

**Union Township Board of Supervisors**  
**Non-Legislative Meeting**  
**October 10, 2018**  
**6:30 pm.**

The Union Township Board of Supervisors Non-Legislative Meeting was called to order by Chairperson, Heather Daerr at 6:52 pm. The pledge of allegiance was recited. Pastor Al Finney, from Crossroads Ministries delivered a moment of prayer.

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

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

**Public Comment on Agenda Items:**

John Lash: 74 Aber Road, Finleyville PA. Mr. Lash expressed his opinion regarding nuisance issues and noise from the EQT McIntosh Compressor station.

Rusty Kern: 6810 Ridge Road, Finleyville PA. Mr. Kern expressed his concerns regarding a sinkhole in his driveway from a broken storm sewer pipe. Mr. Kern expressed his opinion regarding who he thinks is responsible for the replacement of the pipe.

John Matola: 21 Maple Street, Finleyville Pa. Mr. Matola thanked the Board of Supervisors for the repair of the intersection of Aber Road and Lobbs Run Road. Mr. Matola expressed his opinion and concerns regarding the noise at the EQT McIntosh Compressor Station.

Supervisor, Heather Daerr read the following statement from, Nathaniel Manchin, Manager, Local Government and Community Affairs at EQT: "The McIntosh Compressor Station resonator install project was completed on Friday, October 5, 2018. Since completion of the project, EQT has communicated with several residents nearby and have heard their concerns. We are working swiftly to further evaluate the sound from the station to determine if our most recent modifications are performing to specification. Additional data acquisition will begin on Wednesday, October 10, and we expect to have results of the data analysis in about a week from acquisition. These results will allow us to determine what, if any, additional noise mitigation measures may be necessary. Additionally, white pine trees will be planted in the near future on the northern corner of the station property. EQT will continue to work with Township officials and neighbors to determine next steps and bring resolution to this situation. We appreciate your continued patience".

Community resident, William Rellis thanked Mr. Castor for his work and time spent on the Veterans Memorial Monument. He expressed his opinion and concerns regarding missing names and misspelled names on the new Veterans Memorial Monument. Mr. Rellis provided the Board of Supervisors with information to review and consider in order to make corrections to the monument.

Frank J. Palermo, III, CPA from Palermo/Kissinger delivered a third quarter financial review to the Board of Supervisors.

Acting Road Superintendent, Pete Overcashier reported to the Board of Supervisors on the work performed over the past month by the Road Department. Mr. Overcashier also spoke to the Board of



Supervisors regarding concerns of a 36-inch pipe that travels under the driveway at 64 McChain Road. Jason Scheponik, a resident at 64 McChain Road. Mr. Scheponik reported the problem to former employee, Tom Mellor of Township over a year ago. Discussions regarding the responsible party for replacing the pipe ensued amongst the Board, Engineer and Acting Road Superintendent. Mr. Overcashier expressed his concerns regarding the series of pipes and basins upstream of 64 McChain Road and the possibility of the driveway pipe collapsing completely. Mr. Overcashier stated this will create a safety problem for motorists who use McChain Road. Next, Mr. Overcashier spoke to the Board regarding 6810 Ridge Avenue. Mr. Overcashier noted he is not able to verify the driveway pipe at 6810 Ridge Avenue is owned by Union Township. Mr. Overcashier or Mr. Keran have no records of any easement. Mr. Overcashier is unaware of the history of the development and if the Township accepted anything in the way of public improvements. Long discussions regarding the Ridge Avenue Bridge project, the pipe issue, responsibilities and remediations ensued. Lastly, Mr. Overcashier reported about 4910 Finleyville-Elrama Road. Ten years ago, when the sanitary sewer was installed, the contractor crossed Finleyville-Elrama Road from the high side to the low side. He compromised a PennDot storm sewer. The pipe is collapsed causing a sink hole and geysers of water causing flooding. Mr. Overcashier stated this is part of the Elrama sewer system and the Township needs to take responsibility for fixing the problem.

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 September.

Zoning/ Code Enforcement Officer, Jarrod D'Amico updated the Board of Supervisors regarding a breakdown of Code Enforcement complaints for the past month. Mr. D'Amico also reported the Judge granted Mr. Hovanec, the owner of the trailer park on Stone Church Road an additional ninety days to finish the work on the trailer park. There will be a hearing for judgement in ninety days if enough progress is not made. Mr. D'Amico also reported that the three properties demolished using the remaining CDBG funds are almost complete. He noted Kerrie Fox agreed to let the Township give him a final ok, before he pays the contractor. Mr. D'Amico also reported on the number of Zoning, Occupancy, and Township permits issued for the month.

Engineer, James Harshman reported to the Board of Supervisors, Dan Mulkern has a request for an easement on Cherry Avenue. Mr. Mulkern needs to run a water line lateral to new construction of a home that is planned. Mr. Harshman recommends the Board require Mr. Mulkern to provide the Township with an escrow of \$500.00 and commit to being responsible for any additional costs.

**Motion** to approve James Harshman to coordinate an escrow and easement for Mr. Mulkern to install a utility water line on an up opened street.

**Motion** by Heather Daerr, Second by Richard Lawson

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

Mr. Harshman noted he will try to have the easement completed for the October Legislative meeting. Moving forward, Mr. Harshman reported on the infrastructure planning and 2019 bond issuance projects. Next, Mr. Harshman stated the Airport has been notified regarding the flooding and drainage on Stonebridge. He also reported the letters have been sent to the owners of the four retention ponds Apex had inspected. Mr. Harshman noted the Airport was one of the four. Moving forward, Mr. Harshman reported the Stockyard Garage Roof Project was completed this week. Next, Mr. Harshman reported the Garvin Road DGLVR Grant project is nearly complete. Moving forward, Mr. Harshman noted there was nothing new to report on the EQT Caton Well Conditional Use Application. Supervisor, Richard Lawson asked the Engineer and Solicitor if we can get tighter restrictions on the dirt placement. Mr. Harshman stated EQT has submitted a Grading Permit Application. Harshman CE Group has done a Grading Permit

review and Stormwater review. Mr. Harshman noted the Township has also requested a Geotech report. EQT has not responded the comments on the Grading Permit review letter. Solicitor, Gary Sweat stated he was going to have Attorney Lucas make his statement and or argument regarding Act 13 preemption. Mr. Sweat stated EQT is taking the legal position they do not have to comply with our Grading or Stormwater Management Ordinances, because that is preempted by Act 13 and the ESCGP1 and soil erosion and sedimentation plan EQT must submit. Mr. Sweat has noted EQT has referred to that argument in the past in other Townships. However, EQT has complied to be a good neighbor, not because they legally had to. It is Mr. Sweats opinion they are bulking at the inspections required under the Township Grading and Stormwater Ordinances. Mr. Sweat wanted to hear from Attorney Lucas if this is in fact that is their position on the issue. If so the Board of Supervisors needs to decide if they want to be the Township to take them on because there is no court case on it. Engineer, James Harshman state he spoke to the conservation district about this topic. He stated they do not agree with EQT's position. The conservation district does not feel that ESCPG2 does not preempt EQT from Township Stormwater and Grading. Mr. Harshman said the ESCPG2 permit package does not include local ordinance and they would still have to comply with local ordinances. Moving forward, Mr. Harshman reported a conceptual plan of how EQT would like to use the Nike Site property has been received. Mr. Harshman recommended a workshop to review the plan. Ultimately, the request was for the Township to hold a public forum to discuss the potential impacts on residents. Moving on, Mr. Harshman recommended holding the final payment for the 2018 Paving Project until some punch list items are completed. Next, Mr. Harshman stated the McChain Road Emergency Slide Repair Project is complete. He should have the final invoice at the Legislative Meeting for payment. The Lobbs Run Drainage Project has been completed however, Mr. Harshman did not have an update on the Gilmore Road Drainage Project. Next, Mr. Harshman reported the letter drafted to request DEP permission for the needed drainage improvements on Mingo Circle has been sent to the Solicitor. Solicitor, Gary Sweat interjected and reported Attorney Michael Cruny has been in contact with Attorney Regenstein for the DEP. Mr. Sweat stated Attorney Cruny will send the conceptual design to Ms. Regenstein and hopefully that will be considered in the amended consent order. Discussions amongst the Board of Supervisors, Engineer, Solicitor and Acting Road Superintendent ensued regarding capping the holding tank of 13 Mingo Circle. Next, Mr. Harshman noted there is nothing new on the Bond issue with Tuscany Estates. Discussions amongst the Solicitor, Board and Engineer ensued regarding Tuscany Estates in length. Next, Mr. Harshman reported Bryan Lowe was on Patterson Road today reviewing several maintenance issues. Lastly, Mr. Harshman reported the LSA grant application for the Ridge Avenue Bridge Replacement project has been submitted.

Solicitor, Gary Sweat reported the sheriff sale for 13 Mingo Circle is scheduled for November 2, 2018 at 10:00 am. Next, Mr. Sweat stated the Board of Supervisors needs to be prepared to make some decisions regarding Tuscany Estates. We are still waiting for the final determination from the Bonding Company of Tuscany Estates to respond. Next, Mr. Sweat reported he had sent the notice to the Finleyville Airport letting them know they are in violation of some Stormwater rules. Mr. Sweat noted in his letter he included Engineer Harshman's report and photographs. Moving forward, Mr. Sweat state his office will be sending the Engineers designs for the cross pipe on Mingo Circle to the DEP. Mr. Sweat then spoke to the Board of Supervisors regarding the October 24, 2018 workshop with the Ringgold School Board regarding the discussions of a tax abatement program. Next, Mr. Sweat reported he has received a file from Tom Lonich for the Mellor file. To date Mr. Mellor has not filed another claim. Supervisor, Heather Daerr noted for the record the Board of Supervisors met for an executive session on September 24, 2018 at 6:00 pm to meet with Attorney Scott Dunlap regarding litigation matters. Moving on, Mr. Sweats advised the Board they should begin to form the citizens committee for Tomko agreement. Discussion amongst the Board of Supervisors ensued regarding appointees. Solicitor Sweat recommended two Board Members, James Harshman, one resident from the Boyka Plan and one resident from Stonebridge. Moving forward, long discussions ensued between the Board of Supervisors, Engineer

and Solicitor regarding Tuscany Estates. Lastly, Solicitor Sweat and the Board discussed the scheduling of the continuation of the Garvin Well Pad Hearing.

**Agenda Items for Discussion:**

The following items were on the agenda for discussion.

- A. Consider Union Township Veterans Memorial Park Rental Procedures.
- B. Consider 2018 Fall Leaf Collection Dates of November 14<sup>th</sup> & November 26<sup>th</sup>.
- C. Consider Dagustino Camera Proposal.
- D. Consider Road Superintendent Recommendation for 64 McChain Road Storm Sewer.
- E. Discuss William Kellis and Veterans Memorial Monument.
- F. Consider Reschedule of December 26, 2018 Legislative Meeting to Wednesday December 19, 2018 at 6:30 pm.
- G. Discuss RPF for 2018 DCED Audit.
- H. Consider Updated Directory and Township Map for 2019.
- I. Discuss Meadow Avenue.
- J. Consider B&B Service & Repair Fee Schedule for Road Department Vehicles Maintenance and Repairs.
- K. Consider Division of 2018 Foreign Fire Funds \$27,690.21.
- L. Consider Finleyville Borough Request for Partial Payment of Workers Compensation Insurance.
- M. Discuss Upstream Pond Maintenance Next Steps.
- N. Discuss Lowe's of Bethel Park Offer to Provide Community Support with Beautification of Township Park.
- O. Any Other Additional Items.

Agenda item C. Discussion amongst the Board regarding the security camera proposal. Supervisors agreed the proposal was overpriced and would like to see additional quotes.

Agenda item L. Discussion amongst the Board and Solicitor ensued in depth regarding payments of workers compensation insurance. Also, Supervisor Lawson recommended the Township holding a copy of the Certificate of Liability Insurance for both fire companies that service Union Township.

Agenda item M. Engineer, James Harshman asked the Board of Supervisors to consider Apex inspecting additional Stormwater ponds within the Township.

**Motion to approve Lowe's of Bethel Park offer to volunteer and perform beautification of Township Park.**

**Motion by Heather Daerr, Second by Deborah Lawson**

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

Supervisor, Deborah Sargent announced the Board of Supervisors met on Thursday October 4, 2018 at 8:00 for an executive session to discuss personnel matters. Supervisor Heather Daerr reported the Board met on Friday, October 5, 2018 at 8:00 am. to discuss personnel matters.

Supervisor, Heather Daerr reported she and the Acting Road Superintendent met with officials from PennDot for the field scope of work meeting on Wednesday, October 3, 2018 on State Route 88. She reported there is only a small area of 88 they are looking at to address. Mrs. Daerr stated she pointed out the other areas of concern to PennDot representatives. Mrs. Daerr noted PennDot officials reported the

State is out of funds. Mrs. Daerr expressed her opinions regarding voicing concerns to our State Representatives. Supervisor Daerr also reported, she and Supervisor Richard Lawson will be meeting with five or six State people at the end of the month on Courtney Hill Road.

Supervisor, Richard Lawson raised his concerns regarding Henry Lane causing flooding on Airport Road. Supervisor, Heather Daerr asked Zoning/Code Enforcement Officer, Jarrod D'Amico if he could send a notice of violation. Mr. D'Amico agreed. Mr. Lawson also reported on recent conversations he had with an individual from the Army Corps of Engineers regarding Stormwater and

**Public Comment:**

No public comment made.

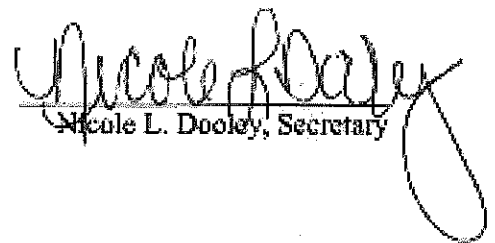
The Board of Supervisors entered an executive session at 9:51 pm.

The Board of Supervisors returned from executive session at 11:22 pm. and was back on record. Supervisor, Heather Daerr stated the Board of Supervisors discussed personnel issues.

Motion to adjourn at 11:23 pm.

Motion by Charles Trax, Second by Deborah Sargent

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

  
Nicole L. Dooley, Secretary