

Union Township Board of Supervisors  
Regular Board Meeting  
December 12, 2016

The Board of Supervisors Meeting was called to order by Chairperson Deborah Sargent 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, Charles Trax, Heather Daerr and Deborah Sargent. Paul Chasko did not attend due to illness.

Also in attendance, Mr. Gary Sweat–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. Mr. James Harshman–Township Engineer, could not attend.

Public Comment

Wayne Worton, 60 Aber Road, expressed concerns regarding a notice from Equitrans that the gas compressor station will be increasing pressure in the lines near his home from 320 lbs to 546 lbs. Per Mr. Worton, from what he read of the transcript from the EQT Conditional Use Hearing as well as the Findings of Fact, they were not going to increase the pressure. Mr. Sweat will review the notice Mr. Worton received which was handed to Ms. Daerr and photocopied for the solicitor. Mr. Sweat will also review the Conditional Use Hearing transcript and Findings of Fact and give his comments at the next meeting.

Frank LaTorre, 7 Boyka Plan, commented about the Board's decision to reinstate the grading permit of W.G. Tomko at a November 29 emergency meeting and budget workshop, which reversed its prior decision, made on November 14, 2016, to revoke the grading permit. He requested an update on an open item that Tomko was to bring into compliance that was mentioned at a recent meeting. Mr. Harshman did not attend today. Mr. Ivery could not say whether that open item was closed. Mr. LaTorre also questioned why, if construction noise is exempt between certain hours per the Ordinance, the Township is wasting its money in hiring an outside firm to do noise testing. However, he questioned whether Tomko could continue being a construction site since construction has spanned years of work. Mr. Ivery and Mr. Grieb confirmed that the requirements pertaining to noise are in the Zoning Ordinance and that grading and excavation would fall under construction.

Marjorie Williams, 17 Mingo Circle, commented about a letter she recently received from Gary Sweat about her holding tank. She questioned the letter as she feels that she has already complied with the Township's requirements since the only thing that she has not done is post the \$2000 escrow, which was never requested in the past, and she has been sending pumping receipts to WCSC. She has not had an agreement before either. Mr. Grieb instructed Ms. Williams to contact him and Judy Taylor during office hours towards moving forward on the steps in the letter. She was informed that the Township is trying to bring everyone into compliance and up-to-date with a signed agreement, escrow, and pumping receipts. Ms. Williams also complained about the pipe that was recently removed at Mingo Circle as there is

a pool of what she described as mostly stormwater which cannot drain and freezes up on the roadway. She fears this will cause an accident as many drivers are unaware of the icy patch. She was informed that the water also contained sewage and could not be directed onto Mr. Drusbasky's property.

Linda Morrow, 10 Boyka Plan, commented about the emergency meeting with Mr. Tomko which she described as a private audience with the Board. The chairperson informed her that the meeting with representatives from W.G. Tomko was held during a public meeting. Her comments were that there was no one to fight for the residents of Boyka Plan. Ms. Sargent and Ms. Daerr explained that there is nothing more the Board can legally do since the issue is at a higher level. She was also informed her that Mr. Tomko was requested to send a representative to meetings. No representative was in attendance. It was also explained that based on the legal opinions the Board received, they had to re-instate the grading permit. However, the Board did authorize the engineer and MCS to monitor the site by performing a site visit once or twice a week. Also the Township is obtaining a quote for sound testing, the cost of which Mr. Tomko may possibly split with the Township.

Millicent Powell, 96 Gilmore Road, asked when the stop sign which was requested and approved will be erected on Coal Bluff. Ms. Taylor and members of the Board informed her that a traffic study has to be done. The Secretary and/or Treasurer were requested to get an estimate for the traffic study, and informed to put the subject on the agenda for the next meeting.

### Departmental Reports

The Police Report was delivered by SWRPD Officer-in-Charge, Scott Kercher. He reported on the 60 shifts of work provided by SWRPD the preceding month. The Board has the written report which includes 2 arrests, 2 non-traffic citations, and 29 vehicle stops resulting in 15 traffic citations and 14 warnings. There were 7 vehicular crashes.

Mr. Tom Mellor delivered the Road Report. He requested a status of a signed Tuscany Estates winter maintenance agreement. Since the signed copy has not yet been received, he was instructed to provide the maintenance which will be invoiced to the developer as the developer's agreement leaves that cost to him. Mr. Sweat will investigate, per Ms. Daerr's question, whether the cost of maintenance could be taken out of the Tuscany Estates escrow account. Also, Mr. Mellor inquired as to whether the Township received a written Patterson Road agreement as there was to be a coordination of guide rail installation on Patterson with guide rail on Aber Road which he would like to schedule.

Also, Mr. Mellor asked what the Board's decision had been for improvements on Sugarcamp Road. Mr. Spahr commented concerning the \$20,000 allocated in the budget to address the intersection as well as the limited traffic study /count which was in the engineer's report. Mr. Spahr questioned whether the suggested traffic control and increased police presence were sufficient since his opinion is that the sight distance needs to be improved. He also questioned where a police car could be positioned. He has a friend that is an engineer that he will ask to look at the intersection in terms of sight distance. Mr. Spahr and Mr. Mellor discussed a

possible solution of removing a telephone pole and performing excavation to improve the sight distance.

Ms. Daerr inquired as to why the Sugarcamp Road intersection had not been looked at earlier. Mr. Spahr explained that, he and mostly Mr. Parish have been to the site multiple times in the past, but the precipitating event which renewed interest in the area was the letter recently received from Attorney Bigi. Mr. Spahr requested Mr. Sweat's legal opinion which he provided to the Board and which involved taking reasonable steps to correct the problem. Although Mr. Sweat said he did not advise the Board to spend a million dollars, he encouraged putting the issue at the top of the list in 2017 and possibly removing a pole and performing some excavation if that would fix the problem.

In terms of generator maintenance, Mr. Mellor has worked with both contractors who supplied quotes. The quotes will be provided at the next meeting for approval.

Mr. Mellor also reported that a uniform cleaning company has been in touch with him who quoted a price \$1500 under our current contract rate. The contract expires in May. The uniform contract will go back on the agenda for spring.

Mr. Mellor made mention to the Board that a college sophomore recently requested access to the Nike Site to do a historical photo project on the site. Mr. Mellor said that there are hazardous areas at the site which would require caution. The Board asked that he find out the student's proposed time schedule since it may be necessary for him to be accompanied. Once they have more information they can decide whether or not to allow access.

Mr. Mellor also asked about the bridge going up to the store on Stonebridge which he explained requires work since many items were not done and whoever had the contract may be responsible for making repairs. Mr. Spahr advised that Bryan Lowe from Harshman CE group be asked to look at the bridge.

**Motion** to approve someone from the engineering team at Harshman Engineer's to look at Stonebridge entrance bridge with the Road Superintendent.

Motion by Heather Daerr, Second by Charles Trax

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

Ms. Daerr provided a Supervisor's Report relative to the Local Share presentation held in Washington County before the Local Share Committee for the Overlook Act 537 and the Ridge Avenue culvert projects. She and Ms. Sargent attended and felt that Mr. Harshman performed a good job in presenting the projects for consideration.

**Motion** to approve general fund bills in the sum of \$35,740.03, as of December 12, 2016 as presented by the Treasurer, subject to being true and correct.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Spahr asked for an update on engineering bills for Patterson Road Ms. Taylor acknowledged that in their meeting with Sunoco, the representatives agreed to pay all

engineering fees. She was requested to send an invoice and is waiting for the engineering bills so that this invoice can be prepared.

An estimate from PSI was obtained for testing at the Tomko site. There was discussion regarding the quote based on the fact that construction noise is exempt. Mr. Sweat advised that the data may still be desired in that Mr. Tomko had said he may be willing to meet the 60 db threshold level and agreeable to paying half the cost of testing.

**Motion** to approve the proposal dated December 5, 2016, from PSI in the amount of \$7,240.00 for environmental testing to be done randomly at the Tomko site.

Motion by Heather Daerr, Second by Deborah Sargent

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

In terms of a Snow Emergency Contract with an outside contractor to assist with emergency winter maintenance if needed, Mr. Trax said that the contractor they had in mind has had some scheduling issues. He is working on getting something together with him or other contractors.'

In terms of the contracts with the volunteer fire agencies, Mr. Sweat said that the solicitor for Finleyville Volunteer Fire Department contacted him about not wanting to be bound by fallen trees or by an outside agency which precipitated changes to the contract. Mr. Sweat provided revised contracts to the Board for today's meeting for both fire fighting agencies. Mr. Sweat said that both agencies have supplied services to the Township in the past with no written contract, simply a verbal agreement. Ms. Taylor provided payment per the verbal agreement amount, which is now the contract amount, historically in September. The reasoning for the September payment was discussed. From an accounting perspective, Ms. Taylor said it makes no difference what time of year the payment is made or if it is even done as a lump sum or a quarterly payment. Ms. Taylor also asked about the LSA donation of \$20,000 which was budgeted for 2016 and which donation has yet to be made. It was clarified that funding for the fire departments derives from three sources, the contract/agreement amount, Foreign Fire, and donation amount.

In regard to cleaning, the Board agreed to stay with Chernicky Cleaning services for \$350.00 a month for two weekly cleanings per their quote dated 11/21/16 which attached the Township specifications. Debbie will send a letter saying accepting for one-year.

**Motion** to hire Chernicky Cleaning Services for a one-year period based on their proposal dated 11/21//16 for \$350 per month for two weekly cleanings.

Motion by Heather Daerr, Second by Deborah Sargent

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

There was discussion about the recent IT visit and communications from Monogahela Police Department relative to their connectivity needs. The police require a Comcast connection and cannot use the DSL connection that was installed for SWRPD. Also, they would need a separate cabling run which they are proposing to order at their own expense. They explained to the secretary that, due to requirements concerning confidentiality, a shared connection would be more expensive since a sonic wall would have to be purchased. They would like to order it now so that the timing would coincide with their contract start date of January 1.

**Motion** to allow Mongongahela Police Department to begin the process of ordering Comcast cable at their expense for their networking needs.

Motion by Heather Daerr, Second by Charles Trax

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

**Motion** to authorize the Secretary to research Comcast as voice service provider to the Township.

Motion by Heather Daerr, Second by Charles Trax

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

The agenda item on a new grant opportunity was presented by Heather Daerr. She recently spoke with Rich Cleveland who informed her that the General Assembly will announce a new grant in early 2017 referred to as the Redevelopment Assistance Capital Projects Grant (RACP). She provided each member of the Board with a copy of the form provided by the Democratic Leader's Office for Public Improvement and Transportation Assistance on which the Board could identify certain allowable projects for consideration. She noted that some project considerations which would fall under the allowable categories could be Nike Site development, development for business parks, rehabilitation for closed power plant areas, a project for the vacant middle school and so forth. She said that the input would need to be supplied by December 30. She offered to be liaison for this opportunity.

**Motion** to authorize Heather Daerr to act as liaison with Rich Cleveland for submission of the application form for the Redevelopment Assistance Capital Projects Grant which is due by December 30, 2016, and originates out of the Pennsylvania Governor's Office of Budget and Management

Motion by Charles Trax, Second by Deborah Sargent

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

There was discussion relative to an agenda item on taping public meetings. Ms. Sargent and Ms. Daerr said that Mr. Sylvestri recommended taping of the meeting and to initiate use of a podium for those who choose to comment at the meeting. A price for a podium will be obtained by Ms. Daerr who will also find out if one could be donated by the school or elsewhere. The solicitor stated that you do not want a recording or a video to be the official minutes and suggested a policy be written which would dictate that the recording be destroyed per terms in the policy.

**Motion** to record the meetings.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to authorize the solicitor to develop a policy for recording meetings.

Motion by Deborah Sargent, Second by Charles Trax

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

**Motion** to acquire a podium to help with accuracy and control of meeting.

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to cancel the meeting for December 27, 2016

Motion by Deborah Sargent, Second by Charles Trax

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

**Motion** to advertise the Reorganization Meeting of the Board of Supervisors for Tuesday, January 3, 2017, at 7:00 p.m. since Monday is the legal New Year's holiday.

Motion by Heather Daerr, Second by Charles Trax

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

**Motion** to advertise the Reorganization Meeting of the Board of Auditors for Wednesday January 4, 2017, at 11:00 a.m.

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to advertise the meeting schedule and first meeting of January with the first meeting being on January 9, 2017 at 7:00 pm. with meetings to be held the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month. If a regularly scheduled meeting falls on a recognized holiday, then the meeting will be moved to the next business day.

Motion by Deborah Sargent, Second by Charles Trax

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

**Motion** to Re-Enact Mechanical and Electronic Devices Tax

Motion by Heather Daerr, Second by Charles Trax

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

**Motion** to re-appoint Millicent Powell to the Zoning Hearing Board for a three-year term beginning January 1, 2017 until January 1, 2020.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to re-appoint Ed Frye to the West Elizabeth Sanitary Authority Board for a five-year term beginning January 1, 2016 until January 1, 2022.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to approve Minutes of November 28, 2016 Regular Board Meeting, subject to being true and correct as presented by the Secretary.,

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to to approve Minutes of November 29, 2016 for the Tomko Emergency Meeting and Budget Workshop, subject to being true and correct as presented by the Secretary.

Motion by Heather Daerr, Second by Charles Trax

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

Dental plan quotes were on the Board table and were received today. The Board will review the dental quote.

SWRPD Officer-in-Charge, Scott Kercher, said his farewell to the Board since this would be his last public meeting which he would attend. He informed the Board that he has worked in all kinds of places including good and bad areas in both wealthy and not so wealthy municipalities and, in his experience, the residents of Union Township are the most “down to earth, salt of the earth” type of people he has met which he described as “good solid folks.”

It was noted that Chester Engineers contacted the Township and notified us that they had discovered boxes of documents belonging to Union Township which had to be cleaned out in two days as they were closing the office. Ms. Taylor informed the Board that the boxes were picked up from Chester Engineers by Mr. Mellor.

#### Public Comment

Earl Sarain, 103 Stonebrae Drive, inquired as to whether Tomko will they have any say in the sound study since they are splitting the cost. Also, he noted that he saw the engineer on the site when there was not any noise and wanted to know if the engineer is giving Tomko a heads up that they were visiting the site. Also he suggested bundling the Comcast service for the Township/police.

Frank LaTorre, 7 Boyka Drive, commented that he is assuming the PSI testing would still be unannounced and should not be limited to just the Tomko property but behind Giant Eagle and in the Boyka Plan as well.

John Matola, 21 Maple Street, commented that an ambient sound study was performed by EQT prior to the noise testing and suggested follow that procedure. It was suggested that the ambient study be done Sunday when there is no grading/excavating taking place.

Bernie Speer, 5106 Chevy Chase, inquired as to whether the budget was available for public inspection. Hard copies of the budget were distributed to those at the meeting who desired a copy. Attendees were informed that the budget will also be on the website. Also, any resident can come to the Township building and ask for a copy and it will be provided to them for review.

**Motion** to go to Executive Session at 8:56 p.m. to discuss litigation

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion carried.

*Board Approved: January 23, 2017*

The Board returned from Executive Session at 9:10 p.m.

Heather Daerr said they discussed personnel employment and benefit issues.

**Motion** to have a representative from Sweat Law Offices attend the December 21, 2016 meeting.

Motion by Heather Daerr, Second by Deborah Sargent

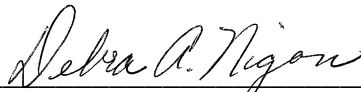
Roll call vote: Spahr-yes, Trax-yes, Chasko-absent, Sargent-yes, Daerr-yes. Motion carried. .  
Motion carried.

**Motion** to adjourn at 9:17 p.m.

Motion by Deborah Sargent, Second by Heather Daerr

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

It was discussed that a hearing was not needed for the air pollution ordinance since it was not a zoning change. The court stenographer will be cancelled and the hearing will not be held. Per the solicitor, no advertisement is necessary to cancel.

  
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Debra A. Nigon, Secretary