

Union Township Board of Supervisors
Regular Board Meeting
February 8, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:02 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 Larry Spahr, Paul Chasko, Heather Daerr and Deborah Sargent. Charles Trax was absent.

Also in attendance, Chris Furman—Solicitor, Mr. Carl DeiCas—Township Engineer, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

Public Comment

Bill Tomosky, 5 Sawmill Road, commented about reinstating police at Union Township. Mr. Tomosky explained that he is currently a part-time officer for Versailles Township in Allegheny County and also works for Ringgold School District. He retired from Dormont Police Department and has 34 years of experience as a policeman. He commented that having only one officer a shift and no 24 hour coverage is inviting problems because he sees an increase in drug addiction in the Township. He also mentioned getting together with other municipalities to create a regional police force.

Mr. Spahr's response was that the Township had been spending over \$600,000 annually when the Township police force was disbanded. Currently the Township is down to \$300,000 annually. As far as tax funding would go, Mr. Spahr informed Mr. Tomosky that the Township is capped at 14 mills and the Township is currently at 12 mills and the only other option to raise \$300,000 per year would be to place a levy under Act 511 which would minimize an increase to the current millage. If this was acceptable, shifting the burden to 511 taxes, possibly using a portion of General Fund monies, then Mr. Spahr's position was that it could be discussed.

In regard to reinstating our own police department, Mr. Spahr said that the disbanded Township police force had been with Teamsters Local 205, and that the Board and one officer in particular spent many hours examining the budget and adjusting costs which they tried to discuss with the Teamsters in order to save the department to no avail.

It was noted that the service that the Township receives from SW Regional PD is extended service, meaning that SWRPD was required to set up an office here at the Union Township municipal building and to be dispatched from the building. There was discussion by the Board and various audience members in regard to Monongahela Police Force as to whether or not Finleyville Borough is receiving equitable and sufficient coverage and whether or not Union Township thoroughly examined and gave opportunity to Monongahela Police Department in regard to providing services. Also there was some discussion about Peters Township Police Department and their ability to finance their own police force. It was noted that Peters Township is at 13 mills but that the millage is based on the total real estate assessment with

Peters Township most likely having a larger tax base. Also, Ms. Daerr suggested that 511 taxes may not be the only option for Union Township to fund the police and suggested the possibility that costs could also be cut.

Ms. Sargent proposed scheduling a Workshop and inviting Monongahela Police Department to attend to provide information on what they could offer. Mr. Spahr would also like SWRPD to be included in the Workshop to provide information on obtaining twenty-four hour coverage through SWRPD.

Motion to schedule a Workshop to discuss full time police on February 15, 2016 at 7:00 p.m. provided all invited individuals can attend on that date.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Vibostak asked about Mr. Opfermann's hillside on 3 Airport Road which he described as "washing away." Mr. Ivery responded that he will look at the property and address any issues, contacting the County if necessary.

Hal Breinig, 44 Finley Avenue, commented on the former police and offered his opinion that the efforts of a former Supervisor to bring part-time officers on full time led to the financial conditions leading to the disbandment of the Township police department. He also expressed the opinion that no investigations are being done by SWRPD.

Mr. LaTorre, 7 Boyka Drive, requested the Board's consideration on a letter he submitted to the Board of Supervisors earlier in the day. He also complained that no one had advertised for letters of interest for the solicitor although it was approved at a former meeting. Also, he complained that a breakdown of spending was not being provided to attendees unless requested, and for the amount that was spent on Zoning/Code Enforcement in light of continuing issues and money spent on the airport tree removal.

Ms. Sargent read the letter aloud which was submitted by Frank LaTorre regarding the desire of he and Mr. Breinig to do code enforcement for the Township. The Board requested clarification as to whether they were offering to be eyes and ears for Municipal Consulting Services as the Board had discussed at a recent information gathering. Mr. Breinig and Mr. LaTorre clarified their intent which was to do all code enforcement with MCS retaining their current role in regard to zoning issues only. It was noted that code enforcement requires objectivity by someone versed in the state law which requires training. It was decided to discuss it on the evening of the Information Gathering.

Ms. Barbara Stover, 135 Viareggio Way, asked Peter Grieb and Chris Furman for an update on issues with the Tuscany Estates developer. Chris Furman reported that Makel & Associates is currently on the litigation track. Mr. Grieb said that he will cite the developer again, but seeing that the acts are not criminal and most of the tasks are complete, the magistrate may just give him more time on the seeder. Another option would be for him to just keep reminding the developer of what needs to be done. Mr. Furman explained that a citation from the District Justice was necessary so that the appeal could be made in the Court of

Common Pleas, which they have done. They have filed a Complaint for Declaratory Judgment for a statement which would hold the developer responsible for the roads if his bond expires.

Scott Kirchner delivered the statistics for the Month of December which included 631 eight-hour shifts resulting in 10 arrests, and 6 criminal citations as well as non-criminal activity which was also included in the written report. Ms. Daerr later asked for SWRPD to supply to the Board a breakdown of the arrests which would be more detailed, not including personal information, relating to the arrests and type of criminal activity occurring in the Township. Officer Kirchner will consult with the Chief to supply this information. Also, a gentleman in the audience reported seeing what he highly suspects was a drug deal at Giant Eagle about two weeks ago.

Tom Mellor delivered the Road Report and the Board received a copy. Some of the items reported included the purchase of salt. The price of salt has increased by approximately \$10/ton or \$220 a truckload. The four different street lights near Brownsville Road Extension and 88 were repaired. There were some accidents and he's getting estimates for repair to the guide rails. One of the guide rail hazards is on Gun Club Road. Also, Mr. Mellor reported that he was contacted by South Park Township who wants to split the cost on a crack sealer. He will get more information and the expected cost.

Mr. Breinig requested a pipe be installed to promote drainage at the bottom of Boyka and Route 88 due to a swell where water collects and freezes.

Motion approve General Fund Bills presented for February 8, 2016, in the sum of \$72,629.39 Motion by Heather Daerr, Second by Paul Chasko
Roll call vote: Spahr-yes, Trax-absent, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Spahr noted that American Rock Salt Company was one of the bigger bills for the month. One of the other larger bills for the month was \$25,330.33 for police services. In regard to a question by Mr. Brienig as to whether it would be cheaper to purchase salt in the summer, he was informed that the Township buys salt through the County at a locked in price. Last year the Township was able to fill the shed over the summer at last year's price.

Two representatives from Brentwood Mutual Bank gave a presentation regarding their services. They explained that Brentwood Mutual Bank is a conservative bank, which has been in business 90 years, with a foundation in mortgage banking which does not have stock issue, but is owned by depositors and governed by a Board of Directors. They currently only have about 12 loans which are 30 days past due. They reported that they met with the Treasurer twice in regard to the Union Township's desire for a suite of banking services with limited fees which can still offer a return.

They presented the bank as one which could provide services at a low cost while still providing interest due to their income being based on loan ratio and investment instead of fee based income which they explained is seen with the larger more well known banks. They have a minimum balance requirement of 400,000. Services include remote deposit check machine, free ACH and reports. There is no monthly cost or usage fees for the use of the remote check cashing machine. Brentwood Bank provides full collateralization within its own resources with

their own investments in compliance with Act 72. The representatives also gave information on the Certificate of Deposit Account Registry Service, referred to as CDARS which the Township is not required to participate in if they do not desire to do so. However, it is made up of a group of FDIC insured banks and, if one bank fails, they are replaced by another FDIC insured bank. There are no roll over fees nor liquidation fees in the CDARS CD program and the rates are set by Brentwood Bank. Mr. Chasko requested an application form for CDARS for examination.

Motion to approve Minutes from November 23, 2015 and December 14, 2015 subject to the same being true and correct as averred by Mr. Chasko and Mr. Spahr and being submitted by the Secretary with this Motion is based upon these conditions, subject to being true and correct Motion by Paul Chasko, Second by Deborah Sargent
Roll call vote: Spahr-yes, Trax-absent, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Paul Chasko requested to review the agenda item on Follow-up to Open Items prior to some of the other agenda items. He said that he has created a list for the Board as a tool to keep abreast of projects for this coming year and beyond which is a compilation of items from the past which are not yet complete as well as new items and problem items which will be difficult to solve. He explained it as a tool covering everything on the Board's plates which can be used to work with administration as well as the Board's professional services consultants: code enforcement personnel, engineering personnel, and legal solicitors. Also, he said there will be a new procedure in place for working with engineering and all the professional services employed by the Township so the Board has a better measurement of the problems we have in those areas and what can be done about those problems. Mr. Chasko also stated that, although he made a successful motion to advertise for a solicitor, until the Township has better data on what specific problems the Township is facing that he would like to rescind the motion to advertise for a new solicitor based on the fact that there is no urgency to do it now, that the Township stands a chance of creating issues by changing a solicitor in the middle of his work on certain issues, that the Township has had the same solicitor for thirteen years, and the request for letters, which he saw as merely research to see what others are receiving at what cost, could hurt the solicitor's association as it gives the appearance that the Township is displeased with his services. Mr. Chasko also noted that he has already been contacted by various solicitors interested in working for the Township although the ad has not yet run.

Mr. Chasko asked the Board to consider whether it would be advantageous to review all the issues facing the Board first prior to running the advertisement. Mr. Chasko suggested scheduling a workshop as a next step to discuss the list of items compiled which he is suggesting be developed into a measurement tool for projects.

Ms. Daerr and Ms. Sargent were of the opinion that advertising a request for proposals was a pragmatic step for gathering information to inform the Board concerning the availability and cost of quality services and should not unduly impact the solicitor adversely.

Motion to rescind his prior Motion to advertise for another solicitor.

Motion by Paul Chasko

Motion failed for lack of a second.

Board Approved: February 22, 2016

Motion to advertise for solicitor placing an ad in the Observer-Reporter, Sunday, February 14, 2016, advertising for proposals from municipal solicitors in the time period from February 14, 2016 to March 14, 2016.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Spahr asked if it was the Board's current understanding from the January Reorganization meeting that all three professional services, municipal consulting services, engineering services, and the solicitor were working on a month-to-month basis. It was discussed that there is some verbiage in the engineering contract that makes it hard to interpret whether the engineering contract runs from September to September or from December to December. Per Mr. Furman's review, the engineering contract automatically renewed on December 2015 and will be in effect until December 2016. Mr. Ivery and Mr. Grieb informed the Board that, due to the fact that their contract runs from November to November that they could not currently be on a month-to-month basis.

In regard to the advertisement for solicitors, Ms. Speer who attended in the audience suggested the Board reach out to other solicitors by contacting the Bar Association. Also she mentioned referencing a book published by the County Committee of the Washington County Planning Commission which contains the names of all the solicitors for each municipality in Washington County.

In regard to the road crew position, Mr. Mellor and Mr. Chasko met a couple of the candidates and are in agreement that they would like to call one in for a second interview with the full Board. The Board will have an Executive Session at 6:00 p.m. on February 22, 2016, to interview a candidate which was pre-screened by Mr. Mellor and Mr. Chasko.

Motion to approve an easement agreement between Union Township and Mr. Paternoster on 19 Patterson Road with costs of the easement to be paid by Mr. Paternoster.

Motion by Heather Daerr, Second by Deborah Sargent

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

Regarding the list of open items prepared by Mr. Chasko, an Informational Gathering Session was scheduled on Thursday, February 18 at 6:00 p.m. for the Board members to review and discuss the list.

The Treasurer was requested to have Mr. Makel touch base with South Park Township in regard to the Intermunicipal Agreement which would address the Overlook area sewerage project since there has been no response received.

Regarding the Union Valley watershed bridge project, Mr. DeiCas said that he will need to do a survey of the stream in relationship to the hydrologic study necessary for the required General Permit. He would like to obtain from the Township office a copy of the hydraulic/hydrologic study done by Ferraro Engineering as a reference. Mr. Spahr confirmed that the amount awarded by the Local Share grant committee for this project is \$150,000.

In terms of the FAA Form which was to be filled out to obtain a waiver on certain trees at the airport, Paul Chasko said that Mr. Logan of the Aviation Bureau proposed a meeting after the March inspection to discuss a solution on how we want to proceed.

The Treasurer confirmed that she and Mr. Mellor and the engineer were able to complete the drawing needed to file with the County the Felix easement agreement on McClelland Road.

The engineer confirmed that there has been damage on College Ave and Meadow Street due to the construction activities which are ongoing at the school. The cross pipe at the intersection has been damaged a well. He has taken photographs which were provided to both Mr. Ivery and Mr. Mellor.

Municipal Consulting Services reported that they had a very productive meeting with the owner of the trailer park on Stonechurch Road and her son who had not accompanied her during past meetings. The owner was provided with the Nuisance Ordinance and information regarding the law and was requested to get done everything that she could towards becoming compliant. Since then, they visited the site. The owner's son had knocked down a lot of the brush, had cars towed out, had emptied the dumpster which is now filling up again, and informed MCS that more will be getting done at the site.

In response to questions about the ordinance, citing the owner, and the amount of fines, Mr. Grieb responded that, although the ordinance says the owner can be cited up to a certain amount every day, it is the magistrate who actually sets the amount of the fine. Ms. Daerr inquired as to whether the ordinance should be modified to make it more easily enforced. Per Mr. Furman, the Union Township ordinance has everything in it that it could to allow for enforcement. Mr. Grieb will follow up with the police about running the plates for the vehicles and trailers to determine ownership as the trailer park owner had contacted the state police and were informed that the police could not provide her with this information.

Motion to appoint Lisa Taylor to the Recreation Board for a five-year term running, retroactively, from January 1, 2016 to January 1, 2021, subject to passing all clearances.

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion to approve the release of Dawson Geophysical Performance Bond.

Motion by Paul Chasko, Second by Deborah Sargent

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

In terms of Sunoco pipeline, Mr. DeiCas said the money for fixing the roads was not in the first phase of the project. He has been working with Sunoco in other municipalities where they did come in and fix the roads following the second phase of their pipeline project and have proven to be good to their word. Nonetheless, there is a \$40,000 bond and heavy hauling agreement to cover the Township.

Motion to acknowledge acceptance and receipt of Sunoco's Continuation Certificate for the bond on Patterson Road, no longer holding them in default of the bond.

Motion by Heather Daerr, Second by Deborah Sargent

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

In regard to bond expirations in general, Ms. Daerr recommended that the Township follow a procedure whereby, when the applicant applies for a heavy hauling permit, that it be keyed into a system which would trigger an action to go out and video the road and actions to set the bond and excess heavy hauling agreement. She noted that the date the bond expires needs to get into the system so that the Township is alerted by the system prior to bond expiration so that the applicant can be put on notice as soon as possible and, if necessary, placed in default.

Motion to authorize Heather Daerr to be a task force and point person to contact Carrie Fundy and other software services providers towards gathering proposals and information related to creation of a software depository for bond issues.

Motion by Heather Daerr, Second by Paul Chasko

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

An agenda item was discussed relative to correspondence the solicitor received by counsel for Union Gardens requesting to meet with him relative to a site plan. Mr. Mellor informed the Board that a PA One call had been done there recently. Since a site plan should go to the Zoning Officer it was determined that Mr. Grieb and Mr. Ivery should visit the site and contact Dennis for more information as well as the attorney for Union Gardens. If there is a legal issue, then Union Gardens can talk to Mr. Makel.

Ms. Daerr commented that it might be worthwhile to invite a grant writer to speak to the Board for about 15 minutes regarding what they might be able to accomplish for the Township.

Motion to authorize participation in the youth intern program by Southwest Training Services if desired.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Spahr mentioned that the Secretary will be working earlier to coordinate her hours more with the Treasurer to which all seemed agreeable. Since all motions to enable that that have already been made in the past no further discussion was needed.

Frank LaTorre asked that when Tomko comes in to meet with the Board that they review all the impacts to air quality, noise, the wall, etc.

Board Approved: February 22, 2016

Motion to adjourn at 6:57 p.m.

Motion by Paul Chasko, Second by Deborah Sargent

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

A handwritten signature in cursive script that reads "Debra A. Nigon". The signature is written in black ink and is positioned above a horizontal line.

Debra A. Nigon, Secretary