

Union Township Board of Supervisors
Continued Monthly Board Meeting of September 23, 2013
September 30, 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, Mr. Carl DeiCas, Township Engineer, Judy Taylor—Treasurer, Debra Nigon—Secretary, and Harold Ivery—Building Code Official. Peter Grieb—Code Enforcement Officer did not attend the meeting.

Public Comment

Brian McCurry, 6929 Spruce Street, commented on the 50 foot variance requested by Geokinetics. He said that he doesn't see how the trucks could go anywhere in the Township as so many homes are closer than 50 feet from the road and wanted to know whether the Township would have anyone shadowing Geokinetics from the Township as they perform testing. Mr. McKay of Geokinetics said that there are roads where they certainly could not go with the trucks. He said that they are working out which roads will be used now. Mr. McCurry was also worried about taxes going up and property values going down. Mr. Parish said that the last time residents were reassessed, taxes could only be raised up to 5% of their base revenue in the first year. The solicitor said that the municipality has no authority to regulate oil and gas and that is currently in the Supreme Court; however, the solicitor stated that he isn't aware of any studies right now which show that drilling affects property values. Ms. Evans-Boren said that currently everything is regulated according to the State Oil and Gas Act. The solicitor said that the drilling does provide additional revenue to municipalities and this additional revenue can keep taxes down. Mr. McKay said that they have done testing on 240 square miles with no damage.

Ms. Evans-Boren said according to the Ordinance, a schedule is required. The 10-day notice which was mentioned by Mr. McKay at the last meeting only lets residents know that work in the Township will be beginning within the next 10 days. Ms. Evans-Boren said that the 5-day schedule which is required by Ordinance will be posted on the Union Township web-site. The testing company is currently projecting a mid-November start.

Mr. Tullai had a question for Mr. McKay about a claim process for reporting damage. Mr. McKay said that any reported damage is investigated and a conclusion is drawn as to what caused the problem. Mr. McKay said that one of the Project Managers would go out with someone from the Township to look at and assess the damage. If there is damage, then the Township provides an estimate of the cost which is sent to Geokinetics for their approval.

No other Supervisors had any additional questions or concerns. The solicitor was asked if he had reviewed all the documents, and he had. Mr. Makel asked who the contact would be, Mr. McKay said himself and Dennis Kline would be the contact people. Dennis Kline has worked with him on other projects. Mr. Makel asked for the contact information for both individuals and said that he wanted to add those contact names to the Agreement which he drafted as a

provision. Keith.McKay@geokinetics.com Dennis Kline, dennis.kline@geokinetics.com, 281-703-3663.

Mr. Makel said that he has been in other municipalities where seismic testing has been performed and there hasn't been any issues. Mr. Makel said that the short certificates and bonds must be in place before any Agreement is signed.

Motion to enter into a Seismic Testing Agreement with Geokinetics on the specific condition that a road bond in the amount of \$250,000 be submitted upon execution, that the appropriate certificate of insurance is submitted, and that a performance bond in the amount of \$100,000 be submitted, and any fees required by the Ordinance.

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 Minimal Municipal Obligation contribution for the three full-time Teamster Employees for 2014 in the annual sum of \$13,196.04.

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 Minimal Municipal Obligation contribution to the Pennsylvania Municipal Retirement System (PMRS) for Judy Taylor, Treasurer/Assistant Secretary, and Ed Frye, Road Superintendent for 2014 in the annual sum of \$6,040.00.

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 adopt a Local Share Resolution No. 2013-10, for the 2014 LSA Grant Application for the Union Valley Watershed Project with an estimated cost of \$500,000 with a 40% contribution by the Township.

Motion by Larry Spahr, Second by Brenda Cushey

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

Patrick Buono, resident of Airport Road, commented as a representative of Marianne (Maggie) Karas-Dudich who is his neighbor and resides at 116 Airport Road. Mr. Buono said that Maggie is a 75 year old widow who is extremely upset by the letter she received from the Township solicitor requesting that trees on her property be removed in thirty days. The letter includes pictures of all the trees to be removed but only three of the trees are hers. Mr. Buono was informed that her letter was one of three letters that went out about trees in violation. Mr. Buono said that there are more than three properties that have trees and stated the different areas where he believes those trees are located. He said that since the Township paid to have Ms. Mary Parish's trees removed that the Township should pay for the trees in violation at 116 Airport Road to be cut down. The solicitor said that he was not trying to upset anyone with his letter.

The contractor said that 30 additional blocks must be purchased if the Township wants the salt storage shed blocks to be staggered so that there will be an additional cost. Since there were the stone bins on the side which was something structural, the design did not call for the blocks to be staggered; however, staggering the block will make the shed even that much more stable. To stagger the blocks will mean additional block will have to be purchased and set which will require an additional \$3,900.00.

Motion to approve an additional \$3,900 for the Salt Storage Shed construction so that the block base can be staggered.

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. Parish asked whether a formal Change Order will be submitted. Mr. DeiCas said that one would be supplied by Chester Engineers for signature by the contractor and the Township.

Motion to go to Executive Session at 8:00 p.m. to discuss Finleyville Airport.

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. Parish did not attend Executive Session.

The Board returned from Executive Session at 8:12 p.m.

Motion to authorize Township funds being utilized to remove the trees in violation of the Airport Ordinance on the properties of Ms. Karas-Dudich, Teri Zimmer, Jesse Young, and Sherman Brizzi, provided these owners elect to have the Township clear the trees, and to authorize the Township engineer, if he is able, to identify any trees which are not otherwise identified or marked on the affected properties.

Motion by Larry Spahr, Second by Andrew Tullai

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

Motion to adjourn at 8:42 p.m..

Motion Brenda Cushey, Second, Larry Spahr

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


Debra A. Nigon, Secretary