

Union Township Board of Supervisors
Legislative Meeting
December 18, 2017
7:00pm.

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

Board members in attendance by roll call were Charles Trax, Larry Spahr, Deborah Sargent, and Heather Daerr. Supervisor, Paul Chasko was absent.

Also in attendance, Robert Balogh-Manager, Gary Sweat-Solicitor, Nicole Dooley-Secretary, James Harshman-Engineer, and Jarrod D'Amico-Zoning/Code Enforcement Officer.

Public Comment on Agenda Items:

George Powell: (no address given) Mr. Powell delivered a public thank you to Supervisor, Larry Spahr for his years of service.

Motion to approve minutes for November 22, 2017 Budget Workshop for 2018.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve minutes for November 27, 2017 Legislative Meeting.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-ABSTAIN, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve minutes for December 11, 2017 Non-Legislative Meeting.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve payroll #25 dated 12/15/17 in the amount of \$14,828.64 presented by Manager subject to being true and correct.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Union Township Solicitor, Gary Sweat asked the Board of Supervisors to delete agenda items 13 A and B. He noted the agenda items should be considered at the 2018 reorganization meeting by the newly elected board.

Motion to strike agenda items 13 A & B from the meeting agenda.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Continuing with his Solicitor's report, Mr. Sweat presented the factual and legal issues surrounding the request of Tomko Industries grading permit extension and land development agreement to the Board of Supervisors. Mr. Sweat included a detailed memorandum in the evenings meeting packet for the Board of Supervisors. Mr. Sweats memorandum identified the history of the development of Tomko Industries as well as the conflicting Zoning issues that apply to the site. It is the opinion of the Solicitor, Gary Sweat the land development application request is an expansion of a non-conforming use by Tomko Industries. Mr. Sweats recommendation is that Tomko's request be presented to the Zoning Hearing Board. During the Solicitors report, Chris Coppula, attorney for Tomko Industries elected to state his position of the site development plan to the Board of Supervisors. He noted Tomko Industries next steps in fact may be the route through a judicial remedy. Mr. Coppula requested the Board of Supervisors rule in favor of the land development application at this evenings meeting. More discussions ensued between the Board of Supervisors, Solicitor and Township Engineer regarding the land development application and the grading permit. Mr. Sweat recommended adding the extension of the Tomko Grading permit and the land development application to the meeting agenda.

Motion to add the extension of the Tomko Grading permit to the meeting agenda.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to add the land development application for Tomko Industries as item I on the meeting agenda.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Engineer, James Harshman reported to the Board of Supervisors, Hapchuck is scheduled on Thursday, December 21, 2017 to begin the investigations of 13 and 17 Mingo Circle sewerage malfunctions. Mr. Harshman stated he received a telephone call from Marjorie Williams. She indicated she will not be available on Thursday, she will be Christmas shopping. Hapchuck may or may not be able to get into her property, Jamie is in the process of coming up with a solution. Next, Mr. Harshman updated the Board of Supervisors on the progress of the installation of bridges on Jason and Jack Drive. The Board of Supervisors were then informed on a meeting scheduled for this week with Road Superintendent, Pete Overcashier to review multiple drainage issues throughout Union Township on Wednesday, December 20, 2017. Mr. Harshman advised the Board of Supervisors he will be assessing the storm water run-off at the Diliscia property this week as well. He indicated he may also go back to the property on Wednesday with Mr. Overcashier. Lastly, Mr. Harshman touched briefly in his report about the ammonia levels at the Elrama Pump Station. Mr. Harshman indicated Manager, Rob Balogh's report would include information regarding the newly discovered issue. Mr. Harshman also noted a topic related to the Elrama sewers is the final inspection with the DEP for the closing of the Pennvest Loan is scheduled.

Manager, Robert Balogh reported to the Union Township Board of Supervisors that both new road crew personnel have both passed testing and obtained their CDL license as required per their contract. He expressed a public thank you to the North Strabane Township and their Public Works Department for loaning Union Township a CDL class vehicle for both employees to practice in and use for testing. Next, Mr. Balogh reported about the public meeting held on Thursday, December 14, 2017 at the Elrama Volunteer Fire Company. The meeting was held in conjunction with the Washington County Redevelopment Authority and K U Resources. The purpose of the meeting was to review the remediation and discuss the future redevelopment of the Township owned property at 28 Davidson Avenue. Lastly, Mr. Balogh reported on an issue that was called to his attention on Thursday, December 14, 2017 by an employee of the West Elizabeth Sanitary Authority (WESA). Perry Payne, from WESA reported to Mr. Balogh there are high level of ammonia coming from the discharge of the Elrama Pump Station. WESA

had isolated their lines to discover the high ammonia levels were being discharged to their plant from the Elrama Pump Station. Mr. Balogh reported most of his days last Thursday, Friday and Today were spent speaking to police and various contacts he has that deal with sewerage waste water systems. Mr. Balogh reported on Thursday, December 14, 2017 he contacted the Washington County Department of Public Safety regarding the dangerous reported levels of ammonia. He indicated the Washington County Department of Public Safety will not issue a response to the problem because WESA is in Allegheny County. The issue has been handed off to the DEP. It is Mr. Balogh's recommendation to the Board of Supervisors authorize him to engage with an individual who deals with waste water management. These individuals will use equipment to implement monitoring stations in various parts of the sewer system upstream from the WESA to help isolate the problem. Mr. Balogh also noted another issue with the Elrama Pump Station and WESA is the contract with the sewerage operator is only for a time frame of four hours per month. The operator only reports to the station to take readings and to make sure the pumps are operating correctly. Mr. Balogh noted there is no one is taking care of regular maintenance on the equipment at the facility.

Unfinished Business:

Agenda items under unfinished business included the following items:

- A. Approve/Deny Union Township Clean-up of 5020 Norman Avenue.
- B. Approve/Deny Union Township Clean-up of 7080 Beverly Road.
- C. Tax Collector Lease Agreement.
- D. Approve Resolution 2017-22 2018 Millage Rate.
- E. Fairfield Landscaping Snow Removal Contract.
- F. Approve CPA Firm for 2018 Audit.
- G. Approve Resolution 2017-21 Adoption of the 2018 Budget.
- H. Tomko Grading Permit Extension
- I. Tomko Land Development Application

Motion to approve Union Township to clean up of 5020 Norman Avenue.

Motion by Heather Daerr, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve Union Township to clean up 7080 Beverly Road

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to adopt tax collector lease agreement with the correction of the spelling of the tax collectors name on the lease agreement at a \$0.00 rate.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-NO, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. Motion Carried.

Motion to adopt resolution 2017-22 for 2018 millage rate of 1.184 mils.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to approve Maher Duessel for the 2017 audit at the cost of \$11,500.00

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.
Motion Carried.

Motion to approve resolution 2017-21 adoption of the 2018 budget.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-NO, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES. **Motion Carried.**

Public Comment on Added Agenda Items:

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre expressed his concerns regarding Tomko Industries grading permit extension and land development agreement. Mr. Latorre also thanked Mrs. Lawson for the refreshments at the meeting. Mr. Latorre also stated he received a telephone call from Pete Overcashier, Road Superintendent and he will meet with him on Wednesday to review Mr. Latorre's complaint of the storm water run-off issue at the end of Boyka Drive.

Motion to grant a one month extension to the Tomko Grading Permit.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.
Motion Carried.

Discussion surrounding the Tomko Land Development Application ensued amongst the Solicitor, Manager, Board of Supervisors and Engineer. Solicitor, Mr. Gary Sweat reiterated his position has been and still is Tomko Industries land development plan is an expansion of a non-conforming use based upon his review of the zoning ordinance, the definitions and the decisions of the Zoning Hearing Board in 2015 and of the developer's agreement between the Union Township and Tomko Industries. Mr. Sweat noted in fairness there must be a middle ground, legally make sense of our zoning ordinance. Engineer, James Harshman noted he did in fact have engineering comments on Tomko's Land Development Application that have not yet been satisfied.

Kevin Daerr: 6187 State Route 88, Finleyville PA. Mr. Daerr commented that the Board of Supervisors may consider taking the decision of the Tomko Land Development Application into the executive session because of possibility it could now move on to litigation.

Solicitor, Gary Sweated noted to Mr. Coppula that typically if the Engineers comments have not yet been satisfied and he should not expect a decision on the Land Development application. He asked Mr. Coppula to publicly ask the Board of Supervisors to agree to table the decision on the land development application and address it at next month's meeting. Mr. Coppula stated he doesn't have an issue and agreed for the record to table his request that the Board of Supervisors decide on the Tomko's Land Development and expansion application at this evenings meeting.

Sandra Banaszak: 5 Boyka Drive, Finleyville PA. Ms. Banaszak commented that the whole basis of the Tomko issue is all based on honesty and Tomko has been very dishonest and deceitful.

Robert Dooley: 1003 Marwood Lane, Finleyville PA. Mr. Dooley commented originally the Tomko expansion project was proposed to be a pipe fabrication shop and now it's going to be storage? He asked who will be responsible for monitoring the project.

Frank Latorre: 7 Boyka Drive, Finleyville PA. Mr. Latorre commented a consent order of decree was handed down by the DEP starting in 1999. Every time the project wasn't completed Tomko got an extension. The final consent order of decree that was handed down stated the completion of the project

would be done in May of 2016. His concern is that what is going to be done in another year's time when the project still isn't complete.

Motion to table the Tomko Land Development Application based upon the request of attorney, Chris Coppola general counsel for Tomko Industries who is present at the meeting this evening.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

New Business:

A. Approve Letter of Reappointment and 2018 Fee Schedule for Solicitor, Gary Sweat.

B. Approve 2018 Harshman CE Group, LLC 2018 Fee Schedule.

C. Approve/Deny Emergency Contract for Waste Water System Services

D. Any Additional Items

Motion to approve emergency contract for waste water system services.

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Solicitor, Gary Sweat wanted to make know of the bidding bond procedures. He reviewed the requirements of the bidding bond process. He made known that all bid requires two different bonds. Those being a performance and a payment bond.

Motion to approve bank statement and expenditures for the month of December 2017 in the amount of \$96,816.91 as presented by the Manager and Secretary/Asst. Treasurer subject to being true and correct.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Public Comment on Non-agenda items:

Pete Guido: 125 Viareggio Drive, Finleyville PA. Mr. Guido asked the Board of Supervisors if he could reserve the meeting room for Tuscany Estates Board meeting for two dates in the future.

Motion to amend bill pay list amount to 76,400.61

Motion by Heather Daerr, Second by Deborah Sargent

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.

Motion Carried.

Motion to go to executive session at 8:55pm to discuss personnel.

Motion by Deborah Sargent, Second by Heather Daerr

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.


Motion Carried.

Manager, Robert Balogh stated at 9:08 pm the Union Township Board of Supervisors is now back on record. Supervisor, Deborah Sargent stated that in executive session the board discussed personnel matters and no votes were taken.

Motion to adjourn.

Motion by Deborah Sargent, Second by Charles Trax

Roll Call Vote: Larry Spahr-YES, Charles Trax-YES, Deborah Sargent-YES, Heather Daerr-YES.
Motion Carried.



Nicole L. Dooley, Secretary