

Union Township Board of Supervisors
Regular Board Meeting
March 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, Mr. Carl DeiCas–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, and Peter Grieb–Code Enforcement Officer. Harold Ivery–Building Code Official did not attend,

Public Comment

Hal Breinig, 44 Finley Avenue, asked the Board to reconsider adopting the Air Pollution Ordinance. He said that if desired they could make changes to make it less stringent and could possibly discuss it with Zoning or the Planning Commission.

Frank LaTorre, 7 Boyka Drive, said that there is an open hole at the end of Boyka drive which has been there since December at a school bus stop. He said that his concern was that a child could be injured as there is a very deep hole and backhoe buckets which may draw the interest of a child. Mr. Banahasky confirmed the presence of the hole and said it was the water company which had been working there. There are exposed pipes at the bottom of the hole. Mr. Parish said he would call the water company.

Gary Baumgardner, 47 Cardox Road, said that EQT had six monitoring devices installed for the ambient study and that he doesn't agree with where the units for the ambient study were placed because it includes two units which were placed right alongside the road, with one being at the corner of Cardox Road and Route 88. He said that, if the baseline measurement takes an average of all six units, that the noise level from the traffic will skew the baseline measurement in EQT's favor and that he hopes the Board addresses the issue. He said that he does not hear road noise at his property. He also spoke about the fresh water impoundment that is to be installed where flags are located at the top of the hill at Trax Farm. He does not want to see this become a frac pond in future. He also said that if there were ever a fire on the well pad site, all the Cardox residents are at risk. Mr. DeiCas, said that the freshwater impoundment will hold 12 million gallons of water to be tapped from a PA American line and that the purpose of the water impoundment was to frac the 11 wells, which will limit truck traffic and reduce permitting from Penn Dot. Peter Grieb said that EQT is submitting their site plans and will be amending the conditional use. He said that a public hearing would need to be held but that Zoning/Code Enforcement does not have the paperwork yet.

Mr. Spahr asked Mr. Furman if Mr. Makel had reviewed, in terms of the Municipalities Planning Code, the sections of Act 13 which were adversely affected and overturned. Mr. Spahr said that he would like to know the status of what all has been ruled unconstitutional at this point as various reports are appearing in the media and he has no clear cut concept based on the

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Supreme Court's opinion on how it specifically affects Union Township. Mr. Furman agreed to get the Opinion and do a comparison.

Motion to have the solicitor send EQT a letter reminding them of their obligation to amend the conditional use if there are any changes to the original conditional use which was granted for this site and request that a presentation be given to the Board prior to setting the hearing.

Motion by Brenda Cushey, Second by Larry Spahr

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

Kevin Daer, 6187 Route 88 (never signed book), had comments regarding the Air Pollution Ordinance. He said that it was restrictive to any future building or development in the Township and thanked the Board for not adopting the Ordinance. He said that EQT would have objected to the restrictions of the Ordinance and it would have led to litigation costs.

Departmental Reports

Police Report. Officer Loughner delivered the police report. He said that 50 shifts of coverage were provided in the month of February. He read the statistics and also said that the Chief has received a copy of the Destruction Order for the contents of the old Union Township police evidence room and that he would contact District Attorney Vittone. He said that, once Southwest Regional Police receives the go ahead from the District Attorney, they would move forward on taking care of the evidence room.

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. He mentioned that a separate slide on Coal Bluff Road had opened up last week between two of the existing slides and that there will also be additional creek erosion which he already discussed with Mr. DeiCas. Mr. Frye provided a copy to the Board of the 1400 tons of salt which were ordered and delivered this winter season and said that we are still owed 150 tons from previous orders they have already placed. He said that, per the contract with COSTARS for 1500 tons, the Township was required to take 900 tons and had an option of ordering up to 2100 tons. Mr. Banahasky said their was a rumor that he had heard that Mr. Frye was not doing his job of ordering salt and Mr. Banahasky said that he is the one that orders the salt and that they were never out of salt or critically low; however, all municipalities were having trouble with salt deliveries.

Motion to approve general fund bills in the sum of \$43,328.02, as of March 10, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Brenda Cushey

Roll call vote: Parish-yes, abstaining from Tomko and Huffys Family, Spahr-yes, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Mr. Tullai made note that \$19,584.41 was paid to American Rock Salt in February.

Mr. DeiCas said that EQT did complete the sound study. Mr. DeiCas said that the Township did object to the placement of the monitors and they refused to change the placement. However, he said that he did write to John Centifone saying that the Township did not want the

results averaged together and wanted six separate results from each monitor. Mr. Centifone sent a confirming email that the results would not be averaged together. Mr. Spahr asked if it was the Township Engineer's opinion that the company was purposely putting the monitors down on Route 88 to capture the road noise. Mr. DeiCas said that the Township sent a map to EQT identifying where they thought the monitors should be placed for the ambient study and this recommendation was not heeded. He said that, if EQT were to abide by our Ordinance, a problem could arise from the two of the six monitors being placed by the highway in that, if they were averaged with the others, would allow a higher level reading. Mr. DeiCas said that he would like to see in the future for the Ordinance to contain some kind of low frequency sound wave threshold which could be captured and regulated in the noise ordinance. He said that by regulating the low frequency noise it would take care of the other frequencies. He advised the Board to add a low frequency sound wave threshold to any Oil and Gas Ordinance amendment.

Peter Grieb said that the Sunoco Heavy Hauling Agreement was sent by Mr. Makel today and that he is reviewing it; but that the Agreement has already been approved with modifications by the solicitor.

Mr. Furman said that he would provide to the Board the minor modifications which Mr. Makel suggested be made to the Comcast Franchise Agreement.

The Board said that they would discuss the Tomko / Patterson Road in Executive Session.

Mr. Furman said they have litigation with Mr. Corace and will discuss agreement with him which is needed for the McChain Road Slide issue.

The Board reviewed the Holding Tank Agreement for 6637 Library Road.

Motion to approve a Holding Tank Agreement with Dorothy and William McClain at 6637 Library Road, with fees being paid of \$2,000 for the escrow fee.

Motion by Steve Parish, Second by Larry Spahr

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

The punch list for the Salt Shed was discussed. Mr. DeiCas said that Swede Construction did the work and did not notify the Township engineer; however, he will be meeting with him to go over the modifications on Thursday at 9:30 a.m. and afterwards he will meet with Ed Frye and Mr. Parish to review the videos of Airport Road.

Regarding Coal Bluff Road, the Twp engineer said that the solicitor will need to write a letter to the contractor that a latent defect was identified in the way the pipe was joined and backfilled.

Regarding the Parking Lot Replacement Project, the contract was sent to the contractor to be signed.

There was no update on the Tuscany Estates Developer's Agreement which was to be reviewed by Mr. Makel.

In regard to the Flood Plain Ordinance, Mr. DeiCas said that he did not feel qualified to evaluate the DCED Model Flood Plain Ordinance, but would ask an associate at Chester Engineers to look at it. Mr. Tullai said that he would like to find out how restrictive it is. Mr. Spahr said that there were some questions about the Ordinance in the past.

Mr. Tullai asked the Board to review the Southern Beltway letter that was prepared by the Secretary and to provide any revisions for the next meeting.

Ms. Taylor said that the solicitor brought the deed and exhibits for the Nike Site which would need to be accepted and signed by the Township. Mr. Chasko wanted to make sure that mineral rights would come with the property. Mr. Furman looked at the documents to confirm that they were included. Mr. Parish made note that there was asbestos and lead paint on the site so the public should not be at the site. The Board requested copies of the documents for their review.

Mr. Spahr read the LSA Grant Awardees for 2014.

In regard to the garage floor, Mr. DeiCas said that if the floor is treated you will have to have the trucks out of the garage and everything off the floor for a few days; hence, it was thought best to wait until spring. However, he will start revisiting the issue.

Mr. Tullai said that he obtained a quote to replace the exhaust fans and repair the men's room heater. The price was \$1900 for the repairs, and asked the Board if they wanted to accept the quote. Mr. Trax said that he would like to obtain a couple more quotes. He will have those for the next meeting.

Mr. Parish said that he met with the Road Superintendent, Ed Frye, and the Road Foreman, Albert Banahasky, about the truck purchase and then went to see Woltz and Wind Ford for a quote. He said that he obtained quotes on two Ford F-550 trucks, as opposed to F-450s. Mr. Parish said that he also went to Push and Pull for a quote on the bed, hydraulics, plow, salt spreaders, and a back-up camera that gets mounted on a post in the back which may be required in 2015. He said that the back-up cameras may also need to be installed on the two other trucks at some point. After discussing the quote, the road crew expressed interest in a coal chute for unloading small quantities of stone, so he obtained a quote for the coal chute which would be an extra \$350 each. He said he had had the underbody tool box eliminated from the quote but later found out that the insurance carrier recommended an underbody tool box so that item is no longer to be eliminated. The new spreaders have LED lights on the back and is included on all new units. The approximate price per truck would be \$64,210. Ms. Cushey said that she would like to keep one of the older trucks and get rid of Sterling. The Township trucks are kept for about 4 or 5 years. Mr. Parish said that Ford truck is the only one available through COSTARS program. Mr. Tullai said that he called the International dealer on Route 70 and the prices are higher than the Fords though it is also a heavier truck. Mr. Parish said that he has heard some bad things about the Internationals from a contact at Penn Dot. He said the tires are the same for the F-450 as the F-550 and Mr. Frye said that the summer tires will need to go back on before they are sold.

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Mr. Tullai asked about financing. The Treasurer will contact First Niagra. Mr. Parish said that he would check with Ford about financing.

Mr. DeiCas, Mr. Parish, and Mr. Frye will meet on Thursday at 12:30 p.m. to view the video of Airport Road that is a concern following the Geokinetics Seismic Survey relative to releasing the Road Bond.

Motion to go to Executive Session at 7:30 p.m. to discuss issues of personnel.

Motion by Larry Spahr, Second by Steve Parish

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

Public Comment

Mr. Paul Chasko, 3875 Finleyville-Elrama Road, asked that it be specified in the Conditional Use that EQT not be permitted to back flow any frac water into the fresh water impoundment.

The Board returned from Executive Session at 8:56 p.m.

The Chairperson said that they discussed matters involving personnel and litigation.

Motion to approve the employment agreement dated January 1, 2014 between Union Township and Edward M. Frye.

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 accept the resignation of Mr. Edward Frye dated March 1, 2014, with regrets, effective March 21, 2014.

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 accept a settlement agreement between Union Township, et.al. and Tomko, Inc., at docket No. 2013-5527 dated March 10, 2014.

Motion by Brenda Cushey, Second by Larry Spahr

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

Motion to have solicitor send a letter to Glenn Shoemaker as discussed in Executive Session.

Motion by Steve Parish, Second by Brenda Cushey

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

Public Comment

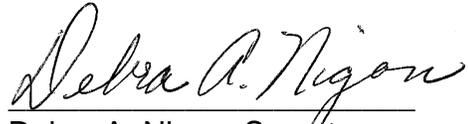
There was no additional public comment.

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Motion to adjourn at 9:02 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