

**BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES
June 22, 2022 5:30 p.m.**

The Union Township Board of Supervisors meeting was called to order by Vice-Chairperson, Charles Trax, at 5:30 p.m.

Pledge of Allegiance: Recited

Roll Call:

Attendees were: Heather Daerr, Chairperson (absent – came in at 5:31 p.m.); Charles Trax, Vice Chairman; Richard Lawson, Supervisor/Treasurer; Michalle Dupree, Supervisor

Also, in attendance was: Roberta Singer, Secretary/Ass't Treasurer; Colin Chung, Summer Intern for Union Township; Sean O'Dell, Engineer, Harshman CE Group, LLC; Sarah Scott, Esq. Sweat Law Offices

Absent: Terri Gladus, Project Manager

Proof of Publication: Confirmed

Moment of Prayer: Pastor Ken

Chairperson Heather Daerr arrived at 5:31 p.m. and took over chairing the meeting.

Public Comment:

Bernadette Speer – 5106 Chevy Chase Drive – SEREMS and financial possibilities of keeping SEREMS – also commented on Secretary and financial responsibilities. Read Secretarial / Treasurer job description. Changes in personnel and job description titles is creating a financial burden and hindering the health and safety of taxpayers.

Maureen Ott – what I want to discuss is not on Agenda and will wait until the end.

Linda Evans Boren – 22 Parkvue Drive – Regarding Agenda #20 – SEREMS and reasons for considering another EMS Service. Residents wants Board to stop looking for another EMS provider. Also, Item #21 – amounts owed to SEREMS and monthly payments and it was the Boards choice to do that. The Board has no intention to pay SEREMS their monthly billing amounts. Also spoke regarding legal fees, engineering fees and accounting fees. Also commented upon protocol for public comment and freedom of speech. Be respectful and allow residents to speak. Also, the amount of lawsuits since 2017 – gave a run down on same.

Kevin Daerr – 6187 State Route 88 – Statement regarding public comment and 4 minutes is a reasonable amount of time to get message across.

Executive Sessions: None

Department Reports:

Solicitor Report – Will comment on items as they come up during meeting.

Engineer Report – Will comment on items as they come up during meeting.

Treasurer’s Report – No new updates

Chairman’s Report – No new updates

Project Manager Report – In Supervisor Packet.

Advent Report in Supervisor Packets.

Vacancies

Supervisor and/or Roadmaster
Parks and Recreation Board
Board of Auditors
Planning Department Alternate

Action Items

Chairperson Daerr made statement about #4, #5 and #6 on Agenda were to be removed as they were put on Agenda in error. Items #5 and #6 were fully approved in March of this year and #4 put on in error.

Discussion ensued regarding January 26, 2022, and February 9, 2022 minutes.

Motion to approve minutes of January 26, 2022, Board of Supervisors Meeting

Motion: Lawson

Second: Daerr

Deliberation: Discussion regarding wording – either being abbreviated or verbatim.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve minutes of February 3, 2022, Board of Supervisors Meeting

Motion: Lawson

Second: Trax

Deliberation: Ms. Daerr will abstain as she was not present at this meeting.

Roll Call: Daerr – abstain Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve minutes of February 9, 2022, Board of Supervisors Meeting

Motion: Lawson

Second: Trax

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no
Motion Carried

Motion to remove agenda item regarding of February 11, 2022, as there was no meeting. This was put on Agenda in error.

Motion: Daerr
Second: Lawson
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes
Motion Carried

Motion to remove minutes of February 23, 2022, Board of Supervisors Meeting as they were approved at March 23, 2022 meeting.

Motion: Daerr
Second: Trax
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes
Motion Carried

Motion to remove minutes of March 9, 2022, Board of Supervisors Meeting as they were approved at March 23, 2022 meeting.

Motion: Daerr
Second: Lawson
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes
Motion Carried

Motion to approve minutes of March 23, 2022, Board of Supervisors Meeting

Motion: Lawson
Second: Trax
Deliberation: Discussion regarding Mr. Trax voting as he was not there for
Roll Call: Daerr -abstain Trax - abstain Lawson - yes Dupree – no
Motion denied

Mr. Trax was not here for 58 minutes at beginning of meeting is the reason for his abstain.

Motion to approve minutes of April 13, 2022, Board of Supervisors Meeting

Motion: Daerr
Second: Lawson
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree- abstain – left prior to meeting ending
Motion Carried

Motion to approve minutes of April 27, 2022 Board of Supervisors Meeting

Motion: Daerr
Second: Lawson
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree- no
Motion Carried

Motion to approve minutes of May 11, 2022, Board of Supervisors Meeting

Motion: Daerr
Second: Trax
Deliberation: None
Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no
Motion Carried

Motion to approve minutes of May 13, 2022, Emergency Board of Supervisors Meeting

Motion: Lawson
Second: Trax
Deliberation: None
Roll Call: Daerr - abstain Trax - yes Lawson -yes Dupree - yes
Motion Carried

Ms. Daerr abstained as she was not present at this meeting.

Motion to approve minutes from May 18, 2022, Special Meeting for the Board of Supervisors

Motion: Daerr
Second: Lawson
Deliberation: Ms. Dupree asked about EMS or Patterson Road meeting.
Roll Call: Daerr - Trax - Lawson - Dupree-
Motion _____

Motion to rescind approving meeting minutes from May 18, 2022 Special Meeting for the Board of Supervisors

Motion: Lawson
Second: Daerr
Deliberation: None
Roll Call: Daerr – yes Trax – yes Lawson – abstain Dupree – yes
Motion Carried

Motion to approve minutes from May 18, 2022, Special Meeting for the Board of Supervisors

Motion: Daerr
Second: Trax
Deliberation: Ms. Dupree missed 50% and was without a quorum.
Roll Call: Daerr - yes Trax - yes Lawson - abstain Dupree- abstain
Motion Carried

Motion to approve minutes from the May 18, 2022, EMS Workshop

Motion: Daerr

Second:

Deliberation:

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to approve minutes from the May 25, 2022, Board of Supervisors Meeting

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - Trax - Lawson - Dupree -

Motion _____

Motion to rescind meeting minutes for May 25, 2022 due to concern for wording.

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to table meeting minutes for May 25, 2022 until wording is correct

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to approve minutes from the June 8, 2022, Board of Supervisors Meeting

Motion: Lawson

Second: Trax

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to table Developer's Agreement between Union Township and Sea Mountain Ventures of PA, LLC for the Tractor Supply located on State Route 88.

Motion: Dupree

Second:

Deliberation:

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Discussion ensued regarding Supervisors receiving documents late for review prior to meeting. Also, regarding Sea Mountain Ventures of PA, LLC submitting a \$255,000.00 bond for the project.

Motion to approve execution of the Developer's Agreement between Union Township and Sea Mountain Ventures of PA., LLC for the Tractor Supply located on State Route 88

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson – yes Dupree - no

Motion Carried

Motion to approve execution of the O & M Agreement for Stormwater Management Best Management Practices between Union Township and Sea Mountain Ventures of PA., LLC, for the Tractor Supply located on State Route 88

Motion: Lawson

Second: Daerr

Deliberation: Dupree objects as she stated there was not adequate time to review and no exhibits were attached. Discussion ensued regarding standard O&M Agreement(s).

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve purchasing salt from American Rock Salt at 2022 pricing prior to increase.

Motion: Lawson

Second: Trax

Deliberation: Mr. Lawson requested that salt be blended with 1B stone to increase amounts used.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to approve Resolution 13 of 2022 which outlines protocol for public comment period in accordance with the Sunshine Act and Second-Class Township Code.

Motion: Daerr

Second: Lawson

Deliberation: Chairperson Daerr stated that a Board vote is needed prior to removing someone from the audience. Supervisor Dupree stated about 1st amendment rights, difference between disruption and distraction; adding item to Agenda to have Board action to remove someone from the audience. Mr. Lawson also spoke regarding topic and that we follow Robert's Rules for the meeting. Ms. Scott stated about it being commonplace to limit public comment to keep meeting progressing smoothly.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve continuing to use SEREMS as the main EMS provider in Union Township contingent upon mutually agreeable contract terms to be presented by SEREMS.

Motion: Lawson

Second: Trax

Deliberation: Supervisor Dupree questioned the wording changed on the Agenda from Friday through Monday. Ms. Daerr stated she reworded, that SEREMS is working on contract, and we are still awaiting copy of same. Ms. Daerr questioned Jonathan Madaras of SEREMS if contract is ready and Mr. Madaras stated they hope to have it within the next sixty (60) days.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to deny payment to SEREMS for March, April, and May 2022. Amounts are \$2,239.17 a month or \$6,717.51 total for 3 months.

Motion: Lawson

Second:

Deliberation:

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to table payment to SEREMS for March, April, and May 2022. Amounts are \$2,239.17 a month or \$6,717.51 total for 3 months until a contract is received for review and same consideration given to Union Township as other communities on making full payment in the fall of the year.

Motion: Daerr

Second: Lawson

Deliberation: Ms. Dupree stated that tabling Motion is no different than denying Motion. And amending Motion that was tabled. Mr. Madaras stated that it does not matter when paid, as long as it is paid by the end of the year.

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to rescind Motion to table payment to SEREMS for March, April, and May 2022. Amounts are \$2,239.17 a month or \$6,717.51 total for 3 months until a contract is received for review and same consideration given to Union Township as other communities on making full payment in the fall of the year.

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr – yes Trax - yes Lawson - yes Dupree- yes

Motion Carried

Motion to approve payment to SEREMS for March, April, and May 2022. Amounts are \$2,239.17 a month or \$6,717.51 total for 3 months.

Motion: Dupree

Second:

Deliberation:

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to approve Addendum to the Temporary Easement Agreement dated July 22, 2021, for the holding tank on the property located at 4042 Finleyville Elrama Road which outlines tank closing and clean up procedures.

Motion: Lawson

Second: Trax

Deliberation: Ms. Dupree stated she is concerned about public funding this restoration work and also #7 on the Agreement as well as surcharges imposed.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - abstain

Motion Carried

Ms. Dupree abstained as she was not part of the initial Agreement/Addendum.

Motion to approve Harshman CE Group to make recommendation on stop sign placement.

Motion: Daerr

Second: Trax

Deliberation: Ms. Dupree stated that placement of stop signs is vague. Is this general placement or as a result of Complaints? Mr. Lawson and Mr. O'Dell weighed in on PennDOT ordinances, etc.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to approve payment application (Invoice #6093) from Slusarczyk Excavating for the emergency work completed on the 2022 Patterson Road slide repair project. This payment amounts to \$56,578.71.

Motion: Lawson

Second: Trax

Deliberation: Mr. Lawson asked Mr. O'Dell if they have contacted the railroad about negotiating with the railroad and Mr. O'Dell stated he will call and thank them for their cooperation and that we have not received billing as of this date. Mr. O'Dell will look into discussion with the railroad.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to approve David A. Esken resignation of Union Township Supervisor - Roadmaster.

Motion: Dupree

Second: Daerr

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion to approve Administrative Staff overtime when necessary to keep current on requests of Supervisors and/or residents and/or project administrators

Ms. Dupree stated that she would like to make motion to table and discuss in executive session since it is personnel related.

Motion: Dupree

Second:

Deliberation:

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to approve Administrative Staff overtime when necessary to keep current on requests of Supervisors and/or residents and/or project administrators.

Motion: Lawson

Second: Trax

Deliberation: Ms. Daerr questions Ms. Singer about amount of overtime and it was stated that as an as-needed basis. Ms. Dupree stated that this should have been a discussion item not as an action item. Ms. Dupree stated that it should be done in an executive session. Should not be done on when staff feels it is necessary.

“Emergency” was described as when there are deadlines that need to be met. Ms. Dupree stated that 6 action items were added from Friday to Monday and another item added Monday. Packet should be ready, as well as Agenda, should be done on Friday.

Roll Call: Daerr - Trax - Lawson - Dupree-

Motion Died

Motion to rescind Motion regarding Administrative staff overtime.

Motion: Daerr

Second: Trax

Deliberation: Mr. Lawson stated that staff punches the time clock and trust employee – monitor timecards. As far as things being added after Friday, it happens. Mr. Trax stated his approval of overtime and that it be monitored. Ms. Daerr stated that she rescinded for reason of reviewing handbook and a discussion with Ms. Singer. Ms. Dupree stated that she would still like to have in executive session and that she has continued to offer help with meeting minutes, call Waste Management, anything with which she can help.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree- yes

Motion Carried

Motion to approve purchase of 30' x 50' tarp for Nike Site Building (roof is leaking a small amount) for a cost of \$693.00.

Motion: Trax

Second: Lawson

Deliberation: It was stated what building (block building in back of site) and that the bid received in the last year and a half estimate was \$30,000.00. Ms. Dupree stated that this was one of the items that changed the agenda. Mr. Lawson asked about securing tarp, will it withstand wind, and mounted correctly. Can it be patched with tar or do we really need a tarp.

Roll Call: Daerr - abstain Trax - yes Lawson - yes Dupree - yes

Motion Carried

Ms. Daerr abstained as she would like to see the roof and condition of same.

Motion to approve execution of DEP's NPDES Application for Individual Permit to Discharge Sewage Effluent from Minor Sewage Facilities and General Information Form, as prepared by Harshman CE Group, in order to submit the Part 1 permit application for the Wastewater Treatment Facility located along Garvin Road to service the Mingo Sewage Project.

Motion: Lawson

Second: Trax

Deliberation: Ms. Dupree was questioning engineering fees in this project. Mr. O'Dell explained what the permits were and what they consisted of.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - abstain

Motion Carried

Ms. Dupree abstained because she is not familiar with this project.

Motion to approve \$500.00 application fee payable to the Commonwealth of Pennsylvania for the Mingo Sewage Project Part 1 permit.

Motion: Daerr

Second: Lawson

Deliberation:

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree- abstain

Motion Carried

Ms. Dupree abstained as she is not familiar with this project.

Motion to approve begin process of closing Key Bank account and consolidate funds into Brentwood Bank Elrama Sewage Account. Process will be changing ACH instructions for PennVest loan from Key Bank to Brentwood Bank and then closing account.

Motion: Daerr

Second: Trax

Deliberation: Ms. Dupree questioned where the funds will be going. She spoke with Key Bank and account was originally for potable water. Ms. Dupree has concerns and that account was opened up in the 70's.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree- no

Motion Carried

Discussion regarding Waste Management 5-year extension to Contract. Ms. Singer has been speaking with Waste Management and costs / increase of same. Mr. Lawson questioned about 2nd recycling for \$3.67 more. The Board has the option to upgrade in 6 months or a year if they so wish. Ms. Dupree stated that she has spoken with residents and was under the impression that residents wanted twice a month but in truth, they still want to stay at once a month. Ms. Daerr stated she is getting 100% negative feed-back on 2 x a month pickup. Ms. Singer also stated that there is a Waste Management Program for senior citizens and that she has the information should anyone want it.

Motion to approve Waste Management 5-year extension to Contract – Option 1.

Motion: Daerr

Second: Lawson

Deliberation: none

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Discussion Items:

Discussion regarding Solicitation Rules & Regulations – increased interest in solicitation and we found prior applications, etc. Ms. Singer explained a situation and that there has to be restrictions on times, etc. that solicitation can concur. Run application and acknowledgment through PSATS and get their advice.

Discussion regarding advertising Township vacancies in Observer Reporter. Mr. Lawson and Mr. Trax were concerned with cost of running these ads.

Bill Pay Listing:

Motion to approve Payroll dated June 10, 2022, in the amount of \$12,633.22 for 2 Administration, 3 Road Crew and 1 Intern.

Motion: Daerr

Second: Trax

Deliberation: Ms. Daerr asked if Ms. Singer did overtime this weekend. Ms. Singer's answer was no.

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried

Motion approve Bill Pay List for the Brentwood Bank General Account in the amount of \$95,624.67.

Motion: Lawson

Second: Trax

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve Bill Pay List for the Brentwood Bank Elrama Sewage Account in the amount of \$6,644.75.

Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Motion to approve Bill Pay List for the Brentwood Bank Overlook Sewage Account in the amount of \$1,426.55.

Motion: Lawson

Second: Trax

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - no

Motion Carried

Correspondence Read: None

Public Comment:

Janet Hollingsworth – 69 Hobbitt Lane – agrees with Kevin Daerr and expressed her opinion that 4 minutes is sufficient for public comment; questions wording of disruptive – what is the meaning of disruptive is and there needs to be order during meeting; Ms. Dupree made good points during meeting and it is disheartening; made statement about payment to SEREMS and let us be first to pay. They are saving lives.

Linda Evans Boren – 22 Parkvue Drive – she will keep her comments to 4 minutes; perplexed about the \$3.67 increase in Waste Management bill and that we need to pay SEREMS; made additional comment about the amount of legal bills; made comment about picking apart contract for SEREMS. We need a Treasurer to do the job and fill their job description. Makes fiscal sense to use taxpayer money when people are qualified to do their job. Brought up about legal fees to Sweat, Gallagher, Porter Wright, Palermo Kissinger, etc. Also, about the contract with SEREMS that will get picked apart.

Larry Spahr – 181 McChain Road – commented on legal billings; questioned why Mr. Palermo was not present – he was told Mr. Palermo was not here. Brought up about sinking fund at Key Bank and prior board set up that sinking fund; sewer projects such as Finleyville Elrama Road and Garvin Road; made mention about the water lines put in by past boards 25 years ago and that it was a good thing; stated it was illegal to transfer funds from one account to another because of the way the accounts were set up; warned board about proceeding with certain things without proper legal processes in place. Warned this Board that if the money is being moved illegally, you will hear from us.

Ms. Daerr stepped out of meeting for a moment.

Kevin Daerr – 6187 State Route 88 – Robert's Rules mentioned. No votes made here tonight that were improper. Definitions for disruptions. Police have training for removing persons and what violations are. Continuing using SEREMS and that Ms. Dupree is not in agreement with that. Need to get contract in and continuing to use

SEREMS. Next topic - Agendas change at the last minute because business is being conducted and some things you cannot help. It is not unreasonable.

Inaudible chatter pursued.

Maureen Ott – 510 Lockesley Court – statement made at last meeting about the safety in the schools and commented on Ringgold’s safety protocols for the schools. They take safety very seriously.

Remarks and/or Comments by Supervisors and/or Staff:

Ms. Dupree made motion to pay SEREMS their 3 monthly payments and that contract for Waste Management was given to me today. Also spoke about the cost of recycling is \$1.30 less than what SEREMS is asking for.

Mr. Lawson spoke and stated that we never said we are not paying SEREMS. Also, regarding paying Slusarczyk. We have 29 pages of proof to make recommendation for payment to Slusarczyk.

Motion to adjourn the meeting @ 8:20 p.m.


Motion: Daerr

Second: Lawson

Deliberation: None

Roll Call: Daerr - yes Trax - yes Lawson - yes Dupree - yes

Motion Carried



Roberta J. Singer, Secretary