

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

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

Also in attendance, Robert Balogh-Manager/Asst. Treasurer, Gary Sweat-Solicitor, Nicole Dooley-Secretary/Treasurer, and James Harshman-Engineer.

Public Comment on Agenda Items:

Sandy Banazak: (No Address Given) Ms. Banazak expressed her opinion regarding the cancellation of the Zoning Hearing Board meeting scheduled on March 22, 2018. Ms. Banazak asked the Board of Supervisor why the Zoning Hearing Board is not responsible for the approval of a request for an extension. Ms. Banazak also thanked Supervisor, Heather Daerr for producing a time line of event for the Tomko project. Ms. Banazak asked if the time line could be compiled into a comprehensive report for distribution.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre stated the Crossroads Ministries Church will have a car cruise on May 1, 2018. Mr. Latorre expressed his opinion on the cancelation of the Zoning Hearing Board meeting. Mr. Latorre expressed his concerns regarding expenses incurred regarding the Zoning Hearing Board meeting. Mr. Latorre expressed his opinion regarding the Township enforcing ordinances.

Betty Powell: (No Address Given) Ms. Powell thanked Mrs. Lawson for the refreshments at the meeting. Ms. Powell thanked Supervisor Daerr for the timeline she produced at the last meeting.

Jason Stanton: (No Address Given) Mr. Stanton, principal with Lennon, Smith, Souleret Engineering stated his company is retained by Peters Creek Sanitary Authority (PCSA). Mr. Stanton requested the Board of Supervisors accept the recommendation of the PCSA and amend the 537 plan with conditions. Mr. Stanton reported Union Township is the only Municipality that has not signed the amendment. Mr. Stanton stated the Clairton Municipal Authority is prepared to comply with the six conditions identified in the draft letter from PCSA. Mr. Stanton reiterated to the Board of Supervisors the PCSA is prepared to make sure the Clairton Municipal Authority is making smart technical financial decision moving forward in phase II of their project.

Rick Kovach: (No Address Give) Mr. Kovach, Manager from Peters Creek Sanitary Authority (PCSA) stated the Authority has obtained requisition records from Clairton Municipal Authority (CMA). He stated those documents may satisfy the bond audit comment on the draft letter from PCSA. Mr. Kovach stated a meeting is set for April with auditors from CMA to answer questions PCSA has on the CMA annual operating audit.

Motion to approve minutes for February 28, 2018 Legislative 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 March 14, 2018 Special Stormwater Management Meeting.

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.

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

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 minutes for March 19, 2018 continuation of March 14, 2018 Non-Legislative Meeting.

Motion by Heather Daerr, Second by Richard Lawson

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

ABSTAIN, Heather Daerr-YES. **Motion Carried.**

Motion to approve payroll #5 dated 3/9/2018 in the amount of \$11,602.77 presented by the Manager subject to being true and correct.

Motion by Richard Lawson, 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 payroll # 6 dated 3/23/2018 in the amount of \$15,269.27 presented by the Manager subject to being true and correct.

Motion by Richard Lawson, Second by Paul Chasko

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

Motion Carried.

Solicitor, Gary Sweat reported there are two outstanding legal cases between Mr. Tomko and Union Township. The first legal action being the application of Mr. Tomko seeking an interpretation of the 2016 Zoning Hearing Board decision, clarification of certain definitions and technical zoning questions. Mr. Sweat reported ongoing discussions have occurred between Mr. Tomko, his legal counsel, Township Manager, Supervisors Daerr and Lawson. Exploration of a range of settlement issues resulted in a request from Mr. Coppula, attorney for W.G. Tomko to continue the hearing in front of the Zoning Hearing Board. As part of the continuance Mr. Coppula agreed to waive the sixty-day requirement that is in the municipalities planning code as to avoid deemed approval. Mr. Sweat stated the Board is not under any time constraints. Solicitor Sweat stated Mr. Tomko will be responsible for any cost incurred for advertising of the meeting. Mr. Sweat reported a second action was filed in the court of common pleas by Mr. Tomko against Union Township. The action was captioned a land use appeal challenging the Union Township Board of Supervisors position regarding Mr. Tomko's grading permit application. Mr. Sweat stated the Township has not yet filed a response. Solicitor Sweat stated settlement discussions are ongoing. Moving forward in his report Mr. Sweat informed the Board of Supervisors he received a phone call from attorney Blaine Lucas at Babst Callen. Mr. Lucas firm represents EQT. Four boxes of conditional use permit materials for the Caton Well Pad had been delivered to the Township building on Monday. Mr. Sweat noted he has not yet reviewed that material. Mr. Lucas requested a meeting with Solicitor Sweat on Friday, March 29, 2018 to discuss the procedure and information pertaining to the old oil and gas ordinance and the pending gas and oil ordinance.

Engineer, James Harshman noted he had a few updates for the Board. The GP3 permit for the slide at Bobs Tavern is being submitted this week. The delay was waiting on the new DEP forms. Next, he gave a status update on the Jason and Jack bridge project. Mr. Harshman stated the guide rails for both bridges will be installed at the same time. Jason Drive should have topsoil, seed and mulch spread. One item to keep on the radar for Jason Drive bridge is to improve the culvert that is just before the new bridge. He stated it has washed out a few times in recent storms. The Jack Street culvert has been installed. Crews are waiting for favorable weather to pour the concrete bridge deck. Mr. Harshman reported Strinisha is back on site on Coal Bluff Road. The replacement of pipe and repairs should be completed by late next week or early the following week. The GP11 permits with the DEP are still in review. There was one final comment to be addressed regarding those permits. Next, Mr. Harshman stated there has been some response from CSX on the Railroad Street erosion issue. Mr. Balogh is drafting a letter for CSX so the Railroad can get project number assigned to the issue. Moving forward, Mr. Harshman stated he had spoken to Rich Cleveland regarding the DCNR and GTR grants. Mr. Cleveland and Mr. Harshman advise the Township to try and obtain the GTR grant this year and apply for the DCNR grant next year. If Union Township successfully obtains the GTR grant it will serve as a match next year for the DCNR grant. Lastly, an inactive topic that has now become active is the Garvin Road project. Mr. Harshman expressed his right to discuss this item when it is reached during the meeting.

Manager, Robert Balogh reported to the Board of Supervisors regarding the Union Ambulance Company. Mr. Balogh stated he spoke to Connie at Union Ambulance at length. The Ambulance service does not know how much longer it will be in operation. Mr. Balogh then stated he asked if Union Ambulance would be open to discussions with himself and Southeast Regional EMS. Discussions between the Board of Supervisors and Mr. Balogh ensued regarding Ambulance coverage for Union Township. Next, Mr. Balogh reported further investigations in to the drainage issue on Boyka Drive with Road Superintendent, Pete Overcashier and Penn Dot have concluded the necessary work can be completed by the Union Township Road Crew. Mr. Balogh then reported the recommendation of Harshman CE Group regarding the drainage on Kennedy Road should not be considered for the 2018 paving program. Mr. Balogh noted Ridge Avenue repairs suggested by Engineering should be explored more in depth. Lastly, Mr. Balogh stated he has comments on additional agenda items that he would address during the meeting.

Supervisor, Richard Lawson question why Union Township could not break an agreement with Southeast Regional EMS and find another ambulance to support Union Township. Discussions ensued amongst the Board of Supervisors and Manager regarding the ambulance service for Union Township.

Motion to add an agenda item for Rick Kovach from PCSA to discuss building permit processes under item G in Unfinished Business.

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.

UNFINISHED BUSINESS:

Agenda items under unfinished business for discussion included the following items:

A. Approve/Deny Amending Resolution 17 of 2017 Union Township Fee Schedule to Reflect the Following Changes:

- *Municipal No Lien Letter \$100.00
- *Administrative Fee for Drafting & Filing of Municipal Lien \$100.00
- *Attorney Fee for Drafting & Filing of Municipal Lien \$400.00
- *Court and Service Fee to File Municipal Lien \$40.00
- *Attorney Fee for Drafting & Filing to Satisfy Municipal Lien \$200.00
- *Court and Service Fees to Satisfy Municipal Lien \$40.00

B. Approve/Deny Gathering Quotes for 2018 Grass Cutting Service.

C. Approve/Deny Altering Office Holiday Schedule. (Swap Good Friday for Christmas Eve)

D. Approve/Deny Union Township Newsletter.

E. Approve/Deny Responsibility for Old Route 88 Road Complaint & Inform County Executives.

F. Approve/Deny PCSA Act 537 Amendment.

Motion to approve amending resolution 17 of 2017 Union Township Fee Schedule to reflect the following changes Municipal Lien Letter \$100.00, Administrative Fee for Drafting and Filing of Municipal Lien \$100.00, Attorney Fee for Drafting and Filing of Municipal Lien \$400.00, Court and Service Fee to File Municipal Lien \$40.00, Attorney Fee for Drafting and Filing to Satisfy Municipal Lien \$200.00, Court and Service Fee to Satisfy Municipal Lien \$40.00.

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.

Motion to approve Ken Puglisi bid for 2018 grass cutting.

Motion by Richard Lawson, 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 amend Mr. Lawson's motion for Ken Puglisi bid for 2018 grass cutting service to cap his service fees at \$20,100.00.

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.

Motion to approve altering the office holiday schedule and swap Good Friday for Christmas Eve.

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 Union Township Newsletter.

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.

Motion to approve Sweet Law offices to produce an ordinance to abandon Old Route 88.

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.

Under unfinished business agenda item F, lengthy discussions were had in detail between the Solicitor, Engineer, Board of Supervisor and Jason Stanton from PCSA.

Motion to approve PCSA Act 537 Amendment.

Motion by Richard Lawson, Second by Deborah Sargent

Roll Call Vote: Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-NO.

Motion Carried.

Motion to adopt Rick Kovach's verification of application for building permit and right of way encroachment form process.

Motion by Deborah Sargent, Second by Richard Lawson

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

Motion Carried.

Motion to approve reimbursement to Lawson Excavating for expenses paid for Veterans Memorial in the amount of \$1,926.13 for the record there is no hourly rate or fee being charged by Richard Lawson. This reimbursement is for materials needed for the monument those being brick, mortar and labor that Mr. Lawson paid out of his own pocket.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion to approve ordering blank business cards for use by Township Supervisors.

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 back pay for 2015 thru 2017 Union contract wages due to Albert Banahasky, George Corbin, and the Estate of George Curbin.

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.

Motion to file a satisfaction of the Municipal Lien on 5 Davidson Avenue, Elrama PA.

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 Township Manager, Rob Balogh to start the process to work with Harlan Shober's office regarding the flooding on Courtney Hill.

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 correct Paul Chasko's Planning Commission term to expire on December 31, 2020.

Motion by Heather Daerr, 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 change John Partazan's Planning Commission term to expire on December 31, 2021.

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 table Frank Latorre's appointment to the Planning Commission as alternate for four years.

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.

Supervisor, Deborah Sargent asked for the Board of Supervisors to be included regarding the Planning Commission agenda. In addition, Mrs. Sargent also question the Solicitor if the Board of Supervisors can take on items they do not feel necessary the Planning Commission review? Mrs. Sargent stated the Planning Commission is an advisory Board to the Supervisors. Mr. Sweat responded officially Mr. D'Amico should publish and circulate the agenda prior to the meeting giving the Board opportunity to decide if there is an agenda item they would like to review verse the Planning Commission reviewing.

Engineer, James Harshman provided information regarding agenda item I. Mr. Harshman noted he would like to have a meeting with a member from the Parks and Recreation Board and Manager to develop a site plan for Township property on Davidson Avenue.

Solicitor, Gary Sweat stated he wanted to update the Board on two other active topics. Regarding 13 Mingo Circle, the bank will not issue a new mortgage to the property owners. The bank has been instructed to withdraw the foreclosure action. Mr. Sweat has asked the bank to consider assigning the mortgage and foreclosure action to Union Township. If this is not considered by the bank, Union Township must pursue a petition and rule to show cause for removal from the property. Next, execute on the Municipal Lien that has been filed on the property. Next, Mr. Sweat stated he received a telephone call from Attorney Thomas Shannon Barry regarding the collection of delinquent sewerage accounts. Mr. Barry will forward Mr. Sweat a proposal to preform collections for those delinquent accounts. Supervisor, Richard Lawson stated he will forward an agreement that he had from PCSA to preform billing and collections for Union Township. Solicitor, Gary Sweat asked all pumping bills and engineering related bills to 13 Mingo Circle be sent to the residents immediately.

Motion to approve expenditures for March 2018 in the amount of \$128,422.68 as presented by the Manager and Secretary 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.

Public Comment:

George Powell: (No Address Given) Mr. Powell commented on Route 88 and Finleyville Elrama Roadways.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre thanked Supervisor Daerr for her timeline at the last meeting. Mr. Latorre expressed his opinion regarding enforcing ordinances. Mr. Latorre expressed concerns regarding cost incurred for Mr. Tomka's worksite. Mr. Latorre expressed his opinion regarding the cancellation of the Zoning Hearing Board meeting.

Sandy Banazak: (No Address Given) Ms. Banazak expressed her concerns about the dust coming from the Tomko worksite. Ms. Banazak asked when the Zoning Hearing Board Meeting will be rescheduled. Ms. Banazak questioned when the audit will be completed. Ms. Banazak commented about the Township newsletter.

Kevin Daerr: (No Address Given) Mr. Daerr made comment to Supervisor Paul Chasko regarding the Planning Commission meeting and the discussion of non-agenda items at the meeting.

Motion to go to executive session for personnel reasons and possible litigation at 9:37 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 at 10:45 pm and was back on record. Supervisor, Heather Daerr stated that in executive session the Board of Supervisors discussed regarding Tomko litigation.

Motion to table the decision on the Tomko Grading Permit Extension.

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.

Motion to schedule a special meeting on April 4, 2018 at 4:00 pm. regarding the Tomko Grading permit extension.

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 return to executive session to discuss permanent employment offers.

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.

The Union Township Board of Supervisors returned from executive at 12:20 am and was back on record.

Motion to approve permanent employment offers to Secretary Nicole Dooley and Manger Robert Balogh.

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 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