

**Union Township Board of Supervisors
Public Meeting
July 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; 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 Bill Fusco, City of Monongahela Police Department; James Harshman and Sean O'Dell, Harshman CE Group, LLC; Terri Gladus – Intern from LGA Academy

Absent from meeting: Charles Trax, Vice Chairman

Proof of Publication Confirmed

Moment of Prayer – Pastor Ken

Public Comment:

Rob Kriz & Kip Wagner – Roberts Pipeline, Inc.- was here for Road Bond Agreement Approval

Bernadette Speer – 5106 Chevy Chase Drive – wants to know status of building was as far as accepting taxpayers to come in to pay. Taxes start August 15, 2021 and wants to list office hours and be able to use office. To be placed on future agenda. Also Sweat Law Offices requesting refund of \$1,275.00 for mistake regarding real estate tax transfer tax. Calls not returned. I am not affiliated with real estate transfer tax. Sweat Law Offices to look into this matter.

Linda Evan Boren – 22 Parkvue Drive – Question about not adding to Agenda. Agenda Item #10. We are going to approve / deny Attorney Kathleen Gallagher as special counsel against Peters Creek Sanitary Authority and amending by-laws. They are their by-laws and it is completely within their authority to do such. Mr. Binotto researched and said they are legally permitted to do same. I see no reason why we should object to an authority changing their by-laws. Peters Township called it “good government” to have no one on the board that sits on other boards that falls under the Peters Creek envelope. Would not cause a conflict of interest. Maybe we could look at Peters Township as someone to aspire to. Concerned about another lawsuit. My concern and that of many other residents are the numerous lawsuits. Review of bill pay list and bills

for month of July is \$113,000.00. Unacceptable as taxpayer to me. We cannot afford these types of legal fees. Why are we constantly in litigation and lawsuits? We can have another police officer in this Township for this amount of lawsuit. More important things going on to spend this money on rather than lawsuits.

Michalle Dupree – 6178 State Route 88 – Approve / Deny of June 23, 2021 and I believe that what happened at that meeting that night was in very poor taste. And putting victims of crime name on the screen and are also in the minutes. And the fact that his name is printed in minutes is disgusting.

Also, regarding pay El Grande for 218 McChain – a gentleman came to my business under the impression that I was already on the Board due to the election – he wanted to notify me that the drainage is draining into his yard. I did advise him to come down to the township building and contact you directly. He complained about draining into his yard.

Regarding #10 – the lawsuit will affect all customer of PCSA as we will be paying their attorneys and our attorneys here and how it is detrimental to the Township for this litigation because we will pay twice.

Executive Sessions:

- Wednesday, June 23, 2021 (Personnel & Litigation)
- Monday, June 28, 2021 (Litigation)
- Wednesday, June 9, 2021 (Personnel & Litigation)

Department Reports:

- Engineers Report –discuss topics as they come up throughout the meeting.
- Police Report - City of Monongahela Police Department Report as read by Officer Bill Fusco.
- SEREMS Report.
- Animal Control Report
- Building Code Official Report
- Code / Zoning Report
- Road Crew Summary
- Parks & Rec Dept Report
- Elrama Sewage Department Report
- Treasurer's Report
- Computer Usage Report from Advent
- Solicitor's Report – Will discuss topics as they come up throughout the meeting. Would like to add or highlight a couple of items.

Mr. Sweat spoke regarding initiating a policy to be on Agenda for end of the month – regarding receiving copies of Supervisor's packets as part of preparing for meeting. Pre-deliberational materials – exempt from Right to Know and not available prior to the meeting. According to Section 708(A)(B) and packets are not subject to right to know prior to meeting but after meeting and votes and discussions occur, they would become public records subject to exempt areas of packets being removed. After meeting, packets will be turned over to my office and my office will review and information such

as solicitor's report is absolutely attorney client privilege and is not discoverable under right to know. Anything that has to do with personnel is not discoverable. Any information from other attorneys, e-mails on litigation is not discoverable. We will have to go through packet to clean out anything that is not subject to right to know because of privilege and that revised packet will be made available prior to the next scheduled meeting of the Board. This is the new procedure recommended by Solicitor and will word the policy.

Also, comment on attorney's fees. Absolutely, there was a comment on attorney's fees and that is from legal services rendered from January through present. That bill is a result of all the Mader litigation which we won every aspect of the case. That is not a lawsuit that the Township pursued or initiated other than to protect its vested rights as a second-class Township and the eminent domain code. You would hope that after a full hearing, testimony and a decision rendered by Judge Emery, that would be it. But no, three separate appeals have been filed to the Commonwealth Court. We have to defend that and the legal fees are going to continue and it is no fault of the Township. That is what the \$100,000.00 in legal fees are.

As far as #10 on the Agenda, there is ongoing issues between Peters Creek Sanitary Authority and the Township. There are a number of policies, operational and administrative decisions that are being made that our members have disagreed with and they have been vocal in their disagreements. Everything is consistent in the municipal realm and it is advisable that a Supervisor sit on the Board. There is a section that deals with this topic. It is Amendment to the Articles of Incorporation. That is where all the major changes to operation in government and functioning of authority have to take place. And if they want to change it, they recommend it take place at the Articles of Incorporation as they want to eliminate any Supervisor or any relative of a Supervisor to be on the Authority Board. If they want to do that, they recommend that as an amendment to the Articles, they send that to the governing municipalities that make up that Board and/or Authority. In this case, it would be Peters, Union, Finleyville, and Nottingham. We are challenging amendment to the By-Laws which would take away multiple seats on the Authority Board where these seats, there are 3 of them, which represents Union Township and Peters Creek as a joint municipal authority. There are other issues as well. I believe that an authority member is absolutely entitled to the documents, contracts, and financial information of that authority board. Those members are responsible for the operation and government of the Authority. They are the ones, that represent the Township, could be surcharged, not a secretary, not an authority manager, and not only are they entitled to that information, I think they are required to ask for that information to properly carry out their duties. When the Supervisors asked for information from PCSA Board, they were told to fill out Right to Know Requests. Also, would like to have Sewage Service Agreement to details specifics about costs, increasing rates, edu's, independent audit rights, etc. No Agreement is in place at this point.

Bid Opening:

Opening of bids for Veteran's Memorial Park Phase 1 by Jamie Harshman, Engineer. Awarding of bid will be tabled until next meeting so Engineering has time to review, evaluate and make appropriate recommendations. Bid sheet attached to these minutes.

Unfinished Business:

Vacancies – None

Action Items:

Motion to approve Minutes from April 14, 2021 Meeting.

Motion: Daerr

Second: Esken

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

Motion Carried

Motion to approve Minutes from April 28, 2021 Meeting.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve Minutes from May 26, 2021 Meeting.

Motion: Esken

Second: Breinig

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

Motion Carried

Motion to approve Minutes from June 9, 2021 Meeting.

Motion: Lawson

Second: Breinig

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

Motion Carried

Motion to approve Minutes from June 23, 2021 Meeting.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve Popp & Fellabaum Subdivision Plan.

Motion: Daerr

Second: Breinig

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

Motion Carried

Motion to approve purchasing safety arrow for back of tractor for safety measures.
Total cost not to exceed \$700.00.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve Change Order for Back Road Solutions for \$2,049.00 to include a solar powered flashing stop sign and an additional stop sign ahead sign to the McChain and Thompson Safety Improvements Project.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve Harshman CE Group begin discussion with PennVest regarding Finleyville Elrama Road Sewage Project.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve authorizing Attorney Kathleen Gallagher of Gallagher, Giancola, LLC, Special Counsel to Union Township, to commence a legal proceeding against Peters Creek Sanitary Authority (“Authority”) challenging their decision to amend the Authorities’ Bylaws and/or Articles of Incorporation that would prohibit an elected Supervisor or a relative of an elected Supervisor from serving as a Member of the Authority Board without the consent of Union Township in violation of Section 5605(a) and (b) of the Municipality Authorities Act. This legal proceeding would also include a Declaratory Judgment Action requesting the Court to identify the Authority contract documents and financial information that is required to be shared with the Township and its Board representatives without requiring a Right to Know Request and that the Authority be ordered to enter into a Sewage Service Agreement establishing the rate structure for the residents of Union Township consistent with the approved 537 Plan for the Union Township Watershed serviced by the Authority.

Motion: Daerr

Second: Esken

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

Motion Carried

Motion to rescind prior Motion regarding Kathleen Gallagher.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve authorizing Attorney Kathleen Gallagher of Gallagher, Giancola, LLC, Special Counsel to Union Township, to commence a legal proceeding against Peters

Creek Sanitary Authority ("Authority") challenging their decision to amend the Authorities' Bylaws and/or Articles of Incorporation that would prohibit an elected Supervisor or a relative of an elected Supervisor from serving as a Member of the Authority Board without the consent of Union Township in violation of Section 5605(a) and (b) of the Municipality Authorities Act. This legal proceeding would also include a Declaratory Judgment Action requesting the Court to identify the Authority contract documents and financial information that is required to be shared with the Township and its Board representatives without requiring a Right to Know Request and that the Authority be ordered to enter into a Sewage Service Agreement establishing the rate structure for the residents of Union Township consistent with the approved 537 Plan for the Union Township Watershed serviced by the Authority.

***Mr. Sweat went on to further state: Unless they are removed by an Order of Court, they are still members. There is nothing that would prohibit Mr. Lawson or Mr. Breinig from attending meeting. The only ones that can remove them at this point is this Township.

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

Motion to approve payment of \$3,925.00 to Slusaczyk Excavating, LLC for work completed near 5027 Gary Avenue to alleviate drainage concerns.

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

Motion to approve payment of \$3,240.00 to El Grande Industries, Inc. for work completed near 218 McChain Road to reduce ponding in the roadway.

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

Motion to approve execution of Road Use and Bonding Agreement between Union Township and Roberts Pipeline, Inc. for Chevy Chase Street.

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

Motion to approve execution of Road Use and Bonding Agreement between Union Township and Oak Leaf Forest Products for McClelland Road.

Motion: Daerr

Second: Esken

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

Motion Carried

Richard Lawson abstained due to the fact this Oak Leaf Forest Products are doing work on his personal property.

Motion to approve purchase of speed sign through Municibid for a price not to exceed \$5,000.00.

Motion: Esken

Second: Breinig

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

Motion Carried

Motion to approve allowing Sweet Law Offices to draft Resolution regarding PCSA and formal position of Union Township.

Motion: Daerr

Second: Breinig

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

Motion Carried

Motion to approve possible Resolution in regard to the Corona Virus Relief Funds (\$594,311.78).

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve Parks & Recreation Committee to use Veterans Memorial Park the morning of August 7, 2021, for Yoga class.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve expenditure of \$250.00 for Yoga instruction and breakfast for participants of Yoga class.

Motion: Daerr

Second: Esken

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

Motion Carried

Discussion Items:

Update on McChain Road speed signage. Engineer Sean O'Dell to pull data from signs and update Board with same.

Discuss increased police presence proposal from Chief Kevin Harris from Monongahela City Police. Supervisor Esken working with Chief Harris to come up with proposal for additional coverage for Township. 3 additional days of coverage and costs to cover same. Going to try for probation period of 3 months. \$48.82 per hour which will cover everything. To be discussed again at next meeting regarding proposal and total costs for additional police presence/coverage.

Discuss updating Emergency Disaster Plan. Supervisor Esken working with Leonard Bailey and fire departments. Our disaster plan has not been updated since 2019. We will get updated copy of Plan from Mr. Bailey.

Discussion regarding pay per call with Union Township Volunteer Fire Department. Ms. Brown to contact fire departments to get necessary information. Try to work out more precise numbers and possible proposal. To be placed on next Agenda with more fine tuning and pick numbers to offer to help recruit additional volunteers and reward for volunteering. To get some more fine tuning of numbers.

Discussion regarding Tanner Smida / Pulse Point and awaiting update from Mr. Smida regarding his progress with project in Washington County / Union Township and Emergency Directors.

Consider extension of the Tomko Grading Permit Agreement. Engineer Jamie Harshman said that this is an annual occurrence and that there are no recent problems/issues and he does not see why we should oppose giving extension for Tomko. Current extension expires on August 31, 2021. Sweat Law Office to review Agreement and approve. To be place on next Agenda for approval for approval and/or denial. Also, Supervisor Lawson mentioned about donation of load of stone for Horses for Hope and his watering system to contain dust.

Discuss Facebook / Zoom meetings. This will be last Zoom meeting as attendance at meeting through Zoom has been low. We are looking into live streaming meeting through a possibly newly created Facebook page and strictly managed by the Township Secretary and live stream outline. We have a listing of how many persons show up in person and who has been logging into to Zoom for same. Get numbers and report at next meeting.

Discussion regarding draft of newsletter. Staff is working on drafts and Supervisors will approve and then we can go into print.

Motion to approve Payroll dated July 9, 2021 in the amount of \$12,544.36. Consists of 1 Admin, 1 LGA Intern, 2 Road Crew, 1 Road Master, 1 Tax Collector and Supervisor Pay for 2nd Quarter of 2021.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve Bill Pay List for General Account in the amount of \$250,139.32.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve Bill Pay List for Elrama Sewage Account in the amount of \$6,494.17.

Motion: Lawson

Second: Breinig

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

Motion Carried

Motion to approve Bill Pay List for Escrow Account in the amount of \$4,734.85.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to approve Bill Pay List for Overlook Sewage Account in the amount of \$682.65.

Motion: Daerr

Second: Breinig

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

Motion Carried

Correspondence: E-mail from Anne Marie & David Oyler regarding website and community. They found it very easy to navigate and commended us on job well done and ease of accessing.

Public Comment:

Michalle Dupree – 6178 State Route 88 – Stated that if we are no longer having Zoom meetings, what is the reason for Ms. Scott’s appearance and paying her for same. Also, new law goes into effect August 29, 2021 regarding posting Agenda and not adding anything to Agenda during meeting.

Mr. & Mrs. Barner – Finleyville Elrama Road – Issues regarding sewage running over/through their driveway from neighbors. Engineers and Road Crew to review and make recommendations for fix. To meet with Engineers to try and solve situation.

Bernadette Speer – 5106 Chevy Chase Street – If we are not permitted to add items to Agenda, can you make a decision regarding opening the building for tax payment receipt. I paid over \$25,000.00 from 2010 through 2017 to rent an office space and the taxpayers need a centrally located office to pay their taxes. The building is open and all bans have been lifted. I do not understand what the problem is. I have an office in this building, why cannot I access same.

Frank Latorre – 7 Boyka Drive – Negative comment – Stone Church Road – still a lot of empty trailers and not sure what problem is getting them removed. Dangerous situation for children. Positive comment – negativity about Board members and spoke of positive statement regarding Supervisor Lawson – donation of time and equipment for Horses for Hope – cannot express gratitude for his volunteering / donation. Over 150 children are learning and able to connect because of the gratitude of Mr. Lawson and his son. I was persecuted and my name was spoken of badly with no proof. Also spoke about Mr. Tomko and his very generous donation of gravel for Horses for Hope.

George Powell – Finleyville Elrama Road – We had bad storms coming through. Our road crew did a great job getting roads cleaned up and cleaned. They need a high five for a job well done. As far as Barner sewage situation, which has been ongoing for years, nobody wanted to spend money to put pump years ago and their sewage get pumped up hill. Finally, trying to get something done and good for you.

Linda Evans Boren – 22 Parkview Drive – Spoke regarding opening up tax office. Does not understand why we cannot open office for in person tax payment. Bernadette Speer should be able to open her office and send her tax notices out. She has been here forever and there is no reason why she should not be able to collect taxes.

Supervisor Esken – We need to look out for the safety of our staff every day. We cannot ask about vaccinations and we need to go on honesty. We need to look into safety of our staff in here.

Ms. Speer also commented about window to keep staff safe. Ms. Speer said she can put something in her office for protection.

Mr. Latorre also spoke about PCSA Meeting and appalled by conduct of residents from Union Township and their actions at this meeting. Also, about sewage in this Township – PCSA stated that everyone in this Township will get \$20.00 increase in their sewage bills. I was embarrassed by resident's actions.

Statements from Board of Supervisors:

Chairperson Daerr – we are taking a lot of hits and Mr. Sweat hit it correctly. Legal fees – that is a lot of money. We are being sued – we have to defend the Township – money is going out the door. You have to defend the Township and its residents. A lot will be coming out for public consumption sooner rather than later.

Motion to go into Executive Session at 7:10 p.m. (personnel only)

Motion: Daerr

Second: Esken

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

Motion Carried

Return from Executive Session at 8:00 p.m.

Discuss Personnel - no decisions were made.,

Motion to Adjourn @ 8:02 p.m.

Motion: Daerr

Second: Lawson

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

Motion Carried



ROBERTA J. SINGER, Secretary

Veterans Memorial Park
 Union Township, Washington County, Pennsylvania

BIDS RECEIVED UNTIL: 12:00 PM Wednesday, July 14, 2021
 BIDS OPEN: 5:00 PM Wednesday, July 14, 2021

LIST OF BIDDERS

NO.	BIDDER'S NAME & ADDRESS	10% BID BOND		BASE BID	ALT 1.A DUGOUTS	ALT 1.B BULLPEN/ BATTING CAGES	ALT 1.C BLEACHERS
		YES	NO				
✓ 1	Company: Playchak Construction Co., Inc Address: 305 N 2nd Avenue, Suite 2 Phone: (412) 384-3224 Fax: 4123848770 Attn: Kim Hancock Email: kim@playchakconstruction.com Company: Mills Excavating Address: 753 Flatwoods Road Vanderbilt PA Phone: (724) 415-8624 Fax: 0 Attn: Craig Mills Email: Craigmills1996@yahoo.com Company: WG Land Company, LLC Address: 2023 County Line Road Phone: (724) 593-8351 Fax: 724-593-8431 Attn: Kathy King Email: kathy@wglandco.com	100%	X	298,567	41,000	39,000	100,000
2	Company: John Zottola Landscaping Inc. Address: 209 Curtis Street, Pittsburgh, Pa. 15235 Phone: (412) 242-9890 Fax: 412-242-1123 Attn: Edgewood Cipko Email: ies.jzinc@comcast.net Company: Esken Landscaping Address: 360 Olympic Road Pittsburg, PA 15236 Phone: 412-760-5603 Fax: 412-655-7441 Attn: Tim Esken Email: eskentim@yahoo.com Company: Elizabeth Equipment Services Inc Address: 5300 South State Route 51 Phone: (724) 379-4644 Fax: Elizabeth Equipment Services Inc Attn: Merle Lenhart Email: mlenthart@elizabethequipmentservices.com Company: Piccolomini Contractors Address: 1790 Pittsburgh rd Phone: (724) 437-7946 Fax: 7244379947 Attn: Mario Piccolomini Email: mario@piccolominicontractors.com Company: Straw Construction Company Inc. Address: PO Box 9 Boswell, PA 15531 Phone: (814) 629-6626 Fax: 0 Attn: Kurtis Straw Email: kstraw@strawconstruction.com						
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Veterans Memorial Park
 Union Township, Washington County, Pennsylvania

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		YES	NO				
9	Company: C.H. D. Enterprises, Inc. Address: 100 Brady Pl Phone: (724) 925-9832 Fax: 7249259833 Attn: Aimee Parquette Email: estimating@chdentinc.com Company: JOHN T SUBRICK, INC. Address: 778 THOMAS 84 RD Phone: (724) 263-2209 Fax: 7242255826 Attn: John T Subrick Email: johntsubrickinc@comcast.net Company: Costabile Construction Inc. Address: 533 Industrial Park Road Smock PA 15480 Phone: (724) 439-0971 Fax: 7244390972 Attn: Elizabeth Kegg Email: costabileconstruction@hotmail.com						
10	Company: Piedmont Services LLC Address: 680 Pittsburg Rd, Uniontown, Pa. 15401 Phone: (724) 323-4366 Fax: 7244307370 Attn: Montie Email: Montep@piedmontservicesllc.com Company: JARVIS, DOWNING, & EMCH INC. Address: PO Box 6253: WHEELING WV 26003 Phone: (304) 232-5000 Fax: 3042320619 Attn: AMANDA LENGYEL Email: AMANDAL@JDE-INC.COM						
11	Company: Murin & Murin Inc Address: 234 Oak Way Phone: 412-896-0031 Fax: 412-896-0033 Attn: justin murin Email: justin@mpe-inc.biz	10%	X	55,000.00	0.00	0.00	11,000.00
12							
13							
14							