

**Union Township Board of Supervisors
Non-Legislative Meeting
March 14, 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-Elrama Road, Finleyville Pa. The pledge of allegiance was recited.

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

Also in attendance, Robert Balogh-Manager/Asst. Treasurer, Andrew Sweat-Attorney, Nicole Dooley-Secretary/Treasurer, Pete Overcashier-Acting Road Superintendent, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement Officer, Sam Carroll-Harshman CE Group, and Kevin Harris-City of Monongahela Police.

Public Comment on Agenda Items:

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his concerns regarding Boyka Drive. He has concerns about gravel at the end of Boyka Drive after heavy rains. Mr. Latorre voiced his concerns regarding storm water management on Norton Drive. Mr. Latorre also asked if books were given back from past supervisors. Mr. Latorre expressed his opinion any individual on a Board or Commission for Union Township should have a book of rules and regulations.

Kevin Daerr: 6187 Route 88, Finleyville PA. Mr. Daerr asked the Board of Supervisors about future for the garage bay once the Ambulance services leaves. Mr. Daerr voiced his concern regarding Courtney Hill flooding and the pumps that are supposed to help with the flooding.

George Powell 4297 Finleyville-Elrama Road, Finleyville PA. Mr. Powell voiced his concerns regarding Ambulance service and response time in Union Township. Mr. Powell also stated he believes someone working for the Ambulance service is parking their personal vehicle in the evening in the Ambulance bay.

Departmental reports were delivered by the Road Superintendent, Police, Zoning/Code Enforcement. Also included in the Board of Supervisors meeting packet were reports from the Ambulance service, Animal Control and Elrama Fire Department.

Acting Road Superintendent, Pete Overcashier reported on the previous months activity of snow removal, road and equipment maintenance. Included in Mr. Overcashier's report was a list of materials and quantities used by the Road Department.

Police Officer, Kevin Harris reported on the previous month Police activity in Union Township. Mr. Harris's report included a breakdown of calls for service, arrests, and citations filed for the month of February.

Zoning/Code Enforcement Officer, Jarrod D'Amico reported on twelve new complaints since last month's meeting that have been investigated. In addition to the twelve new complaints forty notices have been sent out for the trailers on Stone Church Road. Mr. D'Amico reported six new citations had been filed this month, Mr. D'Amico also updated the Board of Supervisors on previous on-going issues and citations that have been file with the magistrate. Mr. D'Amico's report also included a breakdown of Zoning permits issued in the past month. Supervisor, Richard Lawson question Mr. D'Amico about the Zoning Permit verification process that is currently in place with Union Township and Peters Creek Sanitary Authority.

Engineer, James Harshman's report included the active topics of Flood Management, Rankintown Road Slide, Bob's Tavern Slide, Linden Street Flooding, Stormwater Management Facilities Inspection, EQT O&G Applications, Mingo Circle Sewage Malfunctions, Tomko Land Development Application, Tomko Grading Permit, Finleyville Airport Grading Permit, Jason & Jack Bridges, Coal Bluff Road Repair, Pleasant View Slide, Gilmore Road, PA Small Water and Sewer

Grant, 2018 Paving Project, Railroad Street Erosion, Sugar Camp/Trax Road Intersection Site Distance, CMA Act 537, Elrama Chrome Shop Site & DCNR Grant, and Road Bonding Topics.

During the delivery of his report, Engineer James Harshman and Supervisor, Richard Lawson discussed options for bidding the work for the slide repair behind Bob's Tavern. Next, Mr. Harshman reported EQT has plans for multiple well projects within Union Township. The first two projects on the priority list for EQT is the Caton Well Pad and Garvin Well Pad. EQT was provided with Township Ordinance requirements. Moving forward in his report, Mr. Harshman asked the Board of Supervisors to review the response letter from Mr. Tomko's attorney, Chris Coppola and the Engineers comments with regards to the Tomko Grading Permit application. Moving forward in his report, Mr. Harshman highlighted the next phase of work on Coal Bluff Road repairs. Mr. Harshman told the Board there is a new slide on Coal Bluff Road that has not yet damaged the road. Engineer Harshman stated Coal Bluff Road is an interest of EQT. Most likely they will be bonding that road for use soon. In addition to Coal Bluff Road, EQT will be also interested in bonding Pleasant View Road. Next, Mr. Harshman gave an update for the 2018 paving project. He noted his plan is to have the project ready for advertisement in April, and receive bids in May. Lastly, Mr. Harshman told supervisors, Robert Mehack from Maronda Homes would like the Union Township Board of Supervisors to consider signing the PCSA Act 537 Amendment.

Supervisor, Heather Daerr asked Mr. Harshman for an update regarding Garvin Road and El Grande Industries, Inc. Mr. Harshman reported the grant for Garvin Road has been extended. As a side note, Mr. Harshman stated EQT is interested in bonding Garvin Road for another well pad project. Engineering is currently reviewing significant upgrade plans from EQT for Garvin Road. Mr. Harshman did state if the project is cancelled with El Grande Industries, the grant will be cancelled, Union Township would lose what monies that have already been put into the project. Mrs. Daerr asked Mr. Harshman if Union Township would be able to go back to the performance bond to recoup costs. Mr. Harshman stated that would be something to review with the solicitor. Supervisor, Charles Trax asked if the Township could seek a new contractor for the project. Mr. Harshman replied the contract could be cancelled and rebid. However, Mr. Harshman does not think it will be hard to get out of the contract with El Grande because they have not performed at all. Attorney Andrew Sweat stated that alone is grounds for breach of contract. Supervisor, Richard Lawson questioned Mr. Harshman regarding grant funded contracts. Discussion ensued between Mr. Harshman and the Board of Supervisors regarding the LSA grant funds for the work on Jason & Jack Drive bridge project. Supervisor, Deborah Sargent question Mr. Harshman about Railroad Street and asked for recommendations. Discussions ensued between the Engineer, Acting Road Superintendent, and Mrs. Sargent.

Manager, Rob Balogh reported to the Board of Supervisors that the Municipal Building has been rekeyed. Next, Mr. Balogh updated the Board on the forthcoming report of the forensic audit. He noted it is about ninety percent complete. Mr. Balogh then updated the Supervisors on his attendance to the Flood Summit meeting in Washington. Mr. Balogh reiterated work is still being done on emergency stream clearing. Consultations with the Conservation District is being done on an as needed basis. Moving forward, Mr. Balogh spoke to the Board of Supervisors regarding an accounting report that supplied in their meeting packet. Next, Mr. Balogh updated the Supervisors on Courtney Hill Road, his conversations with Penn Dot representative, Riek Skovinsky and Penn Dots plans for Courtney Hill. Mr. Balogh also reported he has obtained contact information for the individual who is responsible for the pumps on Courtney Hill Road. assured the Board he will further his investigations regarding the pumps on Courtney Hill Road. Mr. Balogh also stated he will continue to file complaints with Penn Dot for Courtney Hill Road. Lastly Mr. Balogh asked Attorney Andrew Sweat if a motion was needed to add approval of a resolution he need signed after this evenings meeting. Supervisor Daerr also stated she had additional motions make to add agenda items.

Motion to add discussion of next steps behind Bob's Tavern to remedy the slide area to the agenda.

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 add discussion of next steps to remedy Courtney Hill Road.

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 add Approve/Deny Township resolution to authorize eminent domain proceedings for Coal Bluff Road and the Difiscia property.

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.

Manager, Robert Balogh stated his report was complete. Also, he reserved his right to comment on agenda items as they were discussed.

Review of Agenda Items:

Agenda items for discussion included the following:

- A. Consider Amending Union Township Fee Schedule.
- B. Consider Lawn Maintenance. (Cost of 2017 Maintenance \$22,680.00)
- C. Consider Altering Office Holiday Schedule. (Swap Good Friday for Christmas Eve at the Request of Staff)
- D. Discuss the use of Former Ambulance Space Relative to Police and Fire Requests.
- E. 2018 Road Paving Project. (Included in Road Bond Report)
- F. C2P2 & GTR Grant.
- G. Old Route 88 Road Complaint.
- H. Emergency Road Repair Bids.
- I. Review of Previously Submitted Road Complaint Reviews.
 - *Kennedy Road
 - *Boyka Drive
 - *Ridge Avenue
- J. Consider PCSA Act 537 Amendment.
- K. Union Township News Letter.

Motion to adopt a resolution by the Board of Union Township Supervisors, Washington County, Pennsylvania authorizing eminent domain proceedings for the Coal Bluff Road storm sewer water line crossing Coal Bluff Road as to properties owned by Nicola Diliscia and Tammy Diliscia.

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.

Attorney Andrew Sweat reported tomorrow steps regarding filing the deceleration of taking and notice of condemnation pursuant to the eminent domain statute and code for the Diliscia property. Next, Mr. Sweat reported the sheriff sale for 13 Mingo Circle has been pushed back. Mr. Sweat also stated he had been contacted by Mr. Curry's legal counsel. Mr. Curry is pursuing another mortgage. Attorney Sweat noted the Lien of Record for the 13 Mingo is recorded in the amount of \$25,540.00. Moving forward, Andrew Sweat reported regarding Quaker Engineering, he will be presenting a petition to Judge Emery to show cause of approval for cancellation of phases six and seven in Tuscany Estates. He stated the process have been put on notice. Next, Mr. Sweat reported to date no decision has been received from Judge Emery's office on Preliminary Objections for the Drusbasky litigation. Mr. Sweat stated Union Townships insurance carrier has been notified. Mr. Drusbasky is calming damages, and for the insurance company to appoint defense council to enter Union Townships appearance on behalf of the Township and defend the case. Mr. Sweat stated until the matter of causation is determined the pipe should not be replace across the Drusbasky property to divert Stormwater. Lastly, Attorney Sweat reported EQT has four well site projects planned within Union Township. Mr. Sweat noted he anticipates comments from attorney Blain Lucas from Babst Calland representing EQT on the most recent draft of our Oil and Gas ordinance.

Public Comment on Non-Agenda Items:

Linda Morrow: 10 Boyka Drive, Finleyville PA. Mrs. Morrow expressed her concerns regarding the Tomko expansion land application. Mrs. Morrow expressed her concern regarding nuisance issues related to the Tomko worksite. Mrs. Morrow also voiced her concerns regarding the devaluation of property in the Boyka plan.

Robert Dooley: 1003 Marwood Lane, Finleyville PA. Mr. Dooley asked for an update on the installation of Stormwater catch basins that were supposed to be installed on Don Street. Mr. Dooley also asked if and why a silt fence is not being used by the contractor at the construction site on Don Street. Mr. Dooley expressed his concern regarding the destruction of recent paving on Meadow Avenue and Marwood Lane.

Sandra Banaszak: 5 Boyka Drive, Finleyville PA. Ms. Banaszak expressed her concerns regarding the Tomko worksite. Ms. Banaszak expressed her concerns regarding nuisance issues related to the Tomko worksite. Ms. Banaszak voiced her opinion regarding Zoning Hearing Board members attendance at the Union Township Board of Supervisors meetings.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his concerns regarding the Tomko worksite. Mr. Latorre expressed his concern of enforcing Union Township's ordinance. Mr. Latorre expressed his concerns regarding the nuisance issues with the Tomko worksite.

Jim Hilty: 48 Norton Drive, Finleyville PA. Mr. Hilty expressed his concerns regarding the Tomko worksite. Mr. Hilty question Union Township Ordinance enforcement.

Mary Hilty: 48 Norton Drive, Finleyville PA. Mrs. Hilty expressed her concerns regarding the Tomko worksite. Mrs. Hilty expressed her concern regarding nuisance issues related to the Tomko worksite. Mrs. Hilty expressed concerns regarding the Tomko worksite jeopardizing resident's health and welfare. Mrs. Hilty expressed her concerns of enforcing Union Township Zoning ordinances.

Colleen Durand: 203 Stonebridge Drive, Finleyville PA. Mrs. Durand expressed her concerns regarding the Tomko worksite. Mrs. Durand expressed her concerns regarding nuisance issues with the Tomko worksite.

Maretta Koch: 203 Stonebridge Drive, Finleyville PA. Ms. Koch expressed her concerns regarding the Tomko worksite. Mrs. Koch expressed her concerns regarding nuisance issues that limit her quality of life.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his concern regarding following and enforcing Township ordinances.

Mary Hilty: 48 Norton Drive, Finleyville PA. Mrs. Hilty question the Board of Supervisors who is responsible for making Union Township ordinances.

Sandra Banaszak: 5 Boyka Drive, Finleyville PA. Mrs. Banaszak expressed her opinion regarding the powers of the Union Township Zoning Hearing Board.

Supervisor, Heather Daerr produced, displayed, and reviewed with the audience a historical timeline of issues with the W. G. Tomko worksite stretching over an eighteen-year period. Discussions between the Board of Supervisors, Engineer, Attorney, and audience members occurred in length. Mrs. Daerr pointed out the purpose of her timeline to reassure residents the current Boards actions that have been taken. Attorney, Andrew Sweat addressed residents stating the delicate legal issues with W. G. Tomko and the Union Township Board of Supervisors position based upon past Boards approvals and use variances issued to Mr. Tomko. Mr. Sweat reiterated Union Township is doing everything as they can legally do with regards to Mr. Tomko.

The Union Township Board of Supervisors entered executive session.

The Union Township Board of Supervisors returned from executive session at 12:05 am and is back on record. Supervisor, Heather Daerr stated the Board discussed open litigation and personnel matters.

Mrs. Daerr stated for public record she produced the timeline regarding the Tomko worksite to the best of her knowledge and ability.

Motion to schedule the continuation of the March 14, 2018 Non-Legislative meeting for Monday March 19, 2018.

Motion by Heather Daerr, Second by Richard Lawson

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


Nicole L. Dooley, Secretary/Treasurer