

**Union Township Board of Supervisors
Public Meeting
November 23, 2021 @ 5:00 p.m.**

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

Pledge of Allegiance

Proof of Publication: confirmed

Moment of Prayer by Pastor Ken.

Attendees: Heather Daerr, Chairperson via telephone; Charles Trax, Vice Chairman; Richard Lawson, Supervisor/ Treasurer; Hal D. Breinig, Supervisor/Roadmaster

Absent: David A. Esken, Supervisor/Roadmaster; Terri Gladus, Township Administration

Also in attendance: Roberta Singer, Secretary/Ass't. Treasurer; Karen Brown, Administration; Michael Cruny, Sweat Law Offices; Jamie Harshman, Engineer – Harshman CE Group, LLC; Sean O'Dell, Engineer – Harshman CE Group, LLC; Officer Taylor, City of Monongahela Police Department; Sarah Scott, Esquire, Sweat Law Offices; Frank Palermo, CPA, Palermo/Kissinger & Associates

Executive Sessions:

Personnel & Litigation: November 10, 2021

Personnel & Litigation: November 22, 2021

Public Comment:

Larry Spahr – 181 McChain Rd. Finleyville, PA – stated that he had several questions from budget meeting such as, who currently is the Treasurer of Union Township?

Supervisor Lawson – stated that he is and has been, as it is on the agenda and he stated that his bond is up to date

Mr. Spahr said, "fine." He stated that he found out that the Township has a trust account that is administered by Sweat's office. He would like to know why the Township has a trust account, why its Township needs a trust account, and if there is a written agreement. Why does this Township need a trust account? What was the purpose of it?

Mr. Lawson stated that this was answered by the solicitor last meeting.

Mr. Spahr expressed that the Solicitors response in regard to the fund peaked his interest more because the solicitor stated that the folks asking questions were not knowledgeable. He stated that he asked other solicitors he spoke to said that this fund was an oddity and that saw substantial funds taken out of the general fund to go to Sweat's law firm. He stated then more money went to various other vendors such as investigators. He wants to know what the purposes was and he assumes that our Solicitor is a trustee. Mr. Spahr stated that he wants to see the written agreement establishing this "trust fund".

Solicitor Cruny – addressed Mr. Spahr and stated that he was incorrect that that it is not a trust fund, it is a client trust account. He stated that in Pennsylvania that's what attorney's having to have to hold money into a trust account. He clarified that it is very different than the trust fund that Mr. Spahr is referring to, rather it is authorized money paid into based off what is authorized by the Board. He stated that if Mr. Spahr wants to see the written agreement, he should file a Right to Know Request. He stated that it is possible that Mr. Spahr's Board may not have been on top of regulations and noted that current board is cleaning up messes based off past actions.

Mr. Spahr stated that he is tired of hearing about the wrong doings of past boards, and that some deficiencies occurred after he left. He stated that he is asking again of the purpose of the checks being taken out of the Township's general fund in the Sweat's name and into the Client trust account. Then, the same amounts of money go out of the client trust account and then are written to other vendors and why there was not direct payment.

Michalle Dupree – 6178 State Route 88 – Expressed concern on the wrong date on the agenda for an executive session which was last Sunday.

Ms. Singer – stated that it was a typo and it should be listed as the 22nd

Ms. Dupree– Expressed concerns on Finleyville Elrama Rd Slusarczyk bills associated with pumping the holding tank. She asked if it would continue.

Supervisor Lawson –stated that it is costly and it will be pumped until the sewer project is done. The project is being held up by Peters Creek Sanitary Authority. He stated it is costing about \$5,000 a month.

Ms. Dupree stated that she wants an update on when the end date is since it was not explained when it was going to be finished.

Mr. Lawson stated that it was many meetings and he did feel that it was explained.

Ms. Dupree stated that it was not clear to her. In addition, she stated issues she has seen with frivolous spending while she feels that money should be going to EMS services.

Supervisor Lawson – responded that the Township has not missed a \$1,000 donation.

Ms. Dupree stated that that money pails in comparison to the \$26,000 the Township spent on hiring an investigator.

Mr. Lawson stated that he will address his feelings on the EMS later, but he stated that other boards spent money building the garage for the EMS and then let them walk away.

Mr. Spahr responded from the audience.

Vice Chairperson Trax called order to the room.

Ms. Dupree stated that she is displeased with offering to pay for PulsePoint but no willing to give more to the emergency services that are already in place.

Financial Report – Palermo/Kissinger & Associates – will comment when the budget is discussed.

Solicitor's Report – will comment on items as they come up during the meeting.

Chairman's Report – No report.

Unfinished Business:

Vacancies - None

Motion to Approve 11/3/2021 Budget Workshop Meeting Minutes.

Motion: Trax

Second: Breinig

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

Motion Carried

Motion to Approve 11/10/2021 Public Meeting Minutes.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Audit for year-end December 31, 2020, as prepared by McCall, Scanlon & Tice, LLC, Kathy Houston is to advertise.

Motion: Trax

Second: Lawson

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

Motion Carried

Supervisor Breinig recommended Valley Tire due to have done business with them previously and would prefer to use them again considering there is not much of a price difference.

Motion to Approve Purchasing of two (2) hi-lift tires. Three bids received.

- a. Valley Tire - \$1,099.88 each and \$120.00 per hour labor (est. 3-4 hrs. to install) Total: \$2,679.96 approximate
- b. Briggs Tire - \$1,500 each and \$105.00 per hour labor. Total: \$3,420.00 approximate
- c. Vern Allen Tire - \$1099.88 each and \$250.00 service fee. O-rings are \$140.00 each. Total: \$2,449.76 approximate

Motion to rescind purchasing Vern Allen Tires of two (2) hi-lift tires.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve: Valley Tire was chosen for \$1,099.88 due to it is closer and we have previously worked with them.

Motion: Trax

Second: Breinig

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

Motion Carried

Motion to Approve Purchase of parts from Stephenson Equipment, Inc. for parts for flail mower in the amount of \$1,389.19 and shipping. Mr. Lovrich from the Road Crew can install parts.

Motion: Trax

Second: Breinig

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

Motion Carried

Motion to Approve Rejecting all bids for the Spruce Street Drainage Plan Project.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Payment of the remaining balance of Invoice #6044 to Slusarczyk Excavating, LLC in the amount of \$575.00 for the installation of the holding tank at 4042 Finleyville-Elrama Road. This remaining balance was withheld previously until the grass reached 70% cover over the disturbed area.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Rescinding the previous motion to hire a Township Manager.

Motion: Trax

Second: Daerr

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

Motion Carried

Motion to Approve Payment of invoice No. 28731 to Ten Mile Paving, LLC in the amount of \$146,162.25 for the Coal Bluff Drainage Project (2021 Road Program).

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Payment of invoice No. 28732 to Ten Mile Paving, LLC in the amount of \$72,633.25 for the Coal Bluff Drainage Project (2021 Road Program).

Motion: Daerr

Second: Trax

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

Motion Carried

Discussion Items:

Discuss Engineering bills and management of same for 2022 on all road projects. Mr. Lawson asked to let him work with Harshman directly to prioritize projects and understand potential expenses. Board members agreed.

Discuss donations to emergency services. Ms. Daerr stated that the Board has made \$1,000.00 payments to ambulance consistently since 2007, and this board made up for three years that were missed with a \$3,000.00 payment. She noted that the Board is perfectly in line with donations made to the EMS, as other Boards. She also stated that there was a building constructed for about \$400,000 for the EMS that is not currently used, it is hard to hear some of comments that the current board is not budgeting well now. She proposes \$1,000 to EMS and \$2,000 to each fire department.

The rest of the Board agreed with Ms. Daerr's proposal.

Mr. Breinig stated that the response he got from an EMS representative that said that the ambulances go to McKees Port and beyond. He stated that he is incredibly in support of the ambulance service and is not opposed to a donation, but he wants more of a presence in the Township instead of just coming once a year for a donation.

Discuss regarding Police services for 2022. Mr. Lawson stated that he thinks the quote provided for the additional coverage was reasonable, but they simply do not have the money in the budget to provide the increased services.

Ms. Daerr stated she agreed.

Motion to Approve 2022 Budget and advertising of same conditioned upon the discussion of items above.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Payroll dated November 12, 2021, in the amount of \$8,616.83 for 2 Administrative, 2 Road Crew and 1 Roadmaster.

Motion: Trax

Second: Lawson

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

Motion Carried

Mr. Breinig abstained because he serves at the Roadmaster.

Motion to Approve Bill Pay list for the Brentwood Bank General Account in the amount of \$155,151.67

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to Approve Bill Pay list for the Elrama Sewage Account in the amount of \$7,295.72.

Motion: Trax

Second: Breinig

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

Motion Carried

Correspondence:

None

Public Comments:

Larry Spahr – 181 McChain – Stated that the additional bay added to the garage was paid for with grants with the goal of housing an ambulance for quicker response in the Township. He stated that the ambulance moved out because the ambulance service did not want to pay what the Township was asking to house the ambulance.

Mr. Lawson stated that payments were never asked for and they left because there was not enough call volume to support an ambulance in the Townships.

Mr. Spahr stated that he wants Mr. Lawson to justify to the Township citizens how the Township could spend \$26,000 on an investigator but can not donate more to the EMS services.

Mr. Lawson asked Mr. Spahr if he had ever seen the financial reports of the EMS and how much they pay for rent etc.

Solicitor Cruny- stated that he has no problem citizens questioning how funds are spent just as this board questions how previous boards spent money. But he stated that he needs to clarify that it is absolutely the law that Townships have a client trust account with a fiduciary and the only person that can sign in that is a solicitor. So, the only person that can sign for the checks through the trust account is the solicitor. There can no be any comingling, there must be separate accounts and that is why there are several accounts, as the law requires it. He made clear that the citizens can absolutely question if it is the best way to spend public money, but he does have a problem with it being insinuated by Mr. Spahr that the board or the solicitors are doing something illegal by having these accounts.

Mr. Spahr stated that he has no argument with the legality of it, that he understands that.

Mr. Cruny stated that Mr. Spahr had stated that he talked to other attorneys who stated that this was not common practice.

Mr. Spahr said his question is why it is necessary to have an account like this and why payments are not made directly to the vendors as they were the last 40 years. He stated that he wants that money to be audited by a firm because he asked Mr. Palermo if he has ever seen on the budget form of an account of that nature.

Mike Barna – 4042 Finleyville-Elrama Rd – Stated that he wanted to clear up some comments about his property from earlier, that the issue on his property is absolutely an emergency and raw sewage is still happening. He stated that when he saw the garage being built that \$400,000 was spent on, it made him extremely upset because he was still dealing with sewage issues at the time that were not addressed. He thanked the board for helping him.

Supervisor Comments:

Ms. Daerr concurred with Mr. Barna and stated that she does not agree with how money was spent in the past. She commented that it was public record that the ambulance service stated that they were leaving the Township due to not enough call volume to be centrally located in the Township. She said that the Board then questioned if this was discussed when the building was built, and that there was no agreement to say that the EMS would be inhabiting the bay. The Township ended up renting it to them for a dollar a year, and then the EMS service left a year later.

Mr. Breinig apologized for his outburst earlier. He stated that from talking to EMS services, the agreement was that they would use the garage rent free and then one of the board members told them they had to start paying rent and that's why they left, but he does not know if that is the real reason. He also stated regarding the temporary sewage holding tank, that he witnessed how horrible of a situation it was and he praises the board and the engineers for handling that problem as it was a true emergency.

George Powell – Finleyville-Elrama Rd – He stated that he is 100% donating money to them, we need ambulance service, but he wanted to know if this is a paid ambulance service.

Supervisor Breinig yes they are paid, but they ask for donations all the time.

Mr. Spahr – commented more about the ambulance service, quoting the EMS representative that told the Board that they established a \$5 per capita donation schedule. He stated that if the ambulance service follows through with not providing service to those municipalities that do not donate, where is the Township going to get the service?

Mr. Breinig stated that insurance companies pay the ambulance services.

Motion to Adjourn @ 5:57 p.m.

Motion: Trax

Second: Lawson

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

Motion Carried


ROBERTA J. SINGER, Secretary