

Board Approved: February 27, 2017 with revision as noted.

Union Township Board of Supervisors
Regular Board Meeting
January 23, 2017

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, 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, Mr. Harold Ivery and Mr. Grieb–Building Code Officials/Zoning Officers – did not attend.

Public Comment

Hal Breinig, 44 Finley Avenue, commented that he had been hearing positive feedback from others about the Monongahela police presence and congratulated the board.

Mark Chasko, 5130 College Street, inquired about an address change for one of the rental homes which adjoins his property since it is now vacant. This is most convenient time to have the address changed. The current address is College Street. The house faces Jefferson Street which leads to confusion.

Departmental Reports

James Harshman provided a report on engineering activities. In regard to the Route 88 detour planned by Walsh Construction, he reported that Walsh will be detouring truck traffic over a certain weight limit onto state routes only to avoid requirements for a heavy hauling permit from Union Township. He is currently waiting for additional information. He advised that language be included in any agreement regarding what the remedy will be if unplanned truck traffic does take place. Mr. Spahr inquired about the possibility of having Walsh paint white lines on either side of the road to improve driver visibility. Mr. Harshman will look into that possibility.

Mr. Harshman will send an engineer to the Sugarcamp Road site to make sure removal of the pole will improve sight distance.

In terms of the Overlook Act 537 Plan, a workshop is scheduled. The comment period is open. The drawings are here for review.

Mr. Harshman noted Act 14 correspondence related to Tomko which had no additional information attached. It may be an expansion. Mr. Ivery will be sending a letter acknowledging receipt. Mr. Harshman will follow up.

Mr. Harshman is awaiting confirmation on the geo material for Garvin Road culvert.

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Regarding the Nike site demo, a pre-bid meeting has been scheduled for this Thursday.

Harshman CE Group is coordinating recommendations for Stonebridge Drive bridge repair and is doubtful that any catastrophic repair will be needed.

He also requested the Board's authorization to begin work related to MS4 permitting which is on the agenda.

Ms. Daerr asked for the Board to be copied by Municipal Consulting Services on the standard letter response to Act 14 letters which was recommended by the engineer.

Mr. Sweat delivered the Solicitor's Report. The dust control and grading amendment ordinances, as well as the Coal Bluff Road stop sign ordinance can be advertised for adoption next month since there are no additional changes requested. The solicitor has not obtained a signed winter maintenance agreement from Earl Danielson. He advised that invoices be prepared for Tuscany Estates winter maintenance. The treasurer was instructed to send these invoices to the developer.

Regarding contract negotiations, Mr. Sweat provided the Board with a Confidential Memo for discussion in executive session. He noted that he also would like to discuss a reply received from Mr. Winters.

In terms of tax appeals, Mr. Sweat has been speaking with the solicitor of Ringgold School District, Mr. Berggren, who is actively representing the school district on those appeals. The solicitor has prepared a list of appeals which may be in the Board's best interest to be involved. An example would be reassessment of a commercial property where a change can be a significant loss to the Township. He suggested to co-counsel with Mr. Berggren. If the Board agrees, then an agreement will be needed to arrange for a split of costs and possibly attorney fees.

Mr. Sweat reported that the planning commission is considering a medical marijuana ordinance. The municipalities of Hopewell and North Strabane have already adopted legislation pertaining to medical marijuana. Mr. Sweat informed the Board that they would be in Region 5 and discussed the permits that will be allowed in this region.

Mr. Sweat informed the board that he performed the requested research as to whether the police can enter onto private property to remove abandoned vehicles. Per his research, a nuisance ordinance could first require a decision from a magisterial justice before the vehicle could be removed. However, if the appropriate portion of the motor vehicle code is adopted, which is how the City of Monongahela's ordinance is crafted, then the police can pursue the tagging and removal by the salvage company. Mr. Sweat provided the Board, in their meeting materials today, with an amendment to the previously prepared abandoned vehicle ordinance which modifies it to include the applicable section of the motor vehicle code.

Ms. Sargent provided a report on the activities of the supervisors. She and Ms. Daerr, along with Mike Silvestri, met with the secretary/treasurer in Carroll Township to establish what may be the same and what may be different between the two municipalities. Carroll Township

functions with only one secretary/treasurer, which position is not divided into two separate full and part-time jobs. They do subcontract out their payroll for a fee which she said was nominal for their twenty employees. They also bring in much more 511 revenue due to business related income which includes the hospital. They are waiting for feedback from Mr. Silvestri. It was also later noted by Ms. Daerr that Carroll Township does not always invest in new equipment. Ms. Daerr also added to the report that the new code enforcement officer is being paid only what would have been paid to municipal consulting services for code enforcement activity. She also noted that they did not yet decide whether or not to hire an additional road crew member to replace George Corbin and are awaiting their consultant's recommendations in that regard. She reported that there were also only three members on the road crew from 2008 until the road superintendent position was created and filled in 2012.

Ms. Daerr provided revisions to the December 21 meeting minutes to note that any grant request for remediation of the school property includes a "mutually agreed upon acquisition" of the property. Ms. Daerr cautioned that the LSA grant for Union Valley "flooding" is only expected to improve and not eliminate flooding since there are no guarantees as to the improvement which will be realized. Mr. Harshman noted that doubling the hydraulic capacity will make an improvement; however, he offered to look for additional flood protection grants which are sometimes offered for opportunities to improve the watershed. He added that, when the grants are available, they are million dollar grants, but that qualifying for the grant may require spending \$50,000 to get the project shovel ready.

Motion to approve the Minutes of the December 12, 2016, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Heather Daerr, Second by Paul Chasko

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

Motion to approve Minutes of the December 21, 2016 Special Meeting as presented by the Secretary, subject to being true and correct, with revision as noted.

Motion by Heather Daerr, Second by Charles Trax

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

Motion to approve the January 3, 2017 Reorganization Meeting Minutes 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-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried

Motion to approve the January 9, 2017 Special Meeting Minutes 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-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried

Motion to approve Payroll #24 dated December 2, 2016, in the sum of \$10,456.92 as presented by the Treasurer, subject to being true and correct.

Motion by Deborah Sargent, Second by Charles Trax

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

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Motion to approve Payroll #25 dated December 16, 2016, in the sum of \$10,171.82 as presented by the Treasurer, 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.

Motion to approve Payroll #26 dated December 30, 2016, in the sum of \$31,568.61 as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion to approve Payroll #01 dated January 13, 2017, in the sum of \$10,284.97 as presented by the Treasurer, subject to being true and correct.

Motion by Deborah Sargent, Second by Paul Chasko

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 \$43,253.52, as of January 23, 2017 as presented by the Treasurer, 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. Mark Englert, Sales Manager, Fairfield Landscaping, located in Canonsburg, attended the meeting to answer any questions from the Board relative to a supplemental winter maintenance contract. Mr. Trax informed the Board that he and Mr. Englert recently met with Tom Mellor to tour the roads in preparation for a contract. Mr. Spahr requested a copy of the agreement which was prepared and all the associated details. Mr. Sweat informed the board that he had provided an agreement containing blanks to Fairfield Landscaping for their review. Mr. Englert said that his attorney will contact Mr. Sweat tomorrow to discuss this agreement.

It was discussed that Fairfield Landscaping also provides supplemental winter maintenance to North Strabane, South Strabane and Cecil Townships. They also provide snow removal for Tomko and have accounts in Finleyville and Donora as well. Salt will most likely be stored at the Tomko site. Mr. Englert explained that Fairfield Landscaping uses the same equipment as the Township. The equipment is new and reliable. In response to resident inquiry, Mr. Englert confirmed that they would have sufficient manpower should the Union Township crew strike. Mr. Sweat added that the new union contract being negotiated has a no-strike clause. Larry Spahr requested a chance to review the contract as well as another opportunity to talk to the contractor following that review. Mr. Spahr received confirmation from Mr. Englert that the company has liability insurance and their own loading equipment.

Motion to advertise the Dust Control Ordinance, the Amendment to the Excavation and Grading Ordinance, and the Coal Bluff Road Stop Sign Ordinance for potential adoption at the February 27, 2017 meeting of the Board.

Motion by Deborah Sargent, Second by Heather Daerr

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

It was discussed that the police officer will attend the agenda meeting and present the police report and did not need to attend the legislative meeting.

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In light of a rumor mentioned by Ms. Daerr relative to a Walmart moving into the Township, the current legislation was discussed as to what would be needed. Mr. Spahr's comments were requested relative to the last time a Walmart store was planned in the Township. He mentioned that the biggest issue was in regard to traffic control and traffic flow on Route 88 since Route 88 had been determined not to be able to accommodate the traffic based on the multiple traffic studies performed.

Mr. Sweat urged a review of the gas ordinance since any new drilling related applications will be coming in under the existing ordinance until a new ordinance is adopted. Since a new gas drilling ordinance is a land use, the review must start with the planning commission. Ms. Taylor will let Mr. Ivery know that the planning commission was urged to meet this month to review the ordinance. In terms of provisions related to drilling noise, Mr. Sweat referred the members to an attachment to the solicitor's report which contains the text of the existing ordinance as a starting point.

Ms. Daerr mentioned a handout prepared by the consultant relative to the Board's current ordinances. Mr. Spahr noted that the consultant's review contained comments on legislation concerning only Elrama Community Volunteer Fire Company and Relief Association being authorized by ordinance to provide fire related services in the Township. Mr. Spahr stated that the ordinance was written in accordance with state legislation at the time requiring that the fire company receiving fire relief be domiciled in the Township. He suggested that an amendment be made to correct the issue before funds are released. Mr. Sweat will review the ordinance.

The Board is reviewing the IPMC checklist. The solicitor advised that this item stay on the agenda as old business. He also suggested that the Board consider the recommendations of Jarod D'Amico as he runs into code enforcement issues in his new role as code enforcement officer for Union Township.

Motion to adopt Recording Policy Resolution 2017-01.

Motion by Deborah Sargent, Second by Heather Daerr

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

In regard to ponding near 23 Airport Road, the secretary said that Mr. Mellor will be meeting with the owner of the property where a clog is located on private property. If the crew were to clear the debris, an easement agreement will be needed. Mr. Harshman will email and easement agreement and send an engineer to accompany the road superintendent since Harshman CE Group has not yet viewed the site.

In terms of the unsigned Elrama Fire Services Contract, Leonard Bailey, who was in the audience, said that Mr. Madaras, who is the new president, will be out tomorrow to sign the document. Leonard Bailey also confirmed his interest in continuing service as the Emergency Management Coordinator.

Motion to appoint Leonard Bailey as Emergency Management Coordinator.

Motion by Deborah Sargent, Second by Heather Daerr

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

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Motion to adopt Resolution 2017-02 designating the representative as Charles Trax and alternate, Mary Parish for the Washington County Tax Collection Committee.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Harshman provided the Board with information relative to the MS4 agenda item. The prior budget for the Notice of Intent was supplied in the past and is in the range of \$10,000-\$15,000. However, two items which were not accounted for in that budget now have to be added due to current requirements involving an outfall map and a pollution production plan related to those outfalls to show how Union Township will reduce pollutants by a measurable 10%.

He explained that the intention with MS4, which stands for municipal separate storm water system, was to require municipalities to file for permits for their outfalls to the state. Now, water quality standards are being required for those state permitted outfalls owned by each municipality. It is suggested that the pollution production plan be done by June to be advertised for public comment. The deadline is September 2017.

Motion to authorize the engineer to begin work on the MS4 pollution production plan and application to the DEP to comply with current guidelines and requirements.

Motion by Larry Spahr, Second by Deborah Sargent

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

An agenda item for Cypher & Cypher was discussed. The solicitor said that, by code, only the Township Manager can have a multi-year appointment. The agreement presented by Cypher & Cypher and signed last year was a three-year contract. The Township has advertised that it will use a CPA for the 2016 audit, but has not yet appointed Cypher & Cypher. The agreement was for years 2015, 2016 and 2017. The Treasurer noted that she has already begun work on the audit with Cypher & Cypher. The solicitor advised that we appoint Cypher & Cypher and discuss it again next year.

Motion to appoint Cypher & Cypher to conduct the 2016 audit.

Motion by Deborah Sargent, Second by Heather Daerr

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

The agenda item for 56 Ramage Avenue was discussed. Ms. Neidermeyer, who owns 56 Ramage Avenue, said that she is paying double for sewerage. She estimated the extra cost at \$744 a year. At the time that they were seweraged, she said they were building another home in Union Township and also had to pay for a tap there. She wants to sell the 56 Ramage Avenue home. The 56 Ramage Avenue home is categorized as two residences although it is being lived in as a single family home and has been for quite some time. The new possible owner, Shaun Kiester, who also attended the meeting, wants to live in it as a single family home also, but will have to pay the double payment unless a change is made which is the purpose of their attendance at the meeting.

Ms. Neidermeyer stated she was required to purchase two taps for 58 Ramage Avenue due to the multi-unit structure despite the fact it was being lived in as a single family. She said that she paid two tap fees although there is only one physical connection, one tap not double taps.

She also paid a tap fee for the new home that was being built in Union Township. Ms. Neidermeyer informed the board that she bought 56 Ramage Avenue in 1996 when it was a multi-unit. The engineer viewed the home on-line and noted that there are two gas meters and two separate entrances. The owner said that, currently, the one gas meter goes to the hot water tank and one to the stove. The owner also said they have one water meter and have hot water heat. There is a second kitchen.

The engineer explained that the number of physical connections is not what determines how many taps are required since the taps are determined by criteria concerning the structure and facilities available which allow for multiple "living/family" units. In order to accommodate the request of the owner, the engineer explained that there would need to be a change of use that may present an issue since the separate facilities and entrances will remain. The solicitor reviewed the Elrama Sewerage System Rules and Regulations at the meeting, and later assisted with language for a motion to reclassify the dwelling as requested noting the requirement for the new owner to pay for another tap, despite what may have been paid for in the past, should it ever revert to multi-family use.

Motion to reclassify the dwelling at 56 Ramage Avenue as a single family and adjust the rate paid to the Elrama Sewerage System at the next billing, with a new second tap fee to be paid should the classification ever change to a multi-unit dwelling.

Motion by Deborah Sargent, Second by Heather Daerr

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

Ms. Taylor provided the board with a list of heavy hauling permit escrows which are ready to be released. She confirmed that final inspections were done and that there are no outstanding issues with any of the listed companies.

Motion to release six escrows in the sum of \$9,889.61 according to the list provided by the Treasurer as of December 2016.

Motion by Deborah Sargent, Second by Heather Daerr

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

Mr. Chasko discussed a new procedure he has been working on with the road department; whereby, Mr. Mellor will submit a written numbered work order which he will submit for approval for projects to be undertaken by the road crew. The work order will show an estimated project cost and will provide a brief description of the project.

It was noted that the road superintendent did not attend the meeting. Per the secretary, the Road Report is generally given at the first meeting which Mr. Mellor was expected to attend. He recently began attending other meetings only when items involving the road department appeared on the agenda so that he would be available to answer questions. However, he did ask for clarity, in light of the discussion at the last meeting regarding meeting attendance for various individuals, and the new work order process, as to which meetings and under what circumstances he is to attend. The solicitor noted that under the new federal legislation pertaining to salaried individuals, he may qualify for overtime when attending meetings. It was decided that Mr. Mellor can leave after he delivers his report at the first meeting. They will ask for him to provide his written report earlier so that they have an opportunity to ask questions.

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Motion to approve the Road Project WO #1 to replace storm pipe on Ramage Avenue from Fairview to Howe Street in Elrama for the estimated sum of \$1,639.60.

Motion by Paul Chasko, Second by Heather Daerr

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

Mr. Paul Chasko drew attention to the handout in the packet of the board materials which provided the facts and reasoning for the change of address requested on 5132 College Street.

Motion to have the secretary send letters to the Finleyville Postmaster and the Washington County Department of Public Safety, notifying them, that the house owned by Mark and Lori Chasko is being changed from 5132 College Street to 4B Jefferson Street with copies of the letter to be distributed to parties who will be named by Mark Chasko.

Motion by Paul Chasko, Second by Heather Daerr

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

Deborah Sargent asked the Board's opinion on whether they would like to permit the secretary, road superintendent and treasurer to take a day off during the week due to their planned attendance at the Saturday retreat at Peters Township Library. There were no issues. The staff members can pick the date they would like to take off this week.

Public Comment

No other public comment.

Motion to go to Executive Session at 9:05 to discuss personnel and Teamsters contract negotiations.

Motion by Deborah Sargent, Second by Paul Chasko

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

Halfway through executive session, the secretary and treasurer were each separately called into and excused from executive session.

The Board returned from Executive Session at 10:35 pm.

Motion to change the Secretary's work hours to 9:30a.m. to 4:00p.m. with no leeway with half hour unpaid lunch.

Motion by Charles Trax, Second by Heather Daerr

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

Motion to approve payment for the unused vacation days for the Road Superintendent in addition to his stated salary for the year of 2016.

Motion by Deborah Sargent, Second by Heather Daerr

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

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Motion to approve payment for the remainder of five weeks of unused vacation days for Albert Banahasky for year 2016 since it would have been impossible for him to have taken the vacation time since he was on Worker's Compensation.

Motion by Heather Daerr, Second by Charles Trax

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

Motion to adjourn at 10:47 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