

Union Township Board of Supervisors  
Regular Board Meeting  
October 24, 2016

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent at 7:00 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Deborah Sargent, Larry Spahr, Paul Chasko, Charles Trax, and Heather Daerr. Also in attendance: Gary Sweat-Solicitor, Jamie Harshman-Township Engineer, Judith Taylor-Treasurer/Asst Secretary, Harold Ivery-Building Code Official, Peter Grieb-Code Enforcement Officer

Public Comment

Gene Bender, 3438 Fawn Valley Lane, Finleyville, commented on the number of valuable services provided by the Jefferson Hills Ambulance Company and was concerned that the proposal to charge rent for their premises in the Township Maintenance Garage would cause them to move out resulting in increased emergency response times.

George Powell commented on a drain pipe with jagged edges at the Community & Veterans Park that could possibly cut someone. He also commented that a stop sign needs to be placed at the intersection of Coal Bluff and Gilmore Road due to poor sight distance.

Gerald Faychak, 141 Viareggio Way, Finleyville, commented that the Township should continue to plow and salt the roads in the Tuscany Estates development, and he asked when the Township would be accepting those roads into the Township system.

Linda Schmalzried, 131 Mingo Circle Drive, Finleyville, requested the Supervisors give special consideration to the importance of the emergency services.

**Motion** to approve the minutes of the September 26, 2016 regular Board meeting as presented by the secretary, subject to being true and correct  
Motion by Heather Daerr, Second by Deborah Sargent  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the minutes of the October 4, 2016 workshop meeting as presented by the secretary, subject to being true and correct  
Motion by Heather Daerr, Second by Charles Trax  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the minutes of the October 10, 2016 regular Board meeting as presented by the secretary, subject to being true and correct  
Motion by Heather Daerr, Second by Charles Trax  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the minutes of the October 17, 2016 police services workshop meeting as presented by the secretary, subject to being true and correct

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-no, Trax-yes, Chasko-no, Sargent-yes, Daerr-yes. Motion carried.

Mr. Spahr asked the Board to confirm the statement in the workshop minutes of October 17, 2016 that businesses seeking additional police coverage should contract for these services privately with no cost paid by the Township. Ms. Sargent confirmed it was correct.

**Motion** to have the office staff's overtime hours provided separately for approval of payroll at the Board meeting

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve Payroll #20 dated October 7, 2016 amount of \$10,079.10 as presented by the Treasurer/Asst Secretary subject to being true and correct

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-no, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve Payroll #21 dated October 21, 2016 in the amount of \$10,862.26 as presented by the Treasurer/Asst Secretary subject to being true and correct

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

### Departmental Reports

Mr. Ivery reported that the Zoning Hearing Board continued its hearing held on Thursday, October 20, 2016 on the Criss variance request; it has not yet been scheduled. He also reported that the Planning Commission will be meeting on October 27, 2016. He noted that the Planning Commission appreciated having the expertise of the engineer and solicitor available at their meetings.

**Motion** to have the solicitor and engineer present at all Planning Commission meetings

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The engineer presented his written report. He noted the Overlook and Finleyville-Elrama Rd Act 537 Task Activity Reports had been approved by DEP, but the Mingo Circle Task Activity Report needed to be revised, which was complete and ready for re-submission. Regarding the Mingo Circle sewage malfunctions, he suggested a meeting with Stan Glumac to include Mr. Sweat and Municipal Consulting.

Mr. Harshman also noted that reports from Gateway and the WCCD on Tomko's grading activity are being received. He noted that the DEP air quality division had received a complaint on the amount of dust being generated, but the inspector, Beth Speicher, did not

see a violation in the photos supplied--fugitive dust must be seen to obviously cross the property line.

Regarding Tuscan Estates the engineer noted the infrastructure bond estimate for Phases 1 through 4 was \$243,730 and Phases 5 through 7 would also be several hundred thousand dollars. He noted that some sewer line and taps were recently installed and inspected by Peters Creek Sanitary Authority. Quaker Engineering has submitted its NPDES renewal and it is in queue with the WCCD. Municipal Consulting and the engineer will try to meet with Mr. Danielson before the next Board meeting.

Regarding the Sugar Camp/Trax Road intersection review, Mr. Harshman stated that at the current site distance, travelling at the posted speed limit of 25 mph was marginally acceptable, but traffic was travelling much faster. He would be supplying some options for the Board's review.

The engineer reported that Sunoco would prefer that the Township complete the repairs to their access road off of Patterson Road and they would pay for the work. Mr. Harshman stated that Sunoco should also pay for the Township's expenses for the engineer's time related to the access road drainage repairs.

Mr. Sweat provided the draft winter maintenance agreement for the Board's review. He requested that Tom Mellor develop the fees to be charged for plowing and salting the roads in the Tuscan Estates Development to include in the agreement.

He also reported to the Board that he was in communication with EQT concerning possibly leasing various Township parcels with a proposed \$3500 upfront payment. He will continue discussions.

Jason Jaki presented a list of items of materials and improvements the Recreation Board would like to make to Pleasant Stream Park and the Community and Veterans Park for approximately \$21,000. The major item was the purchase of a new playground playset for Pleasant Stream for a cost of approximately \$16,000 with a possible grant from the manufacturer to reduce the cost by 30 to 40%.

**Motion** to approve the Recreation Board list of expenditures not to exceed \$21,000

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Ms. Sargent presented her Supervisor's report. She and Heather Daerr met with Bryan Lowe of Harshman CE Group, Tom Mellor and Walsh Construction concerning the Township's requirements prior to their use of Patterson Road as the official detour while the bridge on Rt 88 near Giant Eagle is being replaced.

**Motion** to pay general fund bills in the amount of \$108,679.12 as of October 24, 2016 as presented by the Treasurer/Asst Secretary subject to being true and correct

Motion by Heather Daerr, Second by Paul Chasko

*Board Approved: November 28, 2016*

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve Liquid Fuels Fund bills in the amount of \$8,868.62 as of October 24, 2016 as presented by the Treasurer/Asst. Secretary subject to being true and correct

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Ms. Daerr requested that her check in the amount of \$66.20 for expenses for attendance at the Washington County Convention be returned to the Township and added to the recreation budget line item.

**Motion** to adopt the Jefferson Hills Ambulance agreement as is with no rent on a month-to-month basis

Motion by Deborah Sargent, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the lease of the soccer fields to the Finleyville Area Soccer Association with no rental amount in 2016, but with plans to reconsider charging an amount next year

Motion by Heather Daerr, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Sweat recommended the Board table the police services contract discussions for his legal review in light of a letter just received that afternoon from Southwest Regional Police Department's attorneys that referred to a court case he would need to review and the consideration of a proposal from SWRPD for police services for a lower cost than that of the Monongahela Police Department.

**Motion** to table the police contract

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried

**Motion** to approve the Elrama Volunteer Fire Company contract and the Finleyville Volunteer Fire Department contract in the amount of \$15,750 each per year

Motion by Charles Trax, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

On the Mingo Circle sewage issue Mr. Sweat reported on his review of the Township's holding tank ordinance. He felt the ordinance was sufficient and recommended the code enforcement officers continue with the review of the holding tanks currently installed and establish escrow accounts as necessary.

**Motion** to award the bid for the sale through Municibid of the 2004 Kubota lawn tractor to James Umbaugh for the amount of \$2,655

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to adopt the Winter Services agreement with Quaker Engineering for the selected roadways in the Tuscany Estates development with the condition that the developer, Earl Danielson, must pay actual costs attributed to the services

Motion by Deborah Sargent, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Sweat reported that he and Mr. Silvestri had agreed on an addition to his contract that will permit an agreement to a possibly lesser amount of time spent in the Township and thus a lower consulting fee.

**Motion** to approve the contract with Michael Silvestri, 214 Stonebrook Drive, McMurray PA for consulting services

Motion by Charles Trax, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The road and bridge inspection is incomplete; the report will be provided for review possibly at the next Board meeting.

**Motion** to advertise budget workshops on Tuesday, November 15 and Tuesday, November 29, 2016 at 6:00 p.m., with tentative approval of a proposed budget to be advertised for possible adoption at a special meeting on December 21, 2016

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Ms. Daerr reported that she had spoken to Jarrod DiAmico, Harshman CE Group, who is experienced in Code Enforcement services, as she feels that Municipal Consulting Service is overwhelmed performing ordinance enforcement duties as well as the Zoning Officer and Building Code Official duties. Mr. Harshman said his company offers Code Enforcement services at a rate of \$35 per hour, and he would send a contract for the Board to review for ordinance enforcement other than zoning and building code enforcement. Ms. Daerr suggested a budget not to exceed \$15,000.

**Motion** to accept the retirement and release agreement with George Corbin Jr. effective date of December 31, 2016

Motion by Deborah Sargent, Second by Charles Trax

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Sweat noted that there were currently no alternates on the Zoning Hearing Board and recommended the Board consider making possibly up to three appointments.

Mr. Sweat reported that his associate Michael Cruny will be addressing a possible update to the Oil & Gas amendment to the zoning ordinance with the Planning Commission. He noted some new activities being done by the drilling companies, including re-entry operations where the companies are re-drilling on already established well pads, to greater depths using the same wells.

Mr. Spahr stated that he had been given a legal opinion not to attend the executive session when the Jefferson Hills Ambulance company met with the Board on October 18, 2016. He was told that the item under discussion was not on the list of permitted subjects under the Sunshine Act. Mr. Sweat noted that no decisions were made at the executive session but he also recommended that in future the Board consider appointing two members to attend such fact finding meetings to avoid a quorum being present. Mr. Sweat also noted that the Board was permitted to vote at a workshop that was properly advertised including the statement "that the Board could consider any other business that may come before the Board."

**Motion** to change the past voting procedure to allow the Board to make motions at any advertised meeting or workshop, and to add to all advertisements that the Board will consider any and all business that may come before the Board  
Motion by Heather Daerr, Second by Deborah Sargent  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Spahr had suggested that the solicitor send a letter to Union Ambulance that they should not respond to any accidents with injuries as they are not certified or qualified. Recently Jefferson Hills Ambulance was already on a call and Bethel Park was dispatched to an accident scene, but Union Ambulance had happened by the accident, treated the injured and already transported the injured to the hospital. After further discussion, the Board chose not to take any action on this matter.

#### Public Comment

Frank Latorre, 7 Boyka Drive Finleyville, commented that Tomko did not work on the previous Sunday. He suggested the new Code Enforcement Officer should enforce the violations and pull Mr. Tomko's grading permit.

Hal Brenig, 44 Finley Avenue, Finleyville, commented Tomko is moving many tons of dirt in the last few weeks and should have obtained a new water truck. He said he thought Tomko had hit rock today. He feels his activities should be called stripping instead of grading.

Kevin Daerr, 6187 State Route 88, commented that the Township is completing projects that had been put off for some years.

Pete Guido, 125 Viareggio Way, Finleyville, commented that Rich Kovach, Peters Creek Sanitary Authority, should have been made aware that Earl Danielson's NPDES permit was expired, and should be notified he is not permitted to perform any other construction activities until it is renewed.

Rick Rice, 121 Viareggio Way, Finleyville, questioned why the Township has not accepted the roads in Tuscany Estates into the road system.

**Motion** to go to executive session for personnel reasons and possible litigation at 9:40 p.m.  
Motion by Deborah Sargent, Second by Paul Chasko  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

*Board Approved: November 28, 2016*

The Board returned from Executive Session at 10:00 p.m. The chairperson stated that in executive session the Board discussed personnel issues.

**Motion** to adjourn at 10:00 p.m.

Motion by Charles Trax, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

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Judith L. Taylor, Asst. Secretary