

Union Township Board of Supervisors  
Regular Board Meeting  
May 23, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr 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 Larry Spahr, Paul Chasko, Heather Daerr and Deborah Sargent. Charles Trax was absent. Also in attendance: Dennis Makel—Solicitor, Jamie Harshman—Township Engineer, Judith Taylor—Treasurer/Asst Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

Public Comment

*dan*  
Linda Evans-Boren, 22 Parkvue Avenue, commented on the manner of the release of Carl DeiCas and KLH Engineers as the Township engineer. She stated that she apologized privately to Mr. DeiCas for the public nature of the notification. Ms. Evans-Boren also noted that it appeared to her that Mr. Spahr and Mr. Chasko were not aware that a vote was going to be taken on the issue. Mr. Spahr stated that he voted no on the motion as he felt Mr. DeiCas and Mr. Harshman should ~~work together to determine which engineering firm could best complete the current open projects for the Board's approval~~ have had the opportunity first to work out these issues as to who would continue with the projects begun by Mr. DeiCas as the engineer for the Township. Ms. Sargent responded that Mr. DeiCas was aware of the Board's dissatisfaction with his job performance as he had been present at a discussion in executive session, and that she was not aware that Mr. Churilla, a partner in KLH Engineers, was in attendance at the meeting and for what purpose.

Matthew Vibostak, 19 Lake Drive, commented that it appeared that no work had been done in several weeks on the retaining wall and building to house the contractor equipment on the property of Ralph Opferman at 3 Airport Road. Mr. Vibostak expressed concern that the partially-excavated hillside would erode further, causing damage to his property that borders Mr. Opferman's. Mr. Grieb responded that the DEP has put a hold on any construction work by Mr. Opferman while they investigate allegations of stream degradation on the property. He will check with the DEP on the status of their investigation and determine what action Mr. Opferman can take on stabilizing the hillside.

Pete Guido, 125 Viareggio Way inquired on the status of the expired NPDES permit and the DEP letter of violation that was issued on April 22, 2016. Mr. Makel stated that the township cannot issue any permits or approve the current site plan for Tuscany Estates Phase 8 until the DEP violation had been resolved. He also noted that the current bond will expire on June 28, 2016. MCS agreed that Mr. Danielson had not performed the actions he had agreed to previously. Mr. Makel recommended the Board make a motion to take the appropriate actions in regard to the addendum to the Developer's Agreement, lawsuit, and proper bond amount.

**Motion** to authorize the solicitor to (1) finalize an appropriate addendum to the Developer's Agreement with Earl Danielson, AKA Tuscany Estates; (2) take appropriate action to dismiss the case as appropriate and necessary; (3) coordinate work with the Township engineer for the appropriate level of bond funding to complete the Tuscany Estates road system

Further discussion intervened and the motion was not formally made and no vote occurred.

**Motion** to amend the minutes of April 11, 2016 to correct the hourly rate of Rich Cleveland, GWS, LLC to \$50 per hour on page 4 of 10

Motion by Paul Chasko, Second by Deborah Sargent

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

**Motion** to approve the minutes of March 28, 2016 regular Board meeting; minutes of April 4, 2016 continued March 28, 2016 Board meeting; minutes of April 11, 2016 regular Board meeting as amended; minutes of April 25, 2016 Conditional Use Hearing; minutes of May 2, 2016 special Board meeting; minutes of May 9, 2016 regular Board meeting

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to approve Payroll #9 dated May 6, 2016 in the amount of \$14,234.40 as presented by the Treasurer/Asst Secretary subject to being true and correct

Motion by Heather Daerr, Second by Paul Chasko

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

**Motion** to approve Payroll #10 dated May 20, 2016 in the amount of \$11,403.45 as presented by the Treasurer/Asst Secretary subject to being true and correct

Motion by Heather Daerr, Second by Paul Chasko

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

**Motion** to pay general fund bills in the amount of \$29,690.00 as of May 23, 2016 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-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

#### Departmental Reports

Municipal Consulting supplied a written report for the Board's review. Mr. Grieb reported that he was waiting for notification of the date of the magistrate's hearing on the Stone Church trailer park violation. Mr. Ivery presented a subdivision application package and drawing for Board approval and stated that all the prior agencies had approved it.

**Motion** to approve the subdivision of the property of Eric Lawson, 6067 Don Street with Lot34A being .619 acres, and Lot 34B being .46 acres, subject to the mylar being signed by all appropriate parties, including the owner and PCSA, and all fees being paid

Motion by Heather Daerr, Second by Paul Chasko

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

Mr. Harshman presented the engineer report. He stated that the transition is proceeding well. He noted that Tomko has submitted a grading permit application and is working with the DEP on the storm water plan which he will need to be review. On the Mingo Circle Road sewage issue the DEP is requiring an Act 537 Plan update be completed. On Overlook Sewer Project, he has requested the files from KLH. The Board decided to request an affidavit on the number of EDUs on the Orr property only. On the Jason and Jack Street bridge replacement project, he understands that KLH undertook preliminary hydraulic studies, and began the GP permit application. He will prepare preliminary design and GP permit completion. On the Garvin Road Dirt and Gravel road grant award, he had not yet seen the application, and he said that WCCD usually does some redesign. On the EQT well pad to be constructed off Patterson Road, he noted that the township had only received a notification letter to date. He noted that the bids for the paving project would be opened at 3:00 p.m. tomorrow, and Mr. Spahr said that the Board meeting would be continued to Tuesday, May 24, 2016 at 6:00 p.m. to award the bid.

Mr. Snee inquired on the status of the slide on McChain Road. Mr. Spahr said Mr. Mellor has been looking into it, and that Mr. Harshman will review the slide area and give an opinion as to the proper repair.

Mr. Spahr asked the solicitor if the current contract with KLH Engineers still in effect until June 9, 2016 would have any effect on the actions the Board was taking in regard to engineering matters. Mr. Makel stated that there is no bearing on the Board's actions.

**Motion** to approve the contract between Union Township and GWS LLC effective May 23, 2016, for grant writing services

Motion by Deborah Sargent, Second by Paul Chasko

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

The solicitor reported John Olexa, 4028 Finleyville-Elrama Road, has been cited by the Washington County Sewage Council for his malfunctioning sewage system that has impacted the property of Michael Barna, 4042 Finleyville-Elrama Road. Mr. Barna's attorney has been given a copy of the citation. Mr. Makel will call Stephanie Paluda, EQT, to inquire if better terms are possible for the proposed lease of Township property on Patterson Road. Mr. Makel will notify EQT that the Board is not interested in granting a permanent easement in the right of way off Maple Street for an access road across the Nike Site property. Mr. Makel reported that he had scheduled a conference call with representatives of ITB on a request to install cell towers in the Township right-of-way.

Mr. Chasko and Mr. Spahr reported on their meeting with Joshua Ward, Tablerock Land Services and Christopher Koop, a public affairs specialist with Sunoco Logistics, on the damages to Patterson Road from the installation of the 12-inch pipeline. It was their position that their activities caused only 3% degradation to the road surface. Sunoco is offering \$25,000 for the damages and \$10,000 for the easement fee for the installation of the proposed 20-inch pipeline. Mr. Harshman will review the road report from Tablerock. He also suggested as a good practice that the Township engineer periodically video the roads

*Board Approved: June 27, 2016 with revisions as noted*

bonded under an overweight vehicle permit in the middle of the hauling timeline with a digital copy to engineer, Township and the customer. He also noted that the zoning and road system maps will be completed by KLH per Board approval.

**Motion** to approve the EQM site plan for the McIntosh Compressor Station installation subject to (1) receipt of the appropriate permits from all state and federal agencies; (2) appropriate fees being paid; (3) specific compliance with all Township ordinances, state and federal laws

Motion by Deborah Sargent, Second by Larry Spahr

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

Mr. Spahr asked if the Board is ready to make the suggested change to the first meeting of the month be an agenda setting meeting with the second monthly meeting to be the decision making, business meeting to consider those items for a vote.

**Motion** to have the first meeting of the month be an agenda setting meeting with the second monthly meeting to be the legislative meeting for action on agenda items

Motion by Paul Chasko, Second by Larry Spahr

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

The Board discussed the letter received from Walsh Construction requesting the Township reconsider their rejection of the use of Patterson Road as an official detour during the bridge replacement project on Route 88 near Giant Eagle. Mr. Makel will send the data and traffic analysis report received from Walsh Construction to Mr. Harshman for his review. Mr. Makel suggested that the engineer first video and prepare a written report on the condition of the road for the next meeting, with the costs to be borne by Walsh Construction for all legal, engineering, and administration expenses. He will contact Walsh to discuss this with them. It was also noted that the low railroad overpass near the intersection with Finleyville-Elrama Road could be an issue.

On the Mingo Circle Road area septic issues and the need for an Act 537 Plan update, Mr. Harshman will review the area with Tom Mellor and Heather Daerr.

Mr. Chasko reported that the meeting to be held on the trees identified on the last Penndot Aviation survey as in violation of the Airport Hazard Ordinance on the Karas and Brizzi property will take place on Tuesday, May 31, 2016 at 6:30 p.m. at the Township building. The airport agreed to cut the trees if they get the permission of the property owners and assume no liability.

**Motion** to authorize that all paperwork necessary to apply for a grant for the Elrama CARS Brownfield project, with a cost not to exceed 25% of the cost of the grant

Motion by Heather Daerr, Second by Paul Chasko

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

The Board discussed the CDBG demolition project, and decided to request two quotes on an asbestos removal survey. Mr. Spahr also suggested that a call be placed to Rep. Murphy's

*Board Approved: June 27, 2016 with revisions as noted*

office to inquire about available grant funding for the survey or asbestos removal, and that Kerry Fox be copied on any actions. Mr. Harshman noted that the asbestos could be removed during demolition if it is treated as hazardous material and those rules are observed by the contractor during the demolition process.

The Board agreed to schedule a meeting with Rich Cleveland on Tuesday, May 31, 2016 at 7:30 p.m., after the meeting with the airport, to discuss what grants the township is interested in applying for.

**Motion** to approve the municipal resolutions for Brentwood Bank and First Niagara Bank as required for update of the signature cards

Motion by Heather Daerr, Second by Paul Chasko

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

The Board scheduled a mid-year budget review on Tuesday, June 14, 2016 at 6:00 p.m.

Barbara Stover, 135 Viareggio Way, notified the Board that there will be an announcement of a moment of silence on Memorial Day between 11:00 a.m.-12:00 p.m. at Giant Eagle and scheduled at 3:00 p.m. across the country.

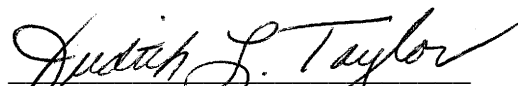
The solicitor requested that the Board go to executive session to discuss personnel matters at 9:15 p.m.

The Board returned from Executive Session at 9:30 p.m. The solicitor said that they discussed matters involving personnel.

**Motion** to continue the meeting to Tuesday, May 24, 2016 at 6:00 p.m.

Motion by Paul Chasko, Second by Deborah Sargent

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

  
\_\_\_\_\_  
Judith L. Taylor, Asst. Secretary