

Union Township Board of Supervisors  
Regular Board Meeting  
March 27, 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, Debra Nigon–Secretary.

**Motion** to go into Executive Session at 7:01 p.m. for personnel and potential litigation.

Motion by Deborah Sargent, Second by Charles Trax

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

The Board returned from Executive Session at 7:29 p.m.

Public Comment

Bernadette Speer, tax collector, discovered an omission from the Reorganization Meeting minutes. The commission for real estate was not set; although it was set for Street Light and Per Capita.

Michelle Harriet, 3478 Frye Avenue, commented about an accident she was in on Frye Avenue which involved her car that she had been driving on Frye Avenue when impacted by another vehicle that was coming onto Frye off Boyd. Her vehicle was totaled. She complained that there is no speed limit sign or a stop sign on either road. She is petitioning for a stop sign on the “other side” of Boyd since she believes that Frye is too busy of a road for the secondary road to intersect it with no requirement to yield or stop. She said that, though part of Frye Avenue is in the Borough, the incident occurred in the Union Township portion of the road. Ms. Sargent said that the Board will look into it and put it on the agenda for next week. Mr. Spahr commented about speeding on Patterson, McChain, and Route 88. He said that traffic control is needed. He suggested a meeting with the Chief of Police to discuss traffic control.

Frank LaTorre, 7 Boyka Drive, attended the Planning Commission Meeting on Thursday night and has a question related to Tomko. He questioned whether Tomko should not be required to apply for another variance since the current variance was granted on a former application and the particular building and expansion which was planned at that time and not the new expansion which is now being proposed. Mr. Latorre said he believes Tomko should apply for another variance. He also commented that the retaining wall at Tomko is deteriorating, and that castings were never done. Mr. Latorre also commented that Tomko is taking minerals out of the ground, which is mining, which is not allowed in a C2 zoning district. He also commented that even though there is no work going on at Tomko that today, which was a windy day, there was a lot of dust coming off of the site. Mr. LaTorre also commented that he believes Tomko should apply for another grading permit.

It was discussed that the current planned expansion at Tomko would bring the building to 35,000 square feet. Mr. Spahr advised that a meeting be held with Mr. Harshman and Mr. Sweat, and hopefully someone from DEP, and Mr. Tomko to make a determination as to what Tomko is planning, his current status, and what is permitted under variance laws so that everyone is on the same page and there are no contradictions. Frank Latorre requested that the people who live within 100 yards be invited to any meeting. Mr. Sweat said that according to a letter, which Mr. Latorre received and gave to Mr. Sweat, there would be a hearing on sanctions. Mr. Latorre will talk to the DEP and report at the next meeting as to the current status of a hearing and other matters.

Mr. LaTorre mentioned that the road crew cleared a drain in Boyka Plan. However, across the street, on the Tomko side, the drain is still clogged. The state has been contacted.

Mr. Sweat and Mr. Latorre were requested to comment on the contents of the DEP letter. The letter communicated that the DEP conducted routine investigations and believes that Tomko is in violation of the consent order. The letter which was dated at the end of February also communicated there was to be a hearing.

Linda Morrow, Boyka Plan, commented that the Township needs to understand what is going on with the DEP. She also inquired whether, in terms of variances, if Tomko were to need another variance to vastly extend the building, whether the Township can deny the variance. Mr. Sweat's response was that the Zoning Hearing Board would need to make an independent determination. A ZHB hearing is a public meeting which will be advertised. Any resident can attend. She also mentioned that the stone retaining wall on the Tomko property is caving outward and needs to be addressed.

**Motion** to table approval of February 27, 2017 Minutes of the Regular Legislative Meeting of the Board, as presented by the Secretary, since they were not included in the meeting packet. Motion by Deborah Sargent, Second by Larry Spahr  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the Minutes of the March 13, 2017, Regular Agenda Meeting Minutes as presented by the Secretary, subject to being true and correct. Motion by Deborah Sargent, Second by Larry Spahr  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

**Motion** to approve the Minutes of the March 15, 2017, Workshop Minutes for the Operational Review by Mike Silvestri, consultant, as presented by the Secretary, subject to being true and correct, with revision as noted. Motion by Deborah Sargent, Second by Charles Trax  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The revision was that there was no motion to go into Executive Session. However, the Board is announcing that during that Workshop, they had an Executive Session.

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Larry Spahr commented that some of the items that were mentioned as needing to be done in the Operational Review had been done in the past, and those practices were in place, such as an insurance assessment.

**Motion** to approve Payroll #5 dated March 10, 2017, in the sum of \$8,002.95 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 Payroll #6 dated March 24, 2017, in the sum of \$8,860.66 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.

**Motion** to approve general fund bills in the sum of \$53,348.73, as of March 27, 2017, 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.

Mr. Trax commented on the payment for the fire extinguisher maintenance which he believes is high. He suggested that the Township go out for quotes.

Mr. Spahr commented on Mr. Harshman's engineering services invoice in the sum of \$19,500 for this month. He said his comments were in relationship to the packet of information supplied by the Treasurer at today's meeting relative to her accounting questions on charges to the escrow account for Mr. Tomko. Since Ms. Taylor does not attend agenda meetings and was not present to explain further, Mr. Spahr explained that Ms. Taylor has provided the information to help the Board make a determination as to what is chargeable to Mr. Tomko and what is chargeable to our General Fund. He also inquired as to whether, if Mr. Tomko is responsible for some of these costs which were authorized to be paid out of the General Fund which was charged, it is possible to reimburse the General Fund for these costs. He asked if the Board wanted to discuss and review the bills and provide instructions to Ms. Taylor. Ms. Sargent said that, since the Board just received the packet of materials and had no time for review, they will review the material and put the subject on the agenda for the next meeting.

Attorney Charles Holsworth, representing Mr. Corace, addressed the Board regarding McChain Road. He verified with the Board that all the Supervisors had been to the site within the last six months and are familiar with the current conditions at the property. Mr. Sweat has not been there. Mr. Holsworth made statements concerning the slide and the history to this point. He communicated that his client will not release the Township from future liability. He proposed that a small meeting be scheduled with his client, the engineers, and attorneys, so that they can come to an agreement and stop any increase of costs. He passed down pictures from one end of the board table showing the slide area which he explained is getting closer to garage.

In follow-up, Jamie Harshman said he was asked to provide an alternate design. What he was able to put together was a design with some heavy wall block which looked like it would be

\$20,000 to \$25,000 for materials only. He said that the Board should have received a detail on the right of way and the design which involves excavation of the slip clay and replacing it with foundation stone. He said that he designed the wall so that Mr. Corace could place fill along the property wall. He explained that the design was to repair the toe of the slide and protect the roadway while minimizing costs. He said the reasoning behind the alternative design is due to the mixture of responsibility and will protect the Township's road interest. Mr. Chasko said that the design also incorporates proper drainage to the nearest storm drain.

Attorney Holsworth said that it being the property owner's responsibility to provide fill is not part of the deal since, from their perspective, the Township should have done something three years ago and the delay makes the repair more expensive. He said that they can discuss the matter concerning the fill when they meet to talk about an agreement.

Mr. Harshman informed the Board that the \$25,000 estimated cost is on the high end and is dependent on whether the Road Superintendent can get a better price for block. The project cost could come down to \$20,000 with less expensive block. In terms of an easement, a temporary construction easement would be needed. The solicitor for Mr. Corace said that there was no problem with getting an easement. Mr. Harshman's estimate for engineering would be \$4,000, so far, plus possibly another \$1000. The project could be handed off to the Road Superintendent, but he is expecting the Board may want some oversight. In response to Mr. Sweat's inquiry as to whether the wall would stop the slide, Mr. Harshman said that it would, taking into consideration a second part of the project being to properly place good fill material. Mr. Corace said that he does not own the concrete driveway and only has an easement on the driveway.

**Motion** to proceed with construction by the Township road crew of a 140 linear foot, three tier block wall to protect the McChain Road roadway from the slide off the property of Mr. Corace with the wall having an estimated materials cost of approximately \$25,000 with the understanding that Mr. Corace will grant to the Township a temporary construction easement, with the further understanding that Mr. Corace will not be asked for a release from liability.  
Motion by Paul Chasko, Second by Deborah Sargent  
Roll call vote: Spahr-yes, Trax-abstain, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried

Mr. Trax said that he abstained from the vote as Attorney Holsworth is a tenant of Mr. Trax's father which could be seen as a conflict of interest.

**Motion** to table the draft WESA Service Agreement.  
Motion by Deborah Sargent, Second by Heather Daerr  
Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The recent WESA Intermunicipal Agreement will also be tabled until further review is done since it works together with the service agreement.

**Motion** to award the bid for the Garvin Road Culvert Project to El Grande Industries, Inc., as the lowest responsible bidder, for a total base bid of \$82,593.00, predicated upon the sufficiency of the grant to cover all construction cost, as determined by the Board of Supervisors.

Motion by Deborah Sargent, Second by Larry Spahr

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

**Motion** to Adopt Ordinance 2017-04 AN ORDINANCE AMENDING THE, TOWNSHIP CODE, SPECIFICALLY CHAPTER 258, "VEHICLE NUISANCES", SPECIFICALLY AMENDING SECTION 258-1 TO ADD THE, DEFINITIONS OF 'ABANDONED VEHICLE' AND 'JUNK MOTOR VEHICLE;' SECTIONS 258-2 AND SECTION 258-5 ELIMINATING VEHICLE NUISANCE PROVISIONS AND ESTABLISHING A PROCEDURE FOR THE REMOVAL OF ABANDONED VEHICLES AND JUNK MOTOR VEHICLE NUISANCES WITHIN THE TOWNSHIP; AND SECTION 258-6, ELIMINATING ANY HEARING BOARD FOR ALLEGED JUNK MOTOR VEHICLE VIOLATIONS

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 amend the term of Frank Culver to the Planning Commission for a term of one year ending in 2018.

Motion by Deborah Sargent, Second by Charles Trax

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

**Motion** to approve a Remote Participation Resolution No. 2017-06 as prepared by the solicitor to allow remote participation at meetings via conference call or electronic means.


Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to approve the five-year Waste Management Contract Extension Agreement.

Motion by Deborah Sargent, Second by Heather Daerr

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

 **Motion** to table the Intermunicipal Sewage Service Agreement [for West Elizabeth Sanitary Authority \(WESA\)](#)

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to acknowledge Christopher R. Metrovich, Boy Scout Troop 1452, for achieving the Rank of Eagle Scout by passing Resolution No. 05-2017 which acknowledges and congratulates him on his work, dedication and effort in achieving this honor.

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 expressed a willingness to present the award in the future at the Eagle Scout ceremonies at the Presbyterian Church provided sufficient notice is provided from the Boy Scouts.

**Motion** to purchase a \$25.00 advertisement in the Celebration Program booklet of The Peters Creek Historical Society in Venetia, PA for the May 20-21, 2017 celebration of the Wright House Museum Building which is turning 201 years old and the Peters Creek Historical Society which will be turning 50 years old.

Motion by Heather Daerr, Second by Deborah Sargent

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

The Recreation Board's request for approval to pursue a grant for a comprehensive plan was discussed. Lisa Taylor, a Recreation Board member, said that it was determined that they cannot make the deadline for the grant this year. Also, she said that the Recreation Board needs to know what the Township's intentions are for the Nike Site and for the vacant school building, and since this is currently unclear, she thought that it was perhaps best to revisit the subject next year. Heather Daerr will call Rich Cleveland to see if there is anything that Rich Cleveland can work on this year for grants.

**Motion** to add as an agenda item the hiring of independent labor attorney to conduct an investigation of harassment and discrimination that has been made against a Township official.

Motion by Deborah Sargent, Second by Larry Spahr

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

**Motion** to hire an independent labor attorney, of Mr. Sweat's choice, to conduct an investigation of harassment and discrimination that has been made against a Township official.

Motion by Deborah Sargent, Second by Larry Spahr

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

Mr. Sweat recommended Philip Binotto, Steptoe & Johnson. Mr. Spahr will speak to the attorney and will get back to him. Mr. Sweat said that the action to hire a labor attorney was precipitated by a statement which was made to him.

**Motion** to approve the lowest of three quotes obtained by the Road Superintendent for a laser level estimated at approximately \$1300.

Motion by Paul Chasko, Second by Deborah Sargent

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

**Motion** to approve a Heavy Hauling Agreement with Equitrans LP with bonds amounts as follows: for Aber Road in the amount of \$13,000 for 0.52 miles, Patterson Road in the amount of \$49,500 for 1.98 miles, Lobbs Run Road in the amount of \$7,250 for 0.29 miles, Pleasant View Road in the amount of \$7,750 for 0.31 miles and Coal Bluff Road in the amount of \$26,000 for 1.02 miles, subject to all fees being paid, and engineers' approval of the traffic control details for the road occupancy permit on Coal Bluff Road, subject to the review and approval of the Township solicitor.

Motion by Deborah Sargent, Second by Heather Daerr

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

**Motion** to approve use of Brownsville Park by Finleyville Soccer Association for practices, Monday-Friday from 5:00 P.M.-8:00 P.M., from March 20 through May 20, 2017, and two

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games, one on Saturday April 29th, and one on Saturday May 6th from 8:00am-2:00pm, with no travel games scheduled subject to proof of insurance being provided and subject to necessary safety repairs being made, as requested in the signed 2016 lease agreement, pertaining to the goals, with repairs to be inspected by the Road Superintendent before practices can be held or continue.

Motion by Deborah Sargent, Second by Charles Trax

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

**Motion** to approve work to be done at Brownsville Park per the list supplied by the Road Superintendent with the exception of work to soccer goals or goal posts.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Trax reported that there was no significant details to communicate from the Washington County Tax Collection Committee meeting. New officers were appointed.

Due to a situation with a road video being needed quickly, a poll vote was taken. The solicitor advised against taking a poll vote in an emergency. For an emergency, he suggested calling an emergency meeting of the Board instead. Since the video was not taken, the Board voted on whether to approve the engineer to record a video of Lobbs Run Road which is being used as a detour due to construction in Jefferson Hills.

**Motion** to authorize the engineer to videotape a section of Lobbs Run Road be taken due to bridge construction on Walden Road in Jefferson Hills.

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 authorize use of the Board Room for an officials meeting on the SR 88/Brownsville Road PennDot JV-520 bridge project on April 21, 2017, at 2 pm to 3 pm for public officials and emergency personnel.

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 hire Mr. Silvestri at the rate of \$65/hour for up to 20 hours in the search for a Township Manager with a request for him to submit a flat fee proposal for the rest of work at the next meeting.

Motion by Deborah Sargent, Second by Heather Daerr

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

A Planning Commission meeting is planned the third week of April.

Heather Daerr requested that cost and reasons for purchase of the Township surveillance cameras be supplied for review. It was discussed that the two camera system were purchased at separate times in past years.

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**Motion** to adjourn at 9:48 p.m.

Motion by Charles Trax, Second by Heather Daerr

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

Motion carried.

  
Debra A. Nigon, Secretary