

Union Township Board of Supervisors  
Regular Board Meeting  
November 23, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:08 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, Paul Chasko, and Ed Frye. Charles Trax did not attend. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. Mr. Carl DeiCas–Township Engineer, did not attend

Public Comment

Lisa Manion, 6 Grossetto Drive, Tuscany Estates questioned whether the developer's bond is sufficient to bring the roads in Tuscany Estates up to PennDot specifications if it is necessary to go against the bond to get the roads finished. The bond is in the sum of \$138,000 and the estimate by Mr. DeiCas was \$157,000. Mr. Makel said the Township has a current copy of the bond which is good until June 2016. Mr. Makel said he can assist in making sure that Mr. Danielson does what is needed on the roads. Ms. Manion reported that she has a sinkhole in front of her home on Grossetto Drive which she spoke with Mr. Danielson about. She wants to know how long until the road gets fixed and who pays the difference between the \$157,000 estimate and \$138,000 bond. Mr. Makel said that the developer would be responsible for the difference. Ms. Manion also reported that she has spoken to Maronda Homes which intends to build patio homes on the lots they own that they are cleaning up.

It was reported that the truck was moved today but that there is a "seeder" left on the property which still needs to be removed. Mr. Makel will work on a new developer's agreement; however, he stated that he cannot force the developer to continue to build. Mr. Makel said that, per the developer's agreement, the developer will need to put down a wearing course now if he cannot build. The Phase of the Developer's Agreement which includes the patio homes to be built on Viareggio Way has already been approved. Mr. Grieb reported that Mr. Danielson has approval for Phases 5, 6, and 7. Beyond that, he would need to come in for phase approval. Mr. Pete Guido, 125 Viareggio Way, asked for a construction schedule. Mr. Makel will request a schedule tomorrow. Ms. Manion asked for the expiration date of the current developer's agreement. Mr. Grieb explained that there is no expiration date and that when Mr. Danielson met with the Township along with his attorney, the Township was informed that he was not abandoning development and was going to continue to build.

Ms. Manion also said at the magistrate's hearing Mr. Danielson was instructed to submit a letter regarding the storage lot saying that he did not give anyone permission to use it to store the yellow truck and trailers. Mr. Makel was asked to request a copy of that letter or to request that it be written.

Ms. Manion took exception to the fact that Mr. Grieb was seen having coffee with Earl Danielson in a restaurant after the hearing which she thought was disrespectful of the Tuscany

Estates residents who are very upset over this issue. She also reported that a gentleman at 385 Patterson Road is doing target practice with a hand gun. She said that, although she did not call the police, she did walk down and verify that this is what was causing the noise. Her understanding is that this is not the first time he has done target practice at his home.

Ms. Meek inquired as to whether any sewers were installed and who would inspect them. She was informed that PCSA would inspect any sewage construction.

Ms. Stover inquired whether there is some time period by which the developer must be completed with the development. Per Mr. Grieb, as long as he has an open development, then it is private property. As long as he keeps the paperwork and the bond current and does what is required in the development agreement, the development continues to be private and the Township has no authority to intervene. It was also discussed that it is standard practice not to put the top coat on roads until after you're done running heavy equipment which would tear up the wearing course. Mr. Parish added that, if the roads do not meet specifications from the PennDot inspector and Liquid Fuels, they won't be accepted into the Township Road System. Mr. Grieb said that, if there is an issue with the roads at that time, that is when the Home Owner's Association will need to get an attorney to enforce proper completion of the roads. When he last spoke to Mr. Danielson, Mr. Danielson communicated that the infrastructure would need to be done before he could do anything about the roads. So far, there have been no permits filed at the Township and, as far as he knows, there have been no permits applied for with PCSA.

Municipal Consulting Services also said that the remaining lots on Cinque Terra could be completed. Mr. Grieb does not think that the portion of Phase 7 on Grossetto Drive that encompassed 40 homes has been approved through the Planning Commission yet. The last construction that was discussed was six lots only which have already been scrubbed.

Mr. Mellor asked whether the Home Owners Association could take on the expense of putting up a streetlight where the kids stand at the bus stop in the dark. Mr. Makel asked them to call in the morning to discuss the light.

Mr. Guido asked for use of the meeting room at 7:00 p.m. Wednesday on December 2<sup>nd</sup> for a meeting of the Home Owner's Association.

**Motion** to allow the use of the Board meeting room by the Tuscan Estates Home Owner's Association on December 2, Wednesday, at 7:00 p.m.

Motion by Steve Parish Second by Ed Frye

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

Mr. Guido asked if a full time Code Enforcement Officer could be employed to keep on top of the developer. The Board felt that there was no need for changes at this time.

Municipal Consulting Services had nothing else to report. Their written report has been submitted to the Board. Mr. DeiCas did not attend the meeting, but provided a written report.

In terms of the Overlook area sewage situation, Mr. Makel said that he sent a letter to Mr. Cooper requesting a copy of the intermunicipal agreement and modifications and he is still waiting on that.

In regard to 19 Patterson Road, Mr. Makel said that he had drafted a copy of a right-of-way agreement but needs a drawing to show what is in the right-of-way. Mr. Ivery said he spoke with Mr. Paternoster to let him know that he will need an engineering survey or drawing to indicate meets and bounds to accompany the agreement that Mr. Makel will draft. The concern is that, down the road, equipment may run on the right-of-way which could cause the holding tank to collapse or some similar incident to occur.

In regard to the release of the road bonds on Trax Road and Sugarcamp Road, Mr. Mellor said that he sees no damage to the roads. It was determined that Mr. DeiCas, as Township engineer, will need to view the road and give his direction in order for the Township to release the bond.

In terms of WESA sewage expansion, Mr. Makel said that WESA will need Union Township to be part of an intermunicipal agreement. Ms. Taylor said that she requested at three different times that the plans for the sewage expansion be sent to Mr. DeiCas and Mr. DeiCas has said he has not received these plans. Ed Frye agreed to follow-up on this.

Regarding the records at Chester Engineers, Mr. Makel said that the attorney for Chester Engineers has said that they do not have the boxes or previous files for the Elrama area sewage expansion and has no knowledge of this project. Mr. Makel's concern is that the Township will need those files to close out our loan for PennVest. In the most recent response from Attorney Nernberg, representing Chester Engineers, the blame is shifted to Mr. DeiCas for not keeping his documents properly. Mr. Makel asked Ms. Taylor to speak with Mr. DeiCas and have him provide a response to Mr. Nernberg's comments.

Mr. Makel also reported that a Union Township resident has repeated his request to Mr. Makel to not have garbage collection. Steve Parish and Larry Spahr both responded that no one has ever been given a waiver before. The Ordinance requires all occupied residences to have garbage collection.

Mr. Makel also reported on a conversation with Mr. Logan of the Aviation Bureau. He asked Ms. Taylor to forward his email to Carl DeiCas, Township engineer. What was communicated to Mr. Makel was that Finleyville Airport is somewhat different than other airport properties because, it involves a private airport as serving a public purpose. Per the Aviation Bureau, the approach to the runway appears to be good and there are discussions between the new property owner and airport towards getting the tree issues on the property formerly owned by Mary Parish resolved. The trees in the transition zone might be able to remain if the Township were to file for a waiver using FAA Form 7460. Mr. Makel needs an estimate from the engineer on what it would take to fill out that form. If the FAA were to waive the trees, then the Aviation Bureau may follow. Ms. Taylor was requested to have Mr. DeiCas evaluate the form for the next meeting.

Regarding Sidelines Tree Service, the solicitor's advice was not to pay anything at all until there is a signed agreement. The Township offered to pay them the remaining contract price except for \$2000 conditioned on their signing a document accepting that amount as payment in full. Also, he would like a list of all the outstanding issues so that they can be checked off as they are resolved.

In terms of the Jordan Tax Service agreement, the Township needs the solicitor to verify the options for collecting what is still delinquent once the Township terminates the agreement. Per paragraph 10 a or b on page three of the contract, It is current understanding of the Supervisors that the contract gives the Township two options, (1) either to have Jordan Tax Service continue to collect fees in accordance with the agreement or (2) for the Township to pay Jordan Tax Service in full and take over collections. Mr. Frye inquired as to whether we could ask for the information on what the outstanding costs will be now. Mr. Makel agreed to write a letter tomorrow or Wednesday for an exact figure (per paragraph a) in terms of the outstanding costs at termination.

Mr. Makel received a call from a resident in Elrama, who informed him that Jordan Tax Service wants to levy almost \$300 in late fees and other fees associated with late payment. The purpose of her call to him at home was to ask whether the Township would pay those fees. Mr. Spahr responded that the Township cannot pay the penalties of an individual out of Township funds as the fees charged for her delinquent payments are her obligation. Mr. Spahr said that he has heard from others who want to sell their property but cannot because the property has been liened. Mr. Makel has also received calls on this matter.

Mr. Makel asked about the licensing agreement which was to be submitted by Mr. DeiCas / KLH Engineering to Chester Engineering. Mr. Spahr commented that it may not be possible for the engineer to keep up with the work schedule. There are many items requiring documentation which end up with delays. Mr. Chasko inquired as to whether the Township should require a deadline for work projects and if the work is not done by that deadline to pursue having it done by the Township's conflict engineer. An Executive Session was scheduled with Mr. DeiCas on December 14, 2015 at 6:30 p.m. with Mr. DeiCas in regard to engineering issues and meeting the obligations of the Board. Mr. Makel will contact him about the meeting.

**Motion** to approve the Minutes of October 26, 2015, Hearing, Big Box Amendment, 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-absent, Chasko-yes, Frye-yes. Motion carried.

**Motion** to approve the Minutes of the October 26, 2015, Regular Board Meeting as presented by the Secretary, subject to being true and correct, with the inclusion of the total amount paid to Arbor Tree Service.

Motion by Steve Parish, Second by Ed Frye

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

**Motion** to approve the Minutes of the November 9, 2015, Budget 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-absent, Chasko-yes, Frye-yes. Motion carried.

**Motion** to approve the Minutes of the November 9, 2015, Regular Board Meeting as presented by the Secretary, subject to being true and correct, with correction to the Motion for advertisement of the 2016 proposed budget on page 3.

Motion by Steve Parish, Second by Ed Frye

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

**Motion** to approve Payroll #23 dated November 6, 2015, in the sum of \$11,222.22 as presented 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-absent, Chasko-yes, Frye-yes. Motion carried.

**Motion** to approve Payroll #24 dated November 20, 2015, in the sum of \$9,830.84 as presented 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-absent, Chasko-yes, Frye-yes. Motion carried.

**Motion** to approve general fund bills in the sum of \$48,167.24, as of November 23, 2015, as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Ed Frye

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

Mr. Chasko spoke to the fire department at an event. He informed the Board of their gratitude for the increase in the Township's donation.

Marking the lines at Brownsville Park in order to determine the feasibility of widening the entrance still needs to be done, Mr. Mellor will put in a PA One Call to have them marked.

Mr. Frye said that WESA had a meeting which would have allowed them to discuss the issues in our letter and the 1.5% servicing commission; however, we have not yet received a response to our letter.

Ms. Taylor reported that a particular Elrama sewerage customer wants to close an apartment over a garage. The resident removed the meter and capped the sewer line; however, they do not want remove the kitchen and bath facilities as required by the current rules. Ms. Taylor said that if the meter is reinstalled, it could be caught later under PA American Water billing but she does not look at this as closely since she is no longer doing the billing. A new water meter would have to be reconnected to allow service to the home. Mr. Frye, a plumber, said that, in some other municipalities, removing the meter and capping the line was sufficient. If the Supervisors were to agree that this is sufficient, a change would be needed to the Elrama Sewerage Rules and Regulations which will need modified when the billing is taken over by WESA. Once the rules are modified, the changes will need to be adopted by the Board. Ms. Taylor was given direction to make the change.

Release of the EQT Road Bond was held in abeyance.

In regard to liability insurance, B&W quoted \$19,386 which is not much higher than last year. The Terrorism coverage is \$298 additional. Ms. Taylor also informed the Board that the Township has copies of the police liability insurance. However, since the Homeowner's Association of Tuscany Estates is meeting in the building, they should supply us with a copy as well. Also, Jefferson Hills Ambulance should also provide us with a copy of their liability insurance which is not on file. An amendment to the quote may be necessary for coverage of the buildings at the Nike Site for buildings although the equipment stored there is covered. Since the insurance is so close to expiring, B&W will do the amendment later.

**Motion** to approve an agreement with B&W for liability insurance for 2016 in the sum of \$19,386.00.

Motion by Steve Parish, Second by Ed Frye

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

**Motion** to approve an agreement with B&W for cyber and data breach insurance for 2016 in the sum of \$1,620.00.

Motion by Steve Parish, Second by Ed Frye

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

In regard to the garage door damage, both quotes for the three panels and for a replacement door will be submitted to SWRPD for the replacement by insurance.

**Motion** to enter into an agreement as proposed by First Energy to have the Township's streetlights converted to LED.

Motion by Steve Parish, Second by Ed Frye

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

In regard to Local Share Grant Applications the Township will be giving the presentations on the December 8, 2015.

Health Care Quotes for the non-bargaining employees will be discussed in Executive Session.

Use of the Nike Site by the Fire Department for practice was discussed. Paul Chasko will request more information.

Steve Parish made comments about a new Ford F-550. There are no gasoline models available, so the Township would have to look at Ford F-550's with a diesel engine. Deisel models run around \$45,600. Push-n-Pull who customized our other trucks estimated that the stainless bed and other equipment as what was put on the last two trucks would be around \$30,000. The truck being replaced has 90,000 miles and is rusting through in several areas. Steve Parish asked permission to have Tom Mellor go with him to the dealer to look at the truck. They will provide more information at the next meeting.

The Redevelopment Authority contacted Ed Frye to schedule a meeting to discuss the former CARS site in Elrama and have suggested December 2 before 11:00 a.m. and anytime on December 10. The Board members will contact Ms. Taylor with their availability to attend. The Redevelopment Authority will review with them the Phase 1 Assessment and discuss Phase 2. Funds may be available to go towards Phase 2. Mr. Makel advised the Board not to take ownership of the property until the Stage 2 Assessment is completed by the Redevelopment Authority. Mr. Frye reported that the Redevelopment Authority did say that they did an unusually thorough Stage 1 Assessment.

The playground equipment donated from Ringgold School District were discussed. The equipment is plastic and stored outside. Mr. Mellor said some pieces may be damaged due to the disassembly of the pieces. Elrama Fire Department was interested in obtaining some of the equipment. However, Mr. Frye, although he has tried to schedule a meeting, has not been able to arrange a meeting with anyone there to determine whether they are still interested.

**Motion** to go to Executive Session at 9:13 p.m.

Motion by Paul Chasko, Second by Steve Parish

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

The Board exited Executive Session at 9:29 p.m. The solicitor said they discussed items involving personnel and negotiations.

*Board Approved: January 28, 2015*

**Motion** to adjourn at 9:30 p.m.

Motion by Steve Parish, Second by Ed Frye

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

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Debra A. Nigon, Secretary