

**Minutes of the Regular Meeting  
of the South Park Township  
Board of Supervisors  
September 12, 2016**

**Pledge of  
Allegiance**

**Roll Call**

Dave Buchewicz presiding. Board members Walt Sackinsky and Edward Snee were present. Also in attendance were: Karen Fosbaugh, Township Manager; Dennis McDonough, Chief of Police; 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 actions, conferences and/or executive sessions:

Monday, August 8, 2016 – After the regular meeting of the Board of Supervisors to discuss personnel matters.

Wednesday, August 24, 2016 – Workshop session with Township Solicitor concerning revisions to the oil and gas ordinance, and the ordinance addressing wireless communications.

Wednesday, August 24, 2016 – Comprehensive Plan meeting with members of the Planning Commission and Zoning Hearing Board.

Sunday, September 11, 2016 – Possible during the September 11th Ceremony.

Monday, September 12, 2016 – Prior to the regular meeting of the Board of Supervisors to discuss possible 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.**

**Call on the People**

**Liz and Richard Chervon, 1617 Connor Drive** – Mr. Chervon stated that he and his wife had contacted the Township several times within the past few years regarding recreational burning. They have recently contacted Allegheny County, since they were told that the Township follows the County guidelines for recreational burning. He

explained that they are concerned with people who do not follow the guidelines for open burning and mentioned his neighbor who they feel has violated the guidelines for the past three years. Mr. Chervon stated that he has spoken with his neighbor concerning the issue but the problem continues. He explained that he was told by Allegheny County that the Township Code Enforcement Office should enforce the recreational burning code; however, Mr. Wargo had told Mr. Chervon that he would need a letter from the County stating that fact. For the last 3 or 4 nights, his neighbor has not been burning, due to the fact that a County Health Department representative has visited the neighbor's property. He is not sure if the Health Department actually spoke with them or left brochures which explained the recreational burning guidelines. Mr. Chervon explained that he and his wife had spoken to two different Health Department representatives. On Friday, Mrs. Chevrán spoke with a woman from the Health Department. Mr. Sackinsky asked if the Health Department had contacted them after they had spoken with their neighbor, and Mr. Chervon replied that they had not. Mr. Buchewicz asked that the Chervon's provide Mr. Wargo with the names of the Health Department employees that they have spoken with in the past. Mr. Chervon is certain that his neighbor will start recreational burning in the near future and asked who he is to contact regarding the violation. Mrs. Chervon added that the last time her neighbor had a recreational burning, she called Emergency 911 and a Broughton fire truck and two Township police cars came to her house to inquire about the call. She directed them to her neighbor's house, and she has not heard anything from the fire and police departments since that time. Mr. Snee asked Chief McDonough if he had received any calls relative to the issue, and Chief McDonough replied that the call that Mr. Chervon spoke of was the only call he received. He stated that according to the report, fire and police answered the call, and there was a recreational fire, as per the County ordinance. Mrs. Chervon inquired as to why they are not asked to extinguish the fire, and Chief McDonough replied that there was no violation. He explained that the Township uses the County ordinance which states that only dry seasoned wood can be used, which Chief McDonough is not sure what defines "dry seasoned," and the area cannot be more than 3' x 3' and no higher than 2'. Therefore, when they answer a call for recreational burning, they look for the obvious violations, such as burning trash or garbage and whether the fire is contained in the 3' x 3' perimeter. Anything outside of the obvious is referred to the County Health Department. When they answered the call that the Chevrons made, there were no obvious violations, and the fire pit and the fire itself were inside the correct dimensions. Mr. Chervon commented that the brick fireplace appears to be larger than 3' x 3'. He explained that after he had called the Health Department, he spoke to his neighbor and told him he had no choice but to call the Health Department since his neighbor would not discuss the issue. His neighbor told him that his next door neighbor burns more than he does. Mr. Chervon stated that he

witnessed in his neighbor's back yard a large log on the fire pit, unattended, which was smoldering and smoking. Mr. Chervon stated that he has pictures that he took from his house. Mr. Buchewicz asked if any other of his neighbors have an issue with the recreational burning. He replied that they do not like to complain but have mentioned the smoke to him. Mrs. Chervon explained that the smoke is having an effect on their health. Mr. Chervon stated that a couple of houses down, at a vacant lot on the corner of Conner, a couple of kids built a huge fire pit. He called the police, and the officer told him that he was not authorized to go onto the property to measure the fire pit. When the kids left, the fire pit was still smoking. Mr. Snee stated that they need a paper trail by notifying the police department for follow-up on the calls, and they need to notify the County officials so that Mr. Wargo is informed. Mr. Chervon stated that for the last 5 days they have been recording and sending the recordings to the County every time that the neighbor burns. Mr. Snee stated that if they think there is a problem, they should notify the police department who keep a log of all calls.

**George Atkins, 2916 Overhill Street** – Mr. Atkins commended Mrs. Fosbaugh for the great job in putting together the 9/11 Remembrance Ceremony. Mr. Atkins discussed the sacrifices that the coal miners made in American history, and suggested that a memorial wall be constructed in their honor at Highland Park. He provided a list of approximately 50 names, and he intends on contacting United Mine Workers District 73 for the rest of the names. Mr. Buchewicz asked if Mr. Atkins was considering a fundraiser for the project. Mr. Atkins replied that perhaps we could get news coverage so that people are aware of the project. Mr. Sackinsky suggested contacting the Historical Society for names. Mr. Buchewicz suggested placing the memorial at the Historical Society's location. Mr. Sackinsky stated that the Township will look into the project.

- 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 Monday, August 8, 2016. All members voted aye. Motion carried.
- Action on Invoices** Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve payment of the invoices for the month of August, 2016. All members voted aye. Motion carried.
- Action on Intermunicipal Sewage Service Agreement – Bethel Park Municipal Authority & Municipality of Bethel Park &** Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve the Intermunicipal Sewage Service Agreement By and Between the Bethel Park Municipal Authority & the Municipality of Bethel Park & the Township of South Park & the Township of Union, which provides for the design, construction and maintenance of the Expansion Project proposed by Union Township, which includes but is not limited to the filing of an Act 537 Plan, the assessment of the appropriate fees, the allocation of costs, determining the billing

**Township of South  
Park & Township  
of Union.**

process, and establishing the rights and obligations of all parties to said Agreement, and further authorizing the appropriate Township officials to execute said Agreement. All members voted aye. Motion carried.

**Action on Minor  
Subdivision –  
Preliminary and  
Final Approval –  
Consol Mining  
Company LLC, R  
& D Property Plan  
No. 1**

Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve granting preliminary and final approval to the minor subdivision identified as the Consol Mining Company LLC, R & D Property Plan as submitted by the Developer, Consol Mining Company LLC, for the property located at 4000 Brownsville Road (Lot/Block Nos. 887-I-400, 1009-A-146, 887-R-370, and 887-R-350), as recommended by the Planning Commission, Township Engineer, and Planning Consultant.

Mr. Buchewicz invited the representatives from Consol to discuss their plan. **Alyssa Golfieri, Attorney, Babst Calland**, explained that the property is located on Brownsville Road and is comprised of 89.2 acres. It currently contains a research facility and Test Coke Oven. They are proposing a 3-lot subdivision, identified as Lot A, B and C. Lot A is 4.9 acres, Lot B is proposed at 43.3 acres, and Lot C is proposed at 40.9 acres. The proposal is based upon Consol's desire to increase the marketability and value of the property, pursuant to the Pennsylvania Municipal Planning Code and the Township's Code of ordinances. The application and plan was submitted to the Township engineer and the Allegheny County Department of Economic Development. They have received letters from both that the plan is in full compliance with the Township ordinances and State law. On August 24th, the Township Planning Commission recommended approval. There is no land development or construction proposed at this time. Mr. Sackinsky inquired as to the current use of the parcel shown on the map in yellow. Ms. Golfieri replied that Parcel A is the Test Coke Oven, and Consol intends to maintain the lot and will not be changing the use. It is still in operation when there is testing to be done. Mr. Sackinsky asked about current traffic flow in and out of the property. Ms. Golfieri replied that they are currently using High Street. **Angela Kunkel, of Consol**, confirmed that they are using the gravel road off of High Street to access the property. Mr. Buchewicz inquired about the size of the trucks using High Street, and Ms. Kunkel was not certain as to the size. Ms. Golfieri added that the activity level will not change. Mr. Buchewicz asked about the barrels located on the property, and the Ms. Kunkel replied that they are part of the Test Coke Oven facility and contain coke products. Ms. Kunkel stated that nothing will be shipped out. Mr. Buchewicz explained that in the past, the Township had to modify the curve on High Street. Mr. Sackinsky added that they have had concerns regarding the trucks using the access in a residential area. Ms. Golfieri stated that Consol will not be selling the Coke Oven parcel. Mr. Buchewicz asked if they have plans to pave the access road, and Ms. Kunkel was not certain. Mr. Snee inquired as to how often the access road is used. Ms. Kunkel replied that there are a few workers using the access road.

**Steve Morgan, of Consol Energy**, stated that there are three employees working at the facility. Ms. Kunkel explained that the three employees will continue working at the facility as long as the Coke Oven is in operation. The large trucks accessing the facility occur only a few times a month, as needed. Mr. Snee asked if the facility emits an odor, and Ms. Kunkel replied that they have an air permit, and it will not affect the residents in the vicinity. Mrs. Fosbaugh inquired as to the number of hours the employees work, and Ms. Kunkel replied that, for the most part, they are full-time employees. Mr. Buchewicz mentioned that the last time he drove by the access road, the weeds were overgrown. Mr. Wargo added that it is somewhat neglected, and there are broken windows. Ms. Kunkel replied that she was not aware of the issue but would look into addressing the matter. Mr. Sackinsky asked if this was Consol's only Coke Oven facility, and Ms. Kunkel replied that that is correct. Mr. Buchewicz commented that there are homes in the area, and in the future, a housing plan will be constructed; therefore, it is imperative that Consol's property be maintained. Mr. Morgan stated that the perpetual easement for the Montour Trail will be honored going forward, as well as the 99-year lease with the Port Authority Park 'n Ride. Mr. Gitnik requested a brief description, in writing, as to how the Test Coke Oven operates. He asked that the summary be forwarded to Mr. Wargo, so that the Township has it on file in case any residents inquire about the operation. **Doug Six, President of Blue Mountain, Inc.** stated that they have worked with Consol for approximately 25 years. He explained that the main purpose of the Coke Oven is to test the quality of their coal. They do very small burns. The coke is delivered in bags. The facility has all the equipment to measure any of the pollutants that come out of the coal and to find a good mixture that helps in the marketability of their coal. Mr. Gitnik added that they are not making coke, but making sure that it is coke grade. Mr. Six continued explaining that since the coal industry is currently hurting, the facility is used very little. Mr. Buchewicz asked Mr. Wargo if he has inspected the facility. Mr. Wargo replied that he has performed many fire marshal inspections, and they have always been in compliance. Mr. Buchewicz inquired as to what is done with the burned coal, and Mr. Morgan replied that it normally gets trucked out to one of the refuse areas at a Consol location. Once the drums are emptied, they are brought back to the facility. Mr. Buchewicz reiterated that the property needs to be maintained, including the driveway. Mr. Morgan replied that he will look into the matter. Mr. Buchewicz asked if Consol would be willing to help out with the Coal Miner Monument that Mr. Atkins had discussed, and Mr. Morgan replied that he will also look into that matter. Mr. Atkins commented that there is a proclamation that states that the Pittsburgh Coal Company will protect the properties, so Consol has a responsibility to protect over 200 to 300 properties in the Library community. Consol should think about reinvesting back into the community. Mr. Beaver inquired as to the sample sizes of the burns,

and Mr. Gitnik responded that Consol can add the sample sizes to the summary report that they provide to Mr. Wargo.

All members voted aye. Motion carried.

**Action on Gas and Oil Ordinance Amendment – Scheduling Public Hearing**

Motion by Mr. Sackinsky, seconded by Mr. Snee, to schedule a Public Hearing for Monday, October 10, 2016, at 6:15 p.m. for the purpose of receiving public comment on the amendment to the Ordinance addressing Oil and Gas activities, being Ordinance No. 678, to further address compressor stations, dew point facilities, and natural gas processing facilities, as well as additional matters related to these activities, with action on said Ordinance anticipated to take place at the regular meeting of the Board of Supervisors immediately following, and further authorizing the advertisement of same. All members voted aye. Motion carried.

**Action on Wireless Communication Ordinance – Scheduling Public Hearing**

Motion by Mr. Sackinsky, seconded by Mr. Snee, to schedule a Public Hearing for Monday, October 10, 2016, at 6:45 p.m. for the purpose of receiving public comment on the amendment to Ordinance No. 556, “Zoning,” to address wireless communications, specifically indemnification, release, hold harmless, inspections, etc.; with action on said Ordinance anticipated to take place at the regular meeting of the Board of Supervisors immediately following, and further authorizing the advertisement of same. All members voted aye. Motion carried.

**Action on Release of Bond – Montour Trail Phase 8A4 – Pleasant Street**

Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve the reduction of the bond posted to guarantee the completion of the project identified as the Montour Trail Phase 8A4 – Pleasant Street, from the Library Viaduct to Pleasant Street, as requested in correspondence dated August 24, 2016, as follows:

Posted Bond	\$419,249.85
Requested Reduction	<u>(\$ 47,501.82)</u>
Remaining Balance	\$371,748.03

Mr. Buchewicz inquired about the issues that the Conservation District had on their review. Mr. Wargo replied that the Montour Trail is now in compliance.

All members voted aye. Motion carried.

**Action on Release of Bond – 2513 Bonnie Dell Drive – Chad Stephenson**

Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve the request submitted by Chad Stephenson to release the cash bond in the amount of \$1,500.00 posted to guarantee the completion of the grading activities at 2513 Bonnie Dell Drive, minus any outstanding invoices related to same, as recommended by the Township Engineer. All members voted aye. Motion carried.

- Action on Payment Request No. 2 and Final – 2016 Point Repair Contract – Plavchak Construction Co., Inc.** Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve Payment Request No. 2 and Final in the amount of \$8,642.50, as submitted by Plavchak Construction Co., Inc., for the work completed to date on the project identified as the 2016 Point Repair Contract, as recommended by the Township Engineer. All members voted aye. Motion carried.
- Action on Agreement – Cardox Road Stormwater Improvements – CD 42 7.5** Motion by Mr. Sackinsky, seconded by Mr. Snee, to approve the Agreement by and between the South Hills Area Council of Governments (SHACOG) and the Township of South Park, which outlines the terms and conditions for the administration of the Community Development Project identified as Cardox Road Stormwater Improvements (CD 42 7.5), including the applicable grant funding, and further authorizing the appropriate Township officials to execute said Agreement. All members voted aye. Motion carried.
- Action on Training Request – Glock Armorer Course – Officer Brian Rucienski** Motion by Mr. Sackinsky, seconded by Mr. Snee, to authorize the attendance of Officer Brian Rucienski to a training session entitled, “Glock Armorer Course,” which will be held on October 18, 2016, at the Pittsburgh Bureau of Police, at a total cost to the Township of \$6.00. All members voted aye. Motion carried.
- Action on Training Request – Response Tactics to Active Shooter – Officer Joseph Leonetti** Motion by Mr. Sackinsky, seconded by Mr. Snee, to authorize the attendance of Officer Joseph Leonetti to a training session entitled, “Response tactics to Active Shooters,” which will be held on October 11, 2016, at the Westmoreland County Community College Range, at a total cost to the Township of \$6.00. All members voted aye. Motion carried.
- Action on Training Request – Response Tactics to Active Shooter (Live Fire) – Sgt. Shannon Henrich** Motion by Mr. Sackinsky, seconded by Mr. Snee, to authorize the attendance of Sgt. Shannon Henrich to a training session entitled, “Response Tactics to the Active Shooter (Live Fire),” which will be held on October 12, 2016, at the Westmoreland County Community College Range, at a total cost to the Township of \$6.00. All members voted aye. Motion carried.
- Monthly MS4 Report** Mrs. Fosbaugh explained that the Monthly MS4 Report is a new component of the Board of Supervisors Regular Meeting Agenda. South Park Township is in the next phase of the permitting process for MS4, which means Municipal Separate Stormwater System. The report for September 16th and going forward will be the activities that we are reporting on each month. In the future, the meeting minutes will be a written record for auditing purposes by DEP. Mrs. Fosbaugh continued with the monthly report:

1. The project engineer reported that survey work is continuing on the stormwater inlets. We are required to map all inlets. This is a 2-

year project, and we hope to have Phase 1 completed this year.

2. The Public Works Department continues to clean catch basins of leaves and debris. This is a minor task, but the impact is enormous. The accessible catch basin properly directs stormwater runoff. The MS4 initiative directs stormwater and the more efficient management of same.

3. One of the Township's responsibilities is the maintenance of the detention ponds within our Township. Detention ponds are a way of managing stormwater without having to build additional systems to direct stormwater from one point to another and overloading the stormwater lines. The DEP and the Allegheny County Conservation District have established the use of stormwater detention ponds to catch the water and to direct it properly. As of this year, the following detention ponds have been maintained: Parkridge Drive at Sebolt Road, Frickwood Drive, and Bonnie Dell Drive.

4. An informational kiosk, with regard to public education addressing MS4 issues, will be placed in the lobby of the Administration Building within the next month.

5. Public Works Director Bruce Beaver and Mrs. Fosbaugh will be attending the Watershed Plan Advisory Committee Meeting, which is scheduled for September 20, 2016, at the Greentree Municipal Building. The highlights of the meeting will include the presentation of the model stormwater management ordinance, which all communities of Allegheny County will be required to adopt, as well as a discussion on stormwater provisions.

Motion by Mr. Sackinsky, seconded by Mr. Snee, to accept the Monthly MS4 Report. All members voted aye. Motion carried.

**Police Chief's  
Report**

The Police Chief's report for the month of August, 2016:

Calls for Service	901
Arrests	16
Traffic Citations	14
Parking Citations	1
Warnings Issued	75
Reportable Accidents	3
Non-Reportable Accidents	18
Fire Calls	9
Emergency Medical Assists to Tri-Community EMS	63
Deer Struck by Vehicles	2

Mr. Snee commended Chief McDonough for the aggressive patrol on

the Amy Drive stop sign. He inquired as to when violators are issued warnings versus actual citations, and Chief McDonough explained that the violators are issued a combination of both.

Motion by Mr. Sackinsky, seconded by Mr. Snee, to accept the Police Chief's monthly reports for June and August, 2016. All members voted aye. Motion was carried.

**Supervisors'  
Comments**

**Mr. Snee** – Mr. Snee commended Mrs. Fosbaugh for her work in organizing the September 11th Remembrance Ceremony. He added that this past ceremony had the most participants since its inception. Mr. Snee informed the audience that the Township will be having their annual Community Day this Saturday, and the parade starts off the event at 12:00 noon.

**Mr. Sackinsky** – Mr. Sackinsky echoed Mr. Snee's sentiments.

**Mr. Buchewicz** – Mr. Buchewicz also commended Mrs. Fosbaugh for a job well done regarding the September 11th Remembrance Ceremony.

**Adjournment**

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

**Time: 7: 55 p.m.**

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