

***MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS***

***MONDAY, MAY 5, 2014 7:00 PM
MEETING ROOM, 3537 - 7TH STREET ROAD***

Board of Supervisors Chairman, Ross Walker II called the regular meeting of the Upper Burrell Township Supervisors to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL: The following members of Council responded to roll call:

Present: Chairman Walker
Vice Chairman Dombroski
Supervisor Uhler

Also present: David Kerchner, Engineer
Melissa A. Holmes, Secretary
Stephen Yakopec, Solicitor

COMMENTS ON AGENDA ITEMS - NONE

APPROVAL OF THE MINUTES

Motion made by Walker, second by Dombroski, to approve the minutes of the April, 2014, regular meeting of the Township Supervisors. Motion passed 3-0.

CORRESPONDENCE

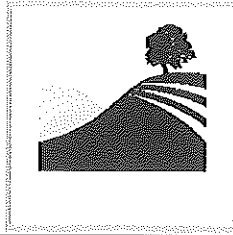
Chairman Walker asked Ms. Holmes, to review the correspondence from the month. Ms. Holmes reviewed the items that were listed on the agenda.

ROAD REPORT

Supervisor Dombroski reviewed the activities of the Road Department for the month of April. Supervisor Dombroski stated some of the work was performed power washing, cinders, patching and replacing signs and posting new signs.

Road Report April 2014	
1	power washed frame, rewired marker lights in truck bed- Peterbilt, sick time(TW)
2	swept up cinders in parking lot, worked on Sweepster broom
3	cleaned up area of salt silo, power washed F-550 truck, snow plow and salt spreader
4	swept up cinders- Baxter, Guyer, Laing, Michael
7	wrote up March Road Report(PD), fixed leaking toilet valve in bathroom(TW), swept cinders- Michael, Guyer, Bethesda
8	swept cinders- Guyer, Delberta, Bethesda
9	personal time(TW), worked on 9-26, went for parts for Sweepster broom
10	removed spool on Sweepster broom and replaced bristles and bearings, remounted spool, replaced ruptured hydraulic hose on backhoe, power washed backhoe
11	wrote up time sheets(PD), swept halls(TW), swept cinders, Hartge, Guyer
14	vacation(PD), changed oil and got flat tire repaired-9-26, marked PA One Calls, repaired salt spreader trough on F-550
15	swept cinders- Guyer
16	lubed Sweepster and 5510, rust removal on F-550 toolbox and frame
17	put up No Trucks Except Local Deliveries signs, posts, stubs and break away hardware at each end of Myers, patched holes in F-550 toolbox
18	vacation(PD and TW)
21	Easter Monday Holiday
22	put up Road Narrows signs, posts, stubs and break away hardware on each side of stream crossing- Bethesda, folded tables, swept meeting room floor and set up chairs, swept cinders- Menk
23	sick time(TW), primed and painted F-550 toolbox and frame, cleaned up garage, typed up and printed sign reflectivity sheets
24	patched potholes- Myers, Menk
25	vacation(TW-8), repaired brake light, 9-28, installed new door gaskets and mounted doors and top panels on F-550 toolbox, vacation-(PD-4)
28	wrote up time sheets(PD)swept up stink bugs(TW), replaced ripped out road sign, post, stub and breakaway hardware- Bethesda @ Guyer, patched- Bethesda, patched parking lot
29	swept cinders- Michael, Angelcrest, mounted and repaired salt spreader on F-550, remounted toolbox
30	went to Dirt and Gravel Roads class in Greensburg(PD), checked roads and removed branches, reset knocked over speed limit sign- Michael, went to auto parts and hardware store, got a replacement inspection sticker put on F-550 due to windshield replacement

Submitted By: 



POLICE REPORT

There were 113 incidents for the month.

EMC REPORT – NO REPORT

ENGINEERS REPORT

Mr. Kerchner reported the following bid award results for the road material bids.

Item #1 – 300 Tons Type 2A Limestone – Hanson Aggregates

Item #2 – 300 Tons No. 3 – Limestone – Allegheny Mineral

Item #3 – 300 Tons Type 1A Processed Cinders – NO Bid

Item #4 – 300 Tons Anti Skid Type 2 (PennDot) – Ligonier Stone

Item #5 – 300 Tons of #9 Limestone – Allegheny Mineral

Item #6 – 5,000 Gallons Gasoline, Unleaded 87 Octane with ethanol – Export Fuel

Item #7 – 4,000 Gallons of Clear Ultra Low Sulfur Diesel B2 Blend – Export Fuel

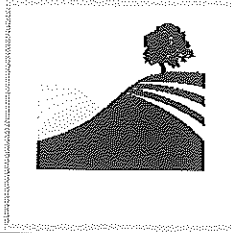
Mr. Kerchner also stated that he did speak with the County in regards to see if there is any available CDBG monies for the 2014 year for the Johnson Street drainage project. The County replied there is no money available but are welcome to submit an application and we would be placed in line along with other communities whom are seeking out fund but will be highly unlikely for this year. Mr. Kerchner also commented on the PHARE Fund which is now available for all residents of Westmoreland County this program is a no interest, deferred loan program. Eligibility is based on household income, residency in Westmoreland County and owning and living in the home that needs rehabilitation. Mr. Kerchner also stated that the Contractor for the Lower Drenned Road Slide Repair is mobilized and will beginning to move dirt soon.

PLANNING COMMISSION – No report

SOLICITORS REPORT

Solicitor Yakopec stated that he was contacted by Supervisor Uhler who asked him to prepare and Ordinance that addressed the Game Code Safety Issue. This Ordinance would not be acted upon tonight it would first need advertised. Mr. Yakopec also stated that the Township is being sued by Washington Township for half of the LST Tax monies that Upper Burrell Township receives for the employees who work at Leeds World, Inc., Washington Township believes that part of the Leeds World, Inc. building lies in their community, Mr. Yakopec does not believe they are accurate. Mr. Yakopec also stated that the board needs to meet for an executive session.

A motion was made by Walker, second by Uhler giving the Solicitor permission to properly respond to said lawsuit. Motion passed 3 – 0



NEW BUSINESS

A motion was made by Walker, second by Uhler, to allow Police Chief, Ken Pate, to purchase a new 2014 Ford Explorer for the Upper Burrell Township Police Department.

Motion passed 3 - 0

A motion was made by Walker, second by Dombroski, to reconsider the Gary Ross subdivision request, but Mr. Ross must resubmit a new plan and they will look it over.

Motion passed 3 - 0

A motion was made by Walker, second by Uhler, to continue in the Westmoreland County CDBG Program for the years 2015 – 2017.

Motion passed 3 - 0

Walker made a motion, second by Dombroski to adopt Ordinance #2-2014, An Ordinance of Upper Burrell Township, Westmoreland County, Pennsylvania, repealing Chapter 157, Firearms of the Code of the Township of Upper Burrell and Ordinances No. 1-1973 and No. 5 -1991.

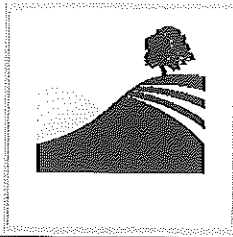
Motion passed 3 - 0

COMMENTS FROM THE PUBLIC

Supervisor Walker stated that in regards to the new proposed Firearm Ordinance, section 2 paragraph A, which covers a "safety zone", as defined in the Game and Wildlife Code of Pa 34 Pa C.S.A. 102 et seq. as amended, within the Township of Upper Burrell, (i.e. 150 yards of any occupied house, building, camp, barn, stable or other building in connections therewith without advance permission).

George Banyas, 361 Hunter Hill Road, stated that he would gladly donate his time if the road crew would provide to him cold patch so that he could patch the potholes on his road, he stated the holes are so bad he had to have major front end repair work done to his vehicle. Supervisor Dombroski stated that last year some of those repairs were made. However, they do appreciate his offer. Mr. Banyas asked as to why we cannot sub this work out and maybe get 2 roads a year done instead of buying police vehicles. Supervisor Dombroski stated they will continue to do the best they can.

Eugene Symionof, 3803 Baxter Drive, provided to the Supervisor's a hand written/formal complaint, in regards to the constant noise that comes from his neighbor's house from all of the motor bikes and quads that are being used by the children and said recreational vehicles are also riding on the roads. Mr. Symionof also stated that due this he no longer able to sit on his porch he also stated to please read his letter carefully. Solicitor Yakopec stated he look into this matter.



Dan Myers, 2431 Turkey Ridge Road, stated that according to Ordinance #2-1964, would cover any violation of this and went on to state that now a formal complaint has been filed by Mr. Symionof the Supervisors must react and send someone out to investigate this complaint.

George Banyas, 361 Hunter Hill Road, stated that they seem to be taking the baffle out of these recreational vehicles to make them loud, he stated that this also is against the law.

Ron Slabe, 516 Angelcrest Drive, stated that we need to follow thru with our Ordinances especially the noise and nuisance Ordinances and if they do not hold enough teeth in them then maybe we need to go back and review them.

Dan Myers, 2431 Turkey Ridge Road, stated that according to one of Ordinance, Chapter 273, accumulation of rubbish and junk, he has complained twice before about a neighboring property and this said property is terrible right now and he is making a formal complaint, there is a truck, car and building material scattered all over this property.

Ron Slabe, 516 Angelcrest Drive, stated that 3 months ago if not longer the Police Chief did inform everyone about the safety factors pertaining the Firearms Ordinance, Mr. Slabe thinks this is an excellent way to address this and deals with the safety factor, he says this would be a smart idea to take into account and pass.

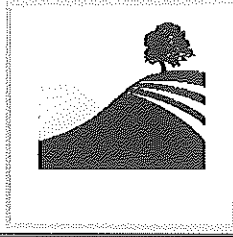
Dan Myers, 2431 Turkey Ridge Road, stated that the criminal code will cover all of this. Supervisor Walker took a vote to the crowd and most present were against having a new Ordinance and a few were that were present saw nothing wrong with having additional factor.

Leon Yurkin, 3603 Baxter Drive, stated that we do need this Ordinance that way it would give law enforcement a way to enforce it .

Maxine Gregg, 2129 Greensburg Road, stated that we do not need any more laws, the noise issue could be covered under the nuisance law she also stated that in the new ordinance she did not see any mention of firing ranges, and how these ranges would be licensed.

Ron Slabe, 516 Angelcrest Drive, stated that with the new supreme court ruling in regards to Act 13, the supervisors do need to be made aware of the changes, he suggested that we invite ,Attorney, Jonathon Kamin to our next meeting to discuss all these changes and what they mean for the Township and look at our current Ordinance that pertains to drilling and see if changes are needed. Mr. Slabe stated that a lot of the changes have elevated to levels like freedom of speech, worship, etc. and the township needs to look closely at this.

Chris Uhler, 2213 Turkey Ridge Road, asked what happens if the safety zone ordinance does not pass?



Paula Gregg, 2153 Greensburg Road, stated that the new Firearms Ordinance would pass with the safety zone issue in it, you are now taking away other people's rights to discharge firearms on their own property.

Ron Slabe, 516 Angelcrest Drive, stated that you are already talking about a law that is in place, nobody rights are taken away during hunting season.

Rick Jones, 201 Merwin Road, stated he is talking about what Dan Myers mentioned earlier about people losing their right to shoot because someone may live within a range. Didn't Mr. Myers already bring up about recklessly endangering and blasting off guns at night you have the right to call the police and file a grievance. Just because somebody lives next to me within 75 yards from my house so he is not allowed to shoot on his property unless he has their permission and if they say no then what? That's why these other laws are in place. Why right another Ordinance if there are other Ordinance/Laws in place to cover this issue it's just duplication. He says we do not need this Ordinance.

George Banyas, 361 Hunter Hill Road, said would anyone ever be able to measure the 150 yard distance if they would not let you on their property do so. Walker stated by using a range finder and Banyas replied they are not accurate, you would have to literally go out and use a tape measure or have a surveyor come. Slabe stated this is not a problem for the Game Commission to enforce and Banyas replied it is cause they do not respond. Banyas stated he has called the Game Commission and also the police for people hunting and trespassing on his property and there has never been nothing done. He was told to take them to court, it was if he was on trial.

A motion by Walker to adjourn, second by, Dombroski, meeting adjourned at 8:08 pm.

Minutes Submitted by:

Melissa A. Holmes

Note***

Next monthly meeting will be held on Monday, June 2, 2014
Beginning at 7:00 p.m.