

Union Township Board of Supervisors
Monthly Board Meeting
August 26, 2013

The Board of Supervisors Meeting was called to order by Chairperson Linda Evans-Boren 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 Steve Parish, Larry Spahr, Linda Evans-Boren, Andrew Tullai and Brenda Cushey.

Also in attendance, Dennis Makel–Solicitor, Harold Ivery–Building Code Official, Peter Grieb–Code Enforcement Officer, Judy Taylor–Treasurer, Debra Nigon–Secretary. Carl DeiCas, Township Engineer, did not attend.

Public Comment

Karen Urso, Lew Street, said that she recently had a home inspection by Geokinetics and she is concerned about the presence of shallow mines under her home and seismic testing possibly negatively affecting the integrity of her home. She suggested that environmental impact studies be done and expressed concerns that testing could crack terra cotta sewer lines or other aging pipes under the streets. She is concerned that if there are damages, the owners will be stuck in the middle between the oil and gas companies and the insurance agencies. She said that any natural gas that is found will not profit anyone in Union Township.

John Mulheren, 5211 Lew Street, has spoken to his neighbors on Lew Street. He referred to the financial situation of Geokinetics which was mentioned at a Special Meeting held on April 8, 2013. He asked, if the company were to go bankrupt, who would be responsible for damages. A concern of his and his neighbors is that they will have to vacate their home if there are damages and that they will be stuck in a tug of war between the attorneys of Geokinetics and the mine subsidence and insurance companies. He said that his neighbor asked the inspectors who came to inspect his home whether they had any experience doing seismic testing above shallow mines and were told that they do not. For this reason he believes, alone, that we should not allow seismic testing.

Motion to approve Minutes for July 22, 2013, Regular Board Meeting as presented by the Secretary, subject to being true and correct, with addition of a decimal point as noted.

Motion by Larry Spahr, Second by Brenda Cushey

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

Motion to approve Minutes for June 29, 2013, Codification Workshop Meeting as presented by the Secretary, subject to being true and correct, with correction to the attendee list as noted.
Motion by Brenda Cushey, Second by Larry Spahr
Roll call vote: Parish-abstain, Spahr-yes, Evans-Boren-yes, Tullai-abstain, Cushey-yes. Motion carried.

Mr. Tullai and Mr. Parish abstained as they were not present.

Motion to approve Minutes for August, 12, 2013, Codification Workshop 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, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve payroll #16 for August 2, 2013, for \$10,241.48 as presented by the Treasurer, subject to being true and correct.
Motion by, Steve Parish, Second by Andrew Tullai
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve payroll #17 for August 17, 2013, for \$10,769.77 as presented by the Treasurer, subject to being true and correct.
Motion by Steve Parish, Second by Andrew Tullai
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Departmental Reports

A written report was provided by Southwest Regional Police Department.

Harold Ivery and Peter Grieb reported that they had spoken with Renee Culbert at Tomko and that they had given her Tomko's options in terms of becoming compliant with Township Ordinances. She was told that Tomko needs to apply for a grading permit, and apply for either a curative amendment or a comparable use under the Zoning Ordinance. You can only mine in a district zoned SD and the Tomko property is currently zoned C2. Per the DEP permit, they are only attempting to get approval to mine the rock wall that is on their property. Mr. Ivery explained to the Board that a curative amendment would be an application to change the zoning of the property and the application would then need to be approved by the Planning Commission and Board of Supervisors. Mr. Briening and Mr. LaTorre who were in attendance at the meeting said that, on two different occasions, it was reported to a Supervisor that Tomko was digging at an inappropriate time. Mr. Makel said that he had received a phone call from Ms. Cushey and that a letter from his office was sent to Tomko. The solicitor said that no mining action should be taken by Tomko until a curative amendment is granted.

Mr. DeiCas provided a written report.

Motion to authorize the solicitor to send a cease and desist letter to Tomko for grading and mining on the property.

Motion by Brenda Cushey, Second by Larry Spahr

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

It was also noted that he is also reauthorized to file an injunction.

Mr. Makel said that he sent a letter to Wolfgang Timber requesting an agreement be signed and that a bond be placed on Airport Road. He then received an August 18 email from Mr. Fitch saying that he is no longer in the Township and had no plans to bond the road. Mr. Makel said that Wolfgang Timber violated our Ordinance and he could be cited for violating Township Ordinances. Mr. Spahr said that he objected to the fact that we had to learn of his use of Airport Road from residents when Mr. Fitch has been told and should have known the requirements of the Township.

Motion to authorize the Zoning Officer to send a citation to Wolfgang Timber for not properly bonding Airport Road.

Motion by Brenda Cushey, Second by Larry Spahr

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

Mr. Makel said that he has contacted Mr. Vittone, District Attorney, about removal of evidence in the evidence room by certified letter. On Friday, he went to his office. Mr. Vittone responded to the correspondence by saying that he had gone through everything and suggested the solicitor file another motion to dispose of evidence.

Motion to authorize the solicitor to file another Motion to Dispose of Evidence with service to be done by publication.

Motion by Steve Parish, Second by Brenda Cushey

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

dan | The solicitor spoke to Ms. Frye-Nagy about the sink hole on her property caused by a deteriorated pipe. He said that there is case law which states that you cannot cut off a line in the manner that her son had stated at a prior meeting. She said that she needs 150 feet of pipe to make the repair. Also, she indicated that she is worried she will be held liable for any damage to the Township's pipe or the road if something should happen. Mr. Makel responded that she should call and have the work inspected by the Road Superintendent or Township Engineer prior to it being covered over. Another resident said that, 35 years ago, he had a similar problem and the Township did not offer him any assistance nor did they provide him pipe. Mr. Parish was concerned that this now sets a precedent. The solicitor said that some Townships decide to supply pipe as a good neighbor in similar instances and some do not.

Motion to approve the Road Superintendent to supply the pipe to Ms. Nagy to resolve the issue on Frye Avenue which was reviewed by the Road Superintendent and the Engineer. Motion by Andrew Tullai, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr--, Evans-Boren-- Tullai--, Cushey--. Roll Call did not complete. Motion failed.

In the midst of roll call, based on the comments of Mr. Spahr and Mr. Parish, the Board decided to put the Motion on Hold since the matter could not be agreed and the number of feet of pipe which was approved by the engineer could not be established without him present to confirm.

Mr. Spahr's comments were that the Motion would be a major redirection of a policy that the Board has always maintained of not providing assistance to these residents, except for, from time to time, hauling used pipe which was made available from the gas company to private owners; however the Board did not use taxpayer money to provide pipe to private land owners. Although he said that he did not mind assisting Ms. FryeNagy, he wanted the Board to understand the implications. Mr. Parish stated a recent problem of a man on Chevy Chase who had a drainage pipe issue who had to purchase his own pipe. Mr. Spahr and Mr. Parish said that Mr. Cheplik at one time had a suit against the State on a similar matter and lost that suit and had to install his own pipe at some personal expense to Mr. Cheplik.

The solicitor addressed the flooding issue on Brownsville Road Extension. Mr. Ivery said that he does not believe that there are any violations of Township Ordinances by the owner of the property above. Ms. Shandor, who was in attendance, was informed that a letter from the Township solicitor was sent to the resident on Florence requesting that he take steps to prevent the flow of run-off water onto the properties on Brownsville Road Extension. Ms. Shandor asked whether, when we issue a permit, if we follow-up to make sure that the work is done the way that the owner said they would. Mr. Grieb said that during the period time of the permit, the resident needs to call and schedule all the inspections. In the case of the Florence Street property owner, the inspections were scheduled and completed.

The solicitor also addressed the Nike Site ownership transfer process. He said it is moving forward and it looks as though the Township should get the deed by the end of the year.

Motion to approve general fund bills in the sum of \$17,971.07, as presented by the Treasurer, subject to being true and correct.
Motion by Larry Spahr, Second by Brenda Cushey
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

A quote on a new heat exchanger was reviewed. Some members of the public said that the Township should get additional quotes to potentially save money and to ensure that we are getting a good price. Voting was held until two or three providers could be contacted. The Treasurer will review the Service Contract with DeLattre to make sure that the Township will not be in violation of that contract in choosing to go with another vendor for installing a new heat exchanger in the Carrier unit.

The solicitor had not had time to draft a Tax Certification Ordinance. This item on the Agenda was tabled.

The Discharge of Firearms Ordinance proposed by Mr. Tullai was tabled to allow the Supervisors and solicitor all time to review the suggested Ordinance in detail.

An additional public meeting to discuss seismic testing was discussed to afford concerned residents an opportunity to ask questions of representatives from Geokinetics. Some members of the public said that they had just learned of the testing when they received their notification letter and some individuals said that they had just received their letter in the last week or so. Mr. McKay who happened to be in attendance said that Geokinetics needs to get their study underway and if a meeting is to be scheduled it would be best to do it right away. He said the Township required by Ordinance that a peak velocity study be done which was expensive and time consuming, but that they were glad to provide it, and that the peak velocity study was delivered. Mr. Spahr said that Geokinetics also requested that the encroachment be waived up to 50 feet of buildings along the roads. In response to comments among the public about notifications, Mr. McKay said that the notifications were at the post office well in advance and that Geokinetics cannot be held responsible for the post office's failure to deliver them in a more timely fashion.

Motion to schedule and advertise a Special Meeting on Seismic Testing on Tuesday, September 10, 2013, in the public notice section, with a block ad to also be placed in the Observer-Reporter and flyers to be placed in the locally frequented establishments such as the grocery store.

Motion by Larry Spahr, Second by Brenda Cushey

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

Public Comment

Mr. Cain, on Route 88, said that the Township needs to consider a full-time police department. He said that criminal activity increases when the officers are not on duty.

Mr. Zenobi of Route 88, also concurred with the comments of Mr. Cain. He also discussed the Union Valley flooding issue. The solicitor explained that we met with Congressman Murphy to see if the Township could be eligible for grant funds through the Army Corps. of Engineers but that the project did not qualify under the current eligibility requirements and that no funding could be made available. Ms. Evans-Boren said that the Township Engineer determined that the two bridges alone would cost about \$500,000. However, the Township Engineer is pursuing other avenues such as a flood mitigation program at the state level. Ms. Daer, 6187 Route 88, commented that Bethel Park funded their project through the DEP and had heard that obtaining funding is difficult and takes many years to implement. The residents asked what could be done and were told to write letters to the County commissioners who have denied funding of our Local Share applications and to Union Township's other representatives.

Board Approved: September 23, 2013 with revisions as noted

Motion to go to Executive Session at 8:45 p.m. for purposes of discussing personnel and potential litigation.

Motion by Brenda Cushey, Second by Larry Spahr

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

The Board returned from Executive Session at 9:25 p.m.

The solicitor stated that they discussed items of litigation and investigation.

Motion to adjourn at 9:25 p.m.

Motion by Brenda Cushey, Second by Larry Spahr

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


Debra A. Nigon, Secretary