

Union Township Board of Supervisors
Regular Board Meeting
December 9, 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, Dennis Makel-Solicitor, Judy Taylor-Treasurer, Debra Nigon-Secretary, Harold Ivery-Building Code Official, Peter Grieb-Code Enforcement Officer, Mr. Carl DeiCas-Township Engineer.

Public Comment on Agenda Items

Ms. Mary Parish, 47 Airport Road, had signed the book to speak but preferred to hold her comments until later.

Mr. Baumgardner, 47 Cardox Road, said that he is going through a horrific situation with the drilling by EQT at the Trax Farm well site. He said that his family is exposed to a strong odors like chlorine and diesel fuel fumes, as well as noise and vibration in his home, and loud banging on pipes. He said that EQT is always gracious when speaking with them, and has said that the sound wall will be completed by Wednesday, and has offered to put them up in a hotel; however, his family finds the situation is still intolerable. He said the first time, when Chesapeake was drilling, it was not anything compared to this. He said that there are activities going on 24/7; whether it be banging of pipes, then the vibrating, or something else. He said that his pregnant daughter went to a hotel for seven days and then came back and the same things were still going on. He said EQT is trying but that it is not enough. He was concerned that maybe EQT is using silica which is a hazardous material that should not be breathed in. He also stated that, in his bedroom, with the window closed, the decibel level is at 56, with the window open, it is at 69 decibels. He compared it to trying to sleep with a conversation going on in your bedroom, and said that these decibel levels are conversation level. He also stated that on one particular day they were overwhelmed with a chlorine smell. This concerns him because EQT said that there were no abnormalities found; however he feels that there must have been a cause that no one can establish. Thus, they are concerned that, whatever chemical it is, could be a potential health hazard, especially to their pregnant daughter. He also said, that on another day there was diesel fumes that were very strong, and the fire department offered to bring in fans to blow the fumes away. He said that, although they are regularly reminded that they can go to a hotel, he and his family does not want to live in a hotel throughout this drilling process which can go into the summer. He was told that each Marcellus employee gets \$5000 bonus for no incidents. He asked the Board to get objective third party air quality and sound quality studies.

Ms. J.L. Carpenter, Community Advisor, EQT, said that EQT wants to address issues and that they are working on it but that some things take time. An air quality company came out and did testing on Friday and were back out there today. Residents said there was no drilling going on Friday when the air quality expert was there. Ms. Carpenter said that this is why the air quality expert was sent out again on Monday. Ms. Carpenter noted that EQT has on its

own accord hired a third party contractor to monitor the site. Mr. Tullai said that our engineer should be confirming that they are testing at the best vantage points.

Mr. Baumgardner said that he would like EQT to buy him out of his home because his concern is that, once this project is done, there could potentially be more drilling later, should EQT decide to drill another vein or another shale formation, and the whole situation could repeat itself.

The Chairperson asked the Board whether they were willing to contract air quality and noise professionals to assist the residents of Cardox Road. The Board and the BCO said that our conditional use says that there were only to be 6 wells on the well pad site. Per EQT, there are now 11 wells to be drilled.

Motion to approve SE Technologies of Bridgeville, PA, to conduct air quality and sound testing of the site with the stipulation that EQT bear all costs for these studies.

Motion by Larry Spahr Second by Cushey

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

Mr. Cecchini, 53 Cardox Road, son-in-law of Mr. Baumgardner, said that he and his wife are going to have a baby in March, and he wants to give the baby the best chance to be healthy as possible, and would like his wife to be able to sleep. He asked anyone interested to actually come to the site and experience for themselves what they are living with.

Mr. Tullai said that the pipe banging sound happens when the rig is being moved and that noise is what particularly causes residents not to be able to sleep. He said that, once when he was hunting four miles away, he could still hear the banging and said it sounds like there is a train running all the time.

Motion to approve General Fund Bills as of December 9, 2013, in the sum of \$80,086.79 as presented by the Treasurer, subject to being true and correct.

Motion by at Second by Brenda Cushey

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

Mr. Sherman Fitch of Wolfgang Timber arrived at the meeting and was invited to speak about the issues expressed to the Township staff recently surrounding the removal of timber from the Mary Parish property in terms of the \$14,000 payment written by the Township to Goldberg, Kamin & Garvin, LLP, the law firm representing Ms. Parish, which was to be held in escrow, and the issuing of a 1099 form. Mr. Fitch said that the check for \$14,000 was somehow written out to him by the law firm, and that he endorsed the check and returned it to Mr. Arminas but had told him at that time that he did not want any tax liability and was assured he would not have any. He said that when he was at the office the other day Ms. Taylor told him the Township would be issuing him a Form 1099. He said that he did not want the tax liability since he did not get any money for the removal of the trees. Mr. Fitch explained to the Board that he was trying to help Ms. Mary Parish out and he was not aware of any litigation. He said he initially met with Mr. Parish about two years back, and then later he met with the solicitors,

the FAA, and others at the Airport, at the end of the runway, for 15 minutes and told them what he what he thought should be done to remove the trees. He said that it wasn't until much later he was called. He estimated that there were two to four thousand trees which needed to be cut and that he does not do clear cutting; so, he called a guy he knew who deals in firewood who would get to keep the scrap trees and hard woods. He said that he had signed an Agreement with Mr. Arminas to get the trees removed and he had expected that his involvement would end there. Mr. Fitch indicated to the solicitor that it was his primary concern that he not be issued a 1099 Form. The solicitor said that there is a Court Order and the Township has to comply with it and that is all that could be said right now.

Motion to adopt Ordinance No. 2013-04, 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 with all Township rights-of-way to remain in place.

Motion by Larry Spahr, Second by Parish

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

The solicitor said that Mr. Spinnenwebber will now have to petition the Court for Quiet Title, which is his responsibility.

Mr. DeiCas provided the Board with a bid tabulation sheet from the bid opening on December 6, 2013, for the Garage Addition Project and a copy of a letter to the Chairperson recommending that RW Martik & Sons, Inc., of 2416 Washington Road. Upper St. Clair, PA 15241 be awarded the contract for their low bid price of \$333,846.00 for the base bid.

Motion to award the Maintenance Garage Addition Project to RW Martik & Sons, Inc., in the sum of \$333,846.00.

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 approve the quote of Ralph Opferman, Jr., and Company in the amount of \$14,401.00 for construction of a pavilion at Brownsville Park.

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 approve the quote of Technical Products and Supply in the sum of \$7,635.00 for a sonic firewall, new server with 16TB of storage, onsite support and installation

Motion by Andrew Tullai, Second by Steve Parish

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

The Treasurer made note that the 2014 budget does not include a proposed increase in the contribution to the Elrama and Finleyville Fire Departments from the Local Share Fund and the change would require re-advertisement of the budget, resulting in failure to adopt the budget

by year's end. However, she made note that after an election the budget can be re-opened at the Reorganization Meeting and this would be one option of resolving the issue.

Motion to approve the 2014 Budget as advertised.

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 set the Millage Rate in 2014 at 12 mills.

Motion by Andrew Tullai, Second by Brenda Cushey

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

Mr. Parish commented that the Township could use the slots money to reduce taxes.

Motion to retroactively approve advertisement of the Workshop held on December 4, 2013.

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 the Tax Certification Ordinance with modifications for adoption.

Motion by Larry Spahr, Second by Brenda Cushey

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

The solicitor said that changes were to be made to the document he prepared for the Board as discussed at a Workshop held earlier with Ms. Speer, which changes he will make in the document to be advertised which include striking two whereas clauses which were not pertinent, adding a section which includes a fee of \$2 for tax duplicates, modifying mobile homes to read manufactured homes for the permit to remove, and that the return (NSF) fee for the Township would be \$35 and that the tax certification fee would be changed to \$20.

Mr. Parish and Mr. Tullai requested a copy of the revised Ordinance the next day.

Mr. Deicas opened the Parking Lot Inlet Replacement Project quotes which were over the amount expected, meaning that the project will have to be put out to bid.

Motion to advertise the Parking Lot Inlet Replacement Project per the specifications provided by the Township Engineer with bids due by January 10, 2013 at 3:00 p.m. with bid opening January 13, 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 to release the escrow of Liss/Prokop in the sum of \$153.39

Motion by Larry Spahr, Second by Steve Parish

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

Mr. Ivery said that Mr. Monyak moved the vehicle that was in the right away in Elrama; however, there are railroad ties, cement blocks and other obstructions which remain. One of the Township plows recently hit one of these obstructions which was covered with snow and caused damage.

Motion to authorize the solicitor to write a letter to Mr. Monyak, 12 Howe Street, Elrama, PA to remove obstructions in the Township's Right-of-Way referencing Section 2326 of 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.

The Board discussed the health care quotes for the non-union employees, and possible participation costs as several Board members said that they either have or have had to contribute towards their healthcare costs by their employer. It was discussed that in the Teamsters Union Contract it was negotiated that If the premium goes up above a certain amount, then the employee would be asked to contribute toward the plan.

The selection of the plan was also discussed. Among the UPMC plans considered, the Chairperson said that it was about \$3,000 difference per year for all three employees to obtain the better of the plans. Ms. Evans-Boren said that she and Mr. Spahr discussed the price differential versus the out-of-pocket expense to the individual employee, and that it seemed the right thing to do and the best value, since the additional cost was not too great, to purchase the better plan for the three employees as each would be spared a much greater, out of pocket individual cost which could mean thousands being spent before any benefit of the insurance would be realized. She said that the cost to the Township would be very close to what it had cost the Township to insure one employee's family individually, without a group plan, and that the insurance purchased for the group would be much better. Ms. Speer, who was in attendance, pointed out that the only financial benefit of the better plan was to the employees and not to the Township.

Motion to approve a Health Insurance Quote provided by Morgan Benefits for the UPMC Premium Platinum Plan (approximately \$29,997.48) and a Humana Dental Plan (approximately \$1,813.00) for a total cost of approximately \$31,810.48 for the non-Union employees, with the stipulation that, if the premium increases, the covered employees will be required to contribute towards the premium increase at the same percentage as set forth for splitting the premium increase in the collective bargaining agreement for the Union employees.

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 pay final payment to Swede Construction upon receipt of the appropriate warranty papers in the sum of \$38,693.65

Motion by Larry Spahr , Second by Brenda Cushey

Roll call vote: Parish-no, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Mr. Parish said that he did not vote yes because of the quality of the construction. Some of his comments were that the walls of the salt shed have big gaps between the blocks, and that the blocks looked like seconds. Mr. DeiCas said that there is no set standard for casting of the jumbo blocks. He said that although the appearance is bad, the structural integrity of the building was not affected and it will perform the function of protecting the salt from the elements. He also said that out of the 110 block used, 33 or 34 blocks were returned.

Mr. DeiCas also said that the Township still needs a warranty for the trusses and canvas of the canopy structure which is still outstanding.

Motion to approve transfer of approximately \$76,000 from Capital Reserve-Salt Shed account to the General Fund.

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 transfer of approximately \$145,000 from the Impact Fee Fund Account to the General Fund.

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 invest \$250,000 from the General Fund Balance in Certificate of Deposits in terms which would 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. Tullai said that he would like to discuss the purchase of a sound decibel kit in the sum of \$460 which would come with a calibration device.

Motion to purchase a sound decibel kit in the sum of \$460 plus shipping.

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 authorize use of Board Room for a meeting between EQT officials and residents of Cardox Road to discuss the current issues of the residents with drilling at the Trax well site.

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 re-appoint Millicent Powell to the Zoning Hearing Board, for a three-year term, from January 1, 2014 through December 31, 2016.

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 re-appoint Charles Wilson to a five-year term to the Peters Creek Sanitary Authority beginning January 1, 2014 through December 31, 2018.

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 advertise a public hearing for the transfer of a restaurant liquor license from Prices Tavern in North Strabane Township to Trax Farm in Union Township for January 13, 2013, at 6:30 p.m.

Motion by Larry Spahr , Second by Steve Parish

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

The secretary is to contact the court reporter to confirm her ability to attend the hearing.

Motion to Re-enact Ordinance #1-2007, ½% Realty Tax.

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 Re-enact the Mechanical and Electronic Devices Tax.

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 advertise the Reorganization Meeting for the Board of Supervisors for January 6, 2014 at 7:00 p.m., the Reorganization Meeting of the Board of Auditors for January 7, 2013 at 11:30 a.m., and the First Meeting of 2014 to be held on January 13, 2014 at 7:00 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.

Motion to approve the Generator Maintenance Agreement Penn Power Systems

Motion by Larry Spahr , Second by Brenda Cushey

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

It was noted that a correction was needed regarding "Stout Street" in the Maintenance Agreement.

Board Approved: January 27, 2013

Ms. Evans-Boren said that in a recent publication there was an article pertaining to a shooting at a public meeting at a Township building up North. In this article, PSATS recommends an officer or someone authorized to carry a weapon be in attendance at all public meetings.

Motion to authorize that a policy go into effect of having a police officer in attendance at all public meetings.

Motion by Larry Spahr , Second by Brenda Cushey

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

Ms. Heather Daer, 6187 Route 88, said just as the Township wants security at the meetings, the residents want the security of twenty-four hour local police coverage. Currently, when Southwestern Regional Police Department is not on duty, 911 calls are fielded by the State Police.

Ms. Parish said that her comments were addressed during the course of the meeting.

Mr. Nebash, 6931 Spruce Street, said that he was disappointed that the Township had such faulty block and wondered if it was a result of having to accept the lowest responsible bidder. Mr. DeiCas said that these blocks come in 3, 4, 5 and 6 foot sizes, and that some manufacturer's only do some sizes and that the contractor tried to find someone who did multiple lengths. Mr. DeiCas said the problem was that the blocks weren't poured square in the form, but that the sizes needed limited the contractor to who he could get the block from in the Pittsburgh area. Mr. DeiCas said that the Township did reject 1/3 of the block which came to the site..

Mr. Spahr asked about the Nike Site Transfer. The solicitor said the last news was that it was with their Head Quarters at the for review and approval and that there was little his contact at the Army Corps of Engineers said could be done to move it forward on the priority list; although she made it known that the Township is anxious to get the transfer completed.

There was no Executive Session.

Motion to adjourn at 9:02 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