

**Union Township Board of Supervisors
Non-Legislative Meeting
May 12, 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

Proof of Publication confirmed

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

Also, in attendance were: Roberta Singer, Secretary/Ass't. Treasurer; Karen Brown, Administration; Gary Sweat, Solicitor, Sweat Law Offices; Jamie Harshman, President Harshman CE Group, LLC; Sean O'Dell, Engineer – Harshman CE Group, LLC; Police Officer Toth, City of Monongahela Police Department Officer; Sarah Scott, Esquire, Sweat Law Offices

Acknowledgement of Matthew T. Simmons and Colton J. Cartwright obtaining Eagle Scout Status by the Scouts, Leaders, and Members of the Committee for Boy Scout Troop 1452. Neither one was able to make it they had other commitments.

Public Comment

Lori Kenavey – Brownsville Rd. – I have a couple of questions regarding some bills to be paid this month. Why are we paying Taczak Law when we already have solicitors? Chairperson Daerr - Taczak Law is the Legislative Arm for Zoning Hearing Board. What is Crystal Sound? Ms. Singer - They are GPS system for our Road Crew Trucks. Design Rules for over \$3,000.00? Chairperson Daerr - They are our web Design Co. Solicitor Sweat - That is the balance due on the contract. Lori - What is Full-Service Network? Ms. Singer - That is the phone system provider. Lori - Bill for \$16,000 for a Solicitor bill for 1 month I think is basically obscene. Solicitor Sweat – The bill is self-explanatory. Lori - C. Unfinished Business – You have an opening for the Board of Auditors I don't know if it is Planning Department or Planning Committee what your called it is referenced differently on different paperwork, the was a board of 5 so that is 2 vacancies' right now? Chairperson Daerr – I am not clear on your question? Lori - There are 3 people right now that sit on the Planning Board yes or no? Chairperson Daerr – Yes. Lori - So according to our ordinance there should be 5 so that means there are 2 openings. Solicitor Sweat - 2018 it was abolished with 5, new ordinance says 3. Lori - I want a copy of that. I will put in a Right-to-Know.

Linda Evans-Boren - 22 Park Vue Dr. Finleyville, PA 15332 – Planning Department I did not see an ordinance so residence can see it. Meeting today is it on Zoom and on for

public comments? Mr. Sweat in your solicitors report you focused on 1 person - Carla Mader - which is pending litigation. We have 5 lawsuits going on, but I did not hear you mention the sexual harassment lawsuit that is Mellor v. Heather Daerr. I believe that went to federal court. I believe that was settled and we paid out and I'm not sure if the Township paid and the insurance. We have multiple road crew grievances that have been filed in the last 2 years and that is an incredible amount to the taxpayers. I know 20 previous years no grievances were filed. A family man, Shaun McQuillan, was laid off over a year ago. He was hired by this board, and you were waiting on tax dollars to hire him back and Palermo mentioned we are fine financially so why is he not hired back? I have heard comments from Supervisor's road crew are incompetent, but we have a supervisor being paid as Roadmaster back in meeting minutes from 2020. Another Ken Puglisi filed a lawsuit against the Township for breaking his contract. There was a lot of work done in 2019 but road crew is called incompetent. Another lawsuit from previous Manager Robert Balough. His contract was broken. He sued the Township and prevailed. Paul Chasko told me we paid cash and insurance paid out. And another lawsuit grand jury investigation on Monongahela police and a Union Township resident on an assault case still going on and we are paying for that as well. And another lawsuit, Ken Puglisi is suing the Township because you broke his contract. You were worried about liability insurance going up and I see you brought in another insurance company. I believe it is Huntington, so we have Higbee and Huntington or just Huntington? Are we with not Higbee because of premium? Solicitor Sweat – No. Linda – You have budgeted for \$300,000 going out and that is a lot for a Township this size. If we get shut down there is no police no fire no road crew and everything will be in a real lockdown. This board came in 2016 and that is when a majority of the change came. I am concerned of where are tax dollars going. Hundred of thousands of dollars and where are the tax dollars going? This is not typical and even with larger communities, Peters Township, Mount Lebanon, Upper St. Clair no were near this kind of money. Why is this happening and residents of Union Township should be concerned. Union issue – real quandary as to why road crew (family man with a 2 yr. old and 4 yr. old) is still laid off and we have Supervisor who is getting paid as Roadmaster?

Michalle Dupree – 6178 State Route 88 -- Question on agenda Item No. 8 - establishment sewage rate resolution of 2021. Per my right to know, there was one in 2020. Is this the same one? Jamie Harshman – This resolution needs to have passed, this is a brand new, rate resolution. Update to that calculation and resolution and has to be passed for billing these customers. We are going to be getting billed from South Park Township in June. To pay the PennVest loan and to make sure the Township is going to pay this loan back which is why this resolution needs to be signed. Michalle – This resolution does not state this is just for Overlook. It looks like it is for the entire community. It appears that the entire community is getting a rate increase of \$62.00. Also, Item No. 5 - Q&A rezoning not spot zoning, my right to know dated 12-20-20 requested hearing & transcript, said hearing for 5-27 and did not get transcript of hearing for this date, was there a hearing 5-27-2020? Solicitor Sweat – Yes there was a hearing. Michalle – So there was no advertisement for the hearing and no transcript? Solicitor Sweat – My office is putting that all together. It is forth coming. I have the publication and the public notice. Michalle - The Sunshine Law always in full effect and

the hearing could not have been done with the public here – the hearing probably could have waited.

Kevin Daerr – 6187 Route 88 – Reason why such bills - a lot of lies in this Township. A lot of lies told right here at this podium by Ms. Evans. That lawsuit was not filed against Heather Daerr. She got up here she lied and it's a continuous lie to this Township. It goes back when I was going to be the police chief and you hired Monongahela police in Union Township. I have no idea why she said Heather Daerr's name in connection with Mellor. It is not who was in the lawsuit, it's Muller V. Union Township and she knows that. She just wanted to smear someone's name that is all she wanted to do. Ms. Evans-Boren & Ms. Dupree like smearing names and the police department. Good police department, full-time police department. I don't think these 2 should be in here smearing our police force. She did it 2 meetings ago Ms. Dupree. There were some people trying to get me fired for misusing the NCIC system ring any bells? Lies and proven to be lies. Keep doing what you are doing. You are doing a good job. Mon City police officer up there – keep doing what you are doing – good job. It's smear campaign and it is terrible and a bunch of lies.

Executive Sessions: Personnel & Litigation

Wednesday, April 28, 2021; Tuesday, May 4, 2021; Wednesday, May 5, 2021; Monday, May 10, 2021 – All regarding personnel and litigation.

Engineers Report – Will comment on items as they come up during the meeting.

Police Dept. Report – Police Officer Toth read report.

SEREMS Report

Animal Control Report

Building Code Office Report

Code / Zoning Official Report

Road Crew Report

Parks & Recreation Report

Sewage Department report

Solicitor's Report – Solicitor Sweat - Union Rezoning has proof of publication, bill was paid, for the rezoning and was properly advertised. We have pictures of it posted and I have a list of who received the letters. American Rescue Plan Stimulus check will come in 2 parts June of this year and June of next year. Ms. Singer – We have not received any check as of this date. Solicitor Sweat read list of where and how the funds can be spent. Today, I received a handwritten resignation from Kevin Daerr. It is addressed "To Whom it May Concern: I, Kevin Daerr, effective immediately, resign from my appointed position on the Peters Creek Sanitary Board as a board member. Thank you for the opportunity to serve the rate payers of the PCSA. Kevin Daerr" And it is signed. I would recommend that you add this as an agenda item to accept or reject this resignation letter from the Peters Creek Sanitary Authority and that's all I have.

Chairperson Daerr – Gary, can you go over the time your office has spent getting and going over the advertisement for the several rezoning that came before the board? Can you speak about that briefly?

Solicitor Sweat -- Every time we do something, there are specific entries. This time there was a 13-page bill, I marked off 20 hours from that bill. From \$500 to \$1,500 bill a professional courtesy adjustment is made to the Township getting this information and it is significant. This is not something we just slipped in on everyone.

Chairperson Daerr - I heard statements that we were breaking the law, so Sweat Law has put together an extensive folder. We have to follow the planning code, we are doing that, we have proof of that, if anyone would like to see the binder, please check with one of the attorneys.

Solicitor Sweat – it is done.

Chairperson Daerr - It will be available to anybody, so any one can see what was done and that it was done properly.

Motion to put on the agenda to accept the resignation of Kevin Daerr from the Peters Creek Sanitary Authority effective May 12, 2021.

Motion: Trax

Second: Esken

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

Motion Carried

Mrs. Daerr abstained as Kevin Daerr is her husband.

Unfinished Business

Board of Auditor position – 1 vacancy.

Motion to Approve Payroll dated May 14, 2021, in the amount of \$7,506.65 to include of 1 administrative, 2 road crew and 1 Road Master.

Motion: Daerr

Second: Trax

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

Motion Carried

Mr. Breinig abstained because he is working and getting paid.

Motion to accept the resignation letter Kevin Daerr from the Peters Creek Sanitary Authority effective May 12 at noon 2021.

Motion: Trax

Second: Esken

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

Motion Carried

Mrs. Daerr abstained because Mr. Kevin Daerr is her husband.

Motion to table 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.

Motion: Lawson
Second: Breinig
Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken – yes
Motion Tabled to have time to discuss with Jamie Harshman.

Motion to Approve Resolution No. 2 of 2021 acknowledging Matthew T. Simmons on becoming an Eagle Scout for Boy Scout Troop 1452.

Motion: Daerr
Second: Breinig
Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken – yes
Motion Carried

Motion to Approve Resolution No. 3 of 2021 acknowledging Colton J. Cartwright on becoming an Eagle Scout for Boy Scout Troop 1452.

Motion: Breinig
Second: Lawson
Roll Call: Daerr—yes Trax—yes Lawson—yes Breinig—yes Esken--yes

Motion to Approve setting continuance hearing for Q & A Properties, LLC for June 16, 2021, at 6:00 pm and to have Sweat Law Office to advertise same.

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken – yes
Motion Carried

Motion to Approve setting public hearing date for Highland Village Rezoning Ordinance, June 17, 2021, at 6:00 p.m. and to have Sweat Law Office to advertise same.

Motion: Daerr
Second: Trax
Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken – yes
Motion Carried

Motion to Approve expanding the Engagement Agreement between Union Township and Attorney Kathleen Gallagher of Porter Wright to include representation of the Township on all matters relating to Peters Creek Sanitary Authority.

Motion: Trax
Second: Esken
Roll Call: Daerr – yes Trax – yes Lawson – yes Breinig – yes Esken – yes
Motion Carried

Motion to Approve establishment of Sewage Rate Resolution of 2021.

Motion: Breinig
Second: Lawson
Roll Call: Daerr—yes Trax—yes Lawson—yes Breinig—yes Esken--yes
Motion Carried

Motion to Approve installation of drainage pipe in front of 5027 Gary Avenue, based upon the Engineer's recommendations and subject to the Solicitor's coordination of a release to be signed by the property owner.

Motion: Esken

Second: Breinig

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

Motion Carried

Motion to Approve payment to the Washington County Redevelopment Authority in the amount of \$20,000.00 to bring the balance current under the RLF Loan for the Elrama Chrome Shop property. Solicitor Sweat – No one new about this. We were contacted by Kerry Fox of the Redevelopment Authority they provided a no interest free loan of \$20,000 we looked at the loan agreement and it was at no interest, and it was a demand loan means pay it all or pay in increments over a 10-year period. The 10-year period started in 2019.

Motion: Daerr

Second: Trax

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

Motion Carried

Motion to Approve Liadis Engineering & Surveying, Inc. waiver request to waive the requirements of Section 242-18, with regards to requirements for re-approval for the Amended Lot 501, Tuscan Estates Phase Five Subdivision Plan. Engineer O'Dell -- Needs resubmitted in 180 days, it is the same plans. Solicitor Sweat – This is common.

Motion: Daerr

Second: Lawson

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

Motion Carried

Chairperson Daerr - Discussion regarding Pulse Point – Tanner Smida is here to speak about PulsePoint.

Mr. Smida: I have slides. Cardiac arrest as a medical emergency when a person's heart suddenly stops beating from blood flow. Went into lengthy detail of what a cardiac arrest is and how CPR can help the patient. Pulse Point one excellent solution it's a software that integrates Municipalities 911 provider and integrates with a smart phone app. Went on to further explain process and procedures of PulsePoint.

Solicitor Sweat stated he can speak with other Townships to see if they want to participate.

Chairperson Daerr – So Tanner you will be able to have a quote for us like within a couple of days?

Mr. Smida replied - Absolutely, I will send the email over.

Chairperson Daerr - Board, I would not be opposed to funding this as a Township to save lives in Union Township.

Chairperson Daerr -- Discussion regarding updating E-Code 360, roughly done once a year.

Ms. Singer – Karen and I can handle that internally.

Chairperson Daerr- We can have that on the legislative meeting as an action item.

Discussion regarding considering Planning Committee development of an ordinance regarding maintenance responsibilities for sidewalks, driveways, and driveway pipes, this can be done at the end of the month as an action item.

Discussion regarding price escalation from 2019 to 2021 for double seal coat from \$5.10/sy to \$5.25/sy. The board will discuss at the end of the month.

Discussion regarding Elrama Park DCNR Grant project anticipate ready to advertise for bids 5/26/2021.

Discussion regarding Veterans Park improvements anticipate ready to advertise for bids 5/26/2021. We had separate budgets for the Elrama Park and Veterans Park \$325,000.00.

Solicitor Sweat - Something else to keep in mind, you have 4 years in using this money.

Chairperson Daerr -- If any has questions about the bids going out at the end of the month please see Sean. Any other comments on that?

Discussion regarding Thompson, McChain and Gun Club traffic safety improvements – anticipating having contractor quotes for review on 5/26/2021 meeting, this is the traffic study we had done on Thompson McChain area.

Discussion regarding Pleasant View slide repair project currently out for bid with bids due by 12:00 p.m. on 5/26/2021. The bids will be with Karen and Bobbi at the Township building to be opened in front of the public.

Engineer O'Dell – As of today 21 contractors have obtain the Pleasantview Slide repair.

Discussion regarding 2021 draining improvement project on Coal Bluff currently out of bid with bids due by 12:00 p.m. on 5/26/2021. We had planned this in 2 phases for complete drainage remodel of Coal Bluff Rd and adding drains that were never there. Cross drains and touch basins all down the road and paving portion that were bid separately. How many?

Engineer O'Dell – We just started offering the ability for contract to obtain those online for a very big response for that. Its good.

Chairperson Daerr – Any comments? Any thoughts from the board? Moving on.

Motion to Approve Bill Pay List for the General Account in the amount of \$123,267.29.

Motion: Lawson

Second: Trax

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

Motion Carried

Motion for Approve Bill Pay List for the Elrama Sewage Project Account in the amount of \$6,589.11.

Motion: Daerr

Second: Lawson

Roll Call: Daerr—yes Trax—yes Lawson—yes Breinig—yes Esken—yes

Motion Carried

Correspondence - None

Public Comments

Before we do that, Sarah can you check and see if there are any on zoom any public comment? Sarah – As of right now no. I will ask again.

Cheryl Robinson – 6265 Brownsville Road Extension – I have a comment or question for Mr. Sweat. You mentioned the Union Gardens rezoning and you said everything was done properly. I never received notification in the mail and neither has my neighbor who is even closer.

Solicitor Sweat – I am looking into that notice issue.

Cheryl – Ok, thank you.

Linda Evans-Boren – 22 Park Vue Dr., Finleyville I wanted to follow up with the Union Gardens, there were many people who testified at the Q&A hearing that were in the 300 feet threshold like Ms. Robinson who testified they did not receive a letter by mail and they also testified they never saw the property posted. Also Ms. Dupree, so I don't speak out of turn. Did you do an open records appeal for those hearings, and you won your appeal?

Ms. Dupree -- My appeal was for meeting minutes. I did get hearings.

Linda – So you were awarded hearings, so I don't understand why that was fluff was over. Why didn't she get that hearing? Why didn't she get all of that? That's an issue for me. I want to follow up with my original concern about legal costs, I think Mr. Daerr made my point, yes Union Township and the taxpayers are the ones being sued that is my point. No smear intended that was information that came from a newspaper article published in 2020. I read we were involved in legal proceedings with someone with that name as well. I also wanted to question what was just on the agenda did you not just make a motion to expand the engagement group between Union Township and Attorney Kathleen Gallagher, Porter Wright, to represent Union Township against Peters Creek Sanitary Authority since when do we need representation with Peters Creek Sanitary Authority? We've never had problems with Peters Creek Sanitary Authority in the past years why are we getting more legal representation, that is the

concerns of residents. This is tax dollars. Does that legal representation have anything to do with the resignation you accepted tonight? Anyone have any comment on that? Solicitor Sweat -- There are so many issues that you do not know anything about, but you are giving us a one-sided dissertation or analysis on cases. Do you know the legal actions between Peters Creek Sanitary and the Township?

Linda -- I do not, and I don't understand.

Solicitor Sweat -- That is the point. You don't know.

Linda -- A lot of municipalities work with Peters Creek Sanitary Authority, and they don't have attorneys and why Union Township has to with so many legal battles. Thank You.

George Powell -- Finleyville-Elrama Rd. Finleyville -- First off - the gentleman we have laid off. He was holding a sign out there stating his family is hungry - go get a job. If I was hungry and had 2 kids to feed I'd go get a job. I have sat in these meetings and have been told over and over to do something and no one seemed to care these people don't work here anymore I wonder why. I was in management and the biggest part of my career one, two, three strikes your gone. That's the way it is. We had a lot of snow, and the roads were done, the 2 road crew men we have should get some kudos for the job they did. I think they did a great job. As far as working on the road with supervisors and helping as long as I can remember this went on, and Larry can vouch for that.

Cardox Road problem. I understand that is one of our major lawsuits against us. If I understand it right this is for trees moved on our own road right away. So why would our residents take us to court, to stop us from cutting down our own trees. This is totally stupid. Sewage projects going on in this Township and Elrama project they did that years ago people are paying for sewage. Duquesne Light had a problem with their sewage years ago Larry would now more than me, they offered to give the Township a very large amount of money to help build a sewerage plant in Elrama and previous board chose not to do this and the people in Elrama are paying out the nose.

Michalle Dupree -- 6178 State Route 88 -- Mr. Smida's presentation, and if I heard it correct, the app doesn't work unless Washington County 911 picks up on it. So, if you invest in it's a dead app unless they pick it up. So, I want you to consider the fact that you may be investing in something that does not work and then what you just invested in something that does not even work.

The litigation on Cardox Rd. he just mentioned, I don't know if it is about trees or what it is about, but I heard it had a lot to do with agreements not being signed before the project started. Maybe that whole case would be null and void had either eminent domain finished up before that project started. You might as well put me on the agenda because Kevin Daerr brings me up at every meeting. As far as the police, I love the police. Mr. Tempest was a dear friend. Never had a problem with the police had a problem with one accident involving my property and Mr. Daerr got involved in that. Thank you.

Kevin Daerr -- 6187 Route 88 Finleyville -- I am going to bring her up again, Tanner Smida is the total disrespect by Michalle Dupree to let people speak. Mr. Smida stood up here trying to give presentation to help Union Township and all of Washington County, and Michalle talked, and it was hard to understand him and very hard to hear over her comments and her sarcastic remarks. That man is a Ringgold graduate. I am proud of him. She does not care she moved her kids out of here they went to Peters.

He is trying to help Union Township, she does not care. If she does not like the police and does not want the Township to grow and she does not like anyone of you guys, why does she not just stay in her \$750,000.00 home over in Peters Township?

Supervisor Comments

Supervisor Esken – Can I make a comment, we had someone come into the Township to help and if we don't try something, we are going to lose.

Supervisor Breinig – I would like to make a comment on that. It may not affect you right now but if you have someone living next door or family and they have a heart attack and you don't know what to do. In this Township for an ambulance to get here is 20 minutes. What is one life worth?

Supervisor Esken – Can I interrupt you, what if your grandson turns blue.

George Powell – For my mother waiting for an ambulance was 35 minutes.

(Unintelligible chatter) Audience Member – It's not just here it is when you are on vacation.

Supervisor Esken – When you are holding your grandson and he turns blue (unintelligible chatter).

Audience member – It is so important have the classes, get instructors in here for the public and it does not even take that long to learn CPR, half an hour you are certified.

Supervisor Breinig – The only thing I have to say if the shoe was on the other foot, and they had an ailing child or parent they would be down here beating on the door screaming why doesn't the Township do something.

Chairperson Daerr – We have positive things going on here. Tanner was here. He is getting us a quote.

Supervisor Esken – We need to move forward with this.

Sarah – We have a question over zoom. (Unintelligible)

Janet Hollingsworth – 69 Hobbitt Lane – I just had a comment, I believe what Michalle was saying she does not believe, and I agree with her, why would we purchase something before the County did at that rate, I think it was a question being posed not for an argument. Listening to the arguing, back and forth it is so unprofessional being on this side listening to this so maybe the question needs to be readdressed "Is the Township going to purchase this before the County?" Thank you.

Chairperson Daerr – Thank you. Any other comments.

Sarah Scott - Any more comments over Zoom?

Motion to go into Executive Session at 6:53 p.m. to discuss personnel and litigation.

Motion: Daerr

Second: Trax

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

Motion Carried

No decisions were made.

Motion to Adjourn @ 7:23 p.m.

Motion: Daerr

Second: Breinig

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

Motion Carried



ROBERTA J. SINGER, Secretary