

**Union Township Board of Supervisors
Legislative Meeting
August 26, 2020
5:00 p.m.**

The Union Township Board of Supervisors meeting was called to order by Chairperson, Heather Daerr at 5:00p.m.

Pledge of Allegiance

Moment of Prayer by Pastor Ken

Attendees at meeting were: Heather Daerr, Chairperson; Charles Trax, Vice Chairperson; Richard Lawson, Supervisor/Treasurer; Frank Massari, Supervisor/Roadmaster

Also in attendance were: Roberta Singer, Secretary/Ass't. Treasurer; Linda Roach, Code & Zoning Officer; Gary Sweat, Solicitor, Sweat Law Offices; Jessica Stiner, Harshman CE Group, Engineer; and Officer John Dytko.

Solicitor Report: Mr. Sweat spoke of Mader lawsuit (Federal Court Western District and Bankruptcy Court of Western District). We are being represented by Scott Dunlop of Marshall Denehey. Filed Motion for Relief from Stay, Maders filed bankruptcy matter and would Court Order to file eminent domain action in state court. Motion filed and hearing scheduled for September 30, 2020.

Explained further about legal status of actions, representations, etc.

Statement by Attorney Steve Toprani from W. G. Tomko regarding blasting at Tomko Office Complex. Their failure, along with VibraTech to properly notify residents, and these issues have been resolved. Further went on to explain about project and procedures and protocol.

Motion to add to the Agenda: Solicitor Sweat asked for an item to be added to Agenda regarding multiple sewer projects. Wants to add for the Board to authorizes retaining Larry Lenin as a consultant to Sweat Law Office.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – yes

Motion Passed

Public Attendees Who Signed In:

Pete Guido (Tuscany Estates)

Larry Spahr

Linda Evans-Boron

Public Statement:

Larry Spahr – 181 McChain Road Finleyville, PA 15332 – I was presented with court records which Mr. Sweat has been given of a very serious nature. Mr. Sweat to review records and render his opinion and/or suggestion immediately. Folder placed on desk – dockets on Frank Massari of his felonies – in relation to Article 2 Section 7 of the United States Constitution. Before meeting proceeds, you need to look at the papers.

Motion to Executive Session

Motion: Daerr

Second: Lawson

Mr. Sweat made statement upon returning from Executive Session. Having reviewed paperwork concerning Mr. Massari. Unsure if he is permitted to vote this evening.

Mr. Sweat made that Mr. Massari will abstain from voting this evening and that we can proceed at this point.

Ms. Linda Evans-Boron – 22 Parkview Drive, Finleyville – Agenda Item No. 10 – Board of Appointees – regarding vacant seat on meeting minutes.

Motion for Approval of Payroll dated 08/21/2020 in the amount of \$5,173.43 which included Admin Staff and 1 Road Crew.

Motion: Lawson

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Executive Session:

Monday, August 17, 2020; Tuesday, August 18, 2020; Monday, August 24, 2020 to discuss personnel and litigation matters.

Unfinished Business:

Board & Appointments: We now have a vacant seat on the Board of Supervisors and a vacant seat on the Board of Auditors.

Approve Motion for execution of Engagement Agreement with Porter Wright law firm for representation of Township in the Mader, et ux v. Union Township, et al lawsuit.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve Penn Micro, LLC to conduct feasibility study in Township at no cost to the Township and that they will report their findings to the Board of Supervisors at September Board Meeting.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to deny Mary Jubic’s request to issue waiver for the consolidation of two parcels into 1 parcel (UT Code Chapter 242-14).

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – abstain Massari – abstain
Motion Passed

Motion to approve rescinding the Sewage Facilities revision associated with the Massari / Viscuso Plan of Subdivision being rescinded by the applicant.

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve bid documents for Pleasant Stream and Veterans Memorial Park repairs.

Motion: Lawson
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Discussion regarding allowing kids to use soccer field, keep concession stand closed and revise lease and obtaining the Port A John. Sweat Law Offices to work with soccer club and redo Lease and obtain Releases from parents.

Motion to allow Sweat Law Offices to work with soccer league and if they would be agreeable to the conditions as outlined above.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to add to Agenda discussing Greg Adams and his request regarding Girls’ Softball League.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to start bidding process for Mingo Circle Drive for drainage and icing issues.

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve W. G. Tomko Grading 2020-2021 Grading Permit Extension.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve Code Enforcement Action regarding flooding near Rt. 88 near Boyka Plan of homes.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to deny ban on burning during COVID-19.

Motion: Lawson
Second: Daerr
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to make donation for first responders in our community. Considering \$10,000.00 for each fire department and possibly \$3,000.00 for ambulance service.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve repair to Kubota ZD1211 (Serial No. 12647) Zero Turn Lawn Tractor by Golden Eagle in the amount of \$846.18.

Motion: Lawson
Second: Daerr
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to approve Resolution No. 9 of 2020 to Adopt the Finleyville-Elrama Road Act 537 Plan Update as prepared by Senate Engineering and publicly advertised on May 12, 2020 and June 10, 2020.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve Fritz Consolidation Plan No. 1.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Discussion regarding opening up Board Room for Tuscany Estates. As long as CDC guidelines, social distancing, etc. are following. Schedule for meetings will be forwarded once approved by Tuscany Estates Board. Engineer Stiner will look into grants and liens and help Tuscany Estates residents. Discussion regarding current development plans as well.

Motion to approve purchase of traffic mirror for placement at end of Maple Avenue and Finleyville-Elrama Road.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve Restano Plumbing to do backflow testing at Township Garage and Veterans Memorial Park Concession Stand for a cost of \$85.00 each site.

Motion: Trax

Second: Daerr

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve EQT Heavy Hauling Agreement for Sawmill Road.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve payment to Perfection DJ's for repair to cut wires under Board Desk.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve emergency gas line repair payment of \$1,244.00 on Coal Bluff Road.

Motion: Trax

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Discussion regarding damaged drainage pipe at 6705 Highland Avenue and the cost would be approximately \$18,700.00. Engineer Stiner to prepare bid documents.

Motion to approve emergency repair of damage drainage pipe at 6705 Highland Avenue to be bid with bid documents for Mingo Circle repair as well.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Discussion letter to Terry Mattis of DEP regarding Township's concerns with Washington County Sewage Council sewage enforcement.

Motion to approve Change Order #3 for the 2020 Road Program (add inlet on Trax Road and remove Airport Road wedge curb).

Motion: Lawson

Second: Daerr

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve quote for Airport Road wedge curb from Ten Mile Paving as standalone job in the amount of \$8,424.00.

Motion: Trax

Second: Daerr

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve quote for McChain Road trench repair from Ten Mile Paving as standalone job in the amount of \$10,428.00.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain

Motion Passed

Motion to approve retaining Larry Lenin, consultant to Sweat Law Offices for engineering, DEP issues and sewer line issues. Sweat Law Offices will retain and pass along to the Board.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to extend courtesy to Mr. Greg Adams regarding Girls' Softball League in the fall and working with Sweat Law Offices on Lease and Release from parents and following same guidelines.

Motion: Daerr
Second: Lawson
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Public Comments:

Michalle Dupree – 563 Justabout Road – Peters Township
Residents from Tuscany Estate and meetings here and access to restrooms. No bathrooms here. Also, donations to fire departments and ambulance service. Why the reason why ambulance service getting less than fire department. Hiring of Larry Lenin being hired as a consultant to Sweat Law Offices – cost per hour - \$160.00 per hour and will be line item.

Linda Evans Boren – 22 Parkview Drive – comment about ambulance only getting \$3,000 and fire departments getting \$10,000. Ambulance should get an equal or better amount for what they do for the Township.

Pete Guido – Tuscany Estate – how long until we can get dates approved and use the Township Building.

Motion to approve bill pay list for \$41,355.23

Motion: Lawson
Second: Daerr
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Motion to move to Executive Session before adjournment.

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Massari – abstain
Motion Passed

Adjournment of Meeting at 6:40 p.m.

Motion to Adjourn

Motion – Daerr

Second – Trax

Roll Call: Daerr – yes; Trax – yes; Lawson – yes; Massari – yes



ROBERTA J. SINGER, Secretary