

PUBLIC HEARING

MONDAY, APRIL 14, 2014

6:45 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; Jordanna Lehman, Administrative Assistant; 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/fines and penalties as outlined in the Code of the Township of South Park.

Owner(s):

Don Group
Order of Owls Nest 1423

Location:

1140 Cochrans Mill Road
Pittsburgh, PA 15236
Lot/Block 563-N-212.

Testimony **Mr. Wargo** – Mr. Wargo said that basically the testimony is the exact same as the previous hearing, but there are significant differences. The first letter was sent certified mail by the Department of the Army, Pittsburgh District, Corps of Engineers, to the Owl's Club (Don Group) making them aware of the condition of the bridge and the issues that were happening. The letter was carbon copied to the Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Fish and Boat Commission, and the Manager of South Park Township. This letter addressed the location and the lack of maintenance around the bridge and if they were planning on doing any maintenance, like excavating, channeling, or clearing, that they would need a general permit. The general permit is called General Permit GP-11. The inspector on-site was Mr. George Brkovich and the letter was signed by Scott A. Hans, Chief, Regulatory Branch of the Army Corps of Engineers. All of the information, pictures, the exact same letter from the DEP that the Pincheras' received dated the same. The Board of Supervisors scheduled the Public Hearing on March 10th. The ad was placed in the Post-Gazette South on April 3, 2014. There was certified mail sent to Mr. Group and

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signed by Mr. Group on March 27, 2014. Signs were posted on April 4, 2014. This evening we are here for the Public Hearing.

Mr. Gitnik – Mr. Gitnik asked Donald Group if he would consent that the testimony that he made in the prior meeting for the Carlini property to be incorporated as testimony for the property relating to the Don Group/Order of Owls Nest 1423 Public Nuisance Hearing.

Donald Group, 342 Jean Drive, Pittsburgh, PA 15236 – Mr. Group said that was okay. Mr. Group wanted to clarify that he is not challenging anyone about the bridge or the peoples' properties being flooded. He knows the amount of water that goes through and that the area is getting flooded. The amount of water that is dispersed through the Owls' Club parking lot is tremendous. It is three feet from the Owls' Club across to the creek into the property on the other side of the creek. That amount of water cannot back up one-hundred and thirty feet. He would like to see an engineer to see how that much water backs up that far. He had water up to where a car was parked, which was sixty feet, from an eighteen foot channel, which is another ten feet, and three foot above that is the volume of water. They had \$43,000 in damages. There was one hundred and ten ton plus the backhoe work and everything else. He knows the other properties are getting flooded. He explains that the water cannot go back that far since the water is going out around everywhere when it dams. He feels sorry for everyone about that. He said that you have to see it. Mr. Gitnik asked that Mr. Group if he would also consent that the pictures that were brought in during the last Public Hearing are incorporated into this Public Hearing. Mr. Group said that with a note that the dumpsters came after the waterflow came down. Mr. Gitnik is trying to clarify consent. Mr. Group said that the dumpsters came down when the water was going down.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Donald Group, 342 Jean Drive, Pittsburgh, PA 15236 – Mr. Group wanted to show the layout that is being discussed. He showed a drawing of the area in regards to the Owl's Club and Lick Run Creek. He explained different items on his drawing: Lick Run Creek and the bridge to the Owl's Club. He explained in reference to his drawing: that from the Owl's Club porch to the channel it is thirty-nine feet, the car that was flooded to the creek it is sixty feet, from the pick-up truck that was flooded it was seventy-five feet. He said that the distance between the Owl's Club bridge and the property on Amanda is one hundred and thirty

feet. Someone asked him if he meant Aurora. He did. He showed pictures of his pick-up truck that was flooded and floated a slight bit. He explained that this is where the water runs off from Lick Run. When the water is deep enough that the bridge is completely covered, with water the same on both sides of the bridge, the water goes right through. There is a three foot elevation from the point one hundred and thirty feet away. He explained that when the channel fills and the water is overflowing the bridge on both sides; that it disperses in this area. The water was over the porch at the Owl's Club. Mr. Gitnik asked Mr. Group if the pictures he was passing around were taken by him and on what date. Mr. Group confirmed that he took the pictures on the 10th of July, 2013. Mr. Gitnik confirmed with Mr. Group that the pictures that the Township had reflected what he had seen on the same date. Mr. Group explained that he had been watching the creek, because there was a flash flood the day before, but it did not go above the bridge at that time. He said that the day before the flood, there was nothing under the bridge. The next day rain was predicted, so Mr. Group went to the Owl's Club that morning and turned on the auxiliary pump. He explained that by the time he finished hooking up the pump, in about ten minutes; he came out and could not get back across the bridge. The water had already come up over the bridge with no obstruction under the bridge. He pulled his pick-up truck up to the part that he did not think the water would get up that far, since it never had in the past. He explained that the volume of water was like a ten foot high surge. There was a Kia that floated and was turned around. The truck kept the Kia from going down into the flood area. Both vehicles were totaled because of the water. Mr. Group showed more pictures of the flood area and that the water was over the top of the bridge. When the water came down, and dispersed towards the Owl's club, it became like a forty foot river. Mr. Gitnik asked for clarification on the other bridge. Mr. Group pointed out on the map where the Carlini's bridge is located and said that it is a smaller bridge. There was three feet of water back to the Owl's Club from the creek and it was travelling at least twenty-five miles per hour. Mr. Group has a video on his camera. He explained that the water comes through from the property that is one hundred and thirty feet above the bridge. He showed more pictures showing the same amount of water downstream as upstream. He says all of the water disperses into the parking lot. Mr. Group said that after the water receded the dumpsters washed down and got stuck under the bridge. He showed a picture of a dumpster stuck under the bridge. Mr. Gitnik asked for clarification on which bridge was the Carlini bridge. He explained that the dumpster, which was five feet by seven feet by four and half feet, was the one that got stuck. Mr.

Gitnik asked if this was the Owl's Club. Mr. Group said that the dumpster came from Daniel's or Bardens. There were three dumpsters that came down. Mr. Group explained that they had to replace 110 Tons of remanufactured asphalt to repair the parking lot so the Owl's Club could be open, because the water ripped up the base of the parking lot. Mr. Gitnik asked for clarification on the pictures. Mr. Gitnik also asked approximately when these next pictures taken. Mr. Group said that these pictures were taken on July 11th. Mr. Gitnik advised that these pictures be available for public inspection. Mr. Group showed a video that was on Channel 11 to the Board of Supervisors. He said that he spoke to Sandy Bennett, who is the retired Mayor from Baldwin Borough, and that he told Mr. Group that when they put the channel in that they knew all along that this area would get deluged with water. Mr. Group also spoke with the person who initially sent him a letter and she told him that he had to maintain the bridge, fifty feet below the bridge and fifty feet above the bridge. He has had debris get caught under the bridge, and it always been cleaned out the next day. It has never been there longer than a day. He cleans out this area all of the time. He was also told that he could only clean six inches of the silt under the bridge. He explained that he cannot go lower than that and he cannot do it from the channel, he has to do outside of that area. He feels that this is almost impossible with how the bridge sits. He does not feel that the bridge is the problem; it was the amount of water that came down that channel. The water was dispersed into the parking lot, forty feet away from the creek. He does not know what the Owl's Club can do. The bridge was built in 1948. Mr. Buchewicz asked how far down the water backed up and if there was another area downstream where there is an issue. Discussion ensued about what areas were affected. Mr. Group explained that the water that travels through a bend in the creek, went straight through that person's property. Mr. Group emphasized that the volume and speed of the water that went through that day was unbelievable. Mr. Gitnik asked if the pictures that the Township provided are of the bridges and correctly reflect the bridges after the flood. Mr. Group agreed that they were true reflections of the area. Mr. Group said before the water receded that the bridge was clear underneath and not until the water started to recede that the dumpster went under the bridge. He wants to show the Board the video again. Mr. Snee and Mr. Buchewicz advised that they had seen part of the video that Mr. Group showed previously. Mr. Group explained that he does not own the Owl's Club and the he is President and another man is Vice-President.

Mr. Gitnik – Mr. Gitnik asked Mr. Marshall if he would consent with his testimony.

Jim Marshall, 239 Sheldon Avenue, Pittsburgh, PA 15220 - Mr. Marshall said yes. He also wanted to clarify the pictures that were taken on July 10th. There was a lot of material under the bridge. The pictures that showed the machine removing debris, like the dumpsters from under the bridge, has to look like that because it is the day after the flood. He said they were taking items out of the banks, the sides, and the parking lot, for a week. He said that there were trees in the middle of the parking lot. There was debris in the parking lot as well, it was everywhere.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Jim Marshall, 239 Sheldon Avenue, Pittsburgh, PA 15220 – Mr. Marshall looked into getting a backhoe to clear out underneath the bridge to do something. When they looked into, they were told that they are not allowed to go into the water and they could not dig it out. They could only clear out six inches of silt. He feels that their hands are tied. Mr. Gitnik said that in regards to the second hearing that there was a letter on applying for a permit. Mr. Marshall said that was correct and after that is when they spoke with someone regarding taking action. Mr. Gitnik clarified that there is a permit process. Mr. Marshall said he did, but that you are not allowed to do certain things.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Jim Marshall – Mr. Marshall wanted to say another thing. The Owl's Club has been there for many years, and it would flood and they would fix it. It has progressively gotten worse. The water is coming up over the bridge and the whole way over to the front of the Owl's Club. He said it has never gotten to the front of the Owl's Club. Since the work has taken place at the intersection, it has gotten worse again. He does not know what to tell the Board, but that it keeps getting progressively worse.

Mr. Buchewicz – Mr. Buchewicz asked Gary Wargo if dumpsters have to be secured in anyway. Mr. Wargo said that they do not need to be secured because these dumpsters are unloaded and handled by a truck fork. There is no way to anchor them because the garage truck driver would have to get out, un-anchor them and anchor them again.

Brian Reddington, 4940 Brightwood Road, Bethel Park, PA 15102 – Mr. Reddington said that obviously the flooding starts farther up because dumpsters and a 4'x4' of cardboard washed down from Daniel's. The flooding is starting up there in their parking lot. The volume of water is channeling down there and there is no way to contain it. He said that it is not getting stuck under the bridge, it is blowing out everywhere. The water, like Don said, was three feet deep in the Owl's Club parking lot. There is no way to contain that amount of water. Mr. Marshall said that if it was ten feet farther down underneath that bridge and there were three dumpsters stuck underneath it, it would clog up anyways. That is how many dumpsters they took out from underneath the bridge. Mr. Reddington said that it has gotten worse since they reconfigured the intersection in the past two years.

Mr. Gitnik – Mr. Gitnik asked if Beth Hickey would consent to have her testimony incorporated from the prior hearing into this hearing.

Beth Hickey, 1117 Aurora Drive – Ms. Hickey said yes.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Beth Hickey, 1117 Aurora Drive – Ms. Hickey has lived at this address for twenty-five years. Ms. Hickey explained that anytime there is a heavy rainfall, the bridges located at the Owl's Club become clogged very quickly with debris due to the minimal height of the bridges. It creates a dam and the flood water backs up into her yard and her neighbors' yards. There is flooding into her basement which has been up to four feet high. Ms. Hickey explained that this has occurred in the last few years on July 10, 2013, July 20, 2012, and November 30, 2010. These are only a few of the dates. It is her estimation that the bridges are too low and they do not allow the creek water to flow past these points. It is a serious health concern when dangerous contaminants enter her basement. On several occasions, the flood waters have forced open her basement door and water flows into her house. She has had structural damage due to the movement of her cement block foundation. She says that there is not enough time this evening to go over all of the replacement costs due to this reoccurring hazard. She has replaced within the last three floods: two hot water tanks, two furnaces, washers, dryers, tools, furniture, and hundreds of household items. She provided photographs and videos. Ms. Hickey said that she has observed this bridge and it backs up immediately. There is no room for any debris to flow under these

bridges. She has watched this for many, many years. It is just like a dam, it builds up and within minutes it backs up into their properties. The bridges have been true hazards to her, her family, and her neighbors. She thinks that the bridges need to be removed. She explained that Gary has her photos and that she does have videos of the bridges damming. Mr. Wargo explained that the photographs that he has are the ones that Ms. Hickey provided to him. Mr. Gitnik asked for verification of the date that the photographs were taken. He asked if the date was July 10, 2013. Ms. Hickey said that the date was correct.

Mr. Gitnik – Mr. Gitnik asked if Kristina Dixon would consent to have her testimony incorporated.

Kristina Dixon, 1125 Aurora Drive – Ms. Dixon said yes.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Kristina Dixon, 1125 Aurora Drive – Ms. Dixon said that she lives two doors down from Ms. Hickey and in July they had lived there for four years. Ms. Dixon said that the three dates that Ms. Hickey had mentioned were correct: July 10, 2013, July 20, 2012, and November 30, 2010. She was living there for all three of these times and she was home observing the bridges as well. Her boyfriend was also home last July and had taken pictures. She explained that by 9 – 9:30 a.m. the bridges were backed up. There was debris and everything backing up the bridges that early on Wednesday morning. She remembers that on Tuesday night the water started to rise up, but then it receded. It rose back up on Wednesday morning because of the rain. She cannot imagine going through this again and she feels that removing the bridges would help and elevate what is happening. The dumpsters have gone down. Everything is being pushed downstream and stopping at the bridges because there is nowhere for the debris to go. She does not know if there are other bridges further down as well, but if all of the bridges could be removed, it would alleviate a lot of the problem. She said that dredging the creek would help as well.

Mr. Gitnik – Mr. Gitnik asked if David Kayser would consent to have his testimony incorporated.

David Kayser, 1160 Cochran's Mill Road – Mr. Kayser said yes.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

David Kayser, 1160 Cochrans Mill Road – Mr. Kayser explained that his property runs adjacent to the creek right behind the Owl's Club. He has pictures that in 1999, the first week that he closed on his house, of the damage that occurred to his house and yard. He explained the pictures he was showing the Board of Supervisors and that the pictures were in 1999, past the bridges. He also explained that in 1999 there was nothing like dumpsters getting stuck under the bridge. He clarified where his property was on the homemade drawing from the Owl's Club in reference to the Owl's Club and the creek. Mr. Kayser explained that when it floods that there is so much water coming flowing, that even if the bridges were not jammed, the water would not flow underneath those bridges, it would flow right over the bridges. He said that flows right into his property. There is an overpass on Wilson Road that is right at the end of his property, which backs up and floods his property. The last time it flooded he had close to five feet of water in his basement. Every time it has flooded he has had to replace furnaces and hot water tanks. He cannot put a number on how much in damages that have happened to his house. He explained that the amount of water that is coming down the creek is not going to go under the bridges, it will blow right over the bridges. Mr. Buchewicz asked if this was in 1999. Mr. Kayser said it was in 1999. Mr. Buchewicz asked that the water was coming down through the area with that force in 1999. Mr. Kayser said that in 1999 it was like that. The last time there was a flood, there were the dumpsters, but all of the other times there have been debris. The water has no other place to go because of the volume of water coming down. He said that the water is not going to go under the bridge, and that the water is going to go out around the sides. Mr. Kayser said that he thought that running rip rap all the way around the edges of the creek to help from the erosion of his property. He said a lot of the rip rap has been washed away due to the other floods that have happened, over the last fifteen years. He explained that he has lost trees and he is amazed at how much water he has had in his basement. The water will recede, but will blow out his back door, and the sewer systems, since he is below everything; he has to wait for the water levels to recede before he can do anything to get the water out of his basement. He feels that it has nothing to do with the bridges; it is just the amount of water coming from upstream. Mr. Kayser said that he has sat on his front porch and has seen everything washing downstream. These items are going past the bridges and not stopping, the whole way down Cochrans Mill Road. Mr. Kayser said that it is horrible, and that every time there is a heavy rain predicted they are waiting for the flooding to happen. He explained he does have flood insurance. He loves the property when he bought it, but feels that

it is outrageous. Mr. Sackinsky asked if he noticed that there is more reoccurrence of the flooding in the last ten years. Mr. Kayser said that it has flooded at least four times since he has been there. He explained that July of last year was horrible. Mr. Buchewicz asked if downstream from his house if there is another structure down there. Mr. Kayser said there is the bridge on Wilson Road. He does not think that bridge is going to last that much longer. He said that the railroad ties supporting everything and the stone that has been supporting that, is washing away. Mr. Kayser said it is from the amount of water just pounding on that bridge and it does not stop. Mr. Buchewicz clarified by saying at the Wilson Road Bridge it starts to back up and gets worse to the Owl's Club Bridge and settles there. Mr. Kayser said that it does settle there, but it is just the amount of water. Mr. Buchewicz asked if Wilson Road is where the backup starts. Mr. Kayser said it was where it starts. The Board of Supervisors asked for copies of Mr. Kayser's pictures.

Mr. Gitnik – Mr. Gitnik asked if Charles Bartos would consent to have his testimony incorporated.

Charles Bartos, 1115 Aurora Drive – Mr. Bartos said yes.

All parties agreed that the following comments from the previous public hearing be incorporated into this public hearing.

Charles Bartos, 1115 Aurora Drive – Mr. Bartos think that the bridges do hurt them, but through the years, the Township added Zupancic Drive, and questioned where the water runs from up there, runs right into the creek. He said that then they were going to build storage across the road and they did not go through with it. He said by replacing the grass and trees with road or cement, the water is going to run. He has been there sixty years, and this is the first time he has had water in his cellar. He has had it in his backyard. A person has to go through it to understand and see the water coming in and you cannot do anything about it. It is disheartening. There are extra roads up in Curry, replacing the grass with cement, and the water now runs down like crazy. The water has to go somewhere. The water in the creek has gotten higher and higher, from the silt. He explained that the DEP says you cannot touch the water because an animal has their home there. He said that we have a place to live too that is not very nice. He said he would like to get rid of his house, but he would lose at least \$20,000 just because of the current situation down in the area.

Mr. Gitnik – Mr. Gitnik asked the owner, Don Group of the Owls Club Nest 1423. Mr. Group clarified that he is not the owner of

the Owls Club. Mr. Gitnik clarified that he is the legal representative. He asked Mr. Group if he proposes any plan of corrective action or abatement to the Board at this time.

Mr. Group – Mr. Group said that he is not sure what you can do at this point. Mr. Gitnik asked for clarification in regards to them removing the bridge or any type of dredging. Mr. Group said that if they remove the bridge, the Club is gone. There is no way in or out. The Club has been there since 1912.

Mr. Gitnik – Mr. Gitnik asked Mr. Pinchera if he is going to remove his bridge.

Mr. Pinchera – Mr. Pinchera said no. Mr. Gitnik clarified that there is no plan or no engineers in process.

Adjournment

Motion by Mr. Sackinsky and seconded by Mr. Snee to adjourn the Public Hearing. All members voted aye. Motion carried.

Time: 7:23 p.m.