

Union Township Board of Supervisors  
Regular Board Meeting  
September 8, 2014

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:05 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, Brenda Cushey, Charles Trax, and Paul Chasko. 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 did not attend.

Public Comment

Mr. Hal Breinig, 44 Finley Avenue, commented on a trailer park in Gastonville which is home to both abandoned/vacant trailers and occupied trailers. He said that he and his wife saw people exiting the vacant trailers in this park while they were traveling past in his car. He said that he is concerned for the safety of any children who live in that trailer park. Also, he said that the dumpster was filled to the top and over flowing, and he wants to see this addressed. On another subject, he noted that in the newspaper he saw that a seminar was being held by the Southwest Pennsylvania Environmental Health Project in Washington, PA, regarding the monitoring of air quality and wanted to know if anyone would be attending. He also said that he would like the Board to look at the once proposed Dust Ordinance in light of the issues those in the Boyka Plan have had with the Tomko business in the past, though he said that there have been no recent issues with Tomko.

Frank LaTorre, 7 Boyka Drive, said that there is a stop sign at the end of plan which had been taken down. The Road Foreman will purchase and replace the sign. Mr. LaTorre also said that the Tomko business has continued to be quiet.

Victor Cilia, Route 88, commented on speeding. He said that since his last mention of the problem, white lines were painted and that he saw an officer on the first day, but not afterwards. Also, he noticed that out of 5 school buses, the only one travelling less than 55 mph, which is over the speed limit, was the bus that had a stop on that road. The police were asked to contact the vehicle maintenance supervisor at the school.

Mr. Baumgardner, 47 Cardox Road, mentioned a recent court ruling in Wyoming County which resulted in various news articles: Gorsline v. Board of Supervisors of Fairfield Township and the ruling that local government has a constitutional charge to protect the environment and quality of life for its citizens. He also mentioned a DEP lawsuit against EQT. Mr. Baumgardner's concern is that the EQT water impoundment will not always contain potable water. He said that it is his understanding that the word "freshwater" in the term "freshwater impoundment" means only that water is delivered to the impoundment as fresh, potable water but can later be contaminated with flow back from the fracing process or converted to another type of impoundment.

Mr. Makel said that the Board is not making a decision tonight regarding the EQT Conditional Use Hearing for the Water Impoundment as he advised the Board to wait so that legal counsel could review the court decision in Wycoming County which was mentioned by Mr. Baumgardner as well as the Union Township hearing transcript, which is not yet available, prior to the Board making its decision.

Barbara Stover, 135 Viareggio Way, resident of Tuscany Estates, commented about her recent letter to the Board requesting use of the meeting room by Tuscany Estates residents relative to issues involving the developer, Earl Danielson, who has been unresponsive to complaints and issues raised by Tuscany Estates home owners regarding work which remains uncompleted. Mr. DeiCas said he had someone tour the development last week. Mr. DeiCas will provide a list of uncompleted work to Mr. Makel, who was authorized to file suit on behalf of the Township in regard to our development contract.

Lori Kenavey, 6088 Brownsville Road Extension, and Planning Commission member, made complaints about trucks using their jake brakes on Brownsville Road which is very loud. She would like to see the Township adopt a Jake Brake Ordinance which allows the posting of "No Jake-Brake" signs. She said that, in Fallowfield Township and other townships, she has noticed these signs. She said that the jake braking noise is not necessarily associated with trucks travelling to and from the EQT drilling project, but has been an issue for years with all large trucks traveling in the Township

Jim Kunkle, 183 McChain Road, commented on a concern he has with his daughter's bus stop which requires walking up McChain to her stop on Cookie Lane. He said that his daughter almost got hit by a vehicle the other day and he would like a school bus sign to alert vehicles of the stop. Mr. Kunkle said that when he met with the supervisor of the Ringgold School District bus garage, he was told that bus stops are not allowed to be less than 100 feet apart. Mr. Banahasky offered to come down to the stop. The resident will call him in the morning so that Mr. Banahasky can look at the signage to see what can be done to improve the situation. Also, Mr. Spahr will call the Director of Transportation at Ringgold School District to see if the stop can be moved.

Jim Wellington, Victoria Drive, expressed concern about the water impoundment and said he has been against drilling in general and believes that any possibility of having the groundwater polluted and wells contaminated is too risky. He would prefer to have the trucks deliver the water.

### Departmental Reports

Detective Steve Schwartz from Southwest Regional Police delivered the police report. He said that 66 shifts of coverage were provided to Union Township in the last month which includes extra details requested at Mineral Beach plus extra traffic details. Statistics for the month included 8 criminal arrests, 121 vehicle stops, 91 citations, and 30 warnings. He said that the details at Mineral Beach were conducted because a crowd of individuals from out of town were getting out of control. He said that the extra police coverage seems to have calmed the situation. He also said that funds for only two more traffic details remain to pay off the vehicle

purchased by Union Township in an exchange for services. They are trying to coordinate a traffic detail to address school zone issues.

Albert Banahasky, Road Foreman, delivered the road report. He said that the McChain Road washout and the 5100 College Street projects have not yet been started because he feels they are better on the fall schedule. Mr. Banahasky asked the officers to note the reflectivity of the street signs during their evening and night shifts and alert the Township and road crew to any signs which appear to be deficient so that they can be replaced. Mr. Banahasky proposed having the landscapers who maintain the municipal building hired to take care of the island on Fawn Valley as well, but the Board directed the road crew to perform maintenance on the island as needed.

Mr. DeiCas said that the Jason Street sink hole is most probably mine subsidence as there is almost no overburden there. He said that he called DEP and discovered that it was the South Fayette Mine Company which mined that area. If it is mine subsidence, DEP should take care of the issue. Once the mine maps are researched, the DEP will send someone out to look at the hole and should provide an answer to the Township.

Mr. DeiCas said that the contractor for the Inlet Replacement Project inquired as to whether he could move his equipment in tomorrow to make the repair. Mr. DeiCas asked the Board's approval to have the contractor start on the replacement project. Mr. DeiCas said that, since he is meeting with the micro-paving contractor at the municipal building to go over the paving contract, he could meet with the contractor of the inlet replacement project the same day. The Board gave its approval but instructed Mr. DeiCas to cancel the project if it is not started this week.

Mr. DeiCas was requested to contact Morgan Excavating, the awarded contractor for the McChain Road and Agulia Drainage Project, to see when he could start.

The road bonds of McDonald Land Services and Geokinetics were discussed. Mr. DeiCas said he never wrote a release for the Geokinetics road bond because of the markings on Airport Road which had been brought to his attention. Mr. Parish said that the oil marks are now gone and the road seems to be fine. It was also noted that McDonald Land Services has already been over those same roads.

**Motion** to release McDonald Land Services' road bond relative to the seismic testing project conducted in the Township.

Motion by Steve Parish, Second by Brenda Cushey

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

**Motion** to release Geokinetics' road bond relative to the seismic testing project conducted in the Township.

Motion by Steve Parish, Second by Brenda Cushey

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

Mr. DeiCas noted that the Bid Tabulation for the Coal Bluff project, for Alternate Bid #2, which was not awarded, was found to have an error and was corrected, and a new copy was

provided. He said that the error was not in the lowest bid received and that Alternate #2 was not awarded so the error has no affect on the project.

The Board asked the treasurer and the code enforcement officer if the Community Block Grant funds which were held over could possibly be used for demolition of the vacant trailers on Stone Church Road. The Treasurer confirmed that CBDG funds can be used for demolition; however, she noted that it is getting very late in the current year for the requirements to be met and said that the funds may have to be held over. Mr. Spahr asked Mr. Grieb to look into using the CBDG funds for those abandoned properties on Stone Church Road. Mr. Parish asked about whether the income surveys would be required. Ms. Taylor said that they were not required if the funds were used for this purpose. The Board agreed that the CBDG funds will be used for demolition and remediation if possible and to hold the funds over to 2017.

**Motion** to authorize the solicitor to draft a Jake Brake Ordinance for the next meeting.

Motion by Steve Parish, Second by Brenda Cushey

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

Mr. Grieb mentioned that there are several sewage issues for which he will be filing malfunction forms with Washington County Sewage Council. Mr. Spahr asked him to draft a memo to the Board about the sewage issues.

**Motion** to approve general fund bills in the sum of \$43,584.84, as of September 8, 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, Cushey-yes, Trax-yes, Chasko-yes, Motion carried.

Mr. Makel announced that the Board would not be providing a decision on the EQT Water Impoundment Conditional Use as he wants to review the decision in Wycoming County mentioned earlier by Mr. Baumgardner. EQT representatives present at the meeting requested a timeframe for the decision. Mr. Makel said that the Board should be able to provide a decision in the next two weeks. The Board was reminded that the frac of the Trax Well site was scheduled for October.

Mr. J.R. Jones, EQT Land Manager, had requested to be on the agenda regarding another project. He said that he is working on development for the Marcus-Powell marcellus well site and has started working with residents in the development area on lease contracts. He said that the development area only involves one parcel owned by the Township at this time. He asked the Board's agreement to begin working directly with the Township solicitor with the solicitor providing the necessary information to the Board. The Board gave its approval.

**Motion** to approve a resolution entering into a municipal lease with First Niagara Leasing, Inc. for the purchase of two (2) 2015 Ford F550 trucks, with an interest rate of 2.59% for a term of four years with an annual arrears payment schedule, and to authorize the Chairman to execute any and/or all relevant documentation as required.

Motion by Steve Parish, Second by Brenda Cushey

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

**Motion** to adopt Resolution 2014-09 approving the Trustees Insurance Fund Amended Trust Agreement.

Motion by Brenda Cushey, Second by Paul Chasko

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

The Board agreed to send over the Easement Agreement to Mr. Corace which was prepared. Mr. Makel also said the Snee/Patterson Road Easement Agreement was sent out for signatures.

In regard to the request by a Tuscany estate resident to use the Board Room for a meeting, Mr. Makel said that, until he looks into it further, it is unclear whether any Homeowners Association issues would fall under the developer's agreement. He asked Lori Kenavey, Planning Commission Secretary, whose mother resides in the development, to provide him with names, addresses and phone numbers of any residents who have issues and the nature of their complaints. Mr. Chasko offered to attend the meeting and lock the doors afterwards. Mr. Makel said that he might attend as a courtesy.

**Motion** to authorize the Tuscany Estates residents to use the Township Board Room on September 24<sup>th</sup> at 7:00 p.m.

Motion by Brenda Cushey, Second by Paul Chasko

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

**Motion** to allow Union Finleyville Soccer Association to use Brownsville Park on Monday through Friday, from 5:00p.m. to 9:00 p.m., and Saturdays and Sundays from 9:00 a.m. to 5:00 p.m.

Motion by Brenda Cushey, Second by Paul Chasko

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

It was discussed that Flagger Certification Safety Training is being held on September 10, 2014 in South Park. In March 2015, the road crew's flagger certification training will expire. The road crew will attend the training.

**Motion** to advertise a Budget Workshop scheduled for Monday, September 29, 2014 at 6:30 p.m.

Motion by Steve Parish, Second by Charles Trax

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

Ms. Cushey noted that she will not be able to attend the first budget meeting as she has a conflict.

Ideas for a Local Share Project were discussed. The Board decided to authorize the engineer to prepare the Union Valley bridge project again which had been submitted several times in the past. Ms. Taylor made note that the matching funds previously earmarked for the Local Share application are no longer available. However, it was discussed that other municipalities have received Local Share grants without matching funds.

*Board Approved: September 22, 2014*

**Motion** to authorize the engineer to submit an application for Local Share grant funds for the Union Valley Flooding Bridge project.

Motion by Steve Parish, Second by Charles Trax

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

It was announced that a free 2014-2014 Influenza Clinic would be held by Jefferson Hills Ambulance on October 8, 2014, from 6:30p.m. to 9:00 p.m., and November 5, 2014, from 6:30 p.m. to 9:00 p.m.

Ms. Evans-Boren, 22 Parkvue Drive, asked for a status on finishing the inside of the garage addition for Jefferson Hills Ambulance. Mr. DeiCas said that the project is ready and the contractor can start right away. Ms. Evans-Boren expressed concerns about the position of Road Crew Superintendent position still being vacant in terms of snow removal routes, future retirement of current crew, and maintenance required in the Elrama sewerage system. She asked whether the Board intended hiring someone for the position. Mr. Spahr said that they will look at the possibility when they review the Budget on September 29. It was mentioned that the contract with the Teamsters will expire this December and the contract must be renegotiated.

**Motion** to go to Executive Session at 8:29 p.m.

Motion by Brenda Cushey, Second by Charles Trax

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

The Board returned at 8:42 p.m. The solicitor said that they discussed matters involving personnel and contract negotiations.

**Motion** to adjourn at 8:43 p.m.

Motion by Charles Trax, Second by Steve Parish

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

  
Debra A. Nigon, Secretary