

Union Township Board of Supervisors
Regular Board Meeting
July 27, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:07 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 Paul Chasko, and Ed Frye.

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.

Public Comment

Linda Nagy of Frye Avenue commented about an issue reported by her at a meeting last year regarding a collapsed stormwater pipe causing a hole on her property which was deemed to be the responsibility of the owner as the corroded pipe was on private property. She recently received a survey done on her property and found that there is a forty foot right-of-way, and the stormwater pipe that is collapsing off Frye Avenue is on the Township right-of-way. The Supervisors will look at the survey and make a determination.

Frank LaTorre tabled his comments for later.

Pete Guido wanted to know the status of the magisterial hearing scheduled regarding trash and materials left on-site in Tuscany Estates by the developer. Mr. Grieb said that Mr. Danielson attended the hearing and informed the magistrate that he had intentions of completing the sewer line and his engineer had submitted the drawings to Peters Creek for approval. He also informed the magistrate that once he receives the approval, he can make the infrastructure ready for the lots there to be buildable. Mr. Ivery said that the developer can only develop the lots if there is interest by a builder. The magistrate gave him 60 days, which would be until September 15, to clean up the tanks and items along Viareggio Way. If the work is not underway or completed by that time, the onus will be on Mr. Grieb to cite him daily following the sixty-day period at \$300/day.

Mr. Makel said that he had not received the required construction schedule from Quaker Engineering. Mr. Makel asked Mr. Guido to call him the next day with any questions.

The June 22, 2015, minutes were reviewed. Mr. Parish suggested a correction regarding a malfunctioning traffic light mentioned in the minutes. Mr. Parish said he called Traffic Control to fix the traffic light and not Penn Dot as stated. The secretary will make the change.

For Board Approval: August 24, 2015 with revision as noted

Motion to approve the Minutes of the June 22, 2015, Regular Board Meeting, as presented by the Secretary, subject to being true and correct, with the suggested revision.

Motion by Steve Parish, Second by Ed Frye

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

Motion to approve the Minutes of the July 13, 2015, Regular Board Meeting as presented by the Secretary, 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, Frye-yes. Motion carried.

Motion to approve the Minutes of the July 20, 2015, Codification Workshop 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-abstain, Chasko-yes, Frye-abstain. Motion carried.

Motion to approve Payroll #14 dated July 3, 2015, in the sum of \$10,500.17 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, Frye-yes. Motion carried.

Motion to approve Payroll #15 dated July 17, 2015, in the sum of \$10,518.71 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, Frye-yes. Motion carried.

Departmental Reports

The Zoning Officer had no items to discuss other than what was already on the agenda. However, Mr. Chasko inquired about renovations to the diner on Route 88. Municipal Consulting Services said they issued a Stop Work Order since the work was started without a permit. Since then, the owners have turned in the plans for their addition on the back of the building and a building permit was issued. When the work is finished, Municipal Consulting Services will inspect the property and issue an Occupancy Permit. The owners are not changing the older existing portion of the restaurant.

In regard to the agreement provided by WESA, Mr. Makel said that the delinquency agreement with Jordan Tax Service expires on August 25, 2015, so the Board will need to address the issue at the next meeting. Mr. Makel said that he has reviewed the agreement. The Treasurer was asked to contact PCSA about whether they wish to be considered and if a proposal will be forthcoming.

Mr. DeiCas asked about the Patterson Road project. Tom Mellor was not available to go with Mr. Parish and Mr. DeiCas to view the project since he will be on vacation this week. The week after they will try to get together with him to view the area and discuss the project.

Mr. DeiCas said that a meeting can be scheduled regarding the Overlook project in August.

In regard to McClelland Road drainage, Mr. Makel drafted an easement agreement for the Felix property so that the water can be directed into the owner's pond. There was a concern that there may be raw sewage leaking somewhere near the road; however, on today's review of the area by Mr. Parish, Mr. Trax and the solicitor, this does not appear to be the case. The engineer said that it appears that the run-off occurs only during wet weather. If that is correct, then the easement can be signed. The solicitor requested an as-built drawing be supplied.

Pertaining to the request of Mr. Brnilovich for the Township to allow installation of his public sewer lateral in the Township's right-of-way to provide service for a home that he is building on McChain Road, the solicitor and engineer were in agreement that this invites problems and neither recommended approval to the Board. Mr. DeiCas said that, if the grinder pump breaks and the sewage authority does not repair it, it could fall on the Township. The Board directed Mr. Makel to send a letter to the property owner advising him of the Board's decision to refuse permission.

The Big Box Ordinance was provided by the solicitor who modified the definition of large commercial to large-scale retail. He spoke to General Code about the planned change and was informed that, at this point, if the ordinance is adopted, it must be supplemental to adoption of the codification.

Motion to advertise for a public hearing for possible codification of Township Ordinances and potential adoption of the Code Adoption Ordinance for Monday, August 24, 2015, at 7:00 p.m. with the Regular Board Meeting to begin at the conclusion of the hearing.

Motion by Paul Chasko, Second by Ed Frye

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

Frank LaTorre questioned the solicitor about the Dust Ordinance who responded that, at some point, the issue could be revisited.

The solicitor asked whether the Board wanted to adopt the Gas Lease Agreement with EQT for below surface use of the municipal building property.

Motion to approve the EQT Gas Lease relative to the Marcus-Powell well site and below surface usage of the municipal building property.

Motion by Paul Chasko, Second by Steve Parish

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

Jason Jaki gave the Recreation Board report. He said that the Board would like to widen the road into Brownsville Park to make it wider so that two cars can pass. He asked for drawings so that the Recreation Board can get bids. Also, the Recreation Board is proposing a re-configuration of the fields to allow for parking. The baseball field would be replaced with parking spots. He said that the baseball field has not been used for fifteen years and there have been trees falling down into the area as well. At one time in the past, he spoke to Finley Athletic Association and they expressed no interest in using the field. Also, he said that there is an area to the right of the proposed parking lot where a youth baseball field could be placed if the Township desired one at some future time. Mr. Parish is not in favor of eliminating the ballfield as he said that other ballfields were being eliminated in the Township. Also, he noted

that it could be expensive to fill in the alternate area proposed for the youth baseball field to develop it for a ballfield. With a working set of drawings, Mr. Jaki indicated the Recreation Board could pursue grant funds which they could not do without the necessary drawings. Carl DeiCas will meet Jason Jaki at the park to discuss the issue.

Motion to approve general fund bills in the sum of \$14,059.14, as of July 27, 2015, 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, Frye-yes. Motion carried.

In regard to the Finleyville Airport project. Mr. Chasko would like to close out the contract with Sidelines Tree Service. He suggests we pay the final payment minus \$2,000 for the work that they did not complete.

Motion to pay Sidelines Tree Service \$4,550.00 conditioned on their signing the appropriate settlement agreement acknowledging paid in full.

Motion by Paul Chasko, Second by Ed Frye

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

Another item to consider regarding the tree hazard removal project, would be to ascertain whether the remaining trees in the airport approach corridor are on Brizzi property or Tomko property. Mr. Brizzi claims that they are on Tomko property. Chad Wissinger, attorney for Tomko, who happened to be present, was asked if he knew where the property line was for the tract that was purchased about a year and a half ago. He said that he would supply a copy of the documents related to the purchase although he does not believe or know whether it was re-surveyed or whether any easements are shown.

Mr. Chasko asked the Board whether they wanted to include the ten additional trees that need to be removed in the next contract. Also, he questioned whether these were trees that were missed in the inspection or if they are trees that just came into non-compliance. If these are newly non-compliant trees, it may not be the Township's responsibility to remove them. Mr. Makel will discuss the issue with the Aviation Bureau. He will report back on this at the next meeting. Another issue is that there were no quotes received for the second contract for the remaining work.

The Board had packets before them which were supplied by Municipal Consulting Services relative to the Tomko Site Plan Approval. Mr. Ivery explained that the packet contained the Planning Commission Minutes, the ZHB conditions which were written into the Planning Commission approval and the developer's agreement which was prepared in conjunction with Mr. Harshman and Tomko representatives. Jamie Harshman's independent inspector went to the site and performed testing. Mr. Wissinger said he also accompanied him out to residents' homes to do sound testing. Mr. Wissinger said that Tomko has provided the independent inspector with a parking space so that he can come and take sound meter readings and dust readings. In order to move forward for the building permit, Mr. Wissinger requested approval on the Planning Commission recommendation as well as finalization of the developer's agreement.

Frank LaTorre, Boyka Plan, asked if the Board were changing the Ordinance so that the building planned by Tomko on the site can be approved. Mr. Makel explained that the intent of the big box ordinance was for retail space and the Township is making the change to clarify that the ordinance pertains to retail space as it refers to carts and cart carousels, etc., which would be applicable to a retail business.

At this point just the site plan is the only item being approved. There were questions as to the variances discussed at the Zoning Hearing Board hearing. All five variances applied for were approved by the ZHB. It was decided that the Board will consult with the solicitor regarding approval of the developer's agreement.

Motion approving the preliminary land development plan of WG Tomko for the property situated at 2559 State Route 88 with all appropriate fees being paid including engineering costs to be paid within 30 days of submission, compliance with all federal and state and local laws, compliance with PennDot HOP review, a developer's agreement to be signed with the Township to be considered at the next Regular Board Meeting, and compliance with all conditions of the Planning Commission and all variances approved by the Zoning Hearing Board.

Motion by Charles Trax, Second by Steve Parish

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

The solicitor directed the Secretary to include or attach the eleven conditions of the Planning Commission Motion for approval relative to the Tomko site plan as well as the five variances approved by the Zoning Hearing Board. These follow:

 | Planning Commission's ~~Conditions~~ Recommendations for Approval

1. Conditioned upon application and approval of a variance from the Township Zoning Hearing Board for the outside storage of equipment and Vehicles, which are not permitted in a C2 zoned area.
2. Conditioned upon application and approval of a variance and/or waiver from the Township Zoning Hearing Board for relief from the Big Box Ordinance classification and requirements.
3. Conditioned upon application and approval of a variance or waiver from the Township Zoning Hearing Board for relief from the Traffic Study Requirements.
4. Conditioned upon final determination from the Zoning Officer whether manufacturing will be occurring at the site and whether it is principal or accessory use, and if it is determined that manufacturing is occurring, then application and approval of a variance from the Township Zoning Hearing Board for relief.
5. Conditioned upon securing a variance to allow existing natural growth to serve as the required buffer zone between this site and the adjoining R3 property.
6. Conditioned on the satisfaction of all Development Agreement covenants.
7. Conditioned upon a completed and approved Developer's agreement between the applicant and the Union Township Board of Supervisors.
8. Conditioned on satisfaction of the NPDES permit requirement and receipt of DEP approval for the project.
9. Conditioned on receipt of a waiver for a new Highway Occupancy Permit.
10. Conditioned on the application and issuance of a new grading permit, if one is determined to be required by the Township Engineer and Zoning Officer.

11. Conditioned upon compliance with all Federal, State and local permit requirements, regulations, statutes and ordinances.

Approved Zoning Hearing Board Variances

(Refer to the ZHB Findings of Fact and Conclusions of Law from the 07-23-15 hearing on this matter).

- I. OUTDOOR STORAGE OF EQUIPMENT AND/OR VEHICLE STORAGE
- II. PERMISSION TO CONTINUE MANUFACTURING
- III. REQUEST FOR WAIVER OF A TRAFFIC INPUT ANALYSIS
- IV. REQUEST TO CONSTRUCT ADDITIONAL PARKING WHICH WOULD ENCROACH ON PROPERTY IN THE R-3 ZONE
- V. VARIANCE FROM COMPLYING WITH THE TERMS AND CONDITIONS OF THE BIG BOX ORDINANCE (No. 2008-04)

Regarding the purchase of park property by Mr. Martik, Edward Frye said that he has a meeting with the owner of the Hohman property and does not anticipate that the cost of the property itself will be much except for anything that is needed for clean up of any remaining contaminants. The Township cannot sell to Mr. Martik the desired portion of Brownsville Park due to DCNR requirements having to do with the grants provided by the state for the Township's acquisition of the Brownsville Road property. However, the Township can take in trade property of equal recreational value. If the Hohman property can be purchased, rehabilitated, and used for a park, then the portion of Brownsville Park land could be traded for this property. Mr. Frye said that the Redevelopment Authority has been asked to provide an assessment of the hazards and clean-up. An individual representing Martik attended the meeting and offered to do anything to help with the process and agreed to pay for the plot plan and site assessment costs. Mr. Frye said that the Redevelopment Authority has not given them a time frame for the process but he will ask when he submits the application.

The air conditioning unit which is malfunctioning in the new garage addition was discussed. Mr. DeiCas said that he sent a letter to Swede Construction in regard to the air conditioning which needs to be repaired at no additional cost to the Township.

The purchase of #1 stone appeared on the agenda as it is close to being at bid limit. However, the Treasurer said she discovered that only an additional 68 ton was required to finish McClelland Road and the Township had a 200 ton window before it crossed the bid threshold.

Motion to enter into an easement agreement with Robert and Bonnie Felix with the engineer to provide an as-built drawing for recording purposes.

Motion by Steve Parish, Second by Charles Trax

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

Truck traffic on Coal Bluff Road was discussed. A resident wanted to know if could put a No Truck Traffic sign on the road. Officer Storch was consulted. He said that, due to the reports of truck traffic, he spent time sitting on Coal Bluff at certain periods of the day and made a concerted effort to spot truck traffic, even switching the time periods when he would spend time there, and made no observations of truck travel on the road. He said that, if trucks are using the road, it is sporadic.

For Board Approval: August 24, 2015 with revision as noted

Mr. Guido informed the Board that the Tuscany Estates meeting for this month has been cancelled so the Board Meeting Room will not be needed this month.

Motion to adjourn at 8:33 p.m.

Motion by Steve Parish, Second by Paul Chasko

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


Debra A. Nigon, Secretary