

*Board Approved: August 22, 2016*

Union Township Board of Supervisors  
Regular Board Meeting  
July 25, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:15 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, Paul Chasko, Heather Daerr, and Deborah Sargent.

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

Public Comment

John Matola, 21 Maple Street, commented on demolition and hazardous waste abatement which he believed was being paid for with funding from a recreational grant on the Nike Site property off Maple Street. Mr. Spahr and Mr. Chasko explained that the funding for demolition was from a Community Block Development Grant (CBDG). The CBDG would not be considered a recreation grant. The grant funds can be used for various items, one of those being blight which covers demolition.

Mr. Matola also had concerns about a recreational plan for the Nike Site should Maple Street be utilized due to the fact that the intersection of Maple Street and Finleyville-Elrama Road is a dangerous intersection, Maple Street is a narrow road not conducive to two-way traffic, and that there is a tendency to speed on Maple Street. Also, he noted that traffic for the Bickerton well site will also be occurring. He asked, if the Nike Site were to be developed for a park, who would lock the site and oversee it. He also inquired as to whether the fencing will be maintained. Mr. Spahr replied that all of his concerns will be taken into consideration, but that the project is in its infancy. It is well into the future before any development as a park can come into fruition. Ms. Daerr pointed out that a contract with a grant writer was recently signed. The grant writer is pursuing funds for a long range comprehensive plan. Paul Chasko added that, at some point in the future, a committee would be formed, and suggested that Mr. Matola submit his name as a committee member.

Frank LaTorre, 7 Boyka Drive, requested that the budget sheets, which were late this evening, be done by 7:00 p.m. Since a new school is being built, Mr. LaTorre is concerned about losing sports fields in the Township. He believes that the Nike Site project is well overdue. Mr. Trax confirmed that he talked to Mr. Berrgren, solicitor of the school district, who mentioned that the Fire Department is interested in building on the school property.

Terri DeWitt, 6049 Route 88, requested an update on the culvert project funding by the LSA to mitigate flooding in the area. Mr. Harshman explained that permits have been applied for and they are waiting to hear back, which should be in two to three months.



Board Approved: August 22, 2016

Pete Guido, 125 Viareggio Way, mentioned a request from the HOA that a streetlight be placed at the corner of Patterson Road and Tuscany Estates Drive. There is a pole at that intersection, and they would like a light on the pole. Ms. Taylor explained that there are no street lights on Patterson Road. Usually the Township has a district defined for streetlights and the people who really want the light who belong to the district share the cost. Tuscany Estates would be in District 7 which has not been established as an official district yet by the developer. So, the issue with the street light request is who is to be responsible for payment of electricity, and arranging for the street light tax to be applied to that district.

Pete Guido said the developer would install three lights eventually in Tuscany Estates, one of those being by the community house and pool. Peter Grieb commented that he needs to check the developer's agreement in regard to street lights. He believes that in the PRD there is an option to have front yard lights in lieu of street lights. There is a tax which applies to residents of Union Township who have streetlights.

Mr. Guido also said that the developer is planning on top coating the roads. The HOA is concerned that, although he said he intends on continuing with the development, they may be left stranded for years. Mr. Spahr commented that, at one time, the developer he was asked why he would not consider selling. At that time, he indicated he was talking to two different builders.

Heather Daerr confirmed that the cost to bring the roads up to PennDot specifications is being determined. The solicitor requested from the HOA their articles of incorporation and by-laws. Mr. Guido confirmed that the owners took over the HOA, elected officers, and invested the HOA fund with a management company. In regard to the community house, Mr. Guido said it may be deeded over this week. Mr. Sweat suggested they get their own attorney. Mr. Guido said that they do have an attorney, but not on retainer. There are 127 potential contributors towards attorney expenses. There was a HOA fee increase as a result of a survey done by an outside agency. The homeowners vote on the budget so they determine the fee increase.

The solicitor asked what the acreage would be for the common area of the development. The common area acreage could generate lease income for the HOA. Mr. Ivery would need to consult the plan to determine common area acreage.

John Matola, 21 Maple Street, commented that, although he admired the dedication of Tuscany Estates residents to their issues, he believed it was time that the Tuscany Estates HOA acquired the services of its own lawyer who could communicate with our solicitor. It was his opinion that some of their issues pertain exclusively to the HOA and not the Township. Mr. Guido was of the opinion that none of the issues they discussed with the solicitor were outside Township related business.

*Board Approved: August 22, 2016*

**Motion** to approve the Minutes of the June 27, 2016 Regular Board Meeting, as presented by the Secretary, 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.

**Motion** to approve the Minutes of the June 27, 2016 Regular Board Meeting, as presented by the Secretary, 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.

Paul Chasko suggested that there be a change in the first sentence of the Workshop Minutes to identify the meeting as a Sewage Workshop, so there is no confusion that it was a Regular Meeting. Also, in the review of the Finleyville-Elrama Road section of those Minutes, Mr. Chasko said that there were two options presented which were not clearly recorded. It was the first option that was not expandable. Mr. Harshman supplied verbal language to correct the section, which the Secretary requested he supply to her afterwards in regard to delineating the two options for the Finleyville-Elrama Road area plan. A forecast of the ACT 537 Plan Revision cost was requested, which is not yet complete. Per Mr. Harshman, he has seen similar ACT 537 Plan Revisions cost approximately \$25,000, but they could run up to \$50,000. Although he expects them to be at the lower end, there are no estimates yet until the Task Activity Reports are completed.

**Motion** to approve the Minutes of the July 11, 2016, Workshop, as presented by the Secretary, subject to being true and correct, with revisions as noted.

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 the Minutes of the July 11, 2016, Regular Board Meeting as presented by the Secretary, 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 #13 dated July 1, 2016, in the sum of \$10,582.15, 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 approve Payroll #14 dated July 15, 2016, in the sum of \$10,813.42, as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Charles Trax

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

Board Approved: August 22, 2016

### Departmental Reports

In regard to damage of Patterson Road, Mr. Harshman made contact with Chester Engineers. They instructed him to write a letter to Jim Flynn at Chester Engineers requesting the video. He has written that letter and is waiting to hear back.

In regard to the damage to Patterson Road, Mr. Harshman said that it makes sense that the damage was done by the use of the road by Sunoco. Tom Mellor informed the Board that the videos supplied by Sunoco are not dated; however, from one of the Sunoco supplied videos to the next, some damage can be determined. Mr. Mellor noted that there is a clogged cross drain on the road also.

Mr. Harshman reported that Josh Ward advised him that he could bring someone with a little more authority to a meeting with the Township. Mr. Harshman will set up the meeting with Sunoco to ascertain whether any additional work, over the \$25,000 offered, can be agreed to by Sunoco, on good faith, towards repairing specific areas of damage.

Mr. Matola commented that perhaps a video is available through Google Earth or another entity that supplies street views on the internet.

**Motion** to approve general fund bills in the sum of \$34,333.82, as of July 25, 2016, 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 carried.

Mr. Mellor reported that he has received two quotes on an Asbestos Survey of the Nike site buildings proposed for demolition. The survey quotes do not include demolition or removal of asbestos. It was explained that the survey is the first step in asbestos removal in that it identifies the buildings containing asbestos and the materials and locations affected. Ms. Taylor informed the Board that, since one of the allowable uses of the CBDG program is to eliminate blight, the grant monies can be used to cover demolition and asbestos removal. However, since an asbestos survey in and of itself does not eliminate any blight, CBDG monies cannot be used for the survey alone. In order to use the CBDG funds, asbestos removal and demolition will have to be performed on at least one of the buildings to meet the requirements of the grant. The grant is in a sum approximated at \$66,000. One of the survey quotes is near \$7,000 and one near \$6,000. Ms. Taylor will verify that the survey for all the buildings can be paid for with the CBDG funds if some demolition is done at the site. However, it may be that the Township has to pay for all or part of the survey outside of the grant.

Mr. Matola commented that, when he worked at Hercules, some of the staff was allowed to remove some of the asbestos. Also, he informed the Board that the survey tells those quoting asbestos abatement what procedures will be necessary in removal.

*Board Approved: August 22, 2016*

**Motion** to approve an asbestos survey by DJ Demolition in the sum of \$6,170.00 at both the lower and upper Nike Site

Motion by Heather Daerr, Second by Deborah Sargent

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

Purchase of a flag pole at the park was discussed in honor of local veterans. Brownsville Park was recently renamed to Union Township Community and Veterans Memorial Park. A new park sign has been ordered. The flag pole was suggested to be either placed near the sign which is along the roadside or to be placed down at the park. Mr. Mellor worked with Mr. Castor on dimensions. Mr. Castor obtained a quote from Fort Pitt Flag Pole in McKeesport. A 23 foot aluminum flag pole with solar light to be installed in a 3' pipe with lightning rod would cost \$934.00.

**Motion** to purchase a solar light and aluminum flag pole for the new park in the approximate sum of \$934.00.

Motion by Larry Spahr, Second by Heather Daerr

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

In regard to the paving project, there is no current schedule. However, the preconstruction meeting was held, during which time they viewed the roads, measured and field marked. Because of the 80 feet of road which has already been paved at the park entrance, there will be some cost savings. If the Board were to so choose, the savings could be put towards paving some handicapped spaces at the park.

Mr. Spahr asked that no keyways be left open before surfacing occurs and proper signage is put in place.

Mr. Spahr commented that the Township budgeted \$35,000 for engineering for 2016. Based on what has already been spent on engineering, there is only \$10,000 left in the engineering appropriation. The \$150,000 in grant funds the Township was awarded from the Local Share for the Jason and Jack Street culvert project covers materials and labor. The way the Local Share works is that the Redevelopment Authority authorizes payment from the \$150,000 during the course of the project. The grant was a matching grant, so the Township committed matching funds which remain in its general fund. Mr. Spahr inquired as to where in the budget or from what other source the Board wished to account for the engineering costs for the LSA project or, alternatively, whether the engineering costs should be deducted from the Township's matching funds. The Board will make the accounting decision at a future time.

Mr. Harshman said that the project will be put out to bid and would be subject to prevailing wage per the Davis Bacon Act.

Mr. Spahr emphasized the fact that, though the projects are needed and the Board has decided to proceed on these projects, they have to remain aware of the expenditures and revenues in terms of what was budgeted for the year. Mr. Spahr said that he wanted to call to everyone's attention the current status on the financing of projects. Ms. Daerr noted that, prior

*Board Approved: August 22, 2016*

to her election to the Board, the Township purchased a truck out right without any financing. Also, she noted that, although the engineering costs seem high currently, the new engineer is completing, in record time, many years worth of backlogged work which has needed to be done for a long time.

Paul Chasko commented on the administration of the LSA grant which could be done by the Township or by Kerry Fox at the Redevelopment Authority. In order for the LSA portion of funding to cover current engineering costs, Ms. Taylor learned in a conversation with Kerry Fox, the Township would have needed to turn administration of the grant over to the Redevelopment Authority at the outset. The Redevelopment Authority would have then advertised for an engineer to do the design and the costs would have been deducted from the LSA portion of dedicated funding. However, it was discussed that, if the Township had given administration over right away to Kerry Fox, then the Township would lost some control over the project. Mr. Chasko recommends that the project be turned over to Kerry Fox for the construction portion. If this isn't done, then the Township will have to pay costs up front and request reimbursement by the Redevelopment Authority later. It was agreed that Mr. Harshman would speak with Kerry Fox to see what would be most financially advantageous to the Township in regard to administration of the grant.

In regard to increasing revenue for the Township, Mr. Spahr stated that, although the solicitor recently commented that commercial development was better at increasing tax revenue, that those comments applied more towards school districts. In terms of the municipality, Mr. Spahr said that it has been established that residential development is much better at increasing tax revenue.

The intermunicipal agreement for the Overlook Street sewerage project was discussed. The solicitor made clear that, in signing the agreement, the Township is committing the residents to tap fees in addition to the monthly service fee which includes financing. The tap-in fees for the owner with several EDU's could be approximately \$15,000 just to tap. He also noted that the sewerage projects being considered by the Township are not the type of projects which are likely to lead to development as when an expansion project is planned and developers move in to develop the properties along the new sewer line. Other conversation on the proposed intermunicipal agreement was that it would require the Township acting as the bank which would be a large undertaking. Currently there is no urgency to execute the intermunicipal agreement. It was decided that Emily Shade will be contacted for another meeting on the subject now that the new engineer and solicitor are on Board. The solicitor mentioned that the meeting would allow he and the engineer to discuss an alternative treatment system such as the purchase of chlorinator systems which may be less expensive.

Mr. Ivery said that the transit tower planned by Mobilitie ends up being located on private property. The owner of the property happened to call for a grading application for a personal project. When he spoke to Mr. Ivery he said that he does not intend to allow the company to put a tower on his land. Mr. Spahr inquired as to whether Mobilitie will locate another favorable area in the Township. If this is the case, Mr. Ivery informed the Board that a conditional use hearing will be necessary to address safety concerns. Mr. Grieb suggested a modification to the Zoning Ordinance to eliminate any phrasing which could lead a public utility to believe it is exempt from going through the conditional use process.

Board Approved: August 22, 2016

**Motion** to amend the Zoning Ordinance Section on Communications Sub Towers

Motion by Charles Trax, Second by Heather Daerr

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

In terms of the heavy hauling on McClelland Road, Mr. Mellor said he spoke with our PennDot representative who informed him that the hauling is not due to a state project. Mr. Mellor took pictures of the trucks. Mr. Ivery said that a video of the road was done by Jamie Harshman. However, when he and Mr. Grieb went out chasing contractors for the heavy hauling traffic, the contractors for Beech Construction, the railroad, and so forth, were pointing fingers at one another making determination of responsibility more difficult.

Mr. Grieb mentioned that the junk car ordinance needs to be looked at and addressed. In terms of junk cars and other maintenance issues, Mr. Sweat asked if the Township has ever adopted the International Property Maintenance Code, which it has not. Mr. Sweat informed the Board that property management and maintenance often overlaps and that it is often more efficient to have nuisances cataloged in one place so that skipping around the various sections of code or ordinances is not necessary. He also noted that many blighted properties are being bought by out of town residents which makes enforcement of property maintenance issues more difficult. He mentioned a new blight statute which would allow extradition of out of state owners and prohibition of permits in those cases which gives the Township more teeth. He has already created a Property Maintenance, Nuisance and Blight Ordinance for another municipality that he is willing to share with the Township. It will be provided to Mr. Ivery and Mr. Grieb for review to ascertain their comfort level with the contents. Mr. Sweat also mentioned that the Board may wish to consider an exotic animal ordinance; however, Mr. Ivery and Mr. Grieb thought that the subject was sufficiently covered in the Township's code.

Ms. Vibostak, 19 Lake Drive, asked whether there is any hold on anything pertaining to his property. Mr. Grieb informed him that the building of the outside storage building still needs to be done. Mr. Ivery and Mr. Grieb will be following up on that. The property line issues with the shed are between Mr. Vibostak and Mr. Opfermann.

Mr. Grieb reported that they and the new engineer and solicitor met with the Tuscany Estates developer, Earl Danielson, on Thursday. Before the meeting, Mr. Danielson brought a letter tabling the phase approval which had been conditionally approved by the Planning Commission. He also brought in the Legacy documents for the engineer. Mr. Harshman will scan the legacy documents into their system and make a digital copy for the Township. Also, Municipal Consulting Services was notified by the Washington County Conservation District that Mr. Danielson has a meeting scheduled on Thursday morning with Nathan Simon towards getting a valid NPDES permit. Ms. Daerr inquired about a bond reduction schedule. Per Mr. Grieb, there has only been one bond reduction since development began. Although Mr. Harshman reported that there is no detail available surrounding that bond reduction, Mr. Grieb said the developer claims to have the detail and this information may have been lost to the Township in their contract termination with Chester Engineers. Also Mr. Grieb informed the board that there are mentions in the minutes that the bond was reduced but not with the related detail. Mr. Harshman would also like to see previous infrastructure inspection and



*Board Approved: August 22, 2016*

acceptance reports, as-built drawings, and so forth to show that the storm sewers and other infrastructure was inspected. Mr. Danielson's opinion of the current bond amount is about right. In response to inquiry, Mr. Harshman provided an estimated ball park figure for the bond at \$220,000 based on a certain amount of footage.

In regard to the Stonechurch Trailer Park, Municipal Consulting Services reported that, since Ms. Tortorice is selling the trailer park, the magistrate dismissed the charges. They have heard that the individual who will purchasing the trailer park owns a couple of other trailer parks which would mean that the new owner would be familiar with the process of taking possession of any vacant and abandoned trailers. Once the sale is complete, they will meet with the new owner who has communicated that they will make changes.

In terms of the detour request on Patterson Road, Mr. Harshman is still in the process of negotiating with the contractor.

Larry Spahr announced that he has heard that Mr. Tomosky, who proposed police service coverage to the Township at, what he described as the cost of the Township's whole budget, has been telling others that he does not want to see Union Township contract with either SWRPD or Monongahela City.

Paul Chasko noted that, when Mr. Harshman spoke to Rick Kovach he was asked to determine if any residents are being missed that we should be looking at sewerage as part of our projects.

Mr. Spahr drew the Board's attention to an item on the agenda relative to correspondence from the Mon Valley Progress Council in regard to community meetings being held in relationship to the Turnpike Commission's planned 14-mile Mon/Fayette Expressway project in Allegheny County that will connect State Route 51 in Jefferson Hills, PA to Interstate 376 (the Parkway East) in Monroeville, PA. The closest community meeting will be on Tuesday, August 9, 2016, at the Skyview Volunteer Fire Department, 660 Nobel Drive, West Mifflin, PA 15122. Also, more information on the project can be found at the Turnpike's website which describes an environmental reevaluation, three-year right-of-way acquisition period, followed by construction planned to begin in 2022.

Gary Sweat said that he accidentally received from the solicitor of West Elizabeth Sanitary Authority an agreement on industrial pretreatment which was meant for Jefferson Hills. The fact that they have prepared an agreement for industrial pretreatment demonstrates that Jefferson Hills and West Elizabeth may have come to some type of agreement on larger issues. Mr. Sweat received this agreement in error as there is an agreement he was to receive for review which he does not yet have. When he receives it, he will review the agreement in terms of any hidden costs for Union Township.

Larry Spahr mentioned that he had a quick item for executive session.

Board Approved: August 22, 2016

**Motion** to go Executive Session at 10:06 for reasons of litigation.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion carried.

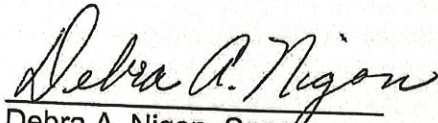
The Board returned at 10:45 p.m. The solicitor said that they discussed matters involving personnel and litigation.

**Motion** to adjourn at 10:45 p.m.

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion carried.

  
Debra A. Nigon, Secretary

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