

Board Approved: July 27, 2015 with revision as noted.

Union Township Board of Supervisors  
Regular Board Meeting  
June 22, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:10 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

The Board had a short Executive Session prior to the start of the meeting.

Board Members in Attendance by roll call were Stephen Parish, Larry Spahr, Charles Trax, Paul Chasko, and Ed Frye.

Harlan Shober from Chartiers Township, Washington County Commissioner, attended the meeting and was introduced following roll call as a resource for county issues.

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

Public Comment

Theodore Chicora, 3672 Finleyville-Elrama Road, commented about the dangers of traffic on Finleyville-Elrama Road. He lives across from Gastonville Elementary School. He said the road is supposed to be 25 mph but vehicles are travelling 50-60 mph including tri-axle trucks and heavy equipment. His wife is 73 and has dementia and it is hazardous for her to go out to the mailbox due to the fast speed of travel. He's in a school zone and his neighbor even has a hard time taking their little girl across the street. Also, he said that he had trouble trying to get out of his driveway. He wants extra speed limit signs erected. Also, he would like additional officers hired to enforce the speed limit. Also, he said that trucks are also using jake brakes to stop at the stop sign disturbing those living there. In addition, there was a shooting last year from an ATV and the gentleman said that ATVs are driving around on the road and he wanted an update about what was being done.

The Chairman, Larry Spahr, responded in regard to the traffic. Mr. Spahr informed Mr. Chicora that extra police details were contracted last year in a concerted effort to catch speeders. He said that Chief Hartman of SWRPD informed him that, in his experience, if a study were to be done, it would be found that most violators of the speed limit are local residents from nearby neighborhoods who appear to be ignoring the posted speed limit. Mr. Parish added that the existing signs are posted per code. Since Union Township has a local police department, the state will rely on the Township to enforce the speed limit on this state road. Mr. Spahr suggested speaking to Chief Hartman again on controlling the speed through additional traffic details. Mr. Spahr's opinion was that police staffing was sufficient and that a benefit of contracting with SWRPD was that officers can be pulled from other municipalities to assist with speeding details, but that the Board would have to agree on the funding of the extra work. Mr. Parish suggested putting speed machines which display the speed of passing vehicles in either direction on the road to make people more conscious of how fast they are travelling.



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Denny Magulick, 3670 Finleyville-Elrama Road, discussed the shooting at his home from an ATV and had concerns about witnesses not being interviewed. Mr. Makel directed him to speak to a SWRPD officer in private since this is an ongoing investigation.

Joellen Meek, 124 Viareggio Way, Tuscany Estates, asked how the Code Enforcement and Zoning Officers are selected and the length of their term. She was informed that they are appointed by the Board and serve at the will of the Board. Ms. Meek also asked for an update from the last meeting with the developer. She also said that a truck is still on the property but has been moved behind the townhouses. Mr. Grieb informed the residents that the developer was cited and a hearing is scheduled before the magistrate on July 15 before District Justice Ellis. Although Tuscany Estates is not named as a witness and cannot testify, the solicitor informed Ms. Meek that the hearing at the magistrate's office is a public hearing and is open to the public. Mr. Makel informed her that the remaining obstacle is to establish a construction timeline which has been requested so that litigation can be resolved and the developer can move forward. When the timeline is received, then the lawsuit will be withdrawn.

In response to a question by Keith Schanck, 160 Cinque Terre, about the bond, Mr. Makel informed him that the bond has been extended until June 28, 2016. If the work that is necessary is not completed by then, then the Township can execute against the bond.

Mr. Grieb said that the developer wants to start construction on Viareggio Way again in regard to making the lots buildable. The tanks will be addressed in the hearing with the magistrate. Earl Danielson has informed them that the tanks belong to a contractor he hired to perform work at the development.

In regard to questions about the top-coating of roads in the development, Mr. Makel and Mr. Ivery said that if the construction continues then the top coating will not be done until the development is completed. However, an estimated timeline for construction must be submitted to Mr. Makel which he has not yet received. The price to keep a bond in place increases and the bond is more expensive without an estimated timeline. After July 15, more information should be available.

Mr. Grieb stressed that the code enforcement issues are being handled separately, at the magistrate level, in regard to the trash left at site, etc. Mr. Makel said that the developer can request an extension at the magistrate level, which may be granted by Judge Ellis. The bond is a separate issue. Mr. Ivery said that in order to make the lots buildable on Viareggio the developer will have to apply for sewer permits, and this work must be completed within 90 days. Mr. Grieb added, that though he may have the permits, he will also need engineered drawings approved through Peters Creek Sanitary Authority which may be the longer step.

Mr. Shanck said that he has already acquired sewer permits. Mr. Spahr recalled that the developer had about 20 additional taps which he purchased at some point.

Pete Guido, 125 Viareggio Way, Tuscany Estates, wanted to know if the meeting which was held with Quaker Engineering, the solicitor and Municipal Consulting Services was a matter of public record. Mr. Makel said that no minutes were taken; however, the requested timeline

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would be a public record and Mr. Guido could request a copy from Mr. Makel's staff when it is received. There have been no permits applied for at the Township. In order to complete the development, the first thing the developer would need to do is have a plan before the Board of Supervisors or Planning Commission for approval. He would also need an E&S plan, storm water plan, NPDES permits etc, and the Township has not seen evidence of these. Mr. Grieb and Mr. Ivery added that Viarreggio was part of Phase 2 or 3 and was subdivided. Those lots were not developed because the infrastructure was not installed underground. When he does complete that infrastructure, they will be buildable lots. Also Phase 7 was approved but was only partially built. He would have to go back before the Board and Planning Commission for Phase 8.

Carl Manford, 12 Meadowview Place, had a question about pot holes on his road. He was informed that the road crew has been working on McClelland Road at the boundary of Peters Township because the state has designated that as a bypass road when the state begins construction to replace the Venetia Road bridge. He was advised to call the road crew / superintendent and ask them to take a look at the pot holes. The road crew hours are from 7:00 a.m. to 3:00 p.m. and he could call as early as 7:00 a.m in the morning by dialing the main number and selecting extension 3 which will ring the phone in the road department office.

Adam Vaccari, 4489 Finleyville-Elrama Road, requested an update on the house at 4490 Finleyville-Elrama Road. The residents had questions about whether the owner should be living in the home, when high grass on the property would be cut down, whether framing and plumbing inspections had been done, whether a woodburner could be used to heat a home, and what items can be burned in a burn barrel. They also mentioned that they have mud clods in their driveway from trucks coming and going and spinning in the owner's driveway.

Mr. Ivery said that the owner is going to start insulating and putting up dry wall. He cannot live in the home until an occupancy permit is issued. In regard to the high grass, the owner has ten days as of today to cut the grass within 50 feet of the property line. Mr. Ivery said that he had performed the inspections. In regard to burning, Mr. Ivery said that nothing can be burned that is noxious or causes black smoke. Mr. Grieb informed the resident that it is permissible to heat your home with a wood burner and, if that is the owner's selected heating source, they will make sure it is installed to code. Mr. Vaccari was advised to call the police if he sees black smoke. Mr. Vaccari seemed to believe that the owner had been living there for the past couple days. He was requested to call Mr. Ivery when they have a concerns or issue with the home.

Linda Cole, 127 Viareggio Way, commented about traffic issues at the one-lane Venetia Road bridge and the removal of signs. Ms. Cole said that she travels over the one-lane Venetia Bridge every day and that there used to be signs that said three vehicles should go across at a time which made traffic move faster. The signs disappeared and now traffic is slower and inefficiently moving through that area. She would like to have the signs put back in place. Mr. Parish said that the signs were not legal and that is why they were removed. Mr. Parish further informed her that at one point it was suggested that a red light be put at the bridge and that this request was denied. Mr. Spahr said that the reason for the denial was that they didn't want to interrupt traffic during non-peak hours. However, in June of next year, construction will begin. Much of the construction will be pre-fabricated to limit the amount of time travelers will be impacted.

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**Motion** to approve the Minutes of the May 26, 2015 Regular Board Meeting, as presented by the Secretary, subject to being true and correct with revision as noted.

Motion by Ed Frye, Second by Steve Parish

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

**Motion** to approve the Minutes of the June 8, 2015, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Steve Parish, Second by Ed Frye

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

**Motion** to approve Payroll #12 dated June 5, 2015, in the sum of \$13,455.05 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-yes, Chasko-yes, Frye-yes. Motion carried.

**Motion** to approve Payroll #13 dated June 19, 2015, in the sum of \$10,842.58 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-yes, Chasko-yes, Frye-yes. Motion carried.

#### Departmental Reports

The Zoning officer and Solicitor had nothing other than what was on the Agenda. Municipal Consulting Services provided their weekly written report to the Board.

Mr. DeiCas said that his written report had been provided. However, he did share a concern about a request from Union Gardens for a letter of stormwater consistency which is needed for their NPDES permit. An NPDES permit from the DEP is separate from the permits required by the Township. He asked that the owner be notified that an NPDES renewal does not give them permission to start grading. He believes their grading permit expired a year ago. Mr. Ivery said that their permit which expired in 2014 was renewed for one year which would have made it recently expired. There have been issues with their understanding of the automatic renewal of permits that was authorized following the downturn in the economy. However, Mr. Ivery believes another grading permit is needed.

No one was present from the Recreation Board to provide a report.

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**Motion** to approve general fund bills in the sum of \$42,889.52, as of June 22, 2015, as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Steve Parish

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

Mr. Chasko reviewed the Finleyville Airport Tree Hazard Removal Project. The latest inspection showed that 13-15 trees must be removed from the site. Mr. Chasko showed the Board a picture of the back yard of Mrs. Taylor and Mrs. Coslow which has 65-70 stumps which need to be removed. He explained that there is new growth popping up from the roots. The owners expect to mow in the area. In order to make that possible, the stumps would need to be ground out and the area brush hogged and re-seeded.

Mr. Chasko obtained quotes for stump removal since the last meeting which did not address the brush hogging and the issue of the aviation bureau inspection report and the newly identified trees. First, he needs to determine on whose property the new trees are located. He noted that there had been a lot of down timber in the yard of Ms. Fincham; however a friend of hers decided they wanted the timber and will be cutting and removing those trees so removal of the trees is no longer required, just the stump grinding.

In regard to Sidelines Tree Service, Mr. Chasko said that, since there were issues with completing the work, the Board may not want to do a change order to the Sidelines Tree Service contract. Also, the Township has not yet paid the other half of the contract amount for the job because the Township was holding the check until the items remaining had been done. Mr. Chasko suggested that he and Mr. Makel sit down and determine what they should pay them if the contractor chooses not to finish. He also made the observation that, although the contractor could have cut many of the trees closer to the ground, they could never have been cut low enough for the owners to mow over them without the stump grinding. A gentleman from the airport said that Ms. Fincham was asking about the repair of her fence. Mr. Chasko reported that more pieces of fence are broken now than there were initially, although some of the new broken pieces may be due to deer. Mr. Chasko is to call Mr. Makel in the next few days if the contractor does not show to complete the work.

Mr. Chasko asked the Board how they felt about funding a total reclamation even though all that was agreed to was the stump grinding. He noted that the stumps are so close together that the stump grinding would disturb the entire area. His estimate for the total price of reclamation would be around \$8000 which does not include the removal of the new trees which were identified. Mr. Spahr said that he would like to see a complete and comprehensive number to finally get the entire job done since the airport tree obstruction issue has been going on since the 1980's.

Mr. Grieb said that citing Mr. Brizzi for his trees was not necessary. He and Mr. Chasko went up a few weeks ago and marked those trees. Mr. Brizzi will remove them himself. Gary Gries believed that they have already been cut. Mr. Grieb will verify this.

The Board discussed the issue of the expense, the liability, and the requirements of the airport zoning ordinance. Mr. Makel said that, according to airport zoning ordinance, it is the Township's responsibility to make sure there are no obstructions in the bowl. Mr. Trax asked



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if the airport could be taxed to cover the expense which Mr. Makel said could not be done per the Local Tax Enabling Act. He suggested that, from this point on into the future, residents should be cited who are not in compliance. Mr. Grieb will need to send a letter when the tree removal is complete saying that the residents are responsible for cutting their own trees down from this point forward.

The Aviation Bureau Report was held in abeyance to allow for review.

Mr. Guido, 125 Viareggio Way, inquired as to whether the residents would be required to remove more trees if the airport expands. Mr. Makel said that the airport cannot lengthen their runway without approval from the Township. Gary Gries of Finleyville Airport who was in attendance at the meeting, said that once the trees are removed and the airport is inspected, the threshold and landing lights can be moved out to where they were prior to them being requested to move it back and bring it in. This threshold move does not make the runway longer.

In regard to Tomko Construction, Mr. Makel said that he has not received anything from Ms. Regenstein at the DEP in regard to an agreement. Even though the meeting scheduled for Thursday at 7:30 p.m., he said it may not take place if Ms. Regenstein advises the Township to cancel it.

Mr. DeiCas and Mr. Mellor will continue to monitor the road slides.

The WESA Proposal to replace Jordan Tax Service for Elrama Sewerage System collection was discussed. The Treasurer said that there are still some open questions with the WESA proposal but that it would be more expensive for the Township but would not hit the individual residents as hard. Mr. Parish asked for a comparison summary sheet between Jordan Tax Service and the WESA proposal. A price was also requested to do the collection ourselves which would involve initial cost for software, etc, followed by the on-going cost of a part-time employee to do the billing as well as other ongoing expenses. WESA already has the necessary software billing system.

The EQT Land Lease for the Marcus/Powell site was held in abeyance.

Mr. Parish commented about a malfunctioning traffic light at Giant Eagle which he was contacted about. He said that ~~Penn-Dot sent someone from traffic control~~ Traffic Control sent someone out who discovered that the problem was in the unit itself. The Township pays the cost for the light.

Mr. Chasko's letter requesting to be appointed to the Planning Commission was discussed. Mr. Parish asked whether 2<sup>nd</sup> Class Township Code allows for a Supervisor to be on the Planning Commission and inquired as to whether, when it comes to voting on something he heard as a planning commission member, there were any concerns of bias or conflict of interest. Mr. Makel informed him that there were no issues.

**Motion** to appoint Paul Chasko as alternate to the Planning Commission.  
Motion by Steve Parish, Second by Ed Frye

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

The request of Mr. Martik to purchase a section of Brownsville Park was discussed. Mr. Ivery reported that Mr. Martik was willing to swap some land if he had any which was suitable and could meet the requirements for equal recreational value.

Mr. Frye said that he spoke to the County Redevelopment Authority in regard to the old chrome plating factory property owned by Ms. Hohman. They are willing to give the Township an assessment in regard to how the property could be used although he does not know if they could fund any expense of reclaiming or cleaning that area for a park. Mr. Frye was asked to proceed with the Redevelopment Authority.

**Motion** to restrict parking to one side of Aragon Place during the Fireman's Carnival.

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 authorize clean up by Cub Scouts of Brownsville Park on July 12, 2015, as long as a certificate of liability insurance naming the Township as an additional insured is provided.

Motion by Steve Parish, Second by Paul Chasko

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

Ringgold School District will be removing its playground equipment as part of the construction / renovation project that is underway and has offered the playground equipment to the Township. Mr. Mellor viewed the equipment and believed it to be in good shape. The equipment will need to be disassembled, stored, and reassembled. Mr. DeiCas said the equipment could be tarped at the Nike Site. Ms. Taylor was asked to talk to the crew about arranging transport of the equipment.

There was a question and answer session with County Commissioner Harlan Shober in regard to legislation which may affect the Township such as the severance tax proposed by Governor Tom Wolf which could affect the Impact Fee the Township receives which is currently funding police coverage. Commissioner Shober offered to come for a question answer session on any county-related issues.

**Motion** to go to Executive Session to discuss litigation at 9:45 p.m.

Motion by Ed Frye, Second by Paul Chasko

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

The Board returned from Executive Session at 10:05 p.m.

The solicitor said that they discussed matters involving potential litigation involving Jordan Tax Service.

It was announced that the audit will be reviewed at the next meeting.

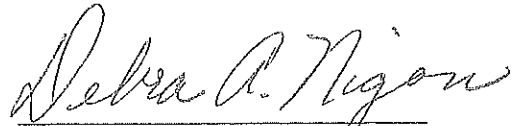


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**Motion** to adjourn at 10:05 p.m.

Motion by Paul Chasko, Second by Ed Frye

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

  
Debra A. Nigon, Secretary

