

Board Approved: May 23, 2016

Union Township Board of Supervisors
Special Meeting
May 2, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 6:10 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 Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent.

Mr. Spahr informed those attending, many of whom attended the EQM Conditional Use Hearing, that the hearing was closed and testimony was no longer being taken for the EQM Conditional Use Hearing concerning the planned compressor and dyhydration facility. However, he did inform those attending that the Township will listen to comments.

Also in attendance, Dennis Makel—Solicitor, Debra Nigon—Secretary, Judy Taylor—Treasurer, Carl DeiCas – attended late and arrived following public comment. Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer. Here but working/not attending.

Mr. Spahr offered an explanation of a conditional use application for anyone attending that did not understand that terminology. He explained that all Union Township property is divided into zoning districts per the municipal planning code. Each zoning district allows certain uses of property, and some zoning districts allow additional activities or use of land by conditional use. A conditional use must have reasonable standards and limitations. If property lies in a zoning district which can be used for certain purposes by conditional use and the owner of the property satisfies those standards and limitations, the owner has the right to use the property it purchased for the purpose it identified in its application for conditional use. He explained, that in this case, the property purchased by EQT was zoned RD years ago and allows the property to be used for a gas compressor station by conditional use, which is a matter of right, where the conditions have been met, which must not be unreasonable. As part of the Findings of Fact and Conclusions of Law, the solicitor drafted conditions which, he explained, cannot be so stringent that the owner is denied the right to use that property for the allowable purpose. Mr. Spahr requested that Mr. Makel read the draft conditions to the public following public comment.

Public Comment

Chris Adams, 4145 Finleyville-Elrama Road, said that when he first moved to the property where he built a home, which is 600 feet away, the Hartson station was quiet, but as they upgraded their equipment, the noise level became much louder. He suggested that the Township have a different noise ordinance for something that runs 24 hours per day. He also inquired as to whether a condition could be set that would require the owner to buy their home if they made the area unlivable for residents due to noise.

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Stacy Monahan, 28 Aber, would like an independent air quality test performed now before any construction begins.

Bonnie Kazior, 13 Veronica Drive, reiterated concerns relating to health safety, and wanted testing to be done closer to the station itself, near their homes, and not averaged over a period of time, due to the fact that, from what she has learned on her own, within a 24 hour period levels may vary greatly and emissions could reach hazardous levels which are not picked up further away from the site or identified on studies done over a long time period. She requested the Board listen to an on-line presentation from a pediatrician who speaks on the matter, Dr. Naargard. Ms. Kazior also read Article 27 of the PA Constitution.

Darla Savko, 68 Aber Road, asked how construction traffic would be handled. Mr. Makel informed her that his document will include taking into account the Ringgold School bus schedule. Also, construction hours will be restricted. Ms. Savko also provided to the Board a news article printed in 1987 about an American Indian burial ground on property across from where the compressor station is planned. Mr. Spahr recollected the visit by the Indian chief mentioned in the article.

Mr. Jageman, 7 Victoria Drive, had marked one of the graphical pages from the sound study. He provided this page to the Board and Mr. Makel, indicating that he believed the Hartson Station should be upgraded to muffle noise. In regard to comments from Mr. Makel on the ratings of capstone micro turbines, he noted that the gas burned here is from local Marcellus and Utica gas wells and could potentially contain more pollutants due to the fact that the gas has to be cleaned here first before it is transported a long distance. For this reason he cautioned comparing emissions from a compressor station which is compressing more purified gas to what may be emitted from the McIntosh Station. Also, although the gas here is supposedly dry, Mr. Jageman questioned whether the Utica gas or other shale formations might contain hydrocarbons and oil not found in the Marcellus.

Ed Burnhardt, 4035 Finleyville-Elrama Road, mentioned that other Townships have required that electric motors be used for the compressors and have had different allowable decibel levels at night. He also mentioned the hazards of low frequency vibration and noise.

Mr. Makel noted the recent article of a pipeline explosion in Salem PA and stated that there will be a condition requiring that the Township be made aware of the locations of these lines.

Mike Barna, 4042 Finleyville-Elrama Road, inquired as to whether EQT gets to negotiate over the allowable conditions. Per Mr. Makel, EQT can object to the conditions.

Rob Petek, 4195 Finleyville-Elrama Road, had questions on the station visited by Mr. Chasko. The compressor station visited is in Morgan Township, Greene County.

Carl Hanford, 12 Meadow View Place, asked about the gas storage field under the Hartson Station. The Hartson Station uses the gas storage field. The new compressor station will process gas from the newly processed wells.

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Rose Laughlin, 30 Victoria Drive, inquired about federal and state representatives being present to hear the complaints and concerns from residents since federal and state regulations are being mentioned. A representative from Rick Saccone's office acknowledged her presence at the meeting.

Ms. Savko, 68 Aber Road, and Ms. Monahan, 28 Aber Road, noted that they were calling EQT when they had complaints/issues and should have called the DEP.

Barry Graham, 23 Victoria Drive, thought it made more sense that the concerns at Hartson should have to be dealt with first before allowing the new station to go forward.

In terms of air quality and noise, Mr. Spahr mentioned at one point during comments that independent studies were conducted from right outside the Trax well site and there were no significant findings. No toxic gases were detected. The studies were not broadcast to EQT and it was unknown when the independent firm would be there.

There was discussion of whether a tour of the Hartson Station could be coordinated with EQM. A resident asked if he could attend in the place of any supervisor who did not go on a tour.

Comments were closed.

Most residents exited the meeting at that point so the Board could continue with other unrelated business on the agenda.

Mr. Makel said he would prefer to further refine the conditions he drafted and meet with the Board as soon as these are done, sometime before Monday. He will let the Board know when it is ready.

He also noted that the Findings of Fact and Conclusions of Law could be discussed further in Executive Session.

Ms. Daerr will call Stephanie Paluda to try to arrange a tour of the compressor station in Morgan Township, Greene County. She will see if it can be arranged and, if so, how many could attend. She will contact Darla Savko about the tour if it is scheduled. Ms. Daerr will also try to schedule a Hartson Station tour at the same time.

Motion to ratify of the acquisition of the old chrome shop property in Elrama and preparation of the deed to be recorded with the Washington County recorder of deeds with proper notification to Susan Morgan of the Redevelopment Authority.

Motion by Heather Daerr, Second by Deborah Sargent

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

Motion to ratify the payment of bills prepared for April 25, 2016, in the sum of \$17,873.99 as prepared by the Treasurer, subject to being true and correct.

by Charles Trax, Second by Debora Sargent

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

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Mr. Powell requested information on the bills for the Finleyville Airport zoning issue. He was informed that he would need to fill out a right-to-know request.

The item on Engineering was held for Executive Session.

A change in the format for meetings was discussed. An option for allowing Mr. Makel not to attend one of the meetings and use that time for better purpose was mentioned. In terms of meetings, Mr. Makel sent the Board some case research in regard to the Sunshine Act and meetings for their review. He explained that, at one time, if three supervisors were to accidentally meet up, they had to disperse right away. Now, there is some latitude given in that you can meet to gather information in a meeting that is not advertised and is not open to the public. However, this latitude is meant to be used rarely and not for items addressed normally at a regular meeting. Any decisions must be made at a public meeting. Mr. Spahr added that the public deserves to see the rationale that the Board is using to come to a decision. Since the Board has so many issues to address, it did not seem to make sense to change the format now. A format which includes an agenda meeting can be revisited in the future.

In terms of the business administrator agenda item, Ms. Daerr expressed a need for a Township manager or business administrator who could oversee the Township business, coordinate responsibilities, negotiate contracts, set department heads, and so forth. She also noted that the Township is lacking in infrastructure in terms of MS4 and is not prepared. She also noted that there are construction projects, gas well activity, grants, a long range comprehensive plan, a recreation comprehensive plan, zoning issues, and a website that all need to be addressed and there is insufficient manpower.

Motion to start the process of accepting applications for a Township Business Manager to look at in January.

Motion did not continue per advice from the solicitor.

Mr. Makel suggested first creating a job description and gathering data from communities at about the size of Union Township. In some Townships, a Supervisor performs the responsibility of Township manager. Mr. Makel suggested creation of a personnel committee. Ms. Daerr will serve as Chairman, Heather Daerr, Paul Chasko, and Deborah Sargent will serve on the committee towards preparing in this regard in the budget for next year.

Mr. Spahr would like feedback from other Townships in regard to what their experience has been in terms of a Township Manager. Also, Mr. Spahr would like to have Judy Taylor given the authority to serve as Township Manager if she were interested.

There was a short discussion regarding the paving project. Mr. DeiCas informed the Board that the prior numbers had to be modified and adjusted. Per the PennDot Representative, an eighty foot turnaround or cul-de-sac would be needed at Brownsville Park for the road to receive Liquid Fuels funding, and this size cul-de-sac would take the entire parking area. Liquid Fuels cannot be used to pave the road. However, the paving of the road can be put on the bid as long as the Township pays for it separately out of the General Fund. Total cost for the paving project would be about \$190,000 with \$25,000 being subtracted out for the

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Brownsville park entry road. If bids come in at the Township estimate, some Liquid Fuels will be left over to use for another allowable purchase. However, you cannot carry over more than 20% of Liquid Fuels funding.

It was noted that the Recreation Board reported that they will not be using the \$35,000 allocated to them this year. This funding could be reallocated or the Township could add to it for the future. The Board did not choose not to reallocate the funding at this time.

It was discussed that the only fields in the Township, outside of the soccer field, are owned by St. Francis and Ringgold School. The fields behind the school may be lost when the school is put up for sale.

Motion to authorize the Township, Mr. Trax, to make contact with the School District about seeking ownership of the ballfields at Ringgold School.

Motion by Charles Trax, Second by Deborah Sargent

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

Gabion wall will be used to secure slide on McChain Road and move drain down further.

Motion to authorize the advertisement for bids for the 2016 paving project in accordance with the schedule provided by the Township Engineer, for the paving of McChain Road from the intersection going South, Kirchner Road, and Brownsville Park entry road, with the Brownsville Park entry road to be paid from the General Fund.

Motion by Paul Chasko, Second by Charles Trax

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

Frank LaTorre, 7 Boyka Drive, mentioned a plugged catch basin on Route 88 on the Tomko side of the road. Mr. LaTorre also stated his belief that, had a Township Manager been in place, then the dust issue and pollutants at Tomko would not be the issue that it is now.

The two police services responses received back from the request for proposal which was sent out were discussed. Monongahela Police Department asked for additional clarification on some issues. Mr. Spahr expressed a concern about information not provided and/or omitted in terms of costs.

Deborah Sargent will invite Monongahela Police Department and Southwest Regional Police Department to a meeting scheduled to gather information, with both meetings to be held on May 16 at 6:00 p.m., with forty-five minutes scheduled between meetings.

Motion to go into Executive Session at 9:08 p.m.

Motion by Deborah Sargent, Second by Paul Chasko

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

The Board returned from Executive Session at 9:55 p.m.


The solicitor said that the board discussed items involving personnel, police services and the engineering function.

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Motion to Adjourn at 9:55 p.m.

Motion by Heather Daerr and Second by Deborah Sargent

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


Debra A. Nigon, Secretary