

Union Township Board of Supervisors
Regular Board Meeting
June 9, 2014

The Board of Supervisors Meeting was called to order by Chairperson Andrew Tullai at 7:04 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, and Andrew Tullai. Ms. Brenda Cushey and Mr. Charles Trax did not attend. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary, Harold Ivery–Building Code Official, and Peter Grieb–Code Enforcement Officer. Mr. Carl DeiCas did not attend.

Public Comment

Mr. Baumgardner, 47 Cardox Road, signed the book to discuss the EQT ambient measurement. He said that he had lodged a noise complaint with the Code Enforcement Officer saying that the measurement was well over the variance of +15 when he complained. He asked for an update. Mr. Makel said he received correspondence from the counsel of EQT.

All others who signed the book chose not to comment at this time.

Departmental Reports

Cypher & Cypher delivered the auditor's report for Union Township. The auditors provided a copy of the audit, a management letter, and a digital and hard copy presentation. While reviewing the Balance Sheet, the auditor said that 2013 represents the best position the Township has been in for a decade. Revenue was \$1.6 million, and expenses were \$1.3 million. An amount of \$274,625 additional in revenue was received than projected; expenditures were under budgeted by \$349,452. The fund balance was increased by \$296,694 over the course of 2013, with some of the additional fund balance being used for the delayed 2013 Paving Project. The increase in revenues was a result of an increase in EIT collections over what had been collected in past years. In future years, the budget will be adjusted to account for the increased revenue which is higher than what was collected in the past due to the new method of collecting earned income tax through employer withholding. The Township should expect the number to stabilize to a more easily projected number. He said that the budget was pretty much on target except that the Township spent less in highways than what had been anticipated. He went on to say that the Township is doing a good job in segregating duties which is a safeguard against fraud, and urged the Supervisors to continue monitoring purchasing card spending and to stay alert to the finances as the Supervisors are the best line of defense to any fraud. He also stated that, for the fifth year in the row, there were no comments by the auditors on the books and record keeping meaning that the books are accurate. Mr. Spahr asked the auditor for a brief one or two-word description of the Township's financial position, to which the auditor replied that the Township's position was very good. The auditor encouraged development of a five-year plan. Ms. Taylor said that a five-year plan exists in a rudimentary fashion.

An engineer contracted by Ringgold School Board for the design of the Elementary School Addition project presented the plan for the project prior to the Board vote on approving the site plan. The addition will include six new class rooms, a relocated kitchen, and a boys and girls bathroom. He said that a handicapped ramp will lead to a play area, a green space. There will also be a new loading dock servicing the addition. There will also be expansion of the court yard with some cement work being required and that a retaining wall will be built separating the neighbor from the loading dock traffic. He also said that a fenced rain garden will be constructed on the east side of the building on property formerly owned by the church which the school has purchased. He said that their intent in presenting the plan was for conditional approval to be granted by the Board relative to the planning commission's review of the site plan pending issuance of their NPDES permit, and review and approval of the Township engineer and the County Planning Commission. Mr. Ivery stated that the Township engineer had sent a letter recommending approval of the plan.

Motion to approve the Site Plan of Ringgold School Board for the Elementary School Addition subject to approval of the NPDES permit with all fees and expenses paid and complying with all laws of the Commonwealth of PA.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Tullai inquired about whether there were any security considerations made by School Board. He was informed by the individuals representing the school district that there is a new security vestibule planned for the building.

Police Report. Sergeant Joe Pocsatko delivered the police report covering statistics for 58 shifts of police protection in May 2014.

Road Report. Albert Banahasky, Road Foreman, delivered the road report. He said that the residents near Jack Street Bridge were hit hard again and that there were many water complaints this month. He requested permission to request the fire department to flush the line on Meadow Avenue by Mr. Daugherty's house as the line is clogged and really needs to be cleared. Mr. Spahr instructed the Road Foreman to take the initiative in any situation in which he determines that something needs to be done and forget whatever confusion or questions there may have been in the past on what the Forman is permitted and not permitted to do. He stressed again for the Foreman to take the initiative where he sees obvious needs and concerns. Mr. Tullai referred to a "plan for the week" form that they had discussed prior. Mr. Tullai asked that he fill out this plan each week and give it to the Secretary to scan and send out to the Supervisors. If any approvals are required, he said, then the Board will provide them. Mr. Banahasky requested the Board's patience in getting started on the new procedure of completing the weekly plan.

Mr. Spahr said many residents have contacted him about flooding and are angry about the Local Share grant application being denied even though we had matching funds. However, Mr. Spahr said the Township plans to discuss Senator Solobay's letter informing municipalities of grants which are available including a Flood Mitigation Grant.

Board Approved: June 23, 2014

Mr. Banahasky asked if some of the millings could be placed on Jason Drive. Relative to the paving project planned for Route 88 by PennDot, Mr. Banahasky asked if Penn Dot were agreeable to provide millings from the project to the Township whether the crew could lay them on the Brownsville Park lot, which was responded to affirmatively by the Board.

Frank LaTorre, 7 Boyka Drive, thanked Mr. Banahasky once again for cleaning loose gravel on Boyka Drive, but stated that there is more gravel again and that he doesn't know where it is coming from.

A representative from the Peters Creek Sanitary Authority did not attend to provide a report.

The Treasurer said that the pension contribution of Mr. Ed Frye had been reverted back to the Township, leaving the Township with a credit of \$5,735.51 of which \$750 can be applied for the next 2nd Quarter installment to the non-uniform pension plan. The remaining balance would be \$4,985.51. The Township can continue to apply credit from this balance until it is depleted.

Motion to approve general fund bills in the sum of \$29,438.15, as of June 9, 2014, as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Steve Parish

Roll call vote: Parish-yes, abstaining from anything having to do with Finleyville Airport, Spahr-yes, Tullai-yes, Cushey-absent, Trax-absent, Motion carried.

The solicitor reviewed a letter from Babst Calland, counsel for EQT, regarding their stance that the ambient decibel reading be taken from Monitoring Location No.1 (ML 1), which is 49.6 decibels and not the 40 decibels which was approved as the selected monitoring point of the sound study by vote last meeting, and which they state is setting a different monitoring point than the Ordinance.

It was discussed that a new 48 hour ambient noise test was requested by the Code Enforcement Officer due to the noise complaint lodged by a resident indicating a noise level in violation per the current Ordinance. The solicitor requested that the EQT consultants discuss the sound levels with the Township engineer and quickly get the results from the study to the Township engineer following the testing period which should start Thursday into Friday and end on Monday. Mr. Tullai read a portion of the Ordinance which addresses the instance of a complaint by a resident. Mr. Manchin from EQT said that EQT varies with the Township on how our Ordinance is to be interpreted. The Board asked the engineer to work with EQT and discuss the issue with their sound study consultants for an agreeable path forward. Mr. Baumgardner asked to be notified of the results of the study.

In regard to the response by Comcast to the contract terms, the Board agreed to have the solicitor renegotiate to a 10 year contract and agreed to the other terms in their response.

In reference to Patterson Road, Mr. Makel said that revisions are done to the legal agreement and that Mr. DeiCas needs to provide an easement drawing to attach before Mr. Makel can do anything further. Mr. Makel asked for the addresses of the other property owners and asked Mr. Snee whether the document should be sent to the other owners or whether he could obtain

the other required signatures. Mr. Snee said that he would get the other signatures. Mr. Spahr asked about the \$1000 remuneration which was originally in the document to be paid to Mr. Snee in the agreement, and Mr. Makel said that it was a typographical error resulting most likely from a cut and paste from another easement document prepared in his office and was not intentional and has been corrected.

Since the engineer could not be present, the agenda items on the Parking Lot Inlet Replacement Project and the Coal Bluff Slide were not discussed other than a reminder that the Coal Bluff Slide Repair would be put out to bid on July 11 with other projects.

Mr. Makel said that to perform further work on Tuscany Estates, he will need a list and estimated cost from the engineer of what remains to be completed since he cannot file a Complaint without that information.

Regarding the police evidence room, Sergeant Pocsatko said that all the guns had been removed. Mr. Makel asked if there was an Affidavit signed, to which the Sergeant responded that the guns are being held in McKeesport until they are crushed and that an affidavit should be provided once they are destroyed. Mr. Makel asked for a list of weapons which were removed which Sergeant Pocsatko said that he would provide.

The solicitor said that in terms of Act 13, the advice given to him from PSATS was to hold back until it is determined what is going to be decided by the State, which decision the solicitor estimated would take another six months.

Mr. Tullai said that he did reach one more of the owners of trees in violation but that personal obligations had consumed much of his time since the last meeting; however he will continue to try to reach the other owner.

It was noted that the Gun Club Road Change Order is still outstanding from Mr. DeiCas. The Micro-Paving Project, McChain Road Slide Repair Project along with the Coal Bluff Slide Repair Project are all scheduled for July 11 bid opening. The secretary asked whether the Board wanted to open the truck bids at the same time since a contractor may bid on the truck. She was advised to place the wording that the bid "must be clearly marked truck bid" so that it is not accidentally opened along with the slide repair and micro-paving project bids.

Mr. Makel said that, since the Township has not heard further regarding the Overlook Street illegal sewage tap issue, he will call and set up a meeting. Mr. Tullai said, at the next meeting, he would like to reimburse Mr. Trax for his discharge hose which was used to pump the sewage which was near overflowing the hole which had been created by the contractor. Mr. Tullai said that, should that sewage have flooded over, it could have resulted in a DEP citation especially if it had drained into the creek causing an environmental issue.

Mr. Joe Matey, owner of 5100 College Avenue, had been at the meeting earlier and had indicated to the Board that he had not yet been contacted by the engineer to review the storm water issue on his property.

On June 18, the Board is scheduled to go to the Nike Site. Mr. Tullai said that all Supervisors need to review the property before the transmittal documents can be signed. The solicitor said that a representative from the Army had emailed wanting to know if the Board is still interested in the property. He was instructed to reply that the Board is still attempting to review the site and has not been able due to rainy weather every time a walk through is planned.

Motion for the Treasurer to attend the PMRS seminar on June 19, 2014 at 1:00 p.m. and reimburse her mileage expense.

Motion by Steve Parish, Second by Larry Spahr

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

Part of our Seismic Testing Ordinance is to have security follow the testing vehicles. Prior to the meeting, Dawson Geophysical requested to employ SWRPD as their security, at which point Mr. Makel drew up an agreement for the Township to be reimbursed expenses for their security services.

Motion to approve an Agreement between the Township and Dawson Geophysical to provide police services for \$50/hr per officer and other reasonable expense incurred by the Township thereof.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Ivery presented Finleyville Airport's subdivision and consolidation plan, the Airport Property Line Shift. The plan includes a purchase of ten feet of land from a neighboring property. Mr. Ivery said that it is the intention of the Airport to build a hangar in the future and, to meet FCC guidelines relative to taxi lanes, etc., they must have so many feet of clearance in order to obtain a permit, and this is why they are purchasing the additional 10 feet of property. It is on the entrance side and there are no additional trees. Mr. Tullai asked the Zoning Officer to research the zoning of the property they are purchasing. Mr. Parish commented that the purchase from the neighbor is a Subdivision which should have been initiated by the owner of the property and not Finleyville Airport.

The Airport Line Shift plan was tabled to allow time for our engineer and the Airport engineer to attend a meeting regarding the disputed additional property.

Motion to table the Subdivision known as Finleyville Airport Property Line Shift.

Motion by Larry Spahr, Second by Steve Parish

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

Motion to have the Township engineer apply for the DCED Flood Mitigation Grant prior to the July 21 deadline.

Motion by Larry Spahr, Second by Steve Parish

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

Motion to accept and advertise the 2013 Audit.

Motion by Steve Parish, Second by Larry Spahr

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

The solicitor said we must have a plan to inspect street signs by June 13. He stated the five ways which are options and gave his recommendation. The plan must be submitted to the Federal Highway Administration. Mr. Makel will contact the staff about filing the report.

Motion to adopt a policy for sign management to use the method of visual night time inspections of signs of someone 60 or older and replacement of signs at end of useful life.

Motion by Larry Spahr, Second by Steve Parish

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

Mr. Tullai mentioned that the bathrooms at Brownsville Park were a mess for the renter who contacted him while he attended the wedding of his daughter. After receiving the call, Mr. Tullai called Mr. Cushey to have him clean the bathrooms. When Mr. Cushey arrived, the renter had already cleaned them; so, Mr. Cushey did some additional cleaning work as well since he was there.

Motion to pay Mr. Cushey \$30 for an extra cleaning on Saturday, June 7, 2014.

Motion by Larry Spahr, Second by Steve Parish

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

Motion to reimburse the renter of the park \$30 from the rental fee for having to clean the facility Saturday, June 7, 2014.

Motion by Larry Spahr, Second by Steve Parish

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

The Chairman asked the Board if they wanted to lock the bathrooms during the rental period after Spring Soccer and before Fall Soccer and all were agreeable. Due to public comment about rest room access, the Board asked the Treasurer and Secretary to obtain a price on a port-a-potty. Another option discussed was to pick up the cost of rent for the Soccer Association's port-a-potty between the spring and fall soccer.

Public Comment

Mr. LaTorre, 7 Boyka Road, said he was contacted to attend a meeting with Mr. Tomko which he did attend. He said that Mr. Ivery was helpful in that he learned that the work causing the issues residents are complaining about, the dust, dirt, noise, and multiple trucks running, the business had no permit to complete. Mr. LaTorre also said that there used to be a fence at the top of the hill where kids would ride dirt bikes and Mr. Tomko took the fence out saying the hill is unsafe. Mr. Latorre said that Mr. Tomko informed them that he is going to be expanding and wants to extend the building 200 feet on the back of the office building where his shop is located.

The solicitor for Tomko who was in attendance at the meeting, Chad Wissinger, Esq., said that nothing is being done with the hill and that the fence was taken down to perform work that they were stopped from completing. He also said that Tomko was trying to open a dialog with the residents about the construction on the premises but that they obviously hadn't made much headway based on the comments of Mr. LaTorre. He said the large wall has an erosion problem. Also, he said that the only action the business took which was a violation of Pennsylvania Law was the selling of aggregate and that otherwise they are allowed to run their business. He said that he replaced Renee Colbert who was acting as solicitor for Tomko and that he was retained because of his construction and geology background. The solicitor for Tomko, Mr. Wissinger, also said that the high wall cannot stay in its current condition. Mr. Ivery, Building Code Official / Zoning Officer, said that there is no unsafe condition until he hears from the DEP that an unsafe condition exists, and that he has not been contacted by the DEP. The Tomko solicitor said that they were working with the DEP and they had applied for an NPDES permit. The Township solicitor, Mr. Makel, asked for the names of the individuals at DEP with whom Mr. Tomko is working and they were verbally provided. Mr. Makel said that he would speak with these individuals. Mr. Ivery also stated that starting the work without a Township permit was also a violation of Pennsylvania Law. A valid NPDES permit is a requirement for a Township grading permit.

Motion to go to Executive Session at 9:02 p.m. to discuss personnel and litigation.
Motion by Larry Spahr, Second by Steven Parish
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-absent, Trax-absent. Motion carried.

The Board returned from Executive Session at 9:30 p.m.

The Chairman said that they discussed issues of personnel and Tomko litigation.

Motion to have the solicitor modify the Grading Ordinance.
Motion by Steve Parish, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-absent, Trax-absent. Motion carried.

Motion to adjourn at 9:30 p.m.
Motion by Steve Parish, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr-yes, Tullai-yes, Cushey-absent, Trax-absent. Motion carried.

Debra A. Nigon, Secretary