

**Union Township Board of Supervisors
Non-Legislative Meeting
April 14, 2021 5:00 p.m.**

The Union Township Board of Supervisors meeting was called to order by Chairperson, Heather Daerr at 5:00 p.m.

Pledge of Allegiance

Roll Call

Attendees at meeting were: Heather Daerr, Chairperson; Charles Trax, Vice Chairman; Richard Lawson, Supervisor/ Treasurer; Hal D. Breinig, Supervisor/Roadmaster; David A. Esken, Supervisor

Also, in attendance were Roberta Singer, Secretary/Ass't. Treasurer; Karen Brown, Administration; Gary Sweat, Esquire, and Sarah Scott, Esquire, Sweat Law Offices; Officer J. Toth, City of Monongahela Police Department; James Harshman, Sean O'Dell and Jarrod D'Amico from Harshman CE Group, LLC

Proof of Publication Confirmed

Moment of Prayer by Pastor Ken

Public Comment:

Ryan K. from NVR – on behalf of Mineral Beach Development – spoke regarding Walter Long Road – possibly establishing an escrow fund for maintenance of road. Also present was Chris Hamm from KDH Engineering who is working with Harshman CE Group through final approvals of plan. KDH learned that Walter Long Road is a private road to a point. A TIS was submitted to PennDOT and not be doing improvements to Route 88, and as long as tying into a public road, we would not need a HOP. We also learned that the existing driveway on Walter Long Road did not have an existing driveway permit. The process of possibly having to get an HOP permit will delay us from closing in June/July until possibly November and will take us out of construction season this year. So, we are asking that the Township propose to not make the HOP for our development contingent in our approvals. If the HOP is not granted, which we do not see happening, that Walter Long Road would stay private and it would be maintained by the Homeowner's Association. Discussion continued about concerns of the road staying private and the main concerns are about the road. We ask that the Board make recommendation or Motion to allow us to proceed without having the HOP. Mr. Sweat gave his opinion about special zoning district and governing body to consider and make waivers. Township should not take road over until HOP is obtained. Possibly establish an escrow fund during development. Driveway permit would be in Township name – the Township would be the applicant – developer would do all the work, pay all fees, etc. and work with Harshman to complete same. Cleaning up the fact that a driveway permit should have been obtained and was not. NVR would not be applying for permit for model home until likely the end of the year. We will know well in advance if a disclosure is needed. Reality is that the Developer and bank will not allow

closing of the property with Mr. Lisanti until all approvals are granted and the HOP is the lynchpin. Supervisor Daerr requested a move to the legislative meeting to legislate the issues in this matter.

Bernadette Speer – 5106 Chevy Chase – requested speed control signs on McChain Road / Cardox Road –

Michalle Dupree – 6178 State Route 88 – Waiting for meeting minutes and audio records – provided flash drives but have not heard back yet. Car accident last week and possibly setting speed traps. Driver, according to Ms. Dupree, was intoxicated and not capable of driving. Why was there only 1 police officer on scene? Also stated that the Chairperson’s husband was hanging around and appearing on the scene 3 times. Not sure about what he was doing there and it seems that he was concentrating on me and my family, my property and my business. I appeal to this Board to have stop getting involved in my business. Since he does serve on a Board in this community, he has been filming me in meetings and filming my daughter when she attends the meetings. It is getting a little unnerving. Thank you.

Kevin Daerr – 6187 State Route 88 – Mr. Daerr stated that he was only near the scene as the officer was the only one on scene and since Mr. Daerr spent 35 years as a Pa. State Police Officer, he would have been happy to assist if only to call 911 to get further assistance. He was at no time on Dupree’s property or interfering in any way.

Executive Sessions:

- Monday, March 29, 2021 (Personnel & Litigation)
- Wednesday, March 31, 2021 (Personnel & Litigation)
- Thursday, April 1, 2021 (Litigation)
- Tuesday, April 6, 2021 (Litigation)
- Wednesday, April 7, 2021 (Litigation)
- Thursday, April 8, 2021 (Litigation)
- Friday, April 9, 2021 (Personnel & Litigation)

Department Reports:

Engineers Report – Copy in packet. Will discuss topics as they come up throughout the meeting.

Police Report - City of Monongahela Police Department Report as read by Officer Jeff Toth. Copy in packet.

SEREMS Report – Copy in packet.

Animal Control Report – Copy in packet.

Building Code Official Report – Copy in packet.

Code / Zoning Report – Copy in packet.

Road Crew Summary – Copy in packet.

Park & Recreation Report – Copy in packet. Report read by Supervisor Daerr on behalf of the Parks & Recreation Committee.

Sewage Department Report – Copy in packet.

Solicitor's Report – Copy in packet. Will discuss topics as they come up throughout the meeting.

Unfinished Business:

Board of Auditors – 1 Vacancy

Action Items:

Motion to approve Payroll dated April 2, 2021 in the amount of \$11,351.48, which consists of (1 admin, 2 road crew, 1 Roadmaster, Board of Supervisors 2nd quarter and 2nd quarter payment for tax [federal withholding & state withholding]).

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – abstain Esken - yes

Motion Carried

Motion to approve Payroll dated April 16, 2021 in the amount of \$16,393.41, which consists of (2 admin, 2 road crew, 1 Roadmaster, 1 Tax Collector.

Motion: Lawson

Second: Esken

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – abstain Esken - yes

Motion Carried

Motion to reschedule Q & A Landscaping Rezoning Request Hearing for May 5, 2021 @ 5:00 p.m. and advertising to be completed by Sweat Law offices.

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to approve contract between Local Government Academy, Union Township and Terri Gladus for the Municipal GIS Intern position.

Motion: Breinig

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to approve retaining Porter Wright as special counsel for litigation matters of Union Township, more specifically Puglisi v. Union Township.

Motion: Breinig

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to approve signing of Pa. American Water Shut Off Agreement

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to approve signing Sequestered Account Agreement regarding Highland Village (Scarmazzi Highland, LLC)

Motion: Breinig

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to deny Union Township option to appeal Arbitrator's decision on Grievance No. 20546.

Motion: Daerr

Second: Breinig

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to table quote from El Grande Industries for mill and fill repair on McChain Road to alleviate two small areas of ponding for their lump sum bid amount of \$3,240.00. (Municipal purchases and contracts below \$11,300.00 require no formal bidding or written/telephonic quotations and this work can be awarded based upon their proposal.)

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Tabled

Discuss regarding request from resident at 264 McChain Road and installation of speed radar sign. To be moved to Legislative meeting for discussion and possible installation of speed bumps (humps).

Motion to table Complaint for water ponding near 218 McChain Road and what could be done to eliminate ponding and hazardous situation.

Motion to approve signing of Pa. American Water Shut Off Agreement

Motion: Daerr

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Tabled

Discuss to table timing of El Grande placing double seal coat on Cardox Road to finalize the 2019 paving program. To be moved to Legislative Meeting for a more in-depth discussion.

Discuss Scarmazzi PRD Request for Pavement Modification from 12" of 2A or 2RC to 6" 2A or 2RC stone subbase, 4" to 3" of 25 mm base course and 1.5" to 1.0" of 19 mm.

binder course. Mr. Harshman said he would not recommend the road not be turned over to the Township. To be discussed further at Legislative meeting.

Discuss execution of Cooperation Agreement between Union Township and the Redevelopment Authority of the County of Washington. To be discussed in more detail and approved at legislative meeting.

Discuss arrangements pertaining to Elrama Fire Department putting up and taking down Veterans Banners for the season / Supervisor Lawson to speak regarding banner holders. To be discussed in more detail and approved at legislative meeting.

Installation of Veteran's Banner to be done on Saturday, May 1, 2021. Will consider donation to Elrama Fire Department and overtime to be approved for road crew for assisting.

Discussion regarding electrical bids for Nike Site (3 bids received)

- a. Patton Electric, LLC - \$4,140.00
- b. Schell Electric, Inc. - \$8,000.00
- c. JKECO, Inc. - \$16,284.00

To be approved at Legislative meeting.

Discussion regarding meeting with Washington County Sewage Council on May 5, 2021 @ 10:30 a.m. Mr. Harshman, Supervisor Lawson, and Supervisor Breinig to attend as well.

Discuss appointing Planning Department Director – Sean O'Dell of Harshman CE Group, LLC to be acting Director with possible additional personnel. To be approved at Legislative meeting at the end of April.

Tuscany Estate snow plowing and salting – to be moved to Legislative meeting to be approved for billing same.

Discuss Mingo Circle and Finleyville Elrama Sewer Act 537 Update, Senate Engineering Pay application. Sweat Law Offices to handle discussion with Kerry Fox regarding same. Will get update at Legislative meeting.

Discuss Joseph & Debra Lisanti and Shea Devt, LLC Subdivision Plan No. 1 Subdivision Application (Mineral Beach). Will be on Legislative meeting agenda at the end of April 2021.

Discuss Jamieson Subdivision Sewage Planning Module. Will be on Legislative meeting agenda at the end of April 2021.

Discuss Veterans Memorial Park Project Cost Estimate. Will need E & S permit and be prepared to begin construction in the fall of 2021. Will be on Legislative meeting agenda at the end of April 2021.

Discuss Jason Park & Veterans Park Repairs Invoice and Estimate for Change Order to pressure wash concrete walk path and toddler playset, remove rust from hand railings

along concrete walk, and paint railings for \$2,100.00. Discussion whether our Road Crew can do this job or have contractor who submitted bid do same. Will be on Legislative meeting agenda at the end of April 2021.

Discuss Complaint regarding PAW construction and road closure on Lobbs Run Road. Resident disgruntled regarding PAWC work on Lobbs Run and closure of road. Mr. Rumbaugh would like his letter to be placed with minutes of meeting.

Discuss draft Stream Maintenance Ordinance Language and Procedure for Enforcement. Will be on Legislative meeting agenda at the end of April 2021.

Status regarding opening parks for rental purposes / and general reopening. We have had six (6) phone calls about rental of park for this summer. (June 12th, June 19th, July 11th, July 25th, August 14th, and August 21st). Sweat Law Offices to review Lease Agreement and Liability Contract to accuracy and inserting COVID-19 protocol language.

Discuss purchasing a camera for front entrance security door and a replacement for broken camera in back of Township Building in the amount of \$743.58. Will be on Legislative meeting agenda at the end of April 2021 for vote.

Discuss authorizing advertisement for bid of 2021 Road Program. To be on Legislative meeting agenda at the end of April 2021 for vote and approval.

Discuss authorizing advertisement for bid of Pleasantview Slide Repair Project. To be on Legislative meeting agenda at the end of April 2021 for vote and approval.

Discuss website updates. If any items are informational for website, must be run through Sweat Law offices for approval. Parks and Rec Board calendar dates to be placed on Township calendar, a Budget at a Glance to be placed on as well, also story regarding increase of property for Union Township with new developments coming in.

Discuss Jason Park Fence – Discussed on 3/11/20 and Motioned on 3/25/20.

Motion to approve Bill Pay List from the General Account in the amount of \$187,177.08.

Motion: Lawson

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Motion to approve Bill Pay List from the Elrama Sewer Account in the amount of \$6,618.77.

Motion: Breinig

Second: Lawson

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Correspondence: None

Public Comment:

Linda Evans Boren – 22 Parkview Drive – made statement regarding Dairy Queen on State Route 88 and the drive-thru and possibly an additional lane as cars are waiting in line out into the street creating a dangerous situation. There should be a drive-thru ordinance put into place or revised to keep public safe.

Kevin Daerr – 6187 State Route 88 – Continuance of prior comments – as I was interrupted – I was in Dairy Queen parking lot and in my own parking lot. As soon as 2nd officer came, I left. I went to Dollar General with my daughter. Just to let you know, the 2nd officer did not arrive until further on into the investigation. I wanted to stay there whether to be a witness or to help out an officer who may have had some trouble.

Michalle Dupree – 6178 State Route 88 – Actually the drive-thru, do not know what year, but Mr. Lawson was aware of the water problems. Not sure of when that was. It was not more than maybe 4 or 5 years and not sure if there were any permits or HOP's necessary or for whatever it takes. As far as the accident, my concern is more so the speeding along 88. Not sure if the police can do speed monitoring along 88 but that is a nightmare. The person in the car, in my opinion, was severely intoxicated based on the fact that he never hit the brakes and he cleared 30 ft. of a creek and into a parking lot and hit a sign. And did not know what he did. I didn't get a chance to talk to officer because of Mr. Daerr continually going over there because I feel intimidated by the fact that he bring me up at 1 out of 2 meetings here, my property, whether or not I have permits, whether he is going to call PennDOT on me, whether or not I pay my per capita tax, whether or not I did a change of address form, whether or not whatever but I did not feel comfortable to go over to the Dairy Queen to talk to the officer because he was there for 10 minutes with the other officer. There were no witness statements taken, no ambulance called, no fire department called. If he needed backup, he could have called for it. He did not need Kevin.

Motion to go into Executive Session at 7:15 p.m.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

Return from Executive Session at 7:25 p.m.

Discussions were regarding personnel and litigation. No decisions were made.

Motion to approve quote from El Grande Industries for mill and fill repair on McChain Road to alleviate two small areas of ponding for their lump sum bid amount of \$3,240.00. (Municipal purchases and contracts below \$11,300.00 require no formal bidding or written/telephonic quotations and this work can be awarded based upon their proposal.)

Motion: Lawson

Second: Trax

Roll Call: Daerr – no Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried

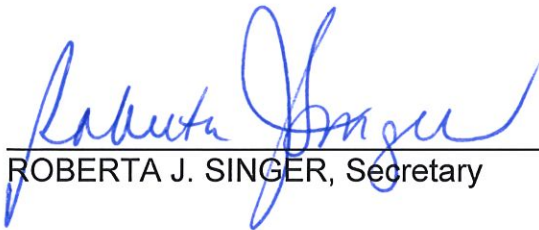
Motion to Adjourn @ 7:35 p.m.

Motion: Daerr

Second: Trax

Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken - yes

Motion Carried



ROBERTA J. SINGER, Secretary