

**Union Township Board of Supervisors  
Non-Legislative Meeting  
May 9, 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, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement Officer, Pete Overcashier-Acting Road Superintendent and Kevin Harris-City of Monongahela Police.

Public Comment on Agenda Items:

Frank Latorte: 7 Boyka Drive, Finleyville PA. Mr. Latorte expressed his concerns regarding addressing the storm water run-off at the end of Boyka Drive. Mr. Latorte expressed his opinion regarding the middle school property. Mr. Latorte expressed his opinion regarding moving Union Township forward.

William Castor: (No Address Given) Mr. Castor expressed his opinion regarding the dedication of the Veterans Memorial Monument.

Clara Castor: (No Address Given) Mrs. Castor thanked everyone for stepping in to help with the Veterans Memorial Construction.

Chairperson, Heather Daerr announced to the audience, County Commissioner Harlan Shober was in attendance for the evenings meeting. Mrs. Daerr personally thanked Mr. Shober for attending the meeting.

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

Pete Overcashier, Acting Road Superintendent reported to the Board of Supervisors regarding the road crew monthly activity for April. His report included snow removal, road maintenance, drainage work, equipment maintenance, sign maintenance, park maintenance, attendance, and material use. Mr. Overcashier wanted Board direction on two items. The first being replacement of a collapsed storm water pipe near 2 Ramage Avenue. Secondly, the roof replacement at the Nike site truck yard. Mr. Overcashier reported all the quotes he received were all over the bidding minimum. Mr. Overcashier asked for Board direction if they would like him to prepare a bid document the roof replacement. Additionally, Mr. Overcashier reported he had asked for three quotes to restore the electric to the building at the Nike site. To date he reports to only receiving one.

Supervisor, Heather Daerr asked Solicitor, Gary Sweat his opinion regarding fixing historical problems popping up in Union Township. Solicitor Sweat stated the Board should not be guided by past precedences. He noted the Board of Supervisors should stick to the general rules of law. He stated if there are issues that impact Township Roads, pipelines, storm water systems, or create hazards these problems can be addressed. Mr. Sweat stated if an issue would not meet those guidelines then the Board should not address the issue.

Kevin Harris, City of Monongahela Police Officer reported on the previous month Police activity in Union Township. Mr. Harris's report included a breakdown of calls for service, arrests, criminal complaints and citations filed for the month of April. Mr. Harris reported May 14, 2018 thru June 3, 2018 will be the click it or ticket program.

Jarrod D'Amico, Zoning/Code Enforcement Officer reported on new and old activity in Union Township. Mr. D'Amico reported he received a list of nuisance vehicles from the police department. He noted letters of violations have been sent



to owners and addresses are scheduled for reinspection. Moving forward in his report, Mr. D'Amico stated he had spoken to Judge Pettit regarding Mr. Curry and 13 Mingo Circle regarding the Notice to Vacate. A court date of May 30, 2018 is set with Judge Pettit. Lastly, Mr. D'Amico reported on the number of permits and citations issued.

Chairperson, Heather Daerr noted the Animal Control Office Kym Secreet attended the evenings meeting. Mrs. Daerr personally thanked Mrs. Secreet for attending.

Engineer, James Harshman noted he had a lot of active topics for his report. Diving in, he stated a site tour of the EQT McIntosh Compressor Station resulted in a few minor E&S issues throughout the site. One notable issue is mud on vehicles leaving the worksite and being tracked onto roadways. Mr. Harshman stated a notice of violation has been sent to EQT. Next, Mr. Harshman reported a pond inventory list has been compiled. He stated a letter for proper pond functioning can be sent to each property owner. Supervisor, Richard Lawson would like owners to receive letters and the Township inspect the ponds. Moving forward Mr. Harshman reported the Union Township Planning Commission has approved the EQT Caton Well Conditional Use Application with conditions. Mr. Harshman stated he is waiting to receive the conditions in written format from the Planning Commission Chairman. Mr. Harshman asked the Planning Commission to have those conditions to him before the Caton Well hearing on May 23, 2018 so they may be entered into the record. Moving forward, Mr. Harshman reported the Jason & Jack bridge work is complete. A punch list inspection will be completed once his office receives a final invoice. Next, Harshman stated the second contract on Coal Bluff storm damage repair work is complete. A final invoice for payment will be forth coming once a typo on the invoice is corrected. The final cost for repairs was \$129,934.65. The original contract cost was \$108,376.00 based on estimated quantities. Actual quantities of 550 yard of excavation of materials needed to be removed, originally only 350 yards of excavation was estimated. Mr. Harshman requested payment be on the list of approved bills at the Legislative meeting. The next topic of Mr. Harshman's report was regarding the Pleasant View slide. He noted the Planning Commission made one of their conditions to require EQT to make Pleasant View Road passable for emergency vehicles. Harshman noted it would involve repair of two major areas on the road. Next, Mr. Harshman reported the 2018 Paving and Drainage projects are currently out for bid. Next, Mr. Harshman reported he has spoken to Rich Cleveland regarding coordination for the GTR Grant. By the Legislative meeting, we will at least need to sign a resolution allowing the Township to apply for the grant. Parks and Recreation Board will be meeting at the site of the old Elrama Chrome shop on Thursday, Mr. Harshman noted a representative from Harshman CE Group will be present. Mr. Harshman asked the Board for feedback on how much grant funding they would like to pursue. He reported the grant program has a 15% match. He noted the match budget may drive the Board in the decision of how much grant funding they wish to apply for. Moving forward, Mr. Harshman reported that most of the Engineering comments surrounding the Airports Grading Permit application have been adequately addressed. Next, Mr. Harshman reported upon further inspection and calculations of the Ridge Avenue culvert could be replaced with an 8ft. diameter pipe. Moving forward, Mr. Harshman reported a DGLVR grant application was submitted in response to the Washington County Conservation District request for potentially funding they have available.

Supervisor, Richard Lawson had many questions and concerns regarding the EQT Caton Well Pad Conditional Use Application. He would like some clarification regarding these items before the May 23, 2018 hearing. Mr. Lawsons questions and concerns included the following:

1. Truck traffic, weight on the roads, improvements & widening of roads number of load (He estimates 867 thousand loads) and staging sites.
2. A geotechnical study on global stability.
3. Bonding of the well pad site.
4. Engineering as built. Verification that the site was built as shown in the drawings.
5. Bi-weekly aerial photos of the worksite.
6. Copies of E&S reports from the Washington County Conservation District.
7. Emergency responder's programs and training. Safety data sheets including the materials and chemicals used. What is in the water? What is the antidote if ingested?
8. A portable wash station for the trucks.
9. Areas of hollow fill. What is hollow fill?
10. On-site parking.
11. Stock pile area for topsoil.

Manager, Robert Balogh reported to the Board of Supervisors he had spoken to Stephanie Paluda earlier in the day and expressed the concerns regarding the truck traffic and staging areas. He reported Ms. Paluda stated staging is a big

consideration when they are laying out the pads. Discussions regarding the potential use of the Nikc site ensued. Mr. Balogh stated Ms. Paluda was going to take the information regarding the Nikc site as a staging area back to their land department. Next, Mr. Balogh spoke about his experience with EQT and their safety training for first responders. He noted more follow up discussion will occur.

Solicitor, Gary Sweat reported, his office appeared before Judge Emery on May 1, 2018 which was a Rule Return date on the Petition to cancel Phases VI and VII of the Tuscany Estates Development. Representatives of Quaker Engineering did not attend the hearing. Exhibits were introduced and a complete record explained to the Judge resulting in approval of the petition. Mr. Sweats reported his office delivered a proposed order to Judge Emery's today. Mr. Sweat noted the order instructs the Recorder of Deeds to cancel of record phases VI and VII and to eliminate all the lots in those phases that have been assigned tax parcel numbers. Any third party interested in purchasing one of the lots in phase VI and VII will see in a title search, these are no longer legal lots because they have been rescinded by a court order for failure of the developer to post the required bond. Next, Mr. Sweat stated he has prepared for the Board of Supervisors consideration a draft of an Intergovernmental Cooperation Agreement between North Strabane, Union and Nottingham Townships. Initially this agreement is geared towards the grant opportunity funding for water quality improvement projects being funded by fines imposed on the Sunoco Mariner East II pipeline. Additionally, Mr. Sweat reported he has prepared and ordinance for adoption of entering into the Intergovernmental Cooperation Agreement as required by law. Moving forward in his report, Mr. Sweat noted a May 30, 2018 hearing with Judge Pettit is scheduled with the property owner of 13 Mingo Circle. Consideration for a Petition requesting the court issue an order to vacate as well as execution on the Municipal Lien filed against the Curry's and the property will proceed following that hearing. Next, Solicitor Sweat reported the Board has been supplied a draft motion and resolution to resolve the missing minutes issue. The draft motion and ordinance will be on the Legislative meeting for approval. Mr. Sweat then moving forward in his report asked for additional information needed regarding the amendment of the parking ordinance. Next, Solicitor Sweat reported he has proposed an ordinance for the dissolution of the Union Township Planning Commission and replacement with a Planning Committee. He stated the Board will need to determine how many individuals will sit on the Planning Committee and how they will be chosen. Mr. Sweat noted he is waiting for comment from PSATS if a non-supervisor can be placed on the Planning Committee. Lastly, Mr. Sweat updated the Board of Supervisors of the Tomko Grading Permit Application motion with conditions. Mr. Sweat reported Mr. Tomko has agreed to about ninety percent of the conditions. It is Mr. Sweats opinion that all the questions have been addressed full circle. He reported Mr. Tomko has obtained a blasting permit from the DEP. Mr. Sweat stated at the May 23, 2018 Legislative Meeting the Board needs to be prepared to address the changes Mr. Tomko has made. Mr. Sweat reviewed in depth all of Mr. Tomko's responses. Mr. Sweat noted he will circulate to the Board of Supervisors a proposed motion for the May 23, 2018 meeting. Supervisor, Richard Lawson reserved his right to make comment and express his opinion regarding Mr. Tomko's worksite. It is Mr. Lawsons opinion blasting will not reduce his time. Mr. Lawson believes the equipment should be wrapped with the sound blankets and sound walls he installed around the rock crushing areas. He also stated Mr. Tomko should give the residents at the very least a half of day on Saturday with no work. It is Mr. Lawsons opinion Mr. Tomko may blast, crush and sell the rock and be done in three years. Supervisor, Heather Daerr personally thanked Solicitor Sweat for all his hard work.

Moving forward Supervisor, Heather Daerr asked Commissioner Shober if he would like to make any comments regarding Courtney Hill. Mr. Shober stated he has had lot of conversations regarding the re-route of Courtney Hill Road. Mr. Shober noted with Mr. Balogh's efforts and everyone's cooperation this could happen. Manager, Robert Balogh reported requested documents have been sent to Rick Skovensky at PennDot. In the interim, discussions between Mr. Balogh, Mr. Schober's office and First Energy have ensued. Mr. Balogh noted First Energy needs specific forms and Engineering information to be completed. Mr. Balogh has passed that request on to Mr. Skovensky. Mr. Shober noted he would like to suggest a meeting with Mr. Balogh, First Energy and himself. He stated he would like more of a commitment from First Energy, explaining and making sure they understand the situation with the property that they own. Mr. Balogh stated he would facilitate that meeting.

Manager, Robert Balogh reported he met with Finleyville Borough regarding their request for Union Township to pay a portion of the Finleyville VFD State Workers Compensation Premium. It is Mr. Balogh's opinion this is a valid request. He noted the Borough Council asked Mr. Balogh to extend to the Board of Supervisors, Finleyville's gratitude in acknowledging and consideration of their request. Next, Mr. Balogh reported EQT McIntosh Compressor station complaints have be addressed and investigated by himself, Mr. Lawson and Harshman CE Group staff during a recent site tour. Moving forward, Mr. Balogh reported the brick work on the Veterans Memorial is complete. He noted some finishing details need to be completed. He would like Board direction regarding the hearth base and trim work around the

plaque. Next, Mr. Balogh reported seven of the eight delinquent accounts posted for water shut off in Elrama Sewerage have paid. He noted the eighth individual parked a car over the curb key prohibiting Pennsylvania American Water from shutting off water service. Mr. Balogh is asking the Board of Supervisors to consider execute sheriff sale procedures on an already established Municipal Lien. Moving forward Mr. Balogh reported he has met with other Townships participating in the ME II line money grant. Agreement for a signed Intermunicipal Service Agreement was needed for the grant application process. Mr. Balogh state Solicitor Sweat has provided one this afternoon and he will circulate it to the Board for review. The group agreed to appoint Union Township as the lead agency, Gary Sweat as the Solicitor and Gateway Engineers as the Engineer. Next, Mr. Balogh reported the Steering committee had a meeting with the Ringgold School District Board of Education. He noted the Board of Education will report to us by fall if they have any intentions on selling the middle school property. Mr. Balogh then reserved his right to comment on agenda items as discussed.

#### Review of Agenda Items:

Agenda items for review included the following:

- A. Consider Finleyville Boroughs Request for Payment of Finleyville VFD, Workers Compensation Policy in the Amount of \$13,113.00.
- B. Consider Purchase of Steel Road Plates.
- C. Consider Frank Latorre Alternate Planning Commission Appointment.
- D. Consider Manager, Engineer Recommendation for Railroad Street.
- E. Discuss GTR Grant Update.
- F. Consider Missing Minutes Resolution 2018-7.
- G. Consider the Dissolution of Union Township Planning Commission and Replacement with Alternate Planning Agency.
- H. Consider Approval of Pryotecnico Fireworks to Launch Fireworks Display at the Finleyville VFD. Carnival on Friday, July 27, 2018.
- I. Consider Authorizing Manager to Apply for Citi Bank Credit Card with a \$5,000.00 Credit Limit.
- J. Consider Executing on Municipal Lien Filed Against 48 Davidson Avenue.
- K. Consider Medical Marijuana Dispensary.
- L. Consider W. G. Tomko Comments to Grading Permit Motion.
- M. Any Additional Items.

Agenda item D. Mr. Overcashier suggested sending letters and scheduling meeting with the residents who live along Railroad Street.

Agenda item G. Solicitor Gary Sweat stated the dissolution of the Union Township Planning Commission must take place via ordinance. He noted the May 23, 2018 Legislative meeting would be the appropriate time for the Board of Supervisors to consider the ordinance. In addition, Mr. Sweat is also waiting for a response from PSATS General Counsel. The ordinance will abolish the Planning Commission and replace it with a Planning Committee.

Agenda item K. Manager, Robert Balogh introduced Holden Farahani, managing partner for Sirona, located in the state Colorado. Mr. Farahani provided the audience and Board of Supervisors with an extensive explanation of his plans for a medical cannabis dispensary in Union Township should he secure one of the license available from the State of Pennsylvania. Lengthy discussions amongst the Board, Residents, Solicitor and Mr. Farahani ensued.

Motion to amend the definition of pharmacy in a C1 district to include a Medical Marijuana Dispensary subject to the rules and regulations of the medical marijuana statute for the state of Pennsylvania.

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 Comments:

Supervisor, Richard Lawson would like someone to provide news information to the South Hills Messenger.

Supervisor, Heather Daerr asked Mr. Balogh to submit a complaint regarding standing water runoff on Rankintown Road through the PennDot portal. Mrs. Daerr also requested the Manager to follow up on the DCED Management letter.

Public Comment:

Frank Latorre: 7 Boyka Drive, Finleyville, PA. Mr. Latorre expressed his opinion regarding the Tomko Grading Permit. Mr. Latorre expressed his thanks to the Board for their hard work on the Grading Permit Motion with conditions. Mr. Latorre expressed his concerns regarding Mr. Tomko blasting at his worksite. Mr. Latorre expressed his opinion regarding Saturday work at Mr. Tomko's worksite. Mr. Latorre expressed his opinion regarding the Union Township Planning Commission.

William Castor: (no address given) Mr. Castor asked for a date for the dedication of the Veterans Memorial Monument.

Pete Guido: 125 Vireggio Way, Finleyville PA. Mr. Guido question Solicitor Sweat about Tuscany Estates. Detailed conversations between the Board of Supervisors, Solicitor, Engineer, and Mr. Guido regarding Tuscany Estates.

Kevin Daerr: (No Address Given) Mr. Daerr questioned the Engineer about the possibility of a run a way tuck ramp at the bottom of Coal Bluff Road. Mr. Daerr questioned Mr. Harshman about temporary residence at the Caton Well Pad site.

Motion to adjourn at 9:54 pm.

Motion by Heather Daerr, Second by Deborah Sargent

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

  
Nicole L. Dooley, Secretary