

Union Township Board of Supervisors  
Regular Board Meeting  
April 14, 2014

The Board of Supervisors Meeting was called to order by Chairperson Andrew Tullai at 7:03 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, Dennis Makel–Solicitor, Mr. Carl DeiCas–Township Engineer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. Judy Taylor attended the PSATS State Convention for Public Officials.

Public Comment

Ms. Bernadette Speer, elected tax collector, said that there was an issue with permits getting up to the Washington County Permitting Office in a timely manner which causes problems with tax assessments being done correctly and that this was a problem in 2012 as well. She mentioned an incident where a demolition permit filed in October 2013 was not received by the County. Mr. Ivery said that Municipal Consulting Services used to fax these reports and then began scanning and emailing them and that the email must not be being checked regularly as all of the reports are still in his email. In addition, although the reports are due at the end of each month, there is not always activity to report. They will begin faxing them again.

Ms. Cushey said that she received phone calls about what was being spent in the Township for certain items and it seems the callers had been misled regarding the cost of these items. She provided figures for the following: landscaping \$7,985, painting and ceiling tile replacement and installation \$8,890, replacement furniture \$7,870, board room and office chairs \$3550, the garage addition project \$333,846, and the salt shed construction \$81,643. Ms. Powell, member of the Zoning Hearing Board, who was in attendance at the meeting asked whether anyone who complained actually saw the state of the building before any of these monies were spent because she herself had complained multiple times about the state of the torn up wall paper in the ladies room.

Mr. Spahr asked what the obligations were in regard to using Jefferson Hills Ambulance. Mr. Makel said that, dependent on whether the situation is an emergency, a resident is not obligated to use Jefferson Hills Ambulance. However, Jefferson Hills Ambulance is and has been designated as the primary responder by the Township. Doug Detig from Jefferson Hills Ambulance who was in attendance at the meeting said that, if a call comes in through 911, Jefferson Hills Ambulance, as primary provider, would be dispatched. However, if a resident asked for a particular provider, the other ambulance service is also dispatched. The resident can choose who they wish to use. He went on to state that Jefferson Hills Ambulance has no owner but is run by a volunteer board and provides 24/7 paid coverage for the four municipalities served. He said that Jefferson Hills Ambulance is a non-profit and is supported by the community and from the municipalities they service. As primary provider, he said that he spoke with residents who are very happy we are bringing the ambulance to a more central

location and that response times will be cut in half at the further end of the Township. Ms. Cushey noted that bringing the ambulance more central is not money wasted as she spoke recently to the owner at Mitty's who told Ms. Cushey that twice they needed the ambulance and he was happy to hear about the ambulance service being positioned closer to them. Mr. Banahasky said that often the ambulance sits in the Township parking lot or at the Middle School to try to stay centrally located, and that residents have mentioned noticing them parked in those locations. One of the observations Mr. Spahr said that he heard is that now those individuals won't have to sit in parking lots in an attempt to stay more centrally located.

### Departmental Reports

*Police Report.* Officer Sargeant Joe Potcasko gave the police report. He said that there were 57 full shifts of police coverage in March and that there were 512 incidents in the Township. Sargeant Potcasko read the monthly breakdown of these incidents to the Board. He also said that the District Attorney gave Southwest Regional Police the go ahead on the removal of guns from the building and that currently the metal shredder at the recycler is not functioning but is due to be repaired. They expect to be able to have two officers remove the guns next week. The officer was questioned by Mr. Spahr on his knowledge of scrap metal thefts which have occurred in the Township. Sargeant Potcasko said that there were reports taken by the officers which were forwarded to the detective and that the case was being investigated.

*Road Report:* Albert Banahasky was questioned about the current status of salt and the proximity the Township was to obtaining the 140% maximum of the contracted amount. Mr. Frye, the prior Road Superintendent who recently left his post, was in attendance at the meeting. He said that it was determined that after all of what was ordered came in on delivery, it would be 1550 tons total that have already been ordered under the 2013/2014 contract. Mr. Tullai said that COSTARS recently sent notice that municipalities had until July 31<sup>st</sup> to order up to the 140% maximum allowed under the contract. Mr. Frye said that 140% would put the Township at about 2100 tons and we are obligated for at least 900 tons of salt under the new 2014/2015 contract. With this in mind, the Township will need to determine if they believe it is prudent or not to order additional salt from the 2013/2014 contract prior to the deadline.

*Peters Creek Sanitary Authority:* Mr. Tullai said that he requested a report from the Township's appointees to the Peters Creek Sanitary Authority Board on a monthly basis. He said that those individuals representing Union Township will alternate providing the report which will occur at the first monthly meeting of the Board. Mr. Chuck Wilson provided his report. He said that rate increases were necessitated by several issues and that, foremost, is the issue of Clairton Municipal Authority which is upgrading its sanitary plant. Mr. Wilson said that CMA had to issue a bond to be able to do the upgrades and that PCSA is having to pay its share of the \$800,000 bond. He said that PCSA absorbed the additional cost for 2013 and several months of 2014 totaling 1.2M dollars which was funded out of the PCSA contingency fund and that this cost will not be passed on to consumers. He also said that PCSA is currently rehabilitating manholes reaching to Rankintown bridge to cut down on infiltration of storm water into the sanitary system to reduce treatment cost. There is also another project planned near the end of Bower Hill Road, to increase the capacity of the line and a minimum

slope area project on Stone Church Road, which was awarded funding through Local Share Grant Program, which involves increasing slope and capacity to eliminate surges coming up through the line. The PCSA is not yet sure how much they will receive from the Local Share funds which were awarded. Some projects in Nottingham and Union Township are also planned but no engineering has yet been done. In Jefferson Township there is a feeder line which could cost about \$1M to bring up to DEP requirements. He also said that CMA is no longer allowed to take fracing water and that this loss is being passed along to PCSA and consumers in increased treatment costs. He also said that CMA is currently discharging into Peters Creek but is supposed to discharge into the Monongahela River but that this would entail CMA crossing property owned by USX who is not willing to allow it. However, the DEP will no longer allow CMA to discharge into Peters Creek. This will need to be worked out in some way. Mr. Wilson said that, if sewage cost gets too expensive for consumers, there has to be something done to make the treatment of sewage more cost effective and that the DEP is requiring changes which involve new treatment additives and methodologies to increase cost effectiveness. He said that CMA will have to submit another Act 537 Plan which Union Township will eventually receive for review and approval. Jack Pert will attend the meeting next month for another update.

**Motion** to approve general fund bills in the sum of \$33,916.83, as of April 14, 2014, as presented by the Treasurer, 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.

Old Business:

In regards to the drilling at Trax Farms, Mr. Manchin of EQT said that the one-page map showing the decibel ratings received at the various testing points as a result of the ambient sound study was recently provided to the Township engineer. The Board confirmed that they had received a copy. Mr. Manchin said that he was hoping to get the backup data for the sound study soon, which he will provide as well. He said that, in regard to the water impoundment, EQT will request zoning approval once everything is in order. A Conditional Use hearing will need to be held at that point.

Mr. Makel discussed the Comcast franchise agreement. He said that he pursued some information in regard to questions at the last meeting pertaining to Union Township paying more for their services than others are who reside in different areas. Mr. Makel said he inquired of Mr. Depretis at Comcast and received an email regarding the rates being charged. According to the table provided, Union Township residents save \$4 on limited basic but pay \$4 more for expanded basic than in nearby areas so that it averages out to be the same. Mr. Tullai said he reviewed the agreement and had revisions in regard to the aerial drop connection and wanted the standard installation to be 150 feet if installed on the opposite side of the road. Also, he would like for the 15 year term of the agreement to be reduced to 5 years. Also he'd like to see added that the company has 30 days to remove trees which are laying on cable lines. In addition, he'd like to add free cable/internet service to the ambulance service as well as the municipal building. Mr. Makel said that he will also add a limitation to what and where the company can mount electronic antennae and will add language to prevent erection of mini cell towers for electronic devices on right-of-ways without obtaining Township approval

regardless of what private deals are made with companies owning the right-of-way. Mr. Makel requested any additional revisions be provided before April 30, at which time he plans to send a response. It was noted that there will be another Township meeting on April 28 at which time proposed revisions can be discussed.

In terms of the Patterson Road Erosion project, Mr. DeiCas said it will be necessary to obtain a release to get on Mr. Snee's property to perform the erosion control work, and that the Township needs a right-of-way. Although it was thought that the right-of-way was expanded during the time of the work on Route 43, Mr. DeiCas said that an inspection of the plans and the drawing does not show an expanded right-of-way meaning that Mr. Snee still owns the land where the work is to be performed. Mr. Snee was in attendance and there was some dispute over the arrangement in the past with the construction of Route 43 which involved exchange of property at the top of Houston Run for a permanent fence line for Mr. Snee along Patterson Road. Mr. DeiCas said it appears that Ms. Gales never did the permit for a permanent taking even though they may have done a temporary right-of-way. He will provide the drawing to Mr. Snee.

Mr. Makel reported that there has been no additional progress on the McChain Slide issue and that he would have to move forward with litigation. Mr. DeiCas said that the slide has not changed since it was initially cleaned up; however, wetness from the mine continues to drain down. Mr. Spahr asked what we are asking to be done about the slide. Mr. Makel said that we are asking for him to remove the debris and grade the property back. Mr. DeiCas said that if the slide moves, the clean up area will be on private property except for about a foot or so and that what the Township wants is a signed agreement saying that, if it slides again, he will take responsibility for cleaning it up. Mr. DeiCas said that the fill dumped on the hillside caused the slide and that can be proven. Mr. Makel will have something for the Board to review at the April 28<sup>th</sup> meeting.

In regard to the salt shed, Mr. DeiCas said that Swede Construction completed everything on the punch list to his satisfaction. Mr. Frye, who had accompanied Mr. DeiCas on inspection of the salt shed and the punch list repairs, also confirmed the work was completed. Mr. DeiCas wrote a letter to the supplier of the tarp about a tear in the canvas where the two flaps joined which does not involve the work from Swede Construction.

In regard to the Coal Bluff slide, Mr. DeiCas went to the site to investigate following receipt of the response letter from the contractor which stated other causes for the broken pipe. He did note that the stream is not undercutting the hillside and showed pictures of that area to the Board. What Mr. DeiCas said he did discover was an old 8" steel pipe which is located above the slide on Coal Bluff right above where the Township fixed the slide. He does not know where the pipe comes from; however, it was flowing with a considerable amount of water on the day of his inspection of the site and it is saturating the ground at a level which would cause problems. Mr. DeiCas said that, until the issue with the pipe is remedied, the Township cannot address the situation.

Mr. DeiCas said that the Pipeline Inlet Replacement Project will start after the Easter holiday. He said it would not interfere with the Garage Addition Project currently underway on the municipal building property.

Mr. Ivery and Mr. Grieb reported on the issue at Tuscany Estates. They said that the developer was supposed to be at hearing at the magistrate, but that the magistrate called and postponed the hearing. In response to the Board's question as to the purpose of the hearing, Mr. Ivery said that it involved property left barren which was supposed to have been developed as part of Phase IV but ended up developing into a mud pit for residents and earth disturbance reports were received. He will try to contact the developer by letter again.

In regard to the Nike Site transfer, the walk through is scheduled for April 30. Mr. Tullai noted that it was a requirement that the property be surveyed. He also said that the one parcel with the abandoned well, which is also the site of the salt storage shed, has to be maintained industrial due to environmental limitations; otherwise, it would require clean up which could be costly. He said the property may be a good site for a non-conventional well and could conceivably be a nice source of additional income for the Township. The other parcel could be used as a park should the Board decide to use it for that purpose.

Electrical Quotes. Mr. Tullai never received the requested revised quote from his contractor. Mr. Trax received a quote was somewhat higher at \$2,250 dollars but that the contractor said the garage facility is not up to code, and that there is a switch next to the shower, and that he would install GFI's and install properly spaced outlets and bring it up to code.

**Motion** to accept bid for electrical services to include one baseboard heater, two exhaust fans, additional receptacles as requested, and reconfiguration of the lighting in the garage to bring it to code for a cost of \$2,250 dollars as set forth in the proposal of A&J Services Inc. dated April 7, 2014.

*dan* | Motion by Steve Parish, Second by Larry Spahr

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

The letter received by the Soccer Association for Spring 2014 requesting usage of the park for the Spring Soccer Program for the requested dates and times was discussed.

A Motion was made by Larry Spahr, seconded by Brenda Cushey to approve the use of the fields by Union Finley Soccer Association from March 1, 2014 through the beginning of June 2014 on Monday through Friday from 5:00 p.m. to 9:00 p.m. and for games to be held on Saturday and Sunday from 9:00 a.m. to 5:00 p.m with proof of insurance being provided.

Prior to the roll call vote, Mr. Parish said that he would prefer games not start at 9:00 a.m. on Sundays and proposed that approval for use of the field not begin until 12:00 p.m. on Sundays. There was some discussion and the rest of the Board agreed to Mr. Parish's request to allow use of the park only by the public during those hours. In regard to whether this would affect those that rent the park on Sundays, the Secretary was told to inform Sunday renters they would need to allow public usage of the rest room facilities up until noon. The Motion was amended as follows.

**Motion** to approve the use of the fields by Union Finley Soccer Association from March 1, 2014 through the beginning of June 2014 on Monday through Friday from 5:00 p.m. to 9:00 p.m. and for games to be held on Saturday and Sunday from 9:00 a.m. to 5:00 p.m. and for

games on Sunday from 12:00 p.m. to 5:00 p.m. to facilitate the use of the park by other people, with proof of insurance being provided.

Motion by Larry Spahr, Second by Brenda Cushey

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

The Secretary confirmed that the Soccer Association's liability insurance was still currently in effect but will need to be renewed for the Fall season.

**Motion** to authorize park cleaning to Mr. Cushey at the rate of \$120 month

Motion by Larry Spahr, Second by Steve Parish

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

It was confirmed that the Soccer Association has paid the cleaning fees for the Spring season. Mr. Banahasky, Road Foreman, made note that when he was at the park earlier in the day, the bathrooms were filthy, toilets were not flushed, and garbage was on the grounds. He said that someone from the Soccer Association needs to do a walk through to make sure that the building is not left in this condition.

Mr. Parish discussed the costing information provided by Mr. Evanovich at PAWC relative to their request to split paving costs following their planned 2015 water line replacement project in Roberts Plan. Mr. Tullai's initial thoughts were that they would need to take out the base material and cold patch and that the Township could possibly split the remainder. Base material is \$45,000. The cold patch and binder for phase 1 is \$134,000. Mr. Parish said that it can be determined later; however, the most important thing is that, with knowledge of the pending project, the Township will not unnecessarily plan on performing any work on those roads.

The heavy hauling agreement was discussed and a cookie cutter agreement had been provided to Mr. Ivery; however, Mr. Ivery said that Sunoco has just asked for changes to the agreement. Mr. Makel said that he would look at the Sunoco Agreement and their requests. Mr. Ivery said that a representative from McDonald Land Services was in attendance, Mr. Benson, and Mr. Makel would need to work with him per another list of issues that Mr. Ivery provided to the solicitor prior to the meeting.

Determination on the Fee Schedule changes which were made at the last meeting as well as additional updates and editing to bring the schedule current was held for the next meeting to allow for Board review.

The military banner program was discussed. The Road Foreman said that six to nine of the 40 Finleyville banners are in Union Township and the rest are in the Borough. There are special requests for certain locations for the signs. He said they will be hung on the inside of the pole at about 9-12 feet. Mr. Banahasky said that, at that height, someone could stand in the bed of the truck to hang the signs. Mr. Ivery and Mr. Grieb would provide the road foreman with the necessary clearance height from the Zoning Ordinance. The banners will be hung for Memorial Day.

**Motion** to authorize the road crew to install hanging brackets and hang military banners per state height restrictions prior to Memorial Day and to remove them after Veteran's Day.

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** accept the lowest bids from the Washington County Joint Municipal Purchase Program.

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 advertise bids for 7500 gallons of gasoline delivered and 3500 gallons of low sulfur diesel delivered with bids to be opened at the May 12, 2014 meeting.

Motion by Steve Parish, Second by Brenda Cushey

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

In regard to the latest Penn Dot airport inspection report which was recently received by the Township, Mr. DeiCas said that there are still obstructions reported. He said, of course, the hill is still in the way, which the Township can really do nothing about, and the gas well which they wanted moved, and also trees. Mr. DeiCas said that the trees in the approach zone have been taken care of and the existing tree obstructions are in the transitional zone and are owned by various other residents. It was discussed that the remaining trees in violation were marked with paint back in November by Mr. DeiCas and Penn Dot, and it was determined that a proposal for bids is needed to get them removed. Mr. Makel suggested getting three quotes for tree removal. Mr. Tullai said that the airport should identify them again as well and proposed a meeting at the airport with the residents, some companies interested in bidding, and airport personnel. Mr. Tullai asked for phone numbers for the residents with trees in violation. Mr. DeiCas said his secretary should have telephone numbers.

Paving project. Mr. Tullai recommends we do not pave Sawmill or install the two new catch basins which were requested to be added due to the fact that the Township received notification of a new well site which proposes an access road off of Saw Mill Road. Mr. Frye said Saw Mill Road is in bad shape. Other comments were that it is narrow and would not allow for a truck and car to pass one another. Mr. Makel said that it could be proposed that before the company uses it for access, that they will need to build it up. Mr. Manchin of EQT said that it is quite possible that the access road could be changed and that it may end up that Saw Mill Road is not the final route. Mr. Makel suggested a conditional use if the road is used, and as part of the conditional use, it could be negotiated that the base be built up and the road widened. Mr. Manchin said probably the conditional use for the new site would be in June or July. Mr. Grieb inquired as to whether the Nike Site had a well so that it could be tested as the Township received notification that it would need to schedule testing of any well water in regard to the Powell/Marcus Site. Mr. Parish said that there was a PAWC vault which had been shut down.

**Motion** to approve payment to Martik Brothers for Progress Invoice No. 1 in the sum of \$45,978 subject to being true and correct upon recommendation of the Township engineer.

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 final payment to Swede Construction for the invoice dated March 25, 2014, in the sum of \$22,749.50 for the salt shed construction, subject to being true and correct, upon recommendation of the Township engineer.

Motion by Larry Spahr, Second by Brenda Cushey

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

### **Public Comment**

A gentleman who had not signed in, requested a sign at the end of street when they fix the Coal Bluff slide so that you don't start down the road before having to turn around.

**Motion** to go to Executive Session at 9:05 p.m. for reasons of personnel.

Motion by Brenda Cushey, Second by Larry Spahr

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

Before the Board left for Executive Session, they took comment from Dave Farro, Kennedy Street, who asked if anyone could look at Kennedy Street for drainage issues and cracked pavement.

The Board went to Executive Session at 9:09 following the resident's comment.

The Board returned from Executive Session at 9:30 p.m. The solicitor stated they discussed matters of personnel.

Mr. Parish gave a report from the Marcellus Shale Coalition seminar that he attended. He said that no additional wage tax has been collected since the drilling began as had been prognosticated years earlier and that the Township is not receiving any additional tax revenue from the drilling activities as had been anticipated. The tax collector who was in attendance said that Keystone would be the one who collects EIT, Earned Income Tax. EIT, per the solicitor, has to do with where the employee resides and whether that municipality levies its own wage tax. The tax collector said that LST tax (currently \$52 annually) should be being collected by Keystone and would be applicable to those working in the Township but residing and employed elsewhere. The solicitor suggested that a letter be sent to Keystone in regard to the LST tax to make sure it is being collected. Mr. Parish also said that on Tuesday, May 6, 2014, there is a Marcellus Advocates group headed to Harrisburg to lobby and is preparing to say how good the drilling is for this area. Anyone who is interested in attending can register at the Marcellus Advocates web site to join the group on its trip to Harrisburg. Mr. Makel said that there are natural gas interstate highways, as they refer to these underground pipelines, in Greene County and Center Township, which eliminates the possibility of development on hundreds of acres of land in the municipalities where these pipelines run through. Mr. Makel said that, because of the danger of an enormous explosion due to terrorism or any other emergency, it is impossible to build in proximity of these underground highways. Mr. Grieb and Mr. Ivery said that the companies are purchasing easements from individual property owners.

Mr. Parish discussed the Annual Washington County Penn Dot Outreach meeting which was attended by Mr. Tullai and Mr. Parish. Mr. Parish said that he had an opportunity to talk to our Penn Dot representative, Rick Skovensky, about micro paving which may be funded with liquid fuels monies. Mr. Parish said that Mr. Skovensky offered to provide the Township with some ideas and estimates and a list of sample roads for their review which were micro-paved in East Washington Borough. Mr. Parish explained that micro-paving is a really thin coat of pavement mixed with fiberglass strands which may be more expensive but offered the benefit of being stronger and thinner so that the height of the road surface is not built up as quickly. When pavement builds up, the road requires milling which is expensive and micro-paving would make milling less frequent.

Andrew Tullai mentioned a request by Lorraine Cheque regarding replacement of a convex mirror on McChain road. It was noted that there has to be Penn Dot approval for the mirror and that there has to be a sign below the mirror cautioning that objects in the mirror appear farther away. During the spring road inspection, the mirror issue will be reviewed.

Mr. Makel asked for a copy of the letter sent to Mr. Jaki telling him what he needs to do for the continued hearing on May 12 at 6:00 p.m. The secretary was requested to ensure Jackie Seiler could attend as court stenographer. Mr. Makel asked if a copy of the survey was received and asked for a copy of the letter from Mr. Ivery to Mr. Jaki making him aware that the Township needs a copy of the survey. Mr. Ivery said that the Township has not yet received a copy of the survey, but would provide a copy of the letter.

**Motion** to adjourn at 9:50 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.

  
Debra A. Nigon, Secretary