

Union Township Board of Supervisors
Regular Board Meeting
January 13, 2014

The Board of Supervisors Meeting was called to order by Chairperson Andrew M. Tullai 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 Steve Parish, Larry Spahr, Andrew Tullai, Brenda Cushey, and Charles Trax, Jr. Also in attendance, Dennis Makel–Solicitor, Mr. Carl DeiCas–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer.

Public Comment

Paul Calderone signed the book to discuss snow removal on Patterson Road, and was instructed that his comments would be addressed during the departmental reports.

Departmental Reports

Police Report. Sargeant Pocsatko read the statistics for December 2013 from the written police report. He said that most arrests were for DUI and domestic violence this month. He reported that this trend is increasing, but there are also five additional shifts of police coverage in December.

Road Report: Mr. Ed Frye, Road Superintendent, provided his report on the activities of the Road Department. A written report was also provided to the Board that covered activities for the whole year of 2013, for their review. He said that LTAP provided a response to the traffic light issue at Brownsville Road and Route 88 Intersection. He said that the only options would be to remove light or relocate it, and that would be at the Township's expense. There were no reportable accidents in the last five years caused by the post mounted signal head. Mr. Frye noted that the full findings from the Survey completed by Pat Wright at LTAP regarding the SR 88 traffic light confusion is contained in Attachment A to the Road Superintendent's 2013 report.

Mr. Parish suggested a sign which reads "Pull Ahead to the Stop Bar." Mr. Frye said there is already a "Stop Here at Red Light" sign, but that he would check with LTAP about the feasibility of this option.

Mr. Frye also reported that the debris that the plows were running into in Elrama appears to have been removed, but the crew will need to verify that by checking the pins identifying the right-of-way. He also said that reflective letters cautioning drivers to "STAY BACK" are being considered for the back of the trucks so that no one follows the salt trucks.

He also said that the Coal Bluff Road slide is getting more serious. Mr. Frye also advised that the Township consider adding two catch basins on Sawmill Road to the paving project before it begins in the Spring.

Mr. Calderone had a question on Patterson Road in regard to snow plowing and salting. He said there is a lot of traffic and school bus traffic on Patterson Road, and that he has noticed that once Tuscany Estates Drive is done, the driver leaves. The Road Superintendent explained that each route is done at least twice during a snow event and that the routes have been established for a long time and are designed to give special consideration to hills and steep sections first and that they have to take into consideration each truck's hauling capacity and proximity to the salt storage area. In the particular case of Patterson Road, since the driver has salt left over, he comes in and does Tuscany Estates Drive and then leaves and fills up with salt and then goes elsewhere but comes back and does do Patterson Road later in his route. He said that there are school bus routes also that each driver must treat, and that the school bus routes are given special consideration as well. Mr. Frye said that there is no favoritism involved, and the crew simply has to get to the hills first, and the routes seem to be working out and they have been in place a long time. Mr. Parish said that the routes are also set up so that there is not much doubling back, and so that the trucks go in to get the salt and come around full circle in time for another load.

Motion to approve general fund bills in the sum of \$79,870.76, as of January 13, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Brenda Cushey , Second by Steve Parish

Roll call vote: Parish-yes, abstaining from anything having to do with Finleyville Airport, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

There were comments from Mr. Parish and Mr. Spahr on the bills. Mr. Parish had a question regarding the invoice from Jefferson Hills Lawn Equipment. Mr. Frye said that the Sterling was in for replacement of a electrical diode and several other small engines (weedwacker, chain saw, etc..) were in the shop as well. Mr. Spahr asked the total amount spent on tree removal. The Treasurer does not have a current total as Mr. Tullia indicated that she could take this line item off the bill list, but the total was approximately \$78,000. Mr. Spahr said that we've had complaints about wage rates but that the cost of litigation in regard to the trees is closing in on \$80,000 dollars. The Treasurer said that the 1099 will be issued to Mr. Fitch because that is the only person we have to send it to, but that he said the same thing in response to the letter as he did in the Board Meeting he attended which is that he didn't receive the \$14,000. The Treasurer said that he came into the office in response to the letter requesting the heavy hauling permit fee she was authorized to send at a prior Board meeting. She said that he refused to pay the \$350 for the Over Weight Vehicle Permit and said that he was filing bankruptcy that same day. Mr. Spahr asked Mr. Makel about the tree removal and asked who was responsible and where it was going to end. Mr. Makel said that the Parish issue is almost at an end and now we just have to enforce the Ordinance with other residents. Mr. Parish said that the Mary Parish property trees were hauled out using Route 88. Ms. Taylor said that Mr. Fitch did sign the Bond for Airport Road should it be used in the future. The Treasurer said that Mr. Fitch said that his subcontractors had used Airport Road and that ultimately he is responsible. Mr. Spahr said that these two issues have to be addressed and we need to issue

a 1099 to someone. Mr. Spahr said that he spoke with Cypher and Cypher today, and the auditors said there could be serious issues with that audit so it needs to be addressed one way or the other. Mr. Makel said that we should see how this pans out.

The Board discussed Ordinance violations of EQT. Mr. Grieb said that the Conditional Use conditions were requested and sent. Mr. Tullai said that during the sound survey, the decibel level is averaged over a period of time, which lowers the value of the peaks, so that the peak decibel level is not shown as high. Pete suggested that all four sound walls be built. Mr. Ivery said that the Facts and Findings show 6 wells and now 11 wells are being drilled. Mr. Makel recommended that the Board call a Special Meeting with EQT to discuss violations. Mr. Tullai said that the diesel fumes are still an issue.

Mr. Grieb said that EQT has filed for a revision for the additional drillings with the DEP; however, they have yet to get Township approval. Mr. Grieb said sometimes it is not understood that Township approval is still required even though the DEP has given their approval.

Mr. Makel said that EQT is still obligated to comply with the specific conditional use terms agreed to by Chesapeake and will need to file a revision to expand the number of wells. In terms of Act 13, Mr. Makel said that the Township Ordinance is in compliance and that local ordinances are currently enforceable. Mr. Makel said the issue has been remanded back to Commonwealth Court to determine its severability and it is possible the entire Act is invalidated since parts of it have been struck down.

Mr. DeiCas said that he met with a third-party sound technology firm and a quote and formal written proposal was provided. Mr. Makel said that the Board should review the proposal for the next meeting. Mr. Makel said that a stop work order can be issued if EQT is not willing to take care of the noise and smell and to request a revision to the Conditional Use.

Motion to advertise a Special Meeting with Representatives of EQT regarding the Trax Well Site to discuss the specific Conditional Use terms on Monday, January 20, 2014, at 7:00 p.m. pending their availability on that date.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

The Tomko Earth Disturbance Report dated December 4, 2013, was discussed. Mr. Makel said that MSHA said that the business did not have the appropriate mining permits. Mr. Makel said that the hearing for Tomko has been re-scheduled.

The Patterson Road erosion issue was discussed. Mr. Frye said that the Township does not have a piece of equipment with the reach to lower the blocks in place in the stream bed, and that the Township will need to advertise for bids for that work. The engineer will obtain an estimate for the next meeting.

Mr. Parish said that he will not approve the same blocks which were used for the salt shed construction. Mr. DeiCas said that quality control was not used when the blocks were poured and Mr. Parish is correct, in that the block was terribly inconsistent. Mr. DeiCas said the

problem occurred because the chosen supplier was one of the few places that offered the different lengths of block needed to stagger the block for strength and to tie in the side storage bins. Since the supplier offered the multiple lengths needed, Swede Construction was locked into using this supplier to perform the job. Mr. Parish said that he was very unhappy with the gaps caused by the variations in the block and the condition of the block itself. Mr. DeiCas said there should not be much issue with water blowing into the shed because of the tarp cover. Mr. Frye said there was some water that was blowing in, but it was from the front of the shed. Mr. Banahasky, Road Foreman, said that the road crew has been very happy to have dry salt, and though the appearance of the block isn't pretty, the shed appears to be working.

Ms. Daer, 6137 Route 88, asked the Board why the Township could not have changed the design once it saw the condition of the block. Mr. Tullai said that the load is sufficiently carried by the block. He explained that the wall is three block high, approximately six feet, and poured concrete would cost over \$100,000 dollars.

Mr. DeiCas said that he has not been able to get together with Mr. Corace regarding the McChain slide.

The Secretary was asked on the status of the Codification and the submission to General Code. She said that it appeared from the response she received from General Code that if the Township were to submit the document and then request additions once the company had already begun the work of creating the codification it may very well end up costing the Township more, so she had been waiting for the last couple of Ordinances which were being discussed to be adopted and had not anticipated that it would have taken so long.

Ms. Taylor said that the modifications to the Elrama Sewerage System rules and regulations were not yet made but that she would try to have them ready for the next meeting.

Motion to Re-Advertise the Air Pollution Control Ordinance for possible adoption at the Regular Board Meeting to be held February 10, 2014.

Motion by Brenda Cushey, Second by Larry Spahr

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Motion to Adopt the Tax Certification Ordinance, 2014-01, with dates and names changed.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

The Treasurer said that Emily Shade at the DEP is requiring that a holding tank be put in immediately for 6637 Library Road where a Small Flow Residential Treatment Plant (SFRTTP) was to be installed. However, the holding tank can be used as part of the SFRTTP. The Treasurer's question has to do with the Holding Tank Agreement and whether the Township will charge another fee, as a Holding Tank Agreement requires a fee as well. Mr. Makel suggested that the \$2000 required in escrow for the holding tank agreement be converted to fulfill a portion of the SFRTTP escrow when the plan is approved.

Motion to Approve the Use of the Building by Gastonville Post Office for a day in February when the room will not be in use for a Town Hall Meeting to discuss Hours of Operation.

Motion by Brenda Cushey, Second by Larry Spahr

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Parish had a question on the Salt Shed Account and why there was so much still in the account. The Treasurer reported that the Township has only approved payment the first payment. The reason that the money is still in the account is because of a prior motion to withhold final payment until we receive a warranty on the roof. Mr. Parish also noted that, per the latest Township News, only 5% of the General Fund can be in the Operating Reserve and that the Township shows much more than that in the account. Mr. Makel and Mr. Tullai were pretty sure that the amount had been modified to 25%. Mr. Tullai said that in the back of the Township News published by PSATS there were changes that have yet to be incorporated that were listed and that the amount allowable had been increased to 25%.

The Chairperson asked for a report from the engineer on the Flood Insurance Rate Map. Mr. DeiCas said that our Flood Plain Ordinance should be sent into the DCED to see if they have any corrections. Mr. Ivery said that our Flood Plain Ordinance would then need to be finalized by March of 2015.

The Secretary was asked to draft a letter to be reviewed by Carl DeiCas to send the Flood Plain map to DCED. (Subsequent to the meeting, Mr. Ivery indicated that he had been putting together a mailing covering all the municipalities services by Municipal Consulting Services and offered to send out the Flood Plain Ordinance.)

Motion to authorize Cypher and Cypher to perform the Audit for 2013 at a quoted price of \$7,500, plus out-of-pocket costs of \$300.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Tullai said that he would like to have a meeting with Jefferson Hills Ambulance and Elrama Fire Department to discuss funding needs considering that they are losing funding from the State's gambling proceeds. Mr. Gibson was present at the meeting and Leonard Bailly could be contacted in regard to Elrama V.F.D.

Motion to advertise a Workshop with Elrama VFD at 6:00 p.m. and a Special Meeting with EQT at 7:00 p.m. on Monday, January 20, 2014, pending their availability.

Motion by Brenda Cushey, Second by Larry Spahr

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Motion to purchase 1500 tons of salt per the terms of the COSTARS 2014-2015 Salt Contract Participation Agreement

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Tullai briefly discussed the Performance Review which will be instituted for the Secretary, Treasurer and Road Superintendent and commented that he believed a mid-year review as well as an end year review seemed appropriate.

Public Comment:

Mr. Nebash, 6931 Spruce Street, commented on the costs for Marcellus Shale litigation and Airport litigation. He had said that in Branson, 140 or so people could have been killed who were forced to land at a small airport that had a cliff. He wanted to know if the Township could use eminent domain to enforce the Ordinance. Mr. Makel said that at this stage, the issue is almost completely resolved. Mr. Tullai said that in terms of the drilling, the expense would not have been as great if EQT would have limited themselves to the Conditional Use terms of the original owner.

Motion to go to Executive Session at 8:48 p.m. to discuss personnel
Brenda Cushey, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

The Board returned from Executive Session at 9:25 p.m.

The solicitor said that matters of personnel were discussed.

Motion to adjourn at 9:25 p.m.
Motion by Brenda Cushey, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.


Debra A. Nigon, Secretary