

**Union Township Board of Supervisors  
Legislative Meeting  
February 28, 2018  
6:30 pm.**

The Union Township Board of Supervisors meeting was called to order by Chairperson, Heather Daerr at 6:30 pm. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Ehrama 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, Lara MacAulay-Engineer, and Andrew Sweat-Attorney.

Public Comment on Agenda Items:

Hal Breinig: 44 Finley Avenue, Finleyville PA: Mr. Breinig expressed his concerns regarding recent weather events. Mr. Breinig commended Mr. Lawson and Mrs. Daerr for all their hard work during the storm events. Mr. Breinig asked how he goes about getting a traffic study.

Frank Latorre: 7 Boyka Drive, Finleyville PA: Mr. Latorre thanked Mr. Lawson for all his efforts and work during the recent storm events. Mr. Latorre expressed his concerns regarding the devastation in Union Township from recent flooding. Mr. Latorre expressed his opinion about Union Township moving forward and holding people accountable for what they do. He expressed the need for certain individuals need to follow the zoning ordinance of what they are working under.

Ralph Schmidt: 3613 Downing Street, South Park, PA. Mr. Schmidt expressed his concerns regarding his car that is parked in the collapsed garage on Rankintown Road. Mr. Schmidt asked if something could be coordinated when the removal of the collapsed garage takes place. He would like to retrieve his car. He does not want anyone to touch his car.

Steven Gorski: 2045 Linden Street, Finleyville, PA. Mr. Gorski expressed his concerns regarding Peter Creek and recent storm events that have flooded his home. He has noted the recent rains are eroding his back yard and the creek is moving closer to his house after every rain event.

Karen Kelly: 2037 Linden Street, Finleyville, PA. Ms. Kelly expressed her concerns regarding Peters Creek. Ms. Kelly would like to know if the Board of Supervisors has any plan on correcting the issues causing Peters Creek to back up and flood her home.

Motion to approve minutes from January 24, 2018 Legislative Meeting.

Motion by Heather Daerr, Second by Charles Trax

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

Motion to approve minutes for January 31, 2018 Special Vacancy Board Meeting.

Motion by Deborah Sargent, Second by Charles Trax

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

Motion to approve minutes for February 14, 2018 Non-Legislative Meeting.

Motion by Charles Trax, Second by Deborah Sargent

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

Motion to approve minutes for February 19, 2018 Special Emergency Flood Meeting.

Motion by Charles Trax, Second by Richard Lawson

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



**Motion Carried.**

**Motion** to approve payroll #2 dated January 26, 2018 in the amount of \$15,380.50 presented by the Manager subject to being true and correct.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve payroll #3 dated February 9, 2018 in the amount of \$12,590.52 presented by the Manager subject to being true and correct.

**Motion** by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve payroll #4 dated February 23, 2018 in the amount of \$13,962.19 presented by the Manager subject to being true and correct.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Unfinished Business:**

Agenda items under unfinished business included the following items:

- A. Approve/Deny Palermo/Kissinger Quarterly Financial Status Reviews.
- B. Approve/Deny PSATS Subscriptions and Publications.
- C. Approve/Deny Manager to Apply for Township Credit Card with Brentwood Bank.
- D. Approve/Deny Reimbursement for Veterans Memorial Fund.
- E. Approve/Deny Washington County Sewage Council Resolution.
- F. Approve/Deny Campbell, Durrant, Betty, Palumbo & Miller PC as Special Legal Counsel to Liquidate PNC Police Pension Funds.
- G. Approve/Deny Condemnation of 351 McChain Road.
- H. Approve/Deny Condemnation of 6344 State Route 88.
- I. Approve/Deny Condemnation of 2167 Garage on Rankintown Road.
- J. Approve/Deny Board Action on Property Violations Under Ordinance 100.
- K. Approve/Deny WESA to Use Debt Collection Service.
- L. Approve/Deny PCSA Clairton Municipal Authority Act 537 Amendment.
- M. Approve/Deny DREAM Workshop Meeting Date.
- N. Appoint Middle School Task Force.

**Motion** to approve engagement letter with Palermo/Kissinger for quarterly financial reviews.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve PSATS Subscriptions and Publications.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve Manager to apply for a Township credit card limit of \$5,000.00 with Brentwood Bank.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to table reimbursement to Riek Lawson for payments he made to the laborer for work on the Veterans Memorial.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve Washington County Sewerage Council Resolution.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve Sweat Law Offices to start negotiations with the Auditor General to liquidate PNC Police Pension Fund.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve condemnation of 351 McChain Road.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve condemnation of 6433 State Route 88.

**Motion** by Deborah Sargent, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve condemnation of 2167 Garage on Rankintown Road.

**Motion** by Heather Daerr, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve board action under ordinance 100.

**Motion** by Heather Daerr, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve WESA to use a debt collection service.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to table PCSA Clairton Municipal Authority Act 537 Amendment until Mr. Sweat talks to Mr. Lickert.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve Dream Workshop Meeting date of March 28, 2018 at 5:00 pm.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to appoint Richard Lawson, Charles Trax, Robert Balogh, Frank Latorre, Hal Breinig, and Robert Dooley as the Middle School task force.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to appoint John Partazara to the Union Township Planning Commission with a term starting February 28, 2018 thru December 31, 2020 and Frank Latorre with a term starting February 28, 2018 thru December 31, 2021.

**Motion** by Heather Daerr, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to appoint Kevin Daerr as the Zoning Hearing Board Alternate with a term starting February 28, 2018 thru December 31, 2018.

**Motion** by Charles Trax, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-ABSTAIN. **Motion Carried.**

**Motion** to approve CONSOL Easement fee of \$500.00.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to go to executive session.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-NO, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

Supervisor, Heather Daerr made the public statement after executive session to the Mr. Tomko and the audience. Mrs. Daerr stated the Board of Supervisors is trying to balance a relationship between W. G. Tomko, and the unhappy residents of Union Township. Mrs. Daerr asked Mr. Tomko if he would consider a meeting with the residents and Board of Supervisors to come to an understanding and common ground.

**Motion to deny to the Tomko grading permit based on the deficiencies stated in the Engineers review letter indicating multiple inadequacies in the application.**

**Motion by Heather Daerr, Second by Deborah Sargent**

**Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.**

**Motion to add an agenda item to extend the existing 2016 grading permit for one month until April 8, 2018 to give Mr. Tomko time to the review letter and deficiencies from the Engineer also in light of the appeal that Mr. Tomko has filed through the Zoning Hearing Board on March 22, 2018.**

**Motion by Heather Daerr, Second by Deborah Sargent**

**Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.**

**Public Comment:**

Frank Latorre: 7 Boyka Drive, Finleyville, PA. Mr. Latorre voiced his opinion on a Grading Permit extension for Mr. Tomko. He expressed his anger regarding the noise, nuisance issues and recent flooding events that are coming from the Tomko worksite.

Chris Coppula: (no address given) Mr. Coppula asked the Board of Supervisors if he could respond to the comments made by Mr. Latorre. Mr. Coppula disagrees with statements made accusing W.G. Tomko's worksite as the cause of the flooding. Mr. Coppula stated that during the rain event, Mr. Lawson, Mrs. Daerr, Mr. Balogh, Mrs. MacAulay and himself inspected the holding ponds at the Tomko worksite and they were performing properly. Mr. Coppula stated the water run-off from the adjacent property to Giant Eagle is not Tomko property. He stated it is the Peoples Gas right of way.

Supervisor, Richard Lawson asked to respond to the public comments made. Mr. Lawson stated he visited Mr. Tomko's site and he found both retention ponds to be working. He noted they were not on the emergency spill way, they were well below the top. Mr. Lawson reported he had inspected Giant Eagles pond during the storm event. It is his opinion at some period that retention pond was modified. He does not feel their pond is operating properly.

Supervisor, Heather Daerr interjected and supported Mr. Lawson's opinion and findings. Discussions between Mrs. Daerr and Mr. Latorre ensued surrounding the Board of Supervisors position and their opinions of the Tomko situation. Mrs. Daerr stated the situation is complex, it is her belief there is a better way to a more harmonious agreement between the Township, its residents and Mr. Tomko.

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig thanked Mr. Tomko for lending equipment to Union Township. Mr. Breinig expressed his concerns directly to Mr. Tomko regarding the nuisance and noise coming from his worksite.

**Motion to extend the existing 2016 Grading Permit until April 8, 2018 to give Mr. Tomko time to respond to the review letters from the Township Engineer also in light of the appeal Mr. Tomko has scheduled with the Zoning Hearing Board scheduled for March 22, 2018.**

**Motion by Heather Daerr, Second by Charles Trax**

**Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.**

**Motion to table the Tomko Land Development agreement.**

**Motion by Heather Daerr, Second by Charles Trax**

**Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.**

**Motion to approve purchase change order for side discharge spreader HTC Model 1200 Hydraulic Truck Conveyor Stainless Steel.**

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve Union Township Planning Commission to review and make recommendations on Sewerage Ordinances, Portions of the IPMC, Contracting Yard C1 and C2 and Parking Ordinance.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**New Business:**

The following items under new business included the following:

A. Emergency Flood Management Road Repair.

\*Tree Removal

\* Basin Maintenance

B. Approve/Deny Purchase of High Visibility Safety Jackets for Supervisors.

C. Approve/Deny Reimbursement of \$315.99 to Manager for Purchase of High Visibility Safety Jacket.

D. Identification Badges for Supervisors

E. Lock Update

F. Approve/Deny Union Twp. Council Chambers Microphone/PA System from Perfection DJs in the Amount of \$5491.41.

G. Any Additional Items.

Supervisor, Richard Lawson provided the audience with a hydrological map that he had drawn. Mr. Lawson provided an explanation of what he believes to be multiple contributing factors responsible for recent flood events in Union Township. Mr. Lawson believes a pond maintenance program may help our situation. Discussions between the Solicitor, Board of Supervisors, Engineer and Manager ensued regarding storm water management programs that can help Union Township. Mr. Lawson publicly thanked Ralph Opferman, Martik Brothers, Bob Martik, Dave Hufnagel, and Bill Tomko all for offering their time and equipment and stepping up to the plate to help Union Township out during the flood emergency. Mr. Lawson also stated there is an issue with drainage coming from the Finleyville Airport. Engineer, James Harshman noted a workshop to look at the watershed and brain storm about long term solutions to elevate flooding issues in Union Township should be considered.

**Motion** to advertise March 14, 2018 5:30 storm water maintenance workshop.

**Motion** by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to purchase two high visibility safety jackets for Supervisors.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to reimburse Township Manager \$315.99 for the purchase of his high visibility safety jacket.

**Motion** by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

**Motion** to approve purchase of Microphone/PA system from Perfection DJs in the amount of \$5,491.41.

**Motion** by Heather Daerr, Second by Richard Lawson

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

Solicitor, Gary Sweat reported he has completed the legal pleading for Tuscany Estates. He stated all lots in phases six and seven have been identified. The information will be presented to the judge of the term next week. It will be filed as a petition to show cause why phases six and seven should be voided of record in the recorder of deeds office. Mr. Danielson and Quaker Engineering will be served with notification. A hearing of a rule return date will be set. Mr. Sweat reiterated the recorder of deeds needs a court order to cancel those phases of record. Mr. Sweat briefed the Board of Supervisors stating the Municipal Lien has been filed on 13 Mingo Circle. He also reported the sheriff's sale on that property has been continued until April 6, 2018. Next, Mr. Sweat reported that himself, the Township Manager and Engineer had a meeting with officials of EQT this week. He reported EQT has big plans for Union Township. Mr. Sweat

understands the first project maybe the Caton Well Pad. Mr. Sweat is convinced Union Township and EQT can work well together.

**Motion to approve expenditures for the month of February in the amount of \$247,997.51 as presented by the Manager/Asst. Treasurer and Secretary/Treasurer subject to being true and correct.**

**Motion by Heather Daerr, Second by Charles Trax**

**Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.**

**Public Comment:**

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig gave his opinion regarding retention ponds and Lake Joanne. Mr. Breinig also updated everyone regarding the PCSA. Mr. Breinig asked the Solicitor for clarification regarding the PNC Police Pension Funds. Mr. Breinig asked if he would be able to receive information on a previous right to know request. Mr. Breinig also asked when we would receive a written report from the forensic audit. Mr. Breinig stated it is his opinion the ethics committee should be brought into Union Township to investigate prior Boards.

Karen Kelly: 2037 Linden Street, Finleyville, PA. Ms. Kelly referred to the hydrological map Mr. Lawson had drawn. Mrs. Kelly spoke to an idea of possibly creating an overflow area in the Peters Creek. Mrs. Kelly voiced her concerns of erosion of her property line and damage costs associated from recent flooding.

Engineer, James Harshman spoke to those affected by flood waters. He asked they keep good documentation of damage. He noted Union Township is in the process of applying for flood mitigation grants. All supporting documentation of property owner's damages from sustained flooding may help. Mr. Harshman also is looking to apply for another grant that speaks to the National Flood Insurance Protection Program. This program looks at damage mitigation. There is the possibility to be ranked higher if we can show the potential to prevent a certain dollar amount of damages in the future.

Michele Gohacki: 5027 Gary Avenue, Finleyville PA. Mrs. Gohacki thanked the Board of Supervisors for the hard work they are doing in turning Union Township toward the direction of the future. Mrs. Gohacki expressed her concerns regarding an area of flooding on Gary Avenue. She asked if someone could do a water survey to figure out where the water would be coming from.

Pete Guido: 125 Vareggio Way, Finleyville, PA. Mr. Guido asked Solicitor, Gary Sweat what would happen after phases six and seven are voided in Tuscany Estates. Mr. Guido asked if anyone has checked the pond in Tuscany Estates. It is his opinion it may need cleaned out. Mr. Guido also question Mr. Balogh about requested dates to reserve the meeting room for Tuscany Estates Board Meetings.

Kevin Daerr: 6187 Route 88, Finleyville, PA. Mr. Daerr expressed his concerns regarding recent flooding on Courtney Hill Road. Mr. Daerr asked questions regarding pumps on Courtney Hill and where the water is routed to. Mr. Daerr is concerned about more people driving into flood waters in the future on Courtney Hill. Mr. Daerr also asked what Union Townships liability would be if this would happen again. Mr. Daerr asked if there is any other way to post flood warnings on Courtney Hill besides a road closed sign.

Manager, Robert Balogh spoke to Mr. Daerr about very recent conversations with a PennDot representative about Union Townships concerns of Courtney Hill.

Steven Gorski: 2045 Linden Street, Finleyville, PA. Mr. Gorski expressed concerns of black water backing up into his home when flooding occurs. Mr. Gorski stated he did contact PCSA regarding this issue. Mr. Gorski asked if there is additional action that can be taken to prevent this problem in the future.

Engineer, James Harshman spoke to Mr. Gorski, he confirmed it is very common for a sanitary sewer waters to infiltrate the storm sewers during a high-water event. He stated a back-flow preventer can installed underground on the house main line to help alleviate such problems in the future. Supervisor, Richard Lawson interjected and stated at the most recent PCSA meeting conversations were had regarding how bad the sewer man holes were surcharged from storm water infiltration during the recent rain events. Mr. Lawson also reiterated to Mr. Gorski, that the back-flow preventers do work well.

An audience member spoke out (no name or address given) and asked how he gets back the part of his property on Linden Street that has been washed away in the recent flooding. Mr. Harshman responded by stating there is a bank stabilization problem the individual can apply for a general permit with the DEP to perform a bank restoration to his property. The gentleman in the audience stated he would rather move the bank of his property. Mr. Harshman told him that would require a different permit from the DEP and the project would require an engineer. Solicitor, Gary Sweat addressed the audience and stated all water is water of the Common Wealth. He stated the definition of Waters of the Common Wealth: if a puddle forms in the back of your house the DEP has jurisdiction of that puddle.

Supervisor Comments:

Supervisor, Deborah Sargent noted the Finleyville Food Bank is looking for somewhere in Union Township to relocate. She stated if anyone had any suggestions the food bank is open to suggestions.

Supervisor, Heather Daerr issued a public thank you to Lenny Baily and the Elrama Volunteer Fire Company who attended the meeting for all their help in the community during the storm events. Mrs. Daerr also thanked Finleyville Volunteer Fire Department and all first responders for their hard work.

Supervisor, Richard Lawson thanked everyone for coming to the meeting.


The Union Township Board of Supervisors entered executive session at 10:12pm.

The Board of Supervisors returned from executive session at 10:20 pm. Supervisor, Heather Daerr stated during executive session the Board of Supervisors had discussions surrounding personnel issues. No votes were taken.

**Motion** to adjourn at 10:21pm.

**Motion** by Heather Daerr, Second by Charles Trax

Roll Call Vote: Richard Lawson-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

  
Nicole L. Dooley, Secretary