

Board Approved: April 28, 2014 Meeting with revisions as noted.

Union Township Board of Supervisors
Regular Board Meeting
March 24, 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, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, Peter Grieb–Code Enforcement Officer, Dennis Makel–Solicitor, Mr. Carl DeiCas–Township Engineer did not attend.

Boy Scouts Troop 1452 was welcomed who attended the meeting for a required merit badge towards becoming Eagle Scouts. Boy Scouts in attendance were Zachary Powell, 251 Pleasantview Road, Chris Metrovich, 5009 Norman Avenue, Owen Szuminsky, 1609 Willow Street, Antonio Lucci 3526 Highland Drive, Stephen Glanenin, 116 Valley Drive, Nick Buechel, 115 Hidden Valley Drive, Matthew Simmons, 2166 Rankintown Road, Jonathan Simmons, 2166 Rankintown Road, and Jeremy Amman, 6648 Library Road.

Public Comment

Jim Kirk, representing Finleyville Airport said that no trees which are in violation have been removed from other property owners bordering Finleyville Airport. He said that we told the residents that the Township would be cutting them down. The solicitor said that we have had a hard winter and that the engineer has sent a related email recently and will be able to provide information on where we are at in this process shortly.

Bernadette Speer, elected Tax Collector, said that when she went to file her bond with the County using the Reorganization Meeting Minutes that she was told that the language for setting the bond was incomplete as it appeared in the Motion which sets the bond amount. The Treasurer said that the information which appeared to be missing was the percentage of the tax duplicate. The Treasurer provided that information to the County separately so the bond could be filed. The solicitor suggested that, for next year, those words be put on the Agenda so that the Board is reminded that specific wording and the percentage of the tax duplicate needs to be included in the Motion.

Mr. Spahr made note later in the meeting that he just so happened to speak to the Clerk of Courts recently and discovered that the validity and appropriateness of the bonds are being scrutinized much more closely. He said that the ~~present judge~~ President Judge has been cracking down due to a recent situation where many municipalities missed their bond deadlines. He said that they used to allow the tax collector to simply show a letter from the Township. Ms. Speer said that the inclusion of the percentage of the tax duplicate in the Minutes is in the Tax Collector's Manual as a requirement.

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Motion to approve the Minutes of the February 28, 2014 Regular Board Meeting, as presented by the Secretary, subject to being true and correct.

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 the Minutes of the March 10, 2014, Regular Board Meeting 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-yes. Motion carried.

Motion to approve the Minutes of the March 19, 2014, Jaki Re-Zoning Hearing as presented by the Secretary, subject to being true and correct, with the revision requested of adding Exhibit H to the beginning list of exhibits for the purpose of keeping the full list together.

Motion by Larry Spahr, Second by Brenda Cushey

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

Mr. Spahr noted that the Jaki Re-Zoning Hearing was continued until May 12, 2014 at 6:00 p.m. The solicitor said that a letter should be sent to Mr. Jaki confirming what was agreed to at the hearing.

Motion to authorize the Zoning Officer to send a letter to Mr. Jaki setting forth the continued date and time for the hearing, providing instructions to obtain a survey of the property which is to be rezoned, and reminding Mr. Jaki that he waived the time requirements for the Township to make its decision.

Motion by Steve Parish, Second by Larry Spahr

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

The solicitor said that since this is a zoning hearing which has been continued, he believes that it should be re-advertised, with one ad being sufficient with a first class mail notice being sent to impacted residents as an additional measure to prevent any notification issues from arising.

Motion to advertise the continued hearing one-time only, post the property, and send first-class correspondence to all impacted residents for the Jaki Re-Zoning Request continued until May 12, 2014 at 6:00 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.

Motion to approve Payroll #05 dated February 28, 2014, in the sum of \$10,631.04 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, Tullai-yes, Cushey-yes, Trax-yes. Motion carried.

Motion to approve Payroll #06 dated March 14, 2014, in the sum of \$8,757.61 as presented by the Treasurer, subject to being true and correct.

Motion by Sp, Second by Larry Spahr

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

Departmental Reports

Harold Ivery brought up some concerns about the Heavy Hauling procedures and expressed concerns that the escrow amount was different than what was noted in the Fee Schedule which needs modified by Resolution and appears on the Township website. Additionally, the standard Heavy Hauling Agreement has been modified to include certain paragraphs in some cases and not in others to address the requirements for specific applicants and now it is unclear as to which version of the Agreement is the standard, making it difficult for the BCO and staff to determine which is the correct version of the agreement to provide. The Treasurer and BCO requested a boilerplate agreement which won't change from one applicant to the next suggesting that in the future Mr. Makel add an Addendum to the standard Heavy Hauling Agreement to address specific issues. The solicitor asked that the agreement currently being used be sent to him and he will look at the Agreement to see if he could come up with one standard agreement that can be reused.

Motion to adopt a Resolution amending the Union Township Fee Schedule to reflect a Heavy Hauling Agreement escrow amount of \$3,000 and retain the application fee of \$350, noting that administrative fees may be charged to the account, and have the appropriate people to execute the same.

Motion by Brenda Cushey Second by Larry Spahr

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

Mr. Spahr asked if the Zoning Officer has heard from Earl Danielson, developer of Tuscan Estates. Mr. Grieb said that he saw him about a year and a half ago, and he heard from a resident at Tuscan Estates that he was seen driving around the development recently and a contractor said he saw him at a convenience store. However, Municipal Consulting Services has not been able to get in touch with him. They said that, in a few weeks, he is due at a continued hearing with the magistrate on a storm water issue. Mr. Makel asked the BCO to send a letter to the developer informing him that he needs to adopt his bond.

Motion to authorize the Code Enforcement Officer to write a letter to Earl Danielson / Quaker Engineering by certified and first-class mail informing him that he is in violation of his agreement and that he must send the appropriate bond in five business days and that the Township will not issue any building permits to him until is renewed.

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 general fund bills in the sum of \$42,802.00, as of March 24, 2014 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.

Mr. Makel said that he does have an Ordinance which will also address low frequency as well as high frequency sound waves. He said that he has discovered different locations in the country are passing Ordinances regulating both high and low frequency sound waves due to studies that the low frequencies are causing health problems. An example would be a

transformer that hums. Ms. Daer, 6187 Route 88, who spoke from the audience, said that there are GWEN Towers, which are low frequency towers, everywhere. And Mr. Daer said that he is concerned that an Ordinance like this will limit tools, lawn tractors, and other legitimate uses. Mr. Makel said that he would look into it further as he is still learning more about these Ordinances and will provide something at the next meeting. Mr. Spahr also had many questions about the low frequency sound waves and how they are measured along with other questions about their affects and what may be excluded. Mr. Makel said that the reports he has seen have said that hearing issues, possibly seizures, and other adverse health effects are associated with the low frequency waves. Mr. Tullai said that it may be necessary to consult an expert in the subject to address all the questions. Mr. Tullai also asked if Mr. Makel had additional information about the water impoundment. The solicitor indicated that he would provide some information next week.

Mark Depretis of Comcast submitted a Comcast Franchise Agreement which is a fifteen year agreement. Mr. Makel said that he explained to Mr. Depretis that the Township would probably not want to do a fifteen year agreement. Mr. Spahr said that we are paying more for the same service that they are in Monongahela and New Eagle. Mr. Spahr said that he knows someone in Monongahela and has seen evidence that they pay a lower rate for the same level of service. He said that the explanation he has heard is that Union Township is in a district that includes Mt. Lebanon and Upper St. Clair which is a district that pays a higher rate. He said before he signs an agreement he wants to talk to someone at Comcast who can describe the arrangement whereby there are different price structures for different service areas.

In regard to the Coal Bluff Slide, Gary Metzinger answered the letter sent to him by Mr. Makel with a phone call and he was directed to Mr. DeiCas. Mr. DeiCas said that the Township needs to get a copy of the video from Ed's phone of the broken pipe over to our computer system.

Pertaining to the McChain Road slide, Mr. Makel will schedule a meeting with Mr. Corace's attorney for next week.

Mr. Parish said that he did not view the salt storage shed repairs with the engineer. Mr. Parish said that they did check Coal Bluff Road and Airport Road for damage. Mr. Parish said that Ed Frye had pictures of the damage and a slide that started on Pumpkin Center Road. Mr. Tullai said that he will talk to Carl DeiCas about the damage.

In regard to the evidence room, Mr. Makel will talk to D.A. Vittone to see if he could get a letter to SWRPD giving them the go ahead to remove the guns.

In regard to the Southern Beltway Letter, there were no revisions of the text suggested. Mr. Parish asked to add Nottingham Twp and Finleyville Borough to the carbon copy list. The Board agreed that no accompanying Resolution was necessary right now.

The Nike deed transfer documents were discussed. Mr. Tullai mentioned that a well at the site identified as the Gastonville Site was found to contain trichloroethylene and that there were environmental restrictions regarding soil disturbance due to soil contamination. He also said that there could be no occupied structures and no residential use of that area. Mr. Tullai said

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that they should do a walkthrough of the site with the engineer before they sign the deed. A member of the audience said that there were PCB's present from transformers which burst and that the cost to clean it up was \$1 million dollars ten years ago. Possible dates for the walk through were discussed and appeared to be either April 26, 2014 or April 30, 2014.

Mr. Parish was asked to coordinate the Spring Road Inspection with the Road Foreman, Mr. Parish, Carl DeiCas, and possibly Mr. Trax.

Electrical quotes were postponed.

Mr. Makel said late this afternoon he sent an email to the Board saying Act 13 was found to be in violation of the Rights Amendment and Due Process Clause. Mr. Makel said that the current Oil and Gas Ordinance is still in effect and the question is whether we want to modify that Ordinance. He says currently, if a Township or Borough wants to limit drilling to certain areas, they can. He said that EQT cannot go beyond the Findings of Fact and Conclusions of Law which were arrived at with Chesapeake years ago. Ms. Carpenter said that EQT is abiding by Chesapeake's Findings of Fact and Conclusions of Law. Mr. Ivery said that he has heard the argument about approval being given for the pad and not the number of wells, but, as he sees it, the additional wells, now up to 11, is a change to the plan. Ms. Carpenter indicated that a new plan was provided at the Special Meeting which was held at the Township. Peter Grieb said that EQT is applying for a modification for the impoundment and he does not understand why they didn't need to apply for a modification for the number of wells as the impoundment is now necessary and the limit of disturbance is now changing as a direct result of the increase in the number of wells. Mr. Makel said that he will look at it again. Ms. Carpenter will call Mr. Makel tomorrow and they will schedule the conditional use hearing. Mr. Grieb said that they will need to file an application to modify a conditional use.

Mr. Spahr wanted to know about the proximity of the residential dwellings to the pad and whether that can be modified. Mr. Parish asked if we could amend the ordinance and make it a requirement to be 1000 feet from a residence. He said the Ordinance currently says 500 feet. Mr. Makel said that wells could be restricted to certain residential areas. He said that the technology is changing and improving and the drilling companies can go 6000 to 7000 feet horizontally now; whereas, they could go only a thousand or two thousand feet horizontally in the past.

The truck financing was discussed. Citizen's Bank does not do lease purchase. Financing through Ford was only on the cab and chassis and the customized portion would need to be financed as well. First Niagra could provide financing of both the trucks and the customization at 2.95 percent which was a better rate than Ford was offering.

Mr. Spahr said he was approached about looking into International. He said that Fallowfield Township just purchased a Terra Star and he talked to Fallowfield's Road Superintendent who said that they used the new truck in this past inclement season and was very pleased with its performance and may be purchasing another one. They invited any Supervisor who wished to take a road test to come to their site. Mr. Spahr said that the salesman at International offered to come down to the Township and look at the current trucks to see what they could give us in trade. Mr. Spahr said that the salesman would be happy to show us a medium range dump

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truck made specifically for municipalities and that the salesman categorized the chassis on the Ford as pick-up grade. Mr. Spahr said that what was communicated to him was that the International truck is diesel, heavy duty, and gets excellent service, although it is more expensive. Mr. Spahr wanted to know if Board wanted to pursue obtaining more information on the International and said that the Fallowfield staff was hoping to get 10 years out of their International truck. Mr. Tullai asked the Board whether it wanted to schedule a workshop to talk about the trucks and review the maintenance for each truck and other factors. He said that the salesman at Hill International would have to be called so that he can come look at the two trucks to be replaced. The date and time for the Workshop was set for Monday, April 14, at 6:00 p.m. Mr. Spahr added that the Fallowship Supervisor said he would be happy to work with Union Township on the amenities to select. It was discussed to continue this meeting until April 14th at 6:00 p.m. to discuss the trucks.

The Treasurer asked the Board if they wished her to apply for The PennDot LED Signal Grant as the application needed to be in soon.

Motion to apply for an LED Conversion project from PennDot for grant money, if financially beneficial to the Township, for replacement of warning devices and beacons with LED technology.

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 said that he received a call from PAWC informing him that for year 2015, PAWC is proposing new replacement water lines in Roberts Plan which would involve multiple roads. He said that PAWC wanted to know if we would consider splitting the cost of paving these roads as opposed to the trench paving that is typically done. The representative from PAWC will provide Mr. Parish with a list of roads. Don and Spring Street were paved more recently than the rest of the streets which may have been last paved as much as ten years ago. Mr. Tullai thought a 40/60 split may be more preferable. Mr. Parish said that he would ask for a list of roads and the costs.

The Penn Dot Annual Outreach Meeting was discussed, with GIS Mapping Review and Networking beginning at 12:30 p.m. on April 10, 2014. The Secretary will register Mr. Parish and Mr. Tullai.

In regard to the County's request for donations towards the household chemical collection event on July 12, 2014 at Adamson Stadium at California University, the Secretary was asked to send a letter saying that we have a plan in place to recycle these chemicals.

Public Comment

Mr. Nebash, 6931 Spruce Street, asked about the Road Cut and Road Bore requirements and whether PAWC was required by our Ordinance to pave 100 feet in either direction. He was informed that the requirements are different for public utilities.

Ms. Daer, 6187 Route 88, said that some time ago when she inquired about growth, she was provided with Tuscany Estates as an example of the residential growth Union Township was

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experiencing. She said that with the recent information she is hearing about Tuscan Estates, there does not appear to be any more growth in the Township. Mr. Parish said that there were 600 units planned which is apparently on hold, and that there has to be a reason why, and we will find out what the prognosis may be.

Ms. Bernadette Speer, 5106 Chevy Chase Street, said that she has been hearing complaints about the promised club house and pool at Tuscan Estates. Mr. Grieb said that those issues are between the property owner and the developer. Mr. Grieb said that, from what he understands, Mr. Danielson was not at the percentage of homes completed that was required by his agreement with the owners to make construction of the pool required.

Motion to go to Executive Session for reasons of personnel at 9:54 p.m.

Motion by Larry Spahr, Second by Brenda Cushey

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

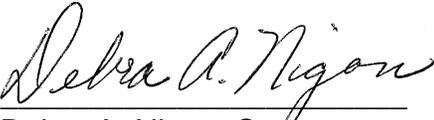
The solicitor said that they discussed matters involving personnel.

The Board returned from Executive Session at 9:21 p.m.

Motion to continue the meeting until April 14th at 6:00 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.


Debra A. Nigon, Secretary