

Board Approved: October 24, 2016

Union Township Board of Supervisors
Regular Board Meeting
October 10, 2016

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent at 7:00 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Larry Spahr, Charles Trax, Heather Daerr and Deborah Sargent. Paul Chasko arrived after roll call at 7:05 pm.

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

Public Comment

Frank LaTorre, 7 Boyka Drive, commented that Tomko is watering down early morning but by the middle of the day it is dusty. He was informed that the water truck broke down. In his opinion, he should not be working until he has a working water truck and that the work should be stopped.

Frank Kovsek, 7 McChain Road, read the duties of Supervisor from the Second Class Township Code. As a former auditor, he urged the Board to be prudent when working on the budget.

Departmental Reports

Scott Kercher delivered the statistics on police coverage for sixty-one shifts in September which included eight arrests and fifty-one vehicle stops resulting in twenty-three traffic citations being written and twenty-eight warnings. There were nine crashes and two parking violations and one ordinance violation.

An accident at Trax Road and Sugarcamp Road was commented upon by Mr. Spahr who noted that Union Ambulance transported the accident victim to the hospital. Mr. Trax reported that he believes that Union Ambulance stumbled upon the accident and performed the transport with another ambulance for Union Township showing up moments later. Mr. Spahr reported that, at the time of the call, Jefferson Hills Ambulance was already responding to a call for a heart attack and Tri-Community North was dispatched to the scene per a mutual aid agreement. Mr. Spahr's concern was that Union Ambulance does not have EMT's and is not the ambulance of record for the Township as is designated by resolution. Mr. Spahr stated that Mr. Sweat should write a letter to Union Ambulance that they cease and desist transporting patients since they do not have the necessary credentials.

Mr. Tom Mellor, Road Superintendent, asked for questions on his written report. Mr. Mellor also noted that he spoke to Rick Skovensky during the PennDot paving inspection at Tuscany Estates about the plowing and salting activities that the road crew performs in the

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development. Mr. Skovensky informed him that there should be a winter maintenance agreement as the Township's insurance would not cover the Township should there be an accident in the development. The Treasurer reported that no Liquid Fuels funding is being used for salting and plowing at Tuscany Estates. Mr. Spahr inquired as to whether the Township could be reimbursed for salting and plowing. He also mentioned that, in North Strabane Township, residents from several developments are raising concerns over not having winter maintenance performed on roads that were never brought into their Township's road system. Mr. Mellor stated that the Union Township road crew began plowing and salting the roads in Tuscany Estates in 2008. Mr. Sweat asked to be provided with the information relative to salting and plowing at Tuscany Estates.

Mr. Mellor inquired as to the Board's plans for replacing George Corbin who was offered and accepted an early retirement option. Ms. Daerr informed him that they would discuss the issue of replacing George Corbin in Executive Session and that they are aware that the cold season is approaching.

Mr. Mellor reported that there was a computer failure at the pump station which required urgent repair. Replacement of the computer was completed in the range of \$2000.

Motion to authorize Gary Sweat to move forward on a winter maintenance agreement between the developer and the Township.

Motion by Heather Daerr, Second by Deborah Sargent

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

There was discussion primarily between Ms. Sargent and Mr. Spahr regarding the approximate two million dollars in the General Fund fund balance. In summary, Ms. Sargent's comments were that these funds should have been used by the Township to serve the public by providing twenty-four hour police coverage or other services. Also, her opinion was that keeping 100% of a year's revenue in the Township's General Fund is negligent use of taxpayer money. She reported that from what she has heard from mentors outside the Township, is that it is good practice for a Township to have 25% of a year's expenditures saved in its operating reserve towards emergencies or unforeseen circumstances, and that 100% is far beyond what is considered conservative and could be considered unethical. Mr. Spahr explained that the approximately two million dollars in the General Fund fund balance was accumulated over the years following 2005, which was a year when the Township was \$300,000 in arrears and the state had to step in resulting in the ultimate disbanding of the police force. He said that prior Boards accrued the current two million by proceeding cautiously on expenditures. His opinion was that, if the money were not currently available, the Township would not be able to cover items over budget and the funding-intensive projects currently underway, such as the Act 537 planning. His concern was that the existing fund balance can be whittled away a piece at a time until nothing is left for future Boards.

Mr. Spahr commented that recently the PA State Supreme Court ruled that the manner in which Local Share gaming monies is collected, as the tax is written, is unconstitutional due to some casinos being charged more than others. The Township receives about \$83,000 annually in Local Share funds. The State Assembly has until January to come up with some kind of fix.

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Mr. Spahr also noted that two years ago the Township received \$225,000 in Impact Fees which has declined to \$150,000 received this year which may continue to decline. The impact fee monies helped fund police.

Ms. Daerr announced that prior to the meeting she picked up a proposal from Mike Sylvestri for consulting services. She handed a copy to the solicitor and each board member. She communicated that Mr. Sylvestri will be interviewing personnel and supervisors as well as reviewing the finances, contracts, laws, and policy and procedures of the Township. His proposal is for 150 hours of services over four months. He will require a temporary space. His fee is \$65/hour not to exceed \$9,750 dollars. Should the Board decide to proceed, he will submit a contract for review by the solicitor. Ms. Daerr also noted that the Township has to determine whether it is in compliance with the Fair Labor Standards Act by December 10, 2016.

Motion to have Mike Sylvestri start working on a contract to consult with the Township.
Motion by Heather Daerr, Second by Chuck Trax
Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to approve general fund bills in the sum of \$42,769.65 as prepared by the Treasurer, subject to being true and correct.
Motion by Heather Daerr, Second by Deborah Sargent
Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

Ms. Taylor explained that the Township is only allowed to carry over a certain percentage of funds in Liquid Fuels. That being the case, any additional over that percentage was used to pay allowable road-related expenses.

Motion to approve Liquid Fuels fund bills in the sum of \$7,916.79 as prepared by the Treasurer, subject to being true and correct.
Motion by Heather Daerr, Second by Deborah Sargent
Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Paul Chasko provided an update to the tree removal activities taking place at the airport. Mr. Tom Reimer, President of Finleyville Airport, recently contacted Mr. Chasko. The airport had agreed to remove the remaining trees in violation at their cost on a couple of properties adjacent to them which were identified on the last airport inspection report; however, a property owner has become uncooperative. Finleyville Airport no longer wishes to proceed. Mr. Chasko suggested citing the owner(s) as appropriate. Mr. Sweat confirmed that, per the ordinance, it is clear that the property owner is responsible for removing the trees. Mr. Sweat advised Municipal Consulting Services to file a citation against the offending property owners.

The split of Foreign Fire tax funds was discussed. It was noted that historically Elrama VFC's percentage was higher as it used to provide an ambulance service to the Township.

Motion to change the foreign fire distribution to 50/50 between both Finleyville Volunteer Fire Department and Elrama Volunteer Fire Company.

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Motion by Chuck Trax, Second by Deborah Sargent

Roll call vote: Spahr-no, Chasko-yes, as long as it can be readjusted at end of the year, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Chasko noted that he is unsure as to whether the number of active and available members has been sufficiently reviewed. Charles Trax recalled 33 active members of Finleyville Volunteer Fire Department. Leonard Bailey reported that there are 25-30 active members of Elrama Volunteer Fire Company.

Motion to authorize Mr. Sweat to draw up contracts with the fire departments with payments being an equal amount of \$15,750 each to Finleyville Volunteer Fire Department and to Elrama Volunteer Fire Company in 2016 and subsequent years.

Motion by Deborah Sargent, Second by Heather Daerr

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

The proposed Jefferson Hills Lease Agreement was discussed. Mr. Sweat reported that a draft lease agreement was drawn up with a monthly figure of \$1000 since he had no information regarding the ambulance service's finances. Although he thought the \$1000 per month figure was a very affordable price, he informed the Board that the lease amount could go up or down dependent on the finances of Jefferson Hills Ambulance. His legal opinion was that, at the minimum, the lease contract needs to identify any duties the Township is imposing on the tenants, that it require general liability insurance be kept, as well as establish responsibility for maintenance of the property and payment of utilities. It was reported that Jefferson Hills Ambulance does have liability insurance. They also have their own radios and telephone and internet service.

Since the last meeting, Jefferson Hills Ambulance has written correspondence inviting the Board to one of their Board meetings to discuss the proposed lease agreement. It was decided that it would be too difficult for the Board to attend and that the secretary would arrange a meeting at the Township building.

Motion to arrange a meeting with Jefferson Hills Ambulance to review their financials and discuss a lease agreement.

Motion by Deborah Sargent, Second by Heather Daerr

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

The Board has not yet received a copy of the Soccer Lease agreement which was to be created. Mr. Sweat brought a copy to the meeting which the secretary will send out to the Board

The Multi-Municipal Comprehensive Plan was discussed. Ms. Daerr reported that she had asked Doug King at Nottingham Township to sit in on one of their meetings to discuss a Multi-Municipal Plan. She received a positive response by their Board on the matter. She plans on also attending one of Carroll Township's meetings to discuss their participation as well.

The contract with Monongahela Police Department was discussed. Earlier in the meeting, Mr. Spahr had asked for the Board to scrutinize the contract. The Board decided to review the

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contract tomorrow, October 11, at 6:00 p.m. (Following a poll of the Board, the meeting was later advertised as a Workshop in the Observer-Reporter and held on October 17, 2016. Reference October 24 Minutes)

Mr. Sweat announced that he received correspondence from the law firm representing Southwest Regional Police Department who expressed problems with how the project was bid. Mr. Sweat said that he discussed the correspondence with Ms. Sargeant who had some problems with factual statements made in the correspondence. Mr. Sweat asked for the Board's agreement that he respond to the correspondence.

Motion to advertise in the Observer-Reporter the on-line Municibid auction of the Kubotatractor.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mingo Circle Sewage issues were discussed. Mr. Harshman reported that he spoke with Terry Mattis of the DEP in regard to the Township's options. An option such as a Township holding tank would require an Act 537 plan revision. This is not an option that the Township could implement in the immediate future. The only current option is to continue pursuing enforcement by the Sewage Enforcement Officer (SEO) of the Washington County Sewage Council (WCSC). However, he reported that a community on-lot holding tank may be a viable option which could benefit the Township. It would require rewriting of the task activity report narrative to allow for this option. For a land disposal option, community on-lot system, the Township would need to purchase a piece of property for a large holding tank and leach field. The Township would then become a sewer authority, owning, operating, and maintaining the holding tank as a mini treatment plant. Per Mr. Harshman, the capacity would depend on how large of a piece of land is available. Without further evaluation, he cannot provide an opinion as to whether this would be a worthwhile or cost-effective approach.

Mr. Harshman noted that, subject to the hearing with the magistrate tomorrow, the Township can determine if there are other violations in the area.

At a prior meeting, Mr. Grieb was requested to create a list of holding tanks in Union Township. He has since contacted the Washington County Sewage Council. It has been determined that there are nine holding tanks in Union Township. This number includes a few older tanks and a few recent ones. For the recent holding tanks, the Township has an escrow account. Five of the nine are for commercial properties. Two tanks belong to the Township itself at the Community and Veterans Park. He is still working on the list and will have the information to the Board by next meeting. Washington County Sewage Council (WCSC) is the party responsible for collecting pumping receipts. The Treasurer asked the solicitor whether the Township could request an escrow for tanks which were installed before the requirement went into effect. She was instructed by Mr. Sweat that the Township can retroactively request these holding tank owners to sign an agreement and pay the escrow.

It was discussed at a prior meeting that, per the terms of the WCCD grant for the Garvin Road culvert, the WCCD cannot fund replacement of the current pipes as part of the project. Mr.

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Harshman handed a revised grant application to Ms. Sargent for signature. The total grant requested is now \$113,242.50, with \$25,542.40 in kind contributions provided by the Township as its match. The revision includes engineering fees and excludes the drainage pipes. The headwall won't be done. Mr. Mellor informed the Board that DSA (limestone) will be laid down as driving surface which will be a good base to do something later. Mr. Harshman reported that, for \$25,000 in matching funds, the Township will receive \$150,000 worth of work.

Mr. Harshman provided an update from the meeting with Tomko. He said that, on September 28, he and Municipal Consulting Services met with Mr. Bill Tomko, Gateway Engineers, and representatives from the Washington County Conservation District. They discussed the fill that is being placed outside of the plan area as well as the method of placement in some areas. Gateway Engineers agreed to address all of the Township's concerns on this matter. They will be submitting revised grading plans to include the area in question. Also, Gateway Engineers will be present on-site and will provide a weekly report. Washington County Conservation District has required Tomko to make some erosion and sedimentation repairs. Tomko is moving on those repairs which the DEP will be watching. Tomko will also need to revise their NPDES permit. The reason Tomko gave for grading outside the plan area has to do with part of their mining reclamation plan. Tomko has had a meeting with DEP about mining which the Township has not received all the information about yet.

In response to questions as to whether his grading permit can be revoked, Mr. Harshman pointed to concerns about the condition of currently unstable areas if work were to stop. Since the DEP has not revoked their permit, Mr. Harshman's recommendation is not to revoke the Township permit since he is moving towards compliance. In regard to questions as to the dust, Mr. Harshman reported that the watering down is not being 100% effective. Mr. Harshman has put in calls to the DEP. Municipal Consulting Services reported that they have not received an official complaint about the dust.

Regarding questions about the mining plan, Mr. Harshman reported that Tomko has applied for a mine ID number and is applying for a PA State Bureau of Mines, non-coal mining permit. Mr. Grieb noted that Tomko was to request a use variance since it is not mining for mining sake but would be incidental to construction. This is something which would need taken before the Zoning Hearing Board.

In terms of the CBDG demolition project, Mr. Harshman reported that he is still working on the matter with Kerry Fox of the Redevelopment Authority and should have something soon.

The Township received notice that a Phase I Archaeology Study will be required for the Overlook sewerage project. Mr. Harshman reported that this study is standard and not too involved. At this point, the study only has to be included on the to-do list in the Act 537 plan.

Mr. Spahr asked the engineer for an update on the intersection of Trax Road and Sugarcamp Road due to the legal correspondence which the Township received. The engineer is putting together a plan for that area.

Mr. Spahr mentioned the correspondence received from the legal representation of SWRPD. Mr. Sweat informed the Board that Ms. Sargent has responded to certain allegations in the

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letter. Mr. Sweat indicated that he highlighted the specific allegations for which Ms. Sargent provided response.

Correspondence was received in the Township in regard to increases in rates for the current IT Service and Support provider. The Treasurer reported that the Township currently has a fee-for-service arrangement with the current provider.

Motion for the secretary to gather quotes on IT Service Maintenance and Support.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion carried.

The Fall Road Inspection was scheduled for October 20, 2016 at 9:00 a.m.

The Fall Leaf Pick-Up was scheduled for Monday November 7, 14, 21.

Motion to schedule Halloween Trick-or-Treat for Monday, October 31, 2016 from 6:00 p.m. to 8:00 p.m. with notification to be provided to the police and fire agencies.

Motion by Heather Daerr, Second by Deborah Sargent

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

Additional budget workshops will be scheduled at the next meeting.

The opening on the PCSA Board was discussed. Letters of interest were received from Edward Demski and Richard Lawson.

Motion to appoint Mr. Rick Lawson to the PCSA Board to fulfill the term of the prior representative.

Motion by Heather Daerr, Second by Chuck Trax

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

Motion to release the bond of Yarborough Development Inc. subject to all fees being paid.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to release the bond of Rice Energy subject to all fees being paid.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to release the bond of EQT Gathering of Pennsylvania LLC subject to all fees being paid.

Motion by Heather Daerr, Second by Deborah Sargent

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

An engineering and solicitor authorization procedure was discussed. It was determined by the Board that any staff requests for engineering or legal support be screened by the Board first. .

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Paul Chasko volunteered as the contact person for all employees before contacting the engineer. Deborah Sargent will be the contact for all staff who wish to contact the solicitor.

Motion to have Paul Chasko be the contact for the engineer for all staff.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion to have Deborah Sargent be the contact for the solicitor for all staff.

Motion by Heather Daerr, Second by Chuck Trax

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

The current fee schedule was discussed in terms of grading permit related costs to the Township. Currently there is only a permit fee charged. Mr. Grieb reported that the current charge is set to cover the normal costs associated with grading. A normal grading permit is generally not of the scope and magnitude of a project such as what is being undertaken at Tomko which results in additional expense to the Township. He reported that the average grading permit, which requires a couple of inspections, is covered under the per yard calculation used by the Township. Per Mr. Harshman, the intention would be that the ordinance allows reimbursement for the additional expenses incurred by larger more involved scenarios. Mr. Ivery suggested that the Planning Commission review the matter; however, any changes would not modify any prior grading permit.

In terms of the Dust Ordinance which Mr. Sweat was asked to review, his evaluation was that 95% of the ordinance is good; however, he needs to spend some time on the matter of identifying which particulates would be prohibited and at what point in time there is a violation. Mr. Ivery and Mr. Grieb said that a problem with enforcement is in the measurement of the problem. Mr. Chasko reported that he is somewhat familiar with a type of dust monitoring equipment that has a sealed box which he looked at in the past when the Elrama plant was in full force. Mr. Chasko will look at it again in terms of cost.

Motion to have the solicitor revise the draft Dust Ordinance.

Motion by Heather Daerr, Second by Chuck Trax

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

The current TEPPCO escrow which needs to be closed out was discussed. The Treasurer reported that an easement agreement will need to be completed. She will provide the easement information to the solicitor.

An issue with the land which was condemned for the Elrama Pump Station was also discussed. There was never an agreement to fair market value. Ms. Taylor will provide the information for the pump station property to the solicitor.

Mr. Castor, a local veteran, had sent correspondence to the Board requesting that a letter of support be written for the naming of the new bridge to be constructed by PennDot on Route 88 by Bob's Tavern. He is suggesting that the bridge be named to honor John Emerick.

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Motion to authorize that a letter be written supporting the naming of the bridge on Route 88.
 Motion by Heather Daerr, Second by Chuck Trax
 Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

The Secretary will prepare the letter and will supply a page for Community Support signatures for the next meeting.

A meeting was scheduled with Municipal Consulting Services on October 17 at 6:00 p.m. to review their contract.

Motion to gather information from other sources on Zoning and Code Enforcement.
 Motion by Deborah Sargent, Second by Chuck Trax
 Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Sweat announced that the Board has been named in a lawsuit. He explained that he was recently served a Writ of Summons, which means only that the plaintiff, Mr. DiLiscia, has initiated a legal action. He names Mr. Buczyinski and others as well as the Township. He requested that the Township submit the case to the insurance carrier and obtain a claim number as well as the name of a claim adjustor.

Public Comment

Mr. Lawson, 561 McClelland Road, commented in regard to the grading permit fees and ordinance. As a contractor, he is familiar with grading permit fees and there was only one place he worked with he viewed as an extremely high grading fee. He stated, over a couple thousand yards of material, certification is required. He suggested that Zoning request copies of the certifications and reports. Mr. Grieb responded that they were not receiving copies of the reports.

Frank LaTorre, 7 Boyka Drive, commented that dust from Tomko is coming across the property lines of residents in his plan which he described as a kind of trespassing. His opinion was that if Tomko does not have a working water truck, he shouldn't be working.

Mr. Harshman reported that Tomko's engineer, Gateway Engineers, needs to be there daily. Whether a presence from the Township is necessary on a daily basis was discussed as well as who should go to the site.

Hal Breinig, 44 Finley Avenue, commented that the site is not being watered down as it should be and residents cannot open their windows. His opinion was that they are moving a couple hundred of yards per day. His opinion was that the earth and trees are being stripped for the purpose of mining.

Motion for Mr. Sweat to move forward on possible revisions to the grading ordinance and fee schedule.

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

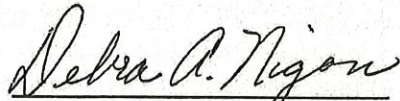
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A resident of Mingo Church Road commented on the poor winter maintenance performed by PennDOT on his road.

Motion to go to Executive Session at 10:20 p.m. to discuss litigation and personnel
Motion by Deborah Sargent, Second by Heather Daerr
Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board returned from Executive Session at 10:35 p.m. The solicitor said that they discussed matters involving personnel and litigation.

Motion to adjourn at 10:35 p.m.
Motion by Heather Daerr, Second by Charles Trax
Roll call vote: Spahr-yes, Chasko-yes, Trax-yes, Sargent-yes, Daerr-yes. Motion carried.


Debra A. Nigon, Secretary

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