



## PUBLIC HEARING

A. CU-02-2021, CONDITIONAL USE APPLICATION SUBMITTED BY PURPLE BULLDOG LLC D/B/A IVYBROOK ACADEMY FOR A PROPOSED PRIVATE PRESCHOOL IN A C-2 ZONED AREA, LOCATED AT 3127 WASHINGTON PIKE, BRIDGEVILLE, PA 15017

The meeting was called to order by Commissioner Rodi.

PRESENT: HOROWITZ, RODI, MALOSH, SRAY (on phone)

ALSO PRESENT: Township Solicitor: Robert Garvin; Township Manager: John M. Barrett; Township Executive Assistant: Peggy Patterson

## PLEDGE OF ALLEGIANCE

## RECOGNITION OF OFFICER MIKE KUCHTA

Police Chief John Phoennik recognized Officer Mike Kuchta for performing life-saving procedures that saved the life of township resident Tim Postufka on December 17, 2021. Mr. Postufka also spoke, thanking Officer Kuchta and calling him a hero.

Chief Phoennik presented Officer Kuchta with a certificate of recognition.

Officer Kuchta – I just want to thank Chief Phoennik, although it is not necessary because just seeing Tim (Postufka) healthy is more than enough.

Chief Phoennik also thanked SouthBridge EMS, Officer Rebekah Schultz and Officer James Jeffrey who also were present that day.

## PUBLIC COMMENT - NONE

## CORRESPONDENCE

### A. OAK RIDGE VOLUNTEER FIRE DEPARTMENT REPORT

### B. SOUTHBRIDGE EMS REPORT

Mr. Barrett – We received the Oak Ridge VFD report and Southbridge EMS monthly reports. I am impressed that SouthBridge has an ATV to use for accidents and issues in the woods.

### C. EMAIL FROM SHACOG REGARDING SOLID WASTE COLLECTION

Mr. Barrett – Our Waste Management contract does not expire until the end of 2023, but the SHACOG is looking for responses and commitments from communities by the end of March.

### D. PENNDOT LETTER TO CHARTER HOMES

Mr. Barrett – This letter was from PennDOT to Charter Homes related to Mayview Road. PennDOT is prepared to make some emergency, temporary repairs so the road can be open before March 1, so that their work at Boyce Road and Mayview Road can continue.

Commissioner Rodi –The executive from District 11 informed me that the slide was the fault of the developer, Charter Homes. PennDOT demanded that the developer make the repairs that needed to be done by March 1 because the Mayview/Boyce project needs to resume at that time. PennDOT gave an ultimatum to Charter Homes.

### CONSENT CALENDAR ITEMS

#### A. APPROVAL OF MINUTES

It was moved by HOROWITZ and seconded by MALOSH to approve the minutes from the January 12, 2022, regular meeting. All members present voted AYE to the motion.

#### B. PAYMENT OF THE BILLS

It was moved by HOROWITZ and seconded by MALOSH to pay the January 2022 bills. All members present voted AYE to the motion.

#### C. FINANCIAL REPORTS

#### D. BANK ACCOUNT BALANCES

Mr. Barrett – We have balance sheets for the end of 2021 and statements of activity. We also have budget-to-actual reports. The bank balances are just for transparency's sake.

### DEPARTMENT REPORTS

#### A. BUILDING PERMITS REPORT

Mr. Barrett – The majority of the building permits for the month of January are for residential homes. Charter Homes, Lafayette Meadow and a new home being built in Newbury make up the lion's share of the permits. We did have a commercial permit for Giant Eagle for interior renovations.

## B. COMMUNICATIONS & COMMUNITY DEVELOPMENT REPORT

Andrea Iglar, Director of Communications & Community Development – The winter issue of South Fayette Connect was published January 31, so the distribution should be complete.

Because we joined the Pittsburgh Airport Area Chamber of Commerce, I created profiles on our website and their website that includes information about the Southern Beltway and business resources.

This year I will be doing a comprehensive update of our website, which is included in our website contract for every four years.

We scheduled our glass recycling collection for the spring for May 7 through May 12. We also inform residents when another community is holding an event close to the township.

All the commissioners present commented on the latest issue of South Fayette Connect articles and how happy they were to see the article on South Fayette taxes. They also like the article on the amount of commercial development done in the township.

## C. ENGINEER'S REPORT

Jason Paulovich, Division Manager, Gibson-Thomas Engineering – We are working on a contract for the demolition of the existing buildings on the parcel slated for the community center. We are also working with the planning department on preparation of the consolidation plan to combine those two parcels.

We are anticipating delivery of our roadway assessment from RoadBotics so we can put together the paving program for this year.

We are working with Paula Willis on the restroom project for Boys Home and Preservation Parks.

Our Battle Ridge stormwater project was completed by Public Works a few weeks ago.

We also have the commercial building conversion project, which is Pro Bike and is on tonight's agenda.

We have a few planning items that will be coming from the Planning Commission shortly.

Commissioner Rodi – Why is Hastings phase 1 under current on your report? I thought phase 1 was complete.

Mr. Paulovich – We are still inspecting some paving they have done over the last month which is on private roads.

#### D. PARKS AND RECREATION REPORT

Paula Willis, Parks & Recreation Director – Fairview phase 1 construction is under way. Ms. Willis referenced a picture of the under-construction dog park.

We may be getting a change order because of an issue with the unusable fill that was on the Mayview site.

We are working on the restrooms in Boys Home and Preservation Park.

The lights are ordered for Fairview B and the parking lot. This field is used by youth baseball and cricket. It can also be used for men's softball.

We are going to do a drive-thru Easter event this year on Thursday, April 14, in the afternoon. The students do not have school that day.

Ian McNeill has Movies in the Park and two Concerts in the Park on the calendar, and we will be working on those events in the next couple months.

A lot of the programs we have scheduled have waiting lists, and we will add more programs once the weather breaks and we can have outdoor programming.

Today we launched a new online recreation registration site that will be more user-friendly.

There was discussion about Community Day. The commissioners present all discussed and expressed support for having Community Day.

Ms. Willis – I just got a phone call today regarding our fireworks, which are going up in price by \$8,000 for the same size show. Our share would be \$4,000 if Upper St. Clair still wants to partner.

The commissioners agreed to maintain the same size fireworks show as in the past.

#### E. POLICE REPORT

Chief John Phoennik – Our background investigation on Officer Dan Garfold is complete, and he passed all the other required tests. He started his career with us on February 2 and will be introduced to the board next month.

Commissioner Malosh – Thank you for your service and leadership, and please share with your officers how much we appreciate and support all of them.

## F. PUBLIC WORKS REPORT

Butch Truitt, Public Works Director – Public Works is still doing all the everyday work that needs done. I compiled a comparison of the difference between this January and last January regarding salt, fuel, and overtime. Everything is significantly higher this year due to the increase of snow. I would like to commend the crews for working so hard, and I would really like them to be recognized.

All the commissioners present commented on the great work that Public Works has been doing taking care of the roads in the township.

## G. REQUEST TRACKER REPORT

Mr. Barrett – The majority of the Request Trackers are for missed trash and recycling. In addition to those, we did get requests regarding snow removal and placement.

## H. ASSISTANT MANAGER'S REPORT

Mr. Barrett – Pat Catena has been working on getting our pension advisors, CS McKee, up and running. He has been helping with grant writing and administrative items. He is also continuing to work on the escrows.

Commissioner Rodi – Canonsburg is holding a public meeting to discuss the relief money from the federal government. They have someone coming from the DCED to explain how the money can be spent. Maybe we can do a workshop for the same reason.

Mr. Barrett – Sure, we have been awarded \$1.6 million and federal guidelines have come out, so we should meet to discuss what we can and should do with the money.

## I. MANAGER'S REPORT

Mr. Barrett – We asked Laura Ludwig from HRG to come into the meeting. The Comprehensive Plan is a priority project for us, and we want to ramp it up.

Laura Ludwig, Senior Community Planner with HRG, gave a brief overview of what HRG has done in the past year and explained what they will be doing for the Comprehensive Plan this year.

Mr. Barrett – We wanted to have HRG here tonight because we need to dig deeper into the process and changes in the Comprehensive Plan. HRG is also going to go to the Planning Commission and Zoning Hearing Board meetings to talk to the members of those boards to get their input.

Commissioner Horowitz – Rather than have the discussion tonight, I would prefer they give us a list of questions so we can be prepared with our responses.

Mr. Barrett – We need to have a steering committee which the board members are welcome to serve on, but we also want to broaden that invitation into the community.

Ms. Ludwig - That committee is very important, and we will meet every other month. We typically try to have between 12 and 15 people on this committee because the interest tends to wear off toward the end of the process. Mr. Barrett has a list of people who have committed and will share that list with the board. We need to get them officially appointed to the Comprehensive Plan Steering Committee so we can get started in phase 2 of the project. We are going to hold a public kickoff meeting on May 5, 2022, on Zoom. We would love to have that project Steering Committee on board at that time.

Commissioner Rodi – I want to be on that board. I am happy with the way our main business district is, but my focus is going to be on the Southern Beltway. There is a great opportunity to develop it and do it well, but we only get one chance to do it right.

There was additional discussion regarding this committee and where this information can be found on our website.

#### OLD/UNFINISHED BUSINESS - NONE

#### NEW BUSINESS

A. DISCUSS AND CONSIDER CU-02-2021, CONDITIONAL USE APPLICATION SUBMITTED BY PURPLE BULLDOG LLC D/B/A IVYBROOK ACADEMY FOR A PROPOSED PRIVATE PRESCHOOL IN A C-2 ZONED AREA, LOCATED AT 3127 WASHINGTON PIKE, BRIDGEVILLE, PA 15017

Commissioner Horowitz asked where this is going to be located and was told it would be in The Shoppes at Bursca by the New Dragon Express and Pizza Hut.

It was moved by MALOSH and seconded by HOROWITZ to approve CU-02-2021, conditional use application submitted by Purple Bulldog LLC D/B/A Ivybrook Academy for a proposed private preschool in a C-2 zoned area, located at 3127 Washington Pike, Bridgeville, PA 15017. All members present voted AYE to the motion.

B. DISCUSS AND CONSIDER SP-08-2021 PRELIMINARY & FINAL LAND DEVELOPMENT APPLICATION, 180 MILLERS RUN ROAD, ZONED C-2

Mr. Paulovich – This is a site redevelopment of Foremost Auto. Pro Bike + Run would be on the left of the building and the Choolaah restaurant would be on the right. There is also a 1,900 sq. ft. addition planned for the existing building. The existing building is going to be completely remodeled to accommodate both uses. They addressed our comments on the engineer’s review. Our traffic engineers agreed with the report done by their traffic engineers and the site development will be subject to a traffic impact fee of

\$72,318. They will also need an access easement with the Kosky property adjacent to this for the proposed driveway. We would recommend approval.

It was moved by MALOSH and seconded by HOROWITZ to approve SP-08-2021 preliminary & final land development application, 180 Millers Run Road, zoned C-2. All members present voted AYE to the motion.

C. DISCUSS AND CONSIDER A MOTION TO APPROVE PARTIAL PAYMENT #1 TO MURIN & MURN FOR WORK ON FAIRVIEW PROJECT PHASE 1 IN THE AMOUNT OF \$489,339.36

Mr. Barrett – An inspection has been done, and we recommend making this payment.

It was moved by HOROWITZ and seconded by MALOSH to approve partial payment #1 to Murin & Murn for work on Fairview project phase 1 in the amount of \$489,339.36. All members present voted AYE to the motion.

D. DISCUSS AND CONSIDER A MOTION TO APPROVE FINAL PAYMENT TO ACME ENTERPRISES, INC. IN THE AMOUNT OF \$123,604.00 FOR FAIRVIEW PARK & BOYS HOME PARK PLAYGROUND IMPROVEMENTS

Mr. Barrett – This is a first and final payment for the installation of playgrounds in Fairview Park and Boys Home Park.

It was moved by HOROWITZ and seconded by MALOSH to approve final payment to Acme Enterprises, Inc. in the amount of \$123,604.00 for Fairview Park & Boys Home Park playground improvements. All members present voted AYE to the motion.

E. DISCUSS AND CONSIDER ACCEPTING THE LOWEST RESPONSIBLE BID FOR GENERAL CONSTRUCTION IN THE AMOUNT OF \$XX WHICH INCLUDES THE BASE BID AND ALL ALTERNATES PROPOSED. THE BID IS TO BE AWARDED TO XX

Mr. Barrett – This project is for the municipal complex and police station. Because we are a first-class township, we are subject to the separations act. We need a general contractor, a mechanical contractor, an electrical contractor, and a plumbing contractor. Our design professionals, Kimmel Bogrette, put the bids together, which were advertised on PennBid. After receiving the bids, we went through our due diligence process.

Mr. Garvin – Items F, G, and H are straightforward, but the general construction bid needs to be looked at more closely. The lowest bidder on that item was Fleher Contracting LLC and their bid was \$9,890,462.00. The second lowest bidder was Vendrick Construction Inc. at about one million dollars more. Shortly after the bids were open, Vendrick withdrew their bid because there was a mathematical error in their calculations of the steel for the project, and we accepted the withdrawal of their bid. The

third lowest bid was from DeMarco Construction Co. Inc.; it was, with additions, \$12,390,000.00. John Barrett and I, along with Kimmel Bogrette, conducted an investigation into Fleeher Contracting LLC because of the significant gap in bids. We looked at the financial responsibility, integrity of the bidder, their experience, and the ability to successfully complete this project. We found some difficulties based on our investigation. We issued a letter dated February 7, 2022, to Fleeher Contracting LLC, delivered by email, and they contacted us immediately thereafter. In this letter, we explained all the difficulties we were having with respect to this bid. They requested a meeting with township officials which did occur yesterday, Tuesday, February 8. Principals of the company came and provided some explanations for some of the areas of concern. Some of these explanations were unacceptable, and they avoided some items that we raised. We do not consider them to be a responsible bidder, even though they were the lowest. The bidder must be both lowest and responsible. The board has the discretion to disqualify a bidder that you don't believe to be lowest and responsible. It is our recommendation that this bidder be disqualified and the board award the bid to DeMarco Construction Co. Inc. in the amount of \$12, 390.000,00.

Commissioner Horowitz – During our executive session we discussed this extensively, and it does seem the lowest bidder is unprepared to take on a project of this magnitude.

Mr. Garvin – This was discussed in executive session because we anticipate that there might be litigation on this matter.

It was moved by HOROWITZ and seconded by MALOSH to reject the lowest bid submitted by Fleeher Contracting LLC for general construction because the board finds that they are not the lowest responsible bidder. The board awards the bid for general construction to the lowest responsible bidder, DeMarco Construction Co. Inc. in the amount of \$12,390.000.00, which includes the base amount and all additions. All members present voted AYE to the motion.

**F. DISCUSS AND CONSIDER ACCEPTING THE LOWEST RESPONSIBLE BID FOR MECHANICAL CONSTRUCTION IN THE AMOUNT OF \$1,599.000.00. THE BID IS TO BE AWARDED TO R&B MECHANICAL**

It was moved by HOROWITZ and seconded by MALOSH to accept the lowest responsible bid for mechanical construction in the amount of \$1,599,000.00. The bid is to be awarded to R&B Mechanical. All members present voted AYE to the motion.

**G. DISCUSS AND CONSIDER ACCEPTING THE LOWEST RESPONSIBLE BID FOR ELECTRICAL CONSTRUCTION IN THE AMOUNT OF \$1,345,000.00 UNIT PRICING PER DUPLEX OUTLET AND DATA OUTLET IS TO BE ACCEPTED. THE BID IS TO BE AWARDED TO MCCURLEY HOUSTON ELECTRIC, INC.**



It was moved by HOROWITZ and seconded by MALOSH to accept the lowest responsible bid for electrical construction in the amount of \$1,345,000.00 unit pricing per duplex outlet and data outlet. The bid is to be awarded to McCurley Houston Electric, Inc. All members present voted AYE to the motion.

H. DISCUSS AND CONSIDER ACCEPTING THE LOWEST RESPONSIBLE BID FOR PLUMBING CONSTRUCTION IN THE AMOUNT OF \$1,048,200.00. THE BID IS TO BE AWARDED TO VRABEL PLUMBING COMPANY

It was moved by HOROWITZ and seconded by MALOSH to accept the lowest responsible bid for plumbing construction in the amount of \$1,048,200.00. The bid is to be awarded to Vrabel Plumbing Company. All members present voted AYE to the motion.

I. DISCUSS AND CONSIDER TAX REFUNDS

It was moved by HOROWITZ and seconded by MALOSH to approve the tax refunds. All members present voted AYE to the motion.

J. DISCUSS AND CONSIDER TAX REFUND REQUEST FOR 600 OAK TREE COURT IN THE AMOUNT OF \$215.58

It was moved by HOROWITZ and seconded by MALOSH to approve a tax refund request for 600 Oak Tree Court in the amount of \$215.58. All members present voted AYE to the motion.

K. DISCUSS AND CONSIDER TAX REFUND REQUEST FOR 3507 CHRISMAR COURT IN THE AMOUNT OF \$107.28

It was moved by HOROWITZ and seconded by MALOSH to approve a tax refund request for 3507 Chrismar Court in the amount of \$107.28. All members present voted AYE to the motion.

L. DISCUSS AND CONSIDER A TAX REFUND FOR 5704 STOCKBRIDGE COURT IN THE AMOUNT OF \$134.02

It was moved by HOROWITZ and seconded by MALOSH to approve a tax refund request for 5704 Stockbridge Court in the amount of \$134.02. All members present voted AYE to the motion.

M. DISCUSS AND CONSIDER A TAX REFUND FOR 1135 MOHAWK ROAD IN THE AMOUNT OF \$775.50

It was moved by HOROWITZ and seconded by MALOSH to approve tax refund request for 1135 Mohawk Road in the amount of \$775.50. All members present voted AYE to the motion.

N. DISCUSSION OF REQUEST FROM CHARTIERS MENTAL HEALTH TO REFUND DECEMBER'S RENT PAID TO THE TOWNSHIP

Mr. Barrett – This is the tenant in the building at 337 Hickory Grade Road. This is the property we purchased for the community center. They were in the building until the end of January, and they are a non-profit organization that relocated in the township. Their construction expenses for their new location were higher than anticipated and they made a request for reimbursement of their December rent.

Commissioner Rodi – We allowed them to stay into January rent-free.

It was moved by HOROWITZ and seconded by MALOSH to table the discussion regarding the refund of December's rent to Chartiers Mental Health. All members present voted AYE to the motion.

O. DISCUSS AND CONSIDER APPOINTMENT OF AN ALTERNATE TO THE ZONING HEARING BOARD

It was moved by HOROWITZ and seconded by MALOSH to appoint Fred Cardillo as an alternate to the Zoning Hearing Board. All members present voted AYE to the motion.

P. DISCUSS AND CONSIDER RESOLUTION 2022-02, APPOINTING AN ALTERNATE TO THE ZONING HEARING BOARD

It was moved by HOROWITZ and seconded by MALOSH to approve Resolution 2022-02, appointing Fred Cardillo as an alternate to the Zoning Hearing Board. All members present voted AYE to the motion.

Q. DISCUSS AND CONSIDER RESOLUTION 2022-03, DESTRUCTION OF RECORDS

It was moved by HOROWITZ and seconded by MALOSH to approve Resolution 2022-03, Destruction of Records. All members present voted AYE to the motion.

PUBLIC COMMENT - None

BOARD DISCUSSION

Commissioner Horowitz – I am really proud of the police department and the small part I played in the development of the department.

Commissioner Rodi – I agree, but I also want to say, we have a fantastic team at South Fayette. Not just the police department, but our administration and our Public Works, and

it is amazing what we have accomplished. I cannot wait to see what happens in the next couple of years.

Commissioner Malosh – I agree with them. I remember when we struggled to make payroll. I have been doing this for over ten years, and the township has come a long way.

All three board members present discussed the many changes for the better over the past decade.

#### SOLICITOR’S REPORT

Mr. Garvin – The Interstate 79 litigation: the township’s petition for review, as well as the supporting brief, has been filed. The township’s response to PennDOT’s petition for review and PennDOT’s response to the township’s petition for review is due at the end of this month. The court will be scheduling an argument. after these items are submitted to the court. The deadline is March 3 for the responses to the various petitions.

There was a small LERTA issue involving BJ’s Wholesale that Pat Catena and I worked through.

We continue to have some dedication issues with respect to the roads in phase 1 in Hastings.

I spent a good amount of time on the municipal building with respect to the bidding.

Commissioner Rodi – We held executive session before the meeting this evening to discuss possible litigation.

#### ADJOURNMENT

It was moved by HOROWITZ and seconded by MALOSH to adjourn. All members present voted AYE to the motion.

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John M. Barrett, Township Manager

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Gwen A. Rodi, President

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Date

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Date