

Union Township Board of Supervisors
Regular Board Meeting
February 10, 2014

The Board of Supervisors Meeting was called to order by Chairperson Andrew 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 Stephen Parish, Larry Spahr, Andrew Tullai, Brenda Cushey, and Charles Trax. Also in attendance, Chris Furman–Solicitor (on behalf of Makel & Associates), Mr. Carl DeiCas–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer.

Motion to go to Executive Session to discuss personnel at 7:01 p.m.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Tullai exited Executive Session at 7:10 p.m.

The rest of the Board returned at 7:12 p.m.

The solicitor said they discussed issues involving personnel. It was noted that from this point forward, Mr. Tullai and Mr. Trax will abstain from any and all votes dealing with the drilling by EQT at Trax Farms.

Public Comment on Agenda Items

Mr. Nebash, 6931 Spruce Street, signed the book and said that he will comment at the end of the meeting.

Louis Martik, 26 Robb Lane, had signed the book and was asked to provide his comments to the Board on the Agenda item involving plowing and salting of Robb Lane on which he resides. The current Township map identifies Robb Lane as a private road. Mr. Martik said that when he called the Township to request that his road be cleared, he was informed that his street was a private road. It was discussed that Messner plan consists of 10 lots with Messner Avenue being at the North. Mr. Martik showed the Board a map drawn up in 1935 when the plan was put into effect. It was notarized and recorded in April of 1936. Mr. Martik questioned the status of Robb Lane as a private road as it had been being cleared in the past. Also, he cited an incident many years ago, where a neighbor had two quads for his children and a fence was put up to give them an area in which to ride. The erection of the fence resulted in a hearing, and as a result of the hearing, it was determined that the fence could not remain because it was blocking a public right of way. Therefore, Mr. Martik said that it could not be a private road if it had been considered a public right of way.

Mr. Spahr said that he remembered the hearing. He also said that for 21 years or so the road crew would take a pass into that public right of way for snow removal. He said, if for 21 years, the municipality did snow removal, then that right-of-way is determined to be a public right-of-way. Mr. Spahr said that he remembers the fence being taken down.

The road is a gravel road. Mr. Tullai inquired about the accessibility of the Lane. It was discussed that Mr. Martik's driveway and his neighbors driveway make a circle which provides the Township truck with a safe and accessible entry and exit point.

Motion to continue to plow snow on Robb Lane as it has been done for the past thirty years.
Motion by Steve Parish, Second by Brenda Cushey
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes, Motion carried.

Departmental Reports

Police Report. Sargeant Joe Pocastko delivered the police report. He read the statistics to the Board. Fifty-nine shifts were worked in January. The written report was provided to the Board.

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. Mr. Frye said that due to the large amount of snow fall this winter, the crew has spent a lot of time plowing and salting. He said that they currently have 150 tons of salt and two loads just came in, but he noted that there is still a significant backlog of salt yet undelivered. Mr. Spahr said that recent reports he has heard have stated that it is the transporting of the salt that is the issue and not the lack of salt. He said that the reports have said it is the icing of rivers making it difficult for barges to get the salt to drop-off points. Mr. Frye said that, although the Board approved an order for 1500 tons for next year through COSTARS, the Township has not yet entered into that Agreement since the deadline isn't until March, but that he wanted to bring to the attention of the Board that he has noticed that there are other municipalities that appear to have a much better supply of salt under the SHACOG contract who uses other vendors. He said that the Board has until March to decide whether to lock-in to COSTARS. He also said that if the crew calls for a load of salt every other day, they will get one load in; whereas, he has noticed other suppliers on the road seven days a week. Mr. Tullai also noted recent communications from Penn Dot on a program whereby municipalities in short supply can borrow a load of salt from Penn Dot and replace the salt once they receive a shipment. The road crew was instructed to keep calling every other day as they have been to keep the loads of salt being delivered.

Ms. Cushey had concerns about vehicles being at the Nike site. Mr. Frye said that they have noticed tire tracks other than those belonging to their trucks. She said that people should be made aware that no one is allowed to the site unless they are accompanied by a Supervisor or a road crew member. Mr. Parish made note that he had mentioned a security camera being placed at the Nike site. Mr. Tullai said that he will get prices for a camera at the salt shed but said that it would require obtaining internet access for the Nike site.

Mr. Parish asked about Coal Bluff Road having brush which needs cutting back. Mr. Frye said that there was a branch that remains there that needs to be cleared and that the road crew will get to the other brush as soon as the weather breaks.

Motion to approve general fund bills in the sum of \$72,154.34, as of February 10, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by BC, Second by Larry Spahr

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

Mr. Parish had a question on Mr. Makel's bill which appeared to be a charge meant for Cumberland Township. Mr. Furman explained that the mileage charge was a split between Union Township and Cumberland Township.

Mr. Spahr asked about the resolution between Swede and Hybrid Building Solutions. The Treasurer said that there were some things that Hybrid Building Solutions wanted to discuss with the Township Engineer. Mr. DeiCas said that Hybrid Building Solutions was concerned about some things they said they would want Swede to repair but that they would not provide additional information about what needs to be done until they get paid. Mr. Parish read an email which had been forwarded to the solicitor by Hybrid Building Solutions that contained a back and forth conversation between the construction company and tarp supplier revealing some areas of contention between the two companies relative to a no-cost upgrade of the tarp. Although it was not the primary point of the email the text from the tarp supplier did say that they sold "Mr. Frye" a tarp a year or so ago, and Mr. Frye wanted it put on record that they did not "sell" anything to him, nor did he sign any documentation, nor did he personally "buy" anything from them.

Per Mr. DeiCas, if there is a problem in the way Swede installed the roof, then Hybrid Solutions needs to communicate this to the Township. Ms. Taylor said that Mr. Sanderson of Swede Construction is willing to endorse the check; however, the solicitor told Ms. Taylor to wait, she believes, to give the Board time to discuss the situation. Mr. DeiCas will call Swede in the morning to come in to sign the check and the Township should then get the warranty and punch list from Hybrid Solutions.

Mr. Spahr asked for a precise report from Road Foreman and Road Superintendent about the salt shed functionality in this inclement weather. Mr. Banahasky, foreman, said there has not been water in the building from the tarp. He said that, at about 18 feet inside there was some water coming in from underneath but dividers have been put up to handle that and, of course, with the high open front which is necessary for the high-lift and trucks to have room to drive into the structure and load, there is some blow-in of precipitation and that the trucks track in some water as well. But even with that, Mr. Banahasky and Mr. Frye said that 95% of the salt is now dry and they are relieved to not be making all the trips into the bed of the trucks to break up the clumps of salt which was necessary before.

New Business

Mr. DeiCas said that he has been in communication with EQT regarding the ambient sound study and six new points were picked. He is waiting to hear back on his last communication. The latest update from EQT indicated that they will be done drilling with the current equipment on February 23, 2014.

Mr. DeiCas said that he will put the Patterson Road Project out to bid, but that first a General Permit from the DEP will need to be obtained since the Patterson Road project involves a creek and is considered an erosion control project.

Regarding the McChain road slide, Mr. DeiCas reported that he met with Mr. Makel who said that there is a document prepared for Mr. Corace to sign, but that he has never signed it. He said that the slide has not moved in the last three or four years so he doesn't think that it needs to be worked on now but that you never know when it may move again. He said that the Township will want an agreement signed with Mr. Corace that if it starts to slide again, that Mr. Corace will be responsible for the repair.

Pertaining to the Air Pollution Ordinance, Mr. Spahr inquired as to how the Ordinance enhances EPA and DEP requirements. Mr. Tullai said that the Ordinance would provide the municipality with a way to measure and enforce the amount of dust created, making it easier for the municipality to take timely action as opposed to contacting the EPA and DEP and waiting for their response.

Motion to adopt Ordinance No. (TBD) An ordinance of union township, washington county, commonwealth of pennsylvania for the prevention and control of air pollution defining certain terms used herein; providing for regulations, abatement, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlawful conduct, public nuisances, repealing previous ordinance no. _ and validity.

Motion by Brenda Cushey, Second by Larry Spahr

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

Ms. Taylor was asked to explain the nature of changes to the Elrama Sewerage System Rules and Regulations. She explained that when units were unoccupied, a minimum of \$27 per month was charged, but that this has been causing a billing problem because there is lag time in notifications between the customer and Jordan and the water company, so that the discount for unoccupied properties is being eliminated. Ms. Taylor also said that the water shut-off agreement being signed was another change as well as the changes relative to the deduct meter readings being required for filling swimming pools. Mr. Tullai asked for a revision number on the document and asked that the changes be marked in some way for easy identification by the customers. Ms. Taylor said that she would only be mailing out the three pages that had changed and would add the items requested by Mr. Tullai. She also asked to clarify the wording relative to \$62 dollars being charged as a minimum for up to 4200 gallons per house so that there is no confusion.

Motion to approve the Elrama Sewerage System Rules and Regulations including revisions clarifying \$62 base rate is based on 4200 gallons per house and to mail the revisions to each owner,.

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 purchase of tires for truck #8 through the COSTARS program which was approved by the Board by telephone poll conducted by Mr. Tullai earlier this week.

Motion by Brenda Cushey, Second by Larry Spahr

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

Mr. Furman reported that he and Mr. Trax met with Mr. Tomko relative to working out a resolution prior to the sanctions hearing. Mr. Furman said that the most the Township could have achieved at the hearing was a letter being sent to Mr. Tomko saying that the business was in violation and then they would have been fined about \$900 or so in accordance with the violation. The Township's legal bill for having Makel & Associates prepare the Motion for Sanctions was approximately \$800 or \$900. Mr. Furman said that a tentative deal was arranged with Mr. Tomko and the agreement will include repair of the Patterson Road slide. Mr. Tomko also agreed to give the Township solicitor or Mr. Ivery notice before any loud work will be done. He said the agreement is not quite completed but that the parties are continuing to work towards that end. Mr. Furman said that if the agreement is not signed by the time of the scheduled hearing date, the Township can elect to either post-pone the hearing or to go forward with the hearing.

Pertaining to 6637 Library Road, the Treasurer reported that Mr. McClain was sent a Holding Tank Agreement, but has not yet responded. She will contact him again.

Mr. Parish commented that he has been reading recent news articles regarding Phase 2 of the Southern Beltway moving forward and said that he thought that the Board should pass a Resolution or send a letter to Senator Solobay, the Turnpike Commission and Federal Representatives regarding Phase 3 of the Southern Beltway. He said that he believes we should go on record of urging completion of Phase 3 for the future development and growth which it would provide to the whole Mon-Valley, lest our silence be interpreted as a loss of interest. The Secretary will draft a letter to Representative Peter Daley, Representative Saccone, Senator Solobay, Representative Bill Shuster (Chair of the House Committee on Transportation and Infrastructure), Congressman Murphy, the Mon Valley Progress Council, and any other officials which later come to mind.

Mr. Tullai said that there were some items on the Agenda relative to the Nike Site and the condition of the property. He said that before a planner is contacted, he would like the Board to discuss their vision for usage of the property. Mr. Frye said that if the Township foresees continuing using the Nike Site garages, then they may want to budget to maintain the buildings. He said that, if the Township obtains the property as planned, the Township may want to consider repair of the roofs which were original, and if they were to cave in, then the buildings would be unusable. Also, the hinges on the garage doors are broken and a heat source is needed to warm the diesel equipment in cold temperatures. Mr. Tullai suggested a walk through of the buildings by the Board accompanied by Mr. Frye and Mr. Banahasky when the weather breaks.

Mr. Frye said that the Board may want to discuss purchase of forks for the backhoe. Mr. Frye got a call and the Finleyville Legion Post is already indicating that banners are in production for our area for the Military Banner Program and the forks could possibly be used to hang the

banners. Another option for hanging the banners involved borrowing a bucket truck. However, Mr. Frye said that the forks might also be useful for putting the salt spreaders on and off and that the road crew does a fair amount of material handling which could be done with the forks.

Ms. Taylor said that the heater in the men's room appeared to be broken and the exhaust fans don't work in any rest room in the main building or garage. Quotes will be obtained for repair. Mr. Tullai will look at the exhaust fans.

Mr. Frye also requested four heavy duty vinyl chairs to replace the dilapidated ones in the garage area break room. Mr. Tullai said that he and Ms. Taylor would look at the state contract prices for some sturdy chairs to replace those they are currently using.

Motion to approve an Memorandum Of Understanding between Union Township, Glenn Shoemaker, and Teamsters Union Local 205 dated 01-17-2014, effective 01-18-2014.

Motion by Larry Spahr, Second by Steve Parish

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

Mr. Shoemaker will request a return to work in writing and the Board will approve the return to work in writing when the amount of time indicated in the MOU has passed,

Mr. Ivery referred the Board to a packet of information on the Sunoco pipeline and referred to the approval letter by the Township engineer. He said that Mr. Makel reviewed the bonds and easement agreement and said they were acceptable.

It was discussed that the pipeline goes from Houston PA to Delmont PA and will be crossing Patterson Road near the property owned by Virginia and John Walker and will be going under Route 43. It was discussed that Sunoco would also need a stormwater management waiver Mr. Parish said that the nearby church should be notified as to the proximity of the line to their property. Mr. Ivery said that Sunoco was seeking approval of the Sunoco Heavy Hauling Agreement conditional on the Heavy Hauling Agreement being returned with signatures, the stormwater waiver being signed and grading permit fees being paid, releasing the engineer to inspect full length of Patterson Road and Coal Bluff Road. Mr. Ivery said that both roads were bonded. The Board did not wish to approve use of Coal Bluff Road and asked the representative who was attending the meeting from Sunoco to reconsider their route to not include Coal Bluff. Mr. DeiCas said that he will video Patterson Road.

Motion to approve the Sunoco Heavy Hauling Agreement on Patterson Road only conditioned on the Heavy Hauling Agreement being returned with signatures, the stormwater waiver being signed and grading permit fees being paid, and releasing engineer to inspect full length of Patterson Road, with no permission to use Coal Bluff Road because of the dangerous conditions.

Motion by Larry Spahr, Second by Brenda Cushey

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

Mr. Parish had concerns about the proximity of the pipeline to a church, and the safety of the residents. The Sunoco representative present at the meeting said that the legal setback in the easement on the Mingo Church property would be between the landowner and Sunoco. She

said that since she was not the individual involved in the negotiation; she cannot tell him how close it would be; but that she could put him in contact with the owner of the Mingo Church property if he wished to inquire from them what setback had been negotiated.

Motion to approve the Pipeline Easement Agreement between Union Township and Sunoco Pipeline, L.P. for \$10,000 for a 50 foot wide area to construct one pipeline not to exceed 12 inches in diameter.

Motion by Larry Spahr, Second by Brenda Cushey

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

The Municipal Map which was sent out to residents in 2008 was discussed. Mr. Spahr said that since the Union Finley Messenger has tightened up on the type of news that will be published, he would be more favorable to a newsletter being published informing the public about community activities and the operations of the government. Mr. Trax said that he would like to see something on the internet as opposed to paper. Mr. Spahr mentioned telecasting meetings and perhaps working in conjunction with Peters Township on broadcasts. Mr. Frye said that there is one company he saw at the County Convention that specialized in media and that he would provide that information.

Motion to approve request of Cardox Road residents to use the Township building on February 17, 2014, at 6:00 p.m.

Motion by Larry Spahr, Second by Brenda Cushey

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

Mr. Parish asked for a copy of the report to the Public Utility Commission on the usage of Act 13 Fees when it has been completed.

Ms. Taylor informed the Board that two CDs, one for \$1,230.17, the other for \$1,704.04, have come due from Huntingdon Bank. Mr. Tullai asked whether the Board wished to re-invest the funds. Mr. Tullai said that he likes to continue using local businesses and recommended to combine the two sums along with whatever is in the savings account at Huntingdon Bank, which the Treasurer indicated is also a small sum, and to put that amount into one CD at Huntingdon Bank.

Motion to combine the amounts of the two Huntingdon CDs which have matured and the Huntingdon savings account and to place that amount into one CD at Huntingdon Bank.

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 go to Executive Session to discuss personnel at 9:27 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.

Board Approved: February 24, 2014

The Board returned from Executive Session at 9:45 p.m.

The chairperson said they discussed issues involving personnel.

Motion to adjourn at 9:45 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