to clarify. The Parks and Recreation Board also did not agree on whether the park is a neighborhood park or a Township park and questioned who should receive mailings. It was suggested that notices be sent to surrounding neighbors and postings re. meetings put up in the Park stating the group is look for brainstorming ideas. The Board also asked if it would be an appropriate expenditure to hire a consultant to be paid for by the Township Gilfillan Trust.

Commissioner McElhinny stated the other Agenda items were consideration of a non-smoking policy in the parks, alcohol in the parks and at the Community & Recreation Center, and thoughts on a dog park. The Parks and Recreation Board members are to discuss those issues and report their findings to the Board of Commissioners.

Update Re. Budget and Finance Committee Meetings of the Board held September 21 and September 28, 2009

Commissioner Mertz, in Commissioner Orchowski's absence (as Chair of the Budget and Finance Committee of the Board), stated that two meetings have recently been held of that Committee, one on September 21, 2009 and the second earlier tonight on September 28, 2009. A vote on the adoption of the 2010 Budget is scheduled for December 7, 2009. Commissioner Mertz complimented Staff for their work on the Budget.

Proclamations and Recognitions

Commissioner Mertz announced the following recognitions will take place at the Regular Meeting of October 5, 2009:

- Fire Prevention Week in Upper St. Clair (October 4-10, 2009) and Presentation of Volunteer Fire Department Certificates of Service. Commissioner Dandoy will present.
- Recognition of Attainment of Eagle Scout Rank by David G. Dockan. Commissioner Mertz will present.

- Recognition of Attainment of Eagle Scout Rank by Matthew A. Novak. Commissioner Brown will present.
- Recognition of Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award. Commissioner Orchowski will present.

Recommendation Re. Establishing the Public Hearing Date for the 2010 Budget

Mr. Stache stated that Staff recommends the Public Hearing date for the Proposed 2010 Budget be Monday, November 2, 2009.

MOTION AND VOTE TO ESTABLISH THE PUBLIC HEARING DATE FOR THE PROPOSED 2010 BUDGET AS MONDAY, NOVEMBER 2, 2009

Commissioner Shimer moved to establish the Public Hearing date for the Proposed 2010 Budget as Monday, November 2, 2009. This was seconded by Commissioner Brown and approved by a 6-0 voice vote.

Review of Informational and General Affairs Meeting Minutes of August 31, 2009

Commissioner McElhinny moved to approve the meeting minutes of August 31, 2009. The motion was seconded by Commissioner Brown and approved by a 6-0 voice vote.

Consideration of September 2009 Bill Sheet

Commissioner Brown moved to approve the Bill Sheet of September 2009. The motion was seconded by Commissioner Dandoy and approved by a 6-0 voice vote.

Acknowledge Receipt of Financial Statements for the Eight-Month Period Ending August 31, 2009

In Commissioner Orchowski's absence, Commissioner Mertz acknowledged receipt of the Financial Statements for the Eight-Month Period ending August 31, 2009.

ADJOURNMENT

Following a motion for adjournment by Commissioner McElhinny and a second by Commissioner Dandoy the motion carried with a 6-0 voice vote and the meeting adjourned at approximately 8:55 PM. An Executive Session followed for the purpose of discussing Legal and Personnel matters.

Cynthia Kane
Recording Secretary

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
September 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.
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
6. Laura A. Caruso - 09-24014

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. Legal Request: 20-09 Municipal Lien on 2348 Hidden Timber
3. Legal Request: 21-09 Right of Way Agreement between Allegheny Land Trust (ALT) and Township of Upper St. Clair
4. Brookdale Drive Gas Well
5. Legal Request: 17-09 Municipal Lien 100 Johnston Road
6. Legal Request: 18-09 Procedure to Appeal realty transfer taxes on recorded deed
7. Legal Request: 22-09 Condition of Property at 2557 Old Washington Road
8. Legal Request: 23-09 Covenant and Agreement of Indemnity Lot Nos. 213 and 214 Waterford Farms Phase Two Plan of Lots
9. Legal Request: 24-09 Covenant and Agreement of Indemnity 341 Oaklawn Drive - Lawn Sprinkler in Right of Way
10. WTW Issues