

Union Township Board of Supervisors
Regular Board Meeting
March 14, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:02 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 Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

Also in attendance, Chris Furman—Solicitor, Mr. Carl DeiCas—Township Engineer, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

A moment of silence was called by Larry Spahr to honor Jack Peart who passed away and who served on the PCSA Board for many years.

Public Comment

An attorney who represents Mr. and Mrs. Palliotta who own property on Route 88 which connects to Brownsville Road Extension, addressed the Board regarding construction on the parcels. As a preliminary measure, they have decided to talk to the Board regarding the Board's preference for construction on the property bordering Brownsville Road Extension which would be a low volume use, not limited to residential. They are looking to build on the front section of the parcel which is more usable as the back section is zoned differently and requires a lot of grading.

They asked for the Township's thoughts regarding an office building which the client would use for their business on the first floor with either office space for others or residential apartments on the second floor. The building being planned is about 11,000 square feet per floor. Before too much money was spent on the project and they go much further, they wanted to talk to the Board about their plans for development.

A portion of access road is done in the back section of the property but Mr. Palliotta said 3000 more feet needs to be completed. To make residential homes there, the topography would require a good bit of grading. This could be a suitable use for the back section which is not being developed now. There is no commercial or industrial use that could go back there as that portion of the property is zoned RD.

What they would want to develop is the front section by Brownsville Extension which is zoned R1. An office building is not a permitted use for R1, so a variance would be needed. Even with residential space on the second floor, a commercial use on the first floor may not be okay. Mr. Ivery said a variance or rezoning of the property would be necessary.

The attorney for the Palliotta's said that the property has good frontage which is hard to find the right use for which is why they came to the Board.

They are thinking of a townhome type complex which could fit in the design development for the upper larger parcel; however, there is a pond that will take a lot fill to make it usable. Also the setbacks required make single family homes not make sense as the RD zoning would require very large lots.

Mr. Spahr's thoughts in regard to the small corner parcel was to treat it as R1 with creation of a PRD, planned residential development, over the whole property. A PRD is an overlay and would allow different setbacks in the planned residential development than would RD zoning; however you could not incorporate an office building. Also, a PRD requires at least 10 contiguous acres.

Mr. Grieb said he would be happy to meet with them to discuss it further during a pre-application meeting. Also, they could go to the planning commission. In regard to re-zoning, the property would have to be examined in connection with the zoning in the area to see if it could be interpreted as spot zoning which would not be permissible.

Linda Morrow, 10 Boyka Drive, requested a status with Mr. Tomko's construction project and was informed that he is on hold until he secures an NPDES permit and complies with the DEP. In addition, he needs to come back to the Board and let us know what he wants to do in terms of land development. He has to properly bench what he has cut. Mining is not a permitted use. However, the solicitor explained that the developer will be crushing the aggregate one way or another. Under the DEP rules, crushing the aggregate is mining unless he is building a building. If he's building a building, then the removal of the wall is ancillary to construction. Thus, if he puts up a building, then he doesn't need a mining permit. He would then need to secure a land development application from the Township and a grading permit for the driveway. At the end of the construction, he will have a pile of rubble left. When he goes to sell the rubble, the question becomes whether it is mining. The argument would be that the rubble is a by product of his land development. The blasting of the wall was an accommodation to residents so that there was not as much pounding and noise.

Mr. Breinig and Mr. LaTorre attended the pre-application planning meeting that was held at the Township. Comments were not allowed at the meeting but the gentleman can comment at this meeting. Mr. Furman added that, if Tomko is fined, he stands to make more on selling the crushed rock than the cost of the fines.

Ms. Daerr asked Mr. Furman about silica dust and determining whether there is a silica issue since the presence of silica is the primary concern of residents. The solicitor reminded the Board that an air quality test was approved at one time; however, Tomko stopped the construction. PSI could do testing any time the Township wants since it has been approved. However, once it is determined that they have silica, there is no dust ordinance to enforce. Mr. Spahr said that Tomko did install a watering system to keep down dust. The watering system was working and then, when there was an issue, it was discovered that it was down. Deborah Sargent asked to revisit the Dust Ordinance. Mr. Spahr said to bear in mind that it would apply to the entire Township and could not be used in a discriminatory fashion and asked to see how things unfold.

Mr. LaTorre commented that the rock being crushed is sandstone and limestone which he stated is related to silica and urged the Board to look it up and research it. Mr. Furman suggested that the neighborhood get together and hire its own lawyer and sue him for trespass.

Mr. Furman added that in prior litigation there was little teeth in the Township's case other than a noise ordinance and an agreement not to work on Sunday. Ms. Sargent inquired whether the Board should re-visit the dust ordinance to give the solicitor more tools to pursue a suit should it be found that there is silica in the rock. Nonetheless, the solicitor stated that even if a fine is set for \$500/day and he makes more than that amount selling the crushed stone, that it is most likely Tomko will sell the stone anyway.

Mr. Spahr noted that the legal costs were recently discussed as being high, and pointed out that the issues with Tomko and Tuscany Estates have contributed to these costs.

Mr. Guido, 125 Viareggio Way, said he is happy that the solicitor got some of the issues taken care of in regard to the debris in Tuscany Estates, and that the pool at the development has been built. He asked if the developer had supplied a timeline, which he was informed that the solicitor has not received.

It was noted by Municipal Consulting Services that Earl Danielson may have an item to approve phase 8 on the agenda at the next meeting. Maronda needs single family lots. That being the case, the developer will not finish Grossetto Drive at this time due to all the grading and earth moving that is required. However, he has a few items to resolve first, recommendations from the Planning Commission to meet, and an NPDES permit. Mr. Guido asked if the Township could obtain a schedule from him when he comes in for approval. Part of the Conditions of the Planning Commission are that he update his signatures. At the developer's agreement level, the bond number will be addressed by the solicitor. Ms. Daerr inquired whether we will come up with a new developer's agreement. Mr. Furman explained that an addendum is created for each phase approval. Now that Earl Danielson is in the construction phase again, there is nothing can be done by the Township as the site is not abandoned. Mr. Ivery said that Maronda Homes has been in contact with MCS for permits for new homes. Mr. Furman said in a future agreement, the Township can include text that, after so many months, or after a period of time of no activity, the Township will consider the site abandoned, etc. Mr. Ivery and Mr. Grieb will be in on Thursday and they will discuss the project with him. If he does not have everything needed, approval from Board will be pushed back. Approval will be in conjunction with an amendment to the developer's agreement and NPDES permit.

Mr. Breinig, 44 Finley Avenue, gave each member of the Board, a letter of intent and resume from one of our old police officers at the onset of the meeting. He said that the proposal prepared by Leo DiCesare is pretty close to what the Township is currently paying, there is no Union, and there would be twenty-four hour coverage and some overlap. Mr. Breinig informed the Board that he would like to come in and make a presentation to the Board,

Ms. Daerr asked whether a Motion was needed or whether Mr. DiCesare could be invited in to discuss the plan for police coverage. Mr. Spahr said that the Board has not yet decided

whether or not it wants to pursue proposals and has not yet taken action and Mr. Chasko was performing a lot of research towards creating an RFP.

Officer Kircher gave his report regarding 58 shifts worked in February. Statistics included nine arrests, nine criminal complaints, and four non-traffic citations, as well as 83 traffic stops resulting in 48 citations and 35 warnings. There were eight vehicle accidents in the Township. He provided the Board with some additional detail regarding the arrests ranging from child endangerment, possession with intent to use, and other activity which was not recorded by the Secretary. Ms. Daerr thanked the officer for the detail.

Tom Mellor provided the road report and asked for questions on his written report. In regard to the plan for widening the Brownsville Park entry road, he explained that the road will have to be moved over at the bottom. He will be meeting with another gentleman from the gas company to make sure the Township has approval. Once he talks to him, the Township could determine the cost for asphalt and putting in drainage.

Motion to have the engineer look at Brownsville Park entry to determine cost of asphaltting the road and installing drainage.

Motion by Paul Chasko, Second by Heather Daer

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

In regard to the hiring of a new road crew employee, Albert thanked the Board and mentioned that one of the road crew employees is currently 70 years old and that he, himself, is 59 years old and would like to retire at 62

In term of Liquid Fuels spending, Mr. Spahr asked Mr. Mellor if he is recommending not paving. Mr. Mellor's response was that he would like not to re-surface and spend some money on drainage projects and on the bridges. Regarding the bridges, Jason Drive has three concrete pipes in it. Ridge has a plate on it and is sagging down. Mr. DeiCas discussed putting a concrete deck over Jason Drive bridge, a structural deck which would increase the arch. Mr. DeiCas said the cost of 20 feet of pre-engineered bridge is \$50,000 and you raise the grade of the road 20 inches which requires ramping it back 45 feet on each direction to get a smooth transition. This works on roads with low volume. Mr. Mellor said that McChain Road and Patterson Road are the worst roads that we have and Patterson Road will be fully or partially paved by Sunoco following their project.

Mr. Spahr suggested that Kirchner Road and the lower side of McChain Road be paved. Mr. Spahr said the Liquid Fuels funds came in at about \$196,000. If only these roads are done, that may leave money for the bridges and culverts. Mr. Mellor said he has learned from a bridge contractor and Mr. DeiCas that pieces of an arch can be made and a concrete deck poured over top which may save the bridge on Ridge Road which developed a pot hole which destroyed the arch. The other bridges need to be replaced. Tom was asked to get prices on those items. Mr. Spahr said that he does not want to see the Liquid Fuels money sequestered.

Mr. Mellor also provided a quote of \$1500/week for a crack sealing machine and \$3000 for materials. The crack sealing would cost about \$6,000 for the machine and materials and could be used to seal both Boyka and the Shire plans. Mr. Mellor was asked to firm up the crack

sealing project with South Park. Permits for the bridges were discussed. The reason a General Permit is required for the Union Valley project is due to the fact that the bridge will be widened and the project requires getting into the stream. Mr. DeiCas should have everything done and submitted by May 1. Ms. Daerr will meet at 9:00 a.m. with Mr. Mellor and Mr. DeiCas on Thursday in regard to the bridge project.

Motion to approve general fund bills in the sum of \$197,321.73 as of March 14, 2016, as submitted by the Treasurer, subject to it being true and correct.

Motion by Charles Trax, Second by Deborah Sargent

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

The salt shed is full and the Township has purchased the 60% required per the Costars contract.

In regard to Stonechurch Road trailer park, Mr. Grieb talked to the son last week and has visited the site today. More windows have been boarded up. Also, he asked the son to work on a list of abandoned trailers. There have been clean up efforts but no money spent thus far. The Board will need to make a decision whether to keep taking the owner to the magistrate or to have the Township condemn the properties and take more of a role. The Township taking more of a role may be quicker; however, it's not our responsibility. Mr. Ivery said that once the list of abandoned properties is developed, legal intervention is needed. Ms. Daerr does not think the nuisance abatement is way to go yet since she wants to go through our normal process first and send notice to the owner and take them to the magistrate as necessary

Ms. Bernadette Speer, attending in the audience, added that Portnoff and the Tax Claim Bureau collect the back taxes so she does not collect taxes for those properties or have any addresses. However, she stated that after a while the properties should go up for taxes or be foreclosed upon.

In regard to the Martik property exchange at Brownsville Park, Jason Jaki inquired as to whether they could negotiate upgrades to the park or some other measure to substitute for the land Mr. Martik wants. The DCNR requires a swap of land of equal recreational value. It has to be determined whether this swap of one bad piece of land for another bad piece of land is acceptable to DCNR. Mr. Jaki was tasked with working out a deal with Martik. They also have to make sure that this will be allowed and acceptable.

Motion to have Jason Jaki to be a task force of one to negotiate an exchange of equal value in regard to property and the requirements of DCNR with Martik to pay all costs of the property exchange.

Motion by Deborah Sargent, Second by Paul Chasko

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

There was nothing new to report on the Intermunicipal Agreement. The Road Crew Employee issue will be handled in Executive Session.

The Secretary was asked to provide all solicitor proposals in hard copy to Ms. Daerr. Ms. Sargent will make calls to other solicitors to obtain information and/or proposals.

In terms of CBDG funds, Kerry Fox has not got back to Mr. Spahr who will continue to try to get ahold of him.

Regarding WESA Delinquencies, Mr. Furman and Ms. Taylor will work on a ten-day notice.

Mr. Chasko has not spoken to Susan at the Redevelopment Authority about the Elrama Chrome Shop property. Mr. Spahr will try to contact Susan tomorrow.

Mr. DeiCas said he would like to set up a meeting with Rich Cleveland on two grants. He prefers the DCED Recreational Grant which is a 15% grant. Ms. Sargent said the grant writer she talked to previously has not gotten back to her.

Due to the passing of Jack Peart, a position on the PCSA is open. There is no requirement to advertise. The need to look for and identify a suitable candidate was discussed.

Mr. Mellor asked what the Board desired to do in regard to the old truck which has been replaced by the new Ford F-450. Mr. Mellor was wondering about a Municibid listing which was also mentioned by Mr. Trax and Ms. Daerr. Mr. Mellor will park the truck outside and put a sign on it that it is For Sale. It was decided not to advertise in Observer-Reporter; however, it was later determined that a legal advertisement would have to be sent in if the truck were to be posted "For Sale" in front of the building.

Mr. Trax and Mr. LaTorre will both be attending the WCTCD delegate meeting on March 16, 2016.

Jason Jaki reported that he is working with Tom Mellor and Ms. Metrovich on coming up with an Eagle Scout Project.

Motion to approve use of Brownsville Park by Finleyville Soccer Association, M-F, 9:00a-5:00p with games on Saturday and Sunday through March 21 through May 22, 2016, subject to certificate of liability being supplied

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to schedule and advertise a Conditional Use Hearing for April 11, 2016, at 6:00 p.m. prior to the regular Board of Supervisors meeting regarding a compressor station planned by EQT,.

Motion by Paul Chasko, Second by Deborah Sargent

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

A Police Services Solicitation Packet was developed by Paul Chasko. Ms. Daerr said it was very comprehensive. It was decided to send it to Chris Furman to be looked at for legality. Mr. Chasko suggested that the Township request quotes from local police departments, such as South Park, Peters, SWRPD, and Monongahela Police Department in reference to full time coverage. It was noted that the Teamsters are in Peters Township and that Monongahela City is with the Steelworkers Union so both are likely to be higher in cost.

In terms of the road report, Mr. Spahr said it was determined to look at the three roads Kirchner, lower half of McChain, and perhaps expunging Patterson. There will be crack maintenance performed with the balance to be used for drainage projects.

Motion to go Executive Session at 9:41 p.m.

Motion by Paul Chasko, Second by Deborah Sargent

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

Tom Mellor was requested to enter Executive Session.

The Board returned from Executive Session 10:36 p.m.

The solicitor said that the Board discussed personnel issues involving the hiring of a road crew worker who will be hired upon the signing of a Memorandum of Understanding, Teamsters 205.

Motion to advertise the selling of the 2009 truck.

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion to adjourn at 10:38 p.m.

Motion by Paul Chasko, Second by Deborah Sargent

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


Debra A. Nigon, Secretary