

**Union Township Board of Supervisors
Non-Legislative Meeting
September 12, 2018
6:30 pm**

The Union Township Board of Supervisors Non-Legislative Meeting was called to order by Vice-Chairperson, Deborah Sargent. Pastor Ken Barner from Cross Roads Ministries Church delivered a moment of prayer. The pledge of allegiance was recited.

Board members in attendance by roll call were Richard Lawson, Paul Chasko and Deborah Sargent. Supervisors Heather Daerr and Charles Trax were absent.

Also, in attendance Gary Sweat-Solicitor, Nicole Donley-Secretary/Treasurer, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement, Pete Overcashier-Acting Road Superintendent and Kevin Harris-City of Monongahela Police.

Public Comment on Agenda Items:

William Castor: 3464 Fawn Valley Lane, Finleyville, PA: Mr. Castor expressed his open regarding charging Veterans for renting the Veterans Memorial Park. Mr. Castor expressed his opinion regarding the illumination of the American flag at the Veterans Memorial Park. Mr. Castor asked the Board of Supervisors to consider the purchase of a new solar light. Mr. Castor would like to use the rest of the funds in the Veterans Memorial account.

Frank Kovaseck: (No Address Given) Mr. Kovasek asked the Board of Supervisors to consider signing a waiver for him for a billing period of July 2013 through February 2018 that would waive his charges with Waste Management. Mr. Kovasek explained to the Board of Supervisors during that time he was traveling and not home utilizing the services of Waste Management.

George Powell: (No Address Given) Mr. Powell expressed his opinion regarding the state closing Courtney Hill Road. Mr. Powell expressed his opinion regarding the truck traffic and guard rails on Finleyville-Elrama Road. Mr. Powell expressed his opinion regarding the guard rails and dangerous conditions on State Route 88.

Linda Tkach: 10 Oak Lane, Elrama, PA 15038. Mrs. Tkach questioned the Board of Supervisors regarding a complaint she had turned in.

Ed Burnworth: (No Address Given) Mr. Burnworth expressed his opinion regarding the proposed use of the Nike Site by EQT for a truck staging.

Supervisor, Deborah Sargent questioned Mr. Burnworth if in the past when Penn Line used the Nike Site for truck staging if there were any nuisance issues? Mr. Burnworth replied there were no issues.

Hal Breinig: 44 Finley Avenue, Finleyville, PA. Mr. Breinig questioned the Board of Supervisors if the entrance to the Boyka Plan will be fixed before winter. Mr. Breinig questioned Mr. Overcashier regarding placing a curb on Kern, in the Boyka Plan. Mr. Breinig thanked the Supervisors and Bill Castor for the Veterans Memorial Dedication ceremony.

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

Acting Road Superintendent, Pete Overcashier reported to the Board on a few noteworthy expenses regarding the repair of a Township truck and front-end loader.

Supervisor, Richard Lawson asked Mr. Overcashier if he would consider using B&B Railroad Services for future service needs. It was Mr. Lawsons opinion the Township could save money by using Mr. Criss. Mr. Overcashier asked if Mr. Criss would be able to provide the Township with a fee schedule.

City of Monongahela Police Officer, Kevin Harris reported to the Board of Supervisors regarding the calls for service, accidents, charges, criminal complaints, and arrests for the month of August.

Zoning/Code Enforcement Officer, Jarrod D'Amico reported to the Board of Supervisors there were thirty individual properties listed for complaints, twenty of the issues have been remediated. Mr. D'Amico reported the owner of the Stone Church trailer park has requested an extension regarding the citation filed against him. The hearing has been rescheduled for October 3, 2018. Mr. D'Amico then reported the Township had issued four Zoning Permits, nine Change of Address Permits, four Demolition Permits, one Holding Tank Permit, and two Road Entry Permits. Lastly, Mr. D'Amico reported to date the permit fees collected by Union Township to date is \$12,795.12. He noted this total did not include Building Permits.

Planning Department Chairperson, Deborah Sargent updated the Board of Supervisors regarding the meeting that took place at 5:30 pm this evening. Mrs. Sargent noted EQT attended the meeting to give their presentation on the Garvin Well Pad.

Engineer, James Harshman reported bids for the Nike Site Stockyard Garage Roof Project were received today. The sealed bid packages were opened at 12:05 pm. Mr. Harshman provided the Board of Supervisors with a letter of recommendation for awarding the bid. He noted the Township received four sealed bid packages. One bid package was not signed. He stated it left three responsible bids for the project. Mr. Harshman's recommendation was to award the bid to Slagle Roofing and Construction who was the lowest bidder at \$32,500.00. Mr. Harshman also recommended the Township formally reject the bid of TRS Roofing bid as non-responsive due to the omission of an authorized signature on the bid. Moving forward, Mr. Harshman asked if the Board would consider making a motion to award the Stockyard Garage Roof bid at this evenings meeting to keep the ball rolling.

Motion to award the Nike Site Stockyard Garage Roof bid to Slagle Roofing and Construction.

Motion by Richard Lawson, Second by Deborah Sargent

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

Acting Road Superintendent asked the Board of Supervisors to consider the possibility of getting electricity into the building at the Stockyard where the roof will be replaced. He noted he had one quote and would obtain two additional quotes for the Board to consider.

Motion to reject the non-responsive of TRS for the omission of an authorized signature.

Motion by Deborah Sargent, Second by Richard Lawson

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

Moving forward, Mr. Harshman reported El Grande is planning on doing the grading work Tuesday on Garvin Road weather pending. Next, Mr. Harshman reported he will be going back to Folino for a correction to an inlet at the intersection of Stonebridge and Stonebrae. There is a low spot around the inlet that needs corrected. Mr. Harshman reported the invoice for the paving project is not ready for payment. Moving forward, Mr. Harshman reported with the most recent rain event, he has found the curb at the inlets on McChain Road is not tight enough to the grate. A lot of the water was bypassing the grate.

J Stewart is going to have their paver fix that curb. Also, below the slide repair in the stabilization area there was some erosion damage. J Stewart will apply erosion blanket and seed that area of erosion damage. Next, Mr. Harshman reported all the contract documents have been received for the Lobs Ruit Drainage Project. Supervisor, Richard Lawson interjected and asked the Solicitor if he had sent a letter to the PUC regarding Railroad Street. It is Mr. Lawsons opinion there should be follow up on that letter. Mr. Harshman noted he has not reached out to CSX for an update. Moving on, Mr. Harshman corrected his report stating that Finleyville Airport Grading Permit has not been issued. He stated the performance bond was made out to the wrong entity. The bond was made out to the Finleyville Airport not to Union Township. The bond company will make the corrections. The contractor has committed to providing the corrected bond within the next day or two. Supervisor, Richard Lawson interjected and asked to voice his opinion regarding drainage from the Finleyville Airport. Mr. Lawson asked the Solicitor to send a "would you not could you do" letter to the Airport. He stated in recent years trees have been cleared, a road was put in, a swale was made, pipes have been installed and water is being directed to Stonebridge housing plan. Mr. Lawson reiterated you cannot re-route water on someone else's property. It is his opinion we need to find out who owns the property in between the Airport and Stonebridge. It is also, Mr. Lawsons opinion the Township needs to address the retention pond by Airport Road. Mr. Harshman agreed with Mr. Lawson regarding the retention pond. He stated it is a small pond that is in disrepair. The Township can require the Airport to maintain the pond. Mr. Lawson noted the Township should require the Airport to put a pond in on the Stonebridge side. Engineer, Harshman noted he wants to find out if the runway went in before Stonebridge was built. However, if Stonebridge was developed before the runway was paved, there may have been some type of ordinance that required the Airport to do some type of storm water management. Mr. Harshman stated at this point he cannot find a regulation where the Township can require them to do that. Mr. Harshman agrees if one property owner changes the flow of water to an adjoining property that is a civil matter. Where the Township has the ability, authority, or responsibility to get involved yet, Mr. Harshman hasn't found that point yet. Mr. Harshman reported he has looked at the shelf cut down along below the runway. He stated he needs to find out additional information on who and why they put that in. Mr. Harshman reiterated that does not increase the amount or rate of storm water, but it has concentrated it to point sources. Again Mr. Harshman stated he does not think the Township has any regulations that would put the Township in the middle of the disagreement with the property owners. However, the Airport and Owner of the Stonebridge properties could have a dispute with one another. Mr. Harshman stated he will try to find more information for the Solicitor to support his letter to the Airport. Moving forward, Mr. Harshman reported on Monday, he and APEX had inspected three ponds in the Township. He noted the Giant Eagle retention pond is severely overgrown. It may be functioning, but it needs vegetation control. The Tuscany Estates storm water pond needs vegetation control as well. Mr. Harshman noted there is also sediment that will need to be removed. He also stated there are plywood baffles that would need to be removed. Lastly, the Shire pond has a pile of sediment right at the main outlet pipe from the road into the pond. There are also large boulders in the middle of the pond that need removed. The pond will also require mowing. Mr. Harshman would also like to find out additional information regarding the outlet structure. He does not feel that it is providing any detention. Mr. Harshman would like to get the reports from APEX and then have the Code Enforcement officer notify the pond owners that their ponds need to be maintained. Mr. Harshman stated he will be adding the Airport pond to the list. Solicitor, Gary Sweat questioned the Engineer if the Township can attach some storm water conditions to the Grading Permit for the Airport? Engineer, James Harshman reported the Airport has provided storm water calculations. Additionally, they are also installing under drains for pavement stabilization purposes. Next, Mr. Harshman reported an inspection was done on the Tomko grading operations. He stated they reviewed the conditions. The Geotechnical engineer for Tomko is recommending the sheep's foot roller. Mr. Tomko reported he does not want to use the sheep's foot roller. Mr. Harshman reported that is a disagreement between Mr. Tomko and his Engineer. Next, Mr. Harshman reported he has completed a conceptual and anticipated hydraulic plan for Linden Street. He will be sending it for the Township to review. Moving forward, Mr. Harshman reported the Sunoco temporary drive way on Patterson Road will probably be there through the end of

October. Which also means they will not be able to repair and pave the primary entrance until next paving season. Lastly, Mr. Harshman reported the Board of Supervisors should see documents for the Ridge Avenue Bridge Project sometime next week. Those documents will need to be executed at the Legislative Meeting for the LSA Grant Application.

Solicitor, Gary Sweat confirmed that the Board of Supervisors have scheduled a hearing for the Garvin Well Pad Conditional Use Hearing. It is his opinion EQT will incorporate a lot of the safety testimony from the Caton Well Pad hearing into this hearing. If that happens it will shorten a good portion of their presentation. Mr. Sweat will change the hearing time until 4:00 pm. Solicitor Sweat next reported Tim Berggren would like to schedule a meeting with the Board of Supervisors regarding a revenue allocation program. Next, Mr. Sweat tentatively scheduled a meeting with Attorney Scott Dunlap for September 26, 2018 at 6:00 pm. Mr. Dunlap will be representing Union Township in the matter of the Mellor Litigation. The opposing counsel has withdrawn his filing with the EEOC. Attorney, Dunlap will file a motion to dismiss, based upon the fact the EEOC did not have jurisdiction based upon the number of Employees the Township had at the time the claim was made. Mr. Sweat note counsel for Mellor will be refiling. However, as of now the Federal claim has been withdrawn. Supervisor, Richard Lawson asked the Solicitor if he could contact Rob Balogh for the password for the server. Solicitor Sweat will reach out to Mr. Balogh for the password information. Next, Mr. Sweat reported Judge Emery issued a court order declaring the property at 13 Mingo Circle, unsafe, uninhabitable and unfit for human occupancy. The residents were to vacate the property within ten days of the order being issued on August 28, 2018. To date the residents are still residing in the home. The Board of Supervisors chose to send the Police and Code Enforcement Officer on Thursday and ask the residents to vacate the property. Code Enforcement Officer, Jarrod D'Amico reported he had been in contact with the government liaison with Pennsylvania American Water. He stated he was surprised the water service was still on due to the past due amount on the account. Lastly, Mr. Sweat reported a confirmation letter from Brentwood Bank has pledged their pooled assets to support all the deposits Union Township has on hand in their bank has been received.

Agenda Items for Discussion:

The following items were on the agenda for discussion.

- A. Consider Road Department Purchase Order for Tires
- B. Consider Road Department Purchase Order for Chain Saws.
- C. Consider Union Township Trick-or-Treat, Wednesday October 31, 2018 from 6:00-8:00 pm.
- D. Consider Maple Avenue Radio Tower.
- E. Approve/Deny Great American Campout Reschedule Date for 9/22/2018.
- F. Approve/Deny Quotes for Back Flow Testing.
- G. Consider Penn Line Use of Nike Site Tentatively September 17th thru 20th
- H. Consider 2018 Payment of Fire Services Contract Finleyville VFD. & Elrama VFC in the Amount of \$15,750.00 per Company.
- I. Consider Extension of Fire Service Contracts with Finleyville VFD. & Elrama VFC. For 2019.
- J. Consider Fourth Quarter Payment of Police Contract in the Amount of \$88,550.25 by September 30, 2018.
- K. Consider Extension of Police Service Contract for 2019.
- L. Consider Purchase of Additional Security Cameras for Municipal Building.
- M. Consider Tuscany Estates Use of Meeting Room on October 16th at 6:30 pm.
- N. Approve/Deny RAYSA Billing for use of Township Facilities.
- O. Courtney Hill Road.
- P. Consider W.G. Tomko Grading Permit Settlement
- Q. Consider Wavier Request for Waste Management Billing Charges for Resident.
- R. Any Additional Items.

Motion to approve purchase order 2018-20 for truck tires.

Motion by Richard Lawson, Second by Deborah Sargent

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

Motion to approve purchase order 2018-19 for chain saws in the amount of \$593.90

Motion by Richard Lawson, Second by Paul Chasko

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

Motion to approve Union Township Trick-or-Treat, Wednesday October 31, 2018 from 6:00-8:00 pm.

Motion by Richard Lawson, Second by Paul Chasko

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

Agenda item D. Mr. Overcashier reported he was in contact with Justin Shawly about an initiated conversation from Manager, Rob Balogh. Mr. Overcashier noted Washington County is interested in discussions with Union Township regarding an installation of a radio tower at the old Nike Site on Maple Avenue. It was Mr. Overcashier's opinion one of the Supervisors should take the lead and set up a meeting with Mr. Shawly.

Motion to approve the Great American Campout reschedule date for September 22, 2018.

Motion by Deborah Sargent, Second by Richard Lawson

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

Motion to approve Diana Restano for backflow valve testing.

Motion by Richard Lawson, Second by Deborah Sargent

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

Motion to approve Penn Line use of Nike Site for equipment staging tentatively for September 17th thru 20th with the conditions they do not use engine retarders off and not let equipment idle and run.

Motion by Deborah Sargent, Second by Richard Lawson

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

Motion to approve Dagostino to review the existing camera setup and make any recommendations necessary for any additional coverage.

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion to approve Tuscan Estates use of meeting room on October 16, 2018 at 6:30 pm.

Motion by Deborah Sargent, Second by Richard Lawson

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

Motion to approve billing RAYSA \$350.00 for the fall season use of Township facilities.

Motion by Deborah Sargent, Second by Richard Lawson

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

Agenda item O. Supervisor, Deborah Sargent added for the record the Union Township Board of Supervisors did not ask for Courtney Hill Road to be closed. The State closed Courtney Hill Road. Engineer, James Harshman stated Union Township objective has been to get the road safe. Union Township has been doing their best to put pressure on PennDot to get Courtney Hill Road safe. Discussions of alternate routing have been dismissed by PennDot. Mr. Harshman stated Union Township has no authority over a state roadway. Solicitor, Gary Sweat interjected and noted Union Township pointed out the safety concerns regarding Courtney Hill Road via a letter to PennDot. It was Mr. Sweats

opinion that letter may have prompted the State to close Courtney Hill because at that point they had liability exposure. Supervisor, Richard Lawson reported during the most recent rain event the road has flooded again. Supervisor, Deborah Sargent reiterated the Township has no leverage on a state road. She noted the residents living on the road carried more weight and pull when it comes to lobbying the state for action. Engineer, James Harshman noted as a Township we agree the road being closed is not a safe solution or a remedy to the problem. It is his opinion the safety concern needs to be addressed on the record.

Agenda item P. Solicitor, Gary Sweat noted Union Township approved a new grading permit and attached numerous conditions. Tomko agreed to all but three conditions. Two appeals were filed in the Court of Common Pleas by Mr. Tomko. An appeal for the extension of the Grading Permit and the unreasonableness in their opinion of the three conditions they did not agree with that were attached to the conditions of the new Grading Permit. Solicitor Sweat's office filed preliminary objections, raising issues of jurisdiction. Union Townships argument is that an appeal of a permit needs to go before the Zoning Hearing Board before it goes to the Court of Common Pleas. Mr. Tomko's legal counsel came back and opened discussions with Mr. Sweat and the Board of Supervisors. Mr. Sweat noted one stipulation of the settlement agreement was that if certain noise issues could not be addressed or resolved, rather than going back to court the parties would agree to appoint a mediator to make a final decision. Mr. Sweat noted he suggested Honorable Damon J. Faldowski of Noble Mediation, LLC. Mr. Sweat reported Mr. Tomko agreed. Judge Faldowski would mediate and arbitrate any noise issues that could not be resolved. Long discussions ensued between the Solicitor and Board of Supervisors regarding a time line of resolving the noise issues between the Township, Citizens Committee or arbitration. The Board of Supervisors concluded noise issues would be addressed within twenty-four hours between the Township and Tomko. If there was no resolution, noise issues would be addressed within five days before the Citizens Committee. If a resolution still is not reached it would go to Judge Faldowski for arbitration. Supervisor, Richard Lawson stated Mr. Tomko should place sea cans, draped with sound blankets on all rock hammers. Mr. Sweat noted Union Township is not consenting or approving a mining permit for the Tomko worksite. Mr. Sweat stated any mining of stone only is to be done contemporaneously with the Grading Permit. The Grading Permit is limited to one year. It is also not an approved land use it is a settlement that has been reached based upon Grading Permit appeals and Land Use appeals. Our ordinance does state that they are exempt from mining violations if it is done in connection with land use and development. Mr. Sweat noted he will be very cautious with the documents submitted to the DEP. It will not state that Mr. Tomko has blanket approval to perform mining operations at this worksite. The mining operations are very qualified to a settlement of two lawsuits and is tied to and limited to the conditions of his Grading Permit. Mr. Sweat noted stone will be trucked off the site and sold to third parties.

Motion to approve the Tomko Grading Permit subject to the changes discussed this evening.

Motion by Deborah Sargent, Second by Richard Lawson

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

Public Comment:

Hal Breinig: 44 Finley Avenue, Finleyville PA. Mr. Breinig expressed his opinion regarding the youth of Union Township losing fields to play sports.

John Monyak: 12 Howe Street, Elrama PA. Mr. Monyak expressed his opinion regarding noise and nuisance issues related to the Railroad in Elrama. Mr. Monyak expressed his opinion regarding noise from the water company sand blasting in Elrama. Mr. Monyak expressed his opinion regarding residents in Elrama not recycling.

Solicitor, Gary Sweat advised Mr. Monyak that he should file a formal complaint with the PUC.

Mr. Sweat noted the Township cannot site the Railroad.

Nick Tkash: 10 Oak Lane, Elrama PA. Mr. Tkash expressed his opinion regarding noise from the Railroad in Elrama.

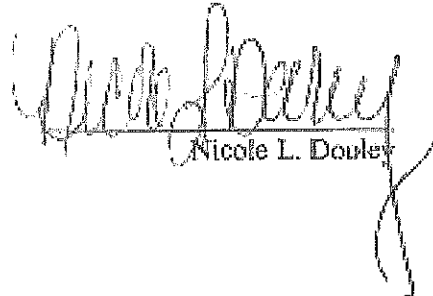
Jan O'Toole: 69 Hobbit Lane, Finleyville PA. Ms. O'Toole questioned the Board if anything movement has taken place for an RFP for EMS Service.

Carol Kadonik: 104 Aragon Place, Finleyville PA. Ms. Kadonik questioned the Engineer about the retention pond on Hobbit Lane and State Route 88. Ms. Kadonik questioned the Board if anything can be done with the overgrown weeds at 5020 Norman Avenue.

Motion to adjourn at 8:55 pm.

Motion by Deborah Sargent, Second by Paul Chasko

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



Nicole L. Douley