

Union Township Board of Supervisors
Regular Board Meeting
November 24, 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, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. Mr. Carl DeiCas–Township Engineer, could not attend.

Public Comment

Mr. LaTorre, 7 Boyka Drive, asked if there was a measurement of the noise level at Tomko since they started work on the wall. Mr. Ivery said that he did not measure the noise from the work which was approved by the DEP. Mr. LaTorre asked about the Dust Ordinance and wanted to know why it had not been approved. He also said that he contacted the DEP, OSHA, and MSHA due to his increasing frustration with construction activities at Tomko. He said the business was operating on Sunday and no one came from the Township to cite him. An individual from the DEP came to his home and could not believe their living conditions they are living with or that the contractor could start working at 7:00 a.m. with his trucks being started at 6:00 a.m., six days a week. Also, he said that there is no fence along the top keeping trucks or people from falling off the hill. Mr. LaTorre said that he wants accountability.

Mr. Breinig, 44 Finley Avenue, said that the people behind the Giant Eagle and in Boyka Plan have been kept hostage in their homes and he is very frustrated with the Township. He said that he watched three quads ride across the high wall which is not fenced so he does not believe that safety is an issue. He said that his complaints about Tomko and the trailers in Gastonville are not resulting in anything being done. Mr. Breinig also complained about the micro-paving saying that the surface is rough.

The solicitor said that a Noise Ordinance was prepared for the Board's review which is on the current agenda and the Board is free to request revisions regarding the times of day construction activities are permitted. Mr. LaTorre inquired as to what the threshold decibel reading would be to determine a violation per the Ordinance. As currently written, no decibel rating is included. Mr. Ivery said that it is normally set at 60 decibels.

Jo Ellen Meek, 124 Viareggio, asked about the timeline for completion activities related to the developer's agreement at Tuscan Estates and the lawsuit served on Quaker Engineering. She said that she had complained several times about the equipment and construction materials left on the site. She wanted to make sure that removal of this equipment was on the list of tasks to be completed by the developer. It was noted that the two propane tanks by the trailer have been removed. Also, there are two dump trucks the residents would like to have

towed out which have not moved in three years. SWRPD will run the plates to determine ownership.

Also, Pete Guick, 125 Viarregio, reported that Mr. Danielson did stop and speak to him at his home in Tuscan Estates and stated that he would be completing certain items in the Spring, such as the pool and community house. Mr. Guick will prepare a summary of the contents of that conversation to the solicitor. Mr. Ivery mentioned that Mr. Danielson has not been in contact with him. Per the solicitor, the developer has not filed pleadings nor contacted him. The residents inquired about the Township's complaint and what the Township was pursuing exactly. Mr. Makel said that the Township is pursuing in its suit to have the developer finish the development in terms of the roads and so forth. The residents said that their current roads need to be re-finished. It was noted that the performance bond has lapsed. The solicitor will meet with the residents on Wednesday in his Washington office to go over these questions and issues.

Joe Matey, 5100 College Street, appeared at the meeting. He said it has been six months since he attended the meeting in June with his complaints about flooding occurring on his property due to a storm drain pipe which has deteriorated. Mr. Matey said that he has been calling for four months and that Mr. Banahasky has not called him back. Mr. Matey brought a survey of his property with him to prove that the pipe is on the Township right-of-way and not on private property and is coming from one of the Township's catch basins. He reviewed the survey with the Board at the Board table and showed photographs of the flooding taking place. He said that in June the Township voted to replace the pipe. Mr. Matey said that it was explained prior that, ten years ago, the Township replaced 100 feet of this pipe above his property by the home of another resident. Mr. Matey said that, additionally, on June 23, when the engineer viewed the site, the engineer said that there was no point in using a camera on the pipe as it was clearly emptying the Township's catch basin. Also, there is a shut-off valve on the pipe. Mr. Parish asked that the property line be marked as no Township personnel should be on private property which is an issue. Mr. Matey said that the water line on the garage is the line currently not marked and that he will mark this himself and knows the location. PA One Call has marked everything else. It was confirmed that the Township has the pipe and materials. Mr. Trax agreed to operate the backhoe. Mr. Matey asked for a timeline.

Mr. Nebash commented on ATV's and motorcycles. His complaint is that they are covering the road with mud and tearing up the hillside. On one day he noticed seven ATV's. He said that it appears as though the owners are parking their vehicles and trailers in the Park-n-Ride. Steve Schwartz, representing SWRPD, said that in every community there is an issue with ATV's. However, it increases danger to the driver of the quad for a police car to chase these vehicles, and a better solution is to determine the identity of the riders. The law currently is that dirt bikes and quads are allowed to cross the road to get where they are going to ride without any special license or permits. However, the riders cannot be trespassing without permission. They must get permission from a private property owner per our Ordinance. If you see a perceived infraction, call 911.

Mr. Spahr said that there is an Ordinance governing ATVs which was passed in the past when there was an issue involving quads and bikes on McChain Road and individuals from outlying

areas driving into the Township, parking, and riding their off-road vehicles. He said that many parents who had children with these vehicles were upset by the Ordinance that was passed at that time; yet, there were others who were very appreciative of the action.

Pete Guick, Tuscany Estates, requested use of the Board Room as a location for an election of the officers for their HOA on January 31, 2015, at 10:00 a.m. It was further discussed that no Tuscany Estates residents meeting will be held on December 3. There will be a regular Tuscany Estates residents meeting on Wednesday, December 17th at 7:00 p.m., and the next meeting after that would be the election the morning of January 31, 2015.

Motion to allow the use of the Board Room by Tuscany Estates residents for a meeting on Wednesday, December 17, 2014, at 7:00 p.m., and for an election on January 31, 2015, at 10:00 a.m.

Motion by Charles Trax, Second by Paul Chasko

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

Departmental Reports

Mr. Ivery announced that there will be a hearing coming up for the Zoning Hearing Board on a change of use. The Pit Stop Bar and Grill is seeking to change the use from a Bar & Grill to an office space.

Mr. Parish mentioned the notices sent to the Township by Langan Engineering regarding the M3 5000 Pipeline project.

Motion to have the Building Inspector contact the applicant of the M3 5000 Pipeline Project and make sure that the applicant is aware of our bonding and grading requirements.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to approve the Minutes of the October 27, 2014 Regular Board Meeting, as presented by the Secretary, subject to being true and correct, with minor revision.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to approve the Minutes of the November 11, 2014, Workshop as presented by the Secretary, subject to being true and correct with minor revision.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to approve the Minutes of the November 17, 2014, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Steve Parish, Second by Paul Chasko

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

Mr. Spahr said that the Township has a balanced budget of 1.8 million dollars and a portion of that budget includes additional police services for 2015.

Motion to approve Payroll #23 dated, in the sum of \$8,274.68 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, Trax-yes, Chasko-yes. Motion carried.

Motion to approve Payroll #24 dated, in the sum of \$8,120.73 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, Trax-yes, Chasko-yes. Motion carried.

Motion to approve general fund bills in the sum of \$32,980.73, as of November 24, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Paul Chasko

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

The Garage Addition Interior Project was held in abeyance until the specifications can be reviewed by the Board.

Mr. Chasko provided to the Board at the meeting a gantt chart document created using project management software which mapped out a timeline for the tree removal project involving the rest of the private property owners with trees in violation per the Airport Zoning Ordinance. He also prepared a Request for Proposal document, dated November 16, 2014. Mr. Chasko requested that the solicitor review the request for proposal for the tree cutting project.

Motion to advertise the RFP for the Finleyville Airport Tree Hazard Removal subject to approval by the solicitor, with bid opening on Friday, December 19, 2014, at 4:00 p.m. and award of the project on December 22, 2014, during the Regular Board Meeting at 7:00 p.m.

Motion by Paul Chasko, Second by Larry Spahr

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

The solicitor agreed to look at the request for proposal document tomorrow. Mr. Chasko said that this project involves approximately 60 trees. It was discussed that the Township is removing the trees for these private property owners as they have to be treated in a similar fashion as to what has already been established.

The Overlook sewage issue was discussed. The Treasurer communicated that Bethel Park Authority suggested to the Board to move forward on the engineering promptly as it took them eight and a half months to prepare their Act 537 planning module. Also, Penn Vest meets only three times per year should the Board decide to apply for funding. Ms. Taylor suggested a letter to the Overlook Street residents to give them an idea as to what is currently taking place. Mr. Chasko agreed to write a letter to the residents.

It was discussed that the security camera which was on the far exterior wall of the pre-existing garage building needs to be relocated since the addition was built adjoining that wall and the camera view area is no longer serving a helpful purpose.

Motion to authorize Dagostino Electronics to move the surveillance camera currently in the interior of the new garage addition to the exterior front of the garage addition building per their quote in the sum of \$425.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to approve a proposed 2015 Budget and advertise the same with adoption on December 22, 2014.

Motion by Charles Trax, Second by Paul Chasko

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

Motion to advertise the PSATS Trustee Health Care, Unemployment Compensation Insurance and Pension Trust Ordinances for adoption on December 22, 2014.

Motion by Steve Parish, Second by Charles Trax

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

The UPMC health care renewal currently covering the secretary and treasurer was discussed. This was a new benefit offered to these staff members last year who were not previously covered.

Public comment was that the employees should be asked to participate in the cost of their plan and that employees should have requirements for coinsurance and co-payments. The secretary said that there are coinsurance and co-payment requirements in their UPMC plan, and that some of these co-payment amounts have increased in the comparable plan recommended by UPMC for this year's renewal. In regard to employee participation, the secretary said that, per approval of the UPMC plan last year, it was agreed that participation would be required for the secretary, treasurer and superintendent after the premium had increased 10%. This decision was made by the Board to mirror the terms negotiated with the Teamsters in regard to the road crew's requirement for participation in their plan after an increase of 10% in the premium.

There was some confusion by those attending who did not understand that the Township covers the office and administrative employees under one plan that the Board selects, currently the UPMC plan being voted upon, but that the road crew is covered through the Teamsters, which is funded through payments by the Township to the Teamsters Welfare Fund. The Teamsters contracts coverage for these employees with the healthcare supplier of their choice, currently Highmark, and this benefit is negotiated as part of their collective bargaining agreement. These points were clarified.

The Treasurer made note for the newer Board members that the Road Superintendent to be hired will be covered under the UPMC Health Care Plan.

Mr. Spahr said that the health care for each individual road crew employee is more than the cost of the secretary and treasurer together as he had asked that these totals be calculated prior to the meeting and the figures were in front of him. Mr. Trax asked to have a variety of

plans to review. It was explained that the plan automatically renews on November 30, in six days, and no requests for other options had been received by the Board during budget discussions or since they received the Notice of Renewal document which showed the increase of 3.4% for a comparable plan. Mr. Spahr said that the plans had been examined pretty thoroughly last year. Mr. Trax asked to have several plans in front of him for next year from which to choose. Mr. Chasko said that if changes were to be made, that it would need to be done in negotiations with the Teamsters.

Motion to approve the healthcare insurance renewal for the secretary and the treasurer in the sum of \$17,142.00 per year for a UPMC health plan.

Motion by Charles Trax, Second by Larry Spahr

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-no (later retracting his "no" vote), Motion carried.

The liability insurance renewal quote was discussed. The Treasurer explained that terrorism coverage would cost an additional \$290. She said that, for another \$1200 to \$1600, cyber security insurance has been recommended by the agent to cover any kind of data breach.

Motion to enter into a liability insurance agreement with B&W Insurance Agency, Inc., in the sum of \$17,737.00 plus the addition of the terrorism and cyber security options.

Motion by Charles Trax, Second by Paul Chasko

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

The Supervisor position was discussed. The candidates, Edward Frye, Sr., and Frank LaTorre agreed to waive the need for a private interview. Candidates, Larry Speer and Heather Daer, who submitted their Letters of Interest and were interviewed by the Board for the vacancy left by Mr. Tullai, were not in attendance.

Motion to appoint Larry Speer to the unexpired term of Brenda Cushey.

Motion by Steve Parish. Motion failed for lack of a second.

Motion to appoint Mr. Ed Frye, Sr., to the unexpired term of Brenda Cushey.

Motion by Paul Chasko, Second by Larry Spahr.

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

Mr. Frye was directed to submit his Financial Ethics Statement to the secretary and to take his oath of office which may be done before a notary or district judge.

Motion to go to Executive Session at 9:15 p.m. to discuss personnel.

Motion by Charles Trax, Second by Paul Chasko

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

The Board returned from Executive Session at 9:50 p.m.

The solicitor said that they discussed matters involving personnel, the road crew and road crew negotiations with the Teamsters.

Board Approved: December 22, 2014

Mr. Chasko said that he would like to change his vote on the health insurance as he was under another impression of what exactly the Motion was approving.

Motion to adjourn at 9:51 p.m.

Motion by Charles Trax, Second by Paul Chasko

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

A handwritten signature in cursive script that reads "Debra A. Nigon". The signature is written in black ink and is positioned above a horizontal line.

Debra A. Nigon, Secretary