

Minutes of the Regular Meeting

of the South Park Township

Board of Supervisors

November 10, 2014

Pledge of Allegiance

Roll Call

Dave Buchewicz presiding. Board members Walt Sackinsky and Ed Snee were present. Also in attendance were: Karen Fosbaugh, Township Manager; Chief Dennis McDonough; and Paul J. Gitnik, Esq., Township Solicitor.

Two or more members of the Board of Supervisors were together on the following occasions which may or may not qualify as an administrative action(s), conference(s) and/or executive sessions(s):

Monday, October 13, 2014 – After the regular meeting to address litigation matters.

Monday, October 20, 2014 – Meeting with athletic associations in Board Room.

Monday, November 3, 2014 – Personnel matters.

Wednesday, November 5, 2014 – Personnel matters.

Monday, November 10, 2014 – Prior to the regular meeting to address litigation.

PLEASE BE ADVISED THAT ANY ACTION APPROVED AND/OR DECISION RENDERED BY THE BOARD OF SUPERVISORS AT THIS MEETING CAN BE APPEALED TO THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA, WITHIN THIRTY (30) DAYS AFTER THE DATE AND/OR THE DECISION IS RENDERED.

Presentation of Proclamation – 75th Anniversary of Library Volunteer Fire Company

Mr. Snee read and presented the Proclamation recognizing the 75th Anniversary of the Library Volunteer Fire Company and photographs were taken. Ted Hale, Sr., Chairman of the Board; Bob Bastianini, President; and Joseph Lawlor, Fire Chief were in attendance to accept the Proclamation.

Call on the People

Jack Coates, 2072 Alberta Drive - Mr. Coates discussed his dissatisfaction with Developer Tom Collela's plan of homes being

built behind his home, relative to water runoff. Mr. Coates presented a copy of an Earth Disturbance report issued from the Department of Environmental Protection (DEP) which states that Mr. Collela is required to remedy the water runoff issue. He has spoken to Mr. Snee regarding the issue, but the problem currently still exists. He stated that after speaking with Gary Wargo, he does not believe that Mr. Collela has any intent on alleviating the problem. Mr. Coates presented photographs and a video of the area, showing 5 homes which are affected by the water runoff and flooding of the street, which has happened 3 or 4 times. Mr. Coates explained that originally an Easement Agreement was proposed between Mr. Collela and Marybeth and Louis Ramaglia for a 20 foot easement through their property, but it was decreased to a 12 foot easement. A copy of the agreement was to be sent to Mr. Wargo.

Mr. Coates – Mr. Coates explained that according to the gas company, Mr. Collela had a 25 foot right-a-way placed behind the homes on Alberta Drive. However, according to his measurement, it is only 20 feet wide. Mr. Gitnik asked if Mr. Coates has contacted the gas company. Mr. Coates responded that he has friends that work for the gas company who told him the easement is required to be 25 feet wide. Mr. Gitnik stated that the gas line right-a-way is a private matter, and Mr. Coates would need to contact the gas company directly. Mr. Buchewicz recommended that Mr. Coates call the gas company in the morning to verify the size of the easement. Mr. Coates inquired as to who gave Mr. Collela permission to move the gas line from the top of the property down the hill approximately 70 yards, abutting the back of the properties. Mr. Wargo explained that the gas line was moved 2 years ago prior to the start of the development, and the decision was made between the Developer and the utility company. Mr. Wargo stated that the drawing shows a 20' easement.

Mr. Gitnik – Mr. Gitnik discussed the issue regarding the Earth Disturbance Report and stated that the Township has no control over the DEP. Mr. Coates asked who in the Township can stop the Developer from causing the runoff issue. Mrs. Fosbaugh asked when the photographs were taken. Mr. Coates responded that they were taken when the development was first started.

Marybeth Ramaglia, 2084 Alberta Drive – Mrs. Ramaglia stated that photographs were taken from May through July, during a heavy storm period. Mr. Wargo explained that the approved plan called for a horseshoe storm line that came all the way around the back of their property. During the flooding that went on, the line was still in the process of being graded and excavated. Mr. Collela provided an agreement to one of the neighbors, which the neighbor declined to execute. After another big rain, Mrs. Ramaglia and Mr. Coates

contacted him, and another proposed easement was being verbally spoken of regarding the Ramaglia's property. The easement was being changed from 20 feet to 12 feet. Mr. Collela submitted to the Township a revision for the storm line to be installed, which was reviewed by HRG. HRG recommended that they provide a waiver because they were only proposing a 12 foot easement. The engineer also recommended that the developer provide the Township with a copy of the agreement to be recorded. The easement was never installed, but the Developer went ahead with the horseshoe storm line.

Mr. Coates - Mr. Coates asked that a diversion ditch be installed. Mr. Wargo responded that the problem with diversion ditches is that there is nowhere for the water to go, and it was never proposed in the original plan. The Developer has installed much heavier silt fences and silt socks to try to help with the runoff. The horseshoe storm line was recommended by the Developer's engineer and approved by the Township engineer. Approximately 85% of the water will be caught and taken down the other way, which the drawing shows. There is still going to be a 20% area that will not be collected. Mr. Coates asked how the installed pipe is going to catch all of the water into the 4 catch basins after the houses are built up on the plateau. Mr. Wargo responded that originally there were no plans to install the horseshoe drain; however, when the plan started the Township had some concern. Mr. Wargo stated that he had calls about water problems in that area prior to the onset of the development. Mr. Coates and Mrs. Ramaglia both responded that that is not true; they have never had water problems. Mr. Wargo continued explaining that when all the homes are built and the driveways are installed, they will all tie into the catch basins, and all the surface area will be directed into the catch basins and then the storm line. Mr. Coates asked about the property on the upper side, where he was told no houses are being built, and it is all open. Mr. Wargo replied that they are not in the system. Mr. Coates stated that he is concerned that all the water will converge onto his property. Mr. Wargo said there are 8 homes proposed to be built in the plan.

Mrs. Fosbaugh – Mrs. Fosbaugh inquired about the 2 easement agreements. Mrs. Ramaglia explained that after their properties were flooded in May, Mr. Collela proposed installing an easement in her neighbor's yard, located at 5441 N. Broad Street. After 2 months, the Walker's decided they did not want the easement. Mrs. Ramaglia offered to have an easement installed in her yard, but did not realize that Mr. Collela wanted 20 feet of their yard. The easement would have gone through her fence, mulch, 2 walls, and 2 sets of rocks. It would have been a much bigger deal, but they were willing to place the easement in their yard. However, Mr. Collela became irate because they would not sign the contract that stated the

easement would be 20 feet wide. Mr. Collela offered to give the Ramaglia's \$500, but she did not feel the amount would pay for a new fence. At that time, Mr. Collela asked for his contract back. Mrs. Ramaglia stated that 75% of her mulch had been washed away, and Mr. Collela told her he would repair her property. She agreed to a 12 foot easement, and the last she heard, Mr. Collela was going to get everything together and submit the easement agreement to the Township. Two weeks ago, Mr. Wargo told her that Mr. Collela submitted the document and had told Mr. Wargo that the Ramaglia's would not sign the agreement. Mrs. Fosbaugh asked if the easement will become the responsibility of the township, once the township has control of the public improvements. Mr. Wargo replied that Mr. Collela's pond will be owned by homeowners association, and the easement would be a private easement.

Mr. Coates - Mr. Coates asked if there is a law pertaining to water runoff. Mr. Gitnik responded that the homeowners have a private cause of action, since the landowner lost control of the water on his property. Mr. Coates believes it is the Township's duty to make sure that the water coming off of the hillside does not drain onto their properties, since the Township approved the plan. Mr. Gitnik responded that once the development is properly completed, the storm line will mitigate the majority of the water runoff. Mr. Coates stated that he has an attorney involved. Mr. Gitnik continued to explain that on the plan that the Developer submitted, it detailed how the stormwater will be retained, and the Township engineer approved the plan as submitted. Since the development is not complete, the system is not yet working properly. The Township has the ability to contact the Developer and to put him on notice. Mr. Buchewicz suggested that we contact Mr. Collela regarding the situation. Mr. Snee asked if there was a way to contact Kelly McLaughlin at the DEP to see if this is an open issue regarding the Earth Disturbance Report. Mr. Wargo responded that he will contact her. Mrs. Ramaglia stated that she will email Mr. Wargo her pictures, which she has already provided to Rick Saccone's office and to Kelly McLaughlin at the DEP. Mr. Buchewicz asked if the street was inspected for damage. Mr. Beaver responded that he will do an inspection.

Ronald Feschuk, 2080 Alberta Drive – Mr. Feschuk stated that he and Jack have lived in this area for 40 years, and they have never witnessed water running off the hillside in this manner. He stated that the water runoff has caused his pool to float.

Tim Murphy, 245 Summerlawn Drive, Sewickly, PA – Mr. Murphy stated the he is the owner of Southersby Development, who is the Developer for the Della Strada Subdivision. He stated that the Subdivision is on tonight's agenda for final approval. He explained

that he had an onsite inspection with Kevin Wilmont, an engineer from HRG, who stated that Mr. Wargo insisted that survey monuments be installed. Two days later Mr. Murphy received a follow-up email from Mr. Wilmont verifying that the survey monuments needed to be placed, and that was the only open item on his inspection. Five days later, Southersby Development sent a Certified Letter to Mr. Wargo and an email to Mr. Wilmont with a copy of the survey showing the 2 monuments placed on the property. A few hours ago Southersby Development received a letter from HRG, from an engineer that they did not recognize, saying that the rear property lines must be marked. Mr. Wargo called Southersby Development at 4:00 p.m. on Friday informing them that they are on the Board of Supervisors' agenda tonight. The latest letter received was written over a week ago, and Southersby Development only received the letter a couple of hours ago. Mr. Murphy stated that they are here for final approval and have met all the criteria. He asked that the Board consider their circumstance.

Greg Petro, 6584 Zupancic Drive – Mr. Petro explained that he is on tonight's agenda for approval of a Non-Exclusive License Agreement to permit the construction of a 4 foot aluminum fence which crosses over a public utility easement in two places. Mr. Petro stated that he has read and understands the agreement. Mr. Sackinsky informed Mr. Petro that anytime improvements need to be done in the easement, the fence would need to be removed. Mr. Petro stated that he is aware of this stipulation.

Action on Minutes

Motion by Mr. Sackinsky, seconded by Mr. Snee to approve the minutes of the regular meeting of the Board of Supervisors held on October 13, 2014. All members voted aye. Motion carried.

Action on Invoices

Motion by Mr. Sackinsky, seconded by Mr. Snee to approve the invoices for the month of October, 2014. All members voted aye. Motion carried.

Action on Non-Exclusive License Agreement – Gregory and Andrea Petro – 6584 Zupancic Drive

Motion made by Mr. Sackinsky, seconded by Mr. Snee to approve the Non-Exclusive License Agreement by and between the Township of South Park (Grantor), and Gregory and Andrea Petro (Grantees), to permit the construction of a fence over a public utilities easement located on Lot No. 1401 of the Windover Hills Plan No. 14, Lot and Block No. 564-M-251, being 6584 Zupancic Drive, and authorizing the appropriate Township officials to execute said Agreement. All members voted aye. Motion carried.

Action on Final Approval – Della Strada Phase I Subdivision – Ridge

Motion by Mr. Sackinsky, seconded by Mr. Snee to approve granting the final approval to the project identified as the Della Strada Phase 1 Subdivision as submitted by the Developer, Southersby Development, for the project to be located near the

- and Riggs Roads** intersection of Ridge Road and Riggs Road. All members voted aye. Motion carried.
- Action on Public Nuisance – 3904 Brownsville Road – Irene and Patrick J. Lucciola** Motion by Mr. Sackinsky, seconded by Mr. Snee to approve declaring the following property a public nuisance and proceeding with the abatement of said nuisance, and/or the appropriate fines and penalties as outlined in the Code of the Township of South Park. All members voted aye. Motion carried.
- Action on Resolution No. 16-14** Motion by Mr. Sackinsky, seconded by Mr. Snee to adopt Resolution No. 16-14. A RESOLUTION OF THE TOWNSHIP OF SOUTH PARK, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, (HEREINAFTER “THE TOWNSHIP”), APPROVING THE FACILITY PLAN WHICH IS A REVISION TO THE “OFFICIAL PLAN” RELATIVE TO THE PINEY FORK SEWAGE TREATMENT PLANT, AND SUBMITTING SAME TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. All members voted aye. Motion carried.
- Action on Resolution No. 17-14** Motion by Mr. Sackinsky, seconded by Mr. Snee to adopt Resolution No. 17-14. A RESOLUTION OF THE TOWNSHIP OF SOUTH PARK, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT (GRANT STREET/GRANDVIEW STREET SANITARY SEWER REHABILITATION PROJECT). All members voted aye. Motion carried.
- Action on Resolution No. 18-14** Motion by Mr. Sackinsky, seconded by Mr. Snee to adopt Resolution No. 18-14. A RESOLUTION OF THE TOWNSHIP OF SOUTH PARK, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT (GROVE ROAD STORM SEWER – PHASE 3). All members voted aye. Motion carried.
- Action to Hire Part-time Administrative Clerk – Laurie Miller** Motion by Mr. Sackinsky, seconded by Mr. Snee to authorize the employment of Laurie Miller, Stewart Road, as a Part-time Administrative Clerk with South Park Township, at a rate of \$11.56 per hour, and an effective hire date of November 3, 2014. All members voted aye. Motion carried.
- Action to Hire Monitor for Basketball Program – Cindy Klein** Motion by Mr. Sackinsky, seconded by Mr. Snee to authorize the employment of Cindy Klein, Queens Drive, as the Basketball Monitor for the 2014-2015 season of South Park Township’s Recreation Basketball Program, at the rate of \$10.00 per hour. All members voted aye. Motion carried.

**Action on Bids – Fall
Commodities –
SHACOG
Cooperative
Purchasing**

Motion by Mr. Sackinsky, seconded by Mr. Snee to award the contracts providing for the purchase of Fall Commodities from the suppliers listed on Attachment A, based upon the bids received by the South Hills Area Council of Governments (SHACOG), through its cooperative purchasing program. All members voted aye. Motion carried.

**Action on Change
Order No. 2 – 2014
Restoration of
McElheny Road
Bridge**

Motion by Mr. Sackinsky, seconded by Mr. Snee to approve Change Order No. SP7381-C02 Rev 1 in the amount of \$3,640.00, which provides for the replacement of the existing R6 material in three (3) corners of the McElheny Road Bridge, from the stream bed to the roadway, with additional 2A aggregate which is needed to support the pavement edge, as authorized by the Project Engineer, with costs to be equally shared with the Borough of Jefferson Hills. All members voted aye. Motion carried.

**Action on Proposal –
2015 Township-Wide
Sanitary Sewer
Rehabilitation
Project - HRG**

Motion by Mr. Sackinsky, seconded by Mr. Snee to approve the Proposal in the amount of \$24,000.00 as submitted by Herbert, Rowland & Grubic, Inc. to provide the engineering services associated with the project identified as the 2015 Township-Wide Sanitary Sewer Rehabilitation Project, and authorizing the appropriate Township officials to execute said Proposal. All members voted aye. Motion carried.

**Action on
Pennsylvania
Recreation Park
Society Annual
Conference
Attendance –
Recreation Director
Colleen Dominick,
Mary Arrigo and
Kim Thompson**

Motion by Mr. Sackinsky, seconded by Mr. Snee to authorize the attendance of Recreation Director Colleen Dominick and Recreation Board members Mary Arrigo and Kim Thompson to the annual Pennsylvania Recreation Park Society Conference scheduled for March 21-25, 2015, in Lancaster, PA. The conference expenditures for the above-referenced Recreation Board members in the amount of \$1,645.10 and the education sessions in the amount of \$450.00 will be paid out of funds raised at prior community days. The total cost of Mrs. Dominick's participation in the amount of \$827.05 will be paid out of the budgeted General Fund Recreation Dues and Conference line item. All members voted aye. Motion carried.

**Action on Training
Request – PA
Uniform
Construction Code
Training – IEBC
101: Understanding
the International
Existing Building
Code**

Motion by Mr. Sackinsky, seconded by Mr. Snee to authorize the attendance of Code Enforcement Officer Gary Wargo to a training session entitled, "IEBC: Understanding the International Existing Building Code," which will be held on November 12-13, 2014 in Butler County, PA, at a total cost to the Township of \$195.00. All members voted aye. Motion carried.

Police Chief's Report

Police Chief's Report for the month of October, 2014:
Calls for Service 724

Arrests	10
Traffic Citations	12
Parking Citations	9
Warnings Issued	17
Reportable Accidents	4
Non-Reportable Accidents	10
Fire Calls	7
Emergency Medical Assists to Tri-Community EMS	47
Deer Complaints	3

Motion by Mr. Sackinsky, seconded by Mr. Snee to accept Police Chief's monthly report for October, 2014. All members voted aye. Motion was carried.

**Supervisors'
Comments**

Mr. Snee – Mr. Snee thanked Mrs. Fosbaugh for a successful Halloween event held at our Community Center. He also thanked the Lions Club, Women's Club, South Park High School Interact Club and our Police Department for helping to make the parade and party enjoyable for the approximate 150 children who attended. Mr. Snee also reminded everyone to honor all of our veterans on Veterans Day.

Mr. Sackinsky – No comment.

Mr. Buchewicz – No comment.

Mrs. Fosbaugh – Mrs. Fosbaugh thanked Terri Letender for her help with the Halloween event.

Adjournment

Motion by Mr. Sackinsky, seconded by Mr. Snee to adjourn the meeting. All members voted aye. Motion carried.

Time: 7:58 p.m.