

Union Township Board of Supervisors
Regular Board Meeting
August 24, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:25 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 Edward Frye. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. The Township engineer did not attend.

Public Comment

Frank LaTorre, 7 Boyka Drive, commented about an accident which occurred near his neighborhood on Route 88 in the evening and created what he believed to be a dangerous situation since neither the police or any of the workers had road flares or lights. The fire company was not called. The Verizon work crew who came to the scene had no lights from 8:00 p.m. to 10:00 p.m., although after that time, he observed lighting at the scene.

Mr. LaTorre also commented about the fee for the five variances that were approved by the Zoning Hearing Board relative to the site plan of W.G. Tomko which was approved by the Board of Supervisors at the last meeting. He obtained documents through a right-to-know request which showed that W.G. Tomko had paid \$950 for the Zoning Hearing Board which he questioned, as he thought that the charge should be \$950 for each variance. The Treasurer clarified that the fee for a hearing before the Zoning Hearing Board for a commercial property, as set forth in the Township Fee Schedule, is a set fee of \$950 for the hearing itself and not a fee per variance. Mr. LaTorre also asked whether a new grading permit was ever applied for by Tomko. The answer was “No” as the work that was taking place was part of a DEP consent decree which Municipal Consulting Services believed superseded the Township Ordinance requirements. Mr. Makel said that the engineer, James Harshman, has reviewed the storm water, NPDES and grading requirements for the site. The Township may be able to enforce its own requirements while the business is still under the DEP consent decree. Mr. LaTorre also expressed concern that a 300 foot buffer zone does not exist between the site and the entrance to Boyka Plan. Per Harold Ivery, Harshman engineers was to look at the issue of a buffer zone in regard to the parking situation.

Linda Morrow, resident of Boyka Plan, had comments about W.G. Tomko and drew attention to the fact that the work at the business is always being commented upon at meetings and is a frequent subject of discussion. She asked that the Township adopt stronger Ordinances which will be enforced. She expressed anger due to the business being under a mandate to correct a problem which they themselves created while residents continue to be affected by dust. She also mentioned issues surrounding trucks hauling out gravel. Mr. Makel said that he had contacted the DEP so that they could investigate the issue. He has spoken to Attorney Regenstein and Nicole Rodriguez from the DEP and both have told the Township that W.G. Tomko is not doing anything wrong. He will check again with Ms. Rodriguez who he has not

spoken to in thirty days. Ms. Morrow said she was also angry because, at the ZHB Hearing, Mr. Vero inquired as to whether W.G. Tomko would be willing to give their word that they would not excavate the hillside again after construction of the addition is completed, and Mr. Wissinger, W.G. Tomko's attorney, said they could not give their word as the business may want to grow again at some point in the future.

Mr. LaTorre questioned whether another hill would have to be removed to make the parking lot. Also, he complained about the height of the stone pile which appears to him to be over 35 feet.

Pete Guido, Viareggio Way, Tuscan Estates, asked if there were any permits received by the developer. He was informed by the solicitor that no permits were received and that the construction schedule has not been submitted. Mr. Guido shared that Mr. Danielson had been at the site and was talking about starting some concrete work. Mr. Makel asked Mr. Guido to call him at his office regarding permits.

John Matola, resident of Maple Street, asked if someone from the road crew had looked at the asphalt on Maple Street which he complained about at a former meeting. Steve Parish said that he did go over with Mr. Mellor who could provide a report. However, Mr. Mellor was not in attendance at today's meeting. Mr. Matola said that the center seam or edges were never sealed on Maple Street and he wanted to know if the sealing is something that is standard or not. Mr. Parish explained that this sealing is an extra cost item and has to be included in the advertisement for the paving bid.

It was also reported that school will be starting soon and a telephone pole is still down on Boyka Drive near a bus stop. Mr. Parish believes that the site is a PA American water pit project and he will contact the water company.

Motion to approve Minutes of the Workshop of July 27, 2015, for the Mid-Year Budget Review, prepared 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-abstain, Frye-yes. Motion carried.

Mr. Parish suggested a change to the "list of conditions" to read "list of recommendations" on Page 5 in the August 27, 2015 Regular Board Meeting Minutes.

Motion to approve Minutes of the Regular Board Meeting of July 27, 2015, prepared by the Secretary, subject to being true and correct, with the revision provided.

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 Minutes of the Regular Board Meeting of August 10, 2015, prepared by the Secretary, subject to being true and correct, with correction of the heading to replace the word "workshop" with the words "regular board meeting."

Motion by Steve Parish, Second by Charles Trax

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

Motion to approve payroll #16 of July 31, 2015 in the sum of \$10,433.35, prepared 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, Frye-yes. Motion carried.

Motion to approve payroll #17 of August 14, 2015 in the sum of \$10,826.86, prepared by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Ed Frye

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

Departmental Reports.

Mr. Ivery delivered the Zoning Report. He reported that Harshman CE Group is doing unannounced periodic inspections as was authorized by the Board in a prior meeting. Municipal Consulting Services did receive some reports from those inspections just today which they will forward to the Board. In regard to the stone that is or is not being trucked off the property, Mr. Ivery said that the hauling of the stone is not the Township's responsibility to enforce and has to do with the DEP, their consent order, and the Bureau of Mines. In regard to the requirement of W.G. Tomko to apply for a second grading permit from the Township, regardless of the DEP consent order, that issue is under review by Mr. Harshman.

Mr. and Mrs. Vibostak, 19 Lake Drive, had requested to be on the agenda to discuss issues regarding a property bordering them which is owned by a contractor who recently excavated a hillside. They said that about ten feet of this hillside has been removed creating a steep drop-off causing a dangerous situation whereby a pet or person could go over the edge and fall onto some type of equipment located at the bottom. Mr. and Mrs. Vibostak also raised concerns about chickens being loose which could lure their pets over the edge of the drop off. Mr. Ivery said that he is aware of the issue and that the owner is in violation of the Township zoning ordinance for having a contractor's yard in that zoning district with no storage building. He explained that the excavation has been done in preparation for a storage building to house his equipment to bring him into compliance. The issue with the chickens must also be brought into compliance. The Vibostak's also expressed concerns about permits in relationship to a pond on the property and fill which has been brought onto the premises. Also, they mentioned fuel tanks on the property. Mr. Ivery will have the DEP or the Township engineer look at the area before anything is built. Mr. Ivery reported that the owner informed him that the fuel tanks are empty but will be moving them out in ten days.

The solicitor addressed issues involving sewage collection by WESA in his report. Due to issues where there have been thefts which he is dealing with in other municipalities, he said that when the time comes to authorize the collector, the Board will want to make sure that the collector, and whoever else touches the money of the Township, be bonded with whatever amount is necessary. Also, the Elrama sewerage system collector will need to name the Township as an additional insured on their certificate of liability. Mr. Makel questioned whether both the secretary and treasurer were bonded, which they indicated they were, and requested that all current bonds be copied to the Board of Supervisors. He also said that in terms of delinquent sewerage collections, he still has not yet received for review from WESA a copy of

the associated attorney fees related to delinquent collection, which he would need to see before recommending that portion of the agreement.

Ms. Taylor reported that she spoke with Rick Kovach who still had not heard anything from his software company relative to a proposal. In regard to the WESA agreement, the timing appears to be more generous than what customers have right now and the rate may be reduced from 10% to possibly around 3%. Also, it may be easier for residents to drop off payments to the WESA location than it is to the Jordan Tax Service location in McMurray. At this point the solicitor recommended approval of the WESA agreement for regular collection but not for the delinquent collection handled by the appointed lawyer(s) until he sees the fees.

Motion to approve an agreement with WESA for collection of the Elrama Sewerage System payments conditioned on contemporaneously therewith the appropriate bonds for all those people at WESA collecting monies on behalf of Union Township being provided to the satisfaction of the solicitor and providing the Township with copies of the insurance certificate policies naming the Township as an additional insured effective January 1, 2016.

Motion by Ed Frye, Second by Paul Chasko

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

Mr. Makel asked about the issue concerning Union Gardens unpaid re-zoning fees. The Treasurer said that she is holding \$1500 of land development fees which remain in their escrow account which could be applied, with their permission, to the re-zoning fees which are owed. When the Treasurer suggested this in the past, Ms. Palliotta did not give approval. Union Gardens still owes a total of \$1984.31 in re-zoning fees. If the land development funds were applied to this amount, then they would only need to pay an additional \$483.34 to be paid in full. Mr. Makel will contact the owner to discuss these fees.

In regard to the drains which must be cleared on Aber and Lobbs Run, Mr. Spahr said that no quote has been received yet from Morgan Excavating, so the drainage issue is still outstanding.

Paul Chasko discussed the tree hazard removal project. He stated that two months were lost by not having contractors respond to requests for a quote; however, Mr. Trax did provide a name of a contractor who can be contacted. Also Mr. Chasko, discovered a contractor from Peters Township who he spoke with recently that expressed a desire to do the work. He will meet with this contractor and contact the individual referred to him by Mr. Trax.

Mr. Makel said that he spoke with Chad Wissinger about the trees on the W.G. Tomko property who conveyed that Tomko was agreeable in trying to help the Township in terms of removal of these trees.

Mr. Makel agreed to contact Sidelines Tree Service for a meeting at his office in regard to the final payment agreement. Mr. Chasko will attend as well along with any other Board member who desires to attend.

Mr. Chasko said that there are now 22 identified trees that need to be trimmed or cut down to bring the area into compliance with the Airport Zoning Ordinance. He asked if the Board still

supports paying for removal and stump grinding of these additional 22 trees. This would be in addition to what was already agreed to in regard to the stump grinding of the trees that Sidelines Tree Service already has cut down. It was requested that Mr. Chasko obtain cost proposals from these contractors for a final total on bringing the area into compliance.

It was also noted that Mr. Tomko will have to periodically do brush cutting on the parcel purchased from Ms. Parish to keep any trees from growing into the airspace.

Also, Mr. Chasko provided a written summary to the Board of the work remaining to be done which was in their stack of materials for the meeting. Mr. Chasko pointed out that the section labeled A has a strip of ground 390 feet long by approximately 5 feet wide which is being populated by locust trees which are springing up everywhere among the 65 stumps which are left over from the Sidelines Tree Service removal contract. Mr. Chasko suggested handling Section A under a separate contract since there may be issues that complicate that particular area. Mr. Gries from Finleyville Airport, who was in attendance, said that the Airport would be willing to mow that area if the stumps were out of the way as they are currently mowing up to where the stumps are located.

In regard to the widening of the road into Brownsville Park and parking reconfiguration recommended by Jason Jaki at the last meeting, Mr. Jaki said that he did meet with Carl DeiCas at the park and they reviewed the plan that the Board received a few weeks ago at the meeting. Since Carl DeiCas could not attend today's meeting, he is hoping the plan can be discussed when Mr. DeiCas returns.

Motion to approve General Fund Bills in the sum of \$38,270.55, as of August 24, 2015, prepared by the Treasurer, subject to being true and correct.

Motion by Charles Trax, Second by Steve Parish

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

A meeting has been scheduled on August 26, 2015, with South Park. Ms. Taylor, Mr. DeiCas, Mr. Chasko and Mr. Trax are planning to attend. Any other supervisors who could attend were requested to come to the meeting. The Treasurer noted that a hard copy of the agreement sent by South Park was in the Board's materials for the meeting and that the opinion of the Board on that agreement will most likely be requested. The solicitor did not recommend the agreement sent by South Park.

Jason Paternoster, who plans to purchase 19 Patterson Road, appeared before the Board in regard to his application for a holding tank agreement which requires an escrow as well. A holding tank is the only sewage/septic option for this home as indicated by the Washington County Sewage Council. It was confirmed with the Treasurer that he has provided the necessary escrow funds.

Motion to approve a Holding Tank Application and Agreement for 19 Patterson Road, subject to all fees being paid.

Motion by Steve Parish, Second by Paul Chasko

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

Washington County Convention was announced

Motion to approve the attendance by any interested authorized individuals to the Washington County Convention to be held on October 1, 2015.

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 worker's compensation insurance for Elrama Volunteer Fire Department in the amount of \$14,452.00.

Motion by Steve Parish, Second by Ed Frye

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

In terms of the return of the EQT Road Bond for Trax Road, Mr. Makel said that he did not recommend release of the escrow at this time. He will contact Diane D'Loss at EQT in regard to this matter.

Motion to adjourn at 8:50p.m.

Motion by Steve Parish, Second by Charles Trax

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


Debra A. Nigon, Secretary