

Board Approved: October 24, 2016

Union Township Board of Supervisors
Regular Board Meeting
September 26, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr 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, 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, , and Peter Grieb–Code Enforcement Officer. Harold Ivery–Building Code Official did not attend.

Public Comment

Mary Vibostak, 19 Lake Drive, asked for an update from the code enforcement officer. Per Mr. Grieb, the owner of the property has started moving on items he was to complete and, Mr. Ivery, who was not in attendance due to vacation, recently performed some inspections at the site.

Frank LaTorre, 7 Boyka Drive, commented about Tomko construction relative to grading and any plans by the company to mine in a C2 district. He complained that there is dust and dirt in his plan due to the grading being done and multiple trees have been removed at the site. He asked to know the developer's plan. Per Mr. Harshman, the grading plan turned in by Tomko and reviewed by the DEP involves cutting the hill back, removing material and placing it down in the residential section of their property. The owner just started moving dirt this week. Mr. Harshman said there was a review on Thursday which revealed that there is an area of about an acre that was graded that was not shown on the plan. Also, there are questions as to whether the fill has been done properly and whether the work is being overseen by an engineer. He has scheduled a meeting with the owner for Wednesday, September 28, to discuss sedimentation control, grading being done outside of the plan area, on another hilltop, as well as other issues.

Hal Breinig, 44 Finley Avenue, commented that the landscaping done at the park surrounding the flagpole looked very nice. He would have liked more notification about the flag raising so that he could have been there. He complained about the dust from the Tomko site and the concern that he believes it contains particulates which are harmful, due to the nature of the work being done. He said the developer is not watering down the site as he should.

Pete Guido, 125 Viareggio Way, reported that he received the occupancy permits requested per his right to know request but that the permits do not include information on the capacity of the pool. Per Mr. Grieb, since it is not considered a commercial building, the capacity was not required. If the information is needed for insurance purposes, Mr. Grieb may be able to work one up based on the square footage in accordance with how the capacity would have been determined if the pool had been commercial. Mr. Grieb will also put a sticker on the electric box mentioned at a prior meeting. Pete Guido asked about whether the roads in Tuscany Estates are being taken over by the Township. Per Mr. Harshman, the developer would have

Matters identified by the 2014
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to ask for the Township to do that which has not taken place; however, if the developer had asked, there would be a number of items on his list, as Township engineer, that he would recommend be taken care of first.

Doug Drusbasky, 22 Mingo Circle Drive, asked for an update on Mingo Circle sewage issues. He complained that the stormwater /septic problems are worse than they have ever been. The owner with the violation has been cited. The Task Activity Reports have been completed towards Act 537 Planning. Mr. Harshman explained that there is nothing further that the Township can do at this time since DEP regulations prevent piping this water anywhere. The solicitor inquired about a holding tank on Township property as a potential solution. Mr. Harshman can investigate this possibility but believes that there are other issues going on that have not yet been discovered.

It was noted that Terry Mattis has taken over Emily Shade's duties at DEP. Mr. Harshman is meeting Mr. Mattis on Wednesday, September 28, to discuss many issues related to his firm's work. He will ask about the issue at Mingo Circle.

Ms. Jo Ellen Meek, 124 Viareggio Way, asked whether the Tuscan Estates developer has received an NPDES permit. Per Mr. Grieb, it has been submitted to DEP. The Township has not yet received the notification of approval by the DEP.

Frank Kovcek, 7 McChain Road, commented that he had been informed that the Township is considering property maintenance ordinances that he felt would be government over stepping its bounds relative to what owners could do on their private property. Ms. Lori Kenavey, Secretary of the Planning Commission, who happened to be in the audience explained that they are reviewing the International Property Maintenance Code, which they just reviewed on Thursday and includes over 56 items. There are items the Planning Commission could choose to include and choose not to include. They will discuss it further next month. The property item was not included on the agenda for approval, but only for discussion, if the Board so chose.

Kevin Daerr, 6187 State Route 88, inquired as to whether the Township has heard from Beau Berman, WTAE-TV, relative to his right-to-know request or as to whether he intends on paying his invoice. Ms. Taylor reported that the bill has not been paid and he has not contacted her, but she will send a second request.

Linda Morrow, 10 Boyka Drive, commented about the dust ordinance that was drafted at one time in terms of whether it can be adopted now. The solicitor mentioned a scenario such as including dust control in the grading ordinance and other options for obtaining compliance. The solicitor stated that the teeth in obtaining cooperation with the dust issue would be tying it to revocation of any permit under which a contractor who is in violation is working. The Township will provide the dust ordinance that was drafted by the prior solicitor for his review. The dust issue reported at the Tomko site will be discussed with Tomko representatives at the Wednesday meeting with the engineer.

Minutes not certified by the 2018
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Motion to approve the Minutes of the August 22, 2016, Workshop, as presented by the Secretary, 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 the Minutes of the August 22, 2016, Regular Board Meeting as presented by the Secretary, 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 the Minutes of the September 12, 2016, Regular Board Meeting as presented by the Secretary, 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.

There was discussion related to overtime by the Secretary and Treasurer only, as to whether the Board should approve overtime without knowing how the time was spent. It was determined that it would be difficult to get all approvals necessary at the time. The staff will provide a report/log.

Motion that the Treasurer/Assistant-Secretary and Secretary/Assistant-Treasurer submit a report to the Board for any overtime worked.

Motion by Charles Trax, Second by Deborah Sargent

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

Motion to approve Payroll #17 dated August 26, 2016, in the sum of \$9,737.82 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 #18 dated September 9, 2016, in the sum of \$9,769.51 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.

Motion to approve Payroll #19 dated September 23, 2016, in the sum of \$10,730.16 as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Heather Daerr

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

Departmental Reports

Mr. Harshman delivered the engineering report. He reported that Kerry Fox at the Redevelopment Authority requested bid specifications for the Nike Site demolition project which is being funded with Community Development Block Grant funds (CDBG). Kerry Fox will administer the grant. The Township is expected to cover the cost for specifications, inspections and the final report, with none of the associated engineering to be taken out of the

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\$66,400 grant. Demolition and asbestos removal will be covered by the CDBG grant per Kerry Fox.

Motion to authorize the engineer to proceed on bid specifications, inspections and final report for the Nike Site Demolition to be administered by the Redevelopment Authority.

Motion by Charles Trax, Second by Deborah Sargent

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

Removal of the pipes currently in the Garvin Road culvert cannot be covered through the WCCD because they don't meet the current requirements of the grant. The grant requirements may change in the future so that replacement can be included. The question is whether the Township wants to spend money on replacing the pipes right now or wait to see if requirements change. The Board will consider their preference.

Ms. Heather Daerr announced that Sunoco has agreed to \$119,000 for work on Patterson Road following discussions with Mr. Sweat and Mr. Harshman. She noted that Sunoco initially agreed to \$35,000 for the repair work.

Mr. Sweat delivered the solicitor's report. A letter was mailed to the Township by Attorney Bigi relative to the intersection of Trax Road and Sugarcamp Road which his client considers to be a dangerous condition due to sight distance. He explained that the Township has immunity except by the Tort Claims Act which identifies the eight categories by which the Township can be held accountable. Mr. Sweat also reported that in Executive Session the Board will discuss an early retirement issue. Mr. Sweat also reported that he has received a notification that the Township may be joined in a lawsuit regarding storm water issues, DiLiscia v. Buczynski.

Mr. Sweat's report also included the fact that ownership information had been provided by his office to the Township relative to the home on Route 88 which was brought to the attention of the Board by residents living near the home at the last meeting. Mr. Grieb reported that he did speak with the bank and informed his contact there of their asset's status in relationship to the damage taking place at the home. The bank will move forward as quickly as possible to take ownership of the home.

Mr. Sweat was contacted by EQT relative to an Oil & Gas lease on Township-owned property.

Motion to set and advertise a hearing for a modification to the Zoning Ordinance in relationship to communication towers.

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 adopt Ordinance # 2016-1, AN ORDINANCE OF THE TOWNSHIP OF UNION, WASHINGTON COUNTY, PENNSYLVANIA, ESTABLISHING CERTAIN INDUSTRIAL PRE-TREATMENT STANDARDS RULES AND REGULATIONS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION AGENCY BY WAY OF INCORPORATION OF ORDINANCE 276 OF 2015 OF WEST ELIZABETH BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA

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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 proposed a Special Work Session for the proposed Police Contract. Mr. Sweat informed the Board that his office drafted for their analysis and review an agreement based on other police agreements they've negotiated as a starting point for the Board. Mr. Spahr commented that the language which was in the original request for proposals on which Monongahela Police Department's coverage quote was based as discussed at prior work sessions had not been included in the draft. Ms. Sargent reported that she had provided the request for proposal and Monongahela's response to the solicitor. Paul Chasko noted that he would not consider signing a contract that did not contain all the items that were included in the original specification which was written. The agreement will be re-drafted to include the RFP language. Ms. Daerr inquired as to whether there would be return of items that the Board of Union Township purchased for SWRPD which include radios and a protective canine vest.

Ms. Sargent provided a report to the Board on her activities related to Township business. She met with Rich Cleveland who was contracted for grant writing services. The LSA grant application is on track. On September 16, she met with Roger Metcalfe alone and, on September 23, she and Mrs. Daerr met with Mr. Sylvestri. She is waiting to hear back relative to a time frame for a consultation. Ms. Sargent said that she would like to move forward on smaller issues related to the personnel policy handbook. She will provide the handbook to Mr. Sweat for his review.

Motion to have Mr. Sweat review the employee handbook.

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 have employee performance reviews in executive session at the next Board meeting.

Motion by Deborah Sargent, Second by Heather Daerr

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

Personnel issues were discussed related to a progressive discipline policy being imposed in relationship to staff.

Ms. Sargent said that at the next meeting, she would like to get the meetings under control and that she will make a motion that she be instituted as chairperson.

Motion for Ms. Sargent to assume the role of Chairperson as of the October 10, 2016 Board meeting.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to approve general fund bills in the sum of \$37,937.53 as of September 26, 2016, as presented by the Treasurer, subject to being true and correct.

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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There was discussion related to how many holding tanks there are in the Township. Although there are some that are known, there are others that are unknown. Mr. Harshman suggested that a list of every permitted holding tank be requested in the Township. Another question which needs to be ascertained is the responsible party for collecting holding tank pumping receipts. Peter Grieb will be the point person in starting the process of building an inventory of holding tanks.

A preliminary Jefferson Hills Area Ambulance Lease was discussed and will be reviewed by the Board.

The call volume numbers for Elrama Volunteer Fire Department and Finleyville Volunteer Fire Department were obtained. It was discussed that the differential that was agreed to in the past was in acknowledgement that Elrama VFD is the department of record, domiciled in the Township, and that they do respond to down trees for storms. Also, the current arrangement was agreed to by the parties. The formula for the statute governing Foreign Fire is attached to the solicitor's reports. The funding provided by the Township is in two parts, one part being by the agreement with the Township, and another being a portion of the Foreign Fire funds. The agreement amount is to be paid by September 30, 2016. The Foreign Fire money is not due to be paid until October. A representative from Elrama VFD, who was in attendance, asked that a joint meeting also be held to discuss the terms.

Motion to invite Finleyville Fire Department to a meeting with Elrama Fire Department at the Township Building.

Motion by Paul Chasko, Second by Deborah Sargent

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

In terms of the Washington County Tax Collection Committee meeting that was held, Charles Trax provided a written report to the Board earlier today.

In terms of paving at Tuscany Estates, the engineer reported that everything to be paved has been done. The wearing course met Township specifications.

The Board did not wish to consider or pursue the proposal of Christian Clayton which was presented at the last meeting.

Mr. Sweat said that he drafted a very minimal lease for the Finleyville Soccer Association. He recommends that in eight or nine months, the Board set a lease amount. The eight or nine months would provide the soccer association time to plan for fund raising activities.

In terms of updating the multi-municipal comprehensive plan, the Treasurer reported that she contacted Carroll Township's secretary to inform them that Union Township is interested in discussing an update, and Ms. Cramer will pass on that information to their Planning Commission. Mr. Spahr noted that he spoke with Susan Morgan who indicated that a starting point would be to have a meeting with the Supervisors of Carroll Township. Mr. Sweat pointed out that shared zoning ordinance is a big advantage to both Townships. Ms. Daerr volunteered to go to the next Board meeting of Carroll Township regarding a joint plan.

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Meeting Minutes
2018-7

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In terms of a Township Manager, in the meeting with Mike Sylvestri he was provided a copy of the Township's budget and is considering giving us a proposal for consulting services.

The Treasurer supplied the Minimum Municipal Obligation (MMO) form she prepared for the pensions which require Board approval.

Motion to approve the Minimum Municipal Obligation prepared for the bargaining unit employees based on four employees.

Motion by Charles Trax, Second by Paul Chasko

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

Motion to approve the PMRS state pension plan Minimum Municipal Obligation for the Treasurer and Road Superintendent pensions based on two employees.

Motion by Charles Trax, Second by Deborah Sargent

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

The Township discussed the upcoming renewal of the liability insurance. The Treasurer inquired as to whether the Board wanted to pursue quotes from other carriers. The Board will wait to see the renewal quote from the current carrier first.

The intersection at Trax Road and Sugarcamp Road was discussed. James Harshman will look at the intersection in terms of sight distance.

Motion to go to Executive Session at 11:05 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.

The Board returned from Executive Session at 11:40 p.m. It was announced that the Board discussed personnel issues.

Motion to adjourn at 11:40 p.m.

Motion by Deborah Sargent, Second by Heather Daerr

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


Debra A. Nigon, Secretary