

Union Township Board of Supervisors
Regular Board Meeting
October 13, 2014

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:00 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, Charles Trax, and Paul Chasko. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, and Debra Nigon–Secretary. Brenda Cushey did not attend. Harold Ivery–Building Code Official, Peter Grieb–Code Enforcement Officer, and Mr. Carl DeiCas–Township Engineer, did not attend.

Mr. Spahr read a letter of resignation he received from Ms. Cushey. He announced that Ms. Cushey was moving and had personally delivered her resignation letter to Mr. Spahr. The position will be filled by appointment.

Motion to accept the resignation of Brenda Cushey from the Board of Supervisors, with regrets.

Motion by Paul Chasko, Second by Steve Parish

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

Public Comment

Linda Evans-Boren, 22 Park Vue Drive, commented in regard to the 2013 Paving Project which was planned and approved when she was Chairperson on the Board. This project could not be completed in 2013, so it was delayed until Spring of 2014. She said that she recently learned that Gun Club Road was added to the project after the bid was accepted and awarded. Some catch basins were also added and there had been a miscalculation on one of the items as well. The additional work exceeded over \$30,000 dollars and was not budgeted. She said that she is concerned because adding to the scope of the contract could have led to the revoking of the Township's Liquid Fuels funds which would have been a serious economic impact and could have led to a law suit by other bidders or the contractor. Ms. Evans-Boren said that, upon discovery of the additional work, the Township's Penn Dot Representative, Rick Skovensky, called an immediate meeting with the current chairperson to review what had occurred and the guidelines for use of Liquid Fuels. Since then, Ms. Evans-Boren said that she made inquiry with two legal teams from PSATS and the Local Government Academy who informed her that adding the road was not legal for a Second Class Township. She would like to see procedures put in place so that this does not happen again. Also, she said that the state auditor has yet to make a review, and there may still be negative implications even though the Township has not been penalized.

Mr. Spahr said that he invited Paul Chasko to attend the meeting with Rick Skovensky. Mr. Parish also attended this meeting with the Penn Dot representative. Mr. Spahr said that it was discussed in this meeting that the state recognizes deviations for wrong measurements on some roads, perhaps roads taking more or less material, up to, plus or minus 10% of the price of the bid. Mr. Spahr said that the deviations plus the addition of Gun Club Road represented a 25% increase in the contract and, were Gun Club Road even within scope, there would still

be a problem with the dollar percentage added to the project. The solicitor added that if there is 10% increase, and in some places 15%, you have to re-bid the project. If the scope is changed, and roads added, the project should be re-bid. Mr. Spahr said that Mr. Skovensky informed him that he will not pursue penalties at this time but wanted it understood that once the contract for those roads had been approved, executed and closed, then the Board could not go beyond the scope of that contract. Mr. Spahr said that he assured Mr. Skovensky that we would take steps to prevent anything similar happening again. Mr. Skovensky's advice was to add whatever roads to the project the Township thinks they may want to include when the project is let out to bid and then roads could be shaved off later if necessary; otherwise, it could appear to be inappropriate bidding.

Mr. Parish made note that a portion of payment was made out of the General Fund for that work since the Township had insufficient funds in the Liquid Fuels Fund to pay for the entire project.

Mr. Makel said there are policies that he can create pertaining to this type of situation. He will prepare something for Board approval.

Motion to authorize the solicitor to prepare a policy for handling modifications to public works contracts.

Motion by Paul Chasko, Second by Charles Trax

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

Mr. Rick Kriston, Finleyville-Elrama Road, said that siding had been removed from the house near him which had burned and that he was wondering if a building permit was issued. He said he also wanted to know if accelerants were removed from the structure. Mr. Hoey, owner of the home, who was in attendance at the meeting, said that there were no accelerants which had been confirmed via the police and the code enforcement officers. Mr. Makel asked about the tanks which the neighbor had seen in the garage. Mr. Hoey said that the tanks were empty. Also, Mr. Kriston wanted to know who installed and inspected the sewer line and sewage tap to confirm that it was installed by a registered plumber. He was informed that KAG engineering would have done the installation.

Mr. Joe Raposky, Lobbs Run Road, attended a prior meeting in regard to a wash out by the driveway of his home and has been waiting for repairs to be done in the culvert. The Board requested Mr. Banahasky to go down to the area and evaluate the problem. Mr. Banahasky said that currently there is no water running on the road. Also, the road foreman said that he wants to view the area with Mr. Parish during a heavy rain to make some determinations. Mr. Banahasky requested that the board install a different type of inlet which he believes would resolve the problem. In addition, the foreman said that the crew does not have many men and there would need to be a certified flagger and appropriate signage as the laws have changed. Mr. Raposky said that the culvert type could be changed next year if that is what the Board decides; however, he would like to see it cleaned before winter and will do it himself if necessary. Mr. Spahr said that the safety issues are not the same as they were in the 40's and 50's and sending the crew out in an unsafe situation puts the Board and the Township at risk. Mr. Banahasky will meet Mr. Raposky at 9:30 a.m. tomorrow.

Zachary Powell, a local boyscout, addressed the Board. He is a seventh grade student at Ringgold School District. He asked about the progress on the slide on Coal Bluff Road. Mr. Spahr informed him that a contractor has been hired to deal with the slide. Mr. Powell also asked how young people can help the community. The Board encouraged young people to get involved in their governing bodies.

Departmental Reports

Police Report. Officer Pocsatko read the statistics regarding the 60 shifts of service performed in the Township which included 6 arrests, 5 criminal and 1 non-traffic citation. There were 91 traffic citations. Mr. Spahr asked whether the Chief will be delivering a report on the extra traffic details. Mr. Spahr acknowledged that more traffic details will be needed to slow down traffic in front of Boyka plan. Officer Pocsatko said that a fatality which occurred there this past Saturday was still under investigation.

Road Report: Albert Banahasky said that there are lighting fixtures in the municipal building which should be changed. Mr. Parish mentioned that West Penn Power may have a lighting grant program which could replace these lights with more efficient fixtures. Ms. Taylor will make inquiry.

Motion to approve general fund bills in the sum of \$110,834.42, as of October 13, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Charles Trax

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

Larry Spahr made note that one quarter of the General Fund Bills represented funds paid out to the Volunteer Fire Departments' Relief Associations for the Foreign Fire Insurance Funds. These funds are received into the Township annually, based on a formula from the state, and are to be distributed to the firefighters.

The Jake Brake Ordinance was discussed and will be advertised for adoption.

Motion to advertise the Jake Brake Ordinance for adoption at the first meeting in November.

Motion by Steve Parish, Second by Charles Trax

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

In terms of the issues near Overlook Street related to the illegal tap, Mr. Parish said that the driveway of Mrs. Stich has been repaired. Ms. Taylor said that this week Mrs. Stich had called into the Township to say that water was coming out of the hole in the driveway that had been repaired. Her brother's thoughts were that it must be storm water. This will need to be evaluated. Also, Ms. Taylor said that Mr. DeiCas is to provide a map that he will probably bring next meeting. Mr. Parish said that Mr. DeiCas was waiting on some information from Washington County Sewage Authority (WCSA). Ms. Taylor informed him that Mr. Glumack from WCSA has not been able to touch base with Mr. Ladley; so, it will have to be assumed that his particular home is a malfunction. Mr. Parish communicated that people in the area were asking him why they have to get sewage.

The Board discussed the open Road Superintendent position. Mr. Spahr said that winter is approaching and there are concerns surrounding time off for illness as well as vacation and safety requirements. He also said that additional skills, like computer skills, are also needed among the crew. Mr. Parish mentioned that two road workers could be hired for the pay of one working road superintendent. Per Mr. Spahr, the pay would only be in the \$20,000 range per worker if two men were to be hired. Mr. Banahasky, road foreman, mentioned the possibility of hiring one road superintendent and one road worker. Mr. Snee, a Patterson Road resident who was in the audience, said a Township Manager should be hired. Mr. Spahr said that many people would prefer to see additional police coverage rather than a Township Manager because a Township Manager would cost at least \$65,000 plus benefits. Someone else in the audience suggested a road superintendent plus two part-time road workers.

Motion to advertise for a Road Superintendent based on the job description created for the position previously filled by Ed Frye, with responses due by 12:00 noon on Friday, November 7, 2014, in the Observer and Reporter and various other internet sites.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-no, Spahr-yes, Cushey-absent, Trax-yes, Chasko-yes. Motion carried.

Mr. Parish said that he voted “no” because he wanted to review the Road Superintendent job description again.

The solicitor of Mr. Tomko, Chad Wissinger, said that he has negotiated a consent agreement with DEP regarding the repair of a rock wall on the property. He was told late on Thursday that DEP wanted additional revisions including a few more items to one of the drawings but did not want to wait for another meeting for Board approval. He would like the Board’s approval once it is signed. No NPDES permit will be issued

Motion to approve the reclamation work of Tomko subject to the DEP executing a consent order and all necessary documents supporting that support order with the provision that no work be done at Tomko on Sundays and holidays and with work permitted only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, with work beginning at said site upon submission of a letter from the Township solicitor to Mr. Tomko indicating that work can proceed.

Motion by Steve Parish, Second by Paul Chasko

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

Mr. Chasko submitted a work plan to the Board in regard to the additional trees in violation. Mr. Chasko reviewed his plan in regard to the various decisions to be made. The plan contained a list of available tree cutters that had been created by Mr. Tullai. Mr. Trax said he would like to include Arbor Day Tree in the list when it comes time for obtaining quotes. Mr. Chasko asked for the Board’s decision on whether they were paying one time only for the cutting of trees in violation, or whether the cutting of additional trees which will be paid again at some time in the future. Mr. Makel asked one of the representatives from Finleyville Airport whether grant money was available. The gentleman said that it was not an easy or a simple task to obtain grant funds. Mr. Makel will check with the Aviation Bureau about whether there is grant money available. Mr. Chasko said that one task he would like to see done as a first step in the work plan was a matching of the trees in violation to each respective property

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owner which has never been done. Also, once that is accomplished he would like to get quotes or bids.

Motion to authorize the Township engineer to view the site, mark the trees in violation and match those trees to the respective property owners as Step 1 towards removal of trees in violation.

Motion by Paul Chasko, Second by Charles Trax

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

Mr. Makel said that he sent Mr. Corace an easement with a drawing and he has not heard back from him yet. He will call Mr. Corace in regard to the McChain slide.

Motion to approve Change Order No. 2 to contract 2014-02 to Peter J. Caruso for the 2014 Micropaving Project in the sum of \$10,237.45.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to approve Change Order No. 2 to General Code to include additional legislation in the sum of \$5,591.00.

Motion by Paul Chasko, Second by Charles Trax

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

Mr. Makel said that he received today the estimate for completing the roads per the developer's agreement for Tuscan Estates and now can proceed with that litigation. At this juncture, he will be finalizing a complaint against the developer for violating the developer's agreement. Also, he will be looking at the law in terms of the PA Municipal Planning Code (MPC) as to whether the developer could be forced to comply with the Home Owner's Association (HOA). It was discussed that Grossetto Drive is a dead end road with a cliff, with no guard rails, and nothing to keep anyone from going over the end of the road. The solicitor will amend the Complaint to include an Injunction in regard to the condition of Grossetto Drive which is a potential disaster. The homeowners present said they want to take over their homeowner's association which the solicitor said he would assist them to accomplish.

Motion to approve use of the Board Room as a meeting room for the Tuscan Estates residents on October 22, 2014 at 7:00 p.m.

Motion by Charles Trax, Second by Steve Parish

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

The Supervisors will review the Fall Road Inspection Report.

Motion to authorize use of McClelland Road as a detour route for several residents during the Venetia Road Bridge Project.

Motion by Steve Parish, Second by Paul Chasko

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

Mr. Spahr recently attended a mandatory Hazard Mitigation Planning Webinar. He obtained forms which must be completed by October 22, 2014, and submitted to the appropriate individual at Michael Baker Corp. which is in contract with the County on this matter. He said that, if a Township does not do the Hazard Mitigation Planning, a Township may be denied FEMA funding. Mr. Spahr requested that the Secretary and Treasurer contact the engineer at Michael Baker Corp. for assistance in gathering the information that they are requesting.

Motion to approve the grant application prepared by the Township Engineer on the Union Valley Flood Bridge Project for submittal to the Local Share Program.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to adopt and submit Resolution No. 10-2014 to support the Resolution for the Union Valley Local Share Grant Application

Motion by Steve Parish, Second by Paul Chasko

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

Motion to send a letter to the Redevelopment Authority supporting Monongahela Library's Local Share grant application.

Motion by Steve Parish, Second by Paul Chasko

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

A letter from Mrs. Parish regarding a hole in her fence created by lawn mowing equipment was reviewed by the Board. Mrs. Parish is requesting that her materials cost be paid for making the repair.

Motion to reimburse Mary Parish the sum of \$291 for materials to repair her fence which was cut by Township mowing equipment.

Motion by Charles Trax, Second by Paul Chasko

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

Motion to advertise for Letters of Interest and resumes from individuals interested in filling the Supervisor position currently open due to the resignation of Ms. Cushey, with letters and resumes due by 12:00 noon on Friday November 21, 2014.

Motion by Paul Chasko, Second by Charles Trax

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

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The secretary was asked about the cleaning contract position advertisement. She asked the Board in which section of the classifieds they wished to run the advertisement and for how many days. The estimated cost of one help wanted advertisement was \$98.

Motion to advertise the cleaning contractor position formerly filled by Mr. Cushey in a one-time only ad in the help wanted section of the Observer Reporter on Sunday November 19, 2014, with responses due by noon on November 30, 2014.

Motion by Charles Trax, Second by Paul Chasko

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

There was no Executive Session.

Motion to adjourn at 9:30 p.m.

Motion by Steve Parish, Second by Charles Trax

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


Debra A. Nigon, Secretary