

*Board Approved: May 23, 2016 with revision as noted.*

Union Township Board of Supervisors  
Regular Board Meeting  
April 11, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:03 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, Dennis Makel—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

Pete Guido, 125 Viarregio Way, asked if the Tuscany Estates developer was given a timeframe by the DEP for compliance with its erosion and sedimentation requirements. Per Mr. Grieb, a meeting was held regarding the developer's construction plans during which he was informed that before being brought before the Board, the developer will have to obtain DEP approval, a signed developer's agreement through Makel & Associates, and an approved sewage planning module. Mr. Makel added that the developer's agreement will be more stringent this time around and assured Mr. Guido that the bond will be renewed.

Frank LaTorre, 7 Boyka, commented that the Dust Ordinance that was being reviewed by the Board was not on the Agenda. He also asked whether the cars on Rankintown Road have been removed. Municipal Consulting services has not had an opportunity, as yet, to move on that issue.

A representative from EQT, Mr. Stroth, requested to address the Board on a possible upcoming easement request by EQT on the Township's property on the Nike Site off Maple Street. The easement would be on a small section of land of about 320 feet which juts into a parcel owned by Mr. Powell. Mr. Stroth had no documents with him at this time as more evaluation has to be done on the feasibility of using this piece of land; however, he said the purpose of his visit was to verify whether the Township would be opposed to considering the idea. Per the Board and their solicitor, their opposition would be dependent on the easement fee. The purpose of the easement is for EQT's roadway access to their well site planned on Sarah Bickerton's property. The road will become a permanent access road. The possible access road will pass through the Powell property, then through the Township property, back through Powell-owned property, to the Bickerton property. He was asked to prepare a proposal for the Board to consider. Road Foreman, Albert Banahasky mentioned that there may be protected property in the vicinity related to the prior habitation by Native American Indians. The representative was asked to check with the Pennsylvania Historical Society to see if there are any issues.

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John Matola, 21 Maple Street, asked what type of traffic EQT would have traveling Maple Street. He was informed that the roadway will be used primarily for hauling water and that vehicles up to 40,000 ton could be used unless EQT addresses the water requirements in another way. Mr. Matola asked that the Township take into consideration that the road was recently paved. Mr. Matola also cautioned that, although he is not opposed to the project or use of the road, Maple Street could prove hazardous due to the narrowness of the road which could prohibit two-way traffic as well as the geography and angle of Maple Street as it meets Finleyville-Elrama Road and the associated difficulty in making a left turn onto Finleyville-Elrama Road.

Mr. Spahr informed those present that a civil engineer from Greene County was hired at one time to perform a study on the roads which resulted in adoption of weight limits by Ordinance. EQT will have to take this Ordinance into consideration. He also requested that EQT take into consideration the fact that the intersection is problematic. Mr. Spahr also made note of other areas with similar intersections where he has seen drilling companies use flaggers and post very large signs warning that water trucks were cutting into traffic.

Officer-in-Charge Kircher gave the Police Report covering the 63 shifts worked by SWRPD in Union Township in the month of March. There were three arrests in the Township. Also, there were 9 criminal citations that are not filed and not placed in the total as the officers still have time to file them, after which time they will be included. The arrests included possession of drug paraphernalia, public drunkenness, and disorderly conduct. There were 61 citations for traffic written resulting from 91 traffic stops which were performed by SWRPD. It was confirmed for Mr. Spahr that the arrest for possession of drug paraphernalia was a result of one of these traffic stops, and it was discussed that it does occur under certain legal circumstances that drug paraphernalia is discovered during a traffic stop. Barbara Stover, Viareggio Way, acknowledged seeing the SWRPD car monitoring traffic in front of Ringgold School where Officer-in-Charge Kercher acknowledged cars fly through irrespective of the school signs. Mr. Spahr said he received a thank-you from another resident who noticed the SWRPD presence by the school.

Tom Mellor, Road Superintendent asked for questions on his written report. He also informed the Board that PennDot requested to detour traffic for an upcoming bridge replacement project onto Patterson Road. The solicitor informed the Board that the law gives the Township the choice to grant use of the road as the state project should provide a detour onto state roadways. Mr. Mellor said that the road is in bad shape and advised the Township to not allow the detour. There will also be traffic due to the Sunoco pipeline crossing. Mr. Mellor has not yet got back to PennDot. Ms Daerr's opinion was to not grant the state the ability to detour onto Township Roads. An alternative state road detour would be to detour traffic onto Finleyville-Elrama Road and Route 837, although locals may use the Township roads regardless of the official detour.

It was noted that the current bridge replacement schedule for the Venetia Bridge project involves closing the bridge for six weeks to two months to place the new pre-engineered bridge. It was also noted that a wall on Route 88 will be replaced by PennDot soon.

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**Motion** to have no detour utilized on Township roads, i.e. Patterson Road or others, as a detour route for the 2017 Venetia Bridge replacement project with no through traffic signs being posted if they are not already there.

Motion by Heather Daerr, Second by Deborah Sargent

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

In regard to Brownsville Road Park, Mr. Mellor shared liability concerns as he brought the Board's attention to photographs taken of the soccer goals and equipment which show the equipment to be in bad repair. The goal nets are damaged and torn and one of the aluminum goals needs to be welded. They also need to be anchored securely. There is no foam on any of the goal posts. Mr. Mellor questioned whether the equipment is the responsibility of the Township or the Soccer Association. Ownership will have to be determined. There was further discussion and a couple incomplete Motions as discussion continued.

**Motion** to have Tom Mellor obtain quotes on foam and repairs / replacement.

Motion was dropped for another Motion.

It was determined that Finleyville Soccer Association cannot be permitted to use the park for a game unless safe equipment can be located and used instead. Mr. Mellor will look to see if there are other goals that can be swapped, and will call a certified inspector to look at the equipment. He will also contact someone from the Finleyville Soccer Association to see what can be done. He also suggested eliciting the assistance of Mr. Sargent as coach in the endeavor. Mr. Mellor also informed the Board that Jeff Lewis is stepping down from being in charge of the Soccer Association and that Kim Jones has taken his place.

In terms of the damage to Patterson Road, Mr. DeiCas supplied an estimate of approximately \$100,000 to perform base repair and resurfacing of the entire road from the Sunoco pipeline crossing out to Finleyville-Elrama Road. Mr. DeiCas confirmed that the road was recently videoed, although Chester Engineers has possession of the first video. Upon his inquiry, the solicitor was informed by Sunoco that they do not have pictures or video of Patterson Road. Mr. Mellor asked if a meeting could be held with Mr. DeiCas, Mr. Makel and Josh Ward of Sunoco to see if an agreement could be signed confirming his verbal agreement that the repairs will be made. The Board authorized Mr. Makel to schedule that meeting this week or early next week. Mr. Makel also requested that Mr. DeiCas put in writing his professional opinion as Township engineer as to the cause and extent of damage to Patterson Road as a result of the Sunoco road crossing.

Mr. Spahr requested that the Road Superintendent call PennDot Representative, Rick Skovensky, so that he could review the roads determined to be included in the 2016 paving project for Liquid Fuels approval.

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**Motion** to approve General Fund Bills in the sum of \$49,322.02 as of April 11, 2016, 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.

Mr. Rich Cleveland of Grant Writing Services, LLC, (GWS) appeared before the Board to discuss the services he provides to municipalities and the resulting grant funding that has been obtained. He requested that the Board pull together a list of potential projects which he could review in terms of the applicable grants that are available. He mentioned a multi-modal transportation grant (30% non-State match) which is available as well as the Greenways Trails and Recreation Program Grant which is due June 30, 2016, and requires a 15% non-State match, in addition to other grant funding sources.

*dan* | If contracted for services, he will connect with the Board-appointed contact. Up until now he has been communicating with Ms. Sargent. His fee is \$350/hour. He is prohibited from charging a percentage of the grant amount which is why he charges an hourly rate; although the law does permit an estimated lump sum amount. Mr. Cleveland explained that he had worked for the Redevelopment Authority of Allegheny County until 2006 and has worked as a grant writer since 2006. He mentioned several clients and the funding that was obtained and noted that, for the last three years, his services to the City of Washington resulted in their receiving 10 dollars back in grant funding for every dollar paid to GWS.

He can provide by email request a grant tracking excel worksheet ([gwscleveland@gmail.com](mailto:gwscleveland@gmail.com)). Judy Taylor will send him an email requesting it. He will also send a broiler plate contract to Dennis Makel. A list of contacts in the other communities he's working can also be requested.

Mr. Cleveland also suggested that, on bigger projects, more "bang for your buck" can be had by assessing the entire project with an engineer. Mr. Spahr mentioned that the old radar station of the Nike Site is on property noted as the highest point in Washington County and offers a view all the way down to Pittsburgh on one side and the mountains on the other. He believes this to be the perfect place for a park, with the possibility of putting a park on the upper field and lower field. Mr. Cleveland suggested referring to the Comprehensive Plan or Joint Comprehensive Plan in terms of this recreation project or other projects and working on a project list. For example, he mentioned the Baseball Tomorrow Fund Grant which provides funding to non-profit and exempt organizations for the purposes of incremental programming and facilities for youth baseball and softball programs. He recently obtained for WYB baseball for Washington Park, a \$150,000 Tomorrow Fund grant which included costs for items such as cross walks, side walks, lighting, etc., and encouraged any project list to include as much of the project as possible.

Mr. Spahr said that an overall plan is needed in terms of developing the Nike Site into a recreational area. Deborah Sargent volunteered to be the contact person for Mr. Cleveland. Ms. Daerr offered to assist in a committee relationship with Deborah Sargent as Chairman.

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**Motion** to authorize the solicitor to prepare a draft agreement between the Township and Mr. Rich Cleveland for grant writing services.

Motion by Heather Daerr, Second by Deborah Sargent

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

The high bidder for the Municibid on-line auction of the 2009 Ford F-450 was announced.

**Motion** to award the bid on the 2009 Ford F-450 Superduty 4x4 Dump Truck with Plow and Spreader to Bobby Gerhart for \$18,300, the highest bid, with the provision that the equipment will not be released until payment clears.

Motion by DS, Second by PC

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

Mr. Makel cautioned that a certified check does not clear immediately and that release of the truck should not be done until the check clears. It is preferable to do a wire transfer.

**Motion** authorizing the WESA 10 Day Notice Shut-Off letter to be used.

Motion by Heather Daerr, Second by Charles Trax

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

Regarding acquisition of the Elrama Chrome Shop, Leroy Harkins, 4584 Elrama Avenue, a representative of the Elrama Fire Department, addressed the Board. He explained that everyone in Circle Avenue belongs to a co-op for paying septic tank pumping and street lights. That area is now sewerred but the co-op still exists. He said that Lots 79, 78, 77, and 76 were designated as being for a park. Mr. Harkins provided an overhead photograph of Circle Avenue and showed the Board where those lots were located.

He noted that parking would be an issue if that land were used. It abuts property previously owned by Duquesne Light and now owned by Orion. He is not against the Elrama Chrome Shop acquisition for a park and is in favor of a park, but thinks this land is better suited. As for the Duquesne Light / Orion owned property which Mr. Makel was to pursue, Mr. Harkins said that the Elrama Fire Department has been trying to get that property donated to them for many years, and for last three months, through its solicitor, they have been actively trying to gain ownership of the parcels which they would like in their name for fund raising purposes to avoid conflict of interest.

Mr. Spahr noted that the grant funding available is for use in existing brownfield reclamation. Pertaining to the taxes which were left out of the tax sale, Mr. Makel spoke with Mr. Berggren from the School District who does not think these taxes are a problem. Once he hears from Portnoff Associates, he can give us further direction. Mr. Spahr stressed that time is of the essence and that if we do not acquire the property by the end of April all the money spent on Phase 1 will expire and it will cost \$2,000 to just restart Phase 1. The reason it must be restarted is because the terms are that the property has to be in our name within 6 months following the beginning of Phase 1. KU, who did the Phase 1 assessment, has also said that the reclamation work is almost all done. Mr. Makel will request that a letter of tax forgiveness be written.

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Ms. Sargent asked Mr. Makel about the Duquesne Light Owned parcels. He has not been able to look into it further. He will call. Mr. Harkins commented that there would not be parking for a playground on the Duquesne Light / Orion land, and that the old chrome shop property is better for the town and the parking. Robert Evans is president of Co-Op on Circle Avenue in Elrama where the lots he suggested as a site are located. If the Chrome Shop property were used, he suggested asphaltting the first 30 or 40 feet and using the more level portion for the playground.

In terms of the grant applications for the bridges that were to be prepared for WCCD consideration, Mr. DeiCas said that all three have been sent in but that the Chairman would have to sign them to make them official. The Township should hear back by this summer.

Mr. DeiCas also reported that he did a lot of work on the GP-11 permit needed for the bridge and culvert work to be funded by the Local Share Grant. He should be able to submit the permit application by the first of May. After that, it will be out of our hands and the process is slow. The Township may be looking at next year in terms of starting the project. If the majority of the funding for Jason Street is obtained, then the Township may not need to use any Liquid Fuels funds. Jason Street is gravel and the WCCD does not like sediment going into the stream, so it is the more likely project to be awarded.

Mr. DeiCas said it would be best not to have to use Liquid Fuels funds for the project because, since all state regulations would come into play, the state would have all control and can dictate the way it has to be done. That being the case, the work will take much longer to begin and the costs could double.

The 2016 paving project estimates were submitted to the Board by email. Mr. DeiCas suggested to the Board letting the PennDot representative know that we want to use the road into Brownsville Park as a Township Road. If the Township were to do that, the work could be paid for with Liquid Fuels funds and the Township would get Liquid Fuels funding for it every year. Another benefit would be that a nice turn around could be made at the bottom of the hill. He believes the right of way would need to be 33 feet and the cartway 18 feet to have it done under Liquid Fuels.

DM will schedule a meeting with Carl and Tom and Sunoco next week. Mr. Makel requested Mr. DeiCas' written opinion on damage to Patterson Road.

Mr. Makel reported that he had negotiations with Sunoco on the easement fee. They have agreed to \$10,000. He asked the Board's agreement to finalize the agreement. It was noted that the second line is 20", significantly larger. Mr. Makel will try to renegotiate for \$20,000. Ms. Taylor reminded him to make sure they know they will need to supply the easement drawing with the agreement so that it can be recorded.

Ms. Taylor inquired about the most recent Act 537 for Jefferson Hills and has not received an answer yet. However, she was able to confirm with WESA that the latest version of their Act 537 plan which is from 2011. We have the most current.

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Regarding the Overlook Street area sewerage project, Mr. Makel made phone calls to Mr. Cooper who advised him today that we must make certain that the EDU's we are referencing are exact as South Park and Bethel Park are adamant that they do not want anymore expansion of their sewage system into Union Township. Ms. Taylor explained that we had given them an EDU count of 23 and 2, then a resident tore down a structure to make it 22 and 2. However, there is nothing saying that this resident, Mr. Ladley, couldn't put another structure on the property. The impacted residents will have to commit to the number of EDU's. Mr. Mellor and Mr. DeiCas will drive up and talk to them so that it is confirmed.

Mr. Makel has contacted Stephanie Paluda about the recent Natural Gas lease presented to the Township by EQT. She is looking into whether the percentage can be increased due to special circumstances.

**Motion** to adopt a quote in the sum of \$1020 for Microsoft Access Customization by Ms. Carrie Fundy for bond tracking and related zoning / coding issues.

Motion by Heather Daerr, Second by Paul Chasko

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

Mr. Grieb will contact Ms. Fundy about the customization work. It is their experience that she uploads first and does as much as possible from home.

For Work Furlough program projects, Mr. Mellor suggested picking up trash along the roads, at least for this year. He can work with her on a list of areas that need to be cleaned up. It needs to be determined whether they perform the work over two days on weekends or weekdays.

The room is being prepared for the check depositing machine. Security measures will be discussed in executive session.

The solicitor's input was requested on the engineering contracts. Mr. Chasko suggested funneling any overflow work that Mr. DeiCas couldn't perform over to Harshman Engineering to handle. This was held for Executive Session.

The plan for reviewing solicitor proposals was discussed. Deborah Sargent mentioned that during the process of collecting proposals she learned many things as well as various ways to cut costs. One idea in particular was that of holding an agenda meeting and a regular board meeting each month. The solicitor would not need to attend the regular meeting and having an agenda meeting would also cut down the length of the Township meeting. An added bonus would be that, if the meetings were shorter, many solicitors provide a flat fee for the year for meeting attendance. At the length meetings are now, they would not give a flat rate.

Mr. Spahr's comments were that not all solicitors are of the same quality and, although cost is an issue, you also need a good solicitor should you face litigation and need to go to court. Many of the Pittsburgh attorneys are costly.

Ms. Daerr thought that efforts were being duplicated and inefficiency was opening the Township to legal issues. Also, she noted that, while Board members revolve, the professional services they rely on being competent is of the utmost importance.

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Ms. Sargent asked how the Board wished to proceed. Mr. Spahr suggested that each look at the proposals that have been submitted. Per his review, he will not opt to vote to pay \$150/hour nor for a solicitor out of the County who isn't familiar with the communities in Washington County. Ms. Sargent asked if a Workshop could be scheduled to review proposals. Mr. Chasko indicated he was satisfied with the current status. Mr. Trax is willing to look at the proposals collected. At the suggestion of Mr. Makel, the Board will discuss a convenient time for the review after the meeting.

The Police Services RFP was discussed. The three years of experience required in the current version of the RFP were discussed. Upon request, Officer-in-Charge Kircher offered that the three main police officers serving in Union Township have had over three years experience, with he himself having 20 years experience and experience having been a Sargent in another community. However, SWRPD does take on new, less-experienced hires as well. It was decided that the RFP will be updated to say that two years of experience is preferred and provide it to Deborah Sargent to obtain a quotes.

In regard to Stonechurch trailer park, Mr. Ivery is waiting for a return receipt on a certified letter to the owner. The first letter was general in regard to the violations; so, a second letter was sent to Ms. Tortorice which is more specific in regard to violations and sets forth that she is required to have the trailers removed. The citation is ready to be written and they are prepared with evidence and pictures, but the return receipt has not yet been received. Ms. Daerr commented that nothing new appeared to be done. Mr. Grieb's observations were that a box truck appears to have been removed.

The idea of starting to create policies for a policy and procedure manual was discussed. A particular policy was brought into the Township by Ms. Taylor from her previous employer in Deemston which she thought was of great benefit. The policy includes a subdivision checklist and allows each item in the subdivision to be checked off as it is completed. She also sees it as a benefit to the individual subdividing so that they know what is still outstanding. Mr. Grieb said that those requesting a subdivision do receive a checklist although the office staff do not see it. Mr. Grieb suggested that MCS has gotten into the habit of approving things conditional on the items missing being supplied. He said that this can be changed going forward by requiring that everything be 100% complete before moving forward. Ms. Taylor and MCS will move forward on a checklist.

In regard to policies, Ms. Taylor said many could be mined from the internet at different Township websites. Mr. Trax checked Peters Township website and discovered multiple policies which could be evaluated for usefulness. Mr. Spahr's opinion was that much of what is done in Union Township doesn't require a policy to get done.

The purchase of a storage cabinet for the various pieces of IT equipment in the zoning office was discussed. The cabinet would organize the equipment and get the wires off the floor so that they are not accidentally pulled or bumped during cleaning of or use of the office. The current IT consultant has mentioned before that they can come in and do this work. A quote will be pursued by the staff and is not yet available.



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The upcoming EQT Conditional Use Hearing was mentioned. It was noted that normally, the Board would have 45 days to make their decision after the conclusion of the meeting. Due to the rescheduling of the hearing which was done due to complaints over the property not being posted in sufficient time, EQT agreed to a quicker turn around on the Board's decision.

**Motion** to approve a Condition that the Township issue the Findings of Fact and Conclusions of Law at the Regular Board Meeting of the Township on May 9, 2016 relative to the EQM Conditional Use Hearing scheduled on April 25, 2016

Motion by Paul Chasko, Second by Charles Trax

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

A Conditional Use Hearing is scheduled for April 25 and will begin at 6:00 p.m. In light of recent interest in the hearing which involves expansion of the existing compressor station and a new pipeline, a plan was discussed regarding how it will be handled if the hearing should run over past the scheduled start of the Regular Board Meeting. The Board will see how the hearing goes and address it at that time. It was noted that the stenographer will need to be informed that the transcript must be ready in time for the solicitor to prepare Findings of Fact for May 9.

Mr. Makel mentioned a letter received from Mr. Barna on Finleyville-Elrama Road. He asked the Board if they wished to authorize him to accept service on any suit Mr. Barna intends to send regarding the damage to his driveway which he says was caused by effluent from other properties. Mr. Makel suggests that WCSC be contacted and the individual with the effluent be cited. The Township could require a resident with a failing septic system to get a holding tank. The issue of several of the homes in that area contributing to the problem was discussed. At one time it was verified whether these homes fell within the bounds of the original plans intended for the Elrama sewerage project and they were not within those bounds. It was noted that one elderly owner had stated that he would pay no citations nor get a holding tank. Mr. Makel will contact Mr. Barna informing him that we will take action against at least one of the property owners. Ms. Taylor was requested by Mr. Makel to request the file from WCSC.

**Motion** to go to Executive Session at 10:45p.m. to discuss litigation

Motion by Deborah Sargent, Second by Heather Daerr

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

The Board returned from Executive Session at 11:30 p.m.

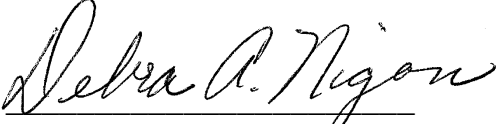
The solicitor said that they discussed matters involving personnel and potential litigation involving EQT and Tomko.

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**Motion** to adjourn at 11:30 p.m.

Motion by Heather Daerr, Second by Deborah Sargent

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

  
Debra A. Nigon, Secretary