

Board Approved: November 28, 2016

Union Township Board of Supervisors
Regular Board Meeting
November 14, 2016

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent at 7:03 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

Hal Breinig, 44 Finley Avenue, requested information about the addition to the garage which was recently built by the Township and is being used by Jefferson Hills Ambulance in terms of what the Township expected to gain and who set the terms of the deal.

Mr. Spahr explained that the garage addition was not funded from real estate tax revenue but from a combination of impact fee and local share program revenue which had been saved up over a period of time. Impact fees are derived from oil & gas drilling operations and the local share program revenue is the Township's share of Washington County gaming money. Further, he explained that the decision to build the addition was made at public meetings and voted on at a public meeting, with the intent being to reduce response times of the ambulance service to portions of Union Township. He also noted that, of the pool of potential Union Township subscribers, only 25% subscribe to the ambulance service. He also said that, should the Township begin charging rent, the ambulance service could choose to dispatch out of their home office or another alternative which would increase response times. Mr. Breinig asked that the Board look at the arrangement.

Mr. Breinig also mentioned a gentleman who is walking the streets of Union Township, often at night, who walks the streets carrying a cross made of sticks and a bible and yelling out to the public. He said the man is yelling/preaching, throwing water at doors, and swearing. He is concerned that he may be hit with a vehicle. During the police report which was given later in the meeting, Officer-in-Charge, Scott Kercher, reported that he has spoken with the gentleman with the bible and cross. During that conversation, he informed the man that he could not use vulgarity in public. This is only the second time he has heard about him using vulgarities. He will speak to him and also suggest that he wear neon or light-colored clothing at night. He has not heard about this man throwing water at church doors as was described.

Frank LaTorre, 7 Boyka, said that he learned at a recent planning commission meeting that there is existing Township code concerning dust that is not being enforced. He also communicated details of a conversation that he had with the DEP who referred him to the EPA in reference to Tomko as it would relate to a particular type of mining activity referred to as hoe-ramming. Mr. LaTorre said he contacted MCS in relationship to what he learned during these calls. He was not happy with the verbal response received from MCS as to the activities being subject to interpretation. Mr. LaTorre also complained about junk cars which were

Board Approved: November 28, 2016

mentioned at former meetings which have not been removed. He told the Board he thought they should replace MCS.

Mr. George Powell, 4297 Finleyville-Elrama Road, requested that the Board place a stop sign at the intersection of Coal Bluff and Gilmore Road.

Motion to put a stop sign at the intersection of Coal Bluff and Gilmore Road subject to a traffic study being performed.

Motion by Larry Spahr, Second by Charles Trax

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

Josh Bagnell, President, Union-Finley Area Athletic Association, addressed the Board regarding the status of the St. Francis ball fields. He informed the Board that the association is very limited on funds and that the fields are in bad shape. They have funding from a Cash Bash fundraiser that they use all season; however, there is no remainder for new bleachers or to invest in the field. Although they are not complaining about the Finleyville fair which does raise money for the kids, it leaves the fields in bad condition with ruts in the ground from the trucks coming in and out. He has had kids get injured due to the ruts. Also, there are gaps in the fence that won't keep a ball from going underneath. The athletic association does not have much equipment besides a zero turn tractor. He brought pictures of the fields with him. He asked the Board for any assistance they could offer. He was requested to make a list of what needs funded and to turn it into the Township.

Linda Morrow, 10 Boyka Drive, commented about the noise, dust and odors from Tomko. She described pounding starting at 7:00 a.m. in the morning. She described a smell which she described as like burning rubber or plastic. Ms. Morrow's daughter Sarah, who resides outside the Township, also commented that she is employed as a researcher in the health field. She complained about the conditions in Boyka Plan where her parents chose to retire and urged the Board to take action on the environmental issues.

Scott Kercher delivered the police report. There were 63 shifts worked by SWRPD in October. There were 14 arrests, 5 criminal complaints and 9 non-traffic citations. In regard to traffic, there were 43-vehicle stops with 9 warnings given.

Departmental Reports

Tom Mellor delivered the road report. In regard to the Elrama Chrome shop property, the Industrial Re-Use Grant application has been submitted by Ms. Taylor who will be following up. Regarding Nike site demolition, Kerry Fox of the Redevelopment Authority is waiting on receipt of historical clearance. Mr. Mellor inquired as to whether the Board was going to replace the garage doors that were accidentally damaged by Southwest Regional Police approximately six months ago or more. The Township received payment from SWRPD based on the Township's estimate of damage; however, there was no repair/replacement scheduled. He reported that the doors are operational, but could be restored back to their original condition. Mr. Mellor and Ms. Taylor will get together to discuss the issue and refresh each other's memory.

Board Approved: November 28, 2016

Mr. Mellor asked whether thank-you letters were sent for the donations for the flag raising ceremony.

Motion to send thank you letters for the donations for the flag raising ceremony.

Motion by Heather Daerr, Second by Paul Chasko

Roll call vote: Spahr-yes, Trax-yes-abstaining as it pertains to Trax, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Regarding the Mingo Circle sewage issue, it was reported that Mr. Curry was sent a violation letter from the WCSC and a hearing was scheduled at the magistrate. The hearing was subsequently post-poned by the magistrate as the owner went into the hospital for a double organ transplant.

Mr. Spahr noted that he spoke with some owners with working septic systems in the Overlook Street sewage project area who do not want sewage. Mr. Harshman reported that this is common when sewerage existing homes and finds that there are often others who are happy that the sewage will be increasing their property values.

Mr. Harshman asked for a status on the list of holding tanks being prepared by MCS. Some of the holding tank agreements are very old. Ms. Taylor has not been able to find some of the agreements in the older files, but is still looking. Alternatively, she could call the owners and ask them to provide a copy. Per Mr. Sweat, the owners have to be notified that the Township will be insisting on pumping receipts. Mr. Sweat will help word a compliance and collection letter.

Motion to have Gary Sweat draft both a dye test letter for Mingo Circle residents to be sent to Stan Glumac at WCSC and a compliance letter to be provided to MCS for distribution to approximately eight other owners of holding tanks which will request that an escrow be posted and a holding tank agreement with the Township be signed.

Motion by Heather Daerr, Second by Deborah Sargent

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

The Road Superintendent obtained guard rail quotes for Lobbs Run and Patterson Road. The Patterson Road quote was requested for inclusion in the maintenance work to be done by Walsh Construction. However, one of the contractors offered \$500 off the price if they received the quote for both Lobbs Run and Patterson Road. It was discussed that the work will be coordinated that the two jobs be done together.

Mr. Mellor recently received a quote on uniforms. The Township does currently have a contract. Mr. Mellor suggested that a contract for uniforms be discussed on the next agenda.

Mr. Mellor reported on the fall road inspection. Ms. Daerr read a portion of his report relative to roads that had been paved in the past without storm water issues being addressed and cross drains being updated. The cost of having the roads reviewed by a contractor for storm water issues was discussed. It was decided that, since no paving projects are currently planned, waiting until the summer or spring and possibly, due to the cost, reviewing only the roads that are being considered for paving for storm water problems. He also attached a list to

Board Approved: November 28, 2016

the road report of all vacant and/or abandoned homes as well as a list of lanes in the Township.

Tom Mellor suggested the date and time of Wednesday, November 30 at 9:00 a.m. as a date that he could take any interested Supervisors out to review the roads which require work on the Fall Road Report.

Deborah Sargent announced that Mr. Sweat reviewed the meeting that was recently held with Jefferson Hills Ambulance due to questions as to whether the meeting had been held appropriately. Mr. Spahr said he was advised not to attend by separate attorneys relative to a fact finding on Jefferson Hills Ambulance being done in executive session. It was discussed that, although the solicitor had initially said to the secretary that the meeting would not need to be advertised since it would be an executive session, further legal research, particularly in the Smith case, which is attached to his report, was conducted after he spoke with her which revealed that the meeting was more strongly in the camp of a fact finding meeting with no advertisement being needed.

Motion to approve General Fund Bills in the sum of \$57,919.62 as of November 14, 2016, as prepared by the Treasurer.

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 Liquid Fuels bills in the sum of \$1192.98, as of November 14, 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.

Mr. Sweat also reviewed the collection of quotes for police services due to the legal correspondence recently sent by counsel for Southwest Regional Police. His legal opinion was that there was nothing which was inappropriate in the collection and opening of quotes. He also found that the SWRPD quote was unresponsive in that it did not supply figures for multiple years of coverage. In addition, his opinion was that it would not be appropriate for the Board to accept the lower quote now provided by SWRPD in their recent correspondence since the quoted price by Monongahela Police Department is known and has been openly discussed.

Motion to approve a Police Services Agreement between the Township of Union and the Monongahela Police Department for the year 2017 for an annual all-inclusive price of \$347,000 as reflected in the RFP response provided by Monongahela Police Department which includes all the requirements in the Township's Request for Proposal with proof of liability insurance being provided by Monongahela Police Department,

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Spahr said that he voted no in consideration of the budget and the additional cost to the Township to increase coverage to three shifts per day with Monongahela Police Department.

Board Approved: November 28, 2016

He stated that he believes that the increase will initially be okay, but will eventually bust the budget.

Ms. Sargent said she voted yes as she views the safety of the people as worth the \$50,000 additional it will cost for the extra shift of coverage per day.

A winter maintenance contract was drafted by the solicitor for plowing and salting at the Tuscany Estates development as was discussed at the last meeting.

Motion to approve the Winter Maintenance Agreement prepared by the solicitor for transmittal to the developer.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Harshman introduced a representative of Walsh Construction, the contractor on the Route 88 bridge replacement project. The representative explained that other options of traffic control during the bridge replacement will cause a timing issue and concern with vehicles potentially being stopped on the train tracks. That being the case, a routed detour was worked out with our engineer for use of Patterson Road. For use of the Township road, Walsh will provide repairs, signage, guide rail, lining of the road, as well as reimbursement of the Township engineer's expenses should the Township accept the agreement. The maximum amount of time for the detour will be 75 days. If the detour was not utilized, the company could do a phased construction which would extend the schedule to six months. The detour could potentially, per PennDot count estimate, direct 8800 vehicles per day onto Patterson Road.

Larry Spahr inquired as to whether Walsh construction will be bonding the road and possibly side roads which drivers may try to use to circumvent traffic. It was discussed that the side roads will be posted with signs intended to keep traffic on the correct detour route. A police presence may also be needed. It was also noted that drivers may try to circumvent traffic should a different method of traffic control besides the detour be utilized. The Walsh representative agreed to speak with his employer about bonding the roads.

Mr. Harshman reported that Tomko is expected to cease earthwork for the winter. It was discussed that there is currently a high soil pile near the airport property. Mr. Harshman suggested that representatives from Finleyville Airport and Tomko meet to discuss the grading plan and possible conflicts with airport zoning regulations. Mr. Harshman also reported that Tomko is in violation with DEP Mining. He recommended to the Board that the Township revoke/suspend W.G. Tomko's grading permit until (i) Finleyville-Airport has confirmed no conflicts with the proposed grading plan and final scenario, (ii.) the NDPES revision is confirmed issued/approved by WCCD/DEP, and (iii) DEP Mining confirms violations are resolved and plans are consistent with other departments."

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

Board Approved: November 28, 2016

Motion to revoke the grading permit of W.G. Tomko and have the zoning officer notify the property owner.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Harshman presented a copy of the Draft Overlook Sewage Act 537 Plan Revisions his office has prepared for that project. He noted that the financing package shows a user charge of \$50-\$70 per month. If the Board desires changes, they must look at it now as the plan revision must be advertised. The Board will review it for next meeting.

It was discussed that the contract of Municipal Consulting Services is expiring. MCS will be submitting a letter requesting to continue their service for the year. Since the Board is anticipating recommendations by Mike Sylvestri which may have some bearing on how they wish to proceed in various areas, they asked for and received confirmation from MCS that they would be willing to serve on a month-to-month basis on code enforcement until such time as the Board receives those recommendations. Mr. Spahr was opposed to delaying a decision on the matter.

Motion to continue the contract with MCS on a month-to-month basis on code enforcement until further investigation and opinions have been obtained.

Motion by Heather Daerr, Second by Deborah Sargent

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

The Board discussed re-bidding of contracts. In the consultant's township, all contracts were re-bid every three years. Currently all Union Township contracts are one year contracts which have automatic renewals.

Motion to have all existing contracts that are automatically renewed be re-bid every three years from the anniversary of each respective contract.

Motion by Deborah Sargent, Second by Charles Trax

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

Liability insurance was discussed. Ms. Taylor reported that the quote of the current carrier has increased about 6.5 percent but that this figure also includes coverage for a new building addition, a new truck and other various changes. When the coverage was first discussed at a meeting two months ago, the Board had decided not to go out for quotes. She reminded the Board that, should they wish to go out for quotes next year, they would need to decide at least two months before expiration of the coverage as it takes some time for the quotes to be obtained.

Motion to accept the liability and terrorism coverage renewal through Argonaut for the sum of \$20,961.00 through 2017 and cyber coverage through Hiscox Insurance through 2017 as presented in the package prepared by McGowan Governmental Underwriters for the sum of \$1743.60.

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: November 28, 2016

Motion to appoint Frank LaTorre as Alternate to the Zoning Hearing Board.

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 adopt a Resolution No. 2016-05 Opposing any Amendment to the Local Share Assessment that would Reduce the Amount Allocated to host and contiguous municipalities.

Motion by Heather Daerr, Second by Paul Chasko

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

Before any new wells are drilled in the Township, Mr. Trax asked the solicitor to review the oil and gas section of the zoning ordinance and suggest any revisions as it pertains to noise in light of issues experienced by the Township in the past.

Motion to approve the quote of Interstate Enterprises for guard rail on Lobbs Run and Aber Roads with coordination to be done with Walsh Construction for Patterson Road so that the discount can be obtained.

Motion by Deborah Sargent, Second by Charles Trax

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

The Treasurer sought and received direction on the Board as to whether they wished to re-invest the CD which recently came due or to keep it liquid. The Treasurer will obtain information for the Board on their reinvestment options.

Motion to approve an interview of Mr. Sweat and Mr. Harshman by Mike Sylvestri for consulting purposes.

Motion by Deborah Sargent, Second by Charles Trax

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

Motion to advertise that the Township will be using a CPA for the 2016 Audit.

Motion by Deborah Sargent, Second by Paul Chasko

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

In regard to the notices received by the Township relative to various real estate tax assessment appeals, Mr. Sweat advised the Board that he will enter his appearance in these matters and will receive notification of the decisions which have been made. The secretary will send to his attention all tax reassessment hearing notices.

Ms. Taylor brought to the Board's attention that the annual donation to the Fire Departments has not yet been made. It was decided last year in the budget to donate \$20,000. She asked the Board whether it was their desire to make a change. The donation amount will be discussed at the next Budget Meeting.

Public Comment

John Matola, 21 Maple Street, suggested that the Board not use three years from the anniversary date in reviewing contracts, as that could cause them to be renewed all at the

Board Approved: November 28, 2016

same time. He suggested a schedule instead which would place review of some contracts in one year and others in alternate years.

Ms. Vibostak, 19 Lake Drive, asked for an update in regard to complaints filed last August and complained that only the violation in regard to the chickens was enforced whereas violations in regard to a contractors yard and a wall still exist. Municipal Consulting Services reported that the time limitation for the wall will be up on November 15. He further explained that there were issues with water when he dug the footer that required a modification which must be turned into MCS. .

Hal Breinig, 44 Finley Avenue, expressed his opinion that contracts should be reviewed way before they are up for renewal.

Motion to go to Executive Session at 10:12 p.m.

Motion by Heather Daerr, Second by Paul Chasko

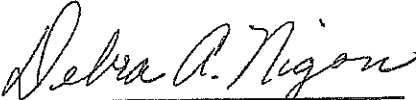
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board returned from Executive Session at 10:15 p.m. The chairperson said they discussed personnel.

Motion to adjourn at 10:16 p.m.

Motion by Charles Trax, Second by Deborah Sargent

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


Debra A. Nigon, Secretary

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