

Union Township Board of Supervisors
Regular Monthly Meeting
July 13, 2009

The Board of Supervisors Meeting was called to order by Chairman Steve Parish at 7:00 p.m. 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, Scott Tkach, Larry Spahr and Linda Evans. Also in attendance: Harold Ivery-Building Code Official, Donald Bucich-Zoning/Code Enforcement Officer, Dennis Makel-Solicitor, Joe Ferrero-Elrama Sewage Project Engineer, Judith Taylor-Secretary/Treasurer.

Mr. Parish opened a public hearing at 7:05 p.m. on a request for inter-municipal transfer of a liquor license into Union Township. A court reporter from Seiler Court Reporting was present and a full transcript will be provided.

Debra L. Kendra, owner of Kendra's Country Patio LLC, doing business as Kendra's Café, 2130 Route 88, Finleyville, PA stated that she was requesting transfer of a restaurant liquor license from Phatdawgs, Inc, 1025 Meldon Avenue, Donora PA in Carroll Township, a closed business. She stated her intent is to serve customers drinks with meals in a restaurant setting, and if approved, the license will be issued under those conditions. She also stated that she understood the requirements to comply with all liquor control laws.

Motion to close testimony

Motion by Scott Tkach, Second by Larry Spahr

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

Motion to approve Resolution #2009-5 transferring Liquor License No. R-12668 from Phatdawgs, Inc. to Kendra's Country Patio LLC

Motion by Scott Tkach, Second by Larry Spahr

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

The hearing was concluded at 7:15 p.m. and the Board returned to the regular agenda.

Public Comment

Mr. Paul Owens inquired about recycling hazardous household waste. The Board advised him that Washington County has a collection event once a year.

Mr. David Hvizdos, attorney for John Marflak, 6181 Brownsville Road Extension, attempted to address the Board regarding Mr. Marflak's request for a zoning appeal and hearing which was not on the agenda. He was advised to wait until the second public comment period at the conclusion of the prepared agenda.

Motion to approve the minutes of the June 8, 2009 regular Board meeting, subject to being true and correct

Motion by Scott Tkach, Second by Larry Spahr

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

Motion to approve the minutes of the June 17, 2009 special Board meeting, subject to being true and correct

Motion by Larry Spahr, Second by Scott Tkach

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

The zoning officer reported to the Board that while investigating a property maintenance complaint, he found the Township's current ordinance dealing with junk cars is out of date because of case law changes. Mr. Makel offered to submit a copy of a new ordinance as a courtesy.

Motion to have the solicitor supply a copy of an updated junk car ordinance at no cost to the Township

Motion by Linda Evans, Second by Larry Spahr

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

Mr. Ivery and Mr. Bucich commented on the zoning software program demonstration by BSMI. It is an excellent program, but would cost several thousand dollars with an additional yearly license fee. The Board will discuss the program in detail at the workshop to be scheduled later in the month. A firm quote from BMSI should be available then. Andy Tullai will also attend the workshop as a technical advisor.

The road foreman reported that the 1995 Ford dump truck, Unit #1, will need repair of the hinges securing the bed to the frame.

Mr. Tkach notified Mr. Banahasky that he had received a complaint that the catch basin at the intersection of Hazel and Norman Streets was not draining properly, possibly full of silt or an obstruction in the pipe.

Mr. Parish reported that the bids will be opened for the Elrama Drainage and Paving Project on July 24, 2009 at 10:00 a.m.

Mr. Makel advised the Board it could go into executive session at this time in order to address Mr. Marflak's concerns.

Motion to go into executive session at 8:05 p.m. to discuss the Marflak rezoning appeal and possible litigation

Motion by Scott Tkach, Second by Larry Spahr

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

The Board returned from executive session at 8:15 p.m. Mr. Makel stated the discussion involved the Marflak rezoning appeal and possible litigation.

Motion to authorize the solicitor to submit a letter to Mr. David Hvizdos stating that the zoning classification for the Marflak property is the same as it was in 1996

Motion by Larry Spahr, Second by Scott Tkach

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

The Board agreed to refund the \$950 payment for the zoning appeal as it was withdrawn by Mr. Marflak.

Jonathan Madaras, Lieutenant/Information Specialist, Elrama Fire Company, presented the monthly activity report for June, 2009.

Motion to approve payroll #12 dated June 12, 2009 in the amount of \$8,973.74, as presented by the Secretary/Treasurer, subject to being true and correct
Motion by Scott Tkach, Second by Larry Spahr
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payroll #13 dated June 26, 2009 in the amount of \$9,288.68, as presented by the Secretary/Treasurer, subject to being true and correct
Motion by Larry Spahr, Second by Scott Tkach
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payroll #14 dated July 10, 2009 in the amount of \$8,200.99, as presented by the Secretary/Treasurer, subject to being true and correct
Motion by Larry Spahr, Second by Linda Evans
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payment of general fund invoices in the amount of \$44,319.85 as of July 13, 2009 as presented by the Secretary/Treasurer, subject to being true and correct
Motion by Scott Tkach, Second by Larry Spahr
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.
Mr. Parish abstained from voting on those items pertaining to the Finleyville airport.

The Board discussed a review of the current franchise agreement with Comcast. Verizon may have cable available in Nottingham Township and will be contacted to see if they are interested in extending into Union Township.

Motion to approve Partial Payment Estimate #7 for Guyer Brothers, Inc. in the amount of \$113,231.45 for the Elrama Sewage Project
Motion by Larry Spahr, Second by Scott Tkach
Roll call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payment to Makel & Associates, LLC in the amount of \$1,997.61 for the Elrama Sewage Project
Motion by Larry Spahr, Second by Scott Tkach
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payment of Invoice #15 for KAG Engineering Inc. in the amount of \$35,292.35 for the Elrama Sewage Project
Motion by Scott Tkach, Second by Larry Spahr
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payment to M B & R Piping Contractors, Inc, in the amount of \$62,317.39, subject to DEP approval of Change Order no. 3
Motion by Larry Spahr, Second by Linda Evans
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve Change Order No. 1 for David W. Jones Co., Contract No. 02-3, consisting of a general increase in materials cost due to the delay in beginning construction, a reduction in cost due to an approved change in the type of enclosure for the emergency generator for the pump station for the Elrama Sewage Project, resulting in a net decrease of \$2,636 for a total contract cost of \$75,004.00

Motion by Larry Spahr, Second by Scott Tkach
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve payment to First Commonwealth Bank for interest on \$375,000 interim financing drawdown in the amount of \$1,196.88 for the Elrama Sewage Project

Motion by Scott Tkach, Second by Larry Spahr
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The Board scheduled a workshop on Monday, July 27, 2009 at 6:30 p.m. to discuss the rules and regulations required for the Elrama Sewage Project, and to address several requests from residents for changes. The zoning office software program and proposals for the new copier will also be discussed.

Motion to purchase and install a camera surveillance system from Dagostino Electronic Services, Inc at the Township's Brownsville Road park as according to the quote with a price of \$6,592.12

Motion by Larry Spahr, Second by Scott Tkach
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve the Engineering Services Contract with Chester Engineers for an amount not to exceed \$17,600, including having an inspector present, as required for the CDBG Program funding for the Street and Drainage Improvements Project in Elrama

Motion by Linda Evans, Second by Larry Spahr
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

The solicitor has not yet received a revised copy of the proposed tap-in agreement with Jefferson Hills Borough for the Elrama Sewage Project.

Motion to approve Resolution No. 2009-6 adopting the Union Township Emergency Operations Plan and sign the promulgation statement as required

Motion by Scott Tkach, Second by Linda Evans
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve Resolution No. 2009-8 forming a 2010 Census Complete Count Committee with Scott Tkach as committee chairman

Motion by Larry Spahr, Second by Linda Evans
Roll Call Vote: Parish-yes, Tkach-yes, Spahr-yes, Evans-yes. Motion carried.

Motion to approve the use of the fields and facilities at the Brownsville Road Park by the Finleyville Area Soccer Association from August 15, 2009 to October 31, 2009 subject to receipt of an insurance certificate and with the proviso that they clean the facilities and restrooms after each use

Motion by Larry Spahr, Second by Linda Evans

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

Motion to approve a resolution adopting the portion of Hobbit Lane that conforms to Penndot's requirements into the Union Township road system

Motion by Larry Spahr, Second by Scott Tkach

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

Motion to dispose of outdated computer equipment, no hard drives to be included, through the drop-off collection event scheduled on July 18, 2009 at Steel City Harley-Davidson, 1375 Washington Road, Washington PA

Motion by Larry Spahr, Second by Scott Tkach

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

Mr. Makel offered to deliver the items to the drop-off location.

Motion to approve the revised shut off agreement between Pennsylvania American Water Company and Union Township dated June 30, 2009 for the Elrama Sewage Project

Motion by Larry Spahr, Second by Scott Tkach

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

Motion to approve Resolution No. 2009-7, approving a Sewage Facilities Planning Module for a sewer extension for the new St Francis of Assisi church building as a revision to the Township's Act 537 Plan

Motion by Larry Spahr, Second by Scott Tkach

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

The Board discussed a letter from Penndot regarding an inventory of outdoor advertising signs and junkyards on state roads in the Township. The zoning officer will supply ordinances, zoning regulations, maps, to T.W. Engineering as requested.

The Board discussed a letter from the Washington County Redevelopment Authority regarding its database of brownfields in the county and an attempt to market them for redevelopment. However, the letter listed only the two Nike sites in Union Township. This matter will be discussed with the RACW.

Public Comment

None

Motion to go into executive session for reasons of personnel and possible litigation at 9:20 p.m.

Motion by Larry Spahr, Second by Scott Tkach

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

Board Approved 8/10/09

The Board returned from executive session at 9:50 p.m. Mr. Makel stated the discussion involved the Kingsfield litigation and the Trax rezoning appeal.

Motion to adjourn the meeting at 9:51 p.m.

Motion by Scott Tkach, Second by Larry Spahr

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

Judith L. Taylor, Secretary