

Union Township Board of Supervisors
Monthly Board Meeting
February 25, 2013

The Board of Supervisors Meeting was called to order by Chairperson Linda Evans-Boren at 7:02 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, Linda Evans-Boren, Andrew Tullai and Brenda Cushey. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, Peter Grieb–Code Enforcement Officer, and Carl DeiCas-Township Engineer.

Public Comment

There was no public comment.

Ms. Cushey offered apologies for a comment made at the last meeting regarding the Elrama Fire Department not responding to a call and said that she had been misinformed.

Motion to approve Minutes for January 28, 2013, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Andrew Tullai, Second by Brenda Cushey

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

Motion to approve Minutes for January 28, 2013, Codification Workshop, as presented by the Secretary, subject to being true and correct.

Motion by Brenda Cushey, Second by Andrew Tullai

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

Motion to approve Minutes for February 11, 2013, Regular Board Meeting as presented by the Secretary, subject to being true and correct.

Motion by Larry Spahr, Second by Andrew Tullai

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

The Board requested that the Township Engineer provide a schedule for when he thought he could inspect the culverts and bridges in the Township. The Township Engineer will contact the Secretary with some dates.

Motion to approve Minutes for February 23, 2013, Continued Board Meeting and Codification Review as presented by the Secretary, subject to being true and correct.

Motion by Andrew Tullai, Second by Larry Spahr

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

Motion to approve payroll #3 for February 1, 2013, for \$11,357.25 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, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve payroll #4 for February 15, 2013, for \$13,797.39 as presented by the Treasurer, subject to being true and correct.

Motion by Brenda Cushey , Second by Larry Spahr

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

Departmental Reports

Officer Larry Storch gave the police report and introduced himself to the Board. He has been assigned to Union Township for the past two months and has over 20 years of experience as a police officer. He said that he will be one of our regular officers, along with Officer Mitaly who will spend five days of the week here in Union Township. Officer Storch said that, this month, he and Officer Mitaly have been working on traffic and speeding in the Township.

Harold Ivery, Jr., and Peter Grieb provided the report for Zoning and Code Enforcement. Mr. Grieb said that there will be a hearing in mid-May regarding the shed on Route 88. The owner said that he will move the shed with a trailer in coming weeks. If this work is done, then the hearing will be rescinded.

Surveyors are in the area surveying for a Sunoco gas collection line. The BCO/Zoning Officer has contacted Sunoco requesting a map and requested that notifications be sent out to residents.

Mr. DeiCas delivered the Engineer's Report. He said that he spoke to a professor at California University in regard to the intern. He said that the full project may not be able to get done in one year, but that each year, the University intern would be able to tackle our first priority. The project would then continue in subsequent years.

He also said that the slide on McChain Road is starting to extend out into the road. He will meet with the Road Superintendent to look at it and make sure that it is safe.

Mr. Makel delivered the Solicitor's Report. The M3 Easement Agreement will be changed to add provisions for proper disposal of toxic substances like Bentonite. The solicitor also requested that Zoning ask M3 Appalachia to provide eight more copies of the map to the Township. The solicitor also said that a Petition is being prepared in regard to the McChain Road Slide. All other areas he needs to address are on the Agenda.

The Recreation Board could not be present.

Motion to approve general fund bills in the sum of \$22,053.23, as presented by the Treasurer
Motion by Andrew Tullai , Second by Brenda Cushey
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

The BCO went to the Union Gardens site this past Thursday and materials are being moved on the property. The Earth Disturbance report recently sent to the Township from the DEP also said that rebar was being dumped on the site which is not permitted. The solicitor requested a report from Zoning and Code Enforcement and said that he will pursue the next steps.

In regard to the WESA Act 537 Plan, the solicitor said that he attended, with Carl DeiCas and Andrew Tullai, the meeting called by the DEP at their offices on February 10, 2013 in regard to the WESA Act 537 Plan and the Jefferson Hills Alternative. A written record of those providing input at that meeting was provided to the Board of Supervisors. The DEP requested that the parties get back to the DEP in ten days and recommended that the parties select an out-of-state, neutral, third party engineering firm to review the two sets of plans as, in their opinion, some numbers on each side seemed to be over or under inflated. The solicitor said that this was a battle between the engineers and that Union Township's involvement is minimal because we just need our sewage taken to the facility where it could be most economically treated. Mr. Makel sent a letter saying that Union Township would not agree to split the costs for review of the plans by a third-party engineering firm. Mr. Makel said that, if no agreement is forthcoming within 60-90 days, the parties may end up in Harrisburg should the DEP choose to file a Complaint.

Mr. Tullai also added that the Allegheny County Health Department found that Jefferson Hills Borough was not doing enough to mediate the infiltration of storm water into their system which is causing the pump station owned by WESA to over flow.

Motion to accept the EIT Audit performed by Cypher and Cypher for the years ending 2011 and 2010.

Motion by Steve Parish, Second by Brenda Cushey

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

Motion to contact a landscape designer/architect for specifications so that landscaping can be put out to bid for the municipal building.

Motion by Brenda Cushey , Second by Larry Spahr

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

Motion to authorize a Fireworks Display for Finleyville Volunteer Fire Department on the Ringgold School District premises for July 26, 2013 subject to receipt of a certification of insurance.

Motion by Steve Parish, Second by Larry Spahr

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

The Board had the solicitor research the legality of charging tax certification fees following the complaint of a resident to one of the Board members. According to the solicitor's research, an Ordinance should be authorized by the Township for collection of a tax certification fee. A fee for service must be commensurate for the service performed, or else it is considered a tax. For instance, there was a suit filed against a Township for charging one dollar per page for a photocopy which was considered an over charge and illegal in that the Township would be making a profit. In this instance, it was determined that .25 per page was more in line with actual costs. In terms of the tax certification fees, the solicitor suggested that the Board inquire of other Townships what they are charging and who receives the fees. The Chairperson requested that the solicitor write the tax collector a letter and request records of the fees which have been charged. The Treasurer said that records of the fees were requested at a time in the past and none were received but that the Tax Collector had explained that the fees were paid directly to her. The solicitor said that if these fees are being kept as income, then they must be reported to the IRS. Mr. Parish had questions as to what would occur if this has been considered standard practice in the past. The solicitor explained that once a potential oversight is identified it is always best to acknowledge the error and make the necessary corrections to practice going forward.

Motion to authorize the solicitor to write a letter to the tax collector to request the fee records.

Motion by Brenda Cushey , Second by Larry Spahr

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

Per Mr. Tullai, some of the fees charged for Zoning have changed and need to be updated on the web-site. Mr. Ivery said that Municipal Consulting Services is getting all that information together so that the web-site can be revised accordingly.

The Board discussed a fee schedule and decided that the fees need to be reviewed and brought up to date if needed. Mr. Makel requested that the Treasurer and Secretary locate a copy of a Resolution regarding Township fees that he provided at some point in the past and distribute this information to the Board and himself.

The Board discussed their decision not to trade-in the tractor with the purchase of a new tractor as was planned but to put the equipment out to bid based on the interest expressed by a meeting attendee to purchase this equipment. So that everyone has a fair opportunity to purchase the tractor, it was decided that the equipment will be put out to bid with a reserve price slightly exceeding what would have been the trade-in value plus the cost of advertising.

Motion to amend the Motion of January 28, 2013, to purchase a 4WD Massey Ferguson Model 5455 Tractor with a Tiger Boom mower for a sum of \$96,986.76 with no trade-in allowance with financing from First Niagara at an interest rate of 2.845% for a term of four years with an annual arrears payment schedule.

Motion by Larry Spahr , Second by Brenda Cushey

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

Mr. Parish had concerns regarding the loan documents which had already been signed and dated and the current conflict with the date of today's amended Motion. The Board had agreed by majority on a telephone poll conducted earlier in the week as to whether or not to trade-in the working tractor based on the resident's expressed interest in purchasing the equipment. Based on the majority vote of the Supervisors polled, which agreed to put the tractor out to bid instead, the Treasurer already had the loan price decreased by the trade-in value prior to signature by the Chairperson; however, the loan documents would have been dated prior to the revised Motion. The solicitor said that, even with the correct loan amount, the entire loan document should be re-done with new dates, reflecting today as the date of purchase, even if that means that delivery is post-poned. The Treasurer will request the loaning agency to provide new loan documents.

Motion to advertise for bids for two tractors, a 1966 International with an old road broom, and a 1998 Case CX80 with flail and boom mower which originally was to be traded-in for the new tractor with a reserve of \$8,500 with a 10% bid bond with bids being due by March 25, 2013, by 4:00 p.m, with the right to reject any and all bids.

Motion by Brenda Cushey , Second by Andrew Tullai

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

Motion to refund to Mr. Earl Hottel his Real Estate Transfer Tax in the sum of \$234.14.

Motion by Larry Spahr , Second by Brenda Cushey

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

Public Comment

Mr. Paul Calderone, 15 Teke Lane, complained that recently Tuscany Estates was plowed while Patterson Road remained untouched. Also he said that dumping continues to be a problem at the cul-de-sac at the end of Houston Run Road. He said that at one time thirty or so tires were removed from the area and that there are still some existing tires with other miscellaneous garbage and dirt which has been dumped. He said that he always sees someone going down there and that there is drug paraphernalia which can be found that has been left in the area. Linda Evans-Boren said that she will address the plowing issue with the Road Crew and that the Houston Run Road issue will be discussed with our police officers.

Mr. Mark Rabe, 2856 Patterson Road, wanted to know what we could do to bring back 24 hour a day police coverage. He chased two people off his property twice and a neighbor of his had things stolen. He asked whether there was anything that could be done by residents to off-set

the cost. Ms. Evans-Boren informed Mr. Rabe that the funds would not be sustainable. Ms. Evans-Boren pointed out that \$230,000 was budgeted for the police this year which is an increase over the \$150,000 which was budgeted last year. She also said that a two mil tax increase would only give the Township an additional \$60,000 a year and that 2 mil is the limit taxes can be raised as determined by the State and this would not be sufficient. In the past, 60% of the Union Township budget was spent on police services and that high of a percentage would lead ultimately to bankruptcy. Mr. Rabe asked whether the fines could help offset the cost and was informed by the Board that SWRPD keeps the fines under their existing contract.

Ms. Daer, 6187 Route 88, suggested growing a Township police force gradually and inquired as to the start-up cost of 24/7 police coverage. Start-up costs per Larry Spahr would be nearly \$600,000 per year in his estimation. Ms. Daer said that she believes additional commercial development on Route 88 would benefit the community in this regard and acknowledged that she does have property for sale along a stretch of Route 88. Mr. Spahr stated that the Township has been growing and that light commercial is what the Township is most interested in seeing develop in that area.

Motion to go to Executive Session at 8:26 p.m. for purposes of discussing personnel and potential litigation.

Motion by Brenda Cushey Second by Andrew Tullai

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

Mr. Parish did not attend Executive Session.

The Board returned from Executive Session at 8:40 p.m. The solicitor stated that they discussed the Finleyville Airport.

Motion to authorize the solicitor to contact Senator Schuster and Representative Murphy to renovate the Rankintown Bridge to accommodate two-lane traffic.

Motion by Linda Evans-Boren, Second, Brenda Cushey

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

Motion to adjourn at 8:47 p.m.

Motion by Andrew Tullai, Second by Larry Spahr

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



Debra A. Nigon, Secretary