

Union Township Board of Supervisors
Regular Board Meeting
January 27, 2014

The Board of Supervisors Meeting was called to order by Chairperson, Andrew Tullai, 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. Board Members in Attendance by roll call were Steve Parish, Larry Spahr, Andrew Tullai, Brenda Cushey, and Charles Trax, Jr.. Also in attendance, Chris Furman—Associate Solicitor, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer, and Mr. Carl DeiCas—Township Engineer.

Public Comment

Richard Nebash, 6931 Spruce Street, signed in but said he would comment at the end of the meeting.

Hal Breinig, 44 Finley Avenue, said that he wanted to thank the Road Foreman because a not-yet-identified company is working on Route 88 and has left a big gaping hole at a school bus stop. Mr. Banahasky went to the site and put tape around it, so that no one could fall into the hole. The hole is still not filled in and there is some equipment and forms which have been left there by whoever is doing the work. Secondly, he said, in response to Mr. Parish's invitation at the last meeting, he, Mr. Parish and Frank Latorre, 7 Boyka Drive, went to the salt storage shed site and took pictures. He said that he thought the \$80,000 the Township paid was way too much because of the condition of the jumbo block and because the way the tarp is fitted will allow water to get into the shed.

Mr. Tullai and Ms. Cushey said that they saw the site and that the expectations one would have for a house cannot be applied here and that the sole purpose of the block is for the weight. He said that although he can't argue with him over the appearance of the block, as an engineer, per the loads and forces of the structure, it is carrying the weight of the tarp cover.

Heather Daer, 6187 Route 88, who also went to the site, asked what the warranty is on the block. Mr. DeiCas, Township Engineer, said that there is never a warranty on any of those type of jumbo blocks and that all of them are seconds, so to speak, due to the nature of how they are made. Mr. DeiCas said that a poured foundation would have pushed the price of the shed up 40-50%, and that the jumbo block is the most economical way to build a shed. He also said wood sheds have their issues also. However, the contractor's performance and payment bond would be in effect for a year. Ms. Daer expressed concern over the longevity of the shed; however, Mr. DeiCas said he does not anticipate any issues and believes it will still be sound for many years.

The bills were reviewed.

The Treasurer was asked whether higher collections are coming in for Jordan Tax Service. Ms. Taylor said that the Shut-Off Agreement is not yet processed, and the Township is getting smaller amounts more frequently.

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Motion to approve the Minutes of the November 25, 2013, as presented by the Secretary, subject to being true and correct.

Motion by Larry Spahr, Second by Brenda Cushey

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

Motion to approve the Minutes of the December 4, 2013, Workshop as presented by the Secretary, subject to being true and correct.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Tullai provided an update on the server purchase from Technical Products. He said that he spoke with someone at Technical Products and that the unit is being assembled and after assembly, a three-day burn-in is required. The contractor is planning to come sometime after February 11 to install the equipment.

Mr. Tullai inquired about the status of the contract for the garage addition. The Township Engineer said that he met with the contractor who returned the contract with signatures and supplied the required bonds and insurance certificate.

Motion to approve the Minutes of the December 9, 2014, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Brenda Cushey, Second by Larry Spahr

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

Motion to approve the Minutes of the January 6, 2014, Reorganization Meeting as presented by the Secretary, subject to being true and correct.

Motion by Larry Spahr, Second by Steve Parish

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

Motion to approve the Minutes of the January 13, 2014 Hearing to Transfer Liquor License as presented by the Secretary, subject to being true and correct.

Motion by Brenda Cushey, Second by Steve Parish

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

Motion to approve the Minutes of the January 13, 2014, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

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 approve the Minutes of the January 22, 2014, Special Meeting with EQT as presented by the Secretary, subject to being true and correct.

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 approve Payroll #26, dated December 20, 2013, in the sum of \$11,509.64, as presented by the Treasurer, subject to being true and correct.

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Motion by Steve Parish, Second by Brenda Cushey

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

Motion to approve Payroll #01 dated January 3, 2014, in the sum of \$9,998.44 as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr Second by Brenda Cushey

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

Motion to approve Payroll #02 dated January 17 , in the sum of \$11,779.33 as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Steve Parish

Supervisor pay was discussed. Charles Trax, Jr. should be getting

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

Mr. Parish asked whether the pay rate for Mr. Trax should be more since the passage of the Supervisor Pay Ordinance. The Treasurer said that it was the maximum annual pay which was increased for new Supervisors and that Mr. Trax' pay will continue when the others have reached their maximum for the year. Mr. Spahr confirmed that this is how the Ordinance is written.

Departmental Reports

The Building Code Official gave his report. He said that there has been a complaint concerning dumping at the end of Grossetto Drive. In regard to the Tuscany Estates Plan of Lots, Mr. Ivery said that there is a cul-de-sac and which needs to be completed and some guard rail needs to be installed. Since construction appears to have been winding down for a while, he said that the Developer's Agreement should be reviewed to see what needs to be completed.

The BCO also reported that he received a request from McDonald's Land Service for any necessary permits and road bond applications relative to seismic testing, and that a representative was present at the meeting to brief the Board on their project.

Keith Copeland from McDonald Land Services said that his company was contracted by Seitel Data, Inc. He explained that the company creates a grid, with lines running about ¼ mile apart east and west and ¼ mile apart north and south, over the project area. On the grid lines going one direction will be placed the source points, and on the grid lines perpendicular to the source lines will be laid receiver points. He said that he could provide a copy of the grid to the Board if they desired. The company will be doing 3D seismic testing, which will involve both shot holes and vibroseis trucks. The shot holes will be dug by a bobcat-sized drill on rubber tracks. A 2 lb charge will be used in the shot holes, and in some cases they go up to a 3.3 lb charge, to cause a directional downwards energy source. He said that the blasts are not loud, and in most cases cannot be heard. He said that before any vibroseising or blasting, a surveyor is sent out to identify by GIS any underground structures, septic systems or springs, and will maintain a buffer area of 300 feet from these areas.

The project can be broken down into six phases:

Phase 1 – Surveyors are sent out

Phase 2 – Flagging of the ¼ mile apart grid lines, marking of access to these properties

Phase 3 – drilling of shot holes with the bobcat size drill

Phase 4 – laying out the recording devices

Phase 5 – setting off charges

Phase 6 – clean up – pick up all boxes, fill all holes, and leave everything as they found it.

It was explained that the project area starts east of Eighty-Four, PA, and goes to Washington towards Peters Township and Union Township, covering 100 square miles. The area will include only a western portion of Union Township. The testing company will start the project in the south and move north, continually picking up the equipment used in one area of the project and putting it down in another portion. Since Union Township and the area in Peters Township are in the northern end of the project area, they will be done at the same time, towards the end of the project which will take several months to complete. The map which he brought to the meeting was reviewed by the Board.

Mr. Tullai mentioned that one of the issues with the last round of seismic testing was in getting notifications to the residents in a timely manner and that, because the notices only said they would be testing in the next ten days, it didn't provide a time frame specific enough for residents who wished to be present to monitor their home while testing was being conducted to make arrangements. Doug Reigel of Seitel said that a bulk mailing service was hired to make sure that the mailings will go out in advance. The representative from Seitel also said that weather can affect the testing schedule and cause delays in the process but offered to provide the Township or Township Engineer, whichever the Board prefers, with a weekly update and a weekly map. Mr. Parish asked about the 150 foot frontage required in our current ordinance and asked if they would be seeking to get that distance reduced as Geokinetics had done. They said that they had been planning on discussing that with the Township engineer. Mr. Tullai asked whether real-time monitoring would be used in conjunction with the testing, which question was answered affirmatively. Mr. Spahr inquired as to who would own the data collected. The representatives said that whoever owns the lease to the land tested, would have the opportunity to buy the information from Seitel Data, Inc.

Mr. Nebash, 6931 Spruce Street, asked how often the Union Township area will be tested, seeing that Geokinetics just conducted a seismic test. The representative from Seitel Data said that some overlap of project areas will occur and that sometimes there needs to be an overlap between two projects to refine and pin point an area. He also said that, once these two projects are completed, going forward he doesn't see the need for additional seismic testing projects. Mr. Parish asked if they would be hiring locally. They said that they will hire 33 local employees for mineral background research. Their home office is in Oklahoma, and Field Office in South Pointe.

Mr. Kevin Daer, 6187 Route 88, asked whether McDonald Land Services is contracted by EQT. Ms. Jessica Carpenter said that the Geokinetics project was their project, and this one is not; however, that in the oil and gas business it is not uncommon for trades of information to

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occur. A Seitel representative said that a proprietary shoot generally remains proprietary unless land is sold and that the seismic data could be negotiated with the land.

Harold Ivery also mentioned the Sunoco pipeline project and said that he received permits and that he is reviewing them and the Board will get that information soon.

Mr. Ivery also brought up the Tomko grading permit. He said that Tomko needed a revised plan and they needed both approval from the Township engineer and a NPDES permit from the DEP. Mr. Tomko and his solicitor were both in attendance. Mr. Tomko's solicitor said that on Friday they would be meeting with the DEP regarding their application for a NPDES permit. She also said that their engineer, Kim Gales, will be filing the application for a grading permit from the Township before the DEP meeting and asked that the Board approve the grading permit today conditional on an approved NPDES permit being supplied so that the grading permit can be issued by Zoning as soon as possible. Mr. Ivery said that he is waiting on a calculation to figure the permit fee cost to bring it up-to-date. The application will include all grading that occurred during the period of time when operations were occurring without a valid permit. Andrew Tullai asked for and received Mr. Tomko's confirmation that the company intends to abide by the Ordinance in the future as for dust, noise, and time of operations. The grading permit does not include approval for any mining operations. Mr. Tomko also said that the company would be willing to work with residents on any issues as long as it is easily within their means and doesn't hurt their business.

Motion to approve the Grading Permit Application of Tomko, Inc., as approved by the Township Engineer, subject to a valid NPDES permit issued by the DEP subject to all fees being paid. Motion by Larry Spahr, Second by Brenda Cushey
Roll call vote: Parish-abstain, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. DeiCas said that Mr. Martik had supplied a brick sample and wanted to make sure the Board was happy with the brick and texture which will be used. The sample is at the Township office. It was not possible to match exactly the current brick. He also said that once the contracts are signed and dated by the Township, he will take the signed copies and distribute them as appropriate and send out his Notice to Proceed. He anticipates construction starting around the first of March.

He also said that he was working on the Chapter 94 Report for the Elrama Sewerage System and asked Ms. Taylor to obtain information from WESA so that it can be completed and returned.

There was no report from the solicitor or recreation board. Audrey Dorsen said that her and Jason Jaki were waiting for Chuck Wilson so that a full meeting could be held and will report on their plans next month.

Motion to approve general fund bills for Jan 27, 2014 in the sum of \$64,644.22 as presented by the Treasurer, subject to being true and correct.
Motion by Steve Parish, Second by Larry Spahr
Roll call vote: Parish-yes, , Spahr-yes, Tullai-yes, Cushey-yes. Trax-yes. Motion carried.

Old Business

Mr. DeiCas said that he has been in contact with EQT in regard to the sound study that is planned. In regard to the Patterson Road erosion issue, he will provide an estimated cost of materials to the Road Superintendent which will involve renting equipment from a contractor so that the job can be done in-house. Mr. DeiCas also said that he has a meeting on Wednesday at 9:00 a.m. with Mr. Makel regarding the McChain Road Slide. Ms. Taylor provided revised Rules and Regulations for the Elrama Sewerage System and noted that only sections 4, 5, 6 contained changes.

Mr. Tomko's solicitor, Renee Colbert, requested a meeting with the Board prior to the February 25, 2014, sanctions hearing to see if they could work out their issues prior to the hearing. The Board agreed to a meeting if the business stays in compliance and if the Township could recoup the costs involved. . A preliminary meeting time of 6 o'clock on February 7, 2014, was set.

Motion to authorize Charles E. Trax, Jr. to attend settlement negotiations with Mr. Tomko and our solicitor regarding the Motion for Sanctions.

Motion by Larry Spahr Second by Brenda Cushey

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

New Business

Mr. DeiCas gave a report from the LSA Grant Presentation. Mr. DeiCas said Union Township is one of the few applicants with matching funds; but, he has thought that would help Union Township get funding in the past and it has not. Ultimately, he said we will find out late in February when the awards are announced.

In regard to the warranty on the salt shed canopy, Mr. DeiCas said that the contract calls for a 15 year warranty for the roof. He said the company is coming on Wednesday to see if the installation meets their criteria. If it does, they will issue the warranty in exchange for payment. The Township intends on issuing a joint check to Swede and Hybrid Building Solutions.

Motion to have the Treasurer apply for the salt shed canopy warranty and authorize payment to Swede Construction and Hybrid Building Solutions (Calhoun Super Structures) in the sum of \$15,944.15 for final payment of the salt storage shed canopy in exchange for the 15-year warranty, reducing our obligation to Swede Construction in the same amount.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-no, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

It was noted that the Earned Income Audit will no longer be required as this is now being taken care of by the WCTCC.

Mr. Tullai said that he would like the Board to begin thinking of policies that they would like to put in place for the Township. He asked that they provide to him proposed subjects to be addressed; although not all the details are necessary at this point.

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In regard to the Township emergency plan, Mr. Tullai will make sure that all Supervisors have a copy so that all the expected steps take place and are obvious.

Andrew Tullai asked for board approval to get quotes to replace a broken window latch. Mr. Parish suggested that the contractor who is doing the garage addition add that to the project with the necessary change order.

Regarding the slide on Coal Bluff Road, Mr. DeiCas said that a broken cross drain pipe was the cause of the first repair. When the cross drain was viewed with a camera, a section of the cross drain is crushed and leaking again. He said that we should contact the contractor to see if he is willing to fix the problem. Mr. DeiCas was requested to send a picture to Mr. Tullai and Mr. Makel.

Mr. Tullai discussed the Marcellus Shale Workshop being held at the Finleyville Volunteer Fire Department on February 13th, 5:30 p.m. – 7:30 p.m. Mr. Parish said that he would like to attend. The Secretary is to register Mr. Parish.

Motion to approve the quote of DeLattre Corp. for a new heater for the garage in the sum of \$2,680.00 installed, including disposal of existing equipment and 1 yr warranty.

Motion by Steve Parish, Second by Larry Spahr

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

Citizen's Bank has begun charging fees of \$25/month per account for them to verify that all checks over \$1000 dollars are reviewed for three signatures. Although these fees are currently waived, the Treasurer said that It will cost about \$600 annually for the two accounts in the future. The Board agreed to the charges upon solicitor advice.

Motion to reappoint Chuck Wilson to Recreation Board for a Five Year Term beginning January 1, 2014 and ending December 31, 2018.

Motion by Larry Spahr, Second by Steve Parish

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

The Summer materials survey completed by Ed Frye was reviewed by the Board with no changes at the moment

Public Comment

Millicent Powell, 96 Gilmore Road, wanted to know more about the Emergency Plan. She is concerned because, when the weather gets bad, many crucial services like Meals on Wheels, and the Department of Aging are closed.

There was a discussion of the amount allowable in the Operating Reserve. It was determined that the amount in the fund is allowable. However, GASB Statement 54 requirements which were instituted in 2012, having to do with Assigned/Unassigned/Committed/Restricted levels, may be confusing some members of the Board. The Treasurer said that the labels used for these designations can be changed to cause less confusion.

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Motion to go to Executive Session at 9:20 p.m. to discuss personnel.

Motion by Steve Parish, Second by Brenda Cushey

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

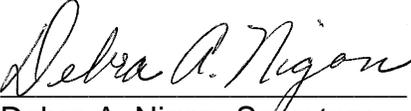
The Board returned at 9:37 p.m.

The Chairperson indicated that they discussed issues involving personnel.

Motion to adjourn the meeting at 9:37 p.m.

Motion by Brenda Cushey, Second by Steve Parish

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


Debra A. Nigon, Secretary