

Union Township Board of Supervisors  
Regular Monthly Meeting  
February 9, 2009

The Board of Supervisors Meeting was called to order by Chairman Steve Parish at 7:03 pm. The meeting was held at the Union Township Municipal Building, 3904 Finley-Elrama Road, Finleyville, PA. The pledge of allegiance was recited. Board Members in Attendance by roll call were Steve Parish, George Cheplic, Scott Tkach, Larry Spahr and Linda Evans. Also in attendance: Harold Ivery-Zoning/Code Enforcement Officer, Dennis Makel-Solicitor, Scott Grooms representing Carl Dei Cas-Engineer, Joe Ferrero-Elrama Sewage Project Engineer, Judith Taylor-Secretary/Treasurer.

Public Comment

Betty Cole commended the road crew for excellent maintenance of the roads during the icy weather this winter.

**Motion** to approve the minutes of January 12, 2009 regular Board meeting, subject to being true and correct

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve the minutes of January 22, 2009 public hearing for NHS Human Services Inc, subject to being true and correct

Motion by Scott Tkach, Second by Linda Evans

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The engineer submitted a copy of the zoning map with the included change of zoning for Trax Farms, and a copy of the map of the streets and houses in the CDBG Street and Drainage Improvements Project in the Village of Elrama.

**Motion** to approve payroll #2 dated January 23, 2009 in the amount of \$11,789.06, subject to being true and correct

Motion by Larry Spahr, Second by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve payroll #3 in the amount of \$10,688.71, subject to being true and correct

Motion by Linda Evans, Second by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve payment of the general fund invoices in the amount of \$33,047.43 as presented by the Secretary/Treasurer, subject to being true and correct

Motion by Larry Spahr, Seconded by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried. Mr. Parish abstained from voting on those items pertaining to the Finleyville airport.

**Motion** to approve Resolution 2009-3 approving the Norfolk Southern License Agreement

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve payment of Guyer Brothers, Inc Partial Payment request #2 for the Elrama Sewage Project in the amount of \$338,496.64

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve KAG Engineering Inc Invoice #10 for the Elrama Sewage Project in the amount of \$35,885.50

Motion by George Cheplic, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve the resident's mailing package for the Elrama Sewage Project subject to review and approval of the solicitor

Motion by Larry Spahr, Second by Linda Evans

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Mr. Parish reported that he had attended the Board meeting of Jefferson Hills Ambulance Co. There were 547 calls answered in Union Township in 2007 and 561 calls in 2008.

The Board held in abeyance the sewage line tap-in agreement with Jefferson Hills for the next meeting.

**Motion** to approve Resolution 2009-2 approving the appointment of the Secretary/Treasurer as the Right-to-Know Officer

Motion by Larry Spahr, Second by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

On the Adventure/Dosse issue, Mr. Makel reported that the Kreiger Farm on Route 88 was rezoned from RD to C2 Commercial in 1997. An ordinance amending the zoning ordinance was adopted according to proper MPC procedures. Subsequently, in February, 2000 by request of Mr. Dosse, purchaser of the Krieger Farm, the Board approved a rezoning request and the solicitor was authorized to prepare an ordinance to rezone the Krieger/Dosse property to a portion C2 and a portion R3. Possibly, the development did not proceed at the time due to traffic upgrades required by Penndot. Mr. Makel could not find an adopted ordinance in the Township files, at the Law Library or the Washington County Planning Commission. However, the Township zoning map was incorrectly changed to reflect the C2, R3 zoning. Therefore, the current zoning of the Adventure/Dosse property is C2 Commercial. The zoning map will need to be corrected.

**Motion** to authorize the solicitor to send Mr. Grant Scott, attorney for AdVenture, a letter explaining the sequence of events and verifying that the property is zoned C2 Commercial, and to authorize the correction to the zoning map

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to advertise a public hearing on the Conditional Use request of NHS Human Services on Monday, February 23, 2009 at 7:00 pm with the Board to address general township business after the hearing.

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to authorize the solicitor to send a letter to the Washington County Board of Commissioners requesting for Union Township's share of the tipping fee fund

Motion by Larry Spahr, Second by Linda Evans

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

In the matter of Hobbit Lane and Aragon Place being added to Liquid Fuels reimbursement, the files and plans concerning the cul-de-sac will be reviewed further.

Jonathan Madaras, Lieutenant/Information Specialist, Elrama Fire Company, made a presentation to the Board on the 2008 activity report of the Fire Company.

The Board discussed a letter received from the attorney for Mr. and Mrs. Ronald Monich stating that they are unable to obtain a performance bond as required by the township for the demolition of the old house on their property subsequent to construction of their new house. They have obtained a quote for the demolition of \$5300 and are requesting to put this amount in a trust account with their attorney.

**Motion** to authorize the solicitor to send a letter to their attorney stating the Township will agree to hold the amount of \$5300 in escrow, a copy of the demolition proposal to be provided, with the understanding that a lien will be placed on the new house if the cost of demolition exceeds the escrow amount

Motion by Larry Spahr, Second by Scott Tkach

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to adopt Ordinance 2009-1 regarding on-lot sewage maintenance

Motion by Larry Spahr, Second by Linda Evans

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to authorize the solicitor to have Jefferson Hills Realty prepare an appraisal of the Jan Ondra property and any other condemnations as required for the Elrama Sewage Project

Motion by Scott Tkach, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The Board held in abeyance pending further information the request for funding from Washington County Planning Commission for a hazardous waste collection.

Finleyville Airport appeared before the Board regarding the position of a gas well on the property of Mary Parish. In relation to the site of the gas well on Mrs. Parish's property, the Township must wait for the decision by the PA Supreme Court regarding the precedence of the Oil and Gas Act over local zoning ordinances. Mr. Makel stated that he had spoken to Mr. Jerry Gromlowicz, PA Aviation Specialist Supervisor, who stated that according to his research Mrs. Parish had filed the proper form, AV57, before drilling a gas well on her property next to

the airport. Mr. Gromlowicz also stated that he did not find a record that Finleyville Airport had filed an AV57 form before drilling the gas well on their own property. Mr. Cook, the airport's attorney, was unaware of the matter and will investigate further.

**Motion** to have the essence of Mr. Makel's conversation with Mr. Gromlowicz as reported entered into the minutes  
Motion by Scott Tkach, Second by Larry Spahr  
Roll Call Vote: Parish-abstain, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to approve use of the soccer fields at Brownsville Road Park by the Finleyville Soccer Association for the spring season running from March 1 to May 31, 2009  
Motion by Larry Spahr, Second by Scott Tkach  
Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to enter into the salt contract under COSTARS for 1500 tons of salt for the 2009-2010 winter season  
Motion by Scott Tkach, Second by Larry Spahr  
Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to authorize the supervisors and the Secretary/Treasurer to attend the Earned Income Tax Seminar on February 25, 2009 at Washington High School  
Motion by Scott Tkach, Second by Larry Spahr  
Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to authorize the Chairman and any other supervisors who are available to attend the PennDOT outreach meeting scheduled for February 26, 2009 at the Washington County Fairgrounds  
Motion by Scott Tkach, Second by Larry Spahr  
Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

**Motion** to authorize Mr. Parish, Mr. Tkach, the solicitor, engineer, and zoning officer to attend an informational meeting at Ringgold School District Administration Building to discuss the proposed purchase of land in Tuscany Estates by the school district  
Motion by Larry Spahr, Second by Linda Evans  
Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The Board agreed that the engineers should attend the meetings between Jefferson Hills Borough and WESA concerning the Act 537 Plan and proposed expansion of the WESA treatment plant.

#### PUBLIC COMMENT

Andy Tullai, 26 Cardox Road, inquired if the Finleyville Soccer Association would be responsible for cleaning the facilities after each use as required last season. The Board agreed that requirement was included with their permission for use of the fields and facilities.

Mr. Tullai also asked if the Kriegar Farm zoning situation had an effect on the Board's decision to rezone the Trax Farm. Mr. Makel requested the Board not comment on the issue at this time in light of potential litigation.

**Motion** to go into executive session for personnel reasons and possible litigation at 9:30 p.m.

Motion by Linda Evans, Second by Larry Spahr

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The Board returned from executive session at 9:55 p.m. Mr. Makel stated that the discussion concerned police officers pensions and AdVenture litigation.

**Motion** to adjourn the meeting at 9:56 p.m.

Motion by Scott Tkach, Second by George Cheplic

Roll Call Vote: Parish-yes, Cheplic-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

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Judith L. Taylor, Secretary