

Union Township Board of Supervisors
Continued Regular Board Meeting of March 28, 2016
Held on April 4, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 07:03 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, Deborah Sargent.

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

Public Comment

No public comment was made.

The meeting was continued initially to allow for legal research and questions relative to taking ownership of an Elrama property which had previously been the location of a Chrome Shop for the purposes of creating a park for children in the Elrama area. Since that time, a couple of new items were added to the Agenda.

Mr. Makel informed the Board regarding what he had been able to ascertain about the property, which was the subject of several emails in the past week. He did perform a title search and it was found that in the free and clear sale through which the current owner acquired the property, several items were failed to be mentioned which involved school taxes for prior years. He did not believe this was a major issue; however, tax forgiveness should be sought from the Tax Claim Bureau and the Ringgold School District just to clean things up.

Taxes since the free and clear sale, years 2014-2016 will need to be satisfied by the Township. For years 2007 and 2009, Mr. Makel will call Portnoff Associates to get the tax forgiveness from Ringgold School District which should have been written off, and may have been, but needs to be researched and approved by the Tax Bureau and by Ringgold School District. The outstanding taxes for years 2007 and 2009 total approximately \$12,000 in back taxes.

Additionally, Mr. Makel, Ms. Taylor and Mr. Spahr spoke with Susan Morgan about potential funding and costs.

Should the DEP accept some of the prior work and determinations, the Phase II assessment could cost as low as \$25,000 and, if not, could be upwards of \$50,000. However, the Redevelopment Authority grant should cover 75% of redevelopment costs with Union Township sharing 25%. It was later discussed that the wording of “up to” 75% funding was used, and a possibility exists that less funding than anticipated could be received by the Township although there was no indication by the Redevelopment Authority that the Township

should expect less than that based on what funding is available for the revitalization of brownfields, etc.

Mr. Spahr also said that he spoke with an individual at the Tax Claim Bureau who confirmed that 2007 and 2009 school taxes are not a significant factor but the approval of tax forgiveness should be sought enabling the Township to receive an absolute free and clear title.

In terms of acquisition of the property, what remains is clearing the liened taxes from ten years ago which weren't carried over in the free and clear sale. What will be unknown until after acquisition is the DEP's determination regarding what level of clean-up remains and what that will require.

A concern expressed by Ms. Daerr was that the Township could end up paying several thousand dollars for the property and still need to purchase mulch, asphalt and a playset. Mr. Mellor was asked for his input regarding the playground equipment. He explained to the Board that the equipment was coated and those coatings would have been cut through in the disassembly process. As a result, it could end up that a company would guarantee their reassembly work but not the equipment itself due to the cutting of certain joints which was necessary for removal.

In terms of the Elrama Fire Department being interested in building a playground for Elrama children, it was discussed that some members may have concerns regarding liability and there may be a lack of interest by some VFD members.

The Treasurer's input was that, per the worst case scenario provided, it appeared that acquiring the property could cost at most around \$30,000. In terms of the playground equipment and mulch and other costs, recreational grant funding could be sought to cover those costs.

Other questions and measures were discussed.

Mr. Makel will talk to Susan Morgan regarding the consequences of not meeting the mid-April deadline for funding.

It was discussed that a license from the owner to go onto the property could be obtained for testing to determine clean-up costs; however, most likely, if the Township were to pursue this type of pre-acquisition testing, it would not receive the benefit of grant funding to pay for these measures.

The likelihood that less funding than 75% would be received was discussed. Ms. Taylor will contact Ms. Morgan about the current grants and amounts currently available and determine parameters to give the Board a better idea of the likelihood of full 75% funding this year, as well as the associated costs of waiting.

It was discussed that, if the property was obtained, an engineering firm will need to be consulted for a plan.

Ms. Sargent questioned whether the Township was rushing into something that could wait for a later time or a better solution in terms of a playground on the Duquesne Light owned property. It was determined that a parallel approach will be used going forward.

As part of the parallel effort, Mr. Makel will contact Representative Murphy in regard to Duquesne Light supplying land for a playground. Ms. Taylor will also inquire about an extension of time when she contacts the Redevelopment Authority for funding parameters.

In terms of the culverts in the Township which are in need of repair, it was discovered by Mr. Chasko and the Road Superintendent that grant funds are available through the Washington County Conservation District but that grant applications will be reviewed the first of the month. Since this did not allow much time for an application to be prepared, the Board was polled to approve the immediate review by the engineer of the culverts in question and a meeting/tour of the culverts and roads with representatives from the WCCD in preparation for submitting an application. The engineering review has been performed. Pictures to accompany the application were also obtained.

The representatives from the Washington County Conservation District (WCCD) seemed to be enthusiastic of the projects and thought it was well worth the Township submitting applications for three culverts. These culverts would be on Jason Street, Jack Street, and Garvin Road. If none or only a portion of the culverts receive funding this year, then they will stay in the system for five years for future consideration. The application is rather simple to complete.

If the water were flowing into trout stocked waters that would be a plus and those that do will be noted in the application. The representatives informed the Township that the offer to contribute matching funds, labor, flagging, or anything along those lines, would be more likely to obtain a grant.

The condition of Garvin Road was discussed and will require a large section being taken down to grade. The engineer will include drainage and guard rail and whatever is needed in the grant application.

Motion to authorize the engineer to submit a grant application for culverts on Garvin Road, Jason Drive, and Jack Street through the WCCD program.

Motion by Heather Daerr, Second by Paul Chasko

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

In regard to the Brownsville Park road widening project, Mr. Mellor informed the board that two good days will be approaching during which time the road crew will work on widening the road into Brownsville Park. The additional approval in regard to the right-of-way is no longer needed as the current plan is to begin widening the road on the right at the top of the hill shifting over to the left as they continue downward to maintain the proper distance from the area of concern which necessitated the additional approval from the gas company.

Another item on the agenda involved the purchase of wolmanized wood for the parks. Mr. Mellor informed the Board that the wolmanized wood borders that encompass the mulch at both parks needs to either be re-faced or replaced. This would also be a good project to

include the Eagle Scout candidate who recently contacted the Township. In regard to labor, re-facing would take about two days and replacing would be about four days. Replacing the wood would probably include having to plant and seed areas afterward. The wood is not bad in some places but rotten in others. The wood borders may be about thirty years old. The estimate was approximately \$1,000 to purchase the wolmanized wood. Mr. Mellor received approval for replacement.

In terms of a schedule for crack sealing, Mr. Mellor is waiting to hear back on dates.

As for paving, Mr. Mellor reported that Carl DeiCas is working on multiple items and a cost estimate should be ready for the next meeting for the paving project.

Mr. Mellor has not yet been able to obtain a price for spraying underneath the bridges.

Regarding Patterson road, Mr. DeiCas had reported at a prior time that the video was in the possession of Chester Engineers. The Road Superintendent reported that the entire road is damaged at the edges due to the piping-related work and equipment used by Sunoco in the installation of the first line. The Township does have a signed heavy hauling agreement and has renewed the bond. Sunoco has communicated to the Township engineer that they will resurface the road following installation of the second line. A representative of Sunoco, Mr. Josh Ward, has verbally offered to pay any Township submitted invoice for filling potholes and interim repairs. Although the Township has received verbal assurances from Sunoco on the road resurfacing, it was discussed that a verbal commitment may be insufficient. A concern exists that the company could at a future point deny responsibility for the resurfacing of the road and the Township would have to take the matter into litigation. In light of this concern, it was discussed as being of the utmost importance that the written report and videotaping of the road be done prior to Sunoco using the road again.

Mr. Makel will email Mr. DeiCas requesting that a report containing an estimate for repair of the road and a video of Patterson Road be submitted by next Monday. Mr. Mellor is to discuss with the Treasurer what needs to be done on the road as well. Mr. Makel will inform Sunoco that the road needs to be repaired or their bonds will be revoked and a meeting with Josh Ward from Sunoco will be scheduled to ensure that the work is done on Patterson Road.

In terms of procedure, Mr. Makel suggested the Township start utilizing a camera which can be attached to a vehicle commonly used by gas companies for videotaping roads. The Township does own a camera of this sort. Also, enforcement of a procedure was emphasized regarding the process related to heavy hauling or road cut/road bore which has been discussed in the past and requires that, within five business days, a bond be in place and a video and report be in the Township's possession prior to a heavy hauling agreement being signed and any use of the road being permitted.

As for documents at Chester Engineers, KLH has not been willing to sign licensure documents which Chester Engineers is requiring before the release of documents. In addition to the concern over the video of Patterson Road, the solicitor expressed a concern regarding the PennVest funding the Township may wish to pursue for other projects since there may be needed background information in the possession of Chester Engineers as well. The solicitor

asked for authorization to pursue litigation with Chester Engineers on this matter. The Board did not authorize him to pursue litigation at this time.

Motion to adopt a policy effective immediately that the following procedure is to be used in all circumstances for heavy hauling, road bores, and road cuts: (1) the engineer is to perform the necessary study as to the condition of the road prior to use thereof, (2) to have the necessary videotaping of said road, (3) the same is to be done within five business days of direction by the Board, (4) heavy hauling agreements and the appropriate road bond are to be implemented therewith, (5) no applicant for heavy hauling / road cuts and road bores is to use any Township road until a permit is issued by the Township for the aforesaid purposes (6) upon conclusion of use of the road for the aforesaid purposes, the Township Engineer is to prepare a final report with expenses to repair any damages and the attendant videotaping of said road and to provide copies of the same to the Township within 5 business days thereof.

Motion by Heather Daerr, Second by Charles Trax

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

The Motion which initially did not include item (6) was amended by Ms. Daerr and Mr. Trax. to add Paragraph 6 prior to the roll call vote.

Motion to authorize the use Harshman CE Group, LLC, on an as needed basis.

Motion by Paul Chasko, Second by Deborah Sargent

No roll call was taken as the Motion was withdrawn by Mr. Chasko.

Mr. Makel will review the Township's engineering contracts.

Mr. Mellor inquired as to whether the Overlook Project could be completed in phases, with a beginning phase to include sewerage for homes on Overlook Street itself, which he learned from Mr. DeiCas could be done for \$50,000 to \$60,000. Mr. Makel advised the Board that, per the terms of Second Class Township Code, a choice to break up a project or projects could pose potential legal issues.

Regarding the WESA 10 day notice, Ms. Taylor reported that the billing agent will send another delinquent notice as opposed to the ten day notice if they do not have final approval from the Board before the bills are sent out.

Whether there was benefit to cutting a hillside on Pleasant View Road where there has been sliding was briefly discussed with no determination being made.

Mr. Makel cautioned, not specifically to any project, that the Township be aware that if the cart path is to be expanded, even within the Township's 33 foot right-of-way, an agreement must first be signed with the owner of the impacted property or the property must first be condemned if no agreement can be reached.

Board Approved: May 23, 2016

Motion to adjourn at 8:48 p.m.

Motion by Heather Daerr, Second by Paul Chasko

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



Debra A. Nigon, Secretary