

**Union Township Board of Supervisors
Legislative Meeting
April 25, 2018
6:30 pm.**

The Union Township Board of Supervisors meeting was called to order by Chairperson, Heather Daerr at 6:30 pm. 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, Gary Sweat-Solicitor, Nicole Dooley-Secretary/Treasurer and Jarrod D'Amico- Zoning/Code Enforcement Officer. James Harshman-Engineer arrived at 7:45 pm.

Public Comment on Agenda Items:

Mauro Orsatti: 2118-20 Rankintown Road, Finleyville, PA. Mr. Orsatti expressed his concerns regarding the traffic on Rankintown Road. Mr. Orsatti expressed his concerns regarding weeds at 2124-2126 Rankintown Road. Mr. Orsatti expressed his concerns regarding drainage on Rankintown Road. Mr. Orsatti expressed his concerns regarding quads driving on Rankintown Road. Mr. Orsatti expressed his concerns regarding a speeding Police car on Rankintown Road.

Supervisor, Heather Daerr asked Mr. Orsatti to please file written complaints for any future issues.

Stacy Monahan: 28 Aber Road, Finleyville, PA. Ms. Monahan expressed concerns regarding the EQT McIntosh Compressor Station. Ms. Monahan expressed her concerns regarding nuisance issues from the EQT McIntosh Compressor Station. Ms. Monahan expressed her concerns regarding water runoff coming from the EQT McIntosh Compressor Station on Lobbs Run Road.

Darla Savko: 68 Aber Road, Finleyville, PA. Ms. Savko expressed her concerns regarding the EQT McIntosh Compressor Station. Ms. Savko expressed her concerns regarding nuisance issues coming from the EQT McIntosh Compressor Station. Ms. Savko expressed her concerns regarding water runoff coming from the EQT Compressor Station.

Motion to approve minutes for March 28, 2018 Dream Workshop Meeting.

Motion by Charles Trax, Second by Heather Daerr

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

Motion to approve minutes for March 28, 2018 Legislative 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 April 4, 2018 Special Meeting.

Motion by Charles Trax, 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 April 11, 2018 Non-Legislative Meeting.

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.

Motion to approve payroll #7 dated April 6, 2018 in the amount of \$15,775.30 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 #8 dated April 20, 2018 in the amount of \$14,008.53 presented by the Manager subject to being true and correct.

Motion by Paul Chasko, Second by Richard Lawson

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

Motion Carried.

Solicitor, Gary Sweat reported Mr. Tomko has responded with comments and agreements to the motion made at the April 4, 2018 Special Meeting. Mr. Sweat stated further discussions regarding Mr. Tomko's comments will be held in executive session. Mr. Sweat then reserved the right to discuss the EQT Caton unconventional well site conditional use application hearing date during the meeting. Moving forward, Mr. Sweat reported the hearing for the Tuscany Estates Rule Return is scheduled for May 1, 2018 at 3:00 pm with Judge Emery. Mr. Sweat asked for the Manager and Engineer to be present at the hearing. Solicitor, Gary Sweat noted he was asked to research three legal questions for the Board.

Question 1. Are Planning Commission members required to file a State Ethics Commission Statement of Financial Interest? Mr. Sweat responded stating in Townships where the Planning Commission is empowered to approve subdivisions they are required to file a Statement of Financial Interest. Union Townships subdivision/land development ordinance makes it a requirement of any application must first go to the Planning Commission for review. Mr. Sweat noted every subdivision that he has seen in Union Township since he has been solicitor has had a notation on the subdivision plat that had been signed by the Planning Commission. Solicitor Sweat also stated it has been confirmed by PSATS Legal Counsel Planning Commission members are required to complete Statement of Financial Interest forms.

Question 2. Is it improper for Kevin Daerr to be appointed as an alternate to the Zoning Hearing Board because his wife, Heather Daerr is an elected Supervisor? Mr. Sweat stated there is no prohibition against Mr. Daerr being appointed.

Question 3. If a person has a record are they permitted to be appointed to any offices? Mr. Sweat stated an elector is someone who has even been convicted that is not in prison is eligible to vote. Mr. Sweat noted someone who has served ten years in prison convicted on a felony count, once they are released from prison they are eligible to vote, therefore they are considered an elector. The only requirement for appointing individuals to committees, commission or board is that they be an elector of the Township. Mr. Sweat noted he supplied the Board of Supervisors with a memo regarding question # 3 in 2016. He stated if any Supervisor would like to see that memo he can provide it to them. Manager, Robert Balogh asked Mr. Sweat if multiple Supervisors can attend an upcoming Planning Commission meeting and it not be an issue related to a quorum? Mr. Sweat stated if the Supervisors do not make a decision or deliberate there is no problem. He stated that is not a Sunshine Law issue.

Supervisor, Heather Daerr stated Engineer, James Harshman was not present and once he arrives Mr. Harshman can deliver his report.

Manager, Robert Balogh reported to the Board of Supervisors he is scheduled to attend the Finleyville Borough Council Meeting on May 2, 2018 to discuss their request of the partial payment of the Finleyville VFD workmen's compensation insurance premium. Mr. Balogh noted he will comment further on this as it is presented as an agenda item. Moving forward, Mr. Balogh stated the meeting room public address system has been installed. Next, Mr. Balogh stated an additional fire safe is ordered for what post bound minutes that are in his possession. Moving forward, Mr. Balogh has reviewed the list of repository parcels. Upon further investigating Mr. Balogh reported it is his recommendation that none of the parcels be purchased. He stated the parcels consist of slivers of land, un-useable hillsides, drop offs and uninhabitable trailers. Lastly, Mr. Balogh stated he will reserve the right to comment on agenda items as they are reviewed.

UNFINISHED BUSINESS:

Agenda items under unfinished business included the following:

- A. Approve/Deny Advertisement for 2018 Paving & Drainage Projects and Fuel Contracts.
- B. Approve/Deny Purchasing Recommendations for 2018 Summer Material Commodities Through Washington County Joint Purchasing Council and Costar's.
- C. Approve/Deny Animal Control Service Agreement with Animal Control Services, LLC.
- D. Approve/Deny Golden Eagle Use of Nike Site for Staging During their Rehabilitation Project

on State Route 837.

E. Approve/Deny Finleyville Boroughs Request for Payment of Finleyville VFD. Workers Compensation Policy in the Amount of \$13,113.00.

F. Approve/Deny Appointing Engineer, James Harshman and Union Township Parks & Recreation Board to the GTR Grant Steering Committee.

G. Approve/Deny Engineer to Prepare an Initial Design & Budget for Linden Street Chapter 105 Permit for Channel Improvements.

H. Approve/Deny Resolution 2018-6 Appointing and Designating Southeast Regional EMS as the Primary Responding Ambulance Service in the Township of Union.

I. Approve/Deny Withdrawing All Requests of the Planning Commission for Review of Items Not Directly Related to Land Use Issues.

J. Approve/Deny Filing Municipal Lien for Sewerage Collections on 11 Collins Avenue.

K. Approve/Deny Filing Municipal Lien for Sewerage Collections on 4490 Finleyville-Elrama Road.

L. Approve/Deny Filing Municipal Lien for Sewerage Collections on 124 Gun Club Road.

M. Approve/Deny Filing Municipal Lien for Sewerage Collections on 1476 State Route 837.

N. Approve/Deny Delineating Open Garage Space to Police, Road Crew and Fire.

O. Approve/Deny Motion to Advertise a Hearing Date and Proposed Ordinance to Abandon Certain Sections of Old Route 88.

P. Approve/Deny Participation in Washington County Furlough into Service Program.

Q. Approve/Deny Legal & Engineering to Prefurn Necessary Items to Assist PennDot with the Turnback of Courtney Hill Road Project.

R. Approve/Deny Managers Letter to CSX Transportation for Railroad Street Project.

S. Approve/Deny Frank Latorre Alternate Appointment Status to Planning Commission.

Agenda item A. Manager Robert Balogh asked the Board of Supervisors to move this item further down on the agenda in the case Engineer, James Harshman has additional information for the Board.

Motion to approve the purchasing recommendations for 2018 summer materials commodities through the Washington County Joint Purchasing Council and Costar's.

Motion by Heather Daerr, Second by Richard Lawson

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

Motion Carried.

Motion to approve Animal Control Service Agreement with Animal Control Services LLC.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion Carried.

Motion to approve Golden Eagles use of the Nike site for staging during their rehabilitation project on State Route 837 subject to negotiating with the Manager and or Road Superintendent, Pete Overcashier.

Motion by Heather Daerr, Second by Richard Lawson

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

Motion Carried.

Motion to table Finleyville Boroughs request for payment of Finleyville VFD. workers compensation policy in the amount of \$13,113.00.

Motion by Heather Daerr, Second by Richard Lawson

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

Motion Carried.

Motion to approve appointing Engineer, James Harshman and the Union Township Parks & Recreation Board to the GTR Grant steering committee.

Motion by Heather Daerr Second by Paul Chaska

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

Motion Carried.

Agenda item G. Manager, Robert Balogh suggested the Board of Supervisors reassign the item to the end of the list until the Engineer arrives.

Motion to approve resolution 2018-6 appointing and designating Southeast Regional EMS as the primary responding ambulance service in the Township of Union.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion Carried.

Motion to approve withdrawing all request of the Planning Commission for review of items not directly related to land use issues.

Motion by Deborah Sargent, 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 filing Municipal Lien for sewerage collections on 11 Collins Avenue, 4490 Finleyville-Elrama Road, 124 Gun Club Road and 1476 State Route 837.

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 delineating open garage space to Police, Road Crew, and Fire on a six-month trial basis.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion Carried.

Motion to approve and advertise a hearing date and proposed ordinance to abandon certain sections of Old Route 88 on Wednesday, May 23, 2018 at 6:30.

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 participation in Washington County Furlough into Service Program.

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 Legal and Engineering services to perform necessary items to assist PennDot with the turnback of Courtney Hill Road subject to expenses to be approved on a case by case basis.

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 table Managers letter to CSX Transportation for Railroad Street Project.

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.

New Business:

Agenda items under new business include the following:

A. Approve/Deny Motion to Direct Tax Collector to Eliminate Interim Billing Collections When the Amount is Less Than \$1.00.

B. Approve/Deny Application for Grant Under Sunoco MEII Fine Money Grant Program and For Any Additional Future Grant Opportunities.

- C. Approve/Deny Motion to Advertise a Hearing Date for the EQT Caton Unconventional Well Site Conditional Use Application for Oil and Gas Extraction.
- D. Approve/Deny Managers Recommendation Regarding Repository Parcels.
- E. Approve/Deny Bids for Completion of Veterans Memorial Monument.
- F. Discuss W.G. Tomko Comments to Grading Permit Motion.
- G. Any Additional Items.

Motion to approve directing Tax Collector to eliminate interim billing collections when the amount is less than \$1.00.

Motion by Heather Daerr, Second by Paul Chasko

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

Motion Carried.

Agenda item B. In depth discussions regarding the formation of a Storm Water Management Authority with multiple Municipalities ensued between the Manager, Solicitor, Board and Engineer.

Motion to approve applying for the grant under the Sunoco MCH fine money grant program and for any additional future grant opportunities.

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.

Agenda item C. Solicitor, Gary Sweat reported from the date the application has been submitted by EQT, Union Township has sixty days to hold a hearing. That is why this item is on the agenda for the Planning Commission to review on April 26, 2018.

Motion to advertise a hearing date for the EQT Caton unconventional well site conditional use application for oil and gas extraction on May 17, 2018 at 5:00 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.

Motion to approve Managers recommendation regarding repository parcels.

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 the bid from Eschata Masonry for the amount of \$1,550.00 to complete the Veteran Memorial Monument.

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.

Agenda item F. Solicitor Gary Sweat stated he would like to discuss Mr. Tomko's comments to the Grading Permit

Motion in executive session.

Supervisor, Heather Daerr asked Engineer, James Harshman if he had any additional information to provide the Board of Supervisors with regards to the 2018 Paving and Drainage projects. Mr. Harshman stated he had no new information.

Motion to advertise for the 2018 Paving and Drainage projects and Fuel Contracts.

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.

Supervisor, Heather Daerr asked Engineer, James Harshman if he could provide the Board of Supervisors with an estimate regarding the preparation and initial design for the Linden Street Chapter 105 Permit for channel improvements. Mr. Harshman reported it should be around \$1,500.00.

Motion to approve Engineer to prepare an initial design and budget for Linden Street Chapter 105 Permit for Channel Improvements.

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.

Supervisor, Heather Daerr asked Engineer, James Harshman what items were needed for the GTR Grant application. Mr. Harshman stated, Rich Cleveland would put together the narratives for the grant application. Engineering would be responsible for a schematic master plan of the park area that identify the improvements we are asking funding for. He stated initial interest for the park area included a parking area as well as playground equipment. Mr. Harshman reported a master plan, cost estimate and spec sheets of what we are anticipating funding for would need to be included in the grant application. Supervisor, Heather Daerr asked Mr. Harshman if he could give a cost estimate for the master plan. Mr. Harshman noted based on past grants he has put together it may not exceed \$2,500.00

Motion to amend the original motion for the GTR Grant Steering committee to include allowing the Engineer James Harshman and Union Township Parks and Recreation Board to the GTR Grant Steering Committee to proceed with the designs of a master plan for the old Elrama Chrome Shop no to exceed \$2,500.00.

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.

Supervisor, Heather Daerr asked Engineer, James Harshman if he had any additional updates for the Board. Mr. Harshman noted the 2018 Paving project is ready for bid. Mr. Harshman noted he had no other additional new or pressing items to discuss.

Supervisor, Richard Lawson questioned Engineer, James Harshman regarding the Ridge Avenue culvert options of replacement. Discussions ensued between Mr. Harshman and Mr. Lawson. Moving forward, Mr. Lawson updated the Board of Supervisors about the financial reconciliations and audit information he had received with regards to the Clairton Municipal Authority.

Motion to approve expenditures for the month of April in the amount of \$189,292.67 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 regarding the flooding on Lobbs Run and Finleyville-Elrama Road. Mr. Powell expressed his opinion on Union Township ability to obtain steel plates.

Motion to go to executive session for personnel reasons and possible litigation at 8:30 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 8:56 pm and is now back on record. Supervisor, Heather Daerr stated that in executive session the Board of Supervisors discussed litigation issues surrounding W.G. Tomko Inc.

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 Oarr-YES.
Motion Carried.



Nicole L. Dooley, Secretary