

**WEST DEER  
TOWNSHIP  
SUPERVISORS  
PUBLIC HEARING  
APRIL 21, 2021  
6:30 p.m.**

**3 – 5 OAK STREET - DANGEROUS  
STRUCTURE DETERMINATION**

PUBLIC HEARING – 3-5 Oak Street Dangerous Structure

- OPEN PUBLIC HEARING
- ROLL CALL
- PUBLIC HEARING ADVERTISED IN COMPLIANCE WITH THE LAW.
- PROPERTY POSTED
- ADJOINING PROPERTY OWNERS NOTIFIED VIA MAIL

THE PURPOSE OF THIS PUBLIC HEARING IS FOR THE BOARD TO REVIEW TESTIMONY AND EVIDENCE IN ORDER TO MAKE A DETERMINATION AS TO WHETHER TO DECLARE THE STRUCTURE LOCATED AT 3-5 OAK STREET AS A DANGEROUS STRUCTURE PER CHAPTER 90 OF THE WEST DEER TOWNSHIP CODE OF ORDINANCES.

OWNER: ARLENE D. PALMER

LOT/BLOCK NUMBERS: 1361-S-365

MR. PAYNE INSPECTED THE PROPERTY AND DETERMINED – PURSUANT TO CHAPTER 90 OF THE TOWNSHIP CODE – THAT THE STRUCTURE IS IN A DANGEROUS CONDITION, AND THAT IT CONSTITUTES A PUBLIC NUISANCE AND SHOULD BE DEMOLISHED. SPECIFICALLY, THE HOUSE IS IN VIOLATION OF THE INTERNATIONAL BUILDING CODE AND ARTICLE VI OF ALLEGHENY HEALTH DEPARTMENT RULES AND REGULATIONS.

***AT THIS POINT, WE WILL OPEN THE FLOOR TO PUBLIC COMMENT.....ALL THOSE WHO ARE INTERESTED IN SPEAKING THIS EVENING, PLEASE RISE TO BE SWORN-IN.....***

- MR. PAYNE PLEASE PROVIDE THE BOARD WITH SOME BACKGROUND OF THIS STRUCTURE, INCLUDING ALL

REPORTS, NOTICES AND PHOTOGRAPHS REFLECTING THE CONDITION OF THE PROPERTY.

- IS THE PROPERTY OWNER OR A REPRESENTATIVE PRESENT FOR COMMENTS.....PLEASE COME FORWARD AND STATE YOUR NAME...
- PUBLIC COMMENTS.....

WHAT ACTION DOES THE BOARD WISH TO TAKE?

I MOVE TO APPROVE THE DETERMINATION OF 3-5 OAK STREET AS A DANGEROUS STRUCTURE AND TO AUTHORIZE THE DEMOLITION OF THE STRUCTURE PURSUANT TO SECTION 90-8 OF THE TOWNSHIP CODE.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>
MRS. HOLLIBAUGH	___	___	___	___
MRS. JORDAN	___	___	___	___
DR. MANN	___	___	___	___
MR. FORBES	___	___	___	___
MR. KARPUZI	___	___	___	___

ADJOURNMENT/PUBLIC HEARING:

I MOVE TO ADJOURN THE PUBLIC HEARING AT \_\_\_\_\_ P.M.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>
MRS. JORDAN	—	—	—	—
DR. MANN	—	—	—	—
MR. FORBES	—	—	—	—
MR. HOLLIBAUGH	—	—	—	—
MR. KARPUZI	—	—	—	—

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4-14-21

RE: 3-5 Oak Street Unsafe Structure narrative

Board of supervisors:

On 7-30-20 I was called out to 3-5 Oak Street by Officer Petrosky at approximately 7:30 am who was there on a gas smell call with the Fire Department. I already had open violations/citations on the home for junk/debris/structure issues. I was never granted access before but was able to gain access as I worked with the Peoples Gas to inspect the home. The owner Arlene gave me full access to inspect the entire structure. There were several structure issues, rats, fleas, several gas leaks, sanitation and clutter issues, and no bathroom on the left side of the home (#3). See notice of condemnation for full details. Pictures were taken at that time. There were also 2 dogs and 2 cats. The 2 dogs were taken to the West Deer Dog shelter and treated for fleas prior to transport. After the 48 hour hold the owner (George Palmer) did not claim them and they became property of the Dog Shelter and received vet care and later were adopted out. I contacted a cat rescue, and the Arlene surrendered the cats to the rescue. The property was posted condemned at approximately 2PM. At that time, it was explained to the owner and her aunt, Arlene Palmer and Virginia Palmer, that the structure is not habitable and will either need to be repaired or demolished. I gave her a copy of the condemnation letter posted the property as well with the condemnation. She understood and stated she could not repair it. Sergeant Loper assisted in having arrangements made for them to go to a nursing home. They were happy to go somewhere that was clean, had air conditioning, and that would give them good food.

On 7-31-20 the road department and I boarded up the property and all junk that was remaining in the lawn including all bathroom fixtures from the bath remodel were placed back into the home. There was a wood pile in the rear of the property that we did not move. I contacted an exterminator who set enough bait for approximately 60+ rats, he was able to set bait stations that day.

On 8-3-20 I capped all open sewer connections; the #3 side removed the bathroom and left all connections open to free access of sewer rats. I also set off 6 flea bombs in the home. Fleas were heavily present on the side where the cats lived. A lot of piles of clothes are present on that same side.

I visited the property several locations as fleas were hard to control since they were falling off of dead rats. The home was fumigated a total of 4 times with 2 treatments of spray pesticide applied topically to the entire home's floors, clothes, bedding, junk, etc.

The house currently appears to be rat and flea free. Bait stations were moved around to hot spot locations when needed until no more activity was seen. Fleas were not present at last time I opened the house up.

Pursuit to Chapter 90 of West Deer Code of Ordinances a notice to repair or remove was provided to the owner on July 30, 2020 in which Arlene stated she could not repair the structure and she was ok with the Demolition but could not afford to do it herself.

It was later found out that the owner held a mortgage on the property and the mortgage company was contacted several times but would not respond back that they would acknowledge the demolition and lien of the property for the expense.

The structure has been successfully abated from asbestos and is ready to be demolished. The demolition was already advertised, and winning bid was accepted at the Board of Supervisors meeting on December 16, 2020. I have been in contact with the winning bidder Ron Gillette Inc. the week of April 5<sup>th</sup> who has stated that he will still honor his bid. He is also aware of the Public Hearing date of April 21<sup>st</sup> for the determination.

Sincerely,



William Payne  
Code Enforcement Officer  
West Deer Township

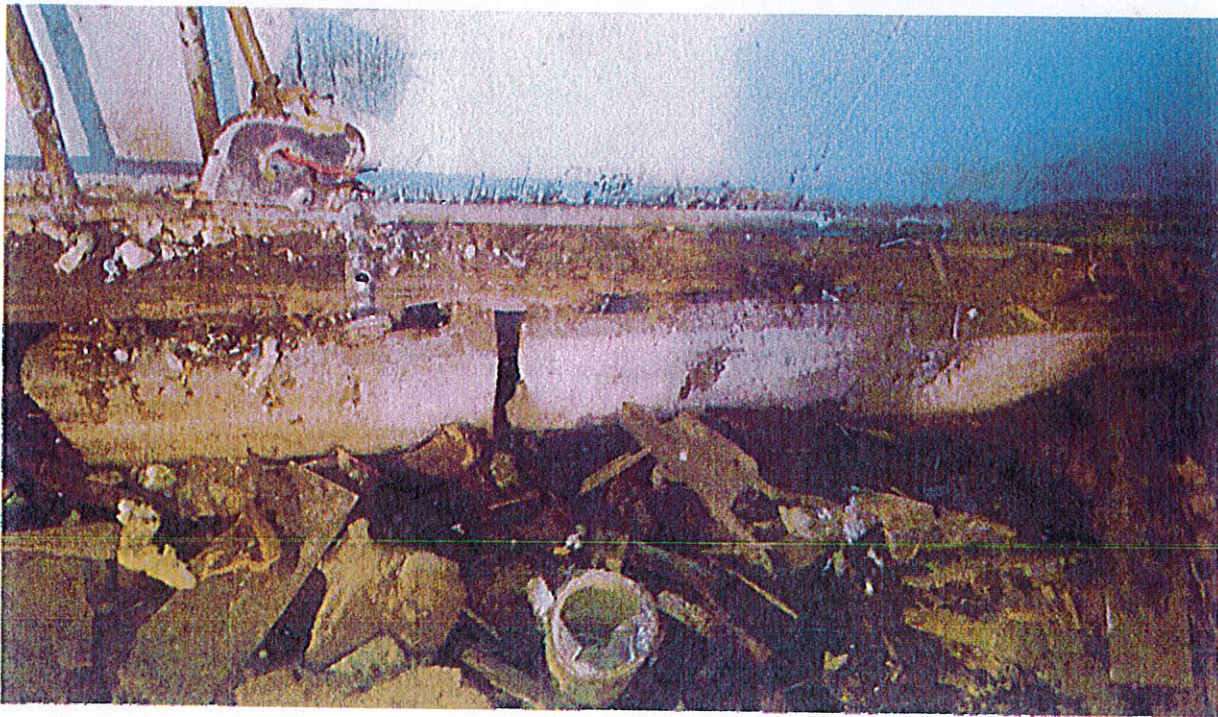
# Exhibit

# A

### 3-5 Oak Street Unsafe Structure Pictures



View from Oak street



Toilet location prior to Twp. capping sewer #3 side.





Shower location #3 side.



#3 side living room



#3 side living room



#3 side kitchen



# 3 side kitchen and improper venting of gas dryer in kitchen



Gas leak #3 side in kitchen



Gas leak at meter and service line #3 side



Basement from only access #3 side



#3 side master bedroom



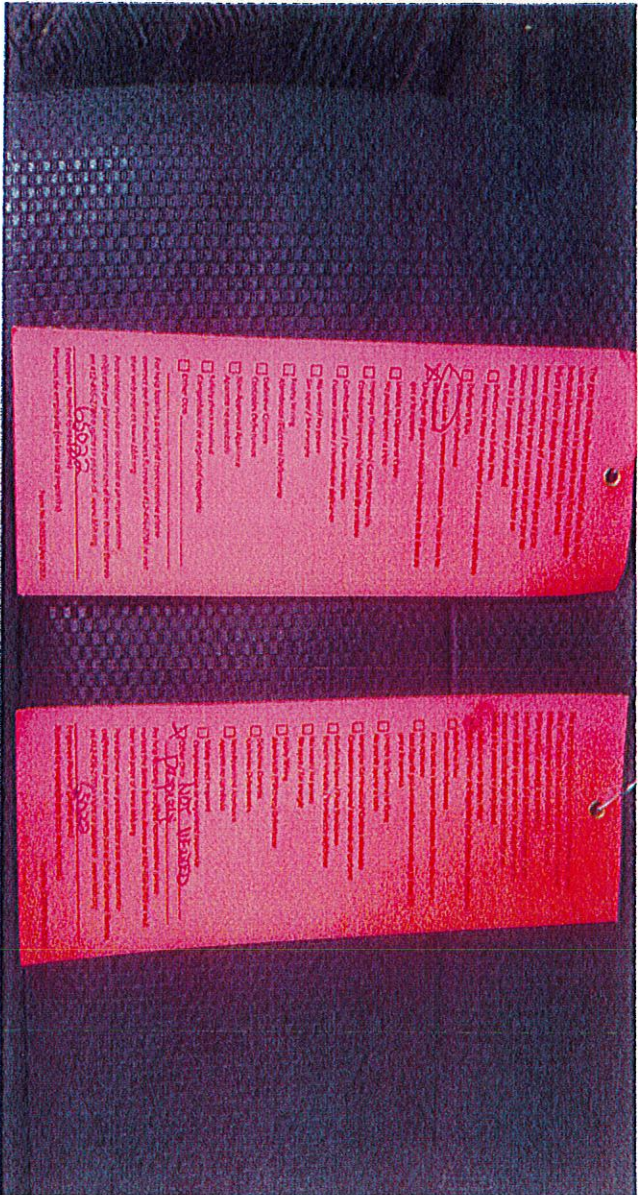
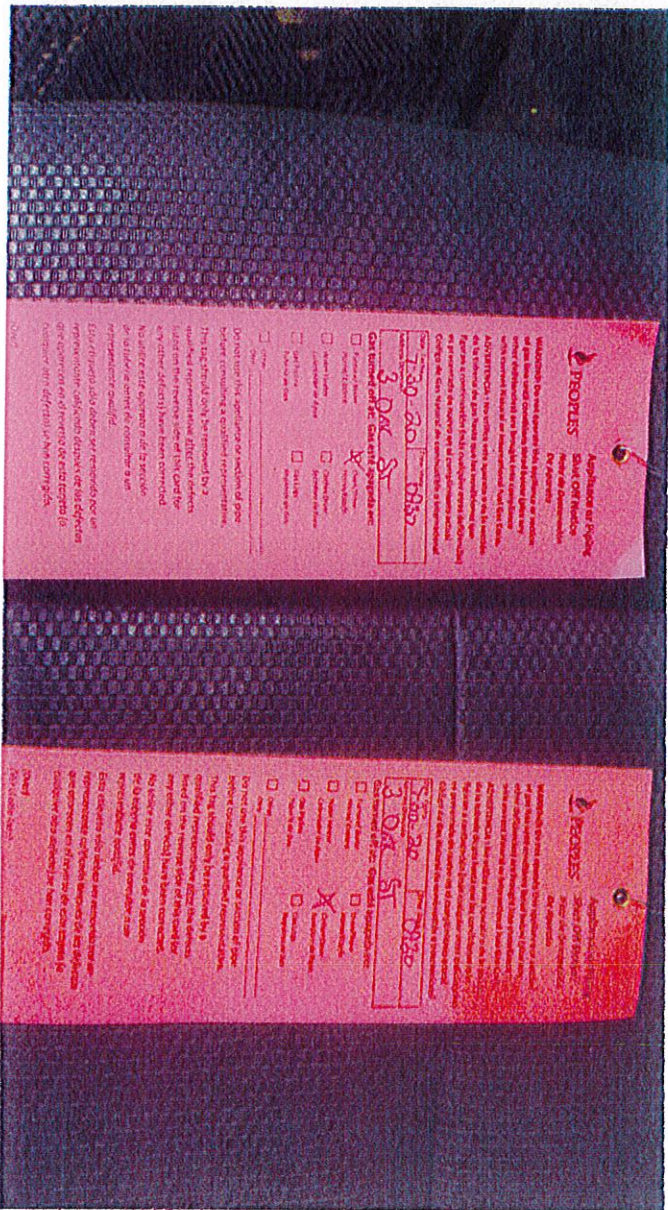
#3 side master bedroom



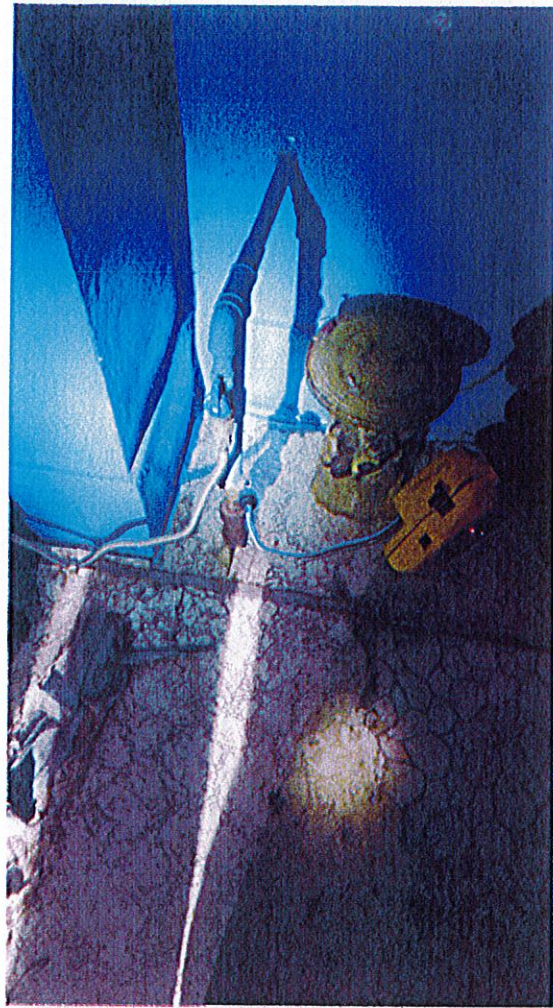
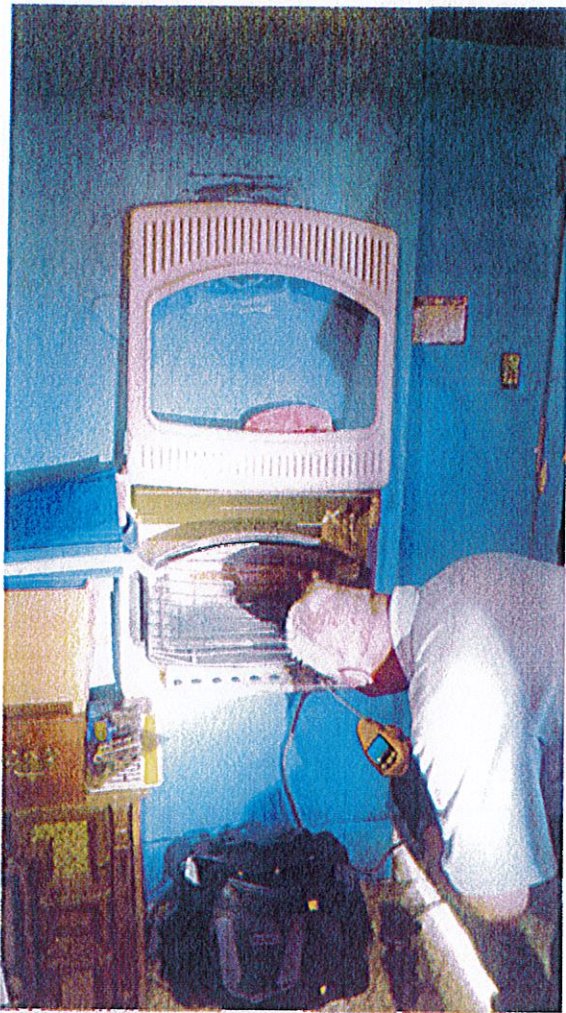
#3 side spare bedroom



#3 side spare bedroom



Peoples gas red tag out service



Gas leaks #5 side

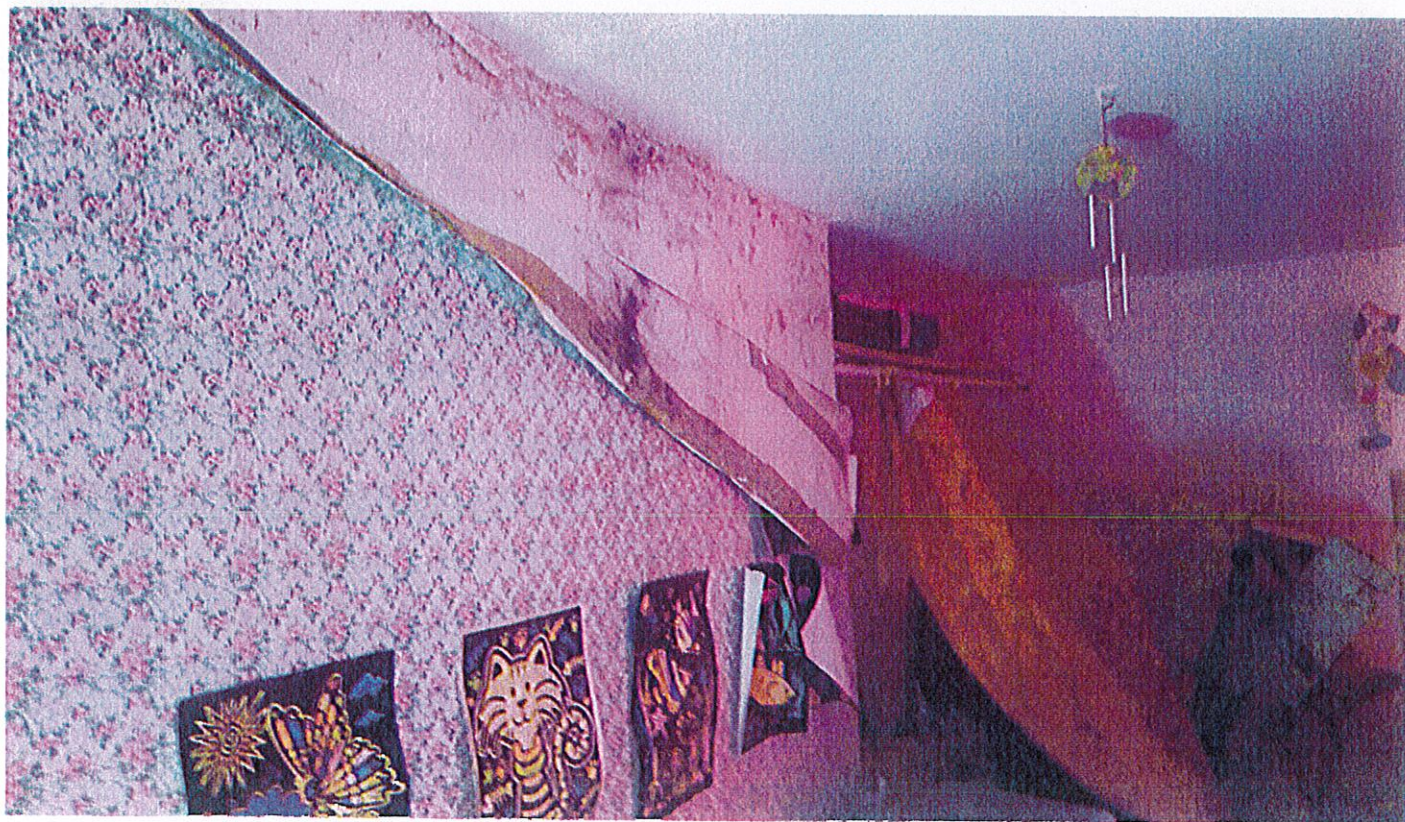


Bathroom #5 side





Kitchen #5 side



Master bedroom #5 side



Spare Bedroom #5 side



#5 gas leak behind kitchen stove



#5 living room

**Exhibit**

**B**



Chairman of the Board  
Arlind Karpuzi

Vice-Chairperson of the Board  
Shirley Hollibaugh

Township Manager  
Daniel J. Mator, Jr.

17 November 2020

Arleen Palmer  
Hillside Manor Personal Care Home  
123 Hamilton Ave  
Turtle Creek PA 15145

Re: Demolition of 3-5 Oak Street

Ms. Palmer:

On 30 July 2020, the two family dwelling located at 3-5 Oak Street was condemned, posted for repair or removal, and ordered to be secured. On 31 July 2020, West Deer Township secured the building. The structure has yet to be repaired and needs to be demolished.

This letter acknowledges your consent to demolish the structure and lien the property for cost of demolition of the structure and any associated costs. Please respond before 1 December 2020. The Township has enclosed a prepaid envelope for your convenience.

I, Arlene D. Palmer, owner of the property which is the subject of the foregoing notice, have read and understand the contents of this letter. By signing below, I hereby consent to the demolition of all structures on my property located at 3-5 Oak Street, Russellton PA in accordance with the terms set forth above.

Arlene D. Palmer  
[Property owner]

12-22-2020  
Date

Arlene D. Palmer  
[Witness Print Name]

12-22-2020  
Date

MWA  
[Witness Signature]

12-22-2020  
Date

Sincerely,

  
William Payne  
West Deer Township Code Enforcement Officer

**Exhibit**

**C**

*Original Notice*

# **NOTICE OF UNSAFE STRUCTURE**

**Property located at 3-5 Oak Street  
Lot/Block # 1361-S-365**

Be advised that the above-referenced property was inspected on behalf of the Township of West Deer and has been determined pursuant to Township Ordinance 172, amended by Township Ordinance 341 that the house located thereon is in a dangerous condition and constitutes a public nuisance. Specifically, the house is in violation of the building code in the following respects:

## **Building Code and ACHD violations**

- Foundation is not weather/water tight and is structurally unsound
- Ceilings in both side of structure are falling down in sections and are separated from ceiling joists causing it to be unsound.
- Garbage, clothing and debris is scattered throughout the house causing a pest vector habitat
- Unprotected openings in foundation, allow for pest vectors to inhabit the structure
- Rat infestation in basement and crawl space area. Signs of rats include burrow, holes, gnaw marks, and physical sight of 1 rat in #3 side in demolished bathroom wall and 2 rats by side door of #3.
- Unsecured structure, doors cannot be secured and have gaps allowing pest vectors access.
- No bathroom located in #3 side of duplex.
- Gas leak in several locations in on #5 side inside of house. Gas company has terminated service.
- #5 side is heated solely by space heaters causing carbon monoxide exposure.
- Smoke detectors and carbon dioxide detectors not present on either side.
- #5 side has mold on walls in bedrooms from roof leak. Roof not weathertight.
- Most walls are unsound in both sides with plaster falling from walls and wallpaper peeling.
- All floors are un-level and sloping inward towards the demising wall.
- Several gas leaks on #3 side including at the stove, dryer, and resident service line to meter. Gas company has cut and capped service to the unit at the street.
- Dryer vent is improperly vented into chimney in center of structure instead of to an exterior wall.
- Kitchen debris and garbage cover kitchen floor, sink, and counter area causing a pest vector habitat.
- #3 side is heated solely by space heaters causing carbon monoxide exposure.
- Egress issues on #3 side as no clear bath to exists with clutter covering floors.
- #3 electrical service panel is open and has open wires exposed. Safety and fire issue, service panel is located in basement which is infested with rats.

- Basement is cluttered with junk and debris causing a pest vector habitat.
- #5 side bedrooms are cluttered with debris and junk and have no egress capabilities also causing a fire hazard.

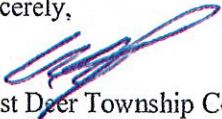
**There shall be no occupancy or habitation of this unsafe structure as it is a danger to anyone who enters.**

You are hereby required to commence the repair or removal of the house within fifteen (15) days of the posting of this Notice (**July 30, 2020**). Such repairs or removal must be completed within thirty (30) days of your receipt of the Notice.

You have the right to appeal my determination by filing a written appeal with me within fifteen (15) days of your receipt of this Notice. If an appeal is filed, the Township Board of Supervisors will schedule a meeting to hear your appeal and will issue a final decision of this matter.

If you do not appeal my determination or commence the repair or removal of the house within the above-stated time periods, the Township will cause the house to be cited for violations or be demolished and removed as soon as possible, and the costs and expenses of such demolition and removal shall be borne by you, including demolition and removal costs, legal fees, administrative costs, a penalty of 10% of all costs and interest at 6% from the date of removal. Please contact me at 724-265-2780 if you have any questions concerning this Notice.

Sincerely,



West Deer Township Code Enforcement Officer

# Notice to Owner & Bank

March 8, 2021

**Via Certified and Regular U.S. Mail**  
Arlene D. Palmer  
3-5 Oak Street  
Russellton, PA 15076

**Via Certified and Regular U.S. Mail**  
Select Portfolio Servicing, Inc.  
P.O. Box 65250  
Salt Lake City, UT 84165-0250

**Re: Abatement of Nuisance  
3-5 Oak Street**

To Whom It May Concern:

Please be advised that pursuant to Chapter 90 of the Code of the Township of West Deer ("Dangerous Buildings"), the Township of West Deer ("Township") has determined that the above-referenced property located at 3-5 Oak Street, identified as Block and Lot No. 1361-S-365 ("Property") in the Allegheny County Department of Real Estate, constitutes a dangerous structure and/or public nuisance and the structure located on the Property is a threat to the health, safety and welfare of the residents of the Township for the following reasons:

- Foundation is not weather/watertight and is structurally unsound.
- Ceilings in both side of structure are falling down in sections and are separated from ceiling joists causing it to be unsound.
- Garbage, clothing and debris is scattered throughout the house causing a pest vector habitat.
- Unprotected openings in foundation, allow for pest vectors to inhabit the structure.
- Rat infestation in basement and crawl space area. Signs of rats include burrow, holes, gnaw marks, and physical sight of 1 rat in #3 side in demolished bathroom wall and 2 rats by side door of #3.
- Unsecured structure, doors cannot be secured and have gaps allowing pest vectors access.
- No bathroom located in #3 side of duplex.
- Gas leak in several locations in on #5 side inside of house. Gas company has terminated service.
- #5 side is heated solely by space heaters causing carbon monoxide exposure.
- Smoke detectors and carbon dioxide detectors not present on either side.
- #5 side has mold on walls in bedrooms from roof leak. Roof not weathertight.
- Most walls are unsound in both sides with plaster falling from walls and wallpaper peeling.
- All floors are un-level and sloping inward towards the demising wall.
- Several gas leaks on #3 side including at the stove, dryer, and resident service line to meter. Gas company has cut and capped service to the unit at the street.
- Dryer vent is improperly vented into chimney in center of structure instead of to an exterior wall.
- Kitchen debris and garbage cover kitchen floor, sink, and counter area causing a pest vector habitat.
- #3 side is heated solely by space heaters causing carbon monoxide exposure.
- Egress issues on #3 side as no clear path exists with clutter covering floors.



- #3 electrical service panel is open and has open wires exposed. Safety and fire issue, service panel is located in basement which is infested with rats.
- Basement is cluttered with junk and debris causing a pest vector habitat.
- #5 side bedrooms are cluttered with debris and junk and have no egress capabilities also causing a fire hazard.

You are hereby required to commence the repair or removal of the house within fifteen (15) days of the date of your receipt of this Notice. Such repairs or removal must be completed within thirty (30) days of your receipt of the Notice.

**You have the right to appeal this determination by filing a written appeal with the Township within fifteen (15) days of your receipt of this Notice. If an appeal is filed, the Township Board of Supervisors will schedule a meeting to hear your appeal and will issue a final decision of this matter.**

If you fail to repair or remove the structure within the time period set forth herein, the Township shall have the right to remove the structure and you will be responsible for the legal fees, administrative costs and demolition costs incurred by the Township as well as a penalty of 10% of all costs, and interest at the rate of 6% per annum from the date of completion of removal of said structure.

A public hearing regarding the condition of the above-referenced property shall be held by the Township Board of Supervisors at its regularly scheduled meeting on April 21, 2021, at 7:00 p.m., via remote videoconference. Information regarding how you may attend and participate in the hearing shall be posted on the Township website (<http://www.westdeertownship.com/>) prior to the meeting.

The owners, parties in interest and/or Township residents and taxpayers may appear to present evidence and/or testimony regarding the condition of this Property. After the presentation of all evidence, including that presented by the Township of West Deer Code Enforcement Officer, the Township Board of Supervisors may make a decision regarding the demolition and removal of the structure if it has been found to be dangerous, dilapidated and a threat to the general health, safety and welfare of the Township and its residents.

If you have any questions regarding this Notice, please contact the undersigned at 724-265-2780.

Very truly yours,



William Payne  
West Deer Township Code Enforcement Officer

# Exhibit

# D

## Bid Demolition Bid Packet for 3-5- Oak Street

*Funding: From Township Demo Budget*



Scope:

1. Remove/properly dispose of duplex building and all its belongings.
2. Remove and dispose of all debris around house and yard including but not limited to pile of scrap wood in rear yard, basketball hoop, etc.
3. All utilities to be removed and/or capped per utility company standards within 15' from the street. All utilities approximate locations to be marked after final grading. Foundation to be back filled with clean fill only and rough graded in such a way that after settling there is not an area that standing water can pool.
4. All capped utilities will need to be inspected by the Township prior to burying.
5. Prior to backfilling the Township must inspect site to ensure all debris has been removed properly.
6. Any disturbed areas must be seeded and covered with erosion control material such as straw.
7. All asbestos HAS BEEN abated by the Township prior to demolition.
8. Lot shall be regraded where needed to make a mow-able area.
9. Bond or equivalent shall be provided to the Township prior to start of work.
10. Bids for hand demolition will not be accepted.

**Sealed Bids will be opened on December 14th at 10am.**

**Demolition to be started no earlier than January 1 2020 and to commence later than February 28 2020. Project shall be completed within 30 days of start date.**

- **Please note that Oak and Pine Streets are ONE WAY streets, you must enter through Pine Street and exit through Oak Street. Please see attached map for clarity.**



1361-R-212  
1361-L-9

1361-R-1

60ft

1361-L-11  
175

113

1361-M-288

109

1361-M-287

111

1361-S-397

115

1361-S-395

107

1361-S-393

103

1361-S-391

101

116

1361-M-277

114 B

1361-M-279

114 A

1361-M-281

112

1361-M-283

110 J

1361-S-378

108 J

1361-S-380

104

1361-S-382

102

1361-S-385

100

1361-S-389

27

1361-M-272

25

1361-M-275

23

1361-M-268

21

1361-M-266

19

1361-M-264

17

1361-M-262

15

1361-S-356

13

1361-S-360

9

1361-S-363

3

1361-S-365

28

1361-M-251

24

1361-M-254

22

1361-M-255

20

1361-M-257

16

1361-M-260

14

12

1361-S-351

10

8

1361-S-345

6

4

1361-S-341

84

1361-M-248

R

1361-M-246

855

1361-M-243

859

1361-M-239

861

1361-S-222

863

865

1361-S-222

867

869

1361-S-218

87

1361-M-313

183  
185 A

181

Find address or place

Q

Q

Q

# Exhibit

E

**AUTHORIZATION: APPROVAL OF MCINTYRE HEIGHTS LAND DEVELOPMENT PLAN**

The applicant was seeking approval for a Land Development Plan consisting of sixty-three total homes. The Plan consisted of thirty-one detached single-family homes, thirty-two attached duplex units, and a picnic pavilion area for the residents of the development. The proposed location lay between Saddlebrook Road – A housing development consisting of quadraplex units – and shadow court that is a development consisting of single-family homes. Conditional Use approval was previously granted at the 15 April 2020 regular business meeting.

Applicant: Richland Holdings LLC  
 Location: 125 McIntyre Road (1666-S-249)  
 and unaddressed parcel (1666-S-160)  
 approximately 39 acres  
 Zoning District: R2-Semi Suburban Residential  
 Request: To develop a PRD Housing Community of 63 single family homes.

The Planning Commission voted to recommend approval of the McIntyre Heights Land Development Plan contingent upon:

1. Successfully addressing all recommendations of the Township Engineer in his review dated 21 September 2020, 19 November 2020, and 10 December 2020.
2. Off street parking and islands to be maintained by the HOA.
3. Extend the right of way to Hadley Court for future connection.
4. Access for equipment and maintenance to the stormwater ponds must be shown with easements provided and the slope is not to exceed 15% and they shall not be located within the perimeter buffer.
5. Provide a variety of street trees to be included in the developer's agreement.

The Township Engineer's review letters dated 21 September 2020, 19 November 2020, and 10 December 2020 were attached.

Mr. Shoup summarized the housekeeping items that he asked be taken care of before the development plan was brought before the Board for a vote.

Mrs. Jordan asked if there were any issues that were discovered by the traffic report. Mr. Shoup confirmed there were no issues found.

MOTIONED BY Supervisor Forbes and SECONDED BY Supervisor Jordan to authorize the final approval the McIntyre Heights Development Plan conditioned upon the successful completion of the recommendations made by the Planning Commission and Township Engineer. Motion carried unanimously 5-0.

**AWARD: DEMOLITION CONTRACT**

After following proper procedures, the Board authorized the advertisement of the demolition of the structure located at 3-5 Oak Street.

Lot/Block # 1361-S-365  
 Owner: Arlene D. Palmer

The project was advertised and sealed bids were received until 9:00 a.m. on Monday, 14 December 2020, at which time they were opened and read aloud.

<u>Bidders</u>	<u>Total Amount</u>
1) Ron Gillette Inc.	\$7952.00
2) Eveready Contracting	\$8490.00

- |                                       |            |
|---------------------------------------|------------|
| 3) T.A. Gall Inc.                     | \$9700.00  |
| 4) John Kapustik                      | \$10835.00 |
| 5) Minniefield Demolition Service LLC | \$13000.00 |
| 6) Massarelli Excavating & Demolition | \$16500.00 |
| 7) Aiello Enterprise                  | \$18129.00 |
| 8) Alpine Allegheny Inc               | \$20673.00 |
| 9) Myers Demolition & Excavation      | \$36785.00 |

Mr. Mafor requested the demolition contract be tabled for legal reasons, and asked Mr. Robb to explain.

Mr. Robb informed the Board that there was no issue with tabling the motion. He explained that there are legal clearances that need to be addressed prior to demolition of this property. Mr. Robb reported Mr. Payne had been in contact with homeowner, mortgage company – there is a lien on the property – and insurance company. He stated the opportunity needed to be given for any to present evidence if any want to object to the demolition.

What action does the Board wish to take.

MOTION BY Supervisor Jordan and SECONDED BY Supervisor Hollibaugh to table the Demolition Project of the property located at 3-5 Oak Street Russellton, PA 15076.

**DISCUSSION: OMNIBUS ZONING CHANGES**

Mr. Karpuzi reported that Planning Commission had been reviewing the current zoning ordinances to ensure they are up to date and measure up to neighboring communities. He stated that Mr. Robb is now involved with the process and asked him to explain the process.

Mr. Robb stated he received the copy of redlined ordinances – 217 pages – and asked the Board for their patience in the completion of the changes while he requested backgrounds for some of the changes.

Mr. Karpuzi acknowledged the need to be considerate and stated the Public will be kept updated.

**DISCUSSION: PENSION PLAN RFP COMMITTEE**

Mr. Karpuzi asked the Board to accept another member to the Pension Plan RFP Committee – Toby Kriedler – who previously asked to become more involved in the community, and who is currently the manager of a private equity firm's pension plans and investments.

Mr. Forbes supported the addition to the committee, and Mr. Karpuzi stated Mr. Kriedler will be informed.

**OLD BUSINESS**

Mrs. Jordan reported a meeting between herself, Mr. M Lakes Youth Softball, and Deer Lakes Youth Soccer at grounds. She stated that the youth organizations will be move forward to see what help can be given.

Mrs. Jordan stated the finalization of the Deer Lakes Yc

**NEW BUSINESS**

Mr. Karpuzi wished everyone the happiest of holidays

PHONE CALL

FOR	BILL	DATE	4/12	TIME	
M					
OF	ROB.				
PHONE	330-704-4269	DELL			
MESSAGE	NEED FRAMING PULPATING INSPEC				
	23 WINDY KNOW				
SIGNED					

TELEPHONED  
 RETURNED YOUR C  
 PLEASE CALL  
 WILL CALL AGAIN  
 CAME TO SEE YOU  
 WANTS TO SEE YOU