

Board Approved: January 25, 2016

Union Township Board of Supervisors
Regular Board Meeting
January 11, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:00 p.m. 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 Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

Also in attendance,
Dennis Makel—Solicitor,
Mr. Carl DeiCas—Township Engineer,
Judy Taylor—Treasurer,
Debra Nigon—Secretary,
Harold Ivery—Building Code Official, and
Peter Grieb—Code Enforcement Officer.

Public Comment

Leroy Harkins, heading up the construction by Yarborough Development on the Gastonville School project appeared to address issues with truck traffic that have come to the attention of the Board. Mr. Harkins said that they have talked to residents who have personally come to them and informed them that they will fix any damage to personal property probably in the mid-summer after truck traffic is completed. Also, they have called every subcontractor and supplier after speaking with Mr. Ivery and told them they must use Meadow Avenue and College Street and not use Norman Avenue which has not been bonded. The solicitor confirmed with the engineer that the road was videoed before the project started, and suggested a report be done when the project is finished. Mr. Harkins estimated that it will be until the very end of August before the project is completed because time was lost. He informed the Board that the mud on the road is being scraped daily and broomed when bad or the fire department is called to hose it off. He explained that the area where the addition is being built is hard to get to due to its location. The solicitor suggested that the engineer do a report now and later perform a final report on the condition of the roads.

Mr. Ivery and Mr. DeiCas will attend a job meeting Thursday morning at the school.

Mr. Breinig and Mr. LaTorre held their comments until later in the meeting.

Pete Guido requested an update on the Tuscany Estates development. Mr. Makel will have his secretary send to Mr. Guido a copy of the pretrial statement which was filed. Mr. Makel informed the residents that Mr. Danielson's counsel did respond to the pre-trial statement. The residents questioned whether the bond currently in place is sufficient to fix the road. Also they informed the Board that a seeder is on the property which must still be moved. Mr. Makel suggested the Township authorize the code enforcement officer to contact the district justice in regard to the seeder that has not been removed. In terms of the hearing before the

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magistrate, Judge Ellis dismissed the case and advised the developer not to be back. Mr. Guido said that he has contacted the electric company about installing a street light at Viarregio Way and Tuscany Estates Drive due to the fact that the developer said he had put a work order in. He found that the electric company had no record of an order so Mr. Guido placed a request to install the light and coordinated a conversation between Mr. Danielson and the representative of the electric company. The electrical company will meet with Mr. Danielson next week to show them where the electric is located in the ground. Mr. Guido will follow up on that tomorrow. The shed and debris have been removed. Ms. Stover thanked the Board and solicitor for their help with the issues at the development.

Hal Breinig asked about water on the road by Peter's Pub. This issue was resolved some time before Thanksgiving due to the combined efforts of PennDot and the Township road crew.

Departmental Reports

Officer Kirchner gave the SWRPD Report. 64 shifts in December. No arrests or no non-traffic citations but did have 131 vehicle stops resulting in 84 tc citations and 47 warnings.

Harold Brienig and Frank LaTorre inquired about whether or not there are flares in the police vehicles. Officer Kirchner explained that flares have been placed in all the vehicles and have been there; however, not all Union Township officers were immediately aware of that fact. There was an incident involving Mr. Breinig's wife where the police said they did not have flares; but, according to the Officer Kirchner, the flares were in the vehicle but the officer on duty was not aware they were there.

Mr. Spahr announced that Scott Kirchner recently received a commendation from Southwest Regional Police for apprehending two individuals. Officer Kirchner explained that a mother of a sixteen-year old daughter contacted him. The mother, who now resides in Bethel Park, had explained to him that her daughter had become mixed up with someone in the community who had warrants out for his arrest. Officer Kirchner verified warrants and went to the residence. There he had to chase the individual on foot who was apprehended. In addition, another individual who was in the house who also had warrants related to heroin distribution was also apprehended. Officer Kirchner received a round of applause for apprehending these two individuals.

The Road Superintendent gave his report. He explained that a portion of a bridge could possibly collapse on Patterson if a heavier plate is not installed. He asked Mr. Ivery and Mr. DeiCas to take a look at the bridge because the condition of the bridge has gotten much worse. He also listed other standard work done in the Township as it appears on his written report received by the Board. In regard to the salt contract, Mr. Mellor and Mr. Banahasky confirmed that the salt shed is keeping the salt dry. In regard to a missing hydrant, Mr. Mellor reported that he saw/heard a representative from the fire company discussing missing hydrants on Finleyville-Elrama Road and PennDot is aware of the situation and will make the repair.

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Motion to approve general fund bills in the sum of \$53,759.64, as of January 11, 2016, as presented by the Treasurer, subject to being true and correct.

Motion by: Charles Trax, Second by Paul Chasko

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Spahr reported that he had been in conversation with Mr. Parish a couple weeks back, and the street lights at Brownsville and Route 88 are to be replaced. Ms. Taylor reported that the repair crew was to be here last Monday, but that she has not seen them. She will follow-up.

Mr. LaTorre requested that a breakdown of the bills appear on the agenda. Mr. Spahr agreed to provide his copy to him after the meeting. A copy of the bills can be obtained by request.

Mr. Spahr reported that he and Carl attended the sessions held by the Local Share Committee which was deciding on grants. The Township presented two grant applications. The Township was subsequently awarded a \$150,000 grant, with the Township to leverage \$130,000. Mr. Spahr said it will have to be determined what culvert or culverts can be replaced with the money available. The engineer explained that the project will require some abutments and permitting work. He would like to bring out someone from the DEP and the work will be dependent on the permit the Township will be required to obtain, which the engineer hopes is not a full joint application permit which he later explained takes one year to be approved. Also, he explained that his preferred approach will be to use pre-engineered bridges on the project to save time and money. If pre-engineered bridges are used, the Township may be able to replace two culverts with the available funds. He has experience with the installation of four pre-engineered bridges in other municipalities. He will call the DEP to have them review what we want to do. He will let the Township know when the meeting occurs.

In regard to whether this award could hurt the Board's chances in getting a grant for the sewerage project, Mr. DeiCas said that in his experience it seems to be helpful in getting another reward to have successfully completed a project funded by a grant. He did not believe a successful project would hurt the Township's chances and may actually help. For the Overlook Street area sewerage project, over \$600,000 in funding is needed to make that project affordable for the residents.

In regard to EDU's for the Overlook sewerage project, Mr. DeiCas has determined that 23 EDU's are needed and two vacant lots. On Thursday he will bring down an aerial map and he and Ms. Taylor will go through it to determine the exact number. Ms. Taylor suggested that the agreement be modified to say "up to 30" EDU's as opposed to a specific number anyway due to the fact that, even though she and Mr. DeiCas will establish an exact number, it would cover the Township, in terms of the agreement, if any additional EDUs are found as the project continues. The DEP has already built in 30 EDU's. Ms. Taylor asked to speak to Bethel Park's engineer and let him interpret those numbers for Mr. Cooper. She also needs the actual Act 537 Plan.

Regarding the documents being held by Chester Engineers, no signed licensing agreement has been supplied by Mr. DeiCas to send to Chester Engineers so that documents can be released. Mr. DeiCas said he will talk to the Board in Executive Session regarding the license agreement.

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Regarding the advertised road crew position, eighteen responses were received. The Road Superintendent was asked to come up with a short list of individuals to call in for interviews. He will work on that list. Once it is done, the Board will be notified to schedule an interview date.

Regarding Elrama sewerage billing services, the Treasurer confirmed that she incorporated all the solicitor's changes into the Elrama Rules and Regulations. The solicitor finds the Rules and Regulations acceptable.

Motion to approve the amendment to Elrama Rules & Regulations conditioned by the approval of WESA to the Agreement.

Motion by Paul Chasko, Second by Debbie Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to approve the West Elizabeth Collection Agreement conditioned on the approval by WESA.

Motion by Heather Daerr, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to authorize the Treasurer to seek a proposal from Cypher & Cypher for an audit of Jordan Tax Service collections as it pertains to Union Township.

Motion by Paul Chasko, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board discussed collections of delinquent accounts. The information relative to the final total owed by delinquent Elrama sewerage customers has not been released to the Township. Also, it was noted that, although they must supply the number, this figure does not have to be in any particular format or a format that would make it easier for the Township to be able to pick up delinquent collections. It was suggested to freeze collections of the delinquents until Cypher and Cypher complete the audit. Mr. Makel will look at the agreement with Jordan Tax Service and give Ms. Taylor better direction on this subject. Ms. Taylor will call Cypher & Cypher and ask their professional opinion / recommendation. This decision was held in abeyance pending further information.

Motion to approve an easement agreement between Union Township and the owner of 19 Patterson Road with the owner to pay the costs for writing and recording. No second was made as the motion was interrupted for further discussion. It was decided to hold the easement agreement in abeyance to allow the new Supervisors to look at the home and read the agreement.

Motion to approve participation by the Township in the COSTARS salt contract for the same amount as in 2015, 1500 tons.

Motion by Heather Daerr, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

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Mr. Ivery reviewed the Watters Subdivision Planning packet with the Board.

Motion to approve the Watters Subdivision subject to it being executed by the appropriate parties with reimbursement of any costs incurred which have not already been reimbursed, Lot A being 12 acres and Lot B being 16.584 acres, all fees being paid, for recording purposes only.

Motion by Debbie Sargent, Second by Paul Chasko

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Sunoco requested a Stormwater Consistency Letter be supplied in regard to their pipeline project and had provided a draft letter to submit. Mr. DeiCas will prepare a letter.

Motion to appoint Edward Frye as Representative to the Jefferson Hills Ambulance Service.

Motion by Charles Trax, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The American Legion requested full reimbursement of electricity for the honor roll. Currently we give each organization maintaining an honor roll \$100 towards expenses. Larry Spahr asked what the American Legion paid for electricity last year. Mr. Chasko will verify this number.

Mr. Spahr explained that twenty to twenty-five years ago, the Supervisors authorized a plaque be created to recognize those who served in the Township over several or multiple terms and whose service has risen to the level warranting recognition.

Motion to add Stephen Parish, George Uremovich, and John Smida to the Union Township Service Award Plaque.

Motion by Paul Chasko, Second by Debbie Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Carl DeiCas reported that he and Paul Chasko met with Sunoco regarding Patterson Road. On January 31, 2016, the road bond will expire. Sunoco will be bonding the road again to lay the second pipeline and will make any repairs after the second crossing of the road. Mr. DeiCas said that, as a protection to the Board, he suggests a letter be written declaring them in default of the current road bond. The excess maintenance agreement will thereby stay in effect. The solicitor will write this letter.

Motion to authorize a letter of default be sent to Liberty Insurance for default of the bond on Patterson Road by Sunoco.

Motion by Paul Chasko, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to enter into an addendum with Sunoco extending the existing one year Excess Maintenance Agreement until the end of 2017 for Patterson Road

Motion by Charles Trax, Second by Debbie Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

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In March, Sunoco will come and do repairs to make the road usable. Once they cross through for the second pipe, the road will be final repaired. The bond is \$41,250. Liberty Insurance will want an estimate of damages. Mr. DeiCas explained that the \$41,250 will not be sufficient to repair the road but that excess maintenance agreements, like the one created by the Township solicitor, are used to cover any maintenance costs over the road bond amount. The road bond amount is set by state law and is often too low; thereby necessitating an excess maintenance agreement. Mr. DeiCas also explained that Sunoco will supply a drawing for the easement agreement, and that the Township did not sign an easement agreement in the past with Sunoco because the as-built was not supplied. Mr. DeiCas suggested to Mr. Makel to add the as-built for the excess maintenance agreement.

At the Reorganization, a meeting was decided upon to ascertain information about professional services and personnel issues. Mr. Spahr explained that each unit of professional services was appointed on a month-to-month basis. A meeting to gather information was scheduled for Thursday, January 21, at 6:00 p.m.

Frank LaTorre inquired about Tomko. There was a cease and desist order by the DEP for the sale of stone. There is a hearing February 10th or 11th to hear an appeal by Tomko referred to as a supersedeas. Mr. Makel will speak to Harold Ivery and Nicole Rodriguez about the order in relationship to Township issues/concerns. Mr. LaTorre inquired if Tomko can continue current operations until the hearing before the Environmental Hearing Board.

Public Discussion

Frank LaTorre and Hal Breinig commented on Tomko and also about growth. What is allowed in terms of transportation and excavation while the supersedeas is pending will be investigated by the solicitor. Mr. Makel will speak with Mr. Harshman tomorrow.

Mr. Breinig voiced his disapproval with the Board modifying the Big Box Ordinance. Mr. LaTorre commented that Tomko should not be allowed to excavate the hill any longer since that is considered to be mining.

In regard to the issue involving trailers in disrepair on Stonechurch Road, Mr. Ivery said that the owner of the Stonechurch Road trailer park is being cited. Ms. Daerr recommended that the Zoning Officers determine whether PA code Title 75 Chapter 73 on Abandoned Vehicles showed any promise of a safe/legal course of action for our Township to resolve this situation. Larry Spahr said that if the trailers are to be demolished, each and every property owner must be notified as well as their heirs to avoid legal issues. Mr. Furman is investigating the process for handling the apparently abandoned and neglected trailers.

Motion to go to Executive Session at 9:17 p.m. for purposes of personnel and litigation.

Motion by Charles Trax, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. DeiCas entered into Executive Session with the Board.

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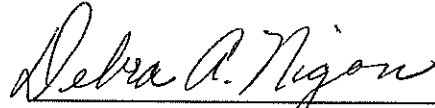
The Board returned from Executive Session at 10:00 p.m.

The solicitor said they discussed litigation involving Chester Engineers and KLH Engineering.

Motion to adjourn at 10:01 p.m.

Motion by Paul Chasko, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.


Debra A. Nigon, Secretary