

**Union Township Board of Supervisors
Non-Legislative Meeting
March 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

Proof of Publication confirmed

Moment of Prayer by Pastor Ken.

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; Attorney Sweat, Solicitor, Sweat Law Offices; Engineer Stiner, Engineer – Harshman CE Group, LLC; Officer Jeff Toth, City of Monongahela Police Department Officer; Sarah Scott, Esquire, Sweat Law Offices

Public Comment

Kevin Daerr – 6187 Route 88 – Commented on water problem at entrance of Dairy Queen; Is this a Township issue or a state issue. Supervisor Trax state he thinks it is a state problem. Supervisor Breinig state it is the property owner's responsibility is what the state told him. Supervisor Lawson stated he thinks it is a big issue and does not think we have authority on state road. Mr. Cruny stated no but we can advise them if it is a problem. Engineer Stiner stated we can submit a maintenance request to PennDOT to see if it is a private property issue and they can deal with it. It is a private property issue we have no jurisdiction for that area, but we can put in a maintenance request in.

Michalle Dupree – 6178 State Route 88 – I own the property you were just referring to. PennDOT already been notified.

Also, one of the members of another board for the Township continues to film these meetings and since he sits in an official capacity, you might want to advise him not to film as someone might ask for a right to know on their phone or camera, whatever it is they are using during the meeting. Spoke about meeting minutes from 2020 and the January 3, 2021, meeting minutes. I sent a letter to the district attorney to get them, and I have a copy of it.

Supervisor Lawson commented to Ms. Dupree regarding the slope of her driveway and if PennDOT has instructed her to make corrections. Ms. Dupree responded No.

Chairperson Daerr asks if there are any other public comment?

Attorney Sweat -- he invited a friend, Jesse Pettit, and if he would be willing to attend a Township meeting. District Judge Pettit is the magistrate for this region of which we are a part, his office is in Peters Township, behind Heisler's market. He announced about a month or so ago that he was running for Washington County Court of Common Pleas formally held by Judge Emery and I find Mr. Pettit to be a fine young man, very confident, very qualified and I think he would make a great judge. He asked me what his recommendations were, and I advised him to attend a Township meeting, and this is the 3rd one he has attended. I think it would be important that the Township meet Mr. Pettit.

Mr. Pettit responded and thanked Attorney Sweat for the introduction and thank the Board for allowing me to attend the meeting and will not take up much time. It has been an honor and privilege try to make everyone proud in what I am doing. I am married and have 4 beautiful children born and raised in Washington County. Discussed his background in more detail.

Executive Sessions: Personnel & Litigation Matters
Thursday, February 25, 2021
Tuesday, March 2, 2021

Solicitor's Report – will comment on items as they come up during the meeting. Attorney Sweat stated he has 2 issues he wants to discuss. 1) Oil & Gas Ordinance that the Township has studied for a number of years at a public hearing, has made multiply changes and is up for approval at the legislative meeting. Secondly, the draft of the ordinance was made for public review. There were 5 from the public to see if they could look at the ordinance. The ordinance was forwarded to update the planning commission also required by the municipality planning code. way.

I was asked to give my opinion on the subject of May 13 minutes if there where any illegal votes taken proceeded with Mr. Trax, Mr. Massari, Mrs. Daerr, and Mr. Lawson became ill and left. I carefully reviewed those minutes and I believe any official action was taken was done by a quorum. In my legal opinion, and I have seen some disagreement out there that have been filed and dealing with a lot of litigation that Mr. Massari's vote was invalid, and Mr. Massari's vote is valid and until I see a court order otherwise, his vote was valid. During the meeting, Mr. Massari was 1/3 into the meeting had to leave and no further motion or action taken. There was a lot of discussion and there was a lot of items that said we would table this item until we have a full board, so I have reviewed the May 13 meeting minutes and I do not find any problem with those minutes and the way the meeting was handled.

Chairperson Daerr stated a resident, Ms. Dupree of the audience, said the board was out of order and said we made comments of a non-agenda item, but it was part of the solicitor's report and he gives every non-legislative meeting. I also wanted to add to your report, Attorney Sweat, just a blanket statement there has been a lot of lies from the public and on social media that the board has restrained and the board is being

painted as and has shut the doors and shut the public out and we have never in the 5 years I have been on the board, this board is very transparent every meeting has been advertised the board has always had all doors open to public and I wanted to make that statement.

Reports:

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

Police Dept. Report – Police Officer Toth read report and a copy is in the Supervisor's packets.

SEREMS Report – copy in Supervisor's packets.

Animal Control Report – copy in Supervisor's packets.

Building Code Office Report – copy in Supervisor's packets.

Code / Zoning Official Report – copy in Supervisor's packets.

Road Crew Breakdown Report – copy in Supervisor's packets.

Motion to Approve Payroll dated March 5, 2021, in the amount of \$7,845.59 which consists of 1 administrative, 2 road crew and 1 Road Master.

Motion: Daerr

Second: Lawson

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

Motion Carried

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

Unfinished Business

Board of Auditor position – 1 vacancy.

New Business

Discussion regarding changes to the additionally approved rezoning line for Mineral Beach. Engineer Stiner stated Mineral Beach is looking forward to their developments. They have quite a few items that were part of a conditional approval, They came through 2019 for rezoning on there parcel, as well as their PRD. Both were conditionally approved back in 2019 after public hearings and there were some minor modifications that they are looking to make now with those plans. We should table those items until they are here to discuss them with the board. In the meantime, once they officially submit any changes the solicitor's office and my office will be looking to see if there are significant changes if will need public hearing or if they can just come to the board and once everything is submitted we can give you our opinions since they are not here to discuss. It is better to table at this point. Item B is part of this discussion - changes to conditionally approve PRD master plan for Mineral Beach.

Make a Motion to Table item A and B until further information is brought to the Planning Department.

Motion: Daerr

Second: Breinig

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

Motion Carried

Discussion regarding one-year PRD approval extension request for Scarmazzi Homes Highland Village PRD. This was originally approved on March 25, 2021. Paul Scarmazzi stated we are preparing to close and move forward working on preconstruction meeting with the engineer and have received our NPDES permits. We need a time extension and that is what is in front of you. We plan to get started in April. Attorney Sweat stated Mr. Cruny has requested a copy of the draft. Chairperson Daerr questioned starting dig date. It was asked how many units. Mr. Scarmazzi stated 107 total; first phase: 32 units, 88 attached homes, new quad style homes that we are building called cantaberry homes new still 1800-1900 square feet base. It is not specially restricted to age, clubhouse, pool, bocce court, walking trail. Price range base is \$330,000 / \$340,000 and ranging up to \$390,000. Engineer Stiner recommends the extension be voted on March 24 meeting.

Discussion regarding 47 Popp Lane for refund of \$8,184.00 for sewer bills paid back from 2009-2021 due to having to tap in from a previous board and was given to Sweat Law Office to see if they could figure it out. Attorney Sweat stated no. Engineer Stiner stated you wanted Supervisor Lawson to go out and see if any storm was hooked up and he looked but did not know for sure if looking at right building it is not well marked. The homeowner would need to do a dye test to make sure no hook up of any storm water, provide proof that water was turned off and no water activity still standing needs to be torn down and make sure the lateral is properly capped and that all checks out and is safe. The Board can do what they wish with returning or not of this money. \$62 a month of this Elrama project. No water, no stormwater going through this. Supervisor Lawson stated that he wanted to see if WESA should contribute to this and should they not have record of this. Need water bill and sewer bill from homeowner, and after that proof and to get it capped then you could move forward and get it refunded. Add it to next Legislative agenda to approve/deny based on all conditions Engineer Stiner discussed.

Discuss Q&A Landscaping rezoning request for parcel 640-003-00-00-0011-00 Engineer Stiner stated this is property off Brownsville Rd. Ext. it is now RD, R1 & R3 rezone to C1. No technical issues with spot zoning. Planning Department stated they want it to go to public hearing and hear what the public has to say and then decide if you want to rezone.. It is to then go to legislative meeting to come up with public hearing date on March 24, 2021, Legislative meeting.

Discuss Baratz Subdivision Application was a Sunoco request to the board, and it is a simple subdivision needs to be pushed to the Legislative meeting agenda, March 24, 2021. Planning board recommended conditional approval. It will be on the next meeting to approve/deny.

Discuss Saldo Ordinance changes and public hearing. Engineer Stiner stated this is a period within 30 days to give everyone a chance and to prepare to review things appropriately was just a general opposition. Chairperson Daerr stated there will be another public comment at the end of the meeting if anyone has one.

Discus Oil & Gas Ordinance changes and public hearing. Chairperson Daerr stated this board and previous boards have looked at this since 2017 and well over a dozen meetings over this subject all in public eye that have been advertised and will be on agenda for approve/deny at end of month.

Discuss Sweat Law Offices to research PCSA dye testing definition and issues concerning home sales in Union Township. Many complaints from residents and real estate agents on this subject and Attorney Sweat stated he has not looked into yet. Supervisor Lawson stated he wanted to also get Harshman in on this and we have an ordinance that Peters Creek does our dye testing. Based on Attorney Sweat's findings, we need to amend our ordinance, do it in house with Harshman. David stated we really need to look into what these guys are doing. Engineer Stiner stated the dye testing procedure came out of DEP. Chairperson Daerr stated no standard guidebook. We will revisit at the end of the month.

Discuss smoke test proposal for Elrama Sewers. Chairperson Daerr stated she was advised by PennVest that this loan was unclosed and the end of project 2010 and this board got this in 2017 and received a better interest rate. Another issue is smoke testing. Engineer Stiner stated found sewer water getting into the system and see where it is coming from. The easiest way to see that is from smoke testing and cost effective. It would cost \$16,000 for full, or you could split. You could put out flyers so residence will know what is happening. Supervisor Lawson questioned how long are these meters good for? Sewer usage going to WESA and who should be calibrating them? Engineer Stiner stated we could get Tom Bibby to do that but not sure if that is something he does. We need to check with him and get a cost. Jaime Harshman stated he did not know but would think annually. Tom, as our operator, he should know what is required. Engineer Stiner stated she is going to get a quote to show the board. Supervisor Lawson stated it should be covered under maintenance fund.

Discuss Veterans Memorial Park upgrades. Chairperson Daerr gave breakdown and asked if Engineer Stiner would explain. Engineer Stiner stated conceptional plans putting in a full-size field as a multi-use for all age groups. Trying to get more parking area since it is not the best. We need to talk about phasing of the project and we are well over the \$320,000.00. We would want to get the boards feedback for this year to next year. Open streams are good to keep in the park and costly if you try to fill in. New ball field will not be operational until next year. Jaime Harshman stated 3-month timeline, but upper soccer field should be done quickly. If you decide to get a score board, we can work around it. Supervisor Lawson stated that stone donated by Mr. Tomko for the Township, Engineer Stiner stated stockpile it at the Nike site. Permit the whole site so if anything changes, we will already have the permit or modify the permit plans. We can put in field, conduit for lights, dug outs, scoreboards and well and to overestimate the budget to make sure we have enough for all. We will need better parking in the plan. Engineer Stiner stated the ball fields across from the old middle school are not closed. I reached out to them and they are closed right now due to Covid

and they want to open right away. Chairperson Daerr stated that we do not own those fields and that they are owned by St. Francis and the Catholic Diocese. Engineer Stiner stated the goal is to put in the field and any underground conduit for electric.

Discuss Elrama Central Park upgrades. Chairperson Daerr stated Engineer Stiner has come up with a plan and has gotten us a grant 2 years ago that we had to phase out so we are now able to get it buttoned up but cost has increased due to Covid and lumber prices going up so the board has to look at so we can fit it in the budget or extend and go over budget which will be up to the board? Engineer Stiner stated what we want to get done is put the pavilion in, put in parking and utilities. That will be the absolute minimum. The only other extras that are on here is your split rail fence and trees and that is estimated around \$12,000.00. We could get rid of those and do in the future. We have estimated \$130,000.00 and taking off the \$12,000.00 would be \$118,000.00. Chairperson Daerr suggested taking off the top portion of the split rail or what would be the most conducive? Engineer Stiner explained on how many parking spaces and most of the asphalt use gravel and use concrete for handicap spaces. Have not heard back on Phase 2 grant s of this date.

Discuss Flail Mower repairs for injectors. Supervisor Lawson went over what he told Middletown Tractors what he had to have done. Tested, oil very dirty, needs new injectors. Supervisor Lawson is going to get a hard number for what needs to be done. The tractor is at Middletown Tractors and they can do everything to get it running. Supervisor Lawson stated a price not to exceed \$2,000.00 to get it completed. Motion to Add to agenda a general service for flail mower by Middletown not to exceed \$2,000.00.

Motion: Daerr

Second: Breinig

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

Motion Carried

Motion for service for injectors at a cost of \$2,335.00 to R.A. Watt fuel injectors.

Motion: Breinig

Second: Lawson

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

Motion Carried

Motion to Approve amending date on January 3, 2019, minutes to reflect the correct date of January 2, 2020, and placed in minute book.

Motion: Daerr

Second: Trax

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

Motion Carried

Discuss meeting with Washington County Sewage Council and attendees. Engineer Stiner stated Washington County Sewage Council requested a meeting with Harshman and members of the board to be there because Harshman and Union Township keeps raising complaints. They would want a more friendly meeting with no lawyers attending. One board member and an engineer to discuss some problems Union Township has been having with the Sewage Council resolved. It is up to the board if you want to

attend and when you want to attend. Mr. Trax suggested Mr. Breinig to go. Engineer Stiner stated they want to get to know us. It will be at there building in South Strabane. Mr. Lawson stated he would go if no one else will go. Engineer Stiner stated DEP has not addressed all the issues and will issue them as they come up and have not heard anything from the DEP. Chairperson Daerr advised Mr. Lawson to attend with Jaime Harshman from Harshman Group. We will vote on that at the Legislative meeting.

Motion to approve Parks & Recreation Committee Easter Bunny Event – budget amount not to exceed \$600.00 at Veterans Park.

Motion: Trax

Second: Lawson

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

Motion Carried

Motion to approve placing Easter Bunny event on Township Website and any other advertisement. It would take place the first Saturday before Easter. The date they are possible looking at is the 27th of March at 8 or 9 am in the morning. Mr. Breinig stated that will conflict with the one at the Baptist Church. It is the same day but not sure of the time. Chairperson Daerr asked Ms. Brown to give Mr. Breinig Heather Dougherty's phone number to coordinate this event with her.

Motion: Daerr

Second: Lawson

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

Motion Carried

Motion to approve Sweat Law Offices, Harshman CE Group and Peter Creek Sanitary Authority to work through the PCSA. Sewage Agreement with Union Township for future billing arrangements due to future expansions. Mr. Lawson stated he wants to be included in the meetings with PCSA.

Motion: Breinig

Second: Esken

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

Motion Carried

Discuss quotes for rekeying the locks at the Township Building. There are quotes in the supervisor's packets. Ms. Singer stated we have used Pop a lock in the past and they know our system, but they came in second with the lowest bid. The four new doors have their own key and would need to be keyed to the master. It was brought up that we would need to get all new keys because we do not know if previous employees do/do not have keys and security reasons for the building. Mr. Lawson stated we should rekey the locks. It is the cheapest or even like a credit card system. Mr. Breinig stated that if we get the card key system you need electricity. Mr. Breinig stated he will check it out various options by Legislative meeting and will present his thoughts and quotes.

Motion to table the rekeying until we get more quotes.

Motion: Daerr

Second: Lawson

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

Motion Tabled

Discuss purchase of ArcGIS Desktop standard one-year term license from ESRI for \$3,670.78 for use by Municipal GIS Intern. Engineer Stiner stated it would also be used by Township employees. You would have to renew every year. There is an option to purchase the software outright, but you would still have annual fees. It is like a 7-year pay back if you do that. We think this would be a good one. Chairperson Daerr said we will see this on the Legislative agenda for consideration.

Discuss 2020 AG-385 Form for Dept. of Auditor General as prepared by Frank Palermo. Due date is 3/31/2021. Report is done and in the Supervisor's packets. Will be in Legislative meeting to approve.

Motion to Approve Middletown Tractor to finish service on the Flail mower with a not to exceed amount of \$2,000.00.

Motion: Esken

Second: Lawson

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

Motion Carried

Motion for Bill Pay list in the amount of \$59,803.31. Copy in Supervisor's packets.

Motion: Esken

Second: Lawson

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

Motion Carried

Correspondence

None

Public Comments

Bernadette Speers – 5106 Chevy Chase – Questioned about proof of publication and advertising before every meeting. Chairperson Daerr stated you are asking if we are we advertising per meeting? It was stated that “No, we advertise at the beginning of the year.”

Michalle Dupree -- 6178 State Route 88 – Commented on Zoom meetings; Oil and Gas Ordinance; Saldo Ordinance; confusion with public and not being able to attend meetings; being locked out of the building during meetings/hearings; May 13 meeting minutes; discussion regarding advertising of same; ponding at Dairy Queen driveway entrance; Ms. Dupree stated you told me it was a state problem. I called Mr. Harshman's office. Mr. Lawson stated yes. Ms. Dupree stated it was a state problem when they dug on my property. I called the Monongahela police and they told me it was a civil issue. I tried to correct that for years. Its funny how that is coming up now. Mr. Lawson stated you could fix that in 2 hours with a bobcat if you really wanted to, that is

all I have to say. Ms. Dupree stated I think there is an ordinance that you cannot push your storm water on your neighbor's property.

Kevin Daerr -- 6187 Route 88 -- I was at those meetings, I was not locked out. The public were at those meetings that she was referring to and at no time was I ever restrained or was anyone else. If she was talking about the July 8 meeting, I waited in line right outside the door and waited on the step until they opened the doors. George Powell was also with me and what I understand is you only have to have 1 meeting for these ordinances, and did we fulfill that? There was an advertisement that the meeting was held, and it was bumped up to the supervisors. File the appropriate appeals if you do not feel you have them.

Motion to go into Executive Session from 7:00 p.m. to 7:20 p.m.

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

Motion to give Roberta Singer a 2% cost of living raise effective of the anniversary of her hire date that is February 17, 2021.

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

Motion to Adjourn @ 7:20 p.m.

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


ROBERTA J. SINGER, Secretary