

**Union Township Board of Supervisors
Legislative Meeting
June 27, 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 Sweet-Solicitor, Nicole Donley-Secretary/Treasurer, Jarrod D'Amico-Zoning/Code Enforcement Officer and Laura MacAulay-Project Engineer. James Hartsman-Township Engineer was absent.

Public Comment on Agenda Items:

George Powell: 4289 Finleyville-Eirama Road, Finleyville PA. Mr. Powell expressed his concerns regarding the Ringgold School Board and spending.

Kevin Daerr: 6187 Route 88, Finleyville PA. Mr. Daerr expressed interest and asked the Board of Supervisors for their consideration on appointing him to the vacant seat on the Union Township Zoning Hearing Board.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his concerns and opinion regarding the lawsuit filed against Union Township by W.G. Tomko.

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig congratulated the Ringgold School District Baseball team for winning the State Championships. Mr. Breinig thanked the Board of Supervisors for quick response to recent flooding areas throughout Union Township and catch basin maintenance. Mr. Breinig expressed his opinion regarding Union Township acquiring the old Ringgold Middle School. Mr. Breinig expressed his opinion regarding the Ringgold School District spending and tax increase. Mr. Breinig expressed his concerns and opinion regarding the W. G. Tomko worksite and nuisance concerns.

Motion to approve minutes for May 23, 2018 Legislative Meeting.

Motion by Deborah Sargent, 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 June 13, 2018 Non-Legislative Meeting.

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to approve payroll #11 dated June 1, 2018 in the amount of \$11,873.06 presented by the Manager subject to being true and correct.

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 payroll #12 dated June 15, 20118 in the amount of \$13,980.56 presented by the Manager subject to being true and correct.

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.**

Solicitor, Gary Sweat's first item of update was the ongoing sewerage issue on Mingo Circle and with the Curry property at 13 Mingo Circle. Mr. Sweat reported the Attorney representing the Drusbasky's filed an amended complaint. There are allegations of Union Township violating the consent order from the DEP. The Drusbaskys argue they are incurring damages daily. Mr. Sweat also reported the Township Engineer had forwarded to him an email stating the DEP has been put on notice stating Union Township is not in compliance. The email noted water run-off coming from the Curry property located at 13 Mingo Circle. Mr. Sweat also noted the DEP is looking for copies of pumping receipts from the properties named in the consent order at both 17 and 13 Mingo Circle. Mr. Sweat reported he will prepare a follow up letter stating what Union Township has done and is doing. He will also include the results of findings from the inspections performed at 13 and 17 Mingo Circle. Mr. Sweat reported an amended Municipal Lien has been filed against 13 Mingo Circle. The next step is to file a Writ of Scire Facias. Mr. Sweat noted this will result in a Sheriff Sale of the property located at 13 Mingo Circle. Either Union Township will own that property based on its Municipal Lien, or an individual with adequate liquidities will acquire the property and must remediate the issue. Mr. Sweat reports Union Township has exhausted all the citation avenues available under our ordinance and with the Magistrate. Mr. Sweat stated the Code Enforcement Officer, Jarrod D'Amico has been diligent in filing citations and service of notices. The City of Monongahela Police have accompanied Mr. D'Amico with service. Mr. Sweat noted the Curry's or their representatives have failed to appear in court before the Magistrate. The Magistrate has issued a judgement in the favor of Union Township. Union Township was awarded an order that the residents of 13 Mingo Circle were in default and ordered to vacate the premises. Mr. Sweat noted a petition will be filed with the court. Mr. Sweat reported the Drusbasky litigation is asking for an injunction and mandamus. Mr. Sweat states Union Township is taking an aggressive stance to remediate this historical problem. Next, Mr. Sweat advised the Board of Supervisors himself and Engineer, James Harshman have formally called the bond for Tuscany estates. The insurance company has been put on notice. Mr. Danielson and Quaker Engineering have not responded to the Bond company. James Harshman is in the process of producing the Engineering specs and estimates to install the necessary public improvements in the initial five phases for the insurance company. Supervisor, Richard Lawson interrupted Mr. Sweats report stating at the Peters Creek Sanitary Authority Board Meeting, the Manager made a statement that Miranda Homes has been in contact with PCSA regarding Tuscany Estates, stating they now own Tuscany Estates. Solicitor Sweat noted he is unaware of those happenings nor has he received any confirmation of a sale. Next, Mr. Sweat updated the Board on the Delicia lawsuit that was filed in 2016 against the Buczynski's. The suit also named Union Township. He noted the Buczynski Attorney has filed a petition to withdraw as counsel. Mr. Sweat stated Judge Emery has signed the order. He stated the Buczynski's do not have legal counsel. They are now representing themselves. Mr. Sweat then reserved the right to speak about Tomko when the Board reached that agenda item. Lastly, Solicitor Sweat reported the three outstanding items on the Caton Well Pad Conditional Use Application have been addressed. He reports EQT has authorized their Attorney Blaine Lucas to offer \$275,000.00 payment to Union Township for improvements on Pleasant View Road. Mr. Sweat noted he has been told by EQT those funds are not specifically tied to Pleasant View Road. Mr. Sweat reported EQT is also in agreement with the \$15,000.00 annual rental payment for the utilization of a portion the Nike Site as a staging area. Next, Mr. Sweat reported EQT has agreed to allow Township Police, Emergency Personnel, Engineering, and Code Enforcement access to the site upon 48-hour notice or as soon as practical in the case of an emergency. Mr. Sweat stated EQT has a safety protocol that needs to be followed. Mr. Sweat asked Chairperson, Heather Daerr if EQT can be moved up on the agenda.

Supervisor, Heather Daerr asked Solicitor Sweat if the violation of the DEP consent order is only related to not receiving copies of pumping receipts. Mr. Sweat replied stating the DEP feels nothing should be running from the Curry property. Mr. Sweat stated he is hopeful the DEP will be satisfied by receiving information that the Township is executing on the existing Municipal Lien and petitioning the court for an emergency hearing. The judge assigned to the case will determine if this facility is habitable or if Union Township is entitled to an order forcing the residents at 13 Mingo Circle to vacate the property. Union Township needs court orders and permission.

Lara MacAnaully, Project Engineer for Harshman CE Group, LLC. reported to the Board of Supervisors, Folino Contracting has begun the necessary drainage improvements which involves installing four new catch basins on Stonebridge Drive. They are piping them into the existing storm water system and adding under drains. Once the drainage improvements commence the milling and paving will begin. The re-bids for the 2018 Drainage Project were due today by noon at the Township Building. Union Township received two bids. One bid from J. Stewart Excavation and one from Plavchek Construction. The 2018 Drainage Project had two separate base bids. J. Stewart base bid 1 was for \$40,300.00, base bid 2 was for \$26,100.00. Plavchek Construction base bid 1 was for \$39,700.00, base bid 2 was \$33,400.00. Mrs. MacAnaully noted there is an easement on both base bids and that would need to be secured before any construction can begin. Manager, Robert Balogh interjected and stated he has been unsuccessful at securing an easement from either property owners. Mrs. MacAnaully stated the Board of Supervisors would need to decide if they chose to do either project if they would first like to proceed with condemnation of either property since easements cannot be secured. Mrs. MacAnaully asked to table the vote for the Drainage Improvement Project until the next meeting. Supervisor, Richard Lawson asked who was performing the emergency slide repair work on McChain Road. Engineer MacAnaully stated J. Stewart Excavating was to start repairs next week. Mr. Lawson expressed his opinion regarding the cost and placing of materials. Mr. Lawson questioned Mrs. MacAnaully about placing curbs and catch basins above the slide on McChain Road.

Manager, Robert Balogh reported at the last meeting he was asked to look for a new slide on Lobbs Run Road. He noted he sees nothing new from the past rain events. Mr. Balogh then reported he was asked to find out at the last meeting when Kennedy Road was last paved. He reported old paving project documents points to the time frame of October 2012. Next, Mr. Balogh stated multiple flood related issues have been investigated and repairs have been initiated. Moving forward Mr. Balogh reported Rick Skovensky from PennDot has been in to review the 2018 Paving Project paperwork. He noted the 2018 Drainage projects do not qualify for the use of State Liquid Fuel monies. Next, Mr. Balogh reported because Union Township has been declared an emergency, a resolution would need to be drafted for the McChain Road slide and adopted to satisfy PennDot requirements to issue a project number to use State Liquid Fuels Monies to pay for repairs. Moving forward, Mr. Balogh reported further discussions with Mr. Skovensky regarding the relocation of the Courtney Hill Road way resulted in PennDot retracting their offer. Mr. Balogh stated he does not know what the long-term plan will be regarding the continuous flooding situation on Courtney Hill. He noted A&D Water Service has a portable generator hooked up to the pumps and is now pumping water. They expect the water will not be removed in its entirety until possibly late July.

Next, Mr. Balogh reported he has provided the Board of Supervisors with a very rough draft of the next Union Township Newsletter. He stated he would like to send it out early July. Lastly, Mr. Balogh asked the Board to consider adding an agenda item under new business for a late request from EQT regarding the approval of additional work hours at the Hartson Compressor Station.

Supervisor, Richard Lawson commented and expressed his opinion about the flooding situation on Courtney Hill Road.

Chairperson, Heather Daerr stated she has had two requests for agenda items to be moved up. She asked EQT for understanding in moving a resident up first on the agenda who has an infant attending the meeting.

Unfinished Business:

Agenda items under unfinished business included the following:

- A. Approve/Deny Ed Vero's Verbal Resignation from the Zoning Hearing Board.
- B. Approve Appointment to the Zoning Hearing Board to Fulfill the Unexpired Term of Ed Vero Until 12/31/2018.
- C. Approve/Deny Closing Capital Reserve Fund Slide Repair Account in P.L.GIT and Deposit Funds in Brentwood Bank General Fund and use Funds to Pay Portions of Cost Related to Slide Repairs on Coal Bluff Road.
- D. Approve/Deny SEO Precertification Training at PSATS for Manager October 15th -19th 2018.
- E. Approve/Deny Filing 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. Approve/Deny 9/8/18 for the Dedication of the Veterans Memorial Monument and Community Picnic.
- G. Approve/Deny EQT Proposal for Truck Staging at the Nike Site for an Amount of \$15,000.00 Per Year with Conditions Negotiated by Solicitor and Manager.
- H. Approve/Deny Ordinance 2018-03 Abolishing the Union Township Planning Commission and Creating Union Township Planning Department.
- I. Approve/Deny Appointing Manager, Robert Balogh as the Union Township Planning Director.
- J. Approve/Deny Appointing Members to the Union Township Planning Department.
- K. Approve/ Deny Ordinance 2018-04 for Certain Sections of Old Route 88.
- L. Approve/Deny W.G. Tomko Land Use Application.
- M. Approve/Deny EQT Conditional Use Application for the Caton Well Pad.

Motion to approve ordinance 2018-03 abolishing the Union Township Planning Commission and creating the Union Township Planning Department.

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 appointing Manager, Robert Balogh as the Union Township Planning Director.

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.**

Motion to appoint Deborah Sargent and Charles Trax as members of the Union Township Planning Department.

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.**

Resident, Heather Daugherty introduced herself to the Board of Supervisors. She gave a brief presentation of her professional background. She asked the Board of Supervisors for their consideration on appointing her to the new Planning Department.

Motion to appoint Heather Daugherty to the Union Township Planning Department.

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.**

Motion to appoint Will Daugherty to the Union Township Planning Department as an alternate.

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, Richard Lawson asked representatives from EQT if they could provide information regarding a global stability study. No members from the EQT construction department were present.

Solicitor, Gary Sweat with the permission of Chairperson, Heather Daerr delivered the motion for the EQT Conditional Use Application for the Caton Well Pad.

This is a Motion to approve the Conditional Use Application of EQT Production Company ("EQT/Applicant") for Oil and Gas Drilling and Development to construct an Oil and Gas Well Pad Site on properties owned by Albert H. Powell Sr. and Jamee L. Powell, (Tax I.D. No. 640-008-00-00-0004-02 and 640-008-00-00-0005-00) and Frances Earleen Caton (640-008-00-00-0004-00), for the properties in Union Township, Washington County, Pennsylvania. This Decision is issued pursuant to Section 913.2 of the Pennsylvania Municipalities Planning Code and based upon the representations made by Applicant in its Conditional Use application along with testimony and exhibits presented at the Hearing held on May 23, 2018, and shall be subject to the following conditions and or requirements.

1. Compliance with the Union Township Code, Subdivision/Land Development and Zoning Ordinance, including Ordinance 2010-3 and §1503.40 that defines and regulates "Oil and Gas Activity" within the Township as well as all other applicable provisions of the Township Zoning Ordinance including but not limited Performance Standards, Additional Regulations, Administration and Enforcement and Stormwater Management.
2. Confirmation and continuing compliance as determined by Harshman CE Group, LLC, the Township Engineers, that all applicable standards have been met.
3. Obtain an Excavation and Grading Permit per Chapter 135: Grading and Chapter 225: Stormwater Management as the standard for compliance to excavate the drill pad and site and pay the required Township fee(s).
4. Execute and/or update the Township's Road Bond and Maintenance Agreement, including providing the appropriate bonding (\$25,000/mile), bonded roadway list and to remain in compliance at all times during the use of said roadways with any maintenance and/or repair issues that may occur. Reimburse Township for costs and inspection related to administration and enforcement of this Conditional Use Permit.
5. Execute a Developer's Agreement related to the repairs, upgrades and improvements that shall be required to widen and stabilize those portions of Coal Bluff Road and Pleasant View Road to be used as part of the routing of truck vehicle traffic to and

from the site. EQT must review these improvements with the Township Engineer and make every effort to widen the cart way along Coal Bluff Road and Pleasant View Road to twenty-four (24) feet wide in width where possible. In addition, improvements shall be made to the intersection with Pleasant View Road in order to allow emergency personnel to access the site in the event of an accident based on the recommendations of the Township Engineer in their review letters dated June 11, 2018 in lieu of performing improvements identified in the proceeding sentence EQT has agreed to make a payment to the Township in the amount of \$275,000.00.

6. Install a 50-foot asphalt paved apron at the access point off of Pleasant View Road to the subject Well/ Property Site.
7. Control dust, debris and other sediment from accruing on any roadways in the Township. In the event this becomes a problem, EQT may be required to take additional corrective measures, including but not limited to the installation of tire washing facilities at the Well Site.
8. Prevent the impediment of traffic flow on Township roadways at all times during operations. This shall include but not be limited to truck traffic during the fracking stages. EQT must provide notice of and receive written approval from the Township of any proposed preventative measures. EQT will use a traffic coordinator to provide notice and oversight prior to the commencement of drilling/fracking/completion operations.
9. Provide the Township thirty (30) day notice prior to the start of fracking operations. Said notice shall enable the Township to notify EQT of any changes that may have occurred in the area since the previous fracking operation. This shall also allow the Township to give public notice of fracking and truck traffic activity at Township meetings.
10. EQT will be required to establish a staging area for truck activity during fracking operations. Said staging area may not be onsite and/or located along Coal Bluff Road, but must be at an off-site location and if located in the Township approved by the Township. The Township acknowledges that the former Nike Site tax parcel id 640005000002201 is an acceptable offsite staging location.
11. EQT has indicated they will be using Coal Bluff Road and a portion of Pleasant View Road for truck and vehicle access to the Well Site. No changes in the truck routing along Township roadways shall be permitted without written approval by the Township and amendment to the Road Bond and Maintenance Agreement, including the posting of additional bonding amounts if required.
12. Coordinate truck activity with the school bus traffic for the Ringgold School District so as not to interfere with the transportation of students during school bus hours. A copy of the most up to date truck traffic plan/schedule shall be provided to the Township every month.

13. Provide proper signage for Well Site traffic, including No Jake Brake signs.
14. Every four (4) months, EQT shall provide an updated written schedule concerning the site operations, including upcoming vertical and horizontal drilling activities, and fracking operations.
15. Multiple water corrals/ above ground storage tanks (ASTs) shall be permitted at the Well Site as presented in the Conditional Use Application and explained in testimony at the Hearing.
16. No water corrals (ASTs) or impoundments containing fresh or re-use water may be placed on the subject property beyond the initial scope of drilling and completion operations. Applicant will be permitted to maintain vertical storage tanks on the subject property for completions operations. Prior to the installation of ASTs, parking and trailers, EQT will provide an updated Site Plan showing the to-scale and location of all ASTs. The Site Plan will also show the location for parking and trailers on site.
17. Fresh water and Re-Use/Recycled Water shall be permitted at the site in accordance with any State permits.
18. Provide the following security:
 - A) Erect fencing around the Well Site as described in the Conditional Use Application.
 - B) Provide 24/7 Security personnel during all vertical and horizontal drilling activities and fracking operations.
 - C) Provide a gate at the entrance of the access road that shall remain locked during non-drilling/fracking operations.
19. EQT shall provide a copy of the Preparedness, Prevention and Contingency Plan (PPC) filed with the DEP and Washington County as well as provide safety training to all local emergency personnel. Identified in writing by the Township. EQT shall adhere to the plan provided as Hearing Exhibit 5 and testified to by Scott Held, Senior Safety Coordinator for EQT. Any changes in said plan must be provided to Township along with written confirmation that said changes have been provided to all local emergency personnel.
20. Applicant will permit Township Police, Emergency Personnel, Code Enforcement and/or Engineering access to the well site upon 48-hour notice or as soon as possible in the case of an emergency to conduct periodic inspections related to compliance with the Township Zoning ordinance and these conditions. All such inspections shall be in accordance with EQT's established safety protocol.
21. Make certain that all lighting is directed inward once operations begin and prevent glare onto adjacent properties.

22. EQT will be permitted up to seven (7) on-site trailers for occupancy by essential work personnel.
23. Enter into an Inspection and Maintenance Agreement in compliance with Township Ordinance Chapter 211: Sewers, Article 5: Holding Tank with the Township. A copy of said Agreement must be provided to the Township prior to operations beginning. EQT must maintain an escrow for the Pumping Contract, Permit and Agreement.
24. Maintain a sound level at the drill site that is within the parameters permitted under the Township Sound Ordinance and in keeping with the sound study and standard testified to by applicant's Expert at the Conditional Use Hearing. This shall include the 32' high Sound Walls/Blankets as described at the Hearing (enclosing approximately 75% of the drill site). In the event the Township receives a complain regarding noise levels after operations after operations begin, the Applicant must take immediate measures to investigate sound levels. If after reasonable investigation, a violation of the Township Sound Ordinance is found, the Applicant must take measures to mitigate the noise level produced from the site.
25. Provide Township with a copy of any/all site review reports conducted by the Pennsylvania Department of Environmental Protection related to the ESCGP-2 (and related) Permit(s).
26. Identify the senior corporate representative of EQT who will be the contact person 24 hours a day, 7 days a week for any emergencies that arise within the Township.
27. Before any activities begin, post the legal address of the site on the access gate for 911 emergency purposes: 165 Pleasant View Road, Finleyville, PA 15332.
28. When requested by the Township provide an EQT representative at Township's first regular meeting of every month during active drilling and completions operations. Any matters related to EQT's operations will be placed on the agenda immediately after public comment at the beginning of the meeting.
29. The Township will invoice the Applicant for reimbursement of costs and fees associated with administration, engineering and review compliance outlined in any permits applicant must receive from the Township
30. Delivery of all required state and county permits before drilling operations begin.
31. Comply with all applicable regulations as set forth in the Township Code.

This Conditional Use Application has been approved pursuant to the existing Township Zoning ordinance. However, once drilling operations proposed in this application have been completed any re-entry onto the Caton Well Site must be in compliance with the Township's then applicable Zoning ordinance or pending Zoning ordinance if declared as such by the Township Board of Supervisors that provides conditions for the use of the Well Site/subject property as a Storage Depot, Truck Staging Area, Water Containment Facility or certified water storage facility and ATS containers that service other drill site operations, said operations may require additional conditional use approvals. This approval shall automatically expire within twelve (12) months from the Decision Date should Applicant fail to take the necessary actions to commence site construction and/or be granted an extension by the Township in writing such an extension not to be unreasonably withheld. That is the proposed motion.

Motion to approve the EQT conditional use application for the Caton Well Pad

Motion by Heather Daerr, Second by

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

Solicitor, Gary Sweat stated for the record Mr. Chasko is abstaining because he holds a lease with EQT. It is Mr. Sweats understanding Mr. Chasko's property is in the Caton Well unit. Mr. Chasko agreed.

Stephanie Paluda from EQT made a request to the Board of Supervisors on behalf of EQT for an additional three hours of work daily at the McIntosh Compressor Station from June 28, 2018- July 2, 2018 until 10:00 pm because of recent rain delays. Ms. Paluda stated the conditional use approval for the compressor station work hours are from 7:00 am.-7:00 pm.

Motion to allow EQT to extend their hours June 27, 2018 – July 2, 2018 for an additional three hours per night extending their working hours from 7:00 pm until 10:00 pm due to the rain delays.

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, Paul Chasko asked Ms. Paluda what the construction schedule was at the McIntosh Compressor Station. Ms. Paluda stated construction completion is scheduled to be no later than September of 2018.

Motion to approve the EQT proposal for truck staging at the Nike Site for an amount of \$15,000.00 per year with conditions negotiated by the Solicitor and Manager.

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 Ed Vero's verbal resignation from the Zoning Hearing Board.

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 Board of Supervisors thanked Mr. Vero for his many years of service on the Union Township Zoning Hearing Board.

Motion to approve appointing Kevin Daerr to the Zoning Hearing Board to fulfill an unexpired term until 12/31/2018.

Motion by Deborah Sargent, Second by Richard Lawson

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

Motion to approve closing the Capital Reserve Fund Slide Repair account in PLGIT and deposit funds in Brentwood Bank General Fund and use funds to pay portions of costs related to slide repairs on Coal Bluff Road.

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 SEO Precertification Training at PSATS for Manager October 15th – 19th 2018.

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 filing 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.

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.**

Motion to approve September 9, 2018 for the dedication of the Veterans Memorial Monument and community picnic.

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 ordinance 2018-04 for abandonment of certain sections of Old Route 88.

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.**

Solicitor, Gary Sweat noted the Zoning of the Tomko property does not permit the construction or operation of an industrial complex. Welding and fabrication is considered industrial and not permitted in this type of Zoning district. Mr. Sweat noted in 2015 Union Township and the Zoning Hearing Board dealt with Tomko expansion issues. He stated there was a very poorly written Zoning opinion. In 2018 Mr. Tomko did file and appeal to the Zoning Hearing Board seeking an interpretation of the 2015 decision. Mr. Tomko's position was that he was given a use variance to construct the building. Tomko has taken the position that decision entitles them to build anything they want on this property. Mr. Sweat noted he took the exact opposite position. Initially it was Mr. Sweats opinion that the Land Development Application was for a non-conforming use and Tomko was asking for an expansion. Mr. Sweat noted a letter was sent to the Solicitor for the Zoning Hearing Board, Steven Taczak. That letter was withdrawing their appeal for the interpretation of the 2015 decision. Mr. Sweat received an e-mail from Attorney Coppola asking the Board of Supervisors to rule one way or another on the Land Use Application. It is Mr. Sweats legal position Tomko was given a use variance for their original building, and Mr. Tomko

would need another use variance to build subsequent buildings. Mr. Tomko can only get a use variance if they meet the burden of proof. It can only be given to them by the Zoning Hearing Board. It is Mr. Sweats legal opinion this Application should not be approved by the Board of Supervisors because Mr. Tomko would need a use variance. Mr. Sweat also added he has done research on this type of issue. He noted courts have consistently said that they do not believe the Zoning Hearing Board has authority to give use variances to large parcels of property because that in affect is re-zoning the property. Re-zoning is not within the jurisdiction of the Zoning Hearing Board. The Board of Supervisors are the only one that can consider re-zoning of properties. It is Mr. Sweats legal opinion the land development application should be denied. Mr. Tomko is requesting another use variance for an additional building and he would have to go before the Zoning Hearing Board for that item. Supervisor, Richard Lawson asked Mr. Sweat how the denial would affect the Grading Permit application. It is Mr. Sweats opinion they are tied.

Motion to deny the W.G. Tomko Land Use Application based on the Solicitors legal interpretation and recommendation. The Board of Supervisors believe Mr. Tomko needs to file for a use variance with the Union Township Zoning Hearing Board.

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, Deborah Sargent questioned the meeting dates for the Union Township Planning Department. Discussions amongst the Board of Supervisors and Manager ensued regarding the meeting schedule.

Supervisor, Paul Chasko questioned the Board regarding a letter of correspondence recieved from a resident regarding Waste Management fees. Discussions amongst the Board of Supervisors, Manager, Solicitor and Secretary ensued.

New Business:

Agenda items under new business included the following:

- A. Discuss Dream Meeting Next Steps.
- B. Consider Finleyville Food Pantry Request.
- C. Any Additional Items.

Agenda item A. Discussions involving the growth of Union Township ensued between the Board of Supervisors, Solicitor and Manager. Mr. Sweat noted an enticement for major investment in commercial and industrial growth would be a tax abatement program. Manager, Robert Balogh stated it was his opinion some developers that have shown interest were awaiting the outcome of the abolishment of the Union Township Planning Commission. Mr. Balogh also noted another area of concern is infrastructure and sewerage. Lastly, Mr. Balogh agreed with Solicitor Sweat recommendation regarding a tax abatement program. Supervisor, Heather Daerr noted she thinks this Board needs to move forward aggressively.

Motion to approve Solicitor Gary Sweat being the process on an amendment for a tax abatement program and allow Solicitor to negotiate with the Ringgold School District

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.**

Manager, Robert Balogh opened discussions regarding Municipal Authorities. Discussion ensued between the Board of Supervisors, Manager, and Solicitor in detail.

Motion to approve Solicitor Sweat to speak with the adjoining Municipalities and Attorney involved in taking a presence at the Clairton Municipal Authority for Union Townships interest in joining forces.

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, Richard Lawson questioned the Manager regarding outstanding items. Those items being the sewerage issue at Washington Avenue and Meadow Avenue, Kennedy Road curbs, Nike Site roof bid, a financial review, Stonebridge Drive and flooding, Linden Street Flooding, and Pond Maintenance.

Supervisor, Heather Daerr questioned the Manager and Solicitor asking if Union Township would consider sending a letter to properties surrounding creek beds to make sure they are managing their creek beds accordingly and keeping them free of debris. Supervisor, Heather Daerr noted multiple community members have inquired with her about Union Township owning a portion of land under State Route 43. Ms. Daerr investigated those questions at the County level. Mrs. Daerr concluded that piece of property was taken under eminent domain by the Pennsylvania Turnpike Commission. Mrs. Daerr thinks it would a good idea to compile a Township asset list.

Motion to approve expenditures for the month of June 2018 in the amount of \$230,575.22 as presented by the Manager and Secretary/Treasurer subject to being true and correct.

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.**

Public Comment:

Pete Guido: 125 Visreggio Way, Finleyville PA. Mr. Guido questioned if there was any update on the bridge project by Giant Eagle. Mr. Guido expressed his opinion regarding Township growth and Tuscany Estates.

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig expressed his opinion regarding the McChain Road Slide. Mr. Breinig expressed his opinion regarding Township growth. Mr. Breinig expressed his opinion regarding the Big Box Ordinance. Mr. Breinig made a suggestion for the dedication of the Veterans Memorial Monument.

Ron Hollingsworth: 69 Hobbit Lane, Finleyville PA. Mr. Hollingsworth questioned the Board of Supervisors regarding Waste Management Recyclable Materials pick-ups.

Frank Latorre: 11 Boyka Drive, Finleyville PA. Mr. Latorre reported there will be a Memorial Car Cruise at the Cross Roads Ministries Church on July 10, 2018.

Supervisor, Deborah Sargent asked if the Board of Supervisors could set a date for the next Planning Committee Meeting. Discussions ensued regarding a meeting schedule and an alternate Supervisor appointment to the Planning Department.

Motion to approve Heather Daerr as an alternate of the Union Township Planning Department.

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.**

Supervisor, Heather Daerr asked fellow Board members to comment about the Maher Duessel comment letter. Discussions ensued regarding the 2017 DCED audit. Supervisor, Heather Daerr reported since

December 2015 to present Union Township has received \$756,000.00 in grant funds. She asked the public to please take note that none of the grant funds would not be possible without the hard work of the Solicitor and Engineering/ Code Enforcement staff.

Supervisor, Deborah Sargent expressed her opinion regarding content for the Union Township Newsletter. Discussions amongst the Board of Supervisors ensued regarding the Newsletter and articles in the South Hills Messenger.

Motion to go to executive session for personnel reasons and possible litigation at 9:56 pm.

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.**

The Union Township Board of Supervisors returned from executive session at 11:06 pm and was back on record. Supervisor, Heather Daerr stated the Board discussed employment and personnel issues.

Motion to authorize Rob to circulate a job description and circulate to the Board and advertise after Board approval.

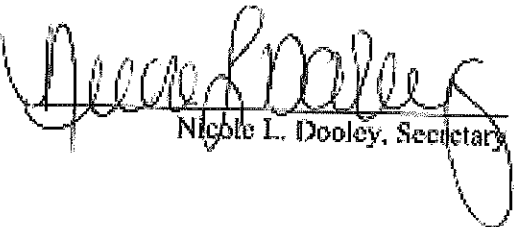
Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to adjourn at 11:08 pm

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.**


Nicole L. Dooley, Secretary