

**Union Township Board of Supervisors  
Non-Legislative Meeting  
June 13, 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 Chusko, Deborah Sargent and Heather Daerr. Charles Trax was absent.

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 Bill Fusco-City of Monongahela Police.

**Public Comment on Agenda Items:**

Keith Lantez: 17 Mingo Circle, Finleyville PA. Mr. Lantez expressed his concerns regarding water running on the street from 13 Mingo Circle. Mr. Lantez expressed his concerns regarding the Township paying for the pumping of the holding tank at 13 Mingo Circle.

David Ferro: 36 Kennedy Road, Finleyville PA. Mr. Ferro expressed his concerns regarding storm water drains on Kennedy Road.

Karen Urso: 5209 Lew Street, Finleyville PA. Ms. Urso expressed her concerns regarding a neighbor damming a creek creating a pond. Ms. Urso expressed her concerns regarding leaning trees near the pond area.

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

Acting Road Superintendent, Pete Overcashier reported the weekend rain storm event caused multiple problems within the Township. Mr. Overcashier stated himself, Mr. Lawson and Manager Balogh spent numerous hours investigating complaints. He noted there were many areas of flooding and washouts. Requests for curbs to divert storm water run-off have been made for Kennedy Road, Victoria Street, Meadow Avenue, and three locations in the Boyka plan. Mr. Overcashier also reported on new landslide areas and slips. He stated two new small slips have occurred on Coal Bluff Road. Another notable area was the major land slide that occurred on McChain Road. Mr. Overcashier noted Don Street will be closed the week of July 9<sup>th</sup>. Moving forward in his report, Mr. Overcashier stated the 2018 Paving Project will start on Stonebridge and Stonebrae the week of June 25, 2018. Lastly, specifications for the roof bid at the Nike site have been submitted to the Manager.

Manager, Robert Balogh presented pictures of the slide area on McChain Road. Supervisor, Richard Lawson does not believe our road crew can remediate the slide area. He stated it is an extensive and expensive job that needs to be performed quickly. Road Superintendent, Peter Overcashier agreed with Supervisor Lawson a timely repair is necessary. Supervisor, Heather Daerr stated for the record "the deficiencies in the previous road work performed on McChain Road have been identified, this road was just paved a few years ago. Failure to install cross drains and catch basins in a very common area on the road where water flows on has resulted in a land slide." Supervisor, Richard Lawson stated throughout

the Township roads were just being paved over existing grade. He noted there was no elevations designed to flow the water away from people's homes or towards a catch basin.

Manager, Robert Balogh displayed photographs of roadways in the Boyka Plan. Acting Road Superintendent, Pete Overcashier reiterated again, these roadways were just paved. No direction was given to the flow of water on the streets. He stated there is about 300 feet of curb that needs to be installed on three streets, those being Finley, Walnut and Keenan. Manager, Robert Balogh stated again it is the deficiencies in the road designs during past paving projects. He stated no consideration had been given to where the water will flow. Supervisor, Heather Daerr made a list of rain totals and displayed them for the audience members to review. Mrs. Daerr stated large rain fall amounts in a short period of time and poor road designs is why we are in the current situation. Mrs. Daerr asked residents to have patience with Union Township. Engineer, James Harshman interjected and stated today's design standard for new developments, most ordinances in Washington County require storm sewers to be designed to handle the twenty-five-year storm event. Mr. Harshman stated storm water ponds are usually designed to handle the one-hundred-year storm event. However, the storm events in 2017 and 2018 have been greater than the one-hundred-year storm event. We should not be surprised at the flooding and failures we are seeing; a lot of the older storm sewers we have in place were not designed to today's standards. Mr. Harshman stated even the newer storm sewer designs will not handle most of these rain events we are experiencing.

Manager, Robert Balogh displayed photographs of Kennedy Street. The images were that of damage done to a resident's wall and back yard. Supervisor, Richard Lawson stated it was the result of the roadway leaning towards the low side of the houses. Mr. Lawson stated the water comes down the road and concentrates on the area where the road leans. It is Mr. Lawsons opinion the roadway needs raised, curbed and piped. Road Superintendent, Pete Overcashier stated a curb to re-route the water is the band-aid fix for the time being.

Manager, Robert Balogh presented pictures of Courtney Hill Road. Mr. Balogh reported another vehicle was submerged on Courtney Hill Road, Sunday evening during the storm event. The individual driving the road had to be rescued by swift water rescue team. Manager, Robert Balogh questioned the Solicitor what authority does the township have to close a state road? Mr. Balogh stated he is actively engaged in the process of working with Harlan Shober's office, First Energy and PennDot regarding the repair and turn back of Courtney Hill Road. Supervisor, Richard Lawson stated he thinks the Township should dump dirt in the middle of the road so people can not travel the road. He noted the road needs to be blocked off at both ends. Solicitor, Gary Sweat stated the roadway should be shut down when there is a threat of a major storm event. Supervisor, Heather Daerr stated PennDot has affixed permanent Road Closed Signs on Courtney Hill Road. People drive around them and ignore them.

Motion to haul dirt up to Courtney Hill and shut it down at both ends.

Motion by Richard Lawson, Second by Deborah Sargent

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

Motion Carried.

Manager, Robert Balogh displayed photos of the intersection of Washington Avenue and Meadow Avenue. Supervisor, Richard Lawson stated it is his opinion the sanitary sewer is surcharging and it is running over to the catch basin. Mr. Lawson noted he shared the pictures with Rick Kovach at the Peters Creek Sanitary Authority. It is Mr. Lawsons opinion the storm sewers being surcharged is issue that is plaguing the Lewis residents. Manager, Robert Balogh stated Robinson Pipe Cleaning has been contacted to camera the storm sewer lines.

Manager, Robert Balogh displayed photographs of the storm water running at the Tomko worksite. Engineer, James Harshman reported his department has forwarded the images to the Conservation District and asked them to follow up with a site inspection.

Manager, Robert Balogh displayed pictures of the new culverts installed on Jason and Jack Drive.

Discussions regarding the McChain Road Slide ensued between the Board of Supervisors, Engineer, Acting Road Superintendent and Manager. Acting Road Superintendent, Peter Overcashier stated it is his opinion this slide area needs addressed as soon as possible. Engineer, James Harshman stated if the Board deems the slide an emergency a contractor can be authorized to begin work immediately. Manager, Robert Balogh reminded the Board of Supervisors, Union Township is still under a state of emergency from the last winter flood event.

Motion to Authorize Engineer, James Harshman to design and receive quotes for emergency repairs based upon recommendations of the Township Engineer, Acting Road Superintendent and visual inspection and the risk of another hard rain and losing the road.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion Carried.

Supervisor, Heather Daerr stated she would like to see a few bids for the repair. Engineer, James Harshman stated he would put together a unit price bid sheet for the typical items needed for the repair. Mr. Harshman stated he can get unit prices from the qualified contractors by Friday of this week. Mr. Harshman stated himself and Supervisor Lawson can review the unit price bid sheets from qualified contractors and pursue with lowest responsible quote.

Supervisor, Heather Daerr question Acting Road Superintendent, Pete Overcashier what the next steps were going to be on Kennedy Road. Mr. Overcashier stated placing a curb will be done to put a band-aid on the current situation. Discussions amongst the Board of Supervisors, Engineer, Acting Road Superintendent regarding the mitigation of the problems on Kennedy Road.

Supervisor, Deborah Sargent asked if anyone had an update for the bridge replacement on 88. Manager, Robert Balogh stated the last correspondence he had was that the work was to start in late July or August.

Bill Fusco, 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 May.

Jarrod D'Amico, Zoning/Code Enforcement Officer reported he has been working with the owner regarding the cleaning up of the Stone Church Road trailer park. Mr. D'Amico asked the Board of Supervisors to allow this individual to have fifteen days to file for demolition permits.

Motion to allow a fifteen-day period for demolition permits to be obtained by the owner of the Stone Church Road Trailer park.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion Carried.

Moving forward in his report, Mr. D'Amico briefed the Board on the ongoing citations that were filed with the magistrate's office. Next, Mr. D'Amico reported on the Building, Zoning, Occupancy and Township permit issued in the past month. Lastly, Mr. D'Amico reported the continued hearing for 13

Mingo Circle was on May 30, 2018. Mr. Curry or his Attorney did not appear. Mr. Curry was found guilty.

Engineer, James Harshman's report touched on the active topic of Tuscan Estates. He advised the Board, he has been updating the infrastructure bonding and will have a certified update at the Legislative meeting. Next, Mr. Harshman reported he has been in contact with Abby Kiefer. She is the tech at the Conservation District that is responsible for the Tomko worksite. Mr. Harshman stated he would like to tag along on the site inspection performed by the Conservation District. Mr. Harshman then reported everything but a final schedule has been received for the 2018 Paving Project. He stated the contract is ready for signatures. Moving forward, Mr. Harshman stated the 2018 Drainage Project is out for re-bid. Sealed bids are due by June 27, 2018. Mr. Harshman stated he is still having problems receiving easements for the drainage project. He noted a couple condemnations may be needed on the properties that are not willing to provide an easement. Mr. Harshman stated at the very least he will need an attempt to condemn to provide the DEP for the permits related to the Drainage Project before the DEP will issue final permits for the project. Next, a detailed design scenario was put together and forwarded to Mr. Balogh to be included in his letter being sent to CSX regarding the Rail Road Street erosion problem. Moving on in Mr. Harshman's report he stated the final punch list inspections have been performed on the Jason & Jack Bridge project. A notification letter was sent to the Redevelopment Authority saying the project is complete and suitable for final payment. Next, Mr. Harshman gave an update for the design for the Linden Street Flushing remediation. Lastly, Mr. Harshman noted the new slide area on Coal Bluff Road is just an erosion slide not a stability slide. He stated a heavy rock bed needs to be placed on the area.

Supervisor, Heather Daerr asked the Township Engineer if any additional catch basins are being installed as a part of the 2018 Paving Project on Stonebridge and Stonebrae. Acting Road Superintendent, Pete Overeschler stated four new catch basins are being installed. Engineer, James Harshman stated underdrains, and the connection of upper roof drains to the storm sewer system in the upper cut de sac where previous icing concerns have occurred will also take place. Supervisor, Richard Lawson stated in the last storm Stonebridge sustained a lot of mud and water. It is his opinion it could be coming from the Gas company's right of way. Next, in-depth discussions ensued regarding the Stonebridge development, the Airport and storm water drainage issues ensued between Supervisor Lawson, Engineer and Manager. The conclusion was made to have the Engineer, James Harshman to send a letter to the Gas Company.

Solicitor, Gary Sweat opened his report speaking about the EQT conditional use application hearing that was held on May 23, 2018. Mr. Sweat stated he prepared a proposed motion that was distributed to the Board of Supervisors and with the applicant EQT. Attorney Blane Lucas for EQT replied with a red line version of the motion. Mr. Sweat stated he does not have a problem with the additions or deletions response from EQT. It is his opinion the response is more than supportable and adequate. Mr. Sweat noted EQT is looking for a decision on the leasing of the Nike Site for their staging site. Next, Mr. Sweat stated the second item the Board of Supervisors needs to consider rendering a decision surrounding the improvements our Engineer recommends for Coal Bluff Road and the area south of the Caton Paul on Pleasant View Road. Supervisor, Richard Lawson questioned Attorney Lucas from EQT regarding red lined items #2 and #20. A brief discussion and clarification between Attorney Lucas, Solicitor Sweat and Mr. Lawson occurred. Next, discussions regarding red line item #31 between EQT representative, Solicitor Sweat and the Board of Supervisors. Discussions concluded upon a twelve-month expiration and EQT can apply for a twelve-month extension if circumstances warrant and the extension will not be unreasonably withheld. Next, Solicitor Sweat questioned EQT representatives on their proposal for staging at the Nike site. EQT reported their consultants still need to review to make sure there are no environmental sensitive areas. Moving forward more discussions ensued between Engineer James Harshman, Attorney Lucas, Solicitor Sweat and the Board of Supervisors regarding Coal Bluff Road and Pleasant View Road. Moving on, Mr. Sweat reported Mr. Tomko has filed an appeal to the Grading

Permit that was issued with conditions. Mr. Sweats office was served with the law suit. He noted Mr. Tomko's appeal objects to three of the conditions attached to the motion. Those being, Saturday work, no coordination of work with the Ringgold School District, and the erection of sound walls mandated by the Township. Mr. Sweat stated he will be filing the appropriate response to that land use appeal. Additionally, he noted Mr. Tomko is seeking damages. Mr. Sweat also noted a letter was received from Mr. Tomko stating he is withdrawing his request for interpretation of ordinances with the Union Township Zoning Hearing Board. He noted Mr. Tomko will be looking for a decision on the Land Use Application at the June Legislative Meeting. Moving on, Mr. Sweat reported he has sent a letter to the Township Manager for Peters requesting cooperation on working through the flooding issues and for verification of their storm water ponds are functioning properly. Next, Mr. Sweat states an amended Municipal Lien should be filed for the Curry property at 13 Mingo Circle to identify the requirements of the consent order as contingent liability. Once the amended lien is filed it is Mr. Sweats recommendation the Board of Supervisors execute on the Municipal Lien, and schedule the property for Sheriff Sale. Moving forward, Mr. Sweat reported several new ordinances that were approved for advertisement at the last Legislative Meeting. He noted they all have been advertised. Solicitor Sweat stated each of those ordinances will be on the Legislative Meeting agenda for passing. Lastly, Mr. Sweat reported he has sent a letter to the Dilic's Attorney to settle the eminent domain action for \$500.00.

Manager, Robert Balogh reported that work on the M&E Grant continues. The grant scope has been approved and the grant package will be completed by Rich Cleveland. Next, Mr. Balogh reported fact finding for request from Finleyville Boroughs request for payment contributions of the Finleyville Fire Department continues. Lastly, Mr. Balogh reported more discussions were had with Harlan Shober's office regarding Courtney Hill.

Motion to go to executive session at 8:30 pm. to discuss EQT.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion Carried.

The Board of Supervisors returned from executive session at 8:52 pm. and was back on record. Supervisor, Heather Daerr stated discussions ensued regarding the EQT's conditional use application for the Caton Well Pad. Mr. Sweat stated Attorney Blane Lucas for EQT asked the decisions for agenda items G and I be tabled until the Legislative Meeting.

#### Review of Agenda Items:

The following items were on the agenda for discussion:

- A. Consider Acceptance of Edward Vere's Verbal Resignation from the Zoning Hearing Board.
- B. Consider Potential Appointments to the Zoning Hearing Board.
- C. Consider Closing Capital Reserve Fund Slide Repair Account in PLGIT and Deposit of Funds in Brentwood Bank General Fund and use Funds to Pay Portions of Cost Related to Slide Repairs on Coal Bluff Road.
- D. Consider SEO Precertification Training at P&ATS for Manager October 15<sup>th</sup>-19<sup>th</sup> 2018.
- E. Consider Filing of Municipal Lien on Parcel 640-009-03-00-0068-00 Owned by Quaker Engineering in the Amount of \$5,536.00 Plus Attorney and Administrative Fees.
- F. Discuss Date for Dedication of the Veterans Memorial Monument at Brownsville Park.
- G. Review EQT Proposal for Truck Staging at the Nike Site.
- H. Discuss Adoption of Ordinance Creating Union Township Planning Department.
- I. Discuss Proposed Appointments to Union Township Planning Department and Formal Designation of a Planning Director.
- J. Approve/Deny EQT Conditional Use Application for the Caton Well Pad.
- K. Any Additional Items.

Agenda item A. Manager, Robert Balogh stated for the record he accepted Mr. Vero's verbal resignation in person. He noted Mr. Vero had no desire to put his resignation in writing. Mr. Balogh reported Mr. Vero stated he is moving out of Union Township to Union Township located in Lawrence County.

Agenda item B. Manager, Robert Balogh asked if the Board has any recommendations please pass their name along to him.

Agenda item F. Manager, Robert Balogh would like to add the dedication of the Monument to the Community Day.

Public Comment:

George Powell: (No Address Given) Mr. Powell praised the road crew for the great job they are doing cutting back weeds along the road ways. Mr. Powell expressed his opinion regarding the possible turn back of Courtney Hill Road.

Discussions between the Board of Supervisors, Solicitor, and Manager ensued regarding the Courtney Hill.

Janet O'toole: (No Address Given) Ms. O'toole questioned the Board of Supervisors if there is an emergency preparedness plan in place for when EQT starts the drilling for the Caton Well Pad. Ms. O'toole asked the Board of Supervisors if there are any plans for phase III of the Shire to be developed.

Karen Urso: 5209 Lew Street, Finleyville PA. Mrs. Urso expressed her concerns regarding EQT training our community emergency responders. Mrs. Urso expressed her opinion and asked questions regarding tracking.

Millicent Powell: (No Address Given) Ms. Powell asked the Board of Supervisors how much money has been spent on Lobbs Run Road. Ms. Powell expressed concerns about a possible slide on Lobbs Run Road.

Pete Guido: Tuscany Estates. Mr. Guido questioned the Engineer regarding calling in the Bond for Tuscany Estates.

Supervisor Comments:

Supervisor, Richard Lawson commented about the Parking Ordinance. Mr. Lawson next commented about pond inspections within the Township. Mr. Lawson commented about the Finleyville Boroughs request for payment of the Finleyville Volunteer Fire Departments workers compensation policy.

Long discussions regarding the Fire Departments and payments for workers compensation policies ensued between the Manager, Board of Supervisor, and Solicitor.

Motion to go to executive session at 9:54 pm.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion Carried.

The Board of Supervisors returned from executive session at 10:17 pm and was back on record. Supervisor, Heather Daerr stated the Board discussed personnel issues.

Motion to adjourn at 10:17 pm.

Motion by Heather Daerr, Second by Deborah Sargent

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

  
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Nicole L. Dooley, Secretary