

Union Township Board of Supervisors  
Regular Board Meeting  
September 23, 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, and Andrew Tullai. Brenda Cushey could not attend. Also in attendance, Dennis Makel-Solicitor, Mr. Carl DeiCas, Township Engineer, Judy Taylor-Treasurer, Debra Nigon-Secretary, Harold Ivery-Building Code Official, and Peter Grieb-Code Enforcement Officer.

Public Comment

Donald Snee, Patterson Road, requested information on the erosion of his hillside along Patterson Road and the review by the Township engineer. Mr. DeiCas said that he reviewed the condition of the bank, and the prior placing of gabion baskets on the road side of the creek by the Township to prevent undercutting of the road has caused additional erosion to occur on the bank side of the creek which is owned by Mr. Snee. The Township engineer said that he has several options in mind for remediating the situation and would like to discuss those options with the Road Superintendent. He said that the Township would get back to Mr. Snee with regard to the plan for this area.

**Motion** to approve the Minutes for the August 26, 2013 Regular Board Meeting as presented by the Secretary subject to being true and correct, with correction of Ms. Nagy's name on page three and four.

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 the Minutes for the September 9, 2013, Special Meeting on Seismic Testing as presented by the Secretary, 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 the Minutes for the September 10, 2013, Regular Board Meeting as presented by the Secretary subject to being true and correct.

Motion by Andrew Tullai, Second by Steve Parish

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

**Motion** to approve the Payroll No. 18, dated August 30, 2013, in the sum of \$9,659.84 subject to being true and correct

Motion by Larry Spahr, Second by Andrew Tullai

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

**Motion** to approve the Payroll No. 19, dated September 13, 2013, in the sum of \$11,265.49 subject to being true and correct.

Motion by Larry Spahr, Second by Andrew Tullai

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

Officer Storch delivered the police report. He mentioned that there was an incident of several vehicles being entered and items stolen, and again those vehicles were unlocked. He emphasized again that, although this is a relatively safe town, homes and vehicles should be locked to prevent theft.

The Zoning Officer and Building Code Official, Mr. Harold Ivery, mentioned the four outstanding issues in terms of the Geokinetics seismic testing survey: (1) approval of the seismic testing permit application received from Geokinetics, (2) approval of the request for a \$250,000 blanket road bond, (3) approval of a heavy hauling agreement, and (4) granting the requested fifty foot variance which would reduce the 150 feet required in the Township's current Seismic Testing Ordinance from buildings and schools to 50 feet.

The Township Solicitor made reference to the case of Seitel Data, Ltd vs. Hopewell Township in the Commonwealth Court of Pennsylvania which illustrates how a Township can face litigation if trying to place excessive limitations on seismic testing.

Mr. DeiCas said that Geokinetics would not be going down the streets where the fifty foot frontage, which is currently being requested, is not available. In addition, he said that, at the levels they intend to vibrate, they are well below our Ordinance requirements even at 50 feet. The vibration demonstration test was set up using three trucks and the actual settings which will be used. During the test, they demonstrated that, at even 25 feet they were below the .325 limitation required in our Ordinance. Mr. Keith McKay, Geokinetics, said that at Saturday's demonstration they recorded data which they will put in a report and provide to the Township. Mr. Makel, Township Solicitor, said that, before the Supervisors sign the Seismic Testing Agreement, he wants to modify the Agreement indemnifying the Township from any liability.

Mr. Mulheran, 5211 Lew Street, said that he sent the Board an email last week. He is concerned because, although the Secretary had informed him during a recent phone call that Geokinetics indicated at the last Seismic Testing Workshop, that they would not be using streets where the home structures are closer to the road than the 50 feet frontage requested, and that dead end streets present a problem with the trucks being able to turn around, his neighbors have been asked by Geokinetics to place sensors on their property. He wanted to know, if Lew Street is not going to be used, then why would sensors be placed there. Mr. McKay said that the Township could even write into the Agreement that Geokinetics would not

go on Lew Street with a vibrator if that would make the residents feel more secure. He said that any sensors placed will not create any vibration but will only record vibration since a sensor is only a passive device. He said that the source lines run perpendicular to receiver lines in a perfect world; although, on some streets, not Lew Street, there may be placed both sources and receivers as they have no choice on those roads. Mr. Mulheren asked for a copy of the Agreement after it is signed. Ms. Urso, also a resident of Lew Street, asked, if Geokinetics were to be on the street and they were not supposed to be, whether they could they get in touch with someone from the Township. The solicitor offered his number to the Township residents should that happen.

Mr. Mulheren asked whether the residents would be given advance notice of the exact date when the vibroseis trucks are planned to be on our roads. Mr. McKay said that residents will receive flyers which will say that in the next 10 days Geokinetics would be performing testing. He said it would not be possible to pinpoint the exact day in the flyers that residents receive.

Mr. Askew, 106 Tuscany Estates Drive, asked whether if putting a sensor on his property is a violation of the Seismic Testing Ordinance. He was informed by the solicitor, that the Ordinance does not apply to the sensors which create no vibration and are passive listening devices. If a resident decides not to sign an Agreement with Geokinetics for placement of a sensor, the company can still put the sensor in the Township's public right away. Mr. Askew asked why he would have been asked to put a sensor on his property when the right of way is available to them without an Agreement. He was informed by Mr. McKay that it could be possible that they wanted to place a sensor elsewhere on the property just to get better data or to place a battery box. Battery boxes do not get placed at each station. Brian McCurry, 6929 Spruce Street, said that his concern was that there is no way to tell whether Geokinetics will actually run the vibrators at the level they said they would and that the recorded data can be manipulated. Mr. McKay said that Urban Seismic, a third party, is doing the real-time monitoring. Mr. McKay said that the trucks are monitored and if one of them spikes to .4 or .5, then the truck is shut down.

The Township engineer explained that the 50 feet variance is measured from the edge of the road, the berm, to the foundation of the structure. Mr. McCurry asked whether Geokinetics places flags. Mr. McKay said that they did and use orange to mark for a source location and pink to mark for a receiver location. Mr. McCurry said that there were pink and white ribbons behind the properties on Spruce Street, and that someone cut an access path on the property behind him and left brush on his property making his property unsightly. Mr. McKay said that they would determine whether these were flags from Geokinetics. The Board will investigate who has pink and white ribbons. The solicitor suggested that the meeting be continued until Monday to allow the solicitor to make revisions to the Heavy Hauling Agreement and permit, and to modify the Seismic Testing Agreement to not include Lew Street. The meeting will be continued to Monday September 30, 2013, for approximately 30 minutes.

Before Mr. Ivery completed his departmental report to the Board, the solicitor asked whether there were any additional complaints from residents about Tomko since the service of the injunction on September 18, 2013. Mr. Spahr made note that he received several complaints even since that time. The solicitor stated that perhaps on September 30, 2013, there will be action taken on the injunction.

The Township's Local Share Grant Application was discussed. The Board decided to apply for grant funding for the Union Valley Watershed, focusing on replacement of the two affected bridges. Mr. DeiCas said that he would need to get figures for only the two bridges and park property to include in this year's application.

The solicitor mentioned that the draft deed for the Nike Site property appears to be coming to fruition. Ms. Evans-Boren commented on how appreciative the Board of Supervisors of Union Township is of the fantastic job done by Representative Murphy in supporting them in working with the Army Corps. of Engineers so that this stalled transfer of property issue could get moving forward towards completion. There have been many other attempts to obtain this property, and assistance from other representatives, which had no results.

**Motion** to approve general fund bills in the sum of \$28,348.59, as presented by the Treasurer, subject to being true and correct.

Motion by Larry Spahr, Second by Andrew Tullai

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

**Motion** to approve the Liss/Prokop subdivision with Lot 1 being 5 acres and Lot 2 being 2.81 acres, for recording purposes only, subject to all fees being paid.

Motion by Steve Parish, Second by Andrew Tullai

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

The Agenda items for the Spinnenweber Resolution and Tax Certification Ordinance were put on hold as the solicitor did not yet have these documents ready for Board approval.

**Motion** to approve the Small Flow Treatment Facility Installation Maintenance Agreement for 6637 Library Road which requires a \$2,000 escrow deposit.

Motion by Larry Spahr, Second by Andrew Tullai

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

**Motion** to release the \$2000.56 held in escrow for Exco Resources heavy hauling permit.

Motion by Larry Spahr, Second by Andrew Tullai

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

Finleyville Airport had requested to be on the Agenda and stated that, although the Parish trees are removed, based on the recent inspection report provided by PennDot, there are other trees owned by separate land owners, which are still in violation.

**Motion** to authorize the solicitor to send a notice to additional property owners adjacent to the Finleyville Airport who have trees in violation stating that they have 30 days to remove the trees.

Motion by Larry Spahr, Second by Andrew Tullai

*Board Approved: October 28, 2013*

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

**Motion** to approve the use of Brownsville Park for the 2013 Fall Soccer program subject to a certificate of insurance being provided.

Motion by Andrew Tullai, Second by Larry Spahr

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

**Motion** to adopt a Resolution, No. 2013-09, supporting the Local Share Grant Application of Peters Creek Sanitary Authority for the Minimum Slope Augmentation Project to be performed in Union Township.

Motion by Larry Spahr, Second by Steve Parish

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

**Motion** to approve Road Superintendent and Township Engineer and any interested Supervisor who can attend to perform a Fall Road inspection at a time to be agreed to by the parties.

Motion by Steve Parish, Second by Larry Spahr

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

**Motion** to schedule and advertise Fall Leaf Pick-Up by the Township on Monday October 28, 2013, November 4, 2013, and November 12, 2013, with leaves being placed in biodegradable bags and branches to be bundled.

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 schedule and advertise Halloween Trick-or-Treat hours in the Township for Thursday, October 31, 2013, from 6:00 p.m. to 8:00 p.m.

Motion by Steve Parish, Second by Andrew Tullai

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

It was decided to Hold the Agenda items on the 2014 MMO's pending further research by the Treasurer. The EQT Heavy Hauling Agreement was also put on hold until September 30, 2013.

There was no Executive Session held.

**Motion** to continue meeting until Monday, September 30, 2013 at 7:00 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.

*Board Approved: October 28, 2013*

Everyone exited the Board Room at 8:44 p.m.

  
Debra A. Nigon, Secretary