

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

The Union Township Board of Supervisors Non-Legislative meeting was called to order by Chairperson, Heather Daerr at 6:30 pm. Pastor Ken Barner, from Crossroads Ministries delivered a moment of prayer. The pledge of allegiance was recited.

Board members in attendance by roll call were Richard Lawson, Paul Chasko, Charles Trax, Heather Daerr. Deborah Sargent joined the meeting via telephone conference.

Also, in attendance Gary Sweat-Solicitor, Nicole Dooley-Secretary/Treasurer, Joan Carmen-Asst. Secretary/Treasurer, James Harshman-Engineer, Jarrod D'Amico-Zoning/Code Enforcement, Tom Kelley-Acting Road Superintendent, and Kevin Harris-City of Monongahela Police.

Public Comment on Agenda Items:

No public comment was made.

Tom Kelley, Acting Road Superintendent reported to the Board of Supervisors on the roads, park, equipment, and sanitary sewer maintenance activity performed in the month of November. Mr. Kelley reported the Road Department had also attended MS4 training, benefits meetings, Union contract negotiations, installed locksets and winterized Mingo Circle, performed fall leaf pick-ups on two occasions, repaired garage space heater, cleaned garage and equipment, and checked roofs on both Township buildings.

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

Zoning-Code Enforcement Officer, Jarrod D'Amico updated the Board of Supervisors regarding ongoing code enforcement issues that his office has been diligently working on. Mr. D'Amico stated on January 8, 2019 he is scheduled to appear before District Justice Pettit regarding the vehicles, junk and dangerous structures of the Stone Church Trailer Park. Mr. D'Amico stated permits for the removal of three trailers had been issued but no progress has been made. Assuming no progress is made, Mr. D'Amico will ask the Judge to issue a daily penalty. Mr. D'Amico reported following last month's legislative meeting, he sent a ten-day courtesy notice to the Stormwater pond owners of Giant Eagle, Finleyville Airport, Tuscany Estates, and The Shire. Citations are scheduled to be filed and sent on December 13, 2018. Moving forward, Mr. D'Amico reported to the Board he had issued one zoning permit, six occupancy permits, and one Township permit for the month of November. Lastly, Mr. D'Amico reported having received three quotes for additional winterization of waters lines of 13 Mingo Circle. He noted the Board originally authorized expenditures of \$250.00. The lowest quote, he received was \$285.00.

Supervisor, Heather Daerr question Mr. D'Amico if he would keep the Board of Supervisors informed of escrow funding and projects within the Township before permits are issued. Mr. D'Amico agreed.

Supervisor, Charles Trax updated the Board on the evenings earlier Planning Department meeting. Mr. Trax stated the Planning Department approved the Lawson subdivision plan, reviewed the proposed Quality of Life ordinance, and portions of the IPMC.

Engineer, James Harshman updated the Board of Supervisors, on the three new Stormwater ponds he would like to inspect. He stated prior to inspections beginning, he will be sending pond owners notice of when officials will be on site for inspection. Supervisor, Heather Daerr asked Engineer Harshman if the Township Road Department could assist with pond inspections. Mr. Harshman agreed. Next, Mr. Harshman reported the WCCD Board was expected to release reimbursement to the Township for the Garvin Road DGLVR Grant project. He recommends the Board adding approval to the Legislative meeting for payment of El Grande's invoice. The project is complete, under budget, and grant funded. Next, Mr. Harshman reported the 2018 Paving Project had been completed for some time with the exception of the repair of a storm water inlet. Mr. Harshman recommends paying A. Folino the remaining invoice less \$10,000.00 in the case, Folino does not return to make the necessary corrections. Moving on in his report, Mr. Harshman questioned the Board if they had any concerns regarding traffic control and safety concerns on Gilmore Road. Supervisor, Rick Lawson stated he had a concern regarding the recently poured end wall. He asked if Mr. Harshman would review his matter. Supervisor, Heather Daerr questioned Engineer Harshman if the Township could deduct payment from Playchek's invoice for the extra costs to remediate the traffic control and safety concerns associated with Gilmore Road. Supervisor, Richard Lawson stated it is his opinion a Supervisor should attend pre-construction meetings on Township projects. Next, Mr. Harshman updated the Board of Supervisors regarding the Tomko Grading Permit. He stated the Geotechnical concerns that were raised by Mr. Stewart were in fact legitimate. Mr. Harshman said Mr. Tomko is prepared to follow the Geotechnical recommendations made by his Engineer, Mr. Stewart. Moving forward, Mr. Harshman reported the DEP has released the Township to reinstall the cross pipe on Mingo Circle. Mr. Harshman's office has reached out to Mr. Drusbasky's attorney to secure the necessary easement. Mr. Drusbasky's attorney has not returned the telephone call. Mr. Harshman stated as soon as the easement is secured, he would like the cross pipe installed immediately. Next, Mr. Harshman reported Senate Engineering had provided an updated act 537 plan for the Townships review and feedback. Engineer Harshman would like the Board to consider a workshop with Senate to review the updated plan. Solicitor, Gary Sweat stated the DEP mandated Union Township as part of the consent order. Once that report is made available to the DEP, the Board needs to be able to answer with a new timeline for the implementation of the project. Mr. Sweat stated the Board needs to consider the funding source for the project be it grant funding or the issuance of a bond. Moving forward, Mr. Harshman reported he received an email from CSX. They are looking for the advance payment of \$10,890.00 for the preliminary engineering costs. Solicitor Sweat questioned if the payment was able to be made with state liquid fuels funds. The Board instructed Assistant Secretary, Joan Carmen to follow up with the Township PennDOT representative to see if the project would be liquid fuels eligible. Next, Mr. Harshman reported about fifty percent of the final design and field study is complete for the Overlook Sewerage Project. Mr. Harshman would like to Board to consider a public workshop in February of 2019. Next, Mr. Harshman would like to review Gilmore Road with Acting Road Superintendent Kelley in the case that any amendments to the grant. Lastly, Mr. Harshman reported has had conversations with Bruce Klaasen.

At the current time Mr. Klaasen is attempting to take over control of the Tuscany Estates development. If Mr. Klaasen can gain control, that would help resolve a lot of the Township issues concerning incomplete infrastructure. Mr. Harshman reported he had not heard anything back from the Bond Agency. Solicitor, Gary Sweat stated it was his understanding, Mr. Klaasen's wife, who is a partner in Quaker Engineering, has filed legal proceedings to take control over all Quaker Engineering. Not just Tuscany Estates.

Solicitor, Gary Sweat, reported his office had circulated a proposed decision for the Garvin EQT Conditional Use Application with multiple conditions. He is asking for Board feedback and if there are any additional conditions to consider. He reported the Board is on a timeline if a decision is not submitted they will be granted deemed approval. Mr. Sweat also informed the Board of Supervisors, EQT officials are looking for a decision on the Townships decision of the potential use of the Nike Site as a truck staging area. Mr. Sweat stated there will be drilling in Union Township our ordinance permits it. He noted the Board of Supervisors could tighten up the ordinance for future applications, attach

reasonable conditions that directly deal with health, safety, and welfare of the community. The Township assets, and the residents. Union Township cannot outright deny drilling. If there is drilling, there will be fracking. There will have to be staging areas somewhere in this Township. It is his opinion the Board needs to consider a safe area in the Township for a holding area. Mr. Sweat agrees the truck traffic during the fracking of a well is inconvenient, but it is temporary. Next, Mr. Sweat noted he has been working on the environmental covenant for the Old Elrama Chrome Shop property. He has sent it to the DEP for review and markup. He noted Carry Fox, from the Washington County Redevelopment Authority, is anxious to close out the project and get act two protection for this property. On the strength of the KU Resources activities and reports, we can now say the property is safe for the Townships intended purposes of a park. The groundwater restrictions should still be listed in the amended environmental covenant. Next, Mr. Sweat reported the hearing is scheduled for the rezoning of the Mineral Beach property for December 19, 2018. Moving forward, Mr. Sweat stated the Sheriff's sale on the Askins property is scheduled for Friday, February 1, 2019, at 9:30 am. Mr. Sweat is looking for instructions from the Board of Supervisors, as to what they would like his office to do at that sale. Next, Mr. Sweat reported his office is meeting with Paul Scarmazzi, from Scarmazzi Homes. They are interested in developing the Dose property across the street from Mineral Beach.

Moving forward, Mr. Sweat provided the Board of Supervisors with an extensive eighteen-page opinion issued by another Solicitor, approved by the State Ethics Commission, regarding a Supervisors ability to vote on Conditional Use Applications when holding a gas and oil lease. Mr. Sweat endorsed the opinion as well. Mr. Sweat is requesting the Township to keep a copy of the opinion on file. Mr. Sweat noted now that the opinion is on file with Union Township, under section 1109G of the ethics act, as long as you have been given an opinion by your Solicitor, even if it is wrong, because there is an opinion covering you, you are not subject to any of the criminal sanctions or civil penalties under the ethics act. Union Township Board of Supervisors has two layers of protection. One being an approved opinion by the senior attorneys of the State Ethics office, in Harrisburg and the second layer of protection being the benefit of 1109G, Mr. Sweat noted he is endorsing the opinion and would like it kept of record for Union Township. Moving forward in his report, Solicitor Sweat stated Robert Balogh did file a civil action in the Court of Common Pleas; the case has been turned over to the Townships professional liability carrier. The insurance carrier has agreed to give the Township full defense and coverage. Mr. Sweat requested Attorney Scott Dunlap be appointed to the case and the insurance company agreed, and Mr. Dunlap accepted the appointment. Mr. Sweat noted Mr. Dunlap would be filing a response and appearance on behalf of the Township.

Supervisor, Richard Lawson noted the areas at the Nike Site that is being referred to as wetlands, is not true. He stated the areas in question are where dirt has been dumped in the past. The dirt has never been pushed off, creating man-made puddles. Mr. Lawson reiterated the areas in question are not wetlands, the dirt needs to be graded off before EQT submits any plans of record. Engineer, James Harshman noted EQT is playing ultra conservative. The areas identified on EQT's drawings is an area where Union Township tore down a building, and they are low areas between spoil piles that have never been pushed off. Supervisor, Lawson noted there should be no dumping done at the Nike Site. Engineer Harshman stated the Board of Supervisors needs to decide if the Township needs EQT to do more than what is necessary to fulfill their needs to use the property. For example, EQT maybe updating the entrance but dose the Township need any additional improvements. Supervisor, Charles Trax stated the Township should be paid from EQT for the truck staging area per well. They should not have access to the property for multiple drill areas.

Review of Agenda Items:

The following items were on the agenda for discussion:

- A. Consider Payment of 1st QTR Police Contract for 2019 in the Amount of \$90,321.25.
- B. Consider January 2, 2019 Reorganization Meeting at 11:00 am & Advertisement.
- C. Approve/Deny CBDG Funds Resolution 2018-11.

- D. Approve/Deny Restano Backflow Quote of \$75.00 for Backflow Valve Testing of 1 Locust Alley, Elrama, PA.
- E. Approve/Deny Purchase Order 2018-29 in the Amount of \$1,023.50.
- F. Discuss EQT Lease for Township Property Tax Parcel ID# 640-010-12-00-0030-00.
- G. Update on Finleyville Borough Request for Contribution of Workers Compensation Insurance.
- H. Update on Township Radios & Repeater.
- I. Discuss Courtney Hill Road Next Steps Commercial/Industrial Development.
- J. Approve/Deny Township Employees Early Dismissal After Christmas Potluck Lunch.
- K. Discuss 13 Mingo Circle Winterization & Future.
- L. Discuss Township Map Project with Tom Kelly.
- M. Approve/Deny Frank Palermo Quotes.
- N. Discuss 5 Davidson Avenue Quotes for Inspection of Sanitary Sewer.
- O. Approve/Deny Receiving Quotes for Dirt Work at Nike Site.
- P. Discuss 48 Davidson Avenue Next Steps.
- Q. Approve/Deny Clifton Larson Allen Engagement Letter for 2018 DCED Audit.
- R. Any Additional Items.

Motion to approve payment of first quarter Police Contract for 2019 in the amount of \$90,321.25.

Motion by Heather Daerr, Second by Deborah Sargent

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

Agenda item B. Solicitor, Gary Sweat stated reorganization should be on the first Monday in January. Supervisor, Heather Daerr asked the Board to consider January 7, 2019, at 11:00 am. This item will be on the Legislative meeting for a vote.

Agenda item C. Supervisor, Paul Chasko stated the original project to use CDBG funds for areas of repair on Kennedy Road did not meet qualifications.

Motion to approve adopt the following CDBG funds Resolution 2018-11 to use the Community Development Block Grant Funds allotted to Union Township for the following primary use to modify the restroom areas of the Union Township Municipal Building to modernize and, in as much as structurally possible, to meet the requirements dictated by state regulations for handicapped and for the secondary use with any remaining funds in the grant to demolish several blighted houses in the Township that have been declared abandoned by prior owners and declared unfit for habitation.

Motion by Heather Daerr, Second by Charles Trax

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

Motion to approve James Harshman to perform a preliminary cost estimate for CDBG Funds.

Motion by Paul Chasko, Second by Heather Daerr

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

Motion to approve Restano Backflow Quote of \$75.00 for backflow valve testing of 1 Locust Alley, Elrama PA.

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.**

Motion to approve purchase order 2018-29 in the amount of \$1,023.50.

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.**

Agenda item F. Solicitor Sweat state he cannot find a deed or locate anything in the Recorder of Deeds Office that shows this property belonging to Union Township. Solicitor Sweat advised the Board not to execute any lease with EQT until a decision is rendered regarding the Conditional Use Application for the Garvin Well Pad.

Agenda item G. Solicitor Sweat stated there needs to be a coordination between the coordinating Municipalities and the Fire Departments. The Fire Departments need to complete online forms. Solicitor Sweat said the starting point would be to have both fire departments complete the necessary forms and get them to the underwriter to start the process.

Agenda item H. Acting Road Superintendent noted Union Township's FCC License expired and lapsed two years ago. Mr. Kelley will continue the process to get the FCC License reinstated to keep the ball rolling. Mr. Kelley stated he had spoken to Crown Communications; they cannot locate any agreement between them and the Township.

Motion for Tom Kelley to forge forward with renewing the FCC License with the correct bandwidths for the Township.

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.**

Agenda item I. Discussions amongst the Board of Supervisor, Solicitor, Engineer, and Acting Road Superintendent ensued. Solicitor, Gary Sweat recommended a meeting with Harlan Shober and Kerry Fox. Engineer, James Harshman volunteered to put a scheme together. Supervisor, Heather Daerr asked Mr. Kelley if he would be able to coordinate a meeting with Mr. Shober and Mr. Fox.

Motion to approve Township employee's early dismissal after Christmas Potluck lunch.

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.**

Agenda item K. Discussions amongst the Board of Supervisors, Solicitor, and Engineer ensued. Chairperson, Heather Daerr asked the Board to continue to give serious thought to what the Township can do with the property located at 13 Mingo Circle. Mrs. Daerr asked the agenda item to be placed on the Legislative meeting for further discussion. Mrs. Daerr also requested the Board to consider the necessary remediation work for this property was not put in the 2019 budget.

Agenda item L. Engineer, James Harshman will send a PDF file of a base map to signal graphics to produce Township roadmaps.

Agenda item M. Supervisor, Heather Daerr noted the Board only received quotes earlier in the day. She stated she had placed a call to Mr. Palermo regarding a few questions she had. Mrs. Daerr asked to put the agenda item on the Legislative meeting.

Agenda item N. Mr. Kelley will contact Plumber, Mike Doyak for a written quote to camera the Storm sewer located behind 5 Davidson Avenue. Supervisor, Richard Lawson discussed the Townships lack of

maintenance agreement with WESA for the Elrama Sanitary System. It is his opinion if there is no maintenance agreement the Board should consider an increase of the minimum billing charges to build the fund balance to pay for the future operations and maintenance of the sanitary pipes.

Motion to have Tom Kelley contact Mike Doyak for a written quote and if he honors the \$250.00 verbal quote to coordinate with Tom Kelley to camera the sanitary pipe behind 5 Davidson Avenue.

Motion by Heather Daerr, Second by Paul Chasko

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

Agenda item O. Supervisor, Richard Lawson stated it is his opinion the Township Road Department can push off the dirt instead of paying someone to move the dirt.

Agenda item P. Discussions regarding the remediation of code violations of 48 Davidson Avenue ensued. Solicitor, Gary Sweat recommended taking no action until after the property is sold at the Sheriff's sale.

Motion to approve Clifton Larson Allen engagement letter for the 2018 DCED Audit.

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.**

Supervisor, Deborah Sargent stated Sue Price from the Monongahela Area Library reached out to her and asked if the Board would consider donating \$1,500.00 to the library. Discussions amongst the Board of Supervisors ensued. No motion was made by any Board member to donate to the Monongahela Area Library at this time due to budgetary reasons.

Public Comments:

Marjorie Williams: 17 Mingo Circle Drive, Finleyville PA. Mrs. Williams expressed her opinion about the Township expending money to replace the holding tank with a septic system at 13 Mingo Circle Drive. Mrs. Williams expressed her concerns regarding the residents of Mingo Circle getting public sewerage.

Keth Lanitz: 17 Mingo Circle Drive, Finleyville PA. Mr. Lanitz expressed his opinion regarding the Township spending more money on the property located at 13 Mingo Circle.

George Powell: (No address given) Mr. Powell expressed his opinion regarding the overgrown power station parking lot in Elrama being cleared. Mr. Powell expressed his concerns about the state fixing their roads and the dangerous conditions.

Jen Salmon: (No address given) Mrs. Salmon questioned the Board of Supervisors regarding a decision on the EQT Conditional Use Application for the Garvin Well Pad. Solicitor, Gary Sweat invited Mrs. Salmon to make any suggestions she has for the Board of Supervisors to consider before rendering their decision. Mrs. Salmon asked the Board to consider how EQT will utilize Garvin Road and to think about the safety and welfare of the children who catch school buses on Garvin Road. Mrs. Salmon expressed her opinion regarding truck and well traffic on Garvin Road and her children's bus stop location.

Kevin Daerr: (No address given) Mr. Daerr thanked the Solicitor, Gary Sweat for the clarification and opinion approved by the State Ethics Commission regarding Supervisors being able to vote on Conditional Use Application within Union Township.

Engineer, James Harshman noted he forgot to advise the Board during his report about the MS4 application. He stated the application is due in March of 2019. The application will be finished in its final form in January. He reported the Township would be required to do a public notice period. He will have a copy of the application on file at the Township Building for public consumption before submission.

Solicitor, Gary Sweat noted he had received a copy of the docket from the Federal Western District Court. The case is Ashbury and others, naming many Township residents verse EQT Corporation regarding gas storage areas. Mr. Sweat noted we do not have a copy of the complaint. Union Township would be monetarily responsible for copy fees to obtain the complaint information. Mr. Sweat pointed out Reed Smith is representing EQT Corporation.

Supervisor, Richard Lawson questioned Solicitor Sweat regarding the Township obtaining blighted, abandoned properties. Solicitor Sweat noted there is a new statute that is scheduled to be passed on December 19, 2018, to accelerate the process of getting to the Sheriff's sale. Next, Mr. Lawson questioned Engineer, James Harshman if he has seen the slide situation that North Strabane Township is dealing with. It is Mr. Lawsons opinion with the large projects projected to being 2019 in Union Township does its due diligence in requesting Geotechnical certification, reporting, and daily compaction reporting on all projects.

Supervisor, Heather Daerr noted an additional agenda items needed to be added. Road Superintendent, Tom Kelley submitted purchase order 2018-30 for truck tires.

Motion to approve purchase order 2018-30 from B&B in the amount of \$663.09.

Motion by Richard Lawson, Second by Heather Daerr

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

Motion to go to an executive session at 9:10 pm.

Motion by Heather Daerr, Second by Richard Lawson

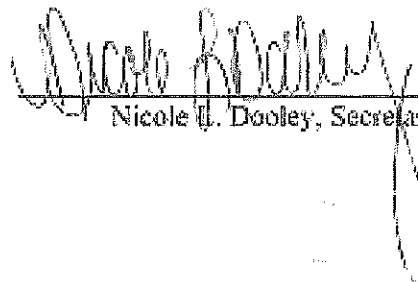
Roll Call Vote Richard Lawson-YES, Paul Chasko-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion carried.

The Board of Supervisors returned from executive session at 9:45 pm and were back on the record. Supervisor, Heather Daerr stated the Board discussed personnel matters.

Motion to adjourn at 9:46 pm.

Motion by Heather Daerr, Second by Charles Trax

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


 Nicole L. Dooley, Secretary/Treasurer