

Union Township Board of Supervisors  
Regular Board Meeting  
April 28, 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, Dennis Makel–Solicitor, Mr. Carl DeiCas–Township Engineer, Judy Taylor–Treasurer, Debra Nigon–Secretary, and Peter Grieb–Code Enforcement Officer. Harold Ivery–Building Code Official could not attend.

Mr. Spahr said that he has heard complaints both ways. He said that, since the schedule is already made, it may create an imposition on the Soccer Association to accommodate a change in the park schedule. Since no one was aware of the actual times soccer games were scheduled and knew only the dates, he suggested that the Chairperson call the Soccer Association during the meeting to find out whether leaving the Motion from the last meeting the same would affect the Soccer Association's game schedule in any way. Mr. Tullai contacted the Soccer Association using his cell phone and, after speaking with them, Mr. Tullai said no games were scheduled before noon on Sunday anyway. Since there was no impact to the game schedule of the Soccer Association, it was decided to leave the Motion the same.

**Motion** to rescind the Motion of April 28, 2014, authorizing James Cushey to clean Brownsville Park at the rate of \$120 per month as the rate approved was in error.

Motion by Larry Spahr, Second by Steve Parish

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

**Motion** to authorize James Cushey to clean Brownsville Park rest rooms at the rate of \$30 per week per his quote which was provided in 2012.

Motion by Larry Spahr, Second by Steve Parish

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

Ms. Cushey excused herself from the meeting and left the Board Room at 7:20 p.m.

Public Comment

Mr. Jim Kirk attended the meeting representing Finleyville Airport and asked for a progress report on the trees remaining in violation. Mr. Tullai said that he will call Jesse Young, Mary Ann and John Dudich and Sherman Brizzi. Also, he will call three separate tree cutters and schedule a meeting.

*Board Approved: May 27, 2014 with revision as noted*

**Motion** to approve the Minutes of the March 24, 2014, Regular Board Meeting, as presented by the Secretary, subject to being true and correct, with a spelling revision on page 1.

Motion by Larry Spahr, Second by Steve Parish

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

**Motion** to approve the Minutes of the April 14, 2014, Minutes of the Continued Regular Board Meeting of March 24, 2014, 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- absent, Trax-yes. Motion carried.

**Motion** to approve the Minutes of the April 14, 2014, Regular Board Meeting as presented by the Secretary, subject to being true and correct, with revision on page 5

Motion by Steve Parish, Second by Larry Spahr

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

**Motion** to approve Payroll #07 dated March 28, 2014, in the sum of \$14,140.95 as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Steve Parish

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

**Motion** to approve the Unscheduled Payroll #1 for Mr. Ed Frye's final payroll including all contractual obligations, in the sum of \$4,885.39 as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Charles Trax

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

**Motion** to approve Payroll #08 dated April 11, 2014, in the sum of \$8,168.63 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- absent, Trax-yes. Motion carried.

**Motion** to approve Payroll #09 dated April 25, 2014, in the sum of \$8,855.72 as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Steve Parish

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

### Departmental Reports

Mr. Grieb inquired as to whether the Township was going to waive their portion of the building permit fee for the Garage Addition as he was not sure what the contractor was to be charged.

**Motion** to waive the Township's portion of the building permit fee for the garage addition project.

Motion by Larry Spahr, Second by Steve Parish

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

Mr. Spahr asked for an update on Mr. Tomko. Mr. Grieb said that he has been squared away with any permits. Mr. Spahr asked Mr. Makel if all litigation was now complete. Mr. Makel said that, if all fees were paid, then there is nothing further. However, it was noted that the Township would have to be on watch that he not start grading on top of the hill where he was not to be doing that type of work.

Mr. Spahr also asked about the trailer park on Stone Church. He said that the place needs to be cleaned up. Mr. Grieb said that he would have to check the Ordinance and speak with the owner regarding dumpster issues and getting the dilapidated trailers removed. He said that, since the trailers are independently owned, the process is a big undertaking. Also, it would not be cost effective to the owner of the trailer park to bring it up to where it needs to be to meet requirements. Mr. Tullai mentioned a burned out house that was nearby to the trailer park and asked Mr. Grieb to follow up on that issue as well.

Mr. Tullai commended the Boy Scouts for cleaning Stone Church Road last week during a trash pick-up event.

Mr. DeiCas indicated that everything pertaining to his report was also on the Agenda.

A member of the Recreation Board could not be present for the meeting; however, they submitted a written report by email. The Secretary was asked to remind the Recreation Board that they would need a building permit for the pavilion at the park; however the Township would waive its portion of the permit fee.

**Motion** to waive the Township portion of the building permit fee for the pavilion to be built at Brownsville Park.

Motion by Larry Spahr, Second by Charles Trax

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

Mr. Spahr said that, as police liaison, he has been researching an issue regarding a series of thefts of salvage material. He has found out that several days after the thefts occurred at a particular establishment, the materials were identified at a salvage yard under the bridge in McKeesport and a video of the individual depositing that material was obtained. The location of the stolen materials was found after Southwest Regional Police visited or contacted thirteen other salvage yards. At that time, the individual from whom the materials were stolen was informed by Southwest Regional Police that McKeesport police would have to assume jurisdiction and that the injured party would have to initiate action with the McKeesport Police Department. Per Mr. Spahr, had the action been taken at the appropriate time by the appropriate person who owned the property with the appropriate police department, then the person videoed with the stolen materials could have been arrested. Mr. Spahr said that SWRPD had the stolen property identified in 2-3 days, so SWRPD cannot be held responsible for the fact that the individual stealing materials has not been arrested. Mr. Spahr said that he will keep us abreast of the situation.

**Motion** to approve general fund bills in the sum of \$98,122.55, as of April 28, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Charles Trax

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

It was noted by Mr. Tullai that the bills contained a \$45,978 payment to R.W. Martik for the garage addition project and a payment of \$22,749.50 to Swede Construction for their final payment on the salt shed.

Old Business:

In regard to the sound study, Mr. DeiCas said that the data or the report has serious errors because there are times where the average in the report is higher than the highest reading in the data, and that there are other discrepancies between the data and the report as well which he suggested Mr. Manchin review for himself. Mr. Manchin said that the environmental engineer is aware of Union Township's issues but that he is currently out of town. Mr. Manchin said that it appears there may have been issues with the conversion and that EQT has already asked the contractor responsible for doing the conversion to look at the figures. Mr. Grieb asked whether EQT could be allowed to start work with the data being incorrect, seeing that they needed a completed ambient sound study prior to beginning to drill again. Mr. Makel said that the sound study would need to be resolved. EQT and Mr. DeiCas are to work on a resolution as soon as possible.

Mr. Manchin said that the goal of the water impoundment is to reduce truck traffic. Mr. Makel asked whether the frac pond would be removed after the fracing is done, and he said that it would. Mr. Tullai asked for a schedule for the horizontal rig. Mr. Manchin said the Pioneer 70 is scheduled to be in use by the middle of August but that the schedule is fluid at this point.

In regard to the Comcast Franchise Agreement, no further comment was forthcoming on changes suggested last session. Mr. Makel will prepare the final agreement.

In regard to the Patterson Road Erosion project, Mr. DeiCas provided Mr. Snee with Union Township's Patterson Road Culvert Rehabilitation Easement Plan. The engineer said that this drawing shows a necessary temporary construction easement.

*dan* | **Motion** to authorize the solicitor to provide a written agreement for a temporary construction easement for the property of John Julia T. Snee, et al., for parcel no. 640-013-00-00-0043-00.

Motion by Larry Spahr, Second by Steve Parish

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

Mr. DeiCas was asked to contact Mr. Corace in regard to repairing the McCain Road slide. Mr. DeiCas said that the Township had repaired three areas of the Coal Bluff Slide, and now there are two new slide areas which need repaired, but that the issue with the pipe needs to be repaired first.

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**Motion** to have the engineer create a plan to repair the issue of an unknown pipe on Coal Bluff Road which is contributing to the slide issues and create a cost estimate and detail a plan to repair the other two slides on Coal Bluff Road.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Parish brought up issues with McChain Road. He said that the road is being undercut by water erosion and a gas line is exposed and the back of the catch basin is exposed. The engineer said that a 36" pipe and an inlet are necessary to resolve that water problem. He also said that there isn't enough room to install guard rail on McChain Road and there is a drop of about four feet in that area of water erosion.

**Motion** to authorize the engineer to develop a plan and specifications for McChain Road shoulder repairs.

Motion by Steve Parish, Second by Larry Spahr

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

The engineer reported that no absolute start date has been provided yet by Creative Enterprises in regard to the Parking Lot Inlet Replacement Project. He will continue trying to obtain a start date.

Pertaining to Tuscany Estates, the solicitor said that he sent a certified letter reminding the developer that their bond must be renewed. Mr. Makel has not heard back, but said that he would give him until the next meeting. Mr. Makel said that, if there is no response, the Township will have to take action to enforce completion of the project per the agreement. Mr. Makel said that when he proceeds he would need a list of items which need to be completed and the associated costs. Mr. Makel asked for a phone number for Maronda, which has filed bankruptcy.

A letter from the Turnpike Commission saying that they would like alerted to any incursions onto the Turnpike property that are known was discussed. It was noted that this is an annual reminder notice sent to every municipality bordering the Turnpike. Mr. Tullai asked that the letter be provided to the Planning Commission so that they are aware.

Mr. DeiCas addressed the Flood Plain Ordinance. He said that a review of the new model ordinance revealed that there were code changes and there was a revision designating that the Flood Plain Administrator was the Zoning Officer. Mr. DeiCas said that we would want to accept those changes. Mr. Grieb said that the Township has the current Flood Plain Map and that it is also available on-line. Mr. Grieb said that Pennsylvania has decided to update the Flood Plain Ordinance of 2010, now in 2014, but due to a decision made by the State, the Pennsylvania Flood Plain Ordinance will follow the IBC codes of 2009.

**Motion** to advertise the Flood Plain Ordinance as previously submitted by Ms. Kalaha of FEMA to Union Township as of 2014 for adoption at the second meeting of May.

Motion by Larry Spahr, Second by Charles Trax

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

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Sergeant Pocsatko said that he could not destroy the guns as planned due to the fact that hand guns were discovered which were not on the evidence list. Since that time, Ms. Taylor has found an evidence list for the hand guns. As soon as Officer Pocsatko can verify that all the hand guns are on the list, he can move forward. If all guns are found on the list, the earliest they can destroy them is this Thursday, and at the latest next Tuesday. The new Ford or International trucks being considered for purchase were discussed.

**Motion** to purchase two 2015 F-550 trucks from Woltz & Wind Ford per their quote dated March 4, 2014 with the trade-in value of \$20,000 per truck, with the new trucks to be outfitted with the stainless beds, spreaders, and plows from Push & Pull per their quote dated February 26, 2014.

Motion by Mr. Parish. No second was provided as Mr. Spahr made comment as follows.

Mr. Spahr said that International was offering a trade in value of \$19,000 per truck plus \$28,000 on the Sterling, and since the Township had never looked at other trucks before, he said that he would really like to spend time doing a thorough comparison and contrast. Mr. Tullai said the Nike Site walk-through was scheduled for April 30, a day torrential rain was forecasted, and suggested they continue the meeting to consider discussing the purchase on that date and re-schedule the walk-through. The solicitor indicated that the Motion in progress could be tabled for now and taken off the table at a future point for a full vote.

**Motion** to table the Motion for purchasing the F-550 trucks until Wednesday, April 30<sup>th</sup>, 2014, evening at 6:00 p.m.

Motion by Andrew Tullai, Second by Larry Spahr

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

The Heavy Hauling Agreement was discussed. Mr. Grieb mentioned that Sunoco requested changes to our standard agreement with a standard escrow amount. Mr. Makel said that he will let them know that no changes will be made to our agreement.

**Motion** to adopt the Resolution No. 2014-04 incorporating the new fee schedule as of April 28, 2014.

Motion by Larry Spahr, Second by Charles Trax

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

It was noted that the codification can move forward now that the Flood Plain Ordinance is complete.

A new date was discussed for the Nike Site walk through. The date agreed to was May 7, 2014, at 6:00 p.m. Ms. Cushey will be informed of the date.

Mr. Makel asked about the Petition recently delivered to the Township relative to Sunoco in which they claim to be exempt under FERC (Federal Energy Regulation Commission) relative to multiple pump and valve control structures they want to place along the Mariner East Pipeline. One of the valve control buildings is planned to be built in Union Township. Mr. Makel asked whether the valve control structure will go into a zone where it would not otherwise be permitted. The BCO will identify the location of the planned building. Mr. Makel

said that Sunoco is saying in the Petition that they don't need to comply with Township zoning ordinances as these structures are for public safety, and the solicitor foresees that an issue down the road is going to be eminent domain.

Mr. Makel said that he met with McDonald Land Services at his office. He said the parties would like the same Seismic Testing Agreement with payment of the appropriate bonds, and heavy hauling agreement, as were provided to Geokinetics during the last seismic study. Mr. Tullai requested that something better than a 10-day notice be provided to residents who wish to be present.

A map of the project was reviewed at the Board table. It was indicated that the map was printed today, April 28, 2014. It was noted by the seismic team that there are certain locations on right-of-ways where there will be placed pods of geophones in case it was determined that additional data was needed.

Mr. Benson said that mailings will be sent Friday of this week to impacted parties by U.S. mail to residents in the testing zone informing them of the study to be conducted. They estimated that they would be vibing in the Township roughly in mid to late June. Mr. Tullai asked that the Township be provided a few days notice telling the Township which roads the Company will be vibing. The Company will not be vibing on Sundays.

The Secretary and Treasurer were asked to look into what is involved in utilizing automatic telephone notification system similar to that used by politicians to make residents aware of the seismic study and roads being tested.

**Motion** to enter into an Agreement with Dawson Geophysical for purposes of seismic testing pursuant to all bonds, insurance, and Agreement and all fees being paid.

Motion by Larry Spahr, Second by Steve Parish

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

**Motion** to accept Golden Eagle as an alternate supplier for asphalt.

Motion by Charles Trax, Second by Larry Spahr

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

Mr. Parish reviewed the spring road inspection report which was prepared during the inspection attended by Carl DeiCas, Albert Banahasky, Charles Trax and Steve Parish. Mr. Manchin said that EQT is looking at an alternate route to the well pad site instead of having an access road off Sawmill Road. Micro-paving was also discussed. Mr. DeiCas suggested having Rick Skovensky come up and give us an estimate on micro-paving. He said one consideration is that micro-paving has to set for at least an hour before any road travel could be allowed. Also the roads treated need to have a decent profile.

Two gravel roads were discussed by Carl DeiCas. He has learned that some gas companies had been paving these roads for the Township and that now there may be monies available through a grant program utilizing Marcellus Funds, for the paving of gravel roads, and that he will be learning more about that during a Dirt and Gravel Road Class being held by Penn Dot which he will be attending in the coming week. The three gravel roads discussed as those that

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may be candidates for grant monies for paving were: Snee Road, Garvin Road, and Hohlman Road.

It was noted that lines need to be re-striped by Giant Eagle and on Patterson Road as well. The Board was in favor of Mr. Parish scheduling Mr. Skovensky to get the estimate on micro-paving. A Change Order to add the two cross drains on Saw Mill was also requested of Mr. DeiCas. Also Mr. Parish asked if a Change Order could be prepared to add the bottom end of Gun Club Road which is the only portion remaining in that area which needs to be paved. Mr. DeiCas said that would be a good move and to check with Rick Skovensky to see if this could be done since Liquid Fuels monies would be used.

**Motion** to approve Invoice No. 2 of Martik for the garage addition project in the sum of \$93,784.44.

Motion by Steve Parish, Second by Larry Spahr

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

It was noted that building inspections were completed as of today, April 28, 2014.

**Motion** to go to executive session to discuss personnel at 9:55 p.m.

Motion by Charles Trax, Second by Larry Spahr

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

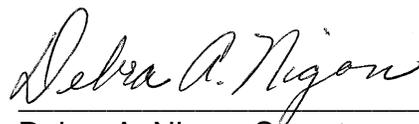
The Board returned from executive session at 10:08 p.m.

The Chairperson said they discussed a possible Township Manager position and Teamsters contract negotiations.

**Motion** at 10:09 p.m. to continue the meeting until Wednesday, 6:00 p.m. on April 30, 2014.

Motion by Larry Spahr, Second by Steve Parish

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



Debra A. Nigon, Secretary