

Union Township Board of Supervisors  
Regular Board Meeting  
February 22, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:05 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, Charles Trax, Paul Chasko, Heather Daerr and Deborah Sargent.

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

Public Comment

Mr. Powell, 4297 Finleyville-Elrama Road, thanked the Board for the itemized list of bills which was supplied to those attending the meeting due to requests at a prior meeting(s). Mr. Powell also asked for an itemized list of money spent on the airport. Ms. Taylor agreed to go back as far as 2002 since she can only go back that far on her current software.

Mr. Vibostak, 19 Lake Drive, inquired about the status of the hillside on the Opfermann property next to his home. Mr. Ivery responded that he has spoken with Mr. Opfermann, who plans to start work on the hill in the next few weeks.

Joellen Meek, 124 Viareggio Way, reported that the seeder was removed from the Tuscany Estates property today which completes the last of the clean up which was to be done by the developer. However, she noted that there is a tire from a big machine still on site as well as tires which miscellaneous people had dumped when the other debris was still there.

Departmental Reports

No Recreation Board member attended to provide a report.

Mr. Ivery reported that Mr. Danielson has contacted MCS and wants to continue with the Tuscany Estates Development. He has been in contact with Maronda Homes and should be starting construction on some new homes. He has received prior approval on two phases which he can complete and is seeking approval for the next phase with the Planning Commission this Thursday. On the approvals already obtained, he can complete four patio home buildings on Viareggio Way, which is roughly estimated at 12 units.

In regard to the Stonechurch Road trailer park, Mr. Ivery said that they will be requesting another meeting this week as a follow-up to ascertain what the owner and her son have done and what they still need to do. Mr. Ivery said he stopped and talked to the son one time. Some boats and cars still remain on the site.

Mr. Ivery reported that they would like to schedule a work session between all the engineers, Tomko, DEP, and the Township, prior to any construction. Mr. Harshman Township Conflict Engineer later said that he contacted Mr. Wissinger and they can have that session in the next two weeks before Mr. Tomko has a surgery. Mr. Harshman was trying to schedule to that pre-application session and has not heard back until today's message from Mr. Wissinger.

Mr. Spahr discussed Tomko construction in light of a hearing which was recently held to resolve issues between Tomko and the DEP. A judge was brought in from Erie to hear this case and an agreement was signed wherein Tomko must cease construction until it receives a sedimentation and erosion permit from the DEP. Mr. Spahr said that, when they met with Mr. Tomko earlier today, Mr. Tomko informed the Board of this as well.

Mr. Harshman, elaborated, saying that Tomko is still in violation in terms of permits with the DEP. It was discovered during inspections by the DEP that the hill was not benched correctly according to plans the DEP approved. The DEP wants revised grading plans. Tomko has appealed that order with DEP and will go to litigation. In regard to mining violations resulting from the sale of rock from the hillside, that also is in litigation instead of engineering. In the meantime, Mr. Harshman has received another notification that Tomko is applying for an NPDES permit for a significant grading plan which is on hold until the prior violations are resolved.

Mr. Spahr informed Mr. Harshman of Mr. Tomko's stated plan to apply for a mining permit from the DEP. When Mr. Harshman spoke with Nicole Rodriguez, he was informed that the business does have to meet our excavation requirements and abide by our Ordinance regardless of whether they obtain a DEP permit. DEP approval does not mean that they do not have to comply with Township requirements. Mr. Harshman informed the Board that the site is in a split zoning district and, even if DEP issues a mining permit, the owner may have a problem with the Township due to the fact that part of the parcel is in a C2 district which does not allow mining. Mr. Spahr noted that a special exception was brought up by Mr. Tomko which needs to be researched to see if it is applicable. The Board agreed to have a pre-application meeting on Wednesday March 2<sup>nd</sup> at 6:00 p.m. If an alternate date is needed, Mr. Harshman will get back in touch with the Board. The meeting will include representatives from the DEP, Tomko and the Township and a status will be obtained regarding permits. Mr. Harshman suggested a round table with just the board, engineers and Tomko representatives so that a more productive discussion could take place.

Mr. LaTorre, 7 Boyka Drive, restated that no mining is allowed in a C2 zoning district.

Mr. DeiCas provided his report. Ms. Daerr inquired about the Brownsville Park access road. Mr. DeiCas provided Mr. Mellor with a drawing for Brownsville Park who, in turn, supplied a copy of the drawing to Columbia Gas. We are waiting on their response. In terms of the parking lot, Jason Jaki said that he wants to put a parking lot down where the softball field is currently located. Mr. DeiCas informed him that the Board would have to agree to changes to the park plan. After that, the Recreation Board would have to pursue grant funds to cover the cost of the parking lot.

In terms of the property swap proposed by Mr. Martik, Mr. DeiCas would like to have Mr. Martik stake out that property so the Board can see in person the property to be exchanged. One portion is hilly on one area and the other may not be usable due to gas lines etc. Mr. Spahr noted that federal funds were used to purchase the park, so no land can be exchanged for land of lesser recreational value. The swap was described as land which was not very usable for other land which is not very usable.

In regard to the solicitor's report, Mr. Furman said that the Intermunicipal Agreement goes to their Board today. Regarding Elrama sewerage billing, WESA sent a sample of the letter they want to send out to delinquent customers. Their sample letter needs compared against our ordinance. Mr. Furman also recommended that the bolding in the letter be on the "ten days" as opposed to some of the other items which were bolded and recommended that Judy's recommendations be followed on anything further. He also suggested that Ms. Taylor use a paragraph from the letter she used to send out when she performed the billing. Also, Mr. Furman questioned using the wording "according to our authority" for items not in our Rules and Regulations. Judy informed the Board that a decision may need to be made on the letter before the next meeting and ratified later since the next meeting is not until March 14<sup>th</sup> and WESA may need to send out delinquent letters before the next meeting.

Ms. Taylor reminded the Board of their decision to waive penalty charges for a period of time while the billing was being moved over to WESA. Ms. Taylor informed the Board that the transition has been made, everyone should know who to pay, and penalties which were waived during transition could be reinstated.

**Motion** to end the sewage billing waiver for Elrama sewerage customers effective immediately.

Motion by Charles Trax, Second by Paul Chasko

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

In terms of the request of Union Gardens, Mr. Makel will give Union Gardens the number for Municipal Consulting Services so that they can discuss their plans with them.

**Motion** to approve the Minutes of the January 25, 2016 Regular Board Meeting, as presented by the Secretary, subject to being true and correct.

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 Minutes of February 8, 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-absent, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve Payroll #02 dated January 29, 2016, in the sum of \$14,379.84 as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Deborah Sargent

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

**Motion** to approve Payroll #03 dated February 12, in the sum of \$14,379.84 as presented by the Treasurer, subject to being true and correct.

Motion by Charles Trax, Second by Heather Daerr

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

**Motion** to approve general fund bills in the sum of \$20,212.54, as of February 22, 2016 as presented by the Treasurer, subject to being true and correct.

Motion by Charles Trax, Second by Deborah Sargent

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

Motion carried.

Ms. Daerr asked the Treasurer's opinion on the banks being considered by the Board. Some of her comments were that WESBANCO required \$800,000 minimum and PLGIT did not provide the cashing machine free of charge. In light of those disadvantages she leaned towards Brentwood Bank which the tax collector seemed to be happy with as well in terms of the check cashing machine.

**Motion** to use Brentwood Bank as Depository for the Township's General Fund accounts

Motion by Paul Chasko, Second by Heather Daerr

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

Motion carried.

Ms. Taylor informed the Board that Cypher and Cypher requested the Board's scope before providing a quote on an audit of Jordan Tax Service billing since they are unsure how far the Township wants Cypher and Cypher to go in examining the books. She explained that there is a certain amount owed by customers from Jordan and that it is necessary to determine that amount and verify the data. It might be possible to write off the debt, like any other business, and start fresh. She is working on a reconciliation. Once it is done, it may be determined that the data is pretty accurate, or that it needs further verification, in which case the issue will be brought up again as to whether the Board wants to give these customers a fresh start, or pursue an audit further. Ms. Speer commented that those who paid on time may not be happy if the debt of those who were delinquent is written off. However, Mr. Furman noted that public money would have to be spent for an audit as well. The cost of an audit, especially for any type of fraud, was discussed.

Ms. Taylor also commented that she has not heard from Jordan Tax Service about continuing collections. Jordan Tax Services liened about \$20,000 and total debt was about \$29,000.

Regarding police coverage, Ms. Sargent contacted Ron Stern at DCED about his willingness to participate in a workshop. He informed her that any involvement by him is premature right now but to contact him when the Township has direction. She will keep the same schedule for the rescheduled Workshop on February 29, 2016 at 7:00 p.m., as had been originally planned. It was noted that no funding is available through DCED for a start-up police force. Mr. Spahr commented that the thrust of DCED has been for regionalized police.

**Motion** to schedule and advertise a Workshop for Full-Time Police Coverage for Monday, February 29, 2016 at 7:00 p.m.

Motion by Deborah Sargent, Second by Heather Daerr

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

A Special Meeting was scheduled at 6:00 p.m. prior to the full-time police workshop to discuss a list of open items facing the Board. Legal advice was sought on workshops since not all Supervisors attended the last planned workshop and those who showed were unsure if they should still meet. It was noted that a workshop can continue with less than a full board. No quorum is necessary for a workshop.

**Motion** to schedule and advertise a Special Meeting for Open Items at 6:00 p.m. on February 29, 2016.

Motion by Paul Chasko, Second by Deborah Sargent

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

There was concern about having sufficient time to cover ground in the six o'clock meeting to be held prior to the police workshop. The meeting will be continued if needed. Also, legal advice was that comments from the public could be held until the next public meeting, at which time they can be heard. In response to audience questions, it was made clear that the police services meeting will be open to participation. It is scheduled to end around 8:30 p.m.

The intergovernmental agreement was held in abeyance for review.

It was discussed that the Board interviewed an equipment operator earlier today.

**Motion** to hire Mr. Ronald G. Lovrich as road crew operator, subject to passing a physical, with the candidate to start employment after he serves his two-week notice to his prior employer and receives medical approval.

Motion by Charles Trax, Second by Paul Chasko

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

Carrie Fundy will be making an appointment at the Township to discuss further customization of the Township's access system to track bond expirations and other items.

**Motion** to appoint Harold Breinig to the Planning Commission for a four-year term beginning March 1, 2016 through March 1, 2020.

Motion by Heather Daerr, Second by Charles Trax

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

In terms of the CBDG funds which were earmarked for demolition, Ms. Taylor reported that the \$66,400 in grant funds has to be used this year. It has already been committed to demolition. Income surveys are not necessary for demolition. Income surveys are required for some

projects which are required to be in a low-income area. Ms. Taylor will inquire as to whether the funds can be used for demolition of the buildings at the Nike site. Mr. Harshman noted that income surveys are not required for handicap improvements, but once changes are made to a building that has been grandfathered in, that status stops. Only 9 months are left for the Township to use the funds. They cannot be rolled over again. Zoning was asked to keep their eyes open for any other demolition projects.

Training was requested for underground storage tank operators as the fuel storage tank is due for inspection. A passing inspection requires three men to be trained as operators.

**Motion** to authorize training for the ABC understorage tank operators

Motion by Paul Chasko, Second by Deborah Sargent

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

Motion carried.

**Motion** to adopt Resolution No. 2016-01, appointing Charles Trax as delegate and Frank LaTorre as alternate to the Washington County Tax Collection Committee.

Motion by Heather Daerr, Second by Deborah Sargent

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

A Work Engineering Process which was written by Paul Chasko was discussed. He provided a rough draft to the Board. He received direction from the rest of the Board to continue working on it to facilitate working with KLH Engineers.

In regard to clearances, the secretary questioned whether the Recreation Board members need to supply clearances annually. Per legal advice, Act 151 clearance is only good for one year and needs to be done each year.

Ms. Daerr asked about the availability of grants, how many grants the Township applies for each year, and about grant writers. Mr. DeiCas said that there are not many public works grants available. In regard to the Overlook sewage project, once the agreement is signed, he will file the Act 537 for approval with DEP and other agencies. Then, he can meet with PennVest, informing them what it will cost the impacted individuals. PennVest could award a grant for a portion of the project. He could then apply for a Local Share grant for another portion. On sewer projects, he said that there are only three sources for funding: Local Share – Penn Vest – and a grant for rural development.

Ms. Sargent asked the Board's permission to invite Richard Cleveland to talk to the Board about his grant writing services and ability to locate grant funds for the Township. Mr. DeiCas indicated that he has worked with him in the past and that a benefit is that you can use his services as they are needed, especially if you do not have the administrative budget to put someone in house, which is a great alternative. Mr. Spahr added that some considerations are that often projects must be shovel ready to receive funding. Also, often a specific project you want funded must be identified. He also noted that money that was available before is not there anymore due to the budgetary deficits being experienced at the state and county level. Ms. Daerr indicated that she is being approached by individuals who write grants and some

Board Approved: March 28, 2016

Townships are receiving funds. Ms. Sargent will contact Rich Cleveland to see if he is available to come in for the next meeting.

Public Comment

Frank LaTorre commented about mining not being permitted in a C2 district. Mr. Harshman said that he will ask Mr. Tomko why he is pursuing a DEP mining permit when it is not allowed in a C2 district when they meet for the pre-application planning session since it is not desired that anyone waste their time/money.

There was no Executive Session.

**Motion** to adjourn at 9:22 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. .

Motion carried.

  
Debra A. Nigon, Secretary