

Board Approved: January 26, 2015 with amendment as noted

Union Township Board of Supervisors
Reorganization Meeting
January 5, 2015

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr 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 Stephen Parish, Larry Spahr, Charles Trax, Paul Chasko, Edward Frye. Also in attendance, Judy Taylor—Treasurer, Debra Nigon—Secretary. Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer, Dennis Makel—Solicitor and Mr. Carl DeiCas—Township Engineer did not attend. Chris Furman—Solicitor attended as a representative of Makel & Associates, P.C.

Prior to the start of the meeting Mr. Spahr said he wanted to clarify the Township's position on public recordings. He said an individual must announce before the meeting that they are recording. Mr. Spahr read excerpts from the Pennsylvania Recording Law which informed that Townships can adopt rules governing recording but cannot have a flat prohibition on recording. He said Union Township places no pressure in regard to what can be recorded. The rule is for individuals to announce they are recording. Mr. Spahr said this has been the policy that the Township has had in the past. He asked for comments or questions. None were raised.

Public Comment

There was no public comment on agenda items.

Motion to appoint as Larry Spahr Chairperson for Year 2015.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to appoint Paul Chasko as Vice Chairperson for Year 2015.

Motion by Ed Frye, Second by Larry Spahr

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

Motion to appoint Debra Nigon as Secretary/Assistant Treasurer for 2015.

Motion by Ed Frye, Second by Paul Chasko

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

Motion to appoint Judith Taylor as Treasurer/Assistant Secretary for 2015.

Motion by Paul Chasko, Second by Ed Frye

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

Mr. Spahr recognized the Secretary and Treasurer for excellent work.

Motion to set the bond for the Secretary/Assistant Treasurer at \$750,000 for 2015.

Motion by Charles Trax, Second by Paul Chasko

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

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Motion to set the bond for the Treasurer/Assistant Secretary at \$750,000 for 2015.
 Motion by Paul Chasko, Second by Charles Trax
 Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

No road superintendent was appointed.

The authorization to extend the Teamsters Local 2015 Contract with a continuation of 2014 wages was held until executive session.

Motion to set rate at 3% commission on street light, per capita and real estate taxes, with 5% for delinquencies, for the Elected Tax Collector, Bernadette Speer, for year 2015.
 Motion by Charles Trax, Second by Steve Parish
 Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

Motion to set bond on real estate tax collection for the Elected Tax Collector, for year 2015, at 30% of the tax duplicate.
 Motion by Charles Trax, Second by Steve Parish
 Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

Motion to set bond at \$36,000 on per capita and street light collection for Bernadette Speer, Tax Collector, for year 2015.
 Motion by Charles Trax, Second by Steve Parish
 Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

Wage rates were held until executive session. The decision on a deputy tax collector was put on hold.

Motion to approve the meeting schedule which will remain the second and fourth Monday of each month with recognized holidays to be scheduled on the next business day.
 Motion by Steve Parish, Second by Ed Frye
 Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

Motion to set the hourly rate at \$40 for the Zoning Hearing Board members, and a rate of \$45 for the Zoning Hearing Board secretary, per session, for the year 2015.
 Motion by Charles Trax, Second by Steve Parish
 Roll call vote: Parish-yes, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

Motion to re-appoint Mr. Dennis Makel as Township Solicitor for year 2015 at the same rate of \$95 per hour with no increase.
 Motion by Paul Chasko, Second by Ed Frye
 Roll call vote: Parish-abstain, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

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Motion to re-appoint Mr. Carl Dei-Cas, Chester Engineers, as Township Engineer for year 2015 at the current rate.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to re-appoint Mr. Harold Ivery, Jr., Municipal Consulting Service, LLC, as Building Code Official at no increase for year 2015.

Motion by Steve Parish, Second by Ed Frye

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

Motion to re-appoint Mr. Robert Clarke, as Zoning Hearing Board Solicitor for year 2015 at the current rate.

Motion by Paul Chasko, Second by Steve Parish

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

Motion to appoint Charles Trax as representative and Ed Frye as alternate to the Washington County Tax Collection Committee for year 2015.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to appoint Harold Ivery as Township Representative to the Washington County Sewage Council for year 2015.

Motion by Steve Parish, Second by Charles Trax

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

Motion to appoint Charles Trax as Township Alternate to the Washington County Sewage Council for year 2015.

Motion by Ed Frye, Second by Paul Chasko

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

Motion to appoint Leonard Bailey as Emergency Management Coordinator for year 2015.

Motion by Steve Parish, Second by Ed Frye

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

Motion to appoint Larry Speer as Chairman of the Vacancy Board for year 2015.

Motion by Steve Parish, Second by Charles Trax

Roll call vote: Parish-yes, Spahr-no, ~~Cushey-yes~~, Trax-yes, Chasko-no, Frye-no. Motion failed.

Motion to appoint John Smida as Chairman of the Vacancy Board for year 2015.

Motion by Ed Frye, Second by Paul Chasko

Roll call vote: Parish-no, Spahr-yes, Trax-yes, Chasko-yes, Frye-yes. Motion carried.

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Motion to designate depositories of Township Funds as Citizens Bank, PLGIT, First Niagara, PNC Bank, Huntington, and Charleroi Federal for year 2015.

Motion by Steve Parish, Second by Ed Frye

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

The option to add Wesbanco was discussed. It was decided that Wesbanco could be added by Motion at a later time if necessary.

Motion to designate signatories for checks as either the Treasurer/Assistant Secretary or the Secretary/Assistant Treasurer and two Board members for year 2015 with the exception of payroll which is direct deposited.

Motion by Steve Parish, Second by Charles Trax

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

Motion to approve payment of bills which come due in between meetings for year 2015 subject to bills being true and correct.

Motion by Steve Parish, Second by Charles Trax

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

Motion to designate the Observer-Reporter for legal advertising for year 2015.

Motion by Paul Chasko, Second by Steve Parish

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

Mr. Spahr held the appointment of Board Members as Road Masters for 2015 to be held until Executive Session with other items.

Motion to authorize for year 2015 any interested parties to attend the State and County Convention, to be held April 19-22, 2015, in Hershey, PA, with the Township to pay expenses as necessary, with the voting delegate for the County convention designated as Ms. Judith Taylor.

Motion by Ed Frye, Second by Charles Trax

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

Motion to set mileage reimbursement at the prevailing IRS rate, currently 0.575, plus tolls for year 2015.

Motion by Charles Trax, Second by Steve Parish

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

Motion to reappoint Jean Livingston to the Zoning Hearing Board 2015.

Motion by Steve Parish, Second by Paul Chasko

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

Motion to advertise for Recreation Board members.

Motion by Steve Parish, Second by Paul Chasko

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

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In regard to the Deputy Tax Collector, Ms. Speer said that this is recent legislation passed in October 2014 and that she has many questions and has been making inquiries of Mr. Saccone and other individuals in regard to these questions. The Board agreed to allow more time for her to get her questions answered.

Motion to go to Executive Session at 7:53 p.m.

Motion by Steve Parish, Second by Charles Trax

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

The Board returned from Executive Session at 8:42 p.m.

The solicitor explained that the Board went to Executive Session for purposes of personnel and contract negotiations, as well as litigation and pending litigation matters.

Motion to extend the existing Teamsters Local 205 contract and wage rates until March 9, 2015.

Motion by Ed Frye, Second by Charles Trax

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

Mr. Spahr said that it was also decided that all Supervisors who might want to be a road master must obtain a physical and doctor approval clearing them for these duties.

Motion to appoint Steve Parish as Roadmaster for year 2015 conditioned on a passing a physical.

Motion by Charles Trax, Second by Ed Frye

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

Motion to appoint Larry Spahr as Roadmaster for year 2015 conditioned on a passing a physical.

Motion by Steve Parish, Second by Charles Trax

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

Motion to appoint Charles Trax as Roadmaster for year 2015 conditioned on passing a physical.

Motion by Steve Parish, Second by Ed Frye

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

Motion to appoint Paul Chasko as Roadmaster for year 2015 conditioned on a passing a physical.

Motion by Steve Parish, Second by Charles Trax

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

Motion to appoint Ed Frye as Roadmaster for year 2015 conditioned on a passing a physical.

Motion by Steve Parish, Second by Charles Trax

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

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It was further discussed that a family doctor could be used for the physical. The physician would need to sign to say they are healthy and fit to do the job. Comments from the public had to do with whether a DOT (Department of Transportation) doctor will be required, and this is not a requirement. It was noted that the results of the physical will be a matter of public record. Another question from the public was whether the doctor will be supplied with the job description.

Mr. Spahr said that he spoke with a cardiologist this afternoon in regard to another issue, and the doctor said that his position which was provided in his December 8, 2014, letter remained the same.

The Road Superintendent position was discussed. Mr. Spahr said a gentleman who is very qualified was interviewed and was highly recommended, but that the process is not complete. The individual will be appointed as soon as he qualifies in full. All other Teamsters related issues will be held in abeyance until March 9.

Public Comment

Mr. Hal Breinig, Boyka Plan, made comments relative to safety about Tomko in connection to the DEP Consent Order regarding the high wall on his property. Mr. Breinig and Mr. LaTorre, also a resident of Boyka plan, commented about the fact that, when Mr. Ivery arrived in the morning to take a sound test, as was discussed at a prior public meeting, there was only one piece of equipment on the hill, when on the following day, there were nine pieces of equipment. It is Mr. Breinig's and Mr. LaTorre's belief that someone who attends the meetings informed Tomko about the scheduled test. Mr. Furman, solicitor, said that there can be no leak at a public meeting since the meeting is by definition "public." Mr. Furman also said that he spoke with the DEP solicitor and was informed Tomko is still working within the scope of the DEP plan in terms of the DEP Consent Order.

There was discussion regarding decibel level requirements in the Township Ordinances. The resident asked for the decibel threshold limit over which the business would be in violation. Mr. Furman explained that Township ordinances allow for peaks in volume under certain circumstances and for a certain spans of time and that there is an increase permissible in the Zoning Ordinance for construction activities. Also, he explained, that all the Townships he represents vary in terms of these numbers. However, once it is established there is a violation, then the Township must send a Notice of Violation which will go to the magistrate. The magistrate will need to set a criminal penalty and it will go forward from there.

Members of the public inquired regarding the work on Patterson Road which Tomko agreed to perform. It was communicated that Tomko was contacted at one time and said that they will do the project.

Mr. Furman said, per the Motion at a prior meeting, he is to arrange an independent sound study by a third party. He is in the process of scheduling that work to be done which will be done for Tomko and the EQT Trax site at a non-disclosed time. Mr. Furman explained that

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most Townships cannot afford to pay to have an around-the-clock code enforcement officer to monitor certain sites. Also mentioned was the fact that the equipment used must be demonstrated to be calibrated and provide measurements that are defensible in a court of law.

Mr. Baumgardner said he has been giving sound water and air complaints to the Township and has filed a Right-to-Know Request asking for a copy of the complaints. Five certified notifications to EQT were provided to Mr. Baumgardner at the meeting. He was informed that EQT has twenty-four hours to schedule a sound study.

In regard to the issues he and his family have been experiencing, he mentioned elevated levels of certain chemicals in the bloodstream of he and his wife which is being tested every eight weeks, a pipe in the home that is now rattling, sore throats, an inability to sleep due to noise, the lights of his neighbors being on during the night as well, and concerns over the fog and potential H₂S. Also, Mr. Baumgardner said that well workers wear hydrogen sulfide monitors and are told if their monitor goes off, they are to get 500 feet up-wind. He said his home is only 500 feet from the site. He also mentioned a suit in another Township where the Board and each individual Supervisor is being sued pertaining to drilling related activities. He asked the Board to make a Motion to stop them from drilling at night.

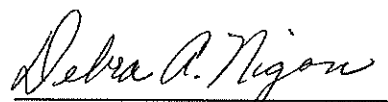
Mr. Spahr said he was up on Cardox Road four times last week and two of those times it was quiet. He said that he went once at 4:00 a.m. (the Saturday after Christmas) in the morning and he heard a motor running that sounded much like an industrial fan at an industrial site but nothing worse and he did not see neighbors lights on as Mr. Baumgardner had reported in the past. Mr. Baumgardner said that the company had some kind of issue which delayed fracking until Wednesday and that Mr. Spahr's visit to the site would have been before that time.

Mr. Furman informed Mr. Baumgardner that the Township cannot stop EQT drilling at night by Motion as requested. Also, he said that the Township cannot enforce air pollution issues.

Motion to adjourn the meeting at 9:56 p.m.

Motion by Ed Frye, Second by Paul Chasko

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


Debra A. Nigon, Secretary