

BOARD OF COMMISSIONERS MEETING MINUTES

May 3, 2021

The regular 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 7:30 PM on Monday, May 3, 2021 at the Community & Recreation Center, 1551 Mayview Road, Upper St. Clair, PA. The Pledge of Allegiance was recited by all present.

PRESENT:

Commissioner Christie	President
Commissioner Paoly	Vice President
Commissioner Burlingame	
Commissioner Enck	
Commissioner Orchowski	
Commissioner Pardini	
Commissioner Plutko	

Matthew R. Serakowski	Township Manager
Mark Mansfield	Assistant Township Manager
Mark P. Romito	Director of Finance
Adam A. Benigni	Director of Community Development
Irving Firman	Township Attorney
Jennifer Slagle	Township Engineer
Sheila Stauffer	Network Deposition Services
Amy Wiszczor	Recording Secretary

PUBLIC: Approximately 10 people attended.

RECOGNITIONS

Commissioner Pardini presented Ms. Nora Helfrich and the staff of Tri-Community South Emergency Medical Services with a Proclamation for EMS week, May 16-22, 2021, with the theme, *“THIS IS EMS: Caring for Our Communities”*. Commissioner Pardini commended them for their professionalism and thanked Ms. Helfrich for her leadership.

Commissioner Plutko presented a Proclamation to Maddie Nolen, a student at Upper St. Clair High School, for her win at the Pennsylvania High School Speech League (PHSSL) State Tournament in the Humorous Interpretation category. Ms. Nolen thanked her coach and parents as well as her other team members for their support. She encouraged everyone to watch the upcoming Upper St. Clair High School production of “Smokey Joes’ Café”.

Commissioner Enck presented a Certificate of Achievement recognizing the Upper St. Clair High School Speech & Debate Team for placing first in the Speech Sweepstakes Championship at the Pennsylvania High School Speech League (PHSSL) State Tournament. Coach Edwards thanked the Commissioners for recognizing their teams’ efforts this year and also mentioned other team members and their accomplishments.

Commissioner Burlingame presented a Certificate of Achievement to the Upper St. Clair High School Boys Basketball Team for their win at the Western Pennsylvania Interscholastic Athletic

League (WPIAL) Championships. Coach Holzer thanked the Commissioners for the recognition and shared the future endeavors of the senior players that attended tonight's meeting.

Commissioner Orchowski presented Certificates of Achievement to members of the Upper St. Clair High School Girls' Swim Team for their 1st place wins at the Western Pennsylvania Interscholastic Athletic League (WPIAL) Championships. The coach gave a brief overview of their training and the obstacles they had over the past year. He stated they practice 15-20 hours per week which is 3 to 7 miles of swimming per day.

Commissioner Orchowski presented Certificates of Achievement and Proclamations recognizing the Upper St. Clair High School Boys' Swim Team for their 1st place win overall at WPIAL and several team members for their individual wins at WPIAL and the Pennsylvania Interscholastic Athletic Association (PIAA) Championships. The coach thanked the team for their dedication and hard work this past year. He also thanked the staff at the school district for all of their work to have the WPIAL meet at the Upper St. Clair High School.

Commissioner Christie commended the coaches and athletes for their ability to adapt their training schedule during the pandemic yet still have winning teams. He stated they set a great example for all of us of what can be accomplished during difficult times.

Commissioner Christie presented a Proclamation and plaque to former At-Large Commissioner Rex A. Waller recognizing his service while serving on the Board of Commissioners.

REVIEW OF BOARD OF COMMISSIONERS' REGULAR MEETING MINUTES OF APRIL 5, 2021

Commissioner Plutko moved to approve the Regular Meeting Minutes of April 5, 2021. This was seconded by Commissioner Pardini and carried with a 7-0 voice vote.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

PUBLIC HEARING RE. APPLICATION FOR TRANSFER OF LIQUOR LICENSE – FIRST WATCH RESTAURANTS, INC.

Mr. Benigni stated this is the public hearing on the application filed by First Watch Restaurants, Inc. for the transfer of liquor license R-12276 from the First Watch restaurant at 207 Bettis Road, West Mifflin, PA 15122 into the Township of Upper St. Clair to the First Watch restaurant at 100 Siena Drive, Suite 190, Upper St. Clair, PA 15241.

Mr. Benigni continued that Act 141 of 2000 and Act 10 of 2002 amended the Pennsylvania Liquor Code to permit inter- municipal transfers of retail liquor licenses from one municipality to another within the same county. A hearing must be held within the "receiving" municipality for the purpose of taking testimony on the transfer application and a subsequent application must be made to the Liquor Control Board. The receiving municipality must grant approval unless it finds that

doing so would have an adverse effect on the welfare, health, peace and morals of either the municipality or its residents.

Mr. Benigni concluded that assuming no additional testimony, Staff recommends that this hearing be closed and that action be taken to transfer this liquor license. This may be accomplished by adoption of Resolution No. 1703 by a roll call vote.

Those wishing to testify were sworn in by Commissioner Christie.

Mr. Tim Stranko, the local representative for First Watch and the director of operations for Pittsburgh, stated that the license is to compliment the food. He also stated that the restaurant will follow all the guidelines and train all their employees for alcohol serving. The restaurant will require all patrons being served alcohol to provide proof they are over 21 years old. This will be the first of their restaurants to obtain a liquor license in Pittsburgh. There will be no bar area in the restaurant. The alcohol is all served table side.

Commissioner Christie asked if there were questions from the Board.

In response to questions from the Commissioners, Mr. Stranko stated this is the only location he is aware of at this time that will serve alcohol. He confirmed that the hours of operations will be from 7am to 2:30pm, every day and this is the same for all First Watch locations. The restaurant is currently scheduled to begin operation in April of 2022.

Commissioner Enck inquired about the seating capacity for the Upper St. Clair location. Mr. Stranko was unsure of the exact seating capacity, but advised that the Siena location is slightly larger than the Bridgeville location.

Mr. Irv Firman, Township Attorney, confirmed with Mr. Stranko that the liquor license is being transferred to First Watch Restaurants, Inc. Mr. Firman also asked for clarification on the name of the business that currently has the liquor license in West Mifflin. Mr. Stranko confirmed it is not a First Watch Restaurant location and clarified for Commissioner Enck that no other First Watch locations in the Pittsburgh area currently have a liquor license. The liquor license is coming from a non-First Watch entity in West Mifflin.

In response to Commissioner Plutko's question regarding the number of liquor licenses in the same area of the township, Mr. Benigni advised the Township does not have a saturation rate in the Township Code. Mr. Firman further stated that every municipality within every county has a quota on how many licenses that can be issued by the Pennsylvania Liquor Control Board (PLCB). In 2002, the LCB changed the rules that allowed the licenses to go inter-municipal as long as the license is within the same county. Mr. Firman advised that the Township could deny the license if it would have an adverse effect on the welfare, health, peace and morals of either the municipality or its residents – and not due to the number of licenses in the area.

Mr. Firman confirmed for the Board that liquor license No. R-12276 is currently owned by Donny's Place, Inc. in West Mifflin and it is being transferred to First Watch Restaurant, Inc. at 100 Siena Drive, Suite 190 in Upper St. Clair. Mr. Firman advised the Resolution would need to be amended to identify the current location of the license as Donny's Place at 207 Bettis Road in West Mifflin instead of First Watch Restaurant at 207 Bettis Road in West Mifflin.

Commissioner Christie asked if there were any additional questions from the Board or the public and there were none.

MOTION AND VOTE TO CLOSE PUBLIC HEARING RE. APPLICATION FOR TRANSFER OF LIQUOR LICENSE – FIRST WATCH RESTAURANTS, INC.

Commissioner Paoly moved to close Public Hearing Re. Application for Transfer of Liquor License – First Watch Restaurants, Inc. This was seconded by Commissioner Burlingame and carried with a 7-0 voice vote.

MOTION AND VOTE TO ADOPT RESOLUTION NO. 1703

Commissioner Enck moved to adopt Resolution No. 1703 Re. Application for Transfer of Liquor License – First Watch Restaurants, Inc., amended to reflect the correct current owner. This was seconded by Commissioner Pardini. Motion was carried with a 7-0 roll call vote.

Prior to the roll call vote, Mr. Firman stated a correction needs made to the motion in regards to the current location of the liquor license. He stated the location should be amended within the Resolution as DBM, Inc., doing business as Don's Bar and Grill. This correction was accepted by Commissioner Enck and Commissioner Pardini as part of the motion to adopt the Resolution.

Commissioner Orchowski then asked Mr. Firman if a further amendment could be made to the motion in the event there is another ownership change that the Township can make the appropriate changes to the Resolution. Mr. Firman confirmed with the Pennsylvania Liquor Control Board that the license is identified as the mentioned name and the mentioned license number. This amendment was accepted by Commissioner Enck and Commissioner Pardini as part of the motion to adopt the Resolution.

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

RECOMMENDATION RE. ALLEGHENY COUNTY HAZARD MITIGATION PLAN

Mr. Benigni stated that the Allegheny County Department of Emergency Services has been accumulating data and community input through various meetings to update the county-wide Hazard Mitigation Plan (HMP). FEMA has notified Allegheny County that the HMP is Approved – Pending Adoption. Formal approval by the Board of Commissioners is necessary to be eligible for future aid from state and federal agencies in the event of a disaster. In addition, the Township's adoption of the plan assists with our Community Rating System (CRS) rating for the National Flood Insurance Program.

Mr. Benigni added that Resolution No. 1704 may be adopted by a simple motion and roll call vote.

Commissioner Christie asked if there were any questions from the Board or the public and there were none.

MOTION AND VOTE TO ADOPT RESOLUTION NO. 1704

Commissioner Paoly moved to adopt Resolution No. 1704 Re. Allegheny County Hazard Mitigation Plan. This was seconded by Commissioner Plutko and carried with a 7-0 roll call vote.

RECOMMENDATION RE. EXTENSION OF APPROVAL TO PERMIT RECORDING OF PLAN WITH ALLEGHENY COUNTY RE. PLC19-0011 – DEFENDER PROPERTIES, LLC – 1140 BOYCE ROAD

Mr. Benigni stated that Section 513 of the Pennsylvania Municipalities Planning Code requires that a Final Plan must be recorded in the office of the Recorder of Deeds in Allegheny County within 90 days of final approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later. The Township released the plan for recording to the property owner; however, it was not recorded with the Allegheny County Department of Real Estate within the statutory timeframe. The property owner has requested that an extension be granted to record the plan.

Mr. Benigni added that Staff has recommended that the Board of Commissioners grant an extension of approval to permit recording of the Defender Properties plan subject to the conditions outlined in Bill No. 3-21. This may be accomplished by a roll call vote.

Commissioner Christie asked if there were any questions from the Board.

Discussion ensued between Commissioner Christie and Mr. Benigni explaining the process for recording the plan with Allegheny County and the events that lead to the need for an extension.

Mr. Benigni confirmed for Commissioner Orchowski that the fault of the delay to record the plan was with Allegheny County.

Commissioner Christie asked if there were any other questions from the Board or the public and there were none.

MOTION AND VOTE TO ADOPT BILL NO. 3-21

Commissioner Burlingame moved to adopt Bill No. 3-21 authorizing the Extension of Approval to Permit Recording of Plan with Allegheny County Re. PLC19-0011 – Defender Properties, LLC – 1140 Boyce Road. This was seconded by Commissioner Orchowski and carried with a 7-0 roll call vote.

OTHER BUSINESS

Mr. Serakowski stated that Staff has provided the Board with updated committee assignments and asked the Board to affirm these new assignments for the remainder of 2021. Commissioner Christie stated that Commissioner Waller was removed from the assignments due to his resignation and was replaced with Commissioner Burlingame, with one exception that Commissioner Orchowski was assigned as the Fields Committee Liaison.

Commissioner Orchowski made a motion to accept the new committee assignments. This was seconded by Commissioner Enck and carried with a 7-0 voice vote.

ADJOURNMENT

Following a motion for adjournment by Commissioner Burlingame and a second by Commissioner Pardini, which carried with a 7-0 voice vote, the meeting was adjourned at approximately 8:47 PM.

Amy Wiszczor
Recording Secretary
May 2021