

Union Township Board of Supervisors
Regular Board Meeting
August 8, 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.

Ms. Evans-Boren announced that she may be videotaping tonight's meeting.

Board Members in Attendance by roll call were Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

Also in attendance, Mr. Gary Sweat—Solicitor, Mr. James Harshman—Township Engineer, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

Public Comment

George Powell, 4289 Finleyville-Elrama Road, complained about missing guide rail on Finleyville-Elrama Road. He said that there is a large gap near his home with other gaps in guard rail in other areas all the way down to Elrama. Also, a school bus stop sign needs placed near his house on Finleyville-Elrama Road where five children wait for their bus. In regard to the bus stop, the Township will call tomorrow. Tom Mellor reported that he met with PennDot in the past who said they would fix the guard rail.

Frank LaTorre, 7 Boyka Drive, asked Vice Chairperson, Paul Chasko, about his commitment towards re-couping some of the money spent on enforcement of the airport zoning ordinance which he thought he mentioned while campaigning. Mr. Chasko said the issue went to solicitor Chris Furman for review, who advised that the costs were non-recoverable. He will provide Mr. LaTorre with more information at a later time.

Doug Drusbaski, 22 Mingo Circle Drive, requested resolution by the Township to problems with sewage on his property which he explained as being directed onto his property through a cross pipe installed by the Township years ago. The cross pipe runs underneath the road. Stan Glumac of the Washington County Sewage Council has dye tested the residents in the past but could not establish the source(s).

Mr. Drusbaski also complained that his property looks like a swamp and is being destroyed. He also complained that he had a cookout and everyone had to go inside due to the problem. He also mentioned an incident with parents not dropping their children off at his home for birthday parties because of the issue. He said he has been before Jim Ellis, the district magistrate, with nearby homeowners 6 or 7 times and has been on the phone with Stan Glumac and Tom Wright at the Washington County Sewage Council many times. He stated that he will sue the Township and the Washington County Sewage Council, at some personal expense which he cannot afford, if necessary, to get the situation resolved. He also said that it's possible that two years ago a new owner dug up the holding tank that a previous owner

had installed and diverted the flow of sewage from the holding tank into the pipes that run under the road. He made it clear that he wants the cross pipe(s) that run under the road that are owned by the Township pulled out and/or capped.

Mr. Mellor said drainage work was done on the side of the road because the flow was damaging the road. When a low area by the road which had been a problem was dug out by the Township, some pipes were exposed that ran into that area. This low area was subsequently filled in with stone. Mr. Harshman said the Township could pursue funding for sewage; however, that could take a while and possibly years to come to fruition.

The solicitor added that the source of the sewage has to be identified and the owner of the malfunctioning home will have to be cited. It was noted that there may be more than one home involved. Others properties up the road may be contributing to the problem as well.

Mr. Harshman reported that he has met with Stan Glumac at the site. Everybody knows it's been a problem for years. Mr. Harshman recommended, as a first course of action, to tell the Sewage Enforcement Officer to take action. In terms of excavation, we'd be limited to the Township's right-of-way along the berm of the road, but that the area could be dug up and dye testing performed. Once the source is determined, Mr. Harshman advised proper installation of a holding tank as the solution.

Ms. Daerr said that she has learned that information on grant money for homeowners for purposes like this has been provided to one of the owners at a point in the past.

Mr. Harshman and Mr. Mellor will talk to the SEO and coordinate WCSC dye testing with Township support to dig up any pipes. Tom Mellor will keep in touch with Doug Drusbaski.

Departmental Reports

Scott Kercher delivered the SWRPD police report on the 63 shifts worked in the Township last month. There were 6 arrests and 1 criminal complaint, 5 non-traffic citations, 46 vehicle stops with 30 traffic citations and 16 warnings. There were 12 crashes last month. Mr. Spahr brought to everyone's attention a serious rescue operation near Tuscany Estates for which officer-in-charge, Scott Kircher, will receive a letter of commendation for putting himself at personal risk. Apparently, the rescue involved the officer assisting a gentleman at Tuscany Estates who went out searching for his dog and got stuck down a muddy ravine.

Mr. Mellor gave the road report. He reported a cross pipe issue on Gayle Drive where a sink hole has formed under the road. The water from the cross pipe flows through a property. The owner of the property wants to pipe the water 124 feet down the hill towards the creek and Route 88. Per the engineer, it appears that the only right operation is to extend the pipe. Mr. Harshman suggested an option could be a cooperative agreement whereby the Township and property owner would share the cost. This solution would be easier for the Township as well as it involves no asphalt or paving. Mr. Spahr and Mr. Trax noted that there have been other owners with similar problems, such as a woman on Frye Avenue who was in the same situation. Though this solution may be easier for the Township, he did not want to create a

situation whereby the Township would be in the position of helping every home owner with their water issues. The Township refused to buy pipe for Mr. Cheplic or for the owner on Frye Avenue. Mr. Mellor noted that, if the Township corrects the sink hole, it will flood the owner's property. The pipe is collapsed under the road because the portion of pipe in the property owner's yard has been covered over with stumps and filled in with silt. However, to route the water out to the berm, would require replacing pavement. Mr. Mellor will meet the owner tomorrow. Mr. Sweat suggested that an estimate be written.

Mr. Mellor drew the attention of the Board to pictures of flooding in various areas in the Township after the storm in late July. It was mentioned that drains on McChain Road need to be cleared out as they were backed up and flooding the corner of the road.

Mr. Mellor informed the Board that the asbestos survey at the Nike Site started today.

Mr. Harshman reported that Harshman CE Group is still working on the task activity report for the Act 537 Plan update. In regard to any sanitary sewer grant applications being considered by the Township, Mr. Spahr noted that the Board would have to watch spending in order to have matching funds for any grant. He also noted that the Township will be obligated for 50% of the planning costs of the Act 537 updates and will have to carry the other 50% until such time as it can be reimbursed. Furthermore, the DEP has communicated to staff that it does not have the funds to pay the 50% reimbursement. However, it did refer the Township to other funding sources to which it can apply for the Act 537 planning costs. Also, he noted that the Township has to carry \$65,000 for the intergovernmental agreement related to the Overlook area sewerage. Also, the Township has only budgeted 35,000 for engineering. He suggested a budget workshop to determine how the Board will fund these costs and other engineering costs. Also, Mr. Spahr requested that the engineer provide estimates prior to taking action so the Board can determine how it wants to proceed.

Mr. Spahr also mentioned that the current engineering commission rate is at 25% on the two culverts approved for the LSA Grant as part of the Union Valley Flooding project. He said the Washington County Redevelopment Authority would not accept any commission rate for engineering over 10% if it were administering the grant.

There were comments by Ms. Daerr on recent equipment purchases and costs associated with past projects and by Mr. Spahr on the Board's commitment to keeping usable equipment in the Township. Nonetheless, all agreed that Mr. Harshman was doing an excellent job, but that the engineering costs associated with the sewerage projects have to be examined.

Motion to schedule and advertise a Workshop for an expenditure on August 22, 2016 at 6:00 p.m.

Motion by Heather Daerr, Second by Charles Trax

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

Mr. Harshman mentioned the PA Small Water and Sewer Project upcoming grant application period which he indicated was a good thing to talk to Rich Cleveland about. Ms. Sargent has tried to reach him but has not yet been able to speak to him. The cap on the PA Small Water and Sewer grant is \$500,000. Mr. Harshman said that he was unsure as to whether our

projects will be considered eligible since we are not far along in Act 537 Planning. Mr. Spahr asked the Board to keep in mind that 15% of \$500,000, the max grant amount, would be \$75,000. He said that, while the Township can apply for the grants, it also has to watch and budget and save towards the matching funds. Ms. Daerr questioned why there was not the same concern about the matching funds for the reclamation of the Elrama Chrome Shop property. Mr. Spahr responded that, in speaking with Susan Morgan, there were sources identified that could cover the matching funds. Ms. Taylor noted that, per the small sewer grant guidelines, matching funds could come from another funding source as well – another grant or PennVest. It was agreed that Deborah Sargent will talk to Rich Cleveland. It was noted that in paying Rich Cleveland to pursue the grant at \$50 hour, the Township was taking a risk in that the Board could be paying to pursue a grant they don't receive.

Mr. Harshman reported that the extra material for base repair for McChain Road was \$20 for square yard for a total of \$4,600 over what was planned for base repairs in the 2016 paving project bid. The base showed more damage than anticipated. There was also 10% over on the wearing course. Paving should be finished tomorrow. Kirchner has been prepped.

Mr. Harshman reported that he is still working on the bond amount for the Tuscany Phase 8 updates. Earl Danielson had offered documentation from which he could provide an estimate on infrastructure; however, Mr. Danielson is having difficulty finding that documentation. If the contractor does pave as he intends to do in October, this would affect the number. It was discussed that, if the documentation is not provided, our engineer could determine the bond amount figure. If paved, there would need to be an 18 month maintenance agreement and a bond posted by the developer. Ms. Taylor added that there is about \$14,000 in the Tuscany Estates escrow for engineering. Mr. Harshman asked the Board to let him know when they've decided if they want him to do the work to come up with a bond amount. Nate Simon from WCCD is following up on the NPDES.

Motion to authorize Harshman CE Group to set the bond amount for the Tuscany Estates development at 110% of the amount CE Group deems appropriate.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Snee, 93 Courtney Hill Road, inquired about damage Sunoco did to the road which has affected his property. Mr. Harshman reported that Sunoco 's offer for damages was increased to a \$50,000 settlement which we could accept in lieu of meeting with Sunoco on Wednesday. Mr. Harshman said that he could provide a scope of work for the \$50,000 if they chose to accept. Sunoco also communicated to him that they will be using the site again, tearing it up again for the second pipe, and will have to bond the road again and repair damages again. It was discussed that stabilization is a requirement .

Motion to authorize the engineer to negotiate a reimbursement from Sunoco for damages at \$100,000.

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.

It was mentioned that Tomko received their NPDES permit. They have applied for a grading permit.

It was noted that there was no formal motion for the engineer to proceed on the task activity reports although it was discussed at the workshop and everyone seemed to be in agreement. Ms. Taylor mentioned that a formal motion was necessary for proper documentation.

Motion to complete the Task Activity Reports not to exceed \$3000 for all three sewer projects. 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.

Motion to approve the general fund bills in the sum of \$46,928.50, subject to being true and correct, as prepared by the solicitor.
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 Walsh Construction, Mr. Harshman is still waiting to hear back.

The secretary asked about who was to coordinate the meeting with Emily Shade that was mentioned at the last meeting. Mr. Harshman said that he would coordinate the meeting but that he needed some time first before he could schedule that because he is going out of town next week. The meeting would be about taking some of the projects in phases.

In an email to the Board, Jason Jaki suggested moving the flag pole from the Nike Site over to the park instead of purchasing a new flag. Mr. Mellor will evaluate the flag to see if it makes sense to move it. Mr. Jaki also asked if there are any payment arrangements agreed to for cleaning of the park and the costs for welding the goals. Mr. Mellor suggested changing the locks at the park. It was also suggested that the authorization for fall soccer should be coming in soon which could be dependent on the costs being paid. Ms. Taylor said, in the past, the Soccer Association was supposed to clean the park. However, there were times when cleaning wasn't done. Ms. Sargent will contact the soccer association about paying their share and about contacting the Township directly. However, she noted that they are currently broke.

The National Incident Management System (NIMS) Reporting Form was brought to the attention of the Board. It is due in the next month or so. Mr. Ivery has completed this form for the Township in the past; however, this is not his role. Leonard Bailey, Union Township's Emergency Coordinator will be contacted about completing the National Incident Management System reporting form for the Township.

The agenda will be revised to remove the General Fund total, since the Board and now the public all receive a separate bill listing which provides that figure as well as additional detail for each individual bill. Mr. Sweat discussed that the secretary, treasurer and Board should review the bill list to ensure that any party related to an individual or entity on the bill list abstain from voting to approve the bills.

Motion to authorize the purchase of a log book, table, and desktop printer for a total cost of approximately \$450.

Motion by Heather Daerr, Second by Deborah Sargent

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

As a matter of record, it was confirmed by the Board, that based on Tom Mellor's memo to the Board regarding the Memorandum of Understanding of Ron Lovrich, that Ron Lovrich's probation is complete and he is entitled to all benefits provided by the contract.

Motion to recognize that Mr. Lovrich has successfully completed his probation period as an employee of the Township and member of Teamsters 205.

Motion by Deborah Sargent, Second by Charles Trax

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

Mr. Spahr mentioned that a former resident of the Township brought pictures of a residence on Linden Street which is in deplorable condition. There is also a property on McChain Road at the intersection of Brownsville Road which the code enforcement officer was asked to review. Ms. Daerr mentioned an issue of a homeowner with couches in their front yard.

Mr. Sweat provided an ordinance to amend chapter 280 in reference to commercial communication towers. Also Mr. Sweat made note of a nuisance and property maintenance issues ordinance that he was providing to Municipal Consulting Services. He said the ordinance took an hour for him to customize for Union Township, but that he had spent many hours working on the ordinance for North Strabane. If Mr. Ivery and Mr. Grieb find it acceptable for Union Township, this ordinance would have to go through the Planning Commission for consideration and recommendation to the Board.

Mr. John Matola, 21 Maple Street, commented that there should be a line item in the budget for matching grant funds.

Motion to adjourn at 10:07 p.m.

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.



Debra A. Nigon, Secretary