

Union Township Board of Supervisors
Regular Board Meeting
January 26, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:22 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 Stephen Parish, Larry Spahr, Charles Trax and Paul Chasko. Ed Frye was not in attendance. 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

Mr. Baumgardner, 47 Cardox Road, said he was recording the meeting. He also informed the Board that he attended a Peters Township Marcellus Shale Hearing and recommended members of the Board of Union Township also attend these meetings. Mr. Baumgardner repeated information from the meeting which was provided by a financial expert, a representative from a local bank, and a pediatrician in regard to the negative impacts of drilling. He also said that an expert explained how the sound studies performed are flawed. He also made other statements and comments regarding drilling in relationship to financial and environmental impacts.

Mr. Hal Breinig, 44 Finley Road, repeated complaints about noise from Tomko and other issues mentioned at prior meetings. He also said that there is a chunk of ice in the middle of an intersection in Tuscany Estates. Also, he warned that an accident could occur at the end of Grossetto Drive in the hazardous driving conditions currently occurring because no dirt appears to be dumped at the end of the road as the Township had offered at a prior meeting.

Mr. Frank LaTorre, 7 Boyka Plan, had complaints about the noise at Tomko. He said that he and his wife recorded high sound levels on a Thursday at early hours and that they are often disturbed as early as 6:00, 6:30, and 7:00 a.m. in the morning. Also Mr. LaTorre complained about a lack of DEP site inspections which he said are to be occurring every week. Also, Mr. LaTorre said that the Tomko business is not in compliance with what is permitted in a C2 zoning district.

Chad Wissinger, the VP of Risk Management of Tomko, was in attendance at the meeting and said the business wants to hire 50-100 new people, put a building in the back, and finish the work which needs to be done. He said that the Township risks the layoff of 350 employees and losing a 9 million dollar company due to litigation associated with a ceasing of operations. Mr. Wissinger also said that he has a decibel reader on his desk which he takes to the homes of Mr. Breinig and Mr. LaTorre. He said that the claims made and information reported by Mr. Breinig and Mr. LaTorre is inaccurate. Mr. Makel and Mr. Wissinger will set up a meeting to discuss the matter further.

Pete Guido, Tuscany Estates, inquired about the status of the suit against the developer and expressed a concern about additional extensions. Mr. Makel said that he recently dictated a letter to Mr. McKeegan, solicitor for the developer, saying that the Township will not agree to more extensions after February 8. He has been in touch with the developer's solicitor who said that it would not take much to resolve the issues and who also agreed to a meeting planned in Mr. Makel's offices on Saturday. Since there was interest by Tuscany Estates residents to attend the meeting, Mr. Makel said that he would ask Mr. McKeegan's consent to have a couple supervisors and Tuscany Estates residents attend that meeting.

In regard to the election of the Tuscany Estates Homeowner's Association taking place at the municipal building this weekend, Mr. Spahr said that he would open the building for its use by the HOA. Ms. Stover also asked about the performance bond and how it came to expire which she said was still remaining unanswered. Mr. Spahr said that Earl Danielson could not be located or contacted and had not appeared before the magistrate when cited, eventually being fined and found guilty of the grading violations. Ms. Stover questioned whether or not the developer had been fined daily as had been discussed at prior meetings.

There was also a question as to whether Maronda had been contacted about the trailer. Mr. Grieb said that he tried to call today and will continue to try to get in touch with Maronda over the next couple days. Tuscany Estates residents said that ownership of the community building has been researched and the building currently belongs to Quaker Engineering and has not been put into the name of the HOA. Mr. Spahr made note that several months ago Mr. Danielson did tell someone he would be doing something in the spring with the community building and putting in the pool; however, residents say that he has been promising that for seven years and it never seems to get done.

Ms. Bernadette Speer questioned why the Deputy Tax Collector item was not on the agenda. The secretary explained that the bonding questions which were raised at the last meeting are still outstanding. Mr. Makel will contact the surety company tomorrow. It was decided that, although the bonding questions are still unanswered, the Board could still vote on approval of the individual selected by Ms. Speer whose name was submitted at the last meeting.

Motion to approve Shirley Fetchko as Deputy Tax Collector depending on approval by the surety company / bonding agent.

Motion by Steve Parish, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Motion to approve the Minutes of the December 22, 2015, Meeting as presented by the Secretary, subject to being true and correct, with update of the footer date.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Motion to approve the Minutes of the January 5, 2015 Reorganization Meeting, as presented by the Secretary, subject to being true and correct, with revision on page 3 of the roll-call on the Motion for Larry Speer for Vacancy Board.

Motion by Steve Parish, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Motion to approve the Minutes of the January 12, 2015, Meeting as presented by the Secretary, subject to being true and correct, with amendments on page 1 and page 3.

Motion by Paul Chasko, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Motion to approve Payroll #01 dated January 26, 2015, in the sum of \$7,964.21 as presented by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Motion to approve Payroll #02 dated January 16, 2015, in the sum of \$10,291.77 as presented by the Treasurer, subject to being true and correct.

Motion by Steve Parish, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Departmental Reports

Mr. Grieb and Mr. Ivery said that all recent activity is in their written report which was submitted to the Board. They did confirm that a letter was sent to the mobile home property owner regarding issues raised at prior meetings. In regard to Mr. Hoey's property, Mr. Ivery reported that the property owner has retained a contractor who specializes in fire restorations. He also reported that a portion of foundation that was cracked is being replaced, a new roof was installed, and some of the floor joists have been replaced. Mr. Ivery said that he wanted to make a site visit today but could not due to the snowy weather. Mr. Parish inquired about the junk cars on a property on Stone Church Road. Mr. Grieb said the individual was to report every month and has currently not returned his phone calls. Mr. Grieb will follow-up, issue another letter, and cite the individual if he is unable to get in touch with him.

Mr. DeiCas reported that he gave Union Township's Local Share Grant presentation. There are no official results yet; however, he is not optimistic regarding funding being received for the Union Valley flooding project. Mr. DeiCas did seem to think that grant funding was more readily available for applications involving water and sewer projects and suggested that Union Township consider an application to the Local Share for the Overlook sewage project next year. He said that he presented water/sewer project applications this year for other municipalities and that it looks likely they will be funded.

In regard to the Overlook sewage issue, it was discussed that it appears as though South Park wants Union Township to build the extension and maintain ownership and maintenance of the extension while they keep all the tap fees and revenue generated from the new customers. South Park will charge a tap fee of \$2500 to each new customer. Their quarterly charge to each customer will be a base charge of \$15 plus \$6.50 per thousand gallons of water usage which does not include our debt service. Also, once these initial taps are in place, South Park indicated that they will not accept others due to insufficient capacity. Mr. DeiCas will do a cost estimate for the Workshop the Board is scheduling for the Act 537 Plan discussions. Mr. DeiCas said that the Township should be able to get back from the \$2500 tap fee the portion dedicated to collection and conveyance per Act 53 or Act 54.

The solicitor said that everything for his report can be discussed in executive session.

No report was provided by the Recreation Board.

Motion to approve general fund bills in the sum of \$31,792.45, as of January 26, 2015, as presented by the Treasurer, subject to being true and correct.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

The Maintenance Garage Inside Addition Project bid opening was discussed. Mr. DeiCas said the lowest qualified bidder was Swede Construction who was also the contractor awarded the Salt Shed Construction Project in a prior year. Since Mr. DeiCas said he was aware of the Board's dissatisfaction over the salt shed construction, he has not yet prepared an award letter. However, he noted that the bid was the only bid under the prevailing wage threshold and that the interior work was pretty standard work to be done with materials that should not present any issues.

Motion to award to Swede Construction the Maintenance Garage Inside Addition Project in the sum of \$23,200 on the condition that they provide the appropriate bonds.

Motion by Steve Parish, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

The bid opening for the revised and re-advertised Airport Zoning District Tree Hazard Removal Project was discussed. Three bids were received for the revised project. Sideline Tree Service was the low bidder. It was noted that it must be established that they can obtain the necessary performance bond before the contract can be signed.

Motion to award the Airport Zoning District Tree Hazard Removal Project to Sideline Tree Service, LLC, in the sum of \$13,900 provided they can obtain the appropriate bonding.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-abstain, Spahr-yes, Trax-yes, Chasko-yes. Motion carried.

Paul Chasko said they will also need to discuss with the contractor the type of equipment which will be used to ascertain whether a heavy hauling permit will be required in addition to the performance bond.

Paul Chasko announced that he would like to read a statement regarding Ordinance 2008-11 referred to as the Airport Zoning Ordinance, which statement is set forth below:

- 1) *The existence of the airport in Union Township, although of some benefit to the township in infrequent instances, does not benefit the majority of township taxpayers.*
- 2) *The township will have, by reasonable estimates, based on records since the adoption of this ordinance, expended approximately \$93,000 related to the enforcement of this ordinance including legal fees, engineering fees, costs for tree removal and uncountable hours expended by township supervisors and administrative personnel.*

- 3) *Residents with properties adjoining the airport runway share the responsibility of conformance to this ordinance - other township residents do not. The majority of Township residents have been paying for an entity in which they have no interest or derive very little benefit and this injustice needs to be addressed.*
- 4) *Although the Township is currently contracting to have trees removed that are in violation of the ordinance, it's clear that additional structures (natural and man-made) may need to be removed in the future.*
- 5) *I urge the board of Supervisors of Union Township to adopt a resolution to pursue the following two-part resolution:*
 - (i) *To reevaluate sections 12 and 13 of Ordinance # 2008-11, by determining if Union Township is actually bound by state law to unjustly burden the majority of township taxpayers with the costs of enforcing this ordinance and*
 - (ii) *If redress is justified, to prepare an amendment to the ordinance to clearly set forth the procedures allowed to move the cost burden of enforcement from the township to Finleyville Airport and/or property owners that are in violation of the ordinance.*
 - (iii) *If redress is justified, explore the possibility of recovering some part of past expenses for the Township's enforcement of this ordinance.*

Mr. Chasko requested that the Board join with him in adopting a resolution to move the cost from the Township in the manner described in his statement.

Motion to adopt a Resolution reviewing the Township's Airport Zoning Ordinance by (i) reevaluating Sections 12 and 13 of Ordinance No. 2008-11 by determining if the Township is bound by state law to unjustly burden the majority of Township taxpayers with the costs of enforcing this ordinance and (ii) if redress is justified, to prepare an amendment to the ordinance to clearly set forth the procedures allowed to move the cost burden of enforcement from the Township to Finleyville Airport and/or property owners that are in violation of the ordinance, and (iii) if redress is justified, explore the possibility of recovering some part of past expenses for the Township's enforcement of this Ordinance.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-abstain, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

The Road Superintendent position was discussed. Mr. Spahr said that two candidates had initially been interviewed for the position and were not offered the job; but that a third candidate, Mr. Tom Mellor, was interviewed, who was highly recommended, and that the Township had worked out an equitable contract with this gentleman which is similar in terms to the contract of Mr. Ed Frye, and would be for a two-year period. The Superintendent would be a working foreman. Also, he would be agreeable to train other members of the road crew for a reasonable cost.

Motion to accept the two-year contract of Glenn Thomas Mellor as Road Superintendent for Union Township.

Motion by Charles Trax, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

It was noted that the candidate had received a clear medical evaluation and background check. Per the Board's request that the new hire begin work right away, Ms. Taylor said that she could work out the bookkeeping issues which would normally make the first of the month a more desirable start date.

Motion to have Mr. Mellor begin his duties as Road Superintendent at 12:01 a.m. on 01/27/2015.

Motion by Charles Trax, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

Mr. Parish said that the Rankintown Bridge project could possibly be bid out this year dependent on the sale of two properties. Also, he said that he spoke to Emily Shade from the DEP who said that she is willing to look at the sewage situation on Finleyville-Elrama Road when the weather breaks. It is believed that one of the properties is pumping sewage up to Victoria Drive with a grinder pump but that this has not been established as a certainty. Other properties may have a sewage connection at Coal Bluff.

The agreement with PSI to do sound testing relative to noise complaints from Tomko was discussed.

Motion to approve to conduct decibel testing at Tomko over a three day interval, unannounced, at random, in the sum of \$1,810.

Motion by Paul Chasko, Second by Larry Spahr

Roll call vote: Parish-yes, Spahr-yes, Trax-abstain, Chasko-yes, Motion carried.

Motion to appoint Cypher and Cypher to perform the 2014 audit for the sum of \$7500 with \$1000 reconciliation for the Township Tax Collector, plus out of pocket costs in the sum of \$300.

Motion by Paul Chasko, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

Pete Guido read a statement on behalf of the residents of Tuscany Estates regarding their concerns and their request, as hard working taxpayers, that the Township ensure that the developer does what he has to do to complete the work in their development.

Motion to schedule and advertise a Workshop in regard to the Overlook Sewage Issue for 6:00 p.m. on Monday, February 9, 2015, prior to the Regular Board Meeting.

Motion by Charles Trax, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

Mr. Chasko said that the bidders on the airport tree removal project were asked to break down their bid into a cost per each tree grouping because it may be necessary for partial payments to be made to the contractor over the course of the project. Mr. Makel said that he believes the contract he prepared for signature states that partial payments are acceptable and he will talk to him in the morning regarding this subject.

Mr. LaTorre and Mr. Snee asked for a status of the work to be performed along the fence line and creek of Mr. Snee's property on Patterson Road which was to be done by Mr. Tomko. Mr. Makel said that this project will be discussed in the meeting with Mr. Tomko's solicitor which is planned in the near future.

Motion to go to Executive Session at 9:05 p.m.

Motion by Steve Parish, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.

The Board returned from Executive Session at 9:25 p.m. The solicitor said that they discussed the collective bargaining agreement with the Teamsters Union for a new contract with the road crew.

Motion to adjourn at 9:25 p.m.

Motion by Paul Chasko, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Motion carried.


Debra A. Nigon, Secretary