

Union Township Board of Supervisors
Regular Board Meeting
June 26, 2017

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent at 7:00 p.m. The 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 Larry Spahr, Charles Trax, Heather Daerr Deborah Sargent and Paul Chasko

Also in attendance, Mr. Gary Sweat–Solicitor, Debra Nigon–Secretary

Ms. Daerr announced that she was taping the meeting.

Public Comment

Hal Breinig, 44 Finley Avenue, commented about the middle school going up for sale in relationship to the Township needing more ball fields and playgrounds, eliminate eyesores coming in and out of the Township and to work on the sewerage. He mentioned that Board appointees should attend one meeting a month. He thought the funding from a flea market in the park could be used to buy playground equipment.

Frank LaTorre, 7 Boyka Drive, made comments relative to a ball field which he felt could have been acquired a long time ago. He commented about prior purchases for mulch, the camera system and McChain slide repair. He also commented on the NPDES permit for Tomko which he said only covers erosion and sediment control. His opinion was that approval of the NPDES does not approve construction on the building at Tomko. He thinks another variance is needed and that it should go through the Zoning Hearing Board. He asked whether the stacks of rock, if crushed to make gravel, would be considered grading. He asked each Board member separately their opinion on that subject. The Board gave their opinions which varied but all agreed that the Township has been doing everything it could. Mr. LaTorre commented upon inspection reports being supplied by Gateway, relative to whether failing to provide a report(s) could be because to revoke Tomko grading permit(s). He asked about McChain Road and whether we are going to spend money on McChain Road regarding the jersey barriers.

George Powell, commented that Ron Lovrich is doing a good job. Also commented about the necessity to do yearly performance evaluations and suggested we have operational audits done.

Ms. Sargent said that they conducted the first review and the employees did not like it. The secretary commented that she had worked for major employers and that the review was subjective and not objective, no goals had been established, and it was not discussed at the beginning of year what the employee would be evaluated on and how it would be weighted. When it is done correctly, it benefits both the employee and employer.

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for details.

Linda Morrow, 10 Boyka Drive, commented that the evaluations should be done based on the job description. Ms. Morrow also commented on the Tomko NPDES permit and whether he was allowed to crush stone. Mr. Spahr said DEP had not talked to Tomko concerning crushing the stone, just the removal of it. The current removal of material is permissible if it is incidental to the building construction.

Mr. Jim Walsh, 132 Tuscany Estates Drive, asked about the Tuscany Estates bond that is going to expire in two days. He noted that the pool is too small. Maronda has liens against the clubhouse and the pool. The homeowner's association doesn't want it turned over with the liens attached to it. He also commented that you cannot have single family patio homes and townhouses in the same plan and make it work.

Mr. Sweat stated that until Mr. Danielson takes care of the repair issues, funds the escrows, and places before the Board a performance bond then the Township will not be issuing any building permits or issuing any phase approvals. Mr. Danielson has breached the contract on various issues, but the homeowners would need to bring a civil action and obtain judgments' against him, since the Township has no standing.

It was discussed that the motion from a prior meeting on page 3 of the May 22, 2017 minutes which appointed Harshman Engineers may need to be modified since it may not be legal to prohibit a third-party contractor from using a particular building inspection company.

Motion to delete the following phrase from the Motion on page 3 of the May 22, 2017 minutes, "Provided they utilize other building inspectors other than the Board's previous inspectors, Municipal Consulting Services."

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to table the Minutes of June 12, 2017, Regular Board Meeting as they have not been distributed yet.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to approve Payroll #11 dated June 2, 2017, in the sum of \$10,730.08 as presented by the Treasurer, subject to being true and correct.

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 Payroll #12 dated June 16, 2017, in the sum of \$12,614.57 as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion to approve general fund bills in the sum of \$31,710.31, as of June 26, 2017, as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Deborah Sargent

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

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Mr. Spahr commented that he wanted to qualify his yes and bring to the Board's attention that half of the bills and costs were for engineering costs and that this is not out of the ordinary. He is looking at the Board and its managerial responsibilities and the financial report that the Treasurer prepared for the meeting. Ms. Sargent said that there were issues involving DEP that are in our face for Mingo Circle and Overlook. The Board discussed various other costly issues facing the Township.

Motion to approve Elrama Sewerage fund bills in the sum of \$15.00, as of June 26, 2017, as presented by the Treasurer, subject to being true and correct.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to adopt a Resolution adopting the Township Manager position.

Motion by Deborah Sargent, Second by Heather Daerr Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Solicitor stated the reasons for the motion of the June 12, 2017 meeting, which went out of executive session close until midnight concerning the termination of Mr. Tom Mellor. A decision was made due to multiple reasons. First for the record, Mr. Tom Mellor failed to obtain his Commercial Drivers License within 90 days as stated in his 2015 employment agreement. Secondly, there was a working relationship problem that was uncomfortable and untenable with female supervisors. Thirdly, there was an accusation by Mr. Mellor of Ms. Daerr of sexual harassment. Mr. Mellor was negotiating his contract at this time and it was brought to the Board's attention. Mr. Philip Binotto of Steptoe and Johnson was hired and conducted an exhaustive investigation with interviews of multiple individuals. Mr. Binotto conclusion determined the claim was without merit and baseless. The matter was closed. Mr. Mellor's incidents of outbursts was a concern with some of the Supervisor's at Union Township and it was considered that it was in the best interest of the taxpayers that the employment relationship be severed.

Ms. Sargent stated that Mr. Binotto recommended not to reappoint him at the end of the year, but thought it was best that this action be taken now. In addition, she stated that at the June 12th meeting a motion was made to advertise for a road superintendent, but had been advised that it was not necessary as the Township manager could act as the point person with the road crew.

Motion to put on hold the motion of June 12th to advertise for a Road Superintendent.

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-no, Trax-yes, Chasko-no, Sargent-yes, Daerr-yes. Motion carried.

Mr. Chasko stated he is saying no because he cannot believe that the Township Manager would have the time or inclination to perform the Road Superintendent duties.

Mr. Spahr stated the variance of the positions of Road Superintendent vs. Road Foreman (union position) and the need for a point person to take responsibility. Township Manager does not directly work with the road crew.

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Ms. Sargent stated the reason to advertise for the Secretary and Treasurer's position, which was an effort to get the best person at the best price. The current employees are encouraged to apply for these jobs.

Ms. Sargent also announced that the Beau Berman bill was paid.

The road crew interviews were held for later in the meeting.

The Board discussed the fee schedule changes presented by the BCO. The Secretary brought to the attention of the Board that there were other fees that were adjusted as well that were not necessarily related to work relative to the building code official or zoning officer, for example, municipal no lien letter increase and tax certification increase and various other changes.

Motion to adopt the fee schedule that was presented by Harshman CE Group and any unrelated fee schedule adjustments included therein such as municipal lien letter increase and tax certification increase, and so forth.

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-yes with the provision that we review some of the fees recommended and provide for an adjusted fair cost for a minor situation, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board decided to table the agenda item to advertise a Request for Proposal for an engineering consultant for a grant.

Mr. Spahr commented that in the written proposal for the Greenway's grant it was implied that the Township was negotiating to purchase the middle school building. Mr. Spahr said he is unaware of any action by the Board to enter into negotiations with Ringgold Middle School for purchase of the Middle School. He asked if that is a mistake and should be removed?

Motion to accept the addendum for the purchasing manual as prepared and presented by Paul Chasko at a former meeting.

Motion by Paul Chasko, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-no. Motion carried.

Motion to approve the Collective Bargaining Agreement with the Teamsters Local No. 205 for the road crew employees effective January 1, 2015 through December 31, 2018.

Motion by Deborah Sargent, Second by Charles Trax

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

The Coen Zappi bids were discussed. It was left that Harshman CE group would provide a recommendation. No recommendation was received.

Motion to set a date for the mid-year budget review on July 3, 2017 at 6:00 p.m.

Motion by Deborah Sargent, 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 switch banks from Key Bank to Brentwood Bank for the Elrama Sewage Fund account.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion to move CD from Huntington Bank to Brentwood Bank.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion to adopt Sewage Planning Resolution for Kingsfield Hidden Hollow subdivision

Motion by Paul Chasko, Second by Charles Trax

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

Mr. Sargent noted PCSA vacant Board position was not on the agenda and she has a letter of interest from Hal Breinig.

Motion to appoint Hal Breinig as Representative to Peters Creek Sanitary Authority

Motion by Deborah Sargent, Second by Charles Trax

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

Harshman CE Group thoroughly evaluated Marwood Lane. It was not included in the Township Road System and is not included in Liquid Fuels funding. It has been maintained by the Township. There was discussion relative to whether a cul-de-sac is necessary or not. It was agreed the Township can adopt the road into the Township road system.

Mr. Chasko stated that the property owners on Orchard Street paid for paving their road. The Township did not adopt Orchard Street into the road system.

Motion to authorize the solicitor to work with the engineer towards adoption of an ordinance declaring Marwood Lane as a Township Road.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Spahr noted the need to update the 911 contact person for emergency calls.

Mr. Chasko suggested to advertise for an alternate on the Planning Commission. Mr. Jim Walsh was asked if he was interested in the position. Mr. Walsh said he would consider it.

Motion to allow Mr. Castor to collect donations, in the audience, and install a light at Union Township Veterans Memorial and Community Park with the solicitor to draw up an agreement to hold the Township harmless.

Motion by Deborah Sargent, Second by Heather Daerr

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

The Board discussed reimbursing employees for the use of personal cell phones within the Township working hours.

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Ms. Sargent stated a resident is concerned on Cheplic Lane that only 24 out of 30 feet was paved and she is requesting the Board authorize the engineer to review this issue.

Motion to authorize the engineer to survey from the center line of Cheplic Lane.

Motion by Larry Spahr, Second by Deborah Sargent

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

Mr. Tom Reimer, Finleyville Airport, asked if the height of the gas well on the Tomko property, currently in violation of the approach zone at the Airport, could be lowered, could the Township bear the engineering costs. Mr. Sweat stated he would review the ordinance pertaining to Township liability concerning the case of intrusion into the air space.

Motion to approve Change Order #1 to the 2017 Paving Project for Morgan Excavating in the amount of \$1083.75 to replace an existing steel parallel pipe.

Motion by Heather Daerr, Second by Paul Chasko

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

The Board discussed putting a hold on adding paving of Marwood Lane into the 2017 paving project.

Mr. Trax announced that the Cub Scouts will be having a cleanup day at Union Township Veterans Memorial and Community Park tentatively for July 10, 2017. Time will be provided later. Anyone who would like to participate is welcome.

Mr. Spahr asked the status of Mr. Corace's easement for the McChain Road slide repair. Mr. Sweat referenced the latest communication from Mr. Hollsworth, attorney for Mr. Corace.

John Matola, 21 Maple Street, stated that the Supervisor's and Foremen carried radios at his last place of employment.

Frank LaTorre, 7 Boyka Drive, commented on the variances approved on the Tomko addition in 2015.

Motion to go to Executive Session at 9:37 p.m. for reasons of personnel and possible litigation.

Motion by Deborah Sargent, Second by Heather Daerr

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

The Board left Executive Session at 10:50 p.m. and said that they discussed matters involving personnel.

Motion to adjourn at 10:50 p.m.

Motion by Deborah Sargent, Second by Paul Chasko

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

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Created by Debra A. Nigon, Secretary
Transcribed by Colleen McDonald, Interim Secretary

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