

*Board Approved: January 23, 2017 with revision as noted.*

Union Township Board of Supervisors  
Special Meeting  
December 21, 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, Paul Chasko, Heather Daerr, Deborah Sargent. Mr. Charles Trax did not attend.

Also in attendance, Mr. Andrew Sweat–Solicitor, Mr. James Harshman–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, Peter Grieb–Code Enforcement Officer. Mr. Harold Ivery–Building Code Official did not attend.

Public Comment

Wayne and Becky Worton, 60 Aber Road, asked for additional information on the raise in gas pressure based on the questions Mr. Worton asked the solicitor at the last meeting relative to statements made in the hearing transcript and in the Findings of Fact and Conclusions of Law prepared following the Conditional Use Hearing of the McIntosh Compressor Station. Andrew Sweat, representing the Township, informed Mr. Worton that the letter he received from Equitrans relative to their application with the Federal Energy Regulatory Commission (FERC) was totally independent of the local McIntosh Compressor Station. The planned increase of pressure was a small portion of the Equitrans communication about their application with FERC for an interstate gas facility project, known as the H-125 Pipeline Uprate Project. Per Andrew Sweat, Township law is preempted by federal law in relationship to this interstate pipeline project and, under the FERC law, they have the power of taking and other such powers at such a level that the Township's hands are tied.

Ms. Savko, 68 Aber Road, commented that she sees a gray area in that the H-125 pipeline was specifically mentioned at the McIntosh Compressor Station hearing. The H-125 pipeline is the pipeline mentioned in the FERC correspondence which is in her driveway. She also made mention that People's Gas filed for an intervention and that a protest can be filed with FERC.

Mr. Worton further commented that Equitrans and People's will dig up the lines on their properties twice which he did not believe was being considerate of the property owners. He said that Equitrans has a plan to come out in February and dig up the line and put in new headers and People's will put on new meters. In March, People's is coming to dig it up again and connect to a new line. Mr. Sweat assured him that the Township will do whatever it could to enforce zoning; however, to bear in mind that the federal government pre-empts local government.

Mr. Chasko inquired as to whether the line was there before their home or vice versa. Mr. Worton informed him that the pipeline was there first. They have lived in their home 30 years. The gas line was in since the 1940's.

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Mr. Leroy Harkins, Elrama VFD, and one of the trustees, commented on the contracts with the two fire departments. They inquired as to whether the monetary distribution was to be exactly the same for both organizations and whether the contracts are the same. They also commented that they had been left out of contract negotiations as when they met with Mr. Trax, Mr. Spahr and Mr. Chasko they discussed a joint meeting to be held with both fire departments and the supervisors. The Board assured them that both contracts are the same and that the other fire company did not agree to a joint meeting. Both fire companies were sent contracts, Finleyville Fire responded via Mr. Berggren who contacted Mr. Sweat. An updated contract will be sent to Elrama Fire Department.

Several Board members made comments about the budget prior to adoption.

Mr. Spahr's comments were to the effect that the budget had to be balanced by using \$241,000 of the reserve from the General Fund which he combined with other figures to come to a sum of \$1 million which is assigned and committed. He cautioned that if this were to become a trend, there will be no reserve from which to draw should there ever be a deficit. He specifically noted outstanding projects such as Ridge Avenue culvert in the sum of \$180,000, the \$105,000 to be spent on the Union Valley flooding, as well as the \$50,000 reduction in impact fee funds which fund police.

Ms. Sargent's comments were to the effect that it was unethical to keep close to \$2 million of funding, well over the recommended 20%, in reserve and not spend it on the taxpayers for parks, infrastructure, and so forth. She also assured Mr. Spahr that he needn't keep cautioning the other members as they are cognizant of the budget and intend to increase revenues and not run a deficit. Ms. Daerr added that the increase in engineering costs were due to conditions related to falling apart infrastructure in the Township that they were forced to address. She also added that the taxpayers will have full time 24 hour police coverage.

**Motion** to adopt Resolution 2016-06 adopting the budget of 2017.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to adopt Resolution 2016-07 setting the tax rate for 2017 at 1.184 mills.

Motion by Heather Daerr, Second by Paul Chasko

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

Mr. Andrew Sweat addressed the agenda item for adoption of the air quality ordinance. He advised the Board to allow the firm some time for more research in terms of whether state and federal law could pre-empt the ordinance which was meant to address the nuisance aspect of air quality dust problems.

It was discussed that Morgan Benefits, the broker representing Union Township, had advised the Board to stay with the current dental plan which will renew on January 1 as the effective date.

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**Motion** to stay with existing United Concordia Dental Plan for 2017.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to approve a Planned Equipment Maintenance Agreement with Cummins Bridgeway, LLC for one year in the sum of \$1245.56, Quote ID QT-38499.

Motion by Heather Daerr, Second by Paul Chasko

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

**Motion** to reinvest the Operating Reserve CD which just matured in the sum of \$150,000 for one year at 1.06%.

Motion by Deborah Sargent, Second by Paul Chasko

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

**Motion** to approve and sign the contract with First Energy for its LED Replacement Program.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to approve and sign the revised Garvin WCCD grant application and authorize Harshman CE Group to prepare and advertise the bid package.

Motion by Heather Daerr, Second by Paul Chasko

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

Mr. Harshman noted that once 30% of the project is complete, the Township can request reimbursement. The grant includes funding for engineering costs.

Mr. Jason Jaki from the Recreation Board requested funding for a tree purchase as there remains about \$3000 in the 2016 budget which they would like to put to use.

**Motion** to approve purchase of ten trees for Pleasant Stream (Jason) Park not to exceed \$1700.

Motion by Deborah Sargent, Second by Heather Daerr

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

There was discussion on a five-year uniform contract quote provided by UniFirst. The Treasurer informed the Board that the sales representative stopped in to inform her that they must approve the uniform contract now to lock-in the price. The contract would begin when the contract with Model Uniforms expires. The Board decided not to approve the quote as the consensus was that comparable pricing will be available when our contract expires.

Ms. Taylor informed the Board that, opposed to opening a separate bank account, she would be renaming the Slide Repair account to add Special Projects so that the account could be used for more than one purpose. Only the bank account will be shared while the budget appropriations will be tracked separately. It was also noted that there has been no additional funding put in the slide account in a couple years. They noted that a future slide repair may be needed on Pleasantview. They also discussed the status of the slide on Coal Bluff Road where there is a question of right-of-way.

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**Motion** to have Harshman CE Group review the Coal Bluff slide and associated property records to determine right-of-way and next steps.

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to transfer \$30,000 into the Capital Reserve Fund for Slide Repairs / Special Projects, \$20,000 for the 2016 commitment towards Nike Site demolition and \$10,000 for repair of the garage which is not to be demolished and stores equipment at the Nike Site.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to transfer \$21,000 into the Capital Reserve Fund-Equipment Account from the General Fund to account for sales of the truck and Kubota mower.

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to transfer from the Impact Fee Account into the General Fund in the amount of \$150,000.

Motion by Deborah Sargent, Second by Heather Daerr

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

Ms. Taylor informed the Board that Union Township's application to remediate the Elrama chrome shop was approved. The next step, as required by the grant, is to advertise for a consultant.

**Motion** to advertise for proposals from consultants for the Phase II Assessment and Remediation of the Brownfield Project submitted for the Industrial ReUse Grant.

Motion by Deborah Sargent, Second by Heather Daerr

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

*dan* Ms. Heather Daerr discussed the four options previously suggested for the RACP grant application. She informed the Board that the application must be specific to economic growth; therefore, two of the four ideas were discarded. The two that remain concern (1) renovation of the Nike Site for a light industrial business park, and (2) mutually agreeable acquisition of the Ringgold Middle School property and remediation of the pyrite so that the property will be suitable for another entity to build. ~~remediation of the pyrite at the Ringgold Middle School property to make it suitable for another entity to build.~~ The second option could preserve the ballfields. The grant application form is due by December 30.

It was mentioned that Union Township received a grant from the LSA Committee for Act 537 planning costs in the sum of approximately \$27,000. The Ridge Avenue culvert application did not get funded.

Mr. Chasko brought to the Board's attention a slide which is occurring under the railroad tracks in the vicinity of Nasal Lane. Residents are concerned that there could be a serious incident where there is water is backed up and oozing underneath the tracks. He and Mr. Mellor were



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involved in trying to bring the situation to the attention of the railroad since the area is not under the jurisdiction of the Township.

Mr. Andrew Sweat informed the Board that the developer, Earl Danielson, has contacted them about the winter maintenance contract which he received. He has been waiting for his lawyer to review the document. Costs can be taken from escrow.

Mr. Sweat provided the Board with a signed copy of the Intermunicipal Agreement for the Overlook Sewage projectg.

#### Public Comment

Dave Ferro, 32 Kennedy Road, commented about drainage on Kennedy Avenue where his mother lives. He explained a situation whereby there is so much water coming onto the road and collecting in front of a wall at his mother's place that it is affecting the stability of the wall. He said his mother's yard is disappearing and she gets flooded. He said the problem began when the road was paved five years ago and no drainage was added, even though there was a plan for a drain. He told the Board that the water freezes causing icy conditions and, where the water is freezing, the road is cracking. A neighbor, Rich Ward, 42 Kennedy Road, also spoke who said his wife almost wrecked on the ice there. Mr. Spahr added that the road had been a private road at one time and, once it became a Township road, it was resurfaced. Mr. Spahr added that the drain would have to go all the way down to the river.

Heather Daerr made special mention that much of the engineering expense is coming from critical situations and issues which needed to be attended to much like the complaint above.

**Motion** to have the engineer look at the drainage issue on Kennedy Road.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion carried.

Frank LaTorre, 7 Boyka Drive, mentioned some issues on state maintained roads. He noted that there is a water issue creating a lake at the bottom of Boyka Drive. He also said that from Rankintown Road to Peter's Pub it is a sheet of ice. Mr. LaTorre also commented about an issue concerning five items under the Consent Order Decree relating to Tomko construction. He said that there was an open item that had something to do with drawings being provided. In terms of the item he was inquiring about, Mr. Harshman said that, although they did not have the revised plans that Tomko was working to, WCCD did not believe it to be an issue. There has been a revision submitted which has not yet been approved. There was also discussion relative to whether the code enforcement officer could go on Tomko owned property if the owner said he wanted to be there when he came. Frank LaTorre also complained about the junk cars which have not yet been removed in the Township and the abandoned trailers at Stonechurch Road trailer park that are still outstanding. In relationship to the trailers, Mr. Grieb said that the magistrate dismissed the case contingent on a sale taking place. He suggested that it may be time to go back to the magistrate.

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**Motion** to adjourn at 8:54 pm.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion carried.

  
Debra A. Nigon, Secretary