

Board Approved: February 27, 2017 with revision as noted.

Union Township Board of Supervisors
Regular Board Meeting
February 13, 2017

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent at 7:03 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, Paul Chasko, Heather Daerr, Deborah Sargent. Charles Trax attended late, but before 7:30 p.m.

Also in attendance were, Mr. Gary Sweat–Solicitor, Mr. James Harshman–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer.

After the pledge, Ms. Daerr made a Motion to go to Executive Session to discuss personnel matters.

Motion to go to Executive Session at 7:04 p.m. to discuss personnel matters.

Motion by Heather Daerr, Second by Deborah Sargent

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

The Board returned from Executive Session at 7:10 p.m.

Deborah Sargent announced that the meetings were being recorded from this point forward.

Departmental Reports

James Harshman delivered the engineering report. Regarding Sugarcamp Road, the pole will be removed.

The Township is currently within the 30 day comment period for the Overlook Sewage Act 537 Plan. After the comment period closes, which will be on February 28, 2017, he should be able to submit the plan to DEP.

As pertains to Tomko, construction is currently closed for the winter. In the meantime, Tomko has submitted a land development application which includes substantial changes to the grading plan and new construction.

A bid package and advertisement has been prepared for the Garvin Road bridge project.

A bid opening was held by the Redevelopment Authority for the Nike Site demolition project. Reynolds Brothers was the lowest bidder. Harshman CE Group is reviewing the bid. Since the bid came in at around what the Road Superintendent had estimated, there is sufficient funding to allow for two buildings to be demolished instead of just one. The bid that is being reviewed was just over \$37,000 which is well within the spending cap for the project.

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The entrance bridge at Stonebridge and Stonebrae Roads was inspected. Most of the concerns have to do with maintenance items and unfinished work from the original construction. The necessary maintenance can be coordinated with the road crew.

Work on the Sunoco access road repairs has not begun. Mr. Harshman said that he has not yet seen a signed agreement. If it shows up at the Township, he would like a copy of the agreement.

Harshman CE Group has applied for a GP-8 permit for work on the LSA project at Jason Drive. They expect to be able to advertise for bidders at the next meeting.

The draft Township Map was sent for review by MCS. Harshman CE Group has received their comments and are currently making the necessary updates.

Bryan Lowe has reviewed the roads to determine what should be included in the 2017 paving project. Some streets have been selected and he is working on a budget and scope. There was some discussion about a low point on Meadow Street which needs corrected where water is pooling. Harshman CE Group is leaving it to the Township to determine which roads they would like to have done.

Mr. Spahr asked whether the engineer inquired as to whether line painting could be included as part of the improvements by Walsh on Patterson Road when it is used as a detour/bypass. Mr. Harshman said that he has not had any recent interaction with them. Mr. Spahr asked that he find out if they are receptive. Mr. Mellor commented that he recalled that they agreed to painting lines.

Gary Sweat delivered the solicitor's report. He noted several ordinances which are pending passage which include a dust control ordinance, an excavation and grading ordinance, and a stop sign ordinance to allow for a stop sign on Coal Bluff Road. Mr. Sweat said that he also provided a junk car ordinance for their review. The next step on the junk car ordinance will be to advertise the ordinance for adoption. Mr. Sweat also prepared and provided a winter maintenance contract for review by the Board in preparation for a vote on whether Fairfield Landscaping can be contracted to provide services. The noise ordinance is under consideration. Property maintenance legislation is also under consideration.

Mr. Sweat also said that conciliation conferences are being scheduled in reference to appeals concerning the County reassessments. Sweat Law will attend certain conferences which may be significant to the Township. There will be more to report once they have attended these conferences.

He also reported that his firm provided a thorough memo which outlines the law and approach necessary for the mobile park home owner to get the trailers designated as abandoned.

The solicitor made mention of the response the Treasurer received from Beau Berman to her request for payment relative to his right-to-know request. The invoice was not paid. In summary, Beau Berman's response communicated that he had only requested to inspect the

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records and had not requested the copies for which he was charged. Mr. Sweat's evaluation was that he had asked for copies on his RTK request form. He suggested that the treasurer respond to Mr. Berman to inform him of this fact.

Mr. Sweat reported that he has not received a signed maintenance agreement from the developer for Tuscany Estates.

It was noted that Municipal Consulting Services did not attend to provide a report. The board discussed a letter from MCS to the Board which was provided in the materials at today's meeting in which they resign from their post following a 30 day notice. MCS still held the appointments for building code/inspection services and zoning officer services after having been replaced for code enforcement at a prior meeting. Ms. Daerr commented that she had contacted Jarod D'Amico, Harshman CE Group, who had been appointed as the new code enforcement officer and had been informed that MCS had not been communicating with them relative to the transition of work even though it had been two weeks since the decision was made. Ms. Sargent said that she contacted MCS regarding the lack of communication, even though she didn't feel she should have to, at which time, Mr. Ivery informed her that he felt micromanaged. She said that since ~~they are~~ she is not seeing eye-to-eye with MCS in terms of management styles, ~~they had~~ she requested a proposal from James Harshman, which was on the agenda. Mr. Spahr commented that his opinion was that the open position should be advertised. He expressed concerns with Harshman CE Group taking the job in that it would be a conflict of interest since he might be approving his own work. Mr. Harshman assured the board that he would not assume the role if the board were not comfortable. He also noted that, since MCS was responsible for getting his firm into the Township, he did not want to compete against MCS.

Mr. Harshman asked Mr. Sweat for his legal opinion regarding a conflict of interest. Although he would need a specific scenario, as a general rule of thumb, Mr. Sweat did not believe there was a conflict. He did note, however, that there was a need to appoint a temporary zoning officer since he would not like to see a vacuum should there be an emergency situation.

The road superintendent delivered his report. He also inquired about files and documents which may be needed before MCS resigns. Mr. Sweat suggested that they be asked to prepare a summary regarding hearing schedules, citations, and any projects or items that are in the midst of completion. Mr. Harshman noted that there are two subdivisions which are in process which should go to the planning commission first and then move on to board afterwards. He also noted the Tomko land development application and two other subdivision applications. His advice was that the applications be reviewed for completion so that a letter can be sent to stop the clock.

In regard to the agenda item concerning the responsibility for PA One Calls in Tuscany Estates, Mr. Mellor commented that there recently was a call due to a leak on Viarregio Way. Mr. Sweat will look into the matter and reply to him by email.

The slide on McChain Road was discussed. Material has begun to slide again and a major slide is imminent. It was reported that Bryan Lowe of Harshman CE Group looked at the slide area. The slide is at the property of Mr. Corace who is also in attendance at the meeting.

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Mr. Mellor reported that there were no troubles or calls during the last snow storm. Mr. Trax commented that the road crew received much praise for its work during the storm.

Officer Harris delivered the police statistics which included 19 criminal complaints, 5 non-traffic citations, 31 traffic citations, and 4 drug arrests. He reported that two of those arrests were for heroin. Ms. Sargent commented that the community is very excited about their presence and that the Channel 11 news story which was posted on Facebook received more views than anything she had posted to date. Ms. Daerr thanked Officer Harris for his bravery during the recent drug arrest which involved apprehension of one individual residing in the Township and another individual from Clairton.

Ms. Daerr announced that an Active Shooter Seminar will be held at Trax Farms on February 23 at 9:00 a.m. Benny the drug canine officer will be there as well. Chief Tempest added that the event is open for businesses and also open to the public since Mr. Trax was nice enough to invite all to attend. The program will be about 25 to 30 minutes long.

There was no supervisors report.

Public Comment

Ms. Sargent announced that Mr. Silvestri had helped to set up guidelines for the new meeting format. Per the new guidelines, public comment will be on agenda items at the agenda meeting and there will be no non-agenda comment period at the end of the meeting. At the legislative meeting, comment will be permitted on non-agenda items.

Ms. Sargent asked that any residents who would like to comment come to the lectern, which was recently purchased for public comment, and state their name and address.

Jo Ellen Meek, 124 Viarreggio, Tuscany Estates, asked about the status of the developer's NPDES permit as some of the residents on Grosetto Drive are still having trouble with water coming into their back yards. She asked that they be notified if the NPDES gets re-approved.

Pete Guido, 125 Viarregio Drive, Tuscany Estates, commented about the new meeting schedule for the Tuscany Estates Homeowners Association. He also announced that, though he is still on the Home Owners Association Board, he is no longer president. The new president has set a new meeting schedule which includes a meeting on Tuesday, February 28. He inquired as to whether the new dates have been approved. Judy Taylor acknowledged receipt of the new schedule which was hand-delivered. Mr. Guido was assured that although approval has not yet been formally authorized, the organization could use the room on February 28. Approval of the schedule will be on the agenda at the legislative meeting. Mr. Guido informed the board that meetings will begin at 7:00 p.m. and that the doors will need to be opened at 6:30 p.m. on meeting nights. Mr. Guido also inquired as to whether Maronda can build on the intended lots in the development. Mr. Harshman said that the Township will not be able to issue a building permit.

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Ms. Bernie Speer, 5106 Chevy Chase, noted that an extension of the waste management contract was on the agenda. She asked whether the board might consider an increase in recycling to two pick-ups per month. She noted that when the recycling program was first initiated, there were not as many materials accepted as what there is now.

Motion to approve general fund bills in the sum of \$33,914.91, as of February 13, 2017, as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Deborah Sargent

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

Ms. Sargent noted that the bills being paid included payments to SWRPD. The Treasurer informed her that the payment was for court appearances before the magistrate which were being paid at \$50 per hour. Ms. Sargent expressed doubt as to whether Union Township had to pay Southwest Regional to go to court. Chief Tempest noted that the magistrate's office can provide information as to whether the hearings are for traffic citations or other matters. Upon inquiry by the solicitor, it was confirmed by the Treasurer that court time was not paid under the SWRPD contract. Chief Tempest informed the board that a hearing could be scheduled a year from now on something that happens today; so, it is expected that hearings will continue relative to work done by SWRPD under the old contract. If it is a criminal case, the officer has to be there or the case is lost. If it is traffic violation, the officer does not need to appear. Mr. Sweat advised that, after it is determined what types of cases are being heard, a letter of understanding be written and sent to SWRPD. Ms. Taylor was requested to hold the check until she receives more information about the types of cases being scheduled.

Mr. Chasko addressed the issue of the McChain Road slide which has been an on-going issue for a few years now. Pictures which had been taken of the slide area were projected onto the wall for review. Mr. Corace who was in attendance confirmed to the engineer that they were viewing new material which he had placed on the hillside because of the cliff near his garage. His opinion was that the contractor who was employed to remove material removed the footer allowing the hill to slide. There is a pipe half way up the hill which discharges mine water. Mr. Sweat said that a report by the engineer is needed. Mr. Harshman mentioned that he did drive by the slide on his way to the meeting and can confirm that the trees are at risk. In his opinion, the repair will most likely involve pulling all the slide material out and ensuring that there is a stable slope. Mr. Sweat suggested that signs be erected immediately.

Mr. Corace was asked to comment on the slide. In his opinion, Morgan Excavating, removed the footer of the hillside. He informed the board that he took pictures during that time. He was asked about the 50 foot easement which was requested and rejected. Per Mr. Corace, he did not approve a 50 foot easement as he was not provided with information regarding the work that would be done. Mr. Corace said the work done by Morgan Excavating on the slide area was completed in four hours time. Ms. Daerr asked about a final report by the engineer. There was no final written report which could be found; however, Ms. Taylor said that, the engineer's signature on the work order or change orders is all that is needed to authorize payment. It was noted that the pictures the Township has of new material being placed on the slide area are dated 5-12-2014.

Minutes not certified by the 2018
Union Twp. Board of Supervisors
or staff members.
Refer to Resolution 2018-7
for details.

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Motion to erect signs and authorize the engineer to provide an inspection report on the slide area.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Harshman requested Mr. Corace's contact information and confirmed that he had his permission to access the property to review the slide area.

The agenda item for changing the meeting schedule was discussed. Ms. Sargent explained that some municipalities schedule the agenda meeting and legislative meeting closer together. This enables discussion at the beginning of one week, followed by action at the beginning of the next. In Mr. Sweat's opinion, the meetings being held closer together worked better. It was determined that the professionals could be available should the schedule be changed.

There was discussion relative to the junk car ordinance. Mr. Spahr mentioned a concern that the proposed amendment may allow for entry onto someone's private property without due process. The ordinance addresses two situations, one of abandoned vehicles and one of nuisance vehicles. Mr. Spahr asked for more clarity as to what is considered abandoned and who would make the declaration that a vehicle is abandoned.

Chief Tempest said that common sense has to be used in making the determination. If a plate was simply not renewed, they will not necessarily tow the vehicle. On the other hand, if it is wrecked but it has a current plate and registration, then the vehicle would still be a nuisance. Mr. Spahr asked about payment for removal of abandoned vehicles. It was explained that the tow company has a salvage license and charges storage fees. If the fees are unpaid, the tow company will seize the vehicle after 90 days. Per Chief Tempest, were the ordinance to pass, they would first take calls from residents who are reporting junk vehicles. After that time, they would drive around and make note of any vehicles that might be in conflict with the ordinance. Chief Tempest offered to take any board members who are interested out to patrol the area first. They would willingly follow the direction of the board as to whether or not to tag specific vehicles.

Mr. Harshman commented about the Planning Commission Meeting which was held in reference to a new Oil & Gas Ordinance. Since the planning commission did not have time for a thorough review, they will be reviewing the ordinance to make recommendations when they meet in February.

The Snow Emergency Assistance Contract was discussed. Larry Spahr asked if the gentleman from Fairfield Landscaping has seen the agreement. Mr. Sweat confirmed that he has. Mr. Spahr asked if the gentleman from Fairfield Landscaping could be asked to attend the next meeting because he wants to speak with him before he votes.

The agenda item concerning 23 Airport Road was discussed. Mr. Mellor informed the board that there is a blocked three foot pipe which might be one hundred or a hundred and fifty yards long. The pipe empties into property owned by Mr. Opferman and lies on private property. At one time, the blocked pipe has caused a pool of three feet of water on the road. The secretary noted that MCS informed her that they notified the owner of the property regarding the issue.

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Mr. Harshman also offered to check into what has been done and informed the board that Jarod D'Amico can send out a code enforcement letter. Mr. Mellor questioned whether the Township wants to be involved with cleaning out the debris as the pipe could collapse at some future time. Mr. Harshman will put a construction scope together before he is approached for an easement.

In terms of salt storage needs, there is currently 400 tons of salt in the storage bin with 900 tons left to order. Mr. Mellor provided a figure of 1500 tons, as typically ordered, for the next COSTARS contract. The deadline is in mid-March.

In terms of paving, Mr. Mellor said that Jefferson Street and College Street are to be paved. Braden is an alternate and will need milled and paved. He also believes Meadow Street should be done and not Braden this year, since Braden is barely used. On the other hand, there is constant ponding on Meadow Avenue, at the end of Meadow and College. Between now and the legislative meeting, Mr. Harshman would like to come up with scope and costs for the paving project. Mr. Mellor added that draining College Street is an issue as it drains behind the school.

Ms. Daer asked Mike Silvestri, who was in attendance, for his opinion on any savings it would be to the township to do its own paving or share use of a paving machine with another municipality. In his opinion, the paving machine gives the municipality flexibility; however, it is less expensive and more efficient to use a contractor for paving.

The waste contract was discussed. Waste Management was the only bidder in 2012 when the original contract was awarded. Since that time, the contract has been twice extended. The bid documents require that the waste be taken to South Hills Landfill which is owned by Waste Management. Currently, waste management performs the billing. It is a possibility that a new contract which continues the current billing arrangement will not be available. The secretary will inform waste management that the Board will entertain an extension if they will submit one for review.

Mr. Trax discussed the IT quotes. He said that the contracts proposed cover pretty much the same services and range from \$380 to \$440 dollars a month. He was partial to the quote of David Davis. The IT cost would be approximately \$4500 more a year but would include a better backup system, which is recommended, than what is currently being performed, although, they would agree to the \$30 dollar/month back-up should the board desire to continue doing backups in the same manner.

It was discussed that Frank Culver's term is expiring. Since he is so often out of town, he chose not to be reappointed. However, Ms. Sargent did confirm with him that he would like to continue participation if he could participate remotely. The solicitor will prepare a resolution which will allow for remote participation which would need to be adopted should the board vote to reappoint Mr. Culver. It was noted that it would be difficult to view drawings and plans while participating by Skype or conference call.

The Treasurer's notary certificate is expiring. The board will need to approve reimbursement for renewal of her notary certification if they wish her to continue providing these services.

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A flood mitigation grant program was discussed. The engineer said that he has not determined yet whether it is appropriate for Union Valley Watershed but will need authorization to spend time reviewing the documentation. There will need to be documentation of historical losses as the grant is designed to alleviate claims to the National Flood Insurance Program by reducing the risk of flooding. Harshman CE Group can contact PIMA to see what losses have been experienced. There are a few months left before the grant closes. The grant only has a 15% required match. It was noted that the owners of properties in the area have been mandated to buy flood insurance.

The agenda item for the proposal of Harshman CE Group for zoning services was discussed. Since MCS resigned from Union Township by their letter received today, and the board expressed a desire to advertise, it was noted that two or three months could go by until someone is appointed. It was suggested by the solicitor that a temporary zoning officer be appointed.

Motion to appoint Harshman CE Group as temporary zoning assistant and building code official to work tandemly with MCS during their final thirty days and to assist in the transition. Motion by Deborah Sargent, Second by Heather Daerr
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to go to Executive Session at 7:04 p.m. to discuss litigation
Motion by Heather Daerr, Second by Deborah Sargent
Roll call vote: Spahr-yes, Trax-absent, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.
Motion carried.

Motion to go to Executive Session at 9:33 p.m. to discuss the Teamsters contract.
Motion by Deborah Sargent, Second by Larry Spahr
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.
Motion carried.

The Board returned from Executive Session at 9:57 p.m.

Ms. Daerr said they discussed Employment issues relative to contract negotiations.

Motion to adjourn at 9:58 p.m.
Motion by Deborah Sargent, Second by Heather Daerr
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.
Motion carried.


Debra A. Nigon, Secretary