

## PUBLIC HEARING

MONDAY, APRIL 13, 2015

6:35 P.M.

**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.

**Purpose of Hearing** The purpose of the hearing is to take oral or written testimony on the condition of the following property to determine if the property should be declared a Public Nuisance by the Board of Supervisors, and subject to the appropriate abatement procedures and/or fines and penalties as outlined in the Code of the Township of South Park.

**Owner(s):**

**Location:**

N&B Management Company, LLC 1797 Cedaridge Drive  
South Park, PA 15129  
Lot/Block 1008-D-162

**Testimony** **Mr. Wargo** – Mr. Wargo asked if Mr. Barak was present. Mr. Barak was not present. Mr. Wargo explained that Mr. and Mrs. Barak, owners of N&B Management Company, LLC, had contacted him on Friday confirming that they would be in attendance this evening. Mr. Wargo also received a fax from Mr. Barak stating that they have still not resolved the situation with the bank regarding the property ownership and would address the issue at the Public Hearing.

**Mr. Gitnik** – Mr. Gitnik inquired as to the ownership of the property. Mr. Wargo verified that N&B Management, LLC has claimed to be the owners of 1797 Cedaridge Drive, and the Allegheny County website indicates that N&B Management, LLC is the owner. Mr. Wargo explained that N&B Management, LLC stated there was a defect in the Sherriff sale, and the bank put them on notice not to proceed because the bank claims to still own the property. Mr. Sackinsky asked if there was a previous owner prior to the Sheriff sale, and Mr. Wargo replied that there was a previous owner. Mr. Wargo further explained that the bank had the previous owner evicted, and the Sheriff sale was in July. Mr.

Wargo stated that after the Sheriff sale, he contacted Mr. Barak relative to property maintenance, and Mr. Barak was very cordial and compliant. Since the issue with the ownership, there has been no maintenance done on the property. Mr. Gitnik stated that since they are stating that there was a defect in the title, the Township will have to give notification to the prior owners and the bank, as well as N&B Management, LLC, and the Public Hearing will have to be continued.

**Mike Bradley, 1801 Cedaridge Drive** - Mr. Bradley complained about the high grass and weeds and overgrown shrubs. He is concerned about the rodents coming onto his property. He asked if the Township would be doing any maintenance or if he would have to clean up the property himself. Mr. Buchewicz asked if Mr. Wargo had contacted the Health Department. Mr. Wargo responded that the Health Department has been at the property on several occasions. Mr. Gitnik explained that the Township currently has no authority to do any corrective action on the property, and that is why the Township is conducting the Public Hearing in order to declare the property a public nuisance. Mr. Gitnik informed Mr. Bradley that if he were to go onto the property to remove any shrubs, grass or weeds, it would be considered trespassing. Mr. Gitnik explained that the Township could not authorize Mr. Bradley to do any maintenance to the property; however, if he were to simply remove overgrown grass and weeds, or trim noxious shrubs, he does not feel there would be any repercussions, as long as the structure was not damaged.

**Mr. Buchewicz** – Mr. Buchewicz inquired about Mr. Barak's intentions. Mr. Wargo explained that in August, Mr. Barak intended to clean and restore the property before putting it on the market. Mr. Buchewicz asked how long it would take to resolve the ownership issue. Mr. Wargo replied that he did not know. Mr. Gitnik replied that it would be irrelevant since the Township will be going up against the previous owner, the bank, and N&B Management, LLC.

**David Pew, 1798 Cedaridge Drive**– Mr. Pew inquired as to how long the process will be in determining the ownership. Mr. Gitnik explained that all of the appropriate parties will have to be notified, and that may motivate the bank to contact the Township in clarifying the ownership. Mr. Gitnik further explained that the Public Hearing will be continued to May, and he anticipates the Board of Supervisors to take action on declaring the property a public nuisance at their next regular meeting held immediately after the Public Hearing in May.

**Mr. Bradley** – Mr. Bradley asked if the property could be purchased once it was declared a public nuisance. Mr. Wargo explained that the public nuisance process has nothing to do with the sale of the property, which is a private matter. He further explained that the next step would be a hearing scheduled at the Magistrate’s office, where abatement procedures and fines and penalties will be determined. Mr. Bradley expressed his frustration and stated that he felt that the property had already gone through the nuisance process. Mr. Sackinsky and Mrs. Fosbaugh informed Mr. Bradley that the Township has never had a public nuisance hearing on the Cedaridge Property. Mr. Wargo added that when Mr. Duke owned the property, the family made some improvements. Now that the property is vacant, the township is taking further steps to bring the property into code compliance.

*{Mr. Golan Barak arrived late to the hearing.}*

**Golan Barak, N&B Management Company, LLC, 1091 Beechwood Blvd., Pittsburgh, PA 15206** – Mr. Barak explained that his company bought the house a couple of months ago from the Sheriff and obtained a Deed, which he presumed meant they owned the house “free and clear.” However, when he went to the property to start renovations, he noticed that the house had a notification on the window stating that the bank owned the property. He is currently waiting for clarification from the bank and the attorney from the Sheriff’s Office regarding an issue with a defect in the Sheriff Sale. Mr. Gitnik inquired as to the name of the bank. Mr. Barak replied that he has all the paperwork in his office and will send it to Mr. Wargo. Mr. Gitnik also requested that he send Mr. Wargo the contact information for the Sheriff’s Office. Mr. Barak replied that he would also send that information to Mr. Wargo. Mr. Gitnik stated that once he is given the contact information for the Sheriff’s office, he will follow up on the ownership issue. He further informed Mr. Barak that all parties would be notified of the Public Nuisance Hearing.

**Adjournment**

Motion by Mr. Sackinsky and seconded by Mr. Snee to table the Public Hearing until Monday, May 11, 2015, at 6:15 p.m. All members voted aye. Motion carried.

**Time: 6:53 p.m.**