

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

February 22, 2021

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, February 22, 2021, in the Community & Recreation Center, 1551 Mayview Road, Pittsburgh, PA 15241.

PRESENT:	Commissioner Paoly	Vice President
	Commissioner Enck	
	Commissioner Orchowski	
	Commissioner Pardini	
	Commissioner Waller	
	Matthew R. Serakowski	Township Manager
	Mark S. Mansfield	Assistant Township Manager
	Mark P. Romito	Director of Finance
	Adam A. Benigni	Director of Planning & Community Development
	Irving S. Firman	Township Attorney
	Jennifer Slagle, P.E.	Township Engineer
	Laura Long	Recording Secretary

EXCUSED:	Commissioner Christie	President
	Commissioner Plutko	

PUBLIC: Approximately 5 people attended.

ANNOUNCEMENTS

Commissioner Paoly announced that earlier in the evening, a special meeting was held to review a presentation of the municipal building renovation plans and that the Board met in Executive Session to discuss legal and personnel matters.

CITIZENS' COMMENTS

Mr. Demetri Shiry, 1309 Wellington Drive, shared a letter that he submitted earlier in the day by residents of Wellington Drive, Windsor Court and Deepwood Drive. He stated that the letter outlines their position with respect to the request for the two (2) year extension submitted by Tuscany Pointe. He indicated that the letter provides reasons and observations as to why the request should be denied, and he thanked the Board for their time, review, and consideration.

Commissioner Paoly thanked Mr. Shiry and indicated that his comments would be considered before any approvals the following week. He asked if there were any additional citizens comments from the public and there were none.

INFORMATIONAL ITEMS

COMMUNITY DEVELOPMENT – OLD BUSINESS

None.

COMMUNITY DEVELOPMENT – NEW BUSINESS

Discussion Re. PLC16-0008 – Tuscany Pointe PRD – Final Approval – Extension Request.

Mr. Benigni stated that Jeffrey W. Thomas, developer of Tuscany Pointe, has submitted a request for a two-year extension of the approval granted by the Board of Commissioners on November 7, 2016 by Ordinance No. 2154.

In response to Commissioner Paoly’s inquiry, Mr. Firman stated that an outline of the process would be shared with the Board by the following week.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

OTHER AGENDA AND DISCUSSION ITEMS

Discussion Re. Disposal of Records.

Mr. Mansfield stated that Staff will prepare a Resolution for the March 1, 2021 Regular Meeting of the Board to authorize disposal of various Township records in accordance with the Municipal Records Retention and Disposition Schedule referenced in Chapter 11.7. of the Township Code. A list of records will be an attachment to the disposal Resolution.

Staff will recommend that the Resolution be adopted at the March 1, 2021 Regular Meeting of the Board.

Commissioner Paoly asked if there were any comments from the Board and there were none.

Discussion Re. School District Intergovernmental Agreement – Truxton Drive Earth Disturbance & Wall.

Mr. Serkowski shared that due to a heavy rain in June 2018 and underlying embankment conditions, a significant portion of the hillside located on Truxton Drive slid toward and onto the sidewalk and roadway west of the access road around Upper St. Clair High School Stadium field.

In 2019, discussions between the Township and Upper St. Clair School District began regarding potential remediation of this concern. The Township engaged Gateway Engineers to assess the stability of the hillside by reviewing the site location and conditions, conducting geological reconnaissance, and boring for subsurface exploration. Through such efforts, Gateway Engineers concluded that a portion of the embankment east of Truxton Drive has been experiencing long-term creep movement. The recommendation is to reconstruct the embankment.

As a result, the Township and School District have determined that it is mutually beneficial to pursue the reconstruction of the property on a cooperative basis.

This matter will be placed on the Board of Commissioners' Regular Meeting Agenda of March 1, 2021 for approval of Resolution No. 1697 by simple motion and roll call vote.

In response to Commissioner Orchowksi's statement, Mr. Serakowski confirmed that the encroachment by the high school is currently on the hillside that the Township owns, and that both the School District and Township have agreed to pursue the reconstruction in cooperation with one another.

Commissioner Paoly asked if there were any comments from the Board and there were none.

Status Report Re. Public Works Committee of the Board of Commissioners Meeting.

Commissioner Waller reported that the Public Works Committee met on Friday to discuss the streets that would be paved this upcoming year. George Kostelich and Dan Flatz provided photographs of current conditions of the streets in need of repair and shared details regarding the bids received to complete the work for the 2021 Road Resurfacing Improvements.

Commissioner Paoly noted that he attended the meeting and commended Staff for preparing a thorough presentation.

Commissioner Paoly asked if there were any comments from the Board and there were none.

Discussion Re. Approval of Contracts.

- Truxton Drive Retaining Wall Installation

Mr. Mansfield stated that in 2019, discussions with the Upper St. Clair School District began regarding the remediation of the landslide located east of Truxton Drive, just west of the access road around the Upper St. Clair High School Stadium field. Gateway Engineers investigated the condition of the slope and determined that the Pittsburgh Coal seam lies approximately 176 feet below the site and has been deeply mined. They concluded that the distressed portion of the embankment has been experiencing long-term creep movement, as evidenced by the separation between the concrete curb and sidewalk at the top of the slope.

Gateway Engineers provided three (3) viable options to remediate landslides: embankment reconstruction, a soil nail wall, or a soldier beam and lagging wall. In February, 2020, after discussions with Township and School District staff, a soldier beam and lagging wall was chosen to remediate the distressed slope. The wall will encompass the 105-foot length of distressed slope and an additional 75 feet of marginally stable slope immediately to the north. This project will also include: site clearing, excavation and grading; asphalt mill and overlay; fence removal and replacement; guide rail installation; installation, and all required testing and traffic control.

On Tuesday, February 16, 2021, eight (8) pre-qualified vendors submitted bids for the Truxton Drive Retaining Wall Installation project. A. Merante Contracting, Inc. was the best responsible bidder for the base retaining wall installation contract in the amount of \$734,750.00. In addition to the base bid, Staff also recommends accepting Alternate #1 at an additional cost of \$52,295.00 for paving of the driveway and parking area off of Truxton Drive that may be disrupted. The total cost of the project is \$787,045.00.

The funding for this project is allocated in the Capital Projects Fund for Other Property Improvements. The School District has agreed to share 50% of the overall cost of the project.

Staff will recommend that the proper Township Officials be authorized to enter into a contract with A. Merante Contracting, Inc. in the amount of \$787,045.00 at the March 1, 2021 Regular Meeting of the Board.

In response to Commissioner Orchowski’s inquiry, Ms. Slagle shared that the wall will be about halfway up the slope, and that some of the lane of traffic would be lost. Some of the trees will be cleared in the area and since bids came in below the forecasted price, there will be an aesthetic finishing with decorative facing to the wall.

Commissioner Paoly asked if there were any additional questions or comments from the Board and there were none.

- 2021 Street Improvement Program

Mr. Mansfield stated that on Tuesday, February 16, 2021 six (6) pre-qualified vendors submitted bids for the Township's 2021 Street Resurfacing Program. Independent Enterprises, Inc, Oakdale, PA. was the best responsible bidder for the base street resurfacing contract in the amount of \$1,557,381.30.

On the same date, four (4) vendors submitted a bid for the Township’s 2021 Street Crack Sealing Program. Matcon Diamond, Pittsburgh, PA bid the street crack sealing at a rate of \$0.39 per lineal foot for approximately 100,000 feet for a total cost of \$39,000.00.

Funding sources and recommended programming for the Township’s 2021 Street Improvement Program are as follows:

<u>2021 Budget Appropriations</u>	
Street Program – Capital Fund	\$1,260,000.00
Street Program – Liquid Fuels Fund	600,000.00
Total Budget	<u>\$1,860,000.00</u>
 <u>2021 Resurfacing & Crack Sealing Bids</u>	
Street Resurfacing Base Bid	\$1,557,381.30
Crack Sealing	39,000.00
Total Bids	<u>\$1,596,381.30</u>
 Available Balance	 \$ 263,618.70

Staff will recommend that the proper Township officials be authorized to enter into a contract with Independent Enterprises, Inc. for street resurfacing in an amount of \$1,557,381.30 based upon the unit pricing provided within their bid and Matcon Diamond for street crack sealing in the amount of \$39,000.00 at the March 1, 2021 Regular Meeting of the Board.

Commissioner Paoly asked if there were any additional questions or comments from the Board and there were none.

- Tennis Air Structure “B” Courts 7 & 8 Replacement

Mr. Mansfield stated that the Municipal Tennis Courts Air Structure “B” for Courts No. 7 and 8 that was originally installed in 2000 is scheduled for replacement this year. Staff is proposing that a new air structure be purchased from Yeadon Fabric Structures (“Yeadon”) for \$340,336.00 that will consist of one (1) 118’ wide x 106’ long x 35’ high membrane with blue vinyl coated interior with one (1) revolving entry door, two (2) emergency exit doors, emergency exit lights, air handler/HVAC unit, 80kw emergency backup generator, 16 LED light fixtures, interior netting, attaching hardware and all drawings. Yeadon will also provide supervision for initial installation, mechanicals calibration and mechanicals installation.

Public Works will manage associated electrical and mechanical contracts, and supply heavy equipment and labor for various stages of installations.

Additional purchases to supplement the air structure installation, including color coating, fencing, and light poles for Courts 7 and 8, in addition to a new backup generator for Courts 5 and 6 will be finalized later this year.

Staff is therefore seeking approval to enter into a contract with Yeadon Fabric Structures under the Sourcewell Cooperative Purchasing Program contract #091319-YEA for \$340,336.00.

The funding for this project is allocated in the Capital Projects Fund for Tennis Bubble Replacement.

Staff will recommend that the proper Township Officials be authorized to enter into a contract with Yeadon Fabric Structures at the March 1, 2021 Regular Meeting of the Board.

Mr. Mansfield shared that this bubble replacement will be less expensive than the last bubble and the emergency backup system will be upgraded.

Commissioner Paoly asked if there were any additional questions or comments from the Board and there were none.

- Police Vehicles

Mr. Mansfield stated that Staff is seeking approval to purchase the following Police vehicles in accordance with the Fleet and Equipment Replacement Schedule:

<u>Vehicles</u>	<u>Vendor</u>	<u>Bid/GSA</u>	<u>Amount</u>
Two (2) 2021 Ford Police Interceptor Utility AWD Vehicles @ \$34,075.00 each	Laurel Ford Windber, PA	SHACOG Purchasing Alliance	\$68,150.00

Funding for these vehicles is allocated in the Capital Projects Fund for Police Cars & Lights.

Staff will recommend that the proper Township officials be authorized to enter into a contract with Laurel Ford in the amount of \$68,150.00 at the March 1, 2021 Regular Meeting of the Board.

Commissioner Paoly asked if there were any comments from the Board and there were none.

Discussion Re. Approval for a Grant Application through the Redevelopment Authority of Allegheny County Community Infrastructure and Tourism Fund for the Morton Complex – Field Lighting Retrofit.

Mr. Mansfield stated that the Township desires to apply for a grant through the Redevelopment Authority of Allegheny County (RAAC) Community Infrastructure and Tourism Fund (CITF) in the amount of \$180,000, for the Morton Complex – Field Lighting Retrofit in Boyce Mayview Park.

Staff will prepare the appropriate Resolution for the March 1, 2021 Regular Meeting of the Board to authorize Mark S. Mansfield, Assistant Township Manager, to file all applications, documents, and forms between the Township of Upper St. Clair and RAAC/CITF.

Mr. Mansfield pointed out that the system they are looking to replace is over 26 years old and with the replacement, the anticipated savings is a 63% reduction. The new system will be web based for powering on and off and there are additional key points of improvements.

In response to Commissioner Paoly's inquiry, Mr. Mansfield stated that the lights will most likely be similar to the lights used at the Community & Recreation Center and that the upgraded lighting would be for the Morton Soccer Fields. Mr. Serakowski added that Staff will be proposing a study of the Morton Fields Complex and that this Resolution ties in well with the future goal to reinvest in the Morton facility.

Commissioner Paoly asked if there were any comments from the Board and there were none.

GENERAL AFFAIRS

Recommendation Re. Affirm Planning Priorities 2.0 – Reboot for Year 2021.

Mr. Serakowski stated that on Monday, January 27, 2020 the Board of Commissioners and Department Directors convened to hold a biennial planning priorities session. At that time the group received copies of the 2018-2019 Planning Priorities, the Comprehensive Plan Progress Report through 2019, and the 2020 Budget Highlights – “Accomplished in 2019” and “New for 2020” for review and consideration. As a result of the January working session the group developed a comprehensive list of projects and tasks to be considered for the 2020-2021 period.

Regrettably, with the response to the onset of the pandemic, the group was unable to reconvene to refine the list and provide an opportunity to finalize priorities through voting and ranking. Additionally, since this initial session we have welcomed a new Commissioner and Department Director while continuing to manage operations and prioritize responsibilities during the global pandemic.

Following a review and refinement of the list of potential objectives over the past few months, a final tally sheet was delivered and voted upon by the Board and Department Directors. The final results are in and have been shared with the Board. Action may be taken to affirm the 2020-2021 Planning Priorities for the remainder of 2021.

Priorities include: township buildings and facility improvements; budgetary items; C&RC items; road infrastructure; and the future of volunteer fire services in the Township. Affirming this list can be accomplished this evening by a simple motion and voice vote.

Commissioner Waller moved to affirm the 2020-2021 Planning Priorities which was seconded by Commissioner Pardini and carried with a 5-0 voice vote.

Review of the Informational and General Affairs Meeting Minutes of January 25, 2021.

Commissioner Pardini moved to approve the Informational and General Affairs Meeting Minutes of January 25, 2021. This was seconded by Commissioner Enck and carried with a 5-0 voice vote.

Consideration of the February 2021 Bill Sheet.

Commissioner Enck stated that the Bill Sheet was reviewed and moved for approval of the February 2021 Bill Sheet, which was seconded by Commissioner Orchowski and approved with a 5-0 voice vote.

Acknowledge Receipt of Financial Statements for the One-Month Period ending January 31, 2021.

Commissioner Enck shared that she reviewed the financial statements and asked Mr. Romito to share additional comments. Mr. Romito provided a brief update and stated that revenues are tracking well. As of today, the earned income tax revenue is on budget and tracking with the pre-pandemic results of last year.

In response to Commissioner Enck's inquiry regarding when final results for 2020 will be shared, Mr. Romito stated that Staff is in the process of making the final accounting entries for the year and that the annual audit fieldwork will be conducted in the coming weeks. A written summary of the final 2020 results will be provided for the Commissioners in next month's financial statements.

Commissioner Paoly asked if there were any comments from the Board and there were none.

ADDITIONAL COMMENTS

Commissioner Waller stated that he has been attending the Playing Fields Committee meetings. He shared that this group consists of a great group of Staff, Commissioners and School Board Directors who work together well in a cooperative way. This group positively impacts many children and parents in the community and he thanked the Upper St. Clair Athletic Association for their continued work.

Commissioner Paoly asked if there were any additional comments from the Board and there were none.

ADJOURNMENT

Commissioner Pardini moved to adjourn the Informational & General Affairs Meeting, which was seconded by Commissioner Waller. This was approved by a 5-0 voice vote and the meeting was adjourned at approximately 7:58PM.

Laura Long
Recording Secretary
February 22, 2021

**LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
February 18, 2021**

I. CASES WHERE TOWNSHIP IS PLAINTIFF

- A. Township of Upper St. Clair v. James Hawk - No. CV-109-2017) (Allegheny County)
- B. Township of Upper St. Clair v. Rene Marasco, No. CV-114-2020 (Magistrate Arnoni).
- C. Township of Upper St. Clair v. Barbara Jean Depp Family Trust (No. CV-192-2020) (Magistrate Arnoni).
- D. Township of Upper St. Clair v. Path Generations, LLC (No. CV-222-2020) (Magistrate Arnoni).

II. CASES WHERE TOWNSHIP IS DEFENDANT NOT DEFENDED BY INSURANCE CARRIER

NONE.

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

- A. Estate of Wendy Abbott vs. Bloomin' Brands Inc. et al., GD 20-6398 (Allegheny County).
- B. Zatta Martin LLC vs. Upper St. Clair Township and Bridgeville Borough, GD 20-6870 (Allegheny County).
- C. Jeffrey S. Valperga ey ux. vs. The Municipal Authority of the Township of Upper St. Clair, Township of Upper St. Clair, and Municipality of Bethel Park, GD 20-9879 (Allegheny County).

IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS

V. LAND USE

M & D Properties - Land Use Appeal, SA 20-469 (Allegheny County).

VI. OTHER LEGAL MATTERS

- A. REDINGER V. ALLEGHENY COUNTY HEALTH DEPARTMENT
- B. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ACTION PURSUANT TO 33 U.S.C. §138
- C. TOWNSHIP OF UPPER ST. CLAIR V. SUJILIDA, S.A. NO. 19-000168
- D. M & D Properties BOARD OF VIEWERS, NO. GD20-10982
- E. HUD Fair Housing Complaint