

**Union Township Board of Supervisors
Public Meeting
December 8, 2021
5:00 p. m.**

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

Pledge of Allegiance

Roll Call

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

Richard Lawson, Supervisor/Treasurer was absent

Also, in attendance were: Roberta Singer, Secretary/Ass't. Treasurer; Terri Gladus, Project Manager; Gary Sweat, Solicitor, Sweat Law Offices; Sean O'Dell, Engineer – Harshman CE Group, LLC; Officer Chase Taylor, City of Monongahela Police Department; Frank Palermo, CPA - Palermo Kissinger/Associates

Proof of Publication confirmed

Moment of Prayer by Pastor Ken

Public Comment:

Linda Evans-Boren- 22 Parkvue Drive- Commented on action item 6 to approve payment for the McChain and Thompson Rd. signage. She stated that it seemed like a very large amount of money when the road crew has done this in the past. She stated that she believes the Board is too willing to contract out work while not funding the EMS. She stated that it seems the Township values erecting a sign than saving lives by funding EMS.

Larry Spahr- 181 McChain Rd – Stated he had two comments on the budget. He said he did not see any line items or predicted line items, to suggest that the Township would have a balance at the end of 2021. He wanted to know if it appears if the Township will have a fund balance in 2021. He stated his second question was in regard to the budgeted amount for the Secretary/Treasurer, and why there was an increase of nearly double. He demanded to have answers.

Ms. Daerr- Stated that Mr. Palermo would look into it for him and get back to him to make sure he received an accurate answer.

Executive Sessions: Tuesday, November 23, 2021, Personnel & Litigation
Friday, December 3, 2021, Personnel & Litigation

Department Reports:

Engineer's Report – Harshman CE Group- will comment as needed.

Financial Report – Palermo/Kissinger & Associates-Mr. Palermo noted that from 11/30/20-11/30/21, not all accounts are reconciled. Cash is down about 1 million dollars, but it was budgeted for. Top line items to jump out are the amounts for police and road improvements. Unrestricted account balance as of 11/30/21 was 3.1 million dollars due to money received from road damages in 2020 but the work was done in 2021. He will comment as needed during the meeting and get back to Mr. Spahr on his questions.

Police Dept. Report – City of Monongahela Police Dept- Read police report

Project Manager Report – Terri Gladus- Reported that she has attended 2 grant workshops and plans to attend one more in the future. They were no cost to the Township but she wanted to inform the Board and the Citizens that she is working on bringing in more grant money.

Animal Control Report- no comment

Building Code Official – no comment

Code / Zoning Report – no comment

Road Crew Report – no comment

Elrama Pump Station Flow Report- no comment

Solicitor's Report- Commented that the initial request seeking information on Sweat Law Offices Client Trust account, was denied. She then refiled. Attorney Sweat explained how client trust accounts work and explained the difference between Township records that are public record and Sweat Law Office's records that are not public, explaining to the citizens what can be requested by citizens and what cannot be. He stated that time and legal fees will be spent when private items are requested and denied. He reiterated that bank records will never be released regarding his client trust account and he could get disbarred for releasing them.

He stated that Mr. Kovach, the manager of Peters Creek Sanitary Authority, has filed a hostile work environment claim involving Township representatives in front of the EEOC. This was dismissed on December 2nd. He then filed with the PA Human Relations Commission alleging the same thing. This was dismissed as well. Solicitor Sweat read the decision letter.

Solicitor Sweat highlighted that this is an example of the action that is taken against the Township that costs money and the Township must defend.

He commented on the federal and state court action. Ms. Mader filed her 3rd amended complaint in front of the federal district judge handling the lawsuit. The Township renewed its motion to dismiss. The Township is waiting for a decision. Regarding the state court actions he stated there are two appeals from the commonwealth court. One is from the preliminary objection ruling in favor of the Township on the Township's condemnation case. Ms. Mader appealed that to the commonwealth court. Briefings are scheduled and the oral argument will be in the future. The second is the appeal from the bench decision on the permanent injunction filed on the township which was appealed as well. This will be dismissed

due to procedural irregularities and a final decision will be made within the next month. He stated he will also comment as items arise.

Chairman's Report – Stated she would like to speak on the topic of the Township's ambulance service. She stated that according to the Quick Books account, there was no donation made from 2007- 2010. In 2010 and 2011, there were \$500 per year. From 2012- current, the Township has donated \$1,000 per year. She stated that we have not cut back on our donations to the EMS agency. She wanted to reiterate that there is no reason to believe that SEREMS will be withdrawing ambulance service.

Regarding the ambulance bay that was built on the premise that the Township will have an ambulance stationed in the Township 24/7, there is a lot of misinformation. On December 9th of 2013, the maintenance garage addition project was awarded to R.W. Martik and Sons in the sum of \$333,846 by motion of the Board of Union Township, years before this board. The project then came in around \$400,000. Then, in 2015 there was the addition of a kitchen which cost about \$25,000.

She commented in regard to the ambulance coverage in the Township, she would like the minutes from the November 13th, 2017, meeting. She read the comments made by Mr. Dell at that meeting that stated there was simply enough call volume in Union Township to warrant an ambulance in the Township and that Union Township had a low call volume compared to the other 9 Townships served. She stated that the idea that the Township pushed the ambulance service out of the bay that was built is not true. She also offered the contract signed between the ambulance association president and the township that rented the building to what is now known as SEREMS for \$1 a year. It was 10-11 months later when the Township noticed that the ambulance was not using the building and that is when the Township was informed at a meeting that there was not adequate call volume. Before that, ambulance was stationed at Elrama VFC and they were paying \$500-\$600 a month to be stationed there.

In regard to how the building was funded, Ms. Daerr brought forth an article from the local newspaper that stated that grants for this project were unsuccessfully applied for in 2012 and 2013. The project went forward anyway, and Local Gaming Funds were used to pay for the project. According to the Gaming Act, or Act 71, this money is to be used for general government, public safety, human services, public works, sanitation, highways and streets, or other public works, recreation, other misc. debt services and expenditures, and community development. Ms. Daerr's opinion is that this money should have been used for a better purpose and she would have pushed for sewage projects as a better use for the money.

Unfinished Business:

Vacancies – None

Action Items:

Motion to Approve November 17, 2021, Budget Workshop Minutes

Motion: Breinig

Second: Daerr

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

Motion Carried

Mr. Trax abstained because he was absent from that meeting

Motion to Approve November 23, 2021, Board of Supervisors Public Meeting Minutes.

Motion: Breinig

Second: Daerr

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

Motion Carried

Mr. Esken abstained because he was absent from that meeting

Motion to Approve purchase of parts for John Deere Hi-Lift in the amount of \$741.78. Ron Lovrich will install and repair machine with cutting edge.

Motion: Esken

Second: Breinig

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

Motion Carried

Ms. Daerr stated that the Veterans cooperation asked to place two red boxes, one at Veterans Park and one at the Township building and she asked Solicitor Sweat if he sees any liability issue with this.

Solicitor Sweat said he sees no issues.

Motion to Approve placement of Veteran's Donation Boxes at Township Building and at Veteran's Memorial Park. Pickup will usually be once per week. Incidentals to be worked out through Ms. Singer

Motion: Breinig

Second: Daerr

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

Motion Carried

Motion to Approve Road Use and Bonding Agreement between Union Township and Lone Pine Construction for Heavy Hauling and Road Work on Elrama Avenue, Ramage Avenue, and Howe Street for the Elrama Aldrich Water Treatment Plant Upgrades. through Ms. Singer

Motion: Daerr

Second: Breinig

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

Motion Carried

Mr. O'Dell stated that there is a letter in the packet that recommends this payment but due to recent information about malfunction with the flashing portion of the sign in the early morning hours he would like to have the opportunity to reach out to the contractor to see if this issue can be rectified.

Motion to Deny Payment of \$2,920.00 to Back Roads Services, Inc. for the McCain & Thompson Road Signage and Safety Project; this payment includes the initial contracted amount of \$1,050.00 and the approved change order amount of \$1,870.00. This is due to issues with the malfunctions experienced with the lights on the sign until we get more information from the company. through Ms. Singer

Motion: Esken

Second: Breinig

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

Motion Denied

Solicitor Sweat stated that they we waiting to close on the Leco property until settling and discontinuing the eminent domain action on the Banahasky property. There are two holdings in the client trust account pertaining to this action. One escrow amount on Banahasky for the eminent domain action and the closing amount for Mr. Leco. The Banahasky escrow will be returned to the Township after tomorrow's closing.

Ms. Daerr clarified that this is all in association with the Mingo Sewage project.

Solicitor Sweat noted that changing location will save the Township a minimum of \$30,000 and this was a wise tactical engineering move by the Township.

Ms. Daerr stated that they are one step closer to getting sewage to these residents.

Motion to Approve authorizing Sweat Law Offices to initiate the Revocation of Condemnation proceedings filed against the Banahasky property (Case No. 2020-2771) subject to closing on the Leco property (scheduled for Thursday, December 9, 2021).

Motion: Daerr

Second: Esken

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

Motion Carried

Discussion Items:

Discussion regarding policy/procedure for Road Crew to take trucks home during snowstorms/inclement weather. Ms. Singer stated that she emailed it to Solicitor Sweat and Mr. Cruny. Solicitor Sweat stated that he will look at it.

Solicitor Sweat stated that since the Board is discussing policy, he and Mr. Cruny are recommending that the Township adopt a policy for citizens and employees regarding Covid-19. He stated that he has policies that can be looked at and edited to be adopted by the Township.

Ms. Daerr stated that that should go on the agenda for the future.

Discussion regarding Washington County Sewage Council looking for office space for 2 persons and filing space. Ms. Daerr said that we received a letter from WCSC about this request. Ms. Daerr stated that she remembers a goal of needing office space for future growth.

Solicitor Sweat said if we have office space, it may be advantageous to have them in-office for easy accessibility.

Ms. Daerr asked Ms. Singer to get more clarification as to what they are looking for, what hours, etc.

Mr. Esken asked if we do have office space available and if they would rent it.

Ms. Daerr stated yes they will rent it.

Discuss operational Assessment Review Report. Ms. Gladus discussed that she went through the 2017 Operational Assessment report, looked at his recommendations, and made sure the board was moving in the right direction. She noted that of the over 30 items that have been pulled out of the report, all but 2 have been addressed. She said that this was impressive and there is nothing that needs urgent attention but there are some items such as reviewing the employee manual, fee schedule, etc. should be prioritized to make sure everything is up to date. She asked that the Board look at the recommendations and decide how to prioritize actions moving forward.

Ms. Daerr stated that this would be a good item to have on the agenda in the future to keep the citizens updated on the progress.

Bill Pay List Approvals:

Motion to Approve Payroll dated November 26, 2021, in the amount of \$8,657.75 for 2 Administration, 2 Road Crew and 1 Roadmaster.

Motion: Daerr

Second: Trax

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

Motion Carried

Motion to Approve Payroll dated December 10, 2021, in the amount of \$8,305.63 for 2 Administrative, 2 Road Crew and 1 Roadmaster.

Motion: Esken

Second: Daerr

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

Motion Carried

Motion to Approve Bill Pay List for the Brentwood Bank General Account in the amount of \$281,149.51

Motion: Breinig

Second: Daerr

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

Motion Carried

Motion to Approve Bill Pay List for the Brentwood Bank Elrama Sewage Account in the amount of \$225.29

Motion: Breinig

Second: Esken

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

Motion Carried

Motion to Approve Bill Pay List for the Brentwood Bank Overlook Fund Account in the amount of \$1,453.15

Motion: Esken

Second: Breinig

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

Motion Carried

Correspondence-

Ms. Daerr asked Ms. Gladus and Ms. Singer to affirm that this Saturday is the Santa Breakfast event.

Ms. Gladus noted that this Saturday, December 11th there will be a Santa Breakfast at the Elrama Fire Hall from 9am-11am. It is a free event and signups are still open. Please RSVP by tomorrow (December 9th) by using the website link or calling the office.

Ms. Daerr asked about attendance

Ms. Gladus noted that there were at least 52 people signed up so far.

Public Comment-

George Powell- Finleyville Elrama Road- Commented that the ambulance service should do as the Fire Company does where they ask for donations such as the Fire Departments do. He noted that the Township used to have a volunteer ambulance service and asked Mr. Spahr to verify that this was in the 70's/80's.

He asked Mr. Trax when he was sworn in.

Mr. Trax stated that he was sworn in January 2014.

Mr. Powell stated that because of this, it is clear that the comments that were made and that individuals are posting and talking falsehoods stating that Mr. Trax voted for the building, which he could not have because he was not in office yet.

Kevin Daerr- 6187 State Route 88- Commented that from what he understands, there was a right to know request submitted, it was denied, then another right to know was filed by the same person for the same items. He commented that he imagines that this cost the Township money, which is ironic considering that the same individual often comments on the frivolous spending of the Township. He said that he wishes they were here to hear Solicitor Sweat's explanation as to why they are denied because these are all things that add up to contribute to the Township's legal fees.

He also commented that the Family's First Corona Virus Relief act passed in the early part of 2020 has a lot of great information in regard to office Covid policy.

Remarks and / or Comments by Supervisors and / or Staff

Mr. Breinig commented that there was a great turn out at the Trunk or Treat event held by Pastor Ken's church.

Pastor Ken stated that he was thankful for this community.

Motion to Adjourn

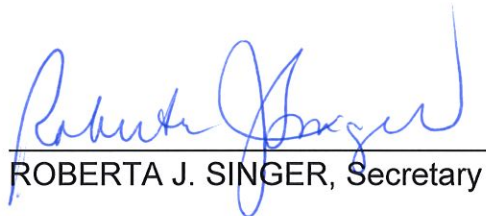
Motion: Daerr

Second: Trax

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

Motion Carried

Adjourn meeting @ 5:55p.m.



ROBERTA J. SINGER, Secretary