

**Union Township Board of Supervisors
Non-Legislative Meeting
January 10, 2018
6:30pm.**

The Union Township Board of Supervisors meeting was called to order by Chairperson, Heather Daerr at 6:30pm. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board members in attendance by roll call were Richard Lawson, Charles Trax, Deborah Sargent, and Heather Daerr. Paul Chasko was absent.

Also in attendance, Robert-Balogh-Manager/Asst. Treasurer, Gary Sweat-Solicitor, Nicole Dooley-Secretary/Treasurer, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement Officer, Peter Overcashier-Acting Road Superintendent, Kevin Harris-Police Officer, and Lara MacAulay.

Public Comment on Agenda Items:

Frank Latorre: 7 Boyka Drive, Finleyville, PA. Mr. Latorre wished all a Happy New Year. He welcomed new Supervisor, Rick Lawson, and congratulated Mrs. Daerr on her new position as Chairman. Mr. Latorre also expressed thanks to Mrs. Lawson for refreshments. Mr. Latorre thanked Mr. Overcashier and the road crew for all their hard work on winter maintenance. Mr. Latorre expressed his concerns regarding the Township Engineer receiving requested reports from the Tomko grading project. He also voiced his opinion regarding the Tomko Land Development application. Mr. Latorre reiterated to the Board of Supervisors the work being done on the Tomko property is not grading work and it is illegal. He expressed his anger regarding the level of noise coming from the Tomko work site. He stated the noise level has been unbearable since the Christmas holiday.

Hal Breinig: 44 Finley Avenue, Finleyville, PA. Mr. Breinig wished all a Happy New Year. Mr. Breinig expressed his frustrations regarding the Tomko worksite. He reported the noise is unbearable. Mr. Breinig asked again if a sound barrier could be put up to help remedy the loud noise coming from the worksite. Mr. Breinig voiced his opinion regarding Mr. Tomko's compliance with Township ordinances. He noted the work being done at the Tomko site and the level of noise is affecting his and other resident's quality of life. Mr. Breinig also commended the road crew on the great job taking care of the winter maintenance on the roads.

Roberta Gardill: 144 Valley View Road, Finleyville, PA. Mrs. Gardill expressed her concerns regarding Waste Management billing. Mrs. Gardill stated she has lived in the South Park Mobile Estates for the past nine years and has never used the garbage service. Mrs. Gardill stated her husband disposes of their trash at his place of employment.

Butch Gardill: 144 Valley View Road, Finleyville, PA. Mr. Gardill expressed concerns regarding Waste Management billing. Mr. Gardill stated he does not need garbage service. He disposes of his trash at work.

Departmental reports were delivered by the Acting Road Superintendent, Police, Zoning/Code Enforcement Officer, Engineer and Solicitor. Departmental reports were also included in the Board of Supervisors meeting packets for Ambulance service, and Animal Control services.

Peter Overcashier-Acting Road Superintendent reported to the Board of Supervisors regarding road maintenance, snow removal and various miscellaneous tasks completed by the road crew over the last month.

Kevin Harris-Police officer, provided the Board of Supervisors a breakdown of the summary of work over the month of December. Mr. Harris also delivered a year end summary report for 2017 breaking down the calls for service, traffic contacts, accidents, citations, criminal complaints, overdoses and arrests.

Jarrod D'Amico-Zoning/Code Enforcement reported nine new complaints have been investigated since last month's meeting. These complaints included nuisance vehicles, garbage, and an unaddressed lot. Mr. D'Amico reported on the ongoing investigations regarding the Mingo Circle sewerage issue. He reiterated citations have been filed on the two non-

compliant properties. Mr. D'Amico also reported the number permits he issued for the month of December. Mr. D'Amico also gave an update regarding the letters he had sent out for the blight properties in Union Township. He stated one property owner on McChain Road has agreed to having her house torn down. He noted four of the letters he had sent out have not been delivered. The next step will involve posting the properties as an attempt to contact the property owners.

James Harshman-Engineer reported to the Board of Supervisors on the active topic of the Mingo Circle sewerage malfunctions. He gave an update on the investigative findings made by Hapchuck and the necessary repairs that need to be made on the holding tanks located at 13 & 17 Mingo Circle. Mr. Harshman has requested quotes for the necessary repairs and will provide them to the Board of Supervisors as soon as possible. Solicitor, Gary Sweat interjected and stated he has been in contact with Charney Regenstein, the attorney for the DEP. They have spoken in depth regarding the consent order issued by the DEP to Union Township. Mr. Sweat noted Ms. Regenstein has instructed him to write up any changes to the paragraphs that are of the Townships concern. Discussions amongst the Solicitor, Engineer, Manager, Zoning and Code Enforcement, and the Board of Supervisors ensued regarding the long history on Mingo Circle Drive and mandatory remediation, and reasonable solutions surrounding the sewerage malfunctions.

The next topic of Mr. Harshman's report surrounded the Tomko Land Development Application. Mr. Harshman supplied the Board of Supervisors with a letter of review for the W. G. Tomko Fabrication Shop Addition and Major Modification. Mr. Harshman noted the application was previously tabled per the request of Mr. Coppula at last month's Legislative meeting. Mr. Harshman stated some of the engineering comments surrounding the Land Development Application have been addressed. However, a point of interest in the report for the engineer was regarding the Subsurface investigation report that was prepared by GeoTech Engineering. These items were highlighted and discussed with the board. Mr. Harshman reiterated his recommendation to bring the application before the Zoning Hearing Board for approval for a non-conforming use expansion. Solicitor, Gary Sweat weighed in on the subject matter. He stated there are a lot of open issues surrounding the Tomko worksite and development. He said what is mudding the water is that fact that Union Township has been sued by Mr. Tomko in the form of a Declaratory Judgment Action challenging our right to charge and keep the grading permit fee of \$18,500.00. The grading permit has been extended on a month to month basis because of safety concerns. He stated the grading permit is touching all parts of the Tomko property. Most notably the grading permit for the airport. The grading permit for the slide that occurred in June. The grading permit for the gas pipe line rupture. The grading permit for various benching to prevent future slides. The grading permit for the reseeded of areas. The grading permit for the pounding of rock to move back the hillside to create a larger pad for potential expansion of buildings. It is Mr. Sweats opinion that Mr. Tomko wants to complete several tasks but he should not receive unlimited time. Mr. Sweats position is that the Engineer should review all documents that were received back in August and September. If those documents conclude the plea for extension of the permit on the grounds of a safety issue if the ground has been stabilized and safety is no longer a concern then the month to month basis grading permit stops. Debate ensued between Mr. Sweat and Mr. Coppula attorney for W. G. Tomko Industries. Moving forward with the Engineer's report, Mr. Harshman gave an update on the status of the Jason & Jack Drive bridge project. He touched on the Coal Bluff Road repairs. Mr. Harshman also noted there is nothing new regarding the PA Small Water and Sewer Grant. Forthcoming to the Board of Supervisors will be a report from Mr. Harshman on various drainage and maintenance situations that have been reviewed by himself and Mr. Overcashier. Project Engineer, Lara MacAualy from Harshman CE Group, LLC gave an update on Sugar Camp and Trax Road intersection sight distance situation. The current standing is a need for an easement from Trax Farms to move the existing pole and to complete embankment alterations to improve the line of sight at the intersection. A Road Bond report was included in the meeting packet for the Board of Supervisors review.

Manager, Robert Balogh announced that the LSA grant for the Overlook sewerage project was preliminary approved. Union Township was granted \$250,000.00 out of the \$400,000.00 that was applied for. He extended his thanks to Rich Cleveland, James Harshman and Supervisors Daerr and Sargent for their hard work on the proposal. Next, he reported there hasn't been any movement on the Middle School Task force per the request of the school district. Mr. Balogh is continuing to stay in touch with the school district as well as with interested individuals in the township who want to be involved with forming a task force. Mr. Balogh asked the Board of Supervisors to consider the reopening of the 2018 budget. He would like to make a few adjustments to some carry over from previous years to make the numbers look better. Discussions amongst the Board of Supervisors, Solicitor, and Manager occurred with the conclusion to not reopen the budget. During Mr. Balogh's report Supervisor, Deborah Sargent questioned the manager for an update on the Mahre Duessel audit. Solicitor, Gary Sweat answered Mrs. Sargent's question by telling of an email that he has received with a short over view of the audit. Mr. Sweat will forward the email to Manager Balogh for circulation. Mr. Sweat also noted the forensic audit is not a typical audit. It is an audit looking for negligence and potential crime. It is very crucial how

information disseminated regarding the audit is distributed because of attorney client privileges. He assured the Board of Supervisors Mahr Duessel is doing a thorough investigation and an excellent job with this audit. Moving forward with the Managers report, Mr. Balogh asked the Board of Supervisors to consider meeting with him to do some goal setting and visioning for Union Townships future. Lastly, Mr. Balogh asked the Board of Supervisors if they have any interest in information regarding issues relative to the CMA tap situation going on at Peters Creek Sanitary Authority. He noted Rick Kovach from the Peters Creek Sanitary Authority is willing to give a personal presentation about that information. He asked for Board Approval to allow him to engage a letter to Mr. Kovach so the Board can obtain more information on the situation at hand since it will affect all residents.

Agenda items for discussion and consideration at the evenings meeting included the following:

- A. Discuss C2P2 Grant for Old Elrama Chrome Shop Site
- B. Waste Management.
- C. Consider Tuscany Estates Use of Meeting Room January 23, 2018 & February 20, 2018 at 6:30pm.
- D. Consider Authorizing Manager to Approve Use of Township Facilities
- E. Consider BQT Request to Authorize Sunday Work.
- F. Commercial Inspection Agencies.
- G. Quarterly Accounting Reviews.
- H. Consider Meeting Rules of Conduct.
- I. Resignation of Recreation Board Member
- J. Voting Delegate & Alternate Voting Delegate for PSATS Convention.
- K. Appointments to Boards and Commissions.
- L. Discuss Gas & Oil Ordinance Status.
- M. Tomko Grading Permit Extension.
- N. Tomko Land Development and Expansion Application
- O. Any Additional Items.

Solicitor, Gary Sweat declared most of his report was delivered throughout the meetings discussions. One topic Mr. Sweat did want to report on was the Dilisca situation. He stated the insurance adjuster for Union Township has asked for an update. He reported to the adjuster that Union Township has a new Engineer who has approval to look at Mr. Dilisca's property and is doing so. Solicitor, Sweat stated Mr. Harshman has since submitted draft notes regarding his observations. Mr. Sweat confirmed he will review Mr. Harshman's findings and will put things into final form for the adjuster. Lastly, the EEOC statement has been filed by special counsel Tom Lonich. A copy of that statement has been provided to Mr. Balogh for circulation amongst the Supervisors.

Public Comment on Non-Agenda Items:

Hal Breinig: 44 Finley Avenue, Finleyville, PA. Mr. Breinig informed the Board of Supervisors that the Peters Creek Sanitary Authority meets next on January 22. He is asking for support from the Union Township Board of Supervisors to attend meetings. Mr. Breinig expressed thanks to James Harshman and the current Board of Supervisors. Mr. Breinig also voiced his opinion regarding noise at the W. G. Tomko worksite. Mr. Breinig also asked the Board and Township Engineer to look at the current ordinance book and consider making changes to bring Union Township up to date.

George Powell: (no address given) Mr. Powell stated the Board of Supervisors should consider asking BQT for funding for the proposed park project at the former Elrama Chrome Shop site.

Kevin Daerr: (no address given) Mr. Daerr stated he agreed with Solicitor, Gary Swcats opinion on the Tomko worksite and permit extensions.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his opinion regarding the Tomko grading permit, and land development application. Mr. Latorre also voiced his opinion about moving Union Township forward.

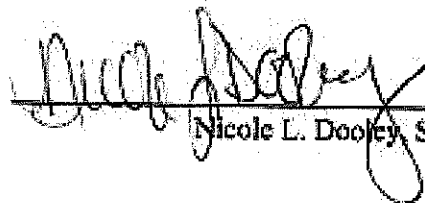
Remarks from Supervisors:

Supervisor, Deborah Sargent delivered a resident's suggestion regarding the Union Township newsletter. Mrs. Sargent passed on a written suggestion to Manager, Rob Balogh.

Supervisor, Heather Daerr thanked Rich Cleveland and James Harshman for assisting Union Township with the LSA Grant application and helping Union Township receive a \$250,000.00 consideration. Next, Mrs. Daerr issued a public

thank you to Supervisor, Deborah Sargent for stepping up and taking the reigns as Chairman and bringing Union Township back to order when it was at its worst state.

The Union Township Board of Supervisors went into executive session at 9:14pm to discuss personnel reasons and possible litigation. The Union Township Board of Supervisors returned from executive session at 10:03pm. Chairperson, Heather Daerr stated that during executive session legal issues were discussed and no votes were taken. At 10:04pm Chairperson, Heather Daerr adjourned the meeting.



Nicole L. Dooley, Secretary