

Union Township Board of Supervisors
Regular Board Meeting
October 28, 2013

The Board of Supervisors Meeting was called to order by Chairperson Linda Evans-Boren at 7:07 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. Brenda Cushey could not attend. Also in attendance, Dennis Makel-Solicitor, Harold Ivery-Building Code Official, Peter Grieb-Code Enforcement Officer, Judy Taylor-Treasurer, Debra Nigon-Secretary,

Public Comment

Mr. Jenkins wanted to comment on the sewer tap issue involving his commercial property for sale. The buyer wants that property tapped to put in a small warehouse. He said that he believes there is a lateral coming out from along the sewer parallel to Route 837. Mr. Jenkins would like to run a 6" line from that lateral to the property being sold. Mr. DeiCas said that an 8" pipe, mainline extension, with a manhole, following our sewer guidelines would need to be installed. He said that there currently is no plan or survey and the Township would need to know how many businesses will be tied in and whether they are to be subdivided. Mr. Jenkins said that he does not have the money to install an 8" line right now. He said the lawyer who is handling the transaction is providing for a 40 foot utility easement through the property to be sold so that Mr. Jenkins can maintain access to that area and, at a future time, he would install the 8" sewer line, if required. Mr. DeiCas said that a plan and survey were required before that could be decided.

Mr. Jenkins also wanted to know why sewerage to these properties was not offered at the time sewer was installed as nearby residents were tapped who are on his side of the road.. Mr. DeiCas said that he suspects there was a grade problem or an issue with the PAWC 48" line which runs under Finleyville-Elrama Road; although he did not design the Elrama sewerage system and can only surmise as to why it was not offered. The Code Enforcement Officer, Peter Grieb, explained that Mr. Jenkins property lies on the other side of the road from the Elrama Sewerage line. Mr. Grieb said that the Elrama sewer line crosses under the road just up from his property and this may explain why other properties on his side of the road are tapped and his commercial lots are not. Mr. DeiCas said that an option would be for the Township to file for a permit from PennDot to cross under Finleyville-Elrama Road as opposed to installing a lateral on the line bordering Route 837. The Township agreed that the Treasurer will prepare a letter to Mr. Jenkins that he could provide to his buyer saying that sewage is available.

Mr. Snee asked for a status on the erosion issue affecting his property. Mr. DeiCas said that the plan is to line the bank side of the creek with concrete blocks.

Motion to approve the Minutes for the September 23, 2013, Regular Board Meeting as presented by the Secretary subject to being true and correct.
Motion by Larry Spahr, Second by Steve Parish

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

Motion to approve the Minutes for the September 25, 2013, Budget Workshop as presented by the Secretary, 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 Minutes for the September 30, 2013, Continued Regular Board Meeting as presented by the Secretary subject to being true and correct.

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 approve the Minutes for the October 9, 2013, Budget Workshop, 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-abstain, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve the Minutes for October 14, 2013, Regular Board Meeting, as presented by the Secretary, with revisions to be noted, subject to being true and correct.

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 approve Payroll #20, dated September 27, 2013, in the sum of \$7,127.94 as presented by the Treasurer, subject to being true and correct.

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 approve Payroll #21, dated October 11, 2013, in the sum of \$7,127.94 as presented by the Treasurer, subject to being true and correct.

Motion by Andrew Tullai, Second by Larry Spahr

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

Motion to approve Payroll #22 dated October 25, 2013, in the sum of \$7,256.53 as presented by the Treasurer, 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- absent. Motion carried.

Departmental Reports

Officer Storch read the statistics for the past month which represented 43 shifts from the SWRPD officers, and during which time 7 criminal arrests were made.

Mr. Ivery gave the Zoning/BCO and Code Enforcement Report. He said that some items of interest included the fact that a Subway will be coming to Union Township near the Dollar General and that there was a solar panel placed on a barn in the Township, and this would be the first installation of solar panels in the Township.

Mr. Tullai mentioned that work was beginning at the Trax well site which has recently been transferred from Chesapeake to EQT. Mr. Carl DeiCas, Township Engineer, said that he provided all three binders of his information to EQT which had been submitted by Chesapeake in regard to their prior application and Conditional Use Hearing. Mr. Tullai reported that the fence and sound wall that was required has not been installed. Mr. Tullai also said that there was supposed to be a conference with first responders and notification to the school district. Mr. Makel said that he would make EQT aware of the requirements in that regard.

Mr. DeiCas said that on November 15, 2013, he will meet at the Airport with John Logan at PennDot Aviation Bureau to mark the trees still remaining in violation.

Mr. DeiCas said that he will be meeting with Victor Paving to review the long term forecast and, if the weather is not cooperative, Union Township will postpone its 2013 paving project until Spring of 2014. Ms. Taylor spoke with Rick Skovensky at Liquid Fuels who said that he would approve the move of the project to Spring if it is necessary.

The solicitor reported that he had no other information other than what was on the Agenda.

A Recreation Board Member was not present to provide a report.

Motion to approve general fund bills for October 28, 2013, in the sum of \$27,871.31, as presented by the Treasurer, 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-absent. Motion carried.

Mr. Makel gave an update on Wolfgang Timber. He said that Wolfgang Timber never complied with the Heavy Hauling Ordinance and made note to the Board that the business could be cited and Mr. Fitch could be called before the magistrate if the Board chose to pursue the issue. Mr. DeiCas subsequently checked the road and there was no damage to the road; so, he commented that had he put the required money in escrow and bonded the road as required by the Ordinance, the escrow would have been returned to him. The only other requirement was payment of the \$350 heavy hauling permit fee. Mr. Spahr said that we've held other companies accountable in regard to the escrow and bonding required under the heavy hauling permit. He suggested that someone from the Township always go out to take pictures the day they receive a report that there is unauthorized use of a road.

Motion to authorize the Township's Treasurer to write a letter to Sherman Fitch of Wolfgang Timber requesting he pay an application fee of \$350 for the Heavy Hauling Permit for which he should have applied within ten business days, or the Township may pursue appropriate legal remedy.

Motion by Andrew Tullai, Second by Larry Spahr

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

On the subject of removal of the trees from property owned by Mary Parish, Ms. Evans-Boren said that there was \$12,000 placed in escrow by the Board, based on an estimate provided by Wolfgang Timber, until such time as the trees in violation had been removed. Later, based on a second estimate from Wolfgang Timber, another \$2,000, was provided by the Board for removal of additional trees which had been identified as in violation of the Airport Zoning Ordinance, bringing the total to \$14,000 placed in escrow with John Arminas, Parish counsel.

Ms. Evans-Boren said that the trees have been down for three months and they have not yet received a copy of a cancelled check verifying disbursement. Also, she gave instances where the Board received varying reports by Parish counsel on the location of the funds and sited comments made by Wolfgang Timber to others in regard to not being paid for removal of the trees. Ms. Evans-Boren expressed her irritation in not knowing definitively what had happened with the escrow funds. Mr. Parish made comment that the Board knew that Ms. Parish was to receive the money. However, other than that, Mr. Parish said that he has always abstained from everything that has to do with the Airport and will continue to abstain. Mr. Spahr said that he was told by several lawyers that each Supervisor could have been sued personally, including even their private personal pension accounts, should anyone have been injured because of the obstructions at the Airport. He made other comments as well, which, in summary, likewise expressed his irritation that Mr. Arminas was not openly providing documentation in regard to disbursements made from his firm's escrow account since the escrow funds represented taxpayer money for which the Township is accountable.

The Board decided that later in the meeting they would go to Executive Session to determine the appropriate course of action.

The Dust Ordinance was reviewed. Mr. Tullai mentioned that he would like the Ordinance to be revised pertaining to measurement of the dust. Mr. Tullai will send the language desired to the solicitor.

Motion to advertise the Air Pollution Control Ordinance of 2013 with the amendment requested by Mr. Tullai.

Motion by Larry Spahr, Second by Andrew Tullai

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

Mr. Makel noted that this Ordinance does not pre-empt State Law.

Motion to approve Payment No. 1 to Swede Construction for the salt shed construction in the sum of \$49,949.35.

Motion by Steve Parish, Second by Larry Spahr

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

A quote was received by a local contractor for installation of a sewer tap. The solicitor said that he would like to prepare an indemnification agreement.

Motion to authorize an agreement with Doyak Plumbing and Contracting pursuant to his proposal dated October 25, 2013 under the following conditions: (1) appropriate insurance being supplied naming the Township as an additional insured for at least \$1,000,000 per occurrence, (2) the signing of an indemnification agreement holding the Township harmless from liability, (3) and appropriate certification being supplied.

Motion by Larry Spahr, Second by Andrew Tullai

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

Motion to approve purchase of a desk and credenza for the Secretary/Treasurer and a U-Desk for the Secretary, and a conference room table for use by the Board, and a big and tall task chair for the Police Officer's office and an end table and two chairs for the building entry, to include installation costs, not to exceed \$10,000 dollars.

Motion by Andrew Tullai, Second by Larry Spahr

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

Motion to approve the purchase of high-visibility reflective three-season jackets with removable fleece lining for the road crew at the purchase price of \$59.55 each.

Motion by Larry Spahr, Second by Steve Parish

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

Motion to approve attendance of the Road Superintendent at the PennDot Annual Winter Prep Meeting to be held on Thursday, November 7, 2013 at 9:00 a.m.

Motion by Larry Spahr, Second by Steve Parish

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

Mr. Ivery and Mr. Grieb said that they would not be attending the Community Open House being held by Mariner East Pipeline Project which was on the Agenda for approval because they will be having a private meeting with them when they are in Chartier's Township as the Mariner East project will be affecting several of the municipalities served by Municipal Consulting Services.

Ms. Evans-Boren announced the Food Drive to be held in November by Southwest Regional Police Department. Non-perishable food items can be dropped off in the Township from early November through December 2, 2013.

Public Comment

Mr. Hal Breinig commented on Tomko and also asked to speak regarding several pictures he brought with him of resident property issues which he believes are code enforcement violations. The issue involving a continually overflowing dumpster was discussed. It was explained that, when cited, the resident has the dumpster emptied, so then the issue is dropped. The solicitor suggested the Treasurer check with Waste Management to see if the resident currently has weekly garbage pick-up which is required in the Township. Issues surrounding some trailer properties which may be in violation were also discussed. Mr. Makel confirmed with Mr. Breinig and Mr. LaTorre that they would meet on Thursday in regard to the Tomko injunction.

Mr. Richard Nebash, 6431 Spruce Street, commented in regard to Tomko. Mr. Nebash said that he has been attending EMSHA classes in regard to a situation with his work. From what he has learned in attending these classes, he said that it is possible that Tomko may be in violation of EMSHA regulations and suggested that the Township contact the local district office of EMSHA to investigate the matter.

Motion to go to Executive Session at 9:27 p.m. to discuss litigation

Motion by Andrew Tullai, Second by Larry Spahr

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

Mr. Parish did not attend Executive Session.

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

The solicitor said that they discussed matters involving the Finleyville Airport.

Motion to authorize the solicitor to send a letter to Mr. Arminas requesting that the \$14,000 being held in escrow be returned to the Township within seventy-two hours or the Township will pursue the appropriate legal remedy.

Motion by Larry Spahr, Second by Andrew Tullai

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

Motion to adjourn at 7:45 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