

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

July 25, 2022

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 7:34 PM, Monday, July 25, 2022, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.

PRESENT: Commissioner Paoly President
 Commissioner Burlingame
 Commissioner Enck
 Commissioner Orchowski

 Mark M. Mansfield Assistant Township Manager
 Mark P. Romito Director of Finance
 Irving S. Firman Township Attorney
 Jennifer Slagle, P.E. Township Engineer
 Laura Long Recording Secretary

EXCUSED: Commissioner Plutko Vice President
 Commissioner Pardini
 Commissioner Thomas
 Matthew R. Serakowski Township Manager
 Adam A. Benigni Director of Planning & Community Development

PUBLIC: Three members of the public were in attendance.

CITIZENS' COMMENTS

None.

INFORMATIONAL ITEMS

None.

COMMUNITY DEVELOPMENT – OLD BUSINESS

Continued Public Hearing Re. PLC-22-0005 – Maggie's Farm Distillery – Unified Conditional Use/Preliminary and Final Land Development Approval.

Mr. Mansfield stated this hearing was continued from the July 5, 2022, public hearing. 5372 Enterprise Group filed an application for Unified Conditional Use/Preliminary and Final Land Development Approval at 1387 McLaughlin Run Road to permit a distillery in the existing warehouse. Provided no additional testimony is required, staff will recommend the hearing be

closed and action taken. A bill granting approval will be prepared for consideration by the Board on August 1, 2022.

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

COMMUNITY DEVELOPMENT – NEW BUSINESS

None.

OTHER AGENDA AND DISCUSSION ITEMS

Discussion Re. Authorizing the Township to Enter into a Multi-Year Agreement with the Pennsylvania Department of Transportation for Comprehensive Road Maintenance.

Mr. Mansfield stated for a number of years, the Township has entered into a Comprehensive Maintenance Agreement with the Commonwealth of Pennsylvania Department of Transportation for maintenance of State roads that run through the Township. These roads include Route 19, Boyce Road, McMillan Road, Lesnett Road, Fort Couch Road, the ramps of Route 19 at McLaughlin Run Road, McMurray Road, McLaughlin Run Road and Mayview Road. Under this Comprehensive Maintenance Agreement, which begins July 1 of each year, the Township is responsible for selective maintenance services.

Under the Comprehensive Maintenance Agreement, the Township Public Works Department performs various routine maintenance, and the costs are then billed back to the Commonwealth on a semi-annual basis. The Township performs the following tasks as part of the Comprehensive Maintenance program:

1. Mowing all berm areas and intersections with the Township's flail mower.
2. Street sweeping of roadways and paved road berms.
3. Manual patching/repairing of state roads/storm inlets as necessary.

The Comprehensive Maintenance Agreement provides reimbursement for up to \$24,189.10 annually based upon a prescribed line-item unit cost.

By participating in this program, the Township ensures a timelier maintenance to roadways within its borders. Staff, therefore, will recommend that the Board of Commissioners authorize the proper Township Officials to enter into a renewal Comprehensive Maintenance Agreement with the Commonwealth of Pennsylvania Department of Transportation for comprehensive road maintenance.

A Resolution to accomplish the above will be prepared for the Board's approval at the Regular Board Meeting on August 1, 2022.

Mr. Mansfield confirmed for Commissioner Burlingame that there have not been any major changes to this agreement from years past.

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

Discussion Re. Approval of Contracts.

2022-2023 Rock Salt

Mr. Mansfield stated the SHACOG Purchasing Alliance recently opened bids for various winter commodities utilized in roadway maintenance. The lone bidder for rock salt was Cargill, Inc., North Olmsted, OH, at a price of \$88.96 per ton through June 30, 2023. The bid does offer the option to extend the contract annually for an additional two years provided that the adjusted bid price for each year allows a continuation of the contractual relationship.

SHACOG has informed us that although this price represents an 8% overall increase from the previous bid in 2019, the principal factor in this bid appears to reside in the increased cost of transportation. That cost, which includes rail, truck, and barge expenses, has escalated 13% over the last bid. The Township's annual contracted salt tonnage is approximately 6,500 tons.

Staff is reviewing alternatives to the SHACOG bid to determine whether or not it is the best combination of pricing and flexibility available for 2022-2023. Staff will have a recommendation for the Board of Commissioners to consider at its August 1, 2022, Regular Board Meeting.

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

Ravine Park Stream Restoration Project

Mr. Mansfield stated on Tuesday, July 12, 2022, two pre-qualified vendors submitted bids for the Ravine Park Stream Restoration Project contract. C. Crump, Inc., Hubbard, OH was the best responsible bidder in the amount of \$178,400.00. This project involves streambank stabilization to reduce erosion and sedimentation of streams.

It is allocated in the Township's Storm Sewer Fund Budget.

Staff will recommend that the proper Township Officials be authorized to enter into a contract with C. Crump, Inc. in the amount of \$178,400.00 at the August 1, 2022, Regular Meeting of the Board.

Commissioner Orchowski suggested that a two-minute review with visuals of the location and what the Ravine Park Stream Restoration Project involves be included for next week's meeting.

Mr. Mansfield confirmed that Staff would prepare these items for the following week and added that there are benefits to the infrastructure of this project including sanitary sewers that fall under the MS4 scoring needed by 2023.

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

GENERAL AFFAIRS

Status Report Re. Budget & Finance Committee Meeting of July 11, 2022.

Commissioner Enck stated the Committee met earlier this month to review the Capital Improvements Program for 2023-2027. Sanitary Sewer Projects and the MS4 obligations coming up over the next few years were a topic of discussion. In addition, major expenditures relating to the Township Administration Building Renovation Project were reviewed.

Commissioner Enck commended Staff for how projects are prioritized and the success of securing funding through grants and bond refinancing. She stated that the Committee will meet again to review the proposed budget in late September.

Commissioner Burlingame mentioned that another topic of discussion included potential rising sewer rates for residents. He suggested that the Commissioners and Staff prioritize purposeful messaging to residents to make them aware when this change occurs and the reason behind why the rates will increase. He indicated that at this time we do not know what the new rates may be; however, the Township should be prepared with accurate messaging when the time may come.

Commissioner Orchowski agreed and stated that anything the Township can do to communicate these changes and why they will occur would be supported by him. He suggested using the USC Today quarterly magazine as one of various methods to communicate potential rising sewer rates to residents.

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

Status Report Re. Administrative Consent Order – Phase II – Sanitary Sewers.

Ms. Slagle stated it has been six months since the Administrative Consent Order (ACO) was fully executed and provided a status update of the on-going and completed tasks to maintain compliance.

The Township contributes to three points of connection (POC's) with ALCOSAN's Chartiers Creek Interceptor. Exhibit B, included in the ACO, determines the inflow and infiltration (I&I) goals to be achieved.

The Painters Run POC is above the Gold Line Standard and not tributary to sanitary sewer overflow (SSO). The goal of this POC is to implement source reduction projects to reduce flows that fall below the Gold Line Standard.

The McLaughlin Run POC and Brush Run POC are below the Gold Line Standard and tributary to SSO. The goals associated with these POC's are to eliminate SSO or reduce flows tributary to each SSO by 10%.

Tasks completed to date include:

- Performed flow data analysis and comparison
- Performed multi-municipal flow data translation process and coordination
- Performed multi-municipal coordination of work performed in sewershed
- Reviewed and analyzed data as compared to Exhibit B and 2008 meter data
- 2022 flow monitoring/flow tracker data collection from April to June

- Prepared Township Overall Baseline Due Diligence Report (BDD)
- Prepared BDD for McLaughlin Run

Upcoming tasks include:

- Analyze data collected in 2022
- Develop and update models
- Analyze McLaughlin Run and Brush Run models
- Identify areas of potential source reduction
- Study areas and develop projects for source reduction
- Design projects to eliminate overflows
- Continued multi-municipal collaboration with Bridgeville, Bethel Park and the Township

Commissioner Paoly asked about the flow monitoring completed so far and whether any reductions have been seen based on the sewer lateral requirements needed for the sale and remodeling of homes within the Township.

Ms. Slagle stated that the sewer lateral requirements would be hard to quantify at this point since it has not been analyzed. She shared that these requirements are a benefit to the Township because they do help to eliminate excess water in the system on the private side.

Conversation ensued between Commissioner Burlingame and Ms. Slagle regarding examples of source reduction projects that have worked, the difference between inflow and infiltration, how to determine if a project is cost effective, the impact of reducing water usage, and how additional construction of new homes can add to the flow yet benefit the system since they are inspected to adhere to the current standard.

Commissioner Enck stated that she recently attended the public meetings for the upcoming Painters Run Bridge project to be completed by the Allegheny Department of Public Works and asked if this work would impact the Townships requirements related to the ACO. In response, Ms. Slagle stated that the Township may see an impact to the overall flow; however, it would not fall under the Township's compliance obligations regarding the ACO since the project falls under Allegheny County and not the Township of Upper St. Clair.

Commissioner Paoly thanked Ms. Slagle for the presentation and asked if there were any additional comments or questions from the Board. There were none.

Recommendation Re. Approval for a Grant Application through the Pennsylvania Department of Transportation Multimodal Transportation Fund for the Pedestrian Crossing Safety Improvements Project.

Mr. Mansfield stated that Resolution No. 1722 which authorizes a grant application through the Pennsylvania Department of Transportation Multimodal Transportation Fund in the amount of \$175,000 to be used for the Pedestrian Crossing Safety Improvements Project has been provided to the Board for review.

The project will look to improve pedestrian safety at four locations within the Township. The improvements would include updated pavement markings, signage, and Rectangular Rapid Flashing Beacon (RRFB) devices at the crossings. The locations are all near various Township parks, trails, schools, and residential neighborhoods. They include the existing crossings at McMurray Road/Ruthfred Drive and Fort Couch Road/Meadowcrest Drive, and an unmarked crossing at the

intersections of Boyce Road/Millwood Drive and Lesnett Road/Chartwell Drive. The project would also connect the crossing at Boyce Road/Millwood Drive to the Boyce/Mayview Trail creating a safer connection point.

Staff is recommending the approval of Resolution No. 1722. In order to proceed with this recommendation, it will first be necessary for the Board to suspend a provision of the Township Code, Chapter 19, "Board of Commissioners", to permit formal action this evening. This is necessary because the grant submission deadline of July 31, 2022, is prior to the next Regular Board of Commissioners Meeting.

Section 19.6.2 of the Township Code, sets forth that action by the Board at Informational and General Affairs meetings shall be limited to routine non-legislative matters. The section further provides the Board may suspend this requirement, by motion and majority vote.

It is therefore recommended the Board take action to suspend Section 19.6.2 of the Township Code for purposes of approving Resolution No. 1722. This may be accomplished by a simple motion and roll call vote.

Commissioner Paoly thanked Mr. Mansfield for the update and asked if the Board had any comments or questions before moving forward with this item. There were none.

MOTION AND VOTE TO SUSPEND A PROVISION IN THE TOWNSHIP CODE, SECTION 19.6.2, WHICH LIMITS THE BOARD'S ABILITY TO PROCEED WITH BUSINESS OTHER THAN ROUTINE ACTIONS AT A MEETING OTHER THAN THE REGULAR MEETING

Commissioner Burlingame moved to suspend a provision in the Township Code, Section 19.6.2 which limits the Board's ability to proceed with business other than routine actions at a meeting other than the Regular meeting. Commissioner Enck seconded the motion, and it was approved by a 4-0 roll call vote.

MOTION TO APPROVE RESOLUTION NO. 1722 AUTHORIZING THE TOWNSHIP OF UPPER ST. CLAIR TO FORMALLY REQUEST A GRANT FOR FUNDS THROUGH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION MULTIMODAL TRANSPORTATION FUND FOR PEDESTRIAN CROSSING SAFETY IMPROVEMENTS PROJECT

Commissioner Enck moved to approve Resolution No. 1722, authorizing the Township of Upper St. Clair to formally request a grant for funds through the Pennsylvania Department of Transportation multimodal transportation fund for pedestrian crossing safety improvements. This was seconded by Commissioner Orchowski and approved by a 4-0 roll call vote.

Review of the Informational and General Affairs Meeting Minutes of June 27, 2022.

Commissioner Paoly thanked Commissioner Orchowski for covering in his absence at the Informational and General Affairs Meeting of June 27, 2022, and asked the Board for a motion to approve the minutes. Commissioner Burlingame moved to approve the Informational and General

Affairs Meeting Minutes of June 27, 2022. This was seconded by Commissioner Orchowski and carried with a 4-0 voice vote.

Consideration of the July 2022 Bill Sheet.

Commissioner Paoly thanked Commissioner Orchowski for his consistent and thorough reviews of the bill sheet and asked the Board for a motion to approve. Commissioner Enck moved for approval of the July 2022 Bill Sheet, which was seconded by Commissioner Burlingame and approved with a 4-0 voice vote.

Acknowledge Receipt of Financial Statements for the Five-Month Period ending June 30, 2022.

Commissioner Paoly acknowledged receipt of the Financial Statements.

ADDITIONAL COMMENTS

Commissioner Orchowski thanked Township Staff for the updates regarding last weekend's weather event that caused power outages throughout the Township. He asked what the Township and residents can do in the future to be preemptive about these power outages and how to get ahead of them. He shared that West Penn Power has done a good job of cleaning up and removing trees in the Morrow area and would like to know what caused this recent outage to their area.

Commissioner Paoly acknowledged Christopher Welch, a potential Eagle Scout, for attending this evening and offered to answer any questions he may have after the meeting. Commissioner Orchowski invited Mr. Welch to the podium to introduce himself. Mr. Welch stated that he is working towards the ranking of Eagle Scout and has attended this evening's meeting to achieve his citizens community merit badge.

Commissioner Paoly congratulated Mr. Welch and stated that the Board will look forward to recognizing him again at a future meeting once he obtains the ranking of Eagle Scout.

Commissioner Paoly stated that upon adjournment, the Board would be meeting for an Executive Session to discuss legal and personnel matters.

ADJOURNMENT

Commissioner Enck moved to adjourn the Informational & General Affairs Meeting, which was seconded by Commissioner Burlingame. This was approved by a 4-0 voice vote and the meeting was adjourned at approximately 8:08 PM.

Laura Long
Recording Secretary
July 25, 2022

LITIGATION REPORT - SUMMARY
TOWNSHIP OF UPPER ST. CLAIR
July 22, 2022

I. CASES WHERE TOWNSHIP IS PLAINTIFF

- A. Township of Upper St. Clair v. Path Generations, LLC (No. CV-222-2020) (Magistrate Arnoni).
- B. Township of Upper St. Clair vs. Donald Marcucci et ux. (No. CV-244-2021)(Magistrate Arnoni).
- C. Township of Upper St. Clair vs. South Hills Village Associates, LP (No. CV-84-2022)(Magistrate Arnoni).
- D. Township of Upper St. Clair vs. William and Helena Spatz (No. CV-83-2022)(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. Jeffrey S. Valperga et 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).
- C. HUD Fair Housing Complaint (Jason Depp).
- D. Estate of Kara Leo vs. Township of Upper St. Clair, GD 21-15370 (Allegheny County).

IV. OTHER LITIGATION INCLUDING BANKRUPTCY MATTERS

V. LAND USE

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

VI. OTHER LEGAL MATTERS

A. United States Environmental Protection Agency Action Pursuant To 33 U.S.C. §138

B. M & D Properties Board of Viewers, No. GD20-10982

A. Township of Upper St. Clair v. Sujilda, S.A. NO. 19-000168