

Board Approved: June 27, 2016 with revisions as noted

Union Township Board of Supervisors
Regular Board Meeting
June 13, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:05 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA.

Mr. Spahr announced that there were several items on the agenda that he would move forward which he expected drew some of the attendees. The three items which ended up being brought forward were engineering services, solicitor services, and the chairmanship.

Ms. Evans-Boren announced she was taping the meeting.

Mr. Spahr first announced that Jefferson Hills Ambulance was recognized by the American Heart Association and will be receiving the 2016 Mission: Lifeline® EMS Gold Level Recognition Award. The Mission: Lifeline Recognition Program currently acknowledges EMS agencies, STEMI Receiving Centers and STEMI Referring Centers for their efforts to improve the quality of care for STEMI patients.

Board Members in Attendance by roll call were Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

Also in attendance, Chris Furman—Solicitor, Mr. James Harshman—Township Engineer, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

The pledge of allegiance was recited. A moment of silence was observed in honor of the individuals who were shot in Orlando, Florida the day before in a mass shooting.

The first item of the three which were to be brought forward on the agenda by Mr. Spahr, was police services which was address by Ms. Sargent.

In summary, the Township had sent out Request for Proposals to several municipal departments as well as Southwest Regional Police Department, the current provider, and received a response to its Request for Proposal from City of Monongahela Police Department and SWRPD. The Monongahela price for full time coverage per their RFP response would be almost \$50,000 less than the SWRPD RFP response. The Monongahela RFP proposal was also less for the 112 shifts the Township currently receives.

There was an active discussion involving residents and the Board regarding various issues which were interjected during the discussion. Topics covered included whether or not it was intended for a vote to occur due to the presence of Chief Tempest and multiple Monongahela police officers and their police dog, whether or not sufficient information had been obtained for a vote to occur, whether the proposals could be compared in specificity in terms of pricing, the

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source and accuracy of prior estimates or numbers, whether or not the bargaining unit contract would have any bearing on pricing, contract issues and funding issues.

Public Comment

Harold Breinig, 44 Finley Avenue, commented on the Board's prior vote to look at other police service coverage options and also noted the proposal delivered to the Township by Leo DiCesare.

Lori Kenavey, 6088 Brownsville Road Extension, gave her opinion that the written proposals should be supplied to the public for public review so that they can compare them for themselves. She also requested the numbers. Also, she later inquired about whether the contract could be terminated.

In response to any comments or concerns about union related issues, Mr. Barna expressed concerns about prevailing wage as well as Mr. Spahr who communicated issues relative to his experience with the former police force, as well as questions about whether the price provided could be sustained given the types of legal and contract issues faced by the Union Township Board with the past police force and union representation. Relative to this issue, Chief Tempest assured the Board that, although the Teamsters Local No. 205 bargaining contract applies to their police department, that no related legal issues would apply to Union Township and that the quoted price is all the Township would pay, with no hidden costs. Mr. Chasko later questioned whether a contract could be written to isolate the Township. Chief Tempest offered to have his union representative meet with the Township if they so desired.

Ms. Evans-Boren, 22 Parkvue Drive, asked several supervisors and the Monongahela police who were attending if they had been invited to attend the meeting tonight. All denied there was a specific invitation extended to the City of Monongahela Police Department.

Rick Lawson 561 McClelland Road, provided his opinion about the next step being for the Board to make a choice, once proposals were checked by the solicitor. He also commented in regard to prevailing rate in terms of his own business and how it is possible to bargain for different rates since he negotiated four rates in the same union.

Justin Fowler, 5140 Chevy Chase, commented on a number in prior Minutes which was later questioned as to the source and accuracy.

dan | ~~The proposal from the City of Monongahela is a three-year agreement.~~ In response to a question by Ms. Kenavey as to whether the current contract with Southwest Regional Police Department could be terminated without breach of contract, Mr. Furman was asked to validate whether, per the contract, it was simply required to provide 30 days notice should the Township wish to end the contract. Upon Mr. Furman's review of the contract at the meeting, it was determined that the contract expires on December 31, 2016. SWRPD would have to agree to terminate early.

Another issue was what would happen should the Township's funding it has relied on for police coverage be reduced or eliminated. A large portion of coverage is funded by the impact fee

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funds the Township receives from Washington County for oil and gas activities under the current legislation. Mr. Spahr stressed that possible new state legislation threatens to reduce the impact fee received by municipalities which would have a negative effect on the Township's ability to continue police coverage. Chief Tempest suggested an escape clause be written into the contract. During the meeting, Mr. Furman also said it was advisable that an escape clause be written into the contract releasing the Township from its agreement should the impact fee be significantly reduced. Although other numbers had been mentioned, the Treasurer clarified that we currently receive \$180,000 in the impact fee fund.

Following a lengthy discussion and what the next steps should be, Ms. Sargent said that she wanted to start steps to hire City of Monongahela Police Department.

Motion to begin negotiating a contract based on the acceptable proposal of the City of Monongahela Police Department.

Motion by Deborah Sargent, Second by Charles Trax

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

Motion to authorize the solicitor to draft a contract with the City of Monongahela Police Department.

Motion by Deborah Sargent, Second by Heather Daerr

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

The next issue brought forward on the agenda by the chairman was solicitor services which was addressed by Ms. Sargent. She reported that Union Township pays significantly more in legal fees than other municipalities of about the same size.

Ms. Sargent said that she takes it as her responsibility as a Supervisor to reevaluate all the positions and that two workshops were held to review solicitors. The solicitors were narrowed down to three firms. Ms. Sargent described solicitor Gary Sweat as one of the three solicitors interviewed whom she would most like to consider using and provided various reasons for her support which included positive references, proactive methods, and a belief that, though his rates were higher, he would work more efficiently. Ms. Daerr and Mr. Trax also had positive remarks of the solicitors interviewed and Mr. Sweat specifically. Mr. Spahr noted the accomplishments of Mr. Makel for the Township which included the million dollar grant for Elrama sewerage, his assistance in helping to disband the Township police department when it was necessary, recent work on the Findings of Fact for the compressor station, as well as his lower rates with free phone calls with Board/staff.

Whether the switch to a new solicitor would save the Township money was discussed. Points made relative to that subject, were the following. Mr. Sweat's firm charges \$135/hour with a \$200 per month retainer. Makel & Associates charges \$100/hour with no retainer. In summary, there was discussion involving whether all that was necessary was known about how the new firm would charge, if calls were covered, what else would be covered, if there were open questions, and if the Township's legal expenses were the fault of the Township solicitor or related to the amount of work given by the Board. There was also conjecture by Mr. Spahr and some others as to whether rates or the retainer of the suggested firm would increase given the level of work in Union Township and the length and number of Township

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meetings. Ms. Sargent expressed a commitment to work on the length of meetings. Later in the discussion, Mr. Furman, who attended as a representative of Makel and Associates, did note that, of their 23 clients, Union Township had significantly higher legal expenses and level of legal activity.

Public comment was given throughout the discourse and is summarized as follows:

Public Comment

Mr. Breinig, 44 Finley Avenue, commented on Makel & Associate's involvement in the airport litigation that resulted in the Township paying for trees to be cut on private property. Mr. Furman noted that litigation had been going on since the 1980's, and that, due to his actions, it was resolved within months of his becoming involved in the matter.

Mr. Guido, 125 Viareggio Way, inquired as to whether Mr. Makel was invited to be included in the request for proposal process. It was confirmed that Makel & Associates did submit a proposal. He also later inquired about whether the Township had all legal documents/records which was confirmed by Mr. Furman.

Mr. Vibostak, 19 Lake Drive, was in support of keeping Makel & Associates and questioned whether the Township's legal expenses were the fault of the solicitor or the Board for giving them so much work.

Linda Evans-Boren, 22 Parkvue Drive, commented on the scope of the Board's responsibility in that a mistake would affect each 6000 Township tax payers. She also expressed dissatisfaction that the Board did not have all the facts about each solicitor in front of them to best evaluate what was being voted upon.

There were comments by the Board members in relationship to the decision and Motion itself. Mr. Trax acknowledged the difficulty in making the decision. Ms. Sargent noted that if the Township were to try another firm, they could always return to Makel & Associates should it not work out. Mr. Chasko expressed satisfaction with Makel & Associates. Ms. Daerr questioned whether a second interview should be held in lieu of this being the first public discussion.

Motion to hire Gary Sweat as solicitor for the Township
 Motion by Deborah Sargent, Second by Heather Daerr
 Roll call vote: Spahr-no, Trax-yes, Chasko-no – does not want to experiment with a more expensive solicitor, Sargent-yes – thinks that the retainer evens out increased rate, Daerr-yes.
 Motion carried.

Mr. Furman left the Board Room following the Motion.

The next item that Mr. Spahr brought forward on the agenda was the chairmanship which Ms. Sargent addressed. Ms. Sargent explained dissatisfaction with the chairman's lack of communication outside the Board Room, lack of responses to email, consistency in following solicitor advice relative to the Sunshine Act, and ability to control the audience at the Board

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meetings as it relates to comments and specific personal comments/criticisms about dress and appearance directed to Ms. Daerr and Ms. Sargent.

There was discussion during which Mr. Spahr provided explanation to the Sunshine Act issue relative to meetings he believed bordered on deliberations, and stated that he did not hear the personal comments mentioned. Ms. Sargent, though acknowledging her inexperience in the role, thought she could do much better at communicating. No supervisor made the motion to remove Mr. Spahr or to appoint a different chairperson.

There was public comment during the course of discussion which occurred at various points in the discussion as different audience members were acknowledged at different points in the discourse.

Public Comment

Ms. Theresa Spahr, 181 McChain Road, made comments requesting that Mr. Spahr allow Ms. Sargent to take the chairmanship.

A female resident that had not signed in gave her opinion that the proceedings were shameful and said that there is an expectation that the matters just discussed be done more professionally and tastefully.

Ms. Evans-Boren, 22 Parkvue Drive, commented that she would be starting a petition to have Ms. Daerr and Ms. Sargent removed. She also communicated strong disagreement relative to how the replacement of Mr. Makel was handled and cited an instance where someone had to be removed for a serious issue when she was on the Board that she believed was handled better. Ms. Evans-Boren also made comments about what she described as bullying or harassment of staff in terms of questions to Ms. Taylor at a recent public meeting held to award the paving bid.

Mr. Spahr also made comments about the staff feeling as though they are in a hostile work place and requested comments from the staff. Ms. Nigon's comment was that she thought it placed her in a difficult position to have items added to the agenda with no other Board members copied given the nature of the items. Ms. Sargent explained that the Board members knew these were issues of current discussion.

Officer-in-Charge, Scott Kircher, read the SWRPD report and provided the Board with a breakdown of the arrests which were made.

The Road Report was delivered by Mr. Mellor. He asked for questions on his written report. There were none provided.

Mr. Spahr made comments about duplication of work by the new engineer and any associated legal or engineering fees due to the abrupt termination of the contract which could have been avoided had the contract extended longer. Mr. Mellor doubted that any duplication was necessary in terms of engineering work.

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Mr. Spahr discussed logging on Patterson Road which had been underway when first noticed on the preceding Friday. Mr. Ivery notified the gentleman on Tuesday following Memorial Day to cease and desist. Per Mr. Grieb, the hauler has switched trucks and the current weight is unknown. Mr. Harshman suggested that an ordinance requirement be written specifically to address logging. Mr. Harshman will look into information which he will provide to the Board relative to an ordinance.

Ms. Daer suggested a Log Book be placed in the front of the building requesting that people coming into the office sign and provide times in and out of the building.

The bids for aggregate were opened. Laurel Aggregates and Hanson Aggregates submitted a bid response. Laurel Aggregates Bid was \$10,725.50 per ton delivered. Hanson Aggregates Bid was \$11,475.00 .

Motion to award the bid for #1 stone to Laurel Aggregates for 500 tons of #1 AASHTO more or less in the sum of \$10,725

Motion by Paul Chasko, Second by Charles Trax

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

The indemnification agreement for Finleyville Airport was discussed that would protect the land owner and the Township regarding removal of the remaining trees in Section A by Finleyville Airport. Ms. Taylor will see if the solicitor gave a response as to whether the agreement was sufficient. If not, Mr. Spahr instructed that Mr. Sweat be provided a copy for his review.

The Paving project bids were read: Bids were submitted by:

Morgan Excavating	\$128,713.45
A Folino	\$129,912.50
El Grande	\$141,915.00
Victor Paving	\$168,960.00

Mr. Harshman will schedule a preconstruction meeting with Morgan Excavating to establish the quantities.

Motion to award the bid for the 2016 Paving Project to Morgan Excavating for the bid amount of \$128,713.45 to pave a portion of McChain Road, Kirchner Turn Around and the Brownsville Road Park entrance as set forth in the bid documents.

Motion by Paul Chasko, Second by Deborah Sargent

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

In terms of Nike Site Asbestos Removal, Congressman Murphy's office was contacted. His office indicated that they would be willing to write a letter supporting a grant application but his staff knew of no funding source. Mr. Mellor has two contractors coming to give a price for asbestos removal.

Minutes not certified by the 2018
Union Twp. Board of Supervisors
or staff members.
Refer to Resolution 2018-7
for details.

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Motion to adopt a Resolution No. 2016-02 approving a Sewage Planning Module for the Lawson Subdivision

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to approve use of Brownsville Park by Penn Dot dependent on an indemnification agreement being signed.

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to (1) finalize an appropriate addendum to the Developer's Agreement with Earl Danielson, AKA Tuscany Estates; (2) take appropriate action to dismiss the case as appropriate and necessary; (3) coordinate work with the Township engineer for the appropriate level of bond funding to complete the Tuscany Estates road system relative to Tuscany Estates and ratify any actions taken by the solicitor.

Motion by Deborah Sargent, Second by Paul Chasko

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

In regard to the agenda item on the PMI Right of Way Agreement, this will be deferred until the new solicitor is on board.

In terms of the agenda item for the grant application to the Greenways, Trails, and Recreation Program Grant Application, Ms. Sargent reported that in her latest communication with Mr. Cleveland he decided it was best to wait to until a later time.

Regarding engineering transition issues, Mr. Harshman reported that he received the award parameters for the Local Share Grant in a meeting with Paul Chasko. There was no design prepared except for preliminary hydraulics. He's moving forward on permits.

In terms of the WCCD grant application, Mr. Harshman has a few changes to make. The granting authority will largely dictate how the money is spent, which totals \$141,000 with in-kind contribution for Garvin Road which includes items for rip rap, cross pipes, and so forth. The crew will do all the work but the paving.

Regarding the Overlook Sewage Project, Tom Mellor and Stan Glumac from the Washington County Conservation District accompanied Mr. Harshman on a site visit. Mr. Chasko supplied Mr. Harshman with a list concerning the EDU count for the area with which Mr. Harshman agrees. Mr. Harshman also said that he likes the conceptual design. He has a draft narrative. Mr. Harshman will communicate with Mr. Cooper.

In regard to Mingo Circle, Mr. Harshman has a request in to get maps from PCSA which should provide additional information relative to distance and the possibility of a lift station. The existing sewer is up to Beagle Club Road.

Mr. Stanley Glumac of the Washington County Sewage Authority attended the meeting to address various issues in the Township which have not been acted upon by the Board

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pertaining to sewage running down driveways and roads. He explained that the residents who have holding tanks find them very economically difficult in that they could be paying well over \$300 to \$700 per month. Mr. Glumac warned the Board of growing hostilities between residents over the failing septic systems in these areas. He suggested it to be a priority of the Board to build the infrastructure necessary to grow the community and to obtain funding for sewerage projects. Stan Glumac also mentioned issues on Finleyville-Elrama Road. He reported that Mr. Olexa who was found to have a failing system on that stretch of road recently came in to get a permit and is in the testing process. However, Mr. Glumac also reported that Mr. Olexa took him down to where there is standing effluent on Finleyville Elrama Road that is related to other failing systems in the area.

Keith Lance, and wife Marjorie, residents of Mingo Circle, commented about the sewer problems and issues with effluent running down the road in their area.

Mr. Spahr commented on the difficulty in getting grants as they must be shovel ready and knowledge of municipalities who did have shovel ready projects who were having difficulties obtaining the necessary grants and funds.

Mr. Harshman commented that one step to becoming shovel ready was to get the Act 537 plan revised. He also suggested that the Board may wish to have Rich Cleveland start pursuit of a small sewer grant.

Motion to adopt a Resolution No. 2016-02 approving a Sewage Planning Module for the Lawson Subdivision.

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to approve Recreation Board expenditures by the Recreation Board for fencing and a survey of Pleasant Stream Park not to exceed \$8000.

Motion by Paul Chasko, Second by Heather Daerr

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

A letter had been written by a representative of the American Legion requesting free rental of Brownsville Park for a picnic honoring veterans as well as suggesting the park be renamed to honor community veterans. Renaming of the park was held over for another session.

Motion to approve use of Brownsville park for a picnic for area veterans by Morris and Richey American Legion Post 613, without a permit fee from this point forward.

Motion by Heather Daerr, Second by Larry Spahr

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

Motion to approve General Fund Bills as of June 13, 2016, in the sum of \$56,822.10 subject to being correct as being presented by the Treasurer.

Motion by Charles Trax, Second by Paul Chasko

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

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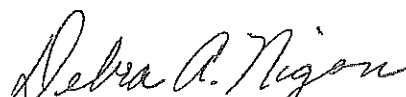
Motion to go to Executive Session at 11:20 p.m. to discuss litigation and personnel issues
Motion by Charles Trax, Second by Paul Chasko
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board returned from Executive Session at 11:30 p.m. The Chairman said they discussed issues of personnel. It was noted by the chairman that comment on what the Board discussed was not made by the solicitor who no longer was in attendance due to the earlier vote.

Motion to adjourn at 11:35 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.


Debra A. Nigon, Secretary