

Board Approved: November 23, 2015 with revision as noted.

Union Township Board of Supervisors
Regular Board Meeting
November 9, 2015

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, Paul Chasko, Edward Frye. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, and Harold Ivery–Building Code Official. Peter Grieb–Code Enforcement Officer, did not attend. Mr. Carl DeiCas–Township Engineer did attend as well.

Public Comment

Mr. Vibostak, 19 Lake Drive, complained that in a private meeting following the last Regular Board Meeting, he was informed he would be cited for violations regarding his garage addition built eight years ago if he persists in complaints with the contractor keeping his yard. Mr. Grieb was not in attendance. Mr. Ivery said he received a report that the chickens are gone which he needs to verify; however, Mr. Opferman has been cited for the chickens. Mr. DeiCas said that the Township informed Mr. Opferman that he had to file for a grading permit for the building at the last meeting. Since Mr. Ivery was not at that meeting, he has not yet told Mr. Opferman to file for the grading permit. Mr. Ivery also said that Mr. Opferman was cited for the contractor yard, but he has since applied to construct a building and enclosure for the contracting equipment. Once Mr. Opferman encloses this equipment, he is considered compliant with the Township Ordinance and will no longer be in violation.

Mr. Pete Guido, 125 Viarregio Way, asked if there were any changes with the status of the magisterial hearing with the developer of Tuscany Estates, Earl Danielson, and inquired as to how many individuals could attend that hearing in mid-November. Mr. Makel said that there is no limit to the number that can attend. After November 18, Mr. Makel can take action on the bond. JoEllen Meek was requested to supply new dated pictures for the hearing. The Tuscany Estates residents informed the Board that only one item for which Mr. Danielson was cited was moved, which move occurred the date of the last hearing. Since then, no additional work has been done in relationship to the citations even though the solicitor sent Mr. Danielson a certified letter containing a list of what needed to be done. On behalf of the Home Owner's Association, Mr. Guido asked to submit some concerns to the solicitor regarding Township Ordinances and the Tuscany Estates development.

Ms. Barbara Stover, 135 Viarregio Way, had questions in relationship to the way it came about that the residents are now in control of the home owner's association since it did not occur the way it was intended. She explained that, had the HOA turn over occurred in the normal way, there were obligations which should have been fulfilled prior to that, which were not fulfilled. Also, Ms. Stover inquired as to whether the developer was fined. The solicitor said that no one can be fined until found guilty. The developer was not found guilty but was given time by the magistrate to satisfy the residents. Mr. Makel stated that he recently reviewed the Preliminary

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Objections which were submitted in response to the suit which he filed against Earl Danielson / Quaker Engineering, which review was to prepare towards going against the bond since the terms of the settlement were not fulfilled. Mr. Makel requested a copy of the original bond. The Township does not have the copy. It is believed Mr. Furman had the original copy.

Mr. Banahasky asked about the lack of a finishing coat on the Tuscany Estates roads and the effects continued winter salting will have on the road. It was noted that the paving materials factory will be shutting down soon since it is late in the year which would prohibit the HOA from getting a finishing coat this year.

Other concerns of the HOA are the retention pond and the sewers. Mr. Guido said that there are no street lights as well. Ms. Stover said that the engineer's estimate and the bond amount are very close. Mr. Makel informed the HOA that, should the developer file for bankruptcy, he would like to ensure the roads are completed.

Departmental Reports

A new officer, Officer Scott Kirchner, from SWRPD delivered the police report and provided a brief introduction. His former department disbanded resulting in his re-employment with Southwest Regional Police. The statistics for October represent some of the work done towards controlling speeding, and speeding details. The statistics for traffic were 135 vehicle stops, 81 traffic citations, and 54 warnings.

Tom Mellor read through the written Road Report. This week, Mr. Mellor and Mr. Parish met with EQT about usage of the Nike site property. Originally EQT contacted the Township about using the land as a stock yard, then afterwards they were not interested; however, now, they may put a well on the property. The Township does not have mineral rights, but EQT would have to provide monetary compensation for use of the property. They also may be interested in demolishing the silos.

On October 17, 2015, there was an accident at Brownsville Road and Rt. 88 that came in through 911 where a pole was damaged resulting in an estimated \$3,000 repair bill. However, there was no police report or record of any accident at that site though an accident obviously occurred.

Also, there is water coming down Airport Road. The water company said the water is not related to PA American lines. PennDot asked the Township to work with them to get the water problem resolved by installing a temporary drain until they do the Venetia Bridge project. The Township will assist by participating in traffic control, performing labor, and supplying stone. Mr. Mellor noted that the area was icy this morning. PennDot is waiting on them to open up Route 88 so they could close down Courtney Hill which is being dredged.

Motion to approve general fund bills in the sum of \$26,535.22 as of November 9, 2015, as prepared by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Paul Chasko

Roll call vote: Parish-yes, but abstaining from anything to do with the Finleyville Airport, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

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Mr. Spahr commented on the high advertising costs the Township must pay. Advertising is mandatory per the requirements on government. Mr. Spahr also noted the high cost of advertising paid by the Elections Office for mandatory advertising surrounding the recent election.

The solicitor commented on the Big Box Ordinance Amendment said that which he explained was a novel Ordinance at the time. In the text of the Ordinance, which he drafted, he chose to use the word Commercial. The Ordinance talks about bike trails, sidewalks and so forth and was meant to apply to retail types of establishments. The amendment includes a change to the language modifying the term commercial to large retail establishments.

Motion to adopt Ordinance No. 2015-03, an amendment to the "Big Box" Ordinance which as a portion of the Zoning Ordinance, also amends the Zoning Ordinance.

Motion by Paul Chasko, Second by Ed Frye

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

 **Motion** to ~~adopt the proposed budget and~~ advertise the proposed 2016 budget for potential final adoption on December 14, 2015, with the minor revisions discussed at the Budget Workshop held prior to this meeting being incorporated.

Motion by Steve Parish, Second by Ed Frye

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

Board Members noted that the budget was a balanced budget and did not necessitate any tax increases.

Patrick Tolan, Arbor Tree Services, appeared before the Board in regard to his contract for tree removal on Section A. He said that, for the most part, the trees were down and the stumps grounded. He will turn over the ground this winter and remove some stumps that he wants to remove when the ground is frozen so that no tracks or ruts are made on properties. He will plant lawn in the spring as he did not want to rush to put in the lawn; however, he is not expecting payment until the job is done. The end date of the signed contract was December 31, 2015, which will need to be adjusted to accommodate this schedule. Mr. Tolan also said that, in another Township, the FAA is paying costs for a tree removal project related to an airport. He is not contractor for that project but suggested the Board inquire about how it is that the FAA is paying the costs. He also stressed that, as a business owner, though not in Union Township, that he would like to see our area, particularly land on Route 88, developed commercially with businesses moving into that area. He also made mention of a drug problem in Finleyville Boro that results in thefts and would like to see reinstatement of a full-time police department.

On October 6, there was an additional inspection and additional trees were identified which the FAA said were either missed or shielded by other trees which were cut down. Mr. Makel noted that, per the Ordinance, existing trees were grandfathered at a certain height. Mr. Tolan contributed that, should the Board be considering removing the trees, the job would be less expensive in the winter as opposed to putting it out for bid in the summer. Mr. Spahr asked Mr. Gries, who was in attendance, if Finleyville Airport would be willing to take care of the cost

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in the second stage of tree removal per the October 6 aviation bureau report. Mr. Gries agreed to ask his Board but will need an estimate of cost. The next Finleyville Airport Board meeting is on Thursday. Mr. Tolan asked Paul Chasko to take him over to see the trees so that he could provide an estimate. They will try to coordinate a time for the estimate when the ground is frozen and Arbor Tree Service goes in to grind the remaining stumps in Section A. Mr. Chasko indicated that those stumps are located on either Brizzi or Karas property. Mr. Gries said Mr. Tomko was to clean up the trees on the property purchased from Mrs. Parish.

Mr. Makel agreed to follow-up on a new delinquency agreement with WESA to address the servicing commission of 1.5% with WESA for collections of delinquent accounts up until the time they should be liened. WESA has already agreed to allow the Township to handle the lien process itself using its own staff.

Mr. DeiCas had not yet signed the license agreement; however, he said that he has taken it down to be executed at Chester Engineers and nothing was released by Chester Engineers for those other municipalities. Mr. DeiCas said that he would sign it. He said that there have been other municipalities that have sued for their documents.

Boxes of files from Joe Ferraro and Kim Gales were requested by Mr. Makel by email to Chester Engineers earlier today.

Mr. DeiCas was asked if he had inspected the roads per the paving project performed by Morgan Excavating. Mr. DeiCas said that McClelland Road was widened during the paving project around the area of Mr. Lawson's driveway since, after the stone work drainage was performed by the road crew, it allowed for the road to be widened. Aber and Lobbs Run Roads were also paved.

Motion to approve payment to Morgan Excavating for the 2015 paving project which included the paving of McClelland Road, Aber Road, and Lobbs Run Road, based upon the recommendation of the Township engineer, with payment in the sum of \$274,742.42 total -- \$209,000.00 from the Liquid Fuels Fund and \$65,742.42 from the General Fund.

Motion by Steve Parish, Second by Paul Chasko

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

Ms. Taylor said that she had not yet received the renewal quote from B&W even though we have not gone out for quotes. Mr. Spahr agreed to stop at their office if it is not received soon.

Motion to pay reimbursement to the tax collector in the sum of \$105 dollars per the Expense Reimbursement Voucher submitted by Ms. Speer for the mandatory training required by Act 164 that she attended.

Motion by Steve Parish, Second by Chuck Trax

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

The new owner of 19 Patterson Road had to get a holding tank for the home since that was the only allowable sewage system per Washington County Sewage Authority (WCSA). The holding tank is three and a half feet into our right-of-way because, when they were digging the hole for the tank, they hit rock and had to move it. There is not much property at the site that is

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usable. The resident is building a retaining wall around the holding tank per the WCSA holding tank requirements. Mr. Ivery will take a picture of the retaining wall. An agreement will need to be recorded saying that anything that potentially happens to the holding tank is the responsibility of the owner. Mr. Ivery was requested to discuss this with the property owner.

Motion to advertise for a new Road Department employee in the Observer-Reporter and Monster, and consulting a program for Veteran's which matches veterans returning from military service with positions matching their skills and abilities.

Motion by Ed Frye, Second by Paul Chasko

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

Motion to advertise the intention of the Board to use a CPA firm for the 2015 Audit.

Motion by Ed Frye, Second by Paul Chasko

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

Ms. Taylor attended the PSATS Sign Ordinance webinar mentioned at the last meeting. She said that a legal case went before the Supreme Court of the United States, Reed vs. Town of Gilbert, which involved a sign for directions to a church which was not permitted by the Township due to a narrow interpretation of their Ordinance which was found to violate Freedom of Speech and First Amendment Rights.

Mr. Parish, Mr. Chasko and Ms. Taylor attended the Police Pension meeting announced last meeting and no changes were recommended.

Motion to donate to the Finleyville Fire Department and Elrama Fire Department the sum of \$10,000 each, \$5,000 out of the Local Share Fund and \$5,000 from the General Fund.

Motion by Steve Parish, Second by Ed Frye

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

It was noted that the fire companies together also receive about \$35,000 in foreign fire. The Township has a contract with Finleyville Fire Department, and Elrama Volunteer Fire Department is the only fire department domiciled in Union Township. Both fire departments help each other out. There is a financial arrangement with Finleyville Borough which was worked out whereby the Borough supplies foreign fire funds to Finleyville Fire Department, and Union Township to Elrama Fire Department. Mr. Frye supplied some numbers in regard to the costs of running a fire department: it costs approximately \$275,000 for a fire engine with an additional \$50,000-\$60,000 just for the hoses, and \$15,000 to equip one fire fighter with all the necessary gear. Residents were requested to support the local fire companies

In terms of the CDBG Project, the houses on Stone Church Road have not yet been removed. Until we complete that project, the Township will not receive any additional grant funds. Municipal Consulting Services will move on this issue.

Regarding the Intermunicipal Agreement required for the Act 537 Plan for the Overlook Area sewage project, Mr. Makel said that Mr. DeiCas was requested to supply the documents which were completed on the Act 537 Plan to South Park's engineer.

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West Penn Power is contacting different municipalities on free LED light installation. Mr. Parish met with them and collected materials from a workshop attended by 100 or so municipalities. The LED lights are brighter and last longer and are less expensive to operate. There is an Agreement included in the Board's packages. It will involve signing a ten year contract. There will be charges for any turning or changes of the lights. Several Board members indicated they have not yet had time to review that contract.

Mr. Parish inquired about lights out at the municipal building. Mr. Mellor said that the Township has a ballast for the tall light and the contractor Mr. Parish recommended for the Board Room lights was to return and do the two outside lights that are out. Mr. Parish will contact the contractor.

Motion to go to Executive Session at 8:39 p.m. to discuss litigation

Motion by Paul Chasko, Second by Ed Frye

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

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

The solicitor said that they discussed matters involving personnel and possible litigation.

Motion to adjourn at 8:59 p.m.

Motion by Steve Parish, Second by Ed Frye

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


Debra A. Nigon, Secretary