

Board Approved: May 23, 2016

Union Township Board of Supervisors  
Regular Board Meeting  
March 28, 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, CT, Paul Chasko, Heather Daerr, and Deborah Sargent

Also in attendance, Dennis Makek—Solicitor, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer. Mr. Carl DeiCas—Township Engineer, did not attend.

Public Comment

Frank LaTorre, 7 Boyka Drive, attended a recent Washington County Tax Collection Committee delegate meeting as Union Township's appointed alternate to the committee. He announced that residents will be receiving paperwork on the reassessments which have been performed. Mr. LaTorre also thanked the road crew for their work chipping and cleaning up the entrance of Boyka Plan. In terms of code enforcement, Mr. LaTorre commented that an area near Peters Creek Pub along Rankintown Road needs cleaned up due to the presence of 7-8 abandoned cars and a trailer with weeds growing up through it. Municipal Consulting Services agreed to take a look at the issue there.

Terri DeWitt, 6049 Route 88, a resident from the Union Valley Area where flooding has been occurring and affecting her home, attended the meeting to receive more information about the work she has heard through word of mouth will be occurring in her area next spring to alleviate the flooding issue. Mr. Spahr explained that some grant funding in the sum of \$150,000 has been awarded by the Local Share Committee to make improvements. In addition, some Liquid Fuels funding could be diverted towards the bridges and culverts this year since the mild winter enabled the Township to forego any extensive milling and surfacing project this year. The Township is due to receive nearly \$200,000 in Liquid Fuels funds which the Township has generally used for its annual paving project. By using some of the Liquids Fuels funds in conjunction with the Local Share grant funding, it may be possible to not only replace one of the bridges and culverts on Jason Street and Jack Street but two bridges due to engineering techniques currently available. Ms. Daerr added that on Thursday she met with the Road Superintendent and Township Engineer at the site where silt is coming down and settling fifty feet from where the bridge ends. Although it cannot be guaranteed and the engineer could not say unequivocally that the improvements will effectively stop or limit the flooding, the hope is that the widening of the waterway will provide the heavier flow necessary to wash the silt out and improve water flow in the area. Ms. DeWitt was informed that the engineer has to have all permits in by May 1 to meet the grantor's expectations and requirements. The Board is following the project.

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In response to Ms. DeWitt's inquiry as to whether residents will be alerted when work is to begin, Ms. Daerr advised her to check the Township website ([www.uniontwp.psatswp.org](http://www.uniontwp.psatswp.org)) and the Minutes. She also provided her with her personal phone number.

It was also noted during the discussion that multiple bridges and culverts in the Township require work; however, Jason Street and Jack Street bridges will be the first bridges to be replaced. It was stated that the bridges on Treva Street and Ridge are in deep need of repair as well and are on the Board's radar. Ms. Daerr stated that, as soon as these bridges are taken care of, the others will move forward on the list.

Gerald Faychak, 141 Viareggio Way, received his tax reassessment and wanted to ascertain the Board's commitment to making the reassessments in Union Township a revenue neutral proposition with no tax increase being passed on to the public. His question was whether the Township will bring in the same amount in taxes following the reassessments as it did prior to them. Mr. Spahr informed him that no municipality can experience a windfall following the reassessments. A calculation based on the budget was submitted that could not be more than 5% of the current assessment. If the reassessment results in a number exceeding that 5%, then the municipality will have to reduce their millage to bring it in line.

In response to whether this was not a 5% automatic increase, Mr. Makel explained that some properties have not been reassessed since 1980 and certain properties will have an increase in taxes resulting from the assessment not being up to date. On the other hand, residents who have newer homes with generally a more up to date assessment, won't be impacted as much.

Ms. DeWitt's mother asked about whether the Homestead Act can be claimed in this municipality by her daughter who is a resident. Mr. Makel directed her to get the appropriate paper work from the office of State Representative Rick Saccone.

Pete Guido, 125 Viareggio Way, asked for an update on Tuscany Estates. Mr. Makel informed him that a number of earth disturbance reports were received by the Township regarding a site at Tuscany Estates. Mr. Makel spoke with Nathan Simon at the Conservation District regarding the violations in the reports and was told that the Township cannot issue building permits until the items mentioned in the earth disturbance reports are dealt with. Mr. Ivery confirmed that he met with Mr. Danielson today and did go over the issues with the NPDES permit. He added that they also discussed sewage and the developer's agreement. A meeting will need to be scheduled with the developer and the Township's engineer, solicitor and code enforcement officer. The Planning Commission approved Phase 8 conditioned on certain items being completed, one of which is the updated NPDES plan. At this time, everything pertaining to Phase 8 approval has not been turned into the Supervisors as Municipal Consulting Services is working with Mr. Danielson on the list of conditions that have to be addressed first.

In regard to whether the developer has sufficient taps, Mr. Ivery explained that the planning module is done, but taps are issued one at a time. Per the DEP, any taps that are unused are only good for a year. When the developer applies for each building permit he will need to have a current tap. Nonetheless, there shouldn't be an issue with taps as the problems experienced

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a few years ago, resulting in taps not being released, have been being resolved with sewage expansion projects and new Act 537 plans which are moving forward.

Regarding a start date for new construction, Mr. Guido was informed that this is premature and based on the developer's ability to move forward. He was also informed that certain Township officials will meet with the developer in a few weeks towards getting the issues resolved; however, a May 1st start date, regardless of what he may have heard, does not seem likely.

Ms. Daerr inquired of the solicitor as to what regulations and requirements exist in regard to the posting and preparation of Minutes. The solicitor informed her that most municipalities do not post Minutes prior to Board approval although in certain instances they may be supplied as a draft only which has not been approved. There are no requirements as to a timeframe they must be available. She commented that receiving them just prior to a holiday weekend this month did not allow for a thorough review and that, since Minutes are approved only once per month, they can go back four weeks or so and that it is difficult to remember what was said after that much time has passed. Also it was noted that the Minutes are used as a reminder of what occurred and was agreed to at the meeting and as a guide or tool towards moving forward. She would like to have them as soon as possible following a meeting and requested and received the Board's general concurrence that receiving them earlier would be helpful.

There was some discussion as to what timeframe would be best and whether business days or calendar days should be used to describe the due date. The Secretary's requested input was that the focus had seemed to be more on moving on the items that were decided by the Board during the meeting but that her preference was to work on the Minutes earlier as well for the same reasons. A concern would be when something was not acted upon quickly enough in lieu of preparing Minutes and she asked whether, in those instances, she could make the Board aware that in order to work on this or that, the Minutes would need to be supplied to the Board later, or whether she could just supply her draft notes from the meeting itself as a refresher to the Board. Ms. Daerr said that the Secretary could let her know of these instances. Ms. Taylor's input was that the Minutes being done earlier would be fine although she is not always able to review them right away. Mr. Spahr's preference was for business days as opposed to calendar days because often calendar days include holiday time and so forth and he was hesitant to see too much made of missing the due date without taking that into consideration.

A seven day and a ten day due date were both discussed, calendar and business days, and it was decided that 10 business days brought the Board too close to the next meeting which are held two weeks apart and the desire would be to have the Minutes a week prior to the next Board meeting to allow the Board sufficient time. With that consideration, the Board decided on a seven day calendar due date, meaning Minutes would be due the Monday following the Monday Board meeting.

**Motion** to have the Secretary complete the Minutes within seven (7) calendar days after the public meeting.

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, with the provision that, if there is a holiday or loss of time, the Secretary will notify the Board that additional time is needed, so that there is no undue

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complaint when the time limit is not met, Trax-yes, Chasko-yes with the same provision given by Mr. Spahr, Sargent-yes, Daerr-yes. Motion carried.

Mr. Spahr noted that he had taken the time over the holiday weekend to review the Minutes and asked whether the Board had read them and could approve them or if they should be tabled to allow for more time. Ms. Daerr did not think it necessary to hold them up since she was able to quickly review them and other members had reviewed them.

**Motion** to approve the Minutes of February 22, 2016, February 29, 2016 Special Meeting which was continued on March 14, 2016, as well as Minutes from the February 29, 2016 Police Workshop, and March 14, 2016, Regular Board Meeting, as presented by the Secretary, 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.

**Motion** to approve Payroll #4 dated February 26, 2016, in the sum of \$12,851.15 as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Deborah Sargent

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

**Motion** to approve Payroll #5 dated March 11, 2016, in the sum of \$10,302.82 as presented by the Treasurer, subject to being true and correct.

Motion by Charles Trax, Second by Deborah Sargent

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

**Motion** to approve Payroll #6 dated March 24, 2016, in the sum of \$10,340.37 as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Heather Daerr

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

### Departmental Reports

Mr. Ivery delivered the report for Municipal Consulting Services. Their contact information has been supplied to Union Gardens, but they have not yet contacted them. He also reported that there is a Conditional Use Hearing scheduled on the EQT Compressor Station and a Zoning Hearing Board Hearing that would address violations that went to the magistrate on 11 Lake Drive, a property owned by Mr. Vibostak.

Mr. Ivery also reported that he met with an individual from the Conservation District earlier today relative to conditions on 19 Harvest Lane. Mr. DeiCas will be asked to view 19 Harvest Lane for his input. At the same time, they are planning to have him revisit the Union Gardens site in terms of the last grading permit because of earth disturbance reports which have been received regarding the property. The reports mention buildings and they would like to look into that further.

Dennis Makel gave the solicitor's report. As it pertains to the Elrama chrome shop property. Mr. Makel cautioned the Board that passing Phase 1 of the Redevelopment Authority Study

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does not necessarily mean that the Township will obtain grant funds to cover Phase 2. According to Mr. Makel's preliminary work, there are back taxes. The taxes owed appeared to be \$1200 according to the paperwork supplied by Mr. Makel's office. Most of the taxes would have been dealt with when it went up for sale by the County a couple years ago and was purchased by Ms. Hohman. Ms. Hohman, the current owner came into the Township and offered to give this property to the Township since the zoning stipulations limit what can be done with the property.

It was discussed that Phase 2 clean-up cannot begin and no grant funds can be applied for unless the property is in the Township's name. Mr. Spahr spoke with Susan Morgan of the Redevelopment Authority who informed him that in order to obtain funding, which she indicated is available, the Township will need to have the property in its name by April, preferably by mid-April. A second analysis has to be done to bring the property up to a category called residential qualified and the same company that did the Phase 1 analysis can be used to perform the Phase 2 analysis. A Phase 2 analysis may involve core sampling and is understood to be more involved. There were no costs associated with the Phase 1 assessment which was performed. Susan Morgan was to get a figure to Mr. Spahr regarding Phase 2 costs.

The purpose in purchasing the property is to create a park/playground for the children of Elrama. Playground equipment was donated by Ringgold School District which was dismantled due to their construction project. The equipment, currently stored at the Nike Site will have to be reassembled and properly inspected. The Road Superintendent communicated to one of the Supervisors that reassembly is questionable and that the Township needs to involve a certified playground inspector to see what will be involved. There was discussion that Elrama Fire Department expressed an interest in using the playground equipment at their site at one time. Mr. Spahr said the area where the fire department's ballfield and pavilion are located is owned by Duquesne Light and is being used by the fire department with Duquesne Light's permission.

Mr. Chasko shared what was conveyed to him about the Phase 1 Assessment. There is no groundwater contamination in the site or coming off the site. During the initial clean-up by the DEP, all the top soil had been scraped off and gravel put in its place. The assessment team said the site is 95-99% clean. The second phase will be a confirmation. The company that did the Phase 1 study also communicated to Mr. Chasko that the Phase 1 work was so comprehensive that Phase 2 should be nothing more than running through some paper work.

There was concern that all the figures for the Phase 2 assessment and purchase of the property, were not available to make a decision. Mr. Makel will contact Susan Morgan tomorrow to find out the Phase 2 remediation cost because we are not guaranteed to get the funding. He will obtain a Certificate of Title and can get the cost for the environmental study. Heather Daerr asked Mr. Spahr to speak with Tom Mellor about the playground equipment.

Mr. Makel suggested continuing the meeting until 7:00 p.m. on next Monday so that he can provide the Board with the figures needed to make its decision on the purchase of the property and have it ready for signature by the second Monday of April.

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**Motion** to authorize the solicitor to provide a Certificate of Title and a cost estimate to remediate the property if there are no grant monies available.

Motion by Heather Daerr, Second by Paul Chasko

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

### Recreation Board

Mr. Jaki requested a tentative start date for the project to begin. The last that was heard, the gas company wanted no cutting into the hillside from the lower portion of the road which would mean the road would have to be shifted over. Mr. Jaki is still working on a project for the Eagle Scout. In regard to the Martik property exchange, it was determined for Ms. Taylor to contact the DCNR and have them view the property as staked to let us know if the trade of property would be approved as opposed to attempting any type of negotiation.

**Motion** to approve general fund bills in the sum of \$15,694.27, as of March 28, 2016 as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Paul Chasko

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

Paul Chasko attended the tour of an existing compressor station provided by EQT which was offered to all officials in preparation for the Board's decision on the upcoming Conditional Use Hearing. Mr. Chasko shared his pictures and the information he obtained with the rest of the Board. He reported that the noise level was well contained by whatever insulation is used in the building that houses the compressors and that the noise outside is not nearly anything like what is experienced inside the building. It is a very large facility and some heavy piping and equipment will be being hauled to the site piece by piece. As part of the installation, EQT will meet with the fire agencies and this and other items will be part of the Findings of Fact and Conclusions of Law which are created by the solicitor following the hearing.

Relating to the Overlook Sewerage agreement, Mr. Cooper does not want to change the language in the agreement in regard to the EDU correction since that information came from the engineer. Ms. Taylor said the information is incorrect as there are several EDU's on one property.

In regard to this project, Mr. Makel also said that the Township cannot currently apply to Pennvest for funding unless we close out the Elrama sewerage loan which is still open. It was discussed that the loan was kept open in case the Township had to finance putting a line down to the new WESA plant, and whether this line is needed was unknown at the time. The PennVest funding is at 2% interest. The Township has not yet received copies of the Act 537 Plans of Jefferson Hills or WESA. Mr. DeiCas is to talk to Lennon Smith Souleret for information. WESA has already gone to PennVest with their ACT 537 Plan so it must have DEP approval. Mr. Makel will call their attorney to get a copy of their ACT 537 Plan. The Fourth Street Pump Station, may possibly be mentioned in their ACT 537 although they do not own that pump station.

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Regarding tree removal at Finleyville Airport, Mr. Chasko reported the tree cutter is working on the strip of land behind properties owned by Coslow/Taylor and will be done in a couple weeks. The Aviation Bureau report will be ready in about three weeks. Mr. Gary Gries, from Finleyville Airport, who was in attendance, said the airport was going to cut some trees left by Sidelines Tree Service but there is a question as to whose property they are on. This needs to be determined. It was also noted that Mr. Brizzi never gave the Township an easement and had said he would remove them himself if them Township would let him know which trees they were. There are no actions necessary at this time.

In terms of a grant writer, Ms. Sargent will call Rich Cleveland.

The paving project estimates were put on hold since Mr. DeiCas was not in attendance. He will provide estimates for paving Kirchner Road and the lower end of McChain Road. The Road Superintendent will need to talk to Rick Skovensky in regard to the work on the culverts.

Regarding the CBDG funds, Kerry Shook and Susan Morgan are coming down to look at the Nike Site buildings. Heather Daerr, Deborah Sargent and Paul Chasko would also like to go with them when they view the properties.

In terms of the second pipeline under Patterson Road, Mr. Makel was directed to pursue an easement for the second line.

In regard to the solicitation for police services, the solicitor said he modified the language regarding worker's comp, indemnification, and language pertaining to the heart and lung act. Mr. Chasko informed the Board that they all had received a final version which was also at the Board table. Ms. Daerr expressed a concern that the RFP limits coverage to officers with three years experience and that this may limit the Township since good officers can be found with less experience. The language will be changed to "preferably" three years experience. The Board will review the agreement.

Ms Daerr provided the Board with information from the Washington County Community Services and Furlough in To Services Program, a Washington County program which grants work release to those doing court ordered community service. Through the program, work crews are available to do work such as dry wall, painting, and so forth. She asked the Board to consider the program for a vote at the next meeting. She will be asking Mr. Mellor to provide a list of projects that could be performed by the work crews.

Lease documents which were provided recently by a land manager for a small parcel of property owned by the Township in the vicinity of a potential new well site were discussed.

**Motion** to authorize the solicitor to contact EQT to renegotiate the lease agreement sent to us with the terms of 18%, no drilling, and no pipelines to go through our property.

Motion by Heather Daerr, Second by Paul Chasko

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

The Brentwood Bank check depositing machine was discussed. A dedicated phone line and computer is needed for the machine which must be used by both the Treasurer and the Tax

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Collector. If the Tax Collector and Treasurer both use it, and their areas are locked when unattended, then the machine can neither be in the Tax Collector Office nor the Treasurer's Office but at a separate secure area they can both use. Since the machine must be attached to a standalone computer, the Treasurer requested that a computer be purchased.

The solicitor advised the Township to maintain a log showing the date and time it is being used. He also suggested that the camera be pointed at the room to catch entry/exit. The old code enforcement office was suggested as a secure location which has LAN and internet access; however, since zoning and code enforcement keep files in that area, that could be a problem. Other locations proposed were the conference room, although that room is not currently wired for internet and LAN access, and the small room currently used for storage next to the copier room which used to be used for finger printing.

**Motion** to approve purchase of a minimal requirement desktop or laptop up to \$1000 for dedicated use with the check depositing machine.

Motion by Heather Daerr, Second by Charles Trax

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

Motion carried.

The Board will review the Dust Ordinance for the next meeting.

A letter of interest was received by the Township from Ms. Joan Trax for the vacancy on the Peters Creek Sanitary Authority Board.

**Motion** to appoint Ms. Joan Trax to serve on the PCSA Board for the balance of Mr. Peart's term.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion carried.

**Motion** to continue the meeting and reconvene on April 4 at 7:00 p.m.

Motion by Charles Trax, Second by Paul Chasko

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

Motion carried.

**Motion** to go into Executive Session at 10:16 p.m. for employment issues.


Motion by Deborah Sargent, Second by Charles Trax

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

Motion carried.

The Board exited executive session at 11:15 p.m.

The solicitor said the Board discussed issues concerning personnel.

  
Debra A. Nigon, Secretary