

**Union Township Board of Supervisors
Legislative Meeting
January 24, 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, Paul Chasko, Deborah Sargent, and Heather Daerr.

Also in attendance, Robert Balogh-Manager/Asst. Treasurer, Gary Sweat-Solicitor, Nicole Dooly-Secretary/Treasurer, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement Officer, Andrew Sweat-Attorney, and Jessica Berringer.

Public Comment on Agenda Items:

No public comment was made.

Motion to approve minutes for December 18, 2017 Legislative Meeting.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-ABSTAIN, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve minutes for January 2, 2017 Reorganization Meeting.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to rescind approval of minutes for January 2, 2017 Reorganization Meeting.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve minutes for January 2, 2018 Reorganization Meeting.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve minutes for January 10, 2018 Non-Legislative Meeting.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-ABSTAIN, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve payroll# 26 dated December 29, 2017 in the amount of \$13,046.76 presented by the Manager subject to being true and correct.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve payroll #1 dated January 12, 2018 in the amount of \$14,074.51 presented by the Manager subject to being true and correct.

Motion by Charles Trax, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Manager, Robert Balogh made note to the Board of Supervisors that all payroll records and supporting documentation are available in the Secretary's office for their full review at any time.

Unfinished Business:

Agenda items under unfinished business included the following items:

- A. Approve/Deny Applying for C2P2 Grant for Old Elrama Chrome Shop Site.
- B. Approve/Deny Authorizing Manager to Approve Use of Township Facilities.
- C. Approve/Deny EQT Request for Sunday Work 1/28/18
- D. Approve/Deny Meeting Rules of Conduct.
- E. Approve/Deny Appointments to Boards and Commissions.
- F. Approve/Deny Refund of Tomko Grading Permit Costs in the Amount of 18,500.00
- G. Approve/Deny Tomko Grading Permit Extension.

Motion to approve applying for the C2P2 grant for the old Elrama Chrome Shop.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to authorize manager to approve use of Township facility's

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve EQT request for Sunday work on 1/28/2018 at the Hartson Compressor Station.

Motion by Charles Trax, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to adopt meeting rules of conduct.

Motion by Charles Trax, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Chairperson, Heather Daerr stated various boards and commissions have not been organized very well in the history of Union Township. She noted Manager, Robert Balogh and Secretary, Nicole Dooley have researched and provided the Board of Supervisors with a list of individuals and their terms for the various boards and commissions. The research found there are multiple openings that need to be filled. Mrs. Daerr then reported that several members from the community who expressed interested in joining the Union Township Recreation Board have joined the evening meeting. At that time Mrs. Daerr invited those community members to introduce themselves. Also, in attendance was a community member interested in appointment to the Zoning Hearing Board. After all the community members spoke, Mr. Balogh, Mr. Sweat and the Board of Supervisors reviewed each board or commission, their openings and terms. The discussions on how to reconcile terms to correctly follow the second-class township code ensued. It was concluded at the evening meeting the Board would appoint new member to the Recreation Board and Zoning Hearing Board.

Motion to recommend Jessica Clancy Raco to the Recreation Board with a term starting January 24, 2018 to expire on December 31, 2022.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to recommend Anthony Raco to the Recreation Board with a term starting January 24, 2018 to expire on January 31, 2023.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to recommend Matthew Graham to the Recreation Board with a term starting January 24, 2018 to expire on January 31, 2024.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to appoint Shana Garrett to the Zoning Hearing Board with a term starting January 24, 2018 to expire on December 31, 2020.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Moving forward on agenda items F and G, Mrs. Daerr asked to defer those agenda items until the Board of Supervisors has an executive session.

New Business:

Agenda items under New Business included the following:

- A. Discuss 13 Mingo Circle options.
- B. Any Additional Items.

Discussions with regards to the mandatory remediation as defined in the DEP's consent order were opened by Solicitor, Gary Sweat. Mr. Sweat noted 13 Mingo Circle seems to be the most offending

property in terms of "sewerage running ramped". He reported that property is scheduled for sheriff's sale on February 2, 2018. Next, Mr. Sweat advised the Board of Supervisors he has been working with attorney for the DEP, Charney Regenstein regarding the first draft of the DEP's consent agreement and Union Township's required remediation to the Mingo Circle Sewerage issue. He noted the DEP is pushing for Union Township to approve and sign the consent order. Mr. Sweat feels this would be wise because there is an argument date scheduled for the preliminary objections that have been filed for the Drusbasky case. He reminded the Board of Supervisors that the DEP is part of the Drusbasky case. Mr. Sweat stated based on discussions the DEP will then consider approval of Mr. Harshman's recommendation on replacement of a drainage pipe on Mr. Drusbaskys property that he himself has requested to eliminate the storm water that is flowing into his basement causing a mold problem. Mr. Sweat directed the Board of Supervisors to voice any questions they may have to himself or Mr. Harshman. Mr. Sweat also reported he would also like approval for the revised consent order. Discussions ensued amongst the Board of Supervisors, Mr. Sweat, Mr. Harshman and Mr. Balogh about a resolution for the sewerage situation.

Motion to approve the revised consent order with the condition that the townships obligation is limited to remediation and maintenance of the system for the five properties identified in the investigative report of Harshman Group, LLC. dated April 24, 2017.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve Mr. Balogh or Mr. Sweat to seek an appraisal on 13 Mingo Circle.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to authorize the Solicitor to negotiate the purchase of 13 Mingo Circle for a price up to the full appraised value, authorizing the Township Manager to have issuance of a cashier's check for ten percent of the appraised value to take to the sheriff's sale and close on the property within five days of the sale.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Mr. Harsman recommended the Board of Supervisors tabling the quotation for the necessary repairs for 13 and 17 Mingo Circle to comply. Mr. Harshman also stated a meeting with the owners of 17 Mingo Circle prior to the evenings meeting resulted with asking if the homeowners can have the opportunity to make the necessary repairs on their own. Mr. Balogh interjected and wanted the Board of Supervisors to be aware the homeowners of 17 Mingo Circle have not filled out or paid for their holding tank application. He also reported they have paid \$1,000.00 out of the townships required \$2,000.00 holding tank escrow. Zoning/Code Enforcement Officer, Jarrod D'Amico stated he is set to go before the magistrate with Ms. Williams the owner of 17 Mingo Circle, next week. He requested Mr. Balogh go to the magisterial hearing as representation of the Township. Mr. Balogh stated his position that allowing the homeowners to make the necessary repairs be contingent upon completion the holding tank agreement and paying the remaining fees owed along with suppling the township the required pumping receipts.

Moving forward under additional items letter B. on the evenings agenda, Supervisor, Heather Daerr has informed the Board of Supervisors. Engineer, James Harshman has asked for condemnation of a small

area at an existing culvert on Coal Bluff Road to replace an existing cross pipe. Engineer, James Harshman stated there is no easement at the location. The culvert extends slightly beyond the Township right of way, both the inlet and outfall. The culvert is in disrepair and needs to be replaced. Mr. Harshman reported he has been in communication with the property owner during the onset of this project. However, it seems as if the owner has changed his mind and would sign an easement.

Motion to add under new business line item B the condemnation of a small area of an existing culvert on Coal Bluff Road parcel number 640-008-00-00-0049-00.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve Mr. Sweat to start condemnation proceedings on parcel ID 640-008-00-00-0049-00 for the property identified on Mr. Harshman's easement for the portion of Coal Bluff Road/Delicia Property.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Solicitor, Gary Sweat informed the Board of Supervisors, that he and Attorney, Andrew Sweat have been working on a petition to present to the court asking for a roll to show cause why phases six and seven of Tuscany Estates should not be cancelled of record. No cooperation or response have been received by Quaker Engineering or their president. Mr. Sweat stated he spoke to the recorder of deeds. The recorder of deeds needs an order from a judge putting a notation on those subdivisions that they are cancelled. All the lots identified in each of the phases will be transformed back to a block parcel ground. Parcel numbers have been assigned to each of the lots in both phases. Mr. Sweat will list every parcel number to have them phased out. Mr. Sweat expressed his discernment with the situation and is looking out for the best interest of the township.

Motion to approve expenditures for the month of January in the amount of \$100,589.93 as presented by the Secretary/Treasurer subject to being true and correct.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Public Comment:

George Powell: 4297 Finleyville-Elrama Road, Finleyville PA. Mr. Powell commented on 13 Mingo Circle Drive.

Hal Breinig: 44 Finley Ave, Finleyville PA. Mr. Breinig announced there will be a public meeting on January 29, 2018 at 7:00pm at Peters Township Municipal Building. Mr. Breinig expressed his concerns regarding Clairton Municipal Authority and sewerage costs. Mr. Breinig also ask if there is a possibility for noise blankets at the Tomko work site to help buffer noise.

Chris Coppula: General Counsel for W.G Tomko: (no address given) Mr. Coppula expressed concerns regarding the Land Use Application for W. G Tomko. Mr. Coppula also asked for clarification on the expiration of the Tomko Grading Permit.

Supervisor Comments:

Supervisor, Heather Daerr gave a public thank you to Mr. Lenny Baily and the Elrama Volunteer Fire Company for their 2017 report.

Supervisor, Richard Lawson noted since he is an appointed Road Master he should be in the poll for random drug and alcohol screenings. Mr. Lawson also expressed his concern and interest in a CPA firm giving quarterly accounting reconciliations.

Motion to go to executive session for personnel reasons and possible litigation at 8:19 pm.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

The Union Township Board of Supervisors returned from executive session and back on record at 9:54 pm. The Solicitor stated that in executive session the Board of Supervisors discussed legal matters surrounding Mr. Tomko & Missionary Partners.

Motion to refund \$18,500.00 of the Grading Permit fee to back to Mr. Tomko.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to extend the grading period for Mr. Tomko and Missionary Partners for a final month until March 8, 2018 with no more extensions under the existing Grading Permit.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Solicitor, Gary Sweat provided clarification for Mr. Coppula on the Land Use and Development application coupled with the plan to add an additional building on the Tomko site. Mr. Sweat told Mr. Coppula if he is willing to continue the tabling of a decision of the Land Use and Development plan the Board of Supervisors will instruct Mr. Sweat to withdrawal the issued denial letter and they will deal with the application on another date. Mr. Coppula stated he would request that it not be tabled if the Boards decision stands as such he will take the letter of denial. Mr. Sweat told Mr. Coppula the Board would like to spend additional time looking at the letter. They are not willing to enforce the denial letter yet. Mr. Sweat asked if there could be an agreement to table the application until the February Legislative meeting. Mr. Coppula asked so long as his rights are not prejudiced he would agree. Mr. Sweat stated Mr. Coppula's rights will not be prejudiced. He stated there is not any time where the appeal period is running. Mr. Coppula asked if he would ask for another extension on the Grading permit it is his understanding his request would be denied. Mr. Sweat agreed. Mr. Coppula asked if he would get a reason for denial on the record. Mr. Coppula then referenced a letter of recommendation from Mr. Harshman that stated the Grading permit be extended until September of 2018. Engineer, Mr. Harshman interjected and stated at that time Mr. Tomko had paid the fee for a one-year grading permit. Since then Mr. Tomko has challenged the Grading permit and fees stating it was an extension therefore the recommendation later is not valid. Mr. Harshman also reiterated at the time he did not feel the Board agreed with his recommendation. Mr. Coppula thought the extension of the grading permit was to complete the scope of work on the original 2016 Grading Permit. It is Mr. Coppulas opinion that this is


of matter of factual dispute. Mr. Coppola asked that if a permit extension will be denied he would like the Board to relieve him of submission of a formal application asking for an extension. Mr. Coppola stated for the record he believes that if in fact the fee is what is driving the failure to renew or to extend he does not feel that is proper. He does not feel that is an appropriate ground to consider under your ordinance for an extension of a grading permit. Mr. Sweat stated the position of the Board is that of Township Ordinance Grading Permits are good for one year. The permit expired in August of 2017, which is reason the topic of extension arose. At the time it made very clear on the record the extension was twofold. The permit was extended on a month to month basis because Tomko was not in compliance with supplying records to the Engineer. More importantly the permit was extended because of the perceived unusual extraordinary circumstances to be safety related matters because of the slippage and the gas line rupture. The position of this Board goes back to safety. Mr. Sweat stated Mr. Coppola even followed up with an email to Mr. Harshman laying out a six-month timeline. The basis of the extension surrounded specific safety issues that still needed to be addressed. The permit was not extended to give an unlimited extension of the 2016 Grading Permit when the ordinance states it is good for one year unless there are extraordinary circumstances outside of one's control that would justify extending it. Mr. Harshman interjected and stated the Board has been more than fair issuing extensions. The safety issue surrounding the permit extension was addressed by October. Requesting the extension fee be returned put the Board in the position to look at as a new permit once the extension is not reissued. Mr. Coppola stated he disagreed with Mr. Harshman's reading of the ordinance. Mr. Coppola asked the Board what he would need to file for a new permit application. Mr. Harshman stated he would need application, record set of the grading plans, quantities, a good schedule of project completion, and updated earthwork. Mr. Harshman asked if the NPDES permit is current, Mr. Coppola stated it was. Mr. Harshman asked if DEP Mining was still involved regarding the high wall reclamation. Mr. Coppola stated the high wall plan has changed. He stated the high wall obligation was changed and satisfied with the erection of the fence placed around the high wall. Mr. Coppola stated there are no further obligations under the DEP's consent order. Mr. Harshman reiterated the same operation and expectations as in the past will be required for the new Grading Permit. Solicitor, Gary Sweat asked Mr. Coppola if W. G. Tomko intended on applying to the DEP for a mining permit. Mr. Coppola stated that in fact they are in the process of applying for a mining permit to sell the rock that is excavated from the Tomko worksite. Mr. Coppola stated they are grading the high wall to make more room on the site for an additional building.

Motion to adjourn.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.


 Nicole L. Dooley, Secretary