

Union Township Board of Supervisors
 Non-Legislative Meeting
 April 11, 2018
 6:30 pm.

The Union Township Board of Supervisors Non-Legislative 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, and Heather Daerr. Supervisor, Paul Chaska arrived at 6:48 pm.

Also in attendance, Robert Balogh-Manager/Asst. Treasurer, Gary Sweat-Solicitor, Nicole Dooley-Secretary/Treasurer, James Harshman-Engineer, Jarrud D'Amico-Zoning/Code Enforcement, Peter Overcashier-Acting Road Superintendent, and Kevin Harris-City of Monongahela Police Department.

Public Comment on Agenda Items:

Sandy Banaszak: 5 Boyka Drive, Finleyville PA. Ms. Banaszak suggested individuals who serve on the community advisory committee related to W. G. Tomko should be paid for their time and expenses. Ms. Banaszak made comment regarding payment for royalties related to gas and oil fracking.

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig commented about moving Union Township forward. It is Mr. Breinig's opinion the Union Township Planning Commission may hold up Township growth. Mr. Breinig expressed his opinion regarding members of Boards and Commission not attending regularly scheduled Township Meetings. Mr. Breinig thanked the Board of Supervisors for the hard work they are doing.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre commented regarding the recent newsletter. Mr. Latorre thanked Supervisor Lawson for his donation of time and equipment to Union Township after February's flooding events. Mr. Latorre thanked everyone who donated refreshments. Mr. Latorre asked if there is a timeline on the Jack Street bridge project. Mr. Latorre expressed his opinion regarding the Planning Commission. Mr. Latorre expressed his concern regarding the potential sale of turf mowers. Mr. Latorre expressed his opinion regarding the potential of moving Union Township forward.

Nick Diliscia: 115 Coal Bluff Road, Finleyville PA. Mr. Diliscia expressed his concerns regarding the employees of Strishia Excavating working on Coal Bluff Road. Mr. Diliscia stated the workers are using foul language and trespassing. Mr. Diliscia expressed concerns regarding the restoration of damage done to private property.

Engineer, James Harshman replied to Mr. Diliscia's comments stating that Mr. Strishia has been made aware of complaints voiced about his employee's lack of decorum on the worksite and trespassing concerns. Mr. Harshman stated any damage done to property is required to be restored under the contract with Mr. Strishia. Mr. Harshman noted the job is almost complete, he ensured Mr. Diliscia any property damage will be resolved and restored before payment is made to the contractor.

Supervisor, Heather Daerr addressed Mr. Diliscia and apologized for the decorum of Mr. Strishia's employees. Mrs. Daerr also advised Mr. Diliscia if he ever has any concerns in the future to not wait for a meeting to please call the Township offices immediately.

George Powell: (No Address Given) Mr. Powell expressed his concerns regarding Finleyville-Elrama Road and Route 88.

Tom Lumson: Gilmore Road, Finleyville PA. Mr. Lumson expressed his concerns regarding having access to his property on Gilmore Road because of the Road being closed. Mr. Lumson asked the Board of Supervisors to purchase his home on Gilmore Road at fair market value. It is Mr. Lumson's opinion that if Union Township purchased his home they could in turn close the road and save a lot of money instead of paying for costly road repairs.

Morrow Orsatti: 2118 Rankintown Road, Finleyville PA. Mr. Orsatti expressed his concerns regarding speeding on Rankintown Road. Mr. Orsatti expressed his concerns regarding storm water drainage from Airport Road onto Rankintown Road.

Departmental reports were delivered by the Acting Road Superintendent, Police Department, Zoning/Code Enforcement Officer, Engineer, and Manager. Also included in the Board of Supervisors meeting packet were reports from the Ambulance, Fire and Animal Control. Also included in the meeting packet were minutes from the Planning Commission meeting on March 22, 2018.

Pete Overcashier, Acting Road Superintendent reported to the Board of Supervisors regarding, snow removal, road maintenance, drainage work, equipment maintenance, sign maintenance, park maintenance, and attendance. Mr. Overcashier also supplied the Board with a list of material and quantities used in the month of March. Mr. Overcashier also included a Progressive Record of Equipment report. Mr. Overcashier provided the Board of Supervisors with an update on Dun Street. He stated Peoples Gas has a tentative date of early July to move the gas line. Mr. Overcashier stated the road must be closed to move the gas line. The work is being delayed because of the use of the road by school buses. Mr. Overcashier stated there are some drainage issues on Coal Bluff Road that need to be addressed. It is his opinion if EQT will be using that road for a well pad project coordination of drainage improvements can be made with them while they are making road improvements.

Kevin Harris, City of Monongahela Police Officer reported to the Board of Supervisors regarding the calls for service, accidents, charges, criminal complaints, citations, and arrests for the month of March.

Jarrod D'Amico, Zoning/Code Enforcement Officer reported to the Board of Supervisor that since last month's agenda investigations have begun on eleven new complaints. Mr. D'Amico had an update on previous ongoing issues and citations. Mr. D'Amico reported since last month's agenda meeting three Building Permits, five Zoning Permits, nine Change of Address Permits and two Township Permits have been issued. Mr. D'Amico reported another citation has been filed to the residents at 13 Mingo Circle for non-compliance with a vacation order that was served on March 5, 2018.

Solicitor, Gary Sweat reported he had received an inquiry from the Mr. Drusbasky's Attorney. He was inquiring about the status of the investigated properties on Mingo Circle. Mr. Sweat reported inspections and testing confirmed nothing is malfunctioning. The holding tank at 13 Mingo Circle is being pumped by Union Township every other day. Mr. D'Amico confirmed a visual inspection has been completed and there are no malfunctioning tanks, and Union Township is in compliance with the consent order from the DEP.

James Harshman, Engineer report to the Board of Supervisors included the active topics of Flood Management, Bob's Tavern Slide, Linden Street Flooding, Stormwater Management Facilities Inspections, EQT Caton Well Pad, EQT Garvin Road Reconstruction, Tomko Land Development Application, Tomko Grading Permit, Finleyville Airport Grading Permit, Jason and Jack Bridge Projects, Coal Bluff Road Repairs, Pleasant View Slide, 2018 Paving & Drainage Project, Rail Road Street Erosion, Elrama Chrome Site GTR Grant, Old Route 88 Road Complaint, Airport Runway Reconstruction Grading Permit, Opferman Pipe Project, Cherry Avenue, and Road Bonding. Mr. Harshman also included in his report inactive topics of Tuscany Estates, Mingo Circle Sewerage Malfunctions, Rankintown Road Slide, Sugar Camp/Trax Road Intersection Site Distance, EQT McIntosh Compressor Station, EQT Hartson Subdivision, Daugherty Plans of Lot 3, Sunoco Patterson Road, Patterson Road Walsh Detour, Gillmore Road, PA Small Water & Sewer Grant, and Garvin Road DGCLR Grant. Mr. Harshman highlighted areas of his written report. He noted the concrete bridge deck on Jack Street is scheduled for Saturday, April 14. The only remaining item for the bridge project will be the placement of the guide rails. The installation of the guide rails will occur on both bridges on the same day. Mr. Harshman stated as of current he did not have a scheduled date. Next, Mr. Harshman stated the storm damage repair work on Coal Bluff Road by Strisha is nearly complete. He noted the excavation estimate is slightly over the original estimate. Original estimations of 350 yard of excavation work increased to approximately over 400 yards. Next, Mr. Harshman reported the bid packages are being prepared for the 2018 Paving & Drainage projects. Mr. Harshman requested advertisement for those projects be approved at the next Legislative Meeting. Moving forward in his report the Engineer stated CSX has approved initiating a project to evaluate the erosion issue on Railroad Street. However, they are requesting the Township incur the fees associated with the preliminary engineering costs, construction engineering fees during the construction phase as well as other construction costs including flaggers and accounting services. Mr. Harshman stated he is looking for direction from the Board of Supervisor of how to proceed. Supervisor, Richard Lawson question Mr. Harshman about the Airport Runway Reconstruction Grading Permit. Mr. Lawson is concerned about the

amount of storm water run-off during storm events. Mr. Harshman provided Mr. Lawson with a copy of the review letter for that permit. Mr. Lawson questioned if curbs and gutters are being installed on Coal Bluff Road. Supervisor Lawson stated he would like to see curbs on the roads in the 2018 Paving Project. Mr. Lawson expressed concerns regarding the deterioration of Cardox Road edges because the roadsides were never back filled. It is Mr. Lawson's opinion moving forward our paving contracts include curbs and back filling of the curbs. Acting Road Superintendent, Peter Overcashier stated the Road Crew has plans to backfill the curbs on Cardox Road. Next, Mr. Lawson questioned both the Solicitor and Engineer about Mr. Danielson's Bond for Tuscany Estates. It is Mr. Harshman's opinion the bond company may need to be put on notice soon as it expires in June. Solicitor, Gary Sweat stated their inattentiveness to the MPC and requirements set forth by the Board of Supervisors arguments will be raised at the May 1st hearing. Mr. Sweat stated a lot of time has been spent trying to serve Quaker Engineering the petition for the hearing on May 1, 2018. He noted Quaker Engineering has no physical office, their legal address is Tuscany Estates. Earl Danielson is unable to be located. A private investigator has made personal service to one of the Officers of Quaker Engineering. All and any attempts to contact Quaker Engineering have been dodged. Supervisor, Heather Daerr circled back and questioned the Engineer for clarification on the Airport Runway Reconstruction Grading Permit Application. Mr. Harshman stated a comment review letter has been submitted to the applicant. Harshman noted, typically, Grading Permits are handled on a Zoning level. However, the point of storm water was one of the comments made in the review letter. Mr. Harshman noted the applicant has not provided storm water calculations, that is an item Engineering has asked for. Additionally, it was made notice that Stonebridge has been subject to flooding during recent storm events. Extra scrutiny is needed on drainage from the reconstruction. Mr. Harshman noted the project is not expanding the paving area. The impervious area will not be increased it is only being replaced. Regrading of the runways berms and installation of drainage is going to occur. Long discussions of storm water management within Union Township and surrounding areas feeding the Peters Creek Water Shed ensued between the Board of Supervisors, Engineer, Solicitor, Acting Road Superintendent, and Manager. Engineer, James Harshman reiterated his recommendations to the Board of Supervisors. It is his opinion a starting point could be a review and update of existing Stormwater management ordinances and release rate maps. In addition to inspection of existing Stormwater management facilities. Long term plans of design of floodplain improvement is a large expense to the Township. It requires a lot of land and years of foresight to be implemented. Lastly, another storm water management tool would be the registration and implementation of operation and maintenance process for existing Stormwater Management Facilities within Union Township. Mr. Harshman reported the requested emergency permit related to Linden Street has been denied by the DEP. He noted a Chapter 105 permit is required to make channel improvements. Mr. Harshman is requesting Board authorization on preparing an initial design and budget for this project. Long discussions between the Board of Supervisors, Engineer, Acting Road Superintendent, Manager and Solicitor continued regarding Stormwater Management.

Solicitor Gary Sweat, asked to move off the Engineers report. He reported the steps required to abandon the Old Route 88 Road. The legal document abandoning Old Route 88 back to Union Township has been located. Secondly, we are waiting for a legal description of the road that will be abandoned from Harshman CE Group. Next, names and addresses are needed for all properties on that road, they are entitled to a notice of the Townships intent to abandon. At the Legislative meeting a motion can be made the schedule the hearing date and proposed ordinance to abandon be advertised.

Supervisor, Heather Daerr asked to circle back on the topic of Stormwater. She reported the last storm system in February produced 5.96 inches of rain in less than a twenty-four-hour period. She asked everyone to take an account the large amount of water accumulation in such a short period of time. That is something to be considered when exploring a plan of action related to Stormwater management.

Manager, Robert Balogh stated before leaving the Engineers report he is asking the Board of Supervisors for their guidance as to what they would like to pursue with Railroad Street and CSX. Discussions regarding repairs, and cost ensued amongst the Board, Engineer, Acting Road Superintendent and Manager. Conclusions were made to include this item on the agenda for a vote at the Legislative Meeting.

Robert Balogh reported to the Board of Supervisors that the Spring Newsletter is complete and mailed at two of three post offices. The delivery to the final post office in Gastonville will occur in the morning. Thank you letters have been completed, signed and mailed to the volunteers of the equipment militia. Next, the 2017 DCED Audit is complete and posted with the state. Printed bound copies of the audit or Management letter has not yet been received. The next phase in the DCED Audit process is to advertise the Audit by April 15th. Mr. Balogh is looking for Board direction if they choose to incur the cost of advertising the audit in the legal section of the Observer Reporter or if they prefer a hand delivery of the Audit to the paper to save the cost of advertisement. Solicitor, Gary Sweat will check the rules in the

Second-Class Township code regarding advertisement of the Audit. Moving forward, Mr. Balogh reported the Forensic Audit details are in a confidential marked envelope in the Supervisors meeting packets. Next, supporting documentation regarding Old Route 88 has been sent to Swcat Law Offices. A personal conversation was had with Diana Irey explaining the action being taken by the Board of Supervisors. Moving forward, Mr. Balogh reported proposed dates are being decided upon by the Ringgold School Board for discussions related to the Ringgold Middle School. Mr. Balogh then reminded everyone of the Park cleanup at the Veterans Memorial Park, Sunday April 15, 2018 at 1:00 pm. Relative to the Veterans Memorial Park, Mr. Balogh stated he had discussions with Mr. Jubic related to the memorial monument. Mr. Balogh reserved his right to speak about agenda items as they were discussed.

Review of Agenda Items:

The following items were on the agenda for discussion.

- A. Palermo/Kissinger Review of 1st QTR. 2018 Accounting.
- B. Consider 2018 Paving Project Proposal from Engineer.
- C. Consider Purchasing Recommendations for 2018 Summer Material Commodities Through Washington County Joint Purchasing Council.
 - *Road Materials
 - *Fuel (Not included in Bid Package with Joint Purchasing)
- D. Consider Animal Control Service Agreement.
- E. Ambulance Response Issue.
- F. Consider Golden Eagle Use of Nike Site for Staging During their Rehabilitation Project on State Route 837.
- G. Consider Potential Sale of Turf Mowers
- H. Consider Finleyville Boroughs Request for Payment of Finleyville VFD. Workers Compensation Policy.
- I. Consider Creation of Park Grant Steering Committee. (GTR Grant)
- J. Consider Community Advisory Committee Related to W.G. Tomko.
- K. Consider Use of Open Garage Space.
- L. Consider Purchase of The Dragon Dictation Software.
- M. Discuss Penn Dot Road Complaint Submission Process
- N. Consider Changing Frank Latorre Planning Commission Appointment to Alternate.
- O. Discuss Harlan Shoher/ Courtney Hill Update.
- P. Consider Planning Commission Agenda/Meeting Protocol.
 - *Agenda
 - *Minutes
 - *Documentation
- Q. WESA/ Elrama Sewerage.
- R. Approve/Deny motion to approve the use of the Township's Oil and Gas Ordinance added 7-26-10 by Ordinance No. 2010-3 and zoning map to consider the Conditional Use application filed by EQT for the Caton Well Pad as opposed to the Oil and Gas Pending Ordinance not yet finalized based upon the recommendation of the Solicitor and the discretionary authority given to the Board of Supervisors in the Supreme Court case : Hill v. Zoning Hearing Bd, 626 A2d at 513 (1993) to determine which ordinance (original or pending) should apply.
- S. Discuss Purchase of Repository Parcels
- T. Any Additional Items

Frank Palermo of Palermo Kissinger presented the Board of Supervisors with a packet of financial reports. It included a Budget vs. Actual report for the first quarter and the month of March. Mr. Palermo stated over the last month Manager, Secretary/Treasurer and himself have been focused on improving the General Fund to comply with the DCED (the state reporting body) The General Fund is where most of transactions take place. Continued work is focused on the leveling out of the budget. Consolidation of the QuickBooks files and bank accounts is also continued to be worked on. Another focus is regarding restricted escrow funds, those to not of the Township. Nicole has been working on the reclassification of expenses to correctly apply them to corresponding escrow accounts. Mr. Palermo noted another action items is the reconciliation of street light funds. Lastly, Mr. Palermo reported he has been in contact with Paula Grimm of West Elizabeth Sanitary Authority reconciling the postings and receivables for Elrama Sewerage. Mr. Palermo would like to Board to review, digest and advise him of any changes they would like to see on his reporting so he can assist the Board in smart financial decisions.

Agenda item B. Supervisor, Richard Lawson asked Mr. Balogh and Mr. Overcashier get a comparison pricing of some materials within the Washington County Joint Purchasing Council program and Costars prices.

Agenda item C. discussion ensued between the Board of Supervisors, Solicitor and Manager. Mr. Balogh asked the Board to consider an amendment to resolution 2008-1.

Agenda item D. The Board asked Mr. Overcashier and Mr. Balogh to get an agreement of a solid definition of terms regarding the use of the Nike site.

Agenda item E. The Board of Supervisors requested all three turf mowers be relocated to the garage at the Municipal Building until a final decision can be agreed upon.

Agenda item H. The Board of Supervisors would like the Manager to facilitate a meeting with both the Elrama VFC and Finleyville VFD.

Agenda item J. Solicitor, Gary Sweat asked to table appointing an advisory committee until Mr. Tomko's appeal period expires.

Agenda item K. The Board of Supervisors would like the Manager to explore options of dictation software that would be compatible with the new public-address system that will be installed in the meeting room.

Agenda item O. The Board of Supervisors would like the Manager to facilitate a meeting with the Engineer, Manager, and Mr. Shoher. Mr. Balogh also reported to the Board of Supervisors he is expected to get written confirmation from Penn Dot as to what their plan is for Courtney Hill.

Agenda item P. lengthy discussion was had regarding the level of professionalism, inconsistencies, lack of cooperation and communication with the Planning Commission. Solicitor Sweat noted the Planning Commission needs to work with the Board of Supervisors as a recommending body. He stated it has been confirmed that some members of the Planning Commission have been very verbal about a dislike for members of the current Board and the direction of which Union Township is going. It is Mr. Sweats opinion the professionals that attend the Planning Commission meetings take the brunt of that and there is a tension and attitude there that should never exist. Mr. Sweat reported the Board of Supervisors have the authority to peel back on what is given to the Planning Commission to review. According to the Municipal Planning Code (MPC) the Planning Commission does have to review and recommendation any land use issues. Mr. Sweat stated the Planning Commission is defined as a planning agency in the MPC. He noted the governing body has the power to create or abolish by ordinance a Planning Commission. The Board of Supervisors has the power to create a Planning Agency, Planning Committee or Planning Department. The agency, committee or department becomes the agency that must review land use issues. Mr. Sweat reported the Board of Supervisors has the authority per section 207 of the MPC to tell the Planning Commission what is expected from them, for example minutes, more detailed reports etc. Discussions amongst the Board of Supervisors regarding the consideration of abolishing the Planning Commission ensued. Solicitor Sweat advised the Board, the EQT conditional use application for the Caton Well Pad needs to be reviewed by the Planning Commission because it is a land use issue. Consensus amongst the Board is to rescind all non-land use issues from the Planning Commission moving forward. Supervisor, Paul Chasko stated he finds himself in a very awkward position as a member of the Board and a member of the Planning Commission. He noted he is not the Chairperson or Secretary, he tries to keep things moving and it is his opinion something needs to be done.

Agenda item Q. The secretary informed the Board of Supervisors there are eight properties in Elrama Sewerage that will be receiving a posting notice for water shut off in. In addition, at the Legislative Meeting an agenda item for consideration of filing a Municipal Lien on four properties in Elrama Sewerage.

Motion to approve the use of the Township's Oil and Gas Ordinance added 7-26-10 by Ordinance No. 2010-3 and zoning map to consider the Conditional Use application filed by EQT for the Caton Well Pad as opposed to the Oil and Gas Pending Ordinance not yet finalized based upon the recommendation of the Solicitor and the discretionary authority to the Board of Supervisors in the Supreme Court case: Hill v Zoning Hearing Bd, 626 A2d at 513 (1993) to determine which ordinance (original or pending) should apply.

Motion by Charles Trax, Second by Deborah Sargent

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

Agenda item 8. The Board of Supervisors, Manager, Solicitor, and Engineer discussed potential uses of repository parcels. Manager, Robert Balogh stated he will coordinate with the Engineer if any of the repository parcels would have a viable use to the Township and he will present those to the Board at the Legislative Meeting.

Supervisor Comments:

Supervisor, Richard Lawson asked about the progress of the Veterans Memorial. Manager, Robert Balogh reported Mr. Jubie is willing to work on the memorial, he would like to know what the height is on the monument. Mr. Lawson asked about the progress on the audio system for the meeting room. The Secretary reported Jeff Biddle has been contacted and she is wait for a response. The equipment has been ordered. Mr. Lawson question the Road Superintendent regarding electrical bids for the Nike site. Mr. Lawson questioned if any action has been taken on fire proof storage for Township minutes. Lastly, Mr. Lawson asked if he can review the bid packages prepared by Engineering before they go out.

Supervisor, Heather Daerr reported there is an article about Brownfields and the remediation of the Elrama Chrome shop in PSATS magazine. Next, Mrs. Daerr asked the Board of Supervisors to consider the Community Service and Furlough project at the next meeting. Mrs. Daerr would also like the Board of Supervisors to review the Big Box Ordinance.

Solicitor, Gary Sweat reported he has generated three different memos for the Board if there are any questions please call him. Mr. Sweat highlighted his memo regarding the PNC Bank Police Pension Fund. He noted the first step is to get a status update on the five individuals he listed in his memo. Mr. Sweat stated according to Mockenhaupt, the liability could increase again because one never knows what the state legislature will do in terms of increasing the benefits in Act 30. He stated Mockenhaupt advised Union Township to review the status of the five claimants listed, researched the possibility of any new legislation that would increase our exposure, and lastly, he needs to verify the terms of the annuities. Next, Solicitor Sweat requested the Secretary forward him a copy of the Tomko motion from the April 11, 2018 meeting. Moving forward, Mr. Sweat reported the Forensic Audit report is in and the Board will discuss it in executive session. Mr. Sweat then reported the Tuscany Estates hearing is in front of Judge Emery on May 1, 2018. Next, Mr. Sweat updated the Board regarding the actions taken on 13 Mingo Circle.

Public Comments:

George Powell: (No Address Given) Mr. Powell expressed his opinion regarding EQT fixing Pleasant View Road.

Sandy Banaszak: 5 Boyka Drive, Finleyville PA. Ms. Banaszak voiced her opinion regarding the conditions stated in the motion made regarding the Tomko Grading Permit.

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig expressed his concerns regarding the dust at the Tomko worksite.

The Board of Supervisors entered executive session at 10:20 pm.

The Board of Supervisors returned from executive session at 10:38 pm. Supervisor, Heather Daerr stated that in executive session the Board of Supervisors discussed the detailed report of the forensic audit. Mrs. Daerr stated there is a Forensic Audit that the Township tax payers paid for. Mrs. Daerr stated there is findings of no criminality that the Township can pursue. However, it is every tax payers right to look through the report and it is available through a Right-to-Know request. Lastly, Mrs. Daerr stated for the record there was also another Forensic Audit performed in 2010, that many were not aware of until paperwork was found in a box under the Board table. Mrs. Daerr stated only two pieces of paper from the detailed report were in the file. Multiple requests for additional documents were made to the firm that performed the audit by Township Officials. The reply Union Township received from the firm was that they no longer have those

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records. Mrs. Daerr noted these two pieces of paper are up for public consumption through a Right-To-Know request as well.

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. Dunley, Secretary