

Union Township Board of Supervisors
Regular Board Meeting
August 11, 2014

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 6:30 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Stephen Parish, Larry Spahr, Brenda Cushey, and Charles Trax.

Also in attendance, Dennis Makel–Solicitor, Mr. Carl DeiCas–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer.

Mr. Spahr asked the public including the Secretary and Treasurer to leave the Board Room so that the parties interested in filling the vacant Supervisor position (Mr. Paul Chasko, Ms. Heather Daerr, and Mr. Larry Speer) could each be called for a private question and answer session with the Supervisors, giving each individual a chance to address the Board members and provide any additional information. After each of the three potential appointees had been individually called to speak with the Board, the public was invited to return to the Board Room. The meeting was resumed at 7:15 p.m.

Public Comment

Ms. Heather Daerr, 6187 Route 88, Finleyville, asked about the status of the back hoe and wanted to know how often it was used. Mr. Spahr responded saying that Union Township was one of the few municipalities that didn't have their own backhoe and that, in light of there being jobs needing done requiring a backhoe, the decision was made to purchase one bringing the Township up-to-date and out of an antiquated state. Mr. Banahasky said that the crew has been busy with other things but that it is being used now with the broom attachment. It was also mentioned that the back hoe is a backup to the front end loader that is used for loading salt into the plow trucks during the winter.

Mr. Hal Breinig, 44 Finley Avenue, Finleyville, said that around Route 88 there are various trees lying down on lines and by the Giant Eagle intersection there are lines nearly at ground level. He said that his concern is that kids, being curious and not cautious, could possibly go near those lines and be injured. Mr. Banahasky said utility companies and PennDot are unresponsive to calls about trees fallen on lines and that the utilities will not come unless there is a service outage. Mr. Spahr said that he himself placed a call reporting the tree on a line near the Giant Eagle and that there has been no response. Also, the Board members added that there are heavy logs which need dealt with on Airport Road and Library Hill.

Mr. Breinig also wanted to know about the Patterson Road Project. Mr. Spahr said that Mr. Snee was provided the easement agreement and he has to review it and have it signed.

Mr. Frank LaTorre, 7 Boyka Street, thanked the Board for their assistance with Tomko. He said that it has been quiet recently; although, he would like the Board to reconsider adopting the Dust Ordinance. He also made comments relative to the Tomko litigation and asked the solicitor to comment regarding the DEP, mining, and Tomko to which the solicitor made a few short statements.

Mr. Joe Raposky, 155 Lobbs Run Road, wanted to know when work was going to be done on Lobbs Run Road near his driveway relative to culverts that were clogged and the road being undercut. He said that pavement is breaking off and there is an 8-10 inch drop-off which requires that stones be placed in the area. Mr. Raposky, who had called the Township to report the problem, had many complaints about the repair, including the manner the stone was being delivered, the equipment used, dirt being left in a pile upstream, the number of workers present at the repair, and the status of the culverts still being clogged. He also suggested using the dump truck for delivery of stone instead of multiple trips with the pay loader as has occurred in the past. Mr. Banahasky said that there is no water running on the road. He said that the culvert by Mr. Raposky's driveway is okay, but that a portion of road is falling apart and that the culvert above is clogged and the one below appears also to be clogged. Mr. Banahasky said that the fire company may be needed to clear the line depending on the extent of the clog. Mr. Spahr said that the Supervisors will inspect the area to see what it needs.

Mr. Ed Vaccari, 4489 Finleyville-Elrama Road, Richard Kriston, Jr., 4498 Finleyville-Elrama Road, and Bill Teck, 4488 Finleyville-Elrama Road, complained about a fire damaged home at 4490 Finleyville-Elrama Road. The neighbors to the home spoke to the Board about their various hazard related concerns associated with the safety of the property. They also reported that there is an open man hole with no lid on it which they assume was scrapped years ago. They said the issues on the property created a harbor for rats and was drawing mosquitoes. Officer Dobkin, the Southwest Regional police officer on-duty in the Board Room, said that the house is not abandoned and that it is owned by a Mr. Hoey who is in the hospital, and that the house is considered a crime scene for an arson investigation. The officer said that the house is completely burnt out and that it is unsecured. Mr. Grieb responded that the house burnt out about a month ago, and that they did not send out a notice immediately as a courtesy time period was provided; however, a notice did go out and the owner called them today. Mr. Ivery said that he has to work with Mr. Hoey about getting the house boarded up and that the Township is not free to go onto someone else's property. He is currently working with the owner on having that done. If there is no progress, the neighbors can make complaint to the Board again at a later time.

Mr. Magulick, 3620 Finleyville-Elrama Road, commented on recycling. He said that Waste Management is not picking up his recycling and that last year they stopped picking everyone's up so that they no longer even set their recycling out at the curb. Mr. Magulick had been provided the number to the Route Manager at Waste Management. The Township will contact Waste Management on his behalf if the situation is not remedied.

Mr. Chicora, 3672 Finleyville-Elrama Road, resides across the street from Gastonville School, and complained about the traffic on Finleyville-Elrama Road. He said that speeding on the road is out of control and that virtually no one goes the posted speed. He said that he and his wife find it unsafe to go out and get mail out of the mail box and they live only 30 feet from

road. Mr. Chicora also complained about traffic speeding exiting Route 43, especially tri-axles using Jake brakes on the Route 43 exit ramp. He wanted to know the procedure that should be followed on a state highway, and suggested the Board ask Penn Dot for better signage so that drivers are immediately aware of the 25 mph speed limit. He was told that the Officers are working diligently on enforcing the speed limit.

A close neighbor, Mr. Magulick, who had commented earlier added his support to Mr. Chicora about the speeding and commented that many of the speed limit violators on Finleyville-Elrama road appeared to be parents of Gastonville school students. The school will be requested to remind parents of the speed limit. Also, Mr. Magulick mentioned that ATV's are being ridden illegally on the road. He also told the Board about a recent incident involving his home being shot at from a vehicle.

Mr. Smida, 5207 Lew Street, commented that there is a sump hole on the corner of Chevy Chase and Brownsville Road and that the weeds need to be cut down to improve visibility as the weeds make it unsafe. The Board said that the state has been called many times about the caving in of a catch basin there at that corner.

Departmental Reports

Police Report. Officer Dobkin reported that 58 shifts were done in the past month. Statistics included 8 arrests, 6 criminal and 2 non-traffic citations. There were also 134 traffic citations and 54 warnings. Mr. Spahr said that from July through August special details have been held to slow down traffic, and that McChain Road and Mingo Church Road were identified as problem roads. Mr. Spahr said that, after the meeting, the officers will be asked to look at other areas as well.

Road Report: Mr. Banahasky delivered the road report.

Motion to approve general fund bills in the sum of \$29,740.90, as of August 11, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Spahr said that the three interested parties in the open Supervisor position, Ms. Daerr, Mr. Chasko, and Mr. Speer, were all very good applicants that all presented substantial resumes.

Motion to appoint Mr. Speer to the Board of Supervisors to complete the term of Andrew Tullai until the next municipal election.

Motion by Steve Parish, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-no, Cushey-no, Trax-yes. Motion failed for lack of a majority.

Motion to appoint Paul Chasko to the Board of Supervisors to complete the term of Andrew Tullai until the next municipal election.

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Spahr stated that Mr. Chasko received his support because he had approached him before any other candidate, and because he had been attending Township meetings as well as those of the School District for many years and had written about various issues which had come up at those meetings which took a lot of work, thought and attention to detail.

Since Mr. Chasko holds a seat on the Zoning Hearing Board, he was asked by the solicitor, in preparation for his service on the Board of Supervisors, to provide a resignation letter from his appointment to the ZHB, to fill out an ethics statement, and to be sworn in by a District Justice or other permissible official.

Mr. Chasko submitted his letter of resignation from the Zoning Hearing Board effective immediately.

Motion to accept the letter of resignation of Mr. Chasko from the Zoning Hearing Board effective August 11, 2014.

Motion by Steve Parish, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Ivery said that he would ask the Zoning Hearing Board alternate if he would be willing to fill Mr. Chasko's position.

Mr. DeiCas brought the Board up to date on the bid opening which was held earlier in the day for the Coal Bluff Road Slide Repair Project. He reported that ten contractors picked up plans and that four returned bids. However, one bid was late and couldn't be accepted. He explained that the bids were requested in three parts, Base Bid, Alternate 1, and Alternate 2. He said that he requested the bids in three parts to afford the Board the ability to award all or only a portion of the project based on the dollar figures received. Mr. DeiCas recommended that the repair for the base bid project be completed this year as a safety issue. The lowest bid for the base bid was \$92,740. Mr. DeiCas said that the Alternate 1 slide area may be able to be stopped by the road crew working on it under Mr. DeiCas' guidance. Mr. DeiCas described Alternate 3 as an old drainage area above the slide area where there is a 12" pipe that looks like an old gas pipe. In this area, the water saturation caused the new pipe to separate. Mr. Spahr asked whether, if the Township spends another 100K in the same area, to what extent the area would be stabilized. Mr. DeiCas said that, from the last driveway down, the whole hillside will slide eventually just because of the way that the road was constructed years ago. Mr. DeiCas said that he had not yet had time to prepare a fully typed bid tabulation, but that it would be provided. He verbally provided the low bid numbers and said that he did review the bids and could recommend the low-bid for approval.

A summary of the engineer's final bid tabulation, which was later provided to the Board, follows:

Company Name	Base Bid	Alternate #1	Alternate #2	Bid Bond	Add #1
Morgan Excavating	\$114,949.00	\$52,031.00	\$203,329.50	yes	yes
Tedesco Construction	\$138,640.00	\$45,063.00	\$179,940.00	yes	yes
Gregori Construction	\$92,740.00	\$31,928.00	\$127,575.00	yes	yes

Motion to award the base bid only for the Coal Bluff Slide Repair Project to Gregori Construction in the sum of \$92,740.00.

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes. Motion carried.

The fact that Sunoco was hauling on Patterson Road was discussed. Mr. Ivery confirmed that the whole road was bonded. Mr. DeiCas confirmed that he went and videotaped the road.

Mr. Grieb said that the Burning Ordinance portion of the codification which the Board agreed to at the last codification session was reviewed and some minor revisions were requested to help them enforce the provisions and a sample was provided which incorporated the changes. Mr. Grieb asked the Board if the changes could be approved to be included in the codification response. A decision was held until the next meeting.

Ms. Taylor said reservations have to be made for Washington County Convention on Thursday, September 18, 2014, and asked everyone to get back to her on whether or not they will be attending.

In regard to the Overlook illegal tap issue and the requested dye tests, Mr. DeiCas will review the results of the dye tests completed so far and prepare a map of the area.

Mr. Makel reminded Municipal Consulting Services to look at the property on Ash Avenue for property maintenance issues which he and Mr. Trax had mentioned to them.

Ms. Taylor mentioned that a fixed rate contract from UGI was recently quoted by the company. The Township had a variable rate contract and the new energy supplier, UGI, which is taking over the company, is proposing a fixed rate. The Treasurer recommends going with the fixed rate contract for one year and seeing where the Township is at the end of that time. The Supervisors will review the numbers.

Mr. Baumgardner, 47 Cardox Road, commented on the public hearing to be held on August 27 relative to EQT's Conditional Use Application for the Water Impoundment at Trax Farms. He requested permission for a 15 minute presentation by a subject matter expert on water quality. Mr. Makel asked him to provide the curriculum vitae of the person who was to give the presentation. Mr. Baumgardner said that the presentation will be on what is and what can a frac pond become. Mr. Manchin, who attended the meeting, said that the water impoundment will only be used as a freshwater impoundment. Mr. Makel said that all details will be discussed at the public meeting. The Board gave approval for the use of the projector for the Powerpoint presentation to be given by the expert associated with Mr. Baumgardner. The solicitor asked, since he had heard that Mr. Baumgardner could not attend the hearing, whether he wanted to submit an affidavit. Mr. Baumgardner said that he would like to submit an affidavit.

Mr. DeiCas said that the Parking Lot Inlet Replacement Project was due to expire, but that he recently found out that the contractor did place a PA One Call.

Public Comment

Ms. Sandy Zubanski, 15 Engle Lane, commented about Class C fireworks that she was prevented from setting off on her property by a Southwest Regional police officer. She said that the fireworks are legal and were staked in the ground and the people setting them off are certified and that the fire department was made aware. She would like to organize another event and set-off the remainder of the fireworks. The code enforcement officer said that the law regarding fireworks varies depending on the variety and that there are three varieties, one is for any hand held, or ground based showering devices or sparklers, the second would be Class C fireworks which go up into the air but are not at the level of display fireworks, and the third would be Zambelli-type display fireworks. The SWRPD officer said that the first variety is legal. However, to set off Class C fireworks which go up into the air, Pennsylvania law requires the Township to have an Ordinance for fireworks which the Township does not have. Mr. Makel said that he will look into it for the resident and get back to her. Mr. Ivery and Mr. Grieb also provided written information to the Board about Class C fireworks requirements.

Motion to go to Executive Session at 8:47 p.m.

Motion by Brenda Cushey, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes. Motion carried.

The Board returned from Executive Session at 8:57 p.m.

The solicitor said that in Executive Session they discussed a matter of a police investigation and no other matters.

Motion to adjourn at 8:58 p.m.

Motion by Brenda Cushey, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes. Motion carried.


Debra A. Nigon, Secretary