

Union Township Board of Supervisors
Regular Board Meeting
November 25, 2013

The Board of Supervisors Meeting was called to order by Chairperson Linda Evans-Boren at 7:02 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, Chris Furman—Associate Solicitor, Judy Taylor—Treasurer, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer, Mr. Carl DeiCas—Township Engineer did not attend.

Public Comment on Agenda Items

Ms. Bernadette Speer, 5106 Chevy Chase Drive, Tax Collector, requested to comment on the Tax Collection Ordinance during the Board's discussion of the topic. She said that she had not had a chance to review the Ordinance and wanted to hold her comments until the Board's discussion of the Ordinance.

Motion to approve the Minutes for the October 28, 2013, 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 30, 2013, 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 November 11, 2013, Regular Board Meeting as presented by the Secretary, 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.

Motion to approve Payroll #23, dated November 8, 2013, in the sum of \$9,941.09 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, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve Payroll #24 dated November 22, 2013, in the sum of \$9,822.17 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.

Departmental Reports

Mr. Spahr asked about a house numbered 137 ½ McChain Road, and asked Mr. Ivery and Mr. Grieb whether this address could be changed. Mr. Grieb and Mr. Ivery said that numbers 137 and 139 were already existing and then a house was built in the space between the two, leaving no other choice but to assign that residence the ½ number. They indicated that an A or B is generally reserved for use with apartments. Mr. Parish said that a street was planned to join at the space between the houses and that is why there was no issue at the time the houses were numbered.

Mr. DeiCas did not attend, but provided a written report.

Mr. Furman, who was sitting in for Mr. Makel, did not have a solicitor's report for Makel & Associates.

Ms. Dorsen, representing the Recreation Board, said that five requests for a quote on a picnic pavilion at Brownsville Park were sent out with the engineer's specifications and drawing and only two responses, which she just picked up prior to the meeting, were received back by the deadline. The Board asked Ms. Dorsen to open and read the two unopened responses since the deadline had passed. The quote from Ralph Opferman was in the sum of, \$14,401.00 and the other quote was from Martik Brothers in the sum of \$19,734.00. The quotes will be reviewed by the engineer.

Motion to approve general fund bills for November 25, 2013, in the sum of \$55,746.74, as presented by the Treasurer, subject to being true and correct.

Motion by Brenda Cushey, Second by Larry Spahr

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

Mr. Spahr made comments referencing the Engineer's report which attached a letter from Mr. DeiCas, dated November 25, 2013, which stated that the PennDot Aviation Bureau identified additional trees to be removed at Finleyville Airport. Mr. Spahr wanted to know if this cost could be passed on to PennDot Aviation Bureau based on the fact that there were multiple meetings with PennDot to have these trees identified. He said that thousands of dollars were spent to have the proper trees removed, and he doesn't understand how the Bureau could now say that there are more. Linda Evans-Boren said that she will call Mr. DeiCas and consult with him herself.

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Mr. Parish said that he had not received a copy of the revised Air Pollution Control Ordinance to review. The solicitor suggested that adoption be held in abeyance to give Mr. Parish time to review the document.

Motion to hold in abeyance the Adoption of the Air Pollution Control 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 2014 Municipal Consulting Services contract provided an updated certificate of liability insurance is provided.
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 return the remaining escrow of \$91.33 for the Urban Subdivision
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 return the remaining escrow of \$186.64 for the Rodgers Subdivision
Motion by Brenda Cushey, Second by Larry Spahr
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to Advertise an Ordinance Striking an Unopened Portion of a Thirty Three Foot Wide Unnamed Street or Alley as More Fully Set Forth in the Eugene J. Roberts Plan of Lots from the General Plan of Streets, in the Township of Union, Pursuant to the Second Class Township Code
Motion by Larry Spahr, Second by Steve Parish
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

It was mentioned that the Elrama Sewerage System is \$28,000 in arrears since being taken over by Jordan Tax Service. In meetings with Jordan Tax Service, the Township was reminded that it had not elected to sign the PA American shut-off agreement which would allow water to be shut off for seriously delinquent customers.

Motion to Approve the PA American Water Shut-Off Agreement for customers of the Elrama Sewerage System.
Motion by Andrew Tullai, Second by Brenda Cushey
Roll call vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

In regard to the Tax Collection Ordinance, Mr. Spahr said that no tax collector has any authorization to collect tax certification and other fees without a Township Ordinance authorizing the collection of such fees. Mr. Spahr said that, since 1988, the Township has

unwittingly been in violation of the law in its tax collection procedures, and that it is the Board's obligation to authorize the tax collector, through an Ordinance, to collect tax certification fee payments, and to set a fee. Mr. Spahr questioned the solicitor as to whether the Township is in violation of the Social Security Act, and asked whether taxpayers are due reimbursement of these fees. Mr. Furman said that he has argued the opposite side of this issue on behalf of a resident who had a case against his Township for not having the appropriate Ordinance in place. Mr. Furman pointed out that although his particular suit was not successful, there is a spot light on the need for Townships which have been negligent in adopting an ordinance to become compliant. Mr. Spahr said that as the law in Pennsylvania now stands, the Township needs the information it requested from the tax collector which included copies of the cancelled checks for fees which would have been deposited to her personal account as compensation and the total dollar sum collected in tax certification fees. It was decided to put the Ordinance on hold until such time as the Board could pursue the information needed to make a sound judgment on what needs and what needs not to be in the Ordinance so as to be in compliance with the Laws of the Commonwealth.

Motion to appoint Ed Frye, Sr., to the Vacancy Board until the Reorganization Meeting held in January at which time he may either be reappointed or another appointment can be made.

Motion by Brenda Cushey, Second by Andrew Tullai

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

Tomko's lawyer, Renee Colbert, had requested that Bill Tomko be put on the agenda to discuss his plans for the Tomko property and answer questions from the public. However, Mr. Peter Grieb, Code Enforcement Officer, said that Ms. Colbert spoke with Dennis Makel and based on the fact that the Township Engineer would not be attending the meeting to review the plan, nor would Mr. Makel be attending, and with the mylar still requiring signatures, Mr. Tomko did not attend.

Motion to authorize the solicitor to investigate Tomko for working on Saturday since it is under an injunction and to authorize the solicitor to file for contempt should it be found that the business is in violation of the injunction.

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. Chris Furman said that the Resolution on the Agenda which was provided by WCTCD is necessary each time a Township makes a request for information from our tax collector, Keystone Collections, in this case. Mr. Furman said that the provided Resolution was not meant to be adopted alone, but would need to be passed whenever a request is passed. Since there is no current request, it was determined that no action was currently required.

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Motion to approve the Trident Insurance Company Liability Insurance Policy in the sum of \$16,640 from B&W Insurance Agency.

Motion by Steve Parish, Second by Larry Spahr

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

Healthcare Insurance Plans were provided to the Board Members for review for the next meeting.

Motion to advertise the intention to use a CPA firm for the 2013 Audit

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 donations to Finleyville VFD and Elrama VFC from the Local Share Account in the sum of \$5,000 each for 2013.

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 requesting that use of the Redevelopment Authority Community Development Block Grant Funds be postponed until 2014 when an appropriate project can be identified.

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 authorize purchase of 36 blocks to lengthen the dividing walls of the material storage bins at the salt shed location for a cost not to exceed \$2,000.

Motion by Steve Parish, Second by Larry Spahr

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

Mr. Parish said that he thought it would be a good idea to install a remote camera at the Salt Shed Site.

Mr. Tullai said that there are companies arising who are contacting residents to purchase their future oil and gas royalties.

Public Comments

Hal Brienig, 44 Finley Avenue, thanked the Board for the guard rail between Finley and Boyka, along Oak Drive. He also said that Tomko was working with ram hoes on the wall behind the building on the weekend at 10:00 a.m. in the morning on Saturday (with no activity on Sunday). He also wanted to know why the Township is in the middle of a civil matter between a landowner and a corporation, the Airport. Mr. Furman said that the reason why the Township had to be involved is that the Township had to adopt the Airport Zoning Ordinance and was

accountable for compliance. Mr. Brienig also had questions pertaining to the Board not being aware of their need for an Ordinance. In regard to any tax violations, Mr. Furman said that we are among many municipalities who are just realizing they are in violation and, so far, no one has been able to offensively take advantage of this lapse, but many municipalities are taking steps now to protect themselves.

Frank LaTorre, 7 Boyka Drive, wanted to know who to call when incidents like what occurred with Tomko on Saturday takes place. On Saturday the incident happened from 10:00 a.m. to 2:30 p.m. Mr. Furman said that Mr. LaTorre should take a picture if possible and take notes and deliver them to the Township when it is open. On the matter of the Airport, he said going back ten years ago, the Airport was going to pay to have the trees cut down and then this legal matter started and now we've spent \$100,000. He said that the Nike Site could have been had for \$1 at one time and no one on the Board wanted to do anything with the property.

Mr. Nebash, 6931 Spruce Street, wanted to know why Tomko is applying for the grading permit. He also wanted to know if MSHA was contacted.

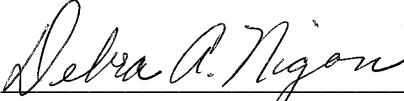
Joanna Hohman, 389 Stone Church Road, owner of 28 Davidson Avenue. Ms. Hohman said she recently purchased the Davidson Avenue property at a tax lien sale and found out it had a restricted covenant from the DEP which restricts its usage due to contaminants in the soil. With the current zoning, her only idea is to put shipping containers or a storage unit on the property and wanted to talk to the planning commission about any variances for which she could apply or any ideas for uses for that property which would benefit the community. It was discussed that there are many restrictions on this property from the DEP including the limitation that no brush can be cut and that her only option appears to be to do further reclamation.

There was no Executive Session.

Motion to adjourn at 8:45 p.m..

Motion by Larry Spahr, Second by Brenda Cushey

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


Debra A. Nigon, Secretary