

**Union Township Board of Supervisors
Public Meeting
November 10, 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 (via telephone conference); Richard Lawson, Supervisor/Treasurer; Hal D. Breinig, Supervisor/Roadmaster; David A. Esken, Supervisor/Roadmaster

Also, in attendance were: Roberta Singer, Secretary/Ass't. Treasurer; Terri Gladus, Township Administrator; Karen Brown, Administrative Assistant; Gary Sweat, Solicitor, Sweat Law Offices; Sean O'Dell, Engineer – Harshman CE Group, LLC; Officer William Fusco, City of Monongahela Police Department; Sarah Scott, Esquire, Sweat Law Offices; Frank Palermo, CPA -- Palermo Kissinger/Associates

Proof of Publication confirmed

Moment of Prayer by Pastor Al

Public Comment:

Michalle Dupree – 6178 State Route 88 – Read a statement about the last budget workshop regarding Cardox Rd. Stated that this board is in a lot of litigation per Washington County Website - total of 33 cases since 2018. She stated that the constant litigation is expensive, and action needs to be taken.

She stated that regarding her Right to Know request from March, she received 114 pages of documents she was charged for but did not request so she stated that she will be returning them for reimbursement. She suggested reasons that this may be happening, and she is hoping it can be worked out.

She also stated that was made aware via Ms. Scott that there is a client trust account with Sweat Law Firm. She stated that this account is omitted from the meeting packets and may violate the sunshine act.

Linda Evans-Boren – 22 Parkvue Dr. – She stated that the Township has been irresponsible for paying a severance pay to Shawn McQuillen then three months later the Township advertising for another Road Crew position.

She states that she was also made aware of the attorney client trust account and after 35 days she received a response, which included handwritten documents rather than

from a bank and she finds this unacceptable. She clarified that she will be submitting a new right to know request and exactly what she is asking for through this request.

Executive Sessions: Tuesday, October 27, 2021: Personnel & Litigation

Department Reports:

- Account Balances
- Building Code Office Report
- Code / Zoning Official Report

Engineers Report – Mr. O'Dell stated that he comments on items as they come up during the meeting. One item discussed - EQT submitted revised plans for Coal Bluff and Pleasant View Rd upgrades. EQT asked us to consider allowing them to alter their design from a concrete curb to an asphalt wedge curb. The Township's standard protocol is the wedge curb and the wedge curb would be cheaper. He stated that he wishes to hear the Board's thoughts on the change.

Supervisor Lawson – Expressed that he is fine with the wedge curb and stated that Mr. O'Dell had a good point on the overage on the paving from Patterson Rd down to 88.

Supervisor Daerr- Deferred to the other supervisors with more expertise on this matter.

Supervisor Esken – Agreed with Mr. Lawson.

Overlook Sewage Report

Police Dept. Report – Officer Fusco read report

Supervisor Lawson- Commented that the gas usage is consistent with month after month for miles using.

Officer Fusco-Commented on how those numbers are calculated.

Road Crew Report

Elrama Pump Station Data

Solicitor's Report – Solicitor Sweat discussed his report on open matters and regarding item #2. Stated that there is a meeting scheduled meeting for Friday at 1 p.m. in his office with Maronda Homes and asked Mr. Lawson to attend. He hopes that they will be able to get to a resolution.

He stated that the recent decision made by the federal court to dismiss the third complaint made by the Maders and that had been appealed by the Maders. There will be a session scheduled for argument.

He discussed the motion to advertise an appointment of a public accounting firm to do the 2021 audit.

He made a brief statement on comments made by Ms. Dupree and Ms. Evans. He stated that he found it amazing that Ms. Dupree to make a statement that it is highly

unusual for an attorney or law firm not to have a client trust account. He stated that it is required and the interest in that account goes to the state bar association. He then stated that no individual will ever see the information in the client trust account under right to know or any other reason without a court order. He stated that that information is highly confidential and highly privileged. He stated that anything that pertains to a request to see our client trust account is absolutely unequivocally denied and anything that refers to my client trust account, Sweat Law Office trust account is off limits to everybody I want to make that clear.

Chairman's Report – Deferred report until 2022 budget is discussed later.

Unfinished Business:

Vacancies – None

Action Items:

Motion to Approve Minutes from October 4, 2021, Public Sewage Workshop.

Motion: Daerr

Second: Breinig

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

Motion Carried

Motion to Approve Minutes from October 6, 2021, Budget Workshop for 2022.

Motion: Daerr

Second: Lawson

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

Motion Carried

Mr. Breinig abstained because he was not in attendance.

Motion to Approve Minutes from October 27, 2021, Public Meeting.

Motion: Esken

Second: Lawson

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

Motion Carried

Motion to Approve holding a Christmas Breakfast at Elrama Fire Hall on December 11, 2021, which will be planned by the Parks and Recreation Board. This is to include Township assistance in printing and distributing flyers and a budget not to exceed \$600.00.

Motion: Breinig

Second: Lawson

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

Motion Carried

Mr. Lawson stated that he would like the Township to receive a copy of the testing results requested by the DEP Bureau of Air Quality Air Sampling at the Nike Site.

Motion to Approve request of DEP (Bureau of Air Quality) to place Air Sampling Canister on Nike Site property for 24 hours of testing condition on (See e-mail from Anna Fabrizi dated November 1, 2021, requesting permission.) with the condition that Union Township be copied on the results.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to Approve advertising the Board's intent to appoint a certified or competent public accountant or a firm of certified or competent public accountants to make an examination of all of the accounts of the Township for the 2021 fiscal year.

Motion: Daerr

Second: Breinig

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

Motion Carried

Lawyer Max Yunker from EQT and the Director of Permitting with EQT discussed the request for reconfiguration of their plans. It was stated that they submitted the new plans and considering this does not require expansion, but rather shrinks the disturbance, that this is accepted without additional conditional use hearings.

Mr. O'Dell – Verified that it is a reduction not an expansion and there are no other comments.

Mr. Sweat – We reviewed the letter and I concur with Attorney Yunker has said that this does not warrant a new hearing.

Motion to Approve EQT Amendment to the Conditional Use Agreement dated October 28, 2020, for the Site Plan for Mingo Well Pad. Based upon the representation by attorneys Lewis & Yunker by correspondence dated October 13, 2021.

Motion: Daerr

Second: Lawson

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

Motion Carried

Discussion Items:

Discuss regarding update on 2020 Audit -- Chairperson Daerr – Draft of the 2020 audit arrived at the Township this afternoon.

Mr. Palermo – Stated that there is an emphasis of a matter on page 3 because PMRS, the state retirement system has not issued the report for 2019 yet. They provided guidance to hold off on the report hoping that this was not included but it was. He now recommends that the Township files this and finish the audit with the emphasis of a

matter for timeliness purposes. He highlights that there is nothing more the Township could have done, considering the circumstances.

Also, he commented on page 5 that under the financial highlights there are about \$3.5 million dollars is unassigned and is classified as spendable money as of 12/31/2020.

There will be more review taking place.

Chairperson Daerr – Stated that it has been rumored that the Township is late with this audit but wanted to highlight that according to the professionals it is due calendar date 12-31-21.

She also stated that despite many accountants in the past, she is happy with the management notes from the current company.

Mr. Palermo- Commented that he agrees, and they provide a lot of guidance and notes. It is a 32-page, comprehensive report.

Discuss EQT map of abandoned oil and/or gas wells – Ms. Gladus – discussed information on what DEP was requesting regarding abandoned unmapped abandoned wells. She confirmed that EQT stated that they have no knowledge of abandoned wells that had not already been reported to DEP. She showed a map of the known abandoned well sites that is available to the public.

Discuss project repository project/timeline graphic – Ms. Gladus discussed the timeline she made and that a digital copy is coming for easier reading and asked Board members to contribute any items they feel are missing.

Discuss regarding budget items:

Mr. Palermo's outlined that the three budget meetings serve to show where the Township stands, what the wish list would cost, and finally the realistic budget that includes cuts to the wish list.

Ms. Daerr commented that there will be no final budget adopted until it is approved at a Board Meeting.

- a. 2022 Road Projects – Supervisor Esken discussed issues he sees with roads and what needs to be done.
Supervisor Breinig discussed the unforeseen issues with Coal Bluff Road. Supervisor Lawson discussed the reoccurring bills, stating that he believes that Harshman's bill and the Solicitors bill will remain fairly consistent. He stated that the max amount of money that should be spent on road work should be what we receive from liquid fuels money because when the Township goes to pave a road, it snowballs. And there are large amounts of fixes that pop up that need to be addressed. He listed some of the roads that were fixed in the last several years that were not budgeted for but had to be addressed on an emergency basis.

Ms. Daerr commented that it is incredibly difficult to plan considering the condition that the roads are in, because it is difficult to predict which roads will need immediate attention in the up-coming year.

Ms. Daerr asked if Mr. Sweat knew what ARPA Funds can be used for Mr. Sweat said that more information will be coming about this and he will keep the Township updated.

Mr. Palermo said to keep in mind that the Township has until 2024 to determine where they are going to use that money and the work performed by 2026.

b. Personnel –

Supervisor Lawson commented that he ran some scenarios and believes that adding a road crew guy will help work towards doing more jobs in-house but can be about 25% more expensive than bidding it out.

Chairperson Daerr – Stated that she is rethinking the manager position for this budget cycle, discussed her reasonings on not hiring a Township manager.

Supervisor Breinig agrees with Chairperson Daerr and says the Township should hold off for a bit, and wait until the Township sees where we are after the housing plans go in.

Supervisor Lawson agrees does not think we need a manager at all since our Township is too small, and a Township manager is a luxury. He is in favor of hiring a management company in the future for a few days a week but he is in favor of putting the money towards the road crew this cycle.

Mr. Esken said that his problem going without a manager is how much time the board commits, and the board, especially Ms. Daerr, needs stress taken off of her.

Ms. Daerr asked this to be on the agenda for future conversation.

Mr. Sweat stated that management duties are basically being handled by my firm, by Harshman firm, by Palermo firm. These bills may be high it saves money on paying a manager salary and benefits.

Ms. Daerr says that she still hopes for a Township manager but feels that infrastructure just has to go towards critical infrastructure problems right now.

c. Solicitor and Engineering

Ms. Daerr commented that when looking at engineering firm, keep in mind the large projects such as Coal Bluff, the sewer projects, etc. that are being managed by them right now.

Mr. Lawson reminded everyone that many of these projects are front end loaded and money will be recouped from many of them in the coming years. He also noted we need to be ultra conservative because of the projects that have been dumped on us.

Mr. Sweat reminded the Board that the DEP is mandating Mingo so it is difficult situation to manage.

- d. Donations
Supervisor Lawson thinks we should give a little to the Fire Departments if it is in the budget but if it is not, it's not.
Mr. Breinig agreed.
- e. Construction Needs – Chairperson Daerr said were already discussed.
- f. Equipment
Supervisor Breinig stated that there are no large equipment needs, only the 2 tires for the front-end loader
- g. Misc. Items
Chairperson Daerr commented that Mr. Silvestri discussed his recommendation back in 2017 that Peters Township has a fund balance equal to 15% of budgeted revenues, looking at that thought process we would have to have a \$255,000.00 fund balance and noted that are being twice as conservative as Peters Township.
Mr. Palermo - We are talking twelve times significantly capitalized.
Chairperson Daerr commented that rumors going around that we are going bankrupt as a Township.
Mr. Palermo discussed how the funds are used and how it does not show bankrupt.
Chairperson Daerr said the board needs to come up with more thoughts to share at the end of the month. And she will commit to the board and to the citizens and we will deliver the services and manage as best as we can.
Supervisor Lawson commented that solicitor bills are high and even in Peters Township they exceeded the budget for their solicitor when they were in litigation.

Bill Pay List Approvals:

Motion to Approve bill pay list for the Brentwood Bank General Account in the amount of \$102,654.67.

Motion: Lawson

Second: Breinig

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

Motion Carried

Motion to Approve bill pay list for the Brentwood Bank Elrama Sewage Account in the amount of \$591.02.

Motion: Lawson

Second: Breinig

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

Motion Carried

Correspondence: None

Public Comment:

Michael Barna – 4042 Finleyville-Elrama Rd – Stated that he also heard rumors about reactionary spending and referenced the list of projects that Mr. Lawson rattled off. He says people have been living with this failed infrastructure for a long time. He stated Bobbi is “off the hook” as he has no Right to Know requests and complimented Ms. Gladus’ maps. He then stated that he has witnessed a lot of issues with speeding at the bottom of his hill and he offered his driveway for a police car.

Supervisor Remarks:

Supervisor Breinig requested that the road crew be able to take the salt trucks home with them during large snow events.

Supervisor Lawson said that I don’t see a problem with that, but I think we should have a written policy.

Chairperson Daerr asked Ms. Singer to add this to discussion to the agenda for next meeting.

Ms. Daerr asked for a moment of silence to honor all of the veterans in honor of veterans day.


Motion to Adjourn @ 6:25 p.m.

Motion: Daerr

Second: Breinig

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

Motion Carried



ROBERTA J. SINGER, Secretary