

Union Township Board of Supervisors  
Regular Board Meeting  
May 9, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:10 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA.

Mr. Spahr announced that hearings and workshops were held on an application filed by EQM for a conditional use for a gas compressor station and conditions were drafted. Mr. Spahr said that there would be no more comments from the public as everyone had an opportunity to comment at prior hearings and meetings. However, he conditioned that statement in that, if there was an important item to be noted, that the public was welcome to bring it to the attention of the Board. It was also noted that the solicitor met with EQM following that hearing to discuss the conditions, and that Mr. Makel will provide a copy of the Findings of Fact and Conclusions of Law to EQM to ensure both agree to the final language in the conditions.

Mr. Makel was asked to review the conditions with those present. He informed the public that EQM agreed to everything Union Township requested except for some minor changes. Mr. Makel briefly touched on some of the conditions in the document with regard to noise abatement, permits, and air quality as discussed at the last meeting.

It was noted that the Hartson Station receives upgrades from time to time and that Mr. Mackin of EQM said future upgrades were to include replacement of valves and insulating the exhaust which would address some of the noise.

Mr. Spahr informed the public that, should the Board approve the conditional use, those interested can request a copy of the Findings of Fact and Conclusions of Law by right-to-know request, as with all public documents, once it is complete which should be within a week or two.

Public Comment

An attendee suggested the Board not approve the agreement until EQM obtains all the required DEP permits.

**Motion** to adopt the Findings of Fact and Conclusions of Law relative to the Conditional Use Request of EQM for a gas compressor / dehydration facility.

Motion by Deborah Sargent, Second by Larry Spahr

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

Mr. Makel said that the Board will soon be addressing, in the next 60 days, a concern regarding the gas lines related to the explosion which recently took place in Salem PA so that a similar circumstance does not occur here.

Pete Guido of the Tuscany Estates Home Owners Association asked for an update regarding the Tuscany Estates developer and the DEP issues discussed in the past. Mr. Guido attempted to contact Mr. Danielson this afternoon and did not reach him. Per Mr. Grieb, Mr. Danielson was supposed to meet with them last Thursday and did not come to that meeting. However, he has spoken about continuing with the development and has approval through the planning commission depending on the conditions of their approval being met. Also, Mr. Danielson must get things in order with the DEP. Mr. Guido inquired as to whether Mr. Danielson could work on the concrete and the pool since it is unrelated. He was informed that this is a judgment call seeing that the residents do want work to continue.

Mr. Guido asked for use of the Board Room from 5-9 pm on May 15, Sunday, for a Board Meeting of the Home Owners Association. He is to call the Supervisors for entry into the building.

The solicitor made note for the Minutes that the Board held an Executive Session from 5:45 p.m. until the meeting began. They discussed the EQM Conditional Use Application and personnel issues.

Board Members in Attendance by roll call were Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

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.

A roll call was taken and the pledge was recited.

**Motion** to table the Minutes until the next meeting due to the workload.

Motion by Heather Daerr, Second by Charles Trax

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

There will be a meeting on May 12, 2016, Thursday, at 9:00 a.m. with Josh Ward which will include the Township engineer, Road Superintendent and any Supervisor that wants to attend to discuss damage to Patterson Road. Mr. Spahr and Mr. Chasko acknowledged they will attend.

**Motion** to approve Payroll #07 dated April 8, 2016, in the sum of \$13,705.75 as presented by the Treasurer, subject to being true and correct.

Motion by Charles Trax, Second by Heather Daerr

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

**Motion** to approve Payroll #8 dated April 20, 2016, in the sum of \$12,490.41 as presented by the Treasurer, subject to being true and correct.

Motion by Heather Daerr, Second by Deborah Sargent

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

Mr. Ivery provided the Zoning Report. Rice Energy has applied for a heavy hauling permit for a portion of Beagle Club, McClelland Road, and Trax Road.

**Motion** to enter into an agreement with Rice Energy, to pay the appropriate application fee, appropriate bond, and pay \$3000 to the account of Union Township to cover all administrative costs, with the Township following its procedure which involves videotaping and filing a written report regarding the condition of the road.

Motion by Paul Chasko, Second by Heather Daerr

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

Motion carried.

Regarding the Stonechurch Road trailer park, Mr. Ivery reported that a request for waiver or moratorium was received from Peter Daley, the attorney for the owner of Stonechurch Trailer Park, due to the fact that his client is currently in litigation regarding an estate and a hearing is to be held before Judge O'Toole in Allegheny County on May 19, 2016. The Board directed Municipal Consulting Services to issue a citation and not approve the request for moratorium.

**Motion** to proceed with citations ignoring the request for moratorium from the owner of the Stonechurch Trailer Park.

Motion by Heather Daerr, Second by Deborah Sargent

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

In regard to the complaint of abandoned cars on Rankintown Road, Harold Ivery reported that, within the last week, the issues have been being brought into compliance with our Ordinance. Mr. Grieb explained that, by law, there are requirements and certain criteria a vehicle must meet to be called junk. Some of these criteria include: flat tires, busted windows, and an inability of the vehicle to move under its own power. If a vehicle has a flat tire, it can be blown back up to bring the vehicle into compliance provided that it meets no other criteria which would put the vehicle into the nuisance classification. Mr. Grieb further explained that even if a vehicle is not registered and is very rusty or is otherwise unattractive, it cannot, by law, be called a junk vehicle as appearance and registration status are not viable legal criteria for classifying a car as junk.

Mr. DeiCas provided the Board with the engineering report. Regarding culvert and bridge work, Mr. DeiCas reported that the WCCD permit applications were moving forward. He also said that for the sum of \$1000 each, he could provide a replacement in electronic form of the Township Road System Map and the Zoning Map.

**Motion** to authorize Mr. DeiCas to recreate, in an autocad electronic format a map of the Township Road System and the Zoning Map, for \$1000 each.

Motion by Deborah Sargent, Second by Paul Chasko

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

Motion carried.

Mr. Spahr inquired about the 23 EDU's and 2 building lots which are existing in the Overlook Street area sewerage project due to the fact that South Park's attorney says he needs an exact number of EDU's. Mr. DeiCas explained that there are homes in the area which he

believes are in South Park and may not have sewage. Also, there are some individuals in Union Township that have acreage which means that their lots can be subdivided into more lots per our Zoning Ordinance. South Park has informed Union Township that there will be no expansion and that is why they require a specific EDU count which limits this area of Union Township residents. Based on our Zoning Ordinance, those residents can subdivide.

Mr. Chasko and Mr. Mellor spent a day in the Overlook Street area and had done some work on the issue which resulted in a total of 37 EDU's which would take future expansion into consideration. Mr. Spahr asked if all of the EDU's are in Union Township, Washington County. As far as it relates to existing EDU's, the Township is close to a correct EDU number at 23 EDU's plus 2. It will not be able to take into account any future subdivision of these properties due to the limitations imposed by South Park.

There is a home on Ash Street which already has sewage. There may be a question as to whether or not one or so of the others are in South Park. One parcel is 20% in Union Township and 80% lies in South Park. These bordering homes will need to be clarified.

There were some other obstacles discussed with regard to determining the EDU's, as follows:

- There is one structure that has three electrical meters that may have more than one EDU. This structure belongs to an owner by the last name of Orr and will need to be clarified. Mr. Chasko and Mr. Mellor were going to determine that but, per solicitor advice, the engineer would need to clarify the status of that one structure and get an affidavit in writing from the owner(s) which will have to be signed and notarized. Mr. Makel will dictate that affidavit to Judy Taylor. Mr. DeiCas will work on getting the Orr property verified.
- Regarding the Kusky lot, Ms. Taylor will give the acreage to MCS for their determination as to whether the property is a buildable lot.
- Mr. Makel will look at the Gamble property which shows subdivision lines on the Township's tax map although it is all identified under one parcel number. These subdivision lines may have been established years ago and may be grandfathered. Mr. Makel will research that property to see what his staff can find at the court house.

When answers to the Township affiliation of the bordering homes and the other issues are completed – the spreadsheet prepared by Mr. Chasko can be attached to the drawing by Mr. DeiCas' and provided to Mr. Cooper so that there is no confusion on their part.

Mr. Jaki gave the Recreation Board Report. They would like to remove the chain link fence at Pleasant Stream Park and inquired as to whether the road crew could assist in removing the fence. Mr. Mellor said they could help; however, there are some trees growing in the fence which may have to be cut down. Cutting down the trees will be a property issue. Jason Jaki recommended having the park property resurveyed before the work is done. Mr. DeiCas will get the Township a quote for a survey from K LH. He received estimates from three different companies for a split rail fence which are pretty close in price. Once they get closer to installation, he can request a site visit and a hard number. Mr. Jaki also asked if trees could

be purchased and planted for the perimeter of the park. The intention would be to purchase trees which would grow only 20-30 foot tall. He will obtain prices.

He also informed the Board that a new swing is needed at Brownsville Park. Also, Mr. Jaki inquired about the road surfacing at the park and was informed that the road surfacing will be quoted in the paving project bid. In regard to the Martik Exchange of Property, the next step is for DCNR to do a review. If approved, the exchange would involve a detailed appraisal of both properties. Ms. Taylor described the steps necessary as an arduous and involved process. The Board decided not to pursue the exchange of property with Mr. Martik.

Mr. Jaki was instructed to add up all the monetary figures for everything presented and discussed and provide it to the Board so that the full amount can be presented for approval at the next meeting of the Board.

Regarding the Chrome Shop Property, Ms. Taylor will meet with Bernadette Speer, Tax Collector, towards confirming and paying what is owed. She will also contact the Tax Claim Bureau to make sure that they know that the property is tax-exempt.

**Motion** to authorize a survey of Pleasant Stream Park.

The Motion was dropped per the solicitor's advice to have it done by KLH.

Officer-in-Charge Scott Kirchner, gave the police report. There were 13 arrests in the month of April. The details of these arrests were read to the Board and also provided in the SWRPD report.

Tom Mellor provided the road report. The paving project was discussed. Mr. Spahr said the meeting scheduled for May 23, 2016, will have to be continued so that the paving project bids can be opened the following day in order to meet the advertising requirements.

Mr. Spahr addressed a situation he felt was getting out of control, in general, as it pertained to extra meetings, continued meetings, and very long meetings with lengthy agendas as had been recently experienced. He would like to institute an agenda meeting to review the items being proposed for the agenda and move action items to the next meeting, scheduling workshops as necessary.

Mr. Grieb and Mr. Mellor inquired about the possibility of cutting the tall grass at the Chrome Shop property which the Township now owns. The Township has always received complaints about high grass; however, the site has had restrictions. Heather Daerr asked about the Phase II environmental review with regard to ensuring that there is no danger to the crew. Mr. Makel said that, free of charge, he will inquire with the DEP whether the crew could cut the grass.

**Motion** to approve General Fund Bills in the sum of \$54,662.05 as presented by the Treasurer, subject to being true and correct.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion carried.

Regarding the EQT lease agreement for land owned by the Township, Mr. Makel said he had nothing at this time as there were other matters which required his attention. He will turn his attention back to this and provide information to the Board.

In terms of the easement fee for the Sunoco pipeline, Mr. Makel said that Sunoco will not go over \$10,000 for the easement fee for the second pipe.

Ms. Taylor reviewed the Elrama Sewerage Final Accounting from Jordan Tax Service. There will be customers who are due a refund. She will get the checks prepared for anything over \$2 and will call the Supervisors to come and sign them. Ms. Taylor reported that Ms. Hoffman contacted the Treasurer regarding some billing costs. Mr. Makel will speak with Ms. Taylor tomorrow about this issue.

In terms of the Finleyville Airport tree removal project, Mr. Chasko said that a meeting will be held tomorrow with Mr. Reimer, Manager, Finleyville Airpark, regarding the Aviation Bureau inspection which showed in violation the same trees which were visible in the inspection last year. The meeting is open to any Supervisor. Mr. Chasko reminded the Board that the Township has nothing budgeted for tree removal. If a waiver is to be obtained, it must be initiated by Finleyville Airport. The work by Arbor Tree Service was nearly complete when he last viewed the property. Mr. Gries confirmed that the work had been done well.

**Motion** to approve payment to Arbor Tree Service in the sum of \$15,700.00.

Motion by Heather Daerr, Second by Charles Trax

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

Motion carried.

The CDBG Project review was performed in regard to demolition at the Nike Site. Per the Redevelopment Authority review, the asbestos will have to be removed before any demolition can take place. This may be costly. The Township was allocated \$66,400 which must be used by the end of the year. Kerry Fox will provide Judy Taylor with telephone numbers for companies which perform asbestos abatement so that quotes can be obtained.

Per the agenda item for the Dust Ordinance, Mr. Makel informed the Board that he is modifying this ordinance for another municipality. He has done research for this other municipality and will put together some ideas for the Board. He also said that there will be some new EPA rules coming out in the future.

In terms of the contract with Rich Cleveland for Grant Writing, Mr. Makel said that he has no problems with the agreement.

**Motion** to enter into the agreement for Rich Cleveland for Grant Writing Services for a one year agreement.

Motion by Heather Daerr, Second by Charles Trax

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

Motion carried.

No quote was ready for the server cabinet.

Tom Mellor discussed the soccer equipment which was in need of repair. The playground inspection would cost about \$800. Also, it was determined that the Soccer Association owns the equipment. Regardless, Mr. Mellor did take one of the goal posts to be welded. He suggested new nets but that would be up to the Soccer Association to purchase if desired.

Regarding a Township Manager, Ms. Daerr said that she sent a job description to the Board Members and Mr. Makel on Sunday by email and requested that they review the job description and provide their comments. Ms. Sargent's comments were that the description looked good. Larry Spahr inquired about what Ms. Daerr found to be the median cost for the Township Manager. Her salary estimate ranged from \$60,000 to \$80,000 per year with Mr. Spahr's determination being that the cost was between \$55,000 to \$105,000 with a median of \$85,000 for just salary alone.

The engineering role was discussed. Ms. Sargent said that she felt it a duty to reevaluate all the Township as opposed to just agreeing to the decisions made by others before her.

**Motion** to terminate the current agreement with KLH / Carl DeiCas effective 30 days from today, on or about June 9, 2016.

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-no, Trax-yes, Chasko-no, Sargent-yes, Daerr-yes. Motion carried. .

Motion carried.

There was a discussion regarding the transition of work and which engineer would complete projects which were not yet finalized. Mr. Bryan Churilla, a Vice President of KLH Engineering, who was in the audience, said that KLH would be willing to work out terms to cover the completion of the projects being worked on by Mr. DeiCas. Mr. Makel suggested to the Board that they make a list of all of the engineering related projects. Ms. Daerr suggested a meeting with Mr. Harshman and Mr. DeiCas relative to the remaining work, her opinion being not to make a determination on which party is working on which project until they talk to both of engineers.

**Motion** to hire Harshman Engineers as Township engineer (1) effectively immediately, (2) subject to the terms and conditions of the proposal, (3) conditioned upon an agreement between the engineer and the Township.

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-no, not until there is clarification as to distribution of projects, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

A meeting with Jamie Harshman was discussed to be scheduled following the meeting with Finleyville Airpark.

Mr. Churilla requested that any meetings or any additional engineer-related activities/tasks, now that the contract has been terminated, be put in writing so that KLH can bill for those items. Any charges would conform to 2016 rates. Ms. Sargent will call Mr. Harshman and see when he is available.

There was discussion of the secretary's hours. Ms. Sargent and Ms. Daerr proposed a 9:00 a.m. to 3:30 p.m. schedule with a half hour unpaid lunch. The secretary had expressed a desire for a later start, still during business hours, 10:00 a.m. to 5:00 p.m. which was not approved. However, with meetings starting at 7:00 p.m. and going late, and her hours ending at 3:30 p.m., she asked how to proceed on meeting days. Ms. Sargent suggested a start time of 2:00 p.m. on meeting days.

**Motion** to take the secretary off the flexible time schedule from 9:00a.m. to 3:30p.m. with a half hour unpaid lunch, effective immediately, with starting time for meeting Mondays being 2:00 p.m.

Motion by Deborah Sargent, Second by Heather Daerr

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

Motion carried.

**Motion** to join Washington County Summer Bids for items specified:

from Hanson Aggregates:

- 500 Tons, (B2) Superpave 9.5mm Wearing Course ID-2 @\$55/ton from Hanson Aggregates, Contract Price \$27,500.00
- 100 Tons (B4) Superpave 19.0mm Binder Course @\$49/ton from Hanson Aggregates, Contract Price \$4,900.00
- 250 Tons, (B6) Superpave 25.0mm Binder Course @\$47/ton from Hanson Aggregates, Contract Price \$11,750.00

from Coen Zappi:

- 8000 Gallons, more or less, Regular Gasoline at a Price Differential of 0.0750
- 3500 Gallons, more or less, Diesel at a Price Differential of 0.0850

from Laurel Aggregates (based on 5/6/16 Quote provided the Delivered Pricing per the Washington County JMPP Contract:

- 400 tons, more or less, #2A, Road Aggregate, Delivered, at \$19.45/ton, for a total of \$7,780.00
- 100 tons, more or less, of AASHTO #8, Road Aggregate, at \$28.45/ton, Delivered, for a total of \$2,845.00
- 500 tons, more or less, AASHTO #57, Crushed Aggregate, Delivered, at \$21.95/ton, for a total of \$10,975.00
- 150 tons, more or less, R4 Rock Lining (Rip Rap), Delivered, at \$22.45/ton, for a total of \$3,367.50

**Motion** by Heather Daerr, Second by Paul Chasko

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

Motion carried.

The vote for Golden Eagle being chosen as alternate supplier of asphalt was tabled until prices could be obtained.

**Motion** to advertise 500 tons, more or less, of AASHTO No. 1 aggregate with bids to be received by 12:00 noon on June 13, 2016 during which time the bids will be opened, read aloud, and awarded at a Regular Board Meeting.

Motion by Charles Trax, Second by Heather Daerr

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

**Motion** to authorize a Fireworks Display for Finleyville Volunteer Fire Department on Friday, July 29, 2016 subject to proof of insurance and a hold harmless indemnification being supplied.

Motion by Heather Daerr, Second by Deborah Sargent

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

**Motion** to purchase another Quickbooks license along with the Quickbooks Upgrade which is being ordered.

Motion by Heather Daerr, Second by Deborah Sargent

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

Pertaining to the quotes received in response to the Request for Proposal sent to police services organizations, Mr. Spahr held that the proposal response received from Monongahela Police Department was unresponsive due to its brevity and the many questions left unanswered which left room for hidden costs. Although Mr. Chasko agreed with his stance, Ms. Sargent's opinion was that she had asked for an all inclusive price per our detailed request for proposal, and took the brief response as meaning that Monongahela Police Department was agreeing to Union Township's terms for the items not mentioned. Mr. Spahr had concerns about running into time and half, double time and so forth. There was discussion as to whether more detail was required or whether the response should be considered. The proposals were opened, made public, and read at the last meeting. Mr. Makel explained that legally, if a bid response is deemed non-responsive it cannot be considered. Mr. Makel agreed to evaluate the proposal responses to determine whether or not that determination could be made.

In regard to the item involving the evaluation of solicitor proposals, Mr. Spahr asked about the prior concerns involving legal fees and brought to the attention of the Board the many legal activities and projects Mr. Makel is providing due to issues facing the Board and called for a vote to retain Mr. Makel through the end of the year.

**Motion** to hire Mr. Makel through the end of the year as Township solicitor.

Motion by Larry Spahr, Second by Paul Chasko

Roll call vote: Spahr-yes, Trax-no, not at this time, Chasko-yes, Sargent-no, Daerr-no. Motion failed.

The Supervisors that did not approve the motion said the reason was due to the fact that the solicitors who expressed interest were already being scheduled for interviews and the timing was not right for approval.

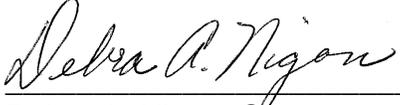
*Board Approved: May 23, 2016*

**Motion** to adjourn at 10:43 p.m.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion carried.

  
Debra A. Nigon, Secretary

CONFLICT OF INTEREST  
ABSTENTION MEMORANDUM

TO: Secretary/Treasurer  
Union Township

FROM: Heather Daerr Supervisor

DATE: 5/9/2016

Pursuant to Pennsylvania "Public Official and Employee Ethics Law" I hereby declare that I am required to abstain regarding the following issue/motion:

EQM Conditional Use Hearing May 9, 2016

My conflict/reason for abstaining is as follows:

I, Heather Daerr, am abstaining because I may have a conflict of interest since my family has a lease with EQT and also based on the advice of the solicitor Dennis Mabel.

Heather Daerr  
Signature of Supervisor