



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

**MONDAY, JUNE 2, 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 – Spoke out of order, will be in the Public Comments

APPROVAL OF THE MINUTES

Motion made by Walker, second by Uhler, to approve the minutes of the May , 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 May. Supervisor Dombroski stated some of the work performed was mowing and patching. Dombroski also stated that about 60 tires were turned in for cleanup days and about 1 ¼ quarter dumpsters will filled. Dombroski also stated that another slide had appeared on Lower Drennen Road and they did patch over the crack.



POLICE REPORT

There were 97 incidents for the month.

EMC REPORT – NO REPORT

ENGINEERS REPORT

Periodic Payment #1 for the Lower Drennen Road Slide Project has been requested and he recommends payment be submitted to the County in the amount of \$48,488.00. Motion made by Walker, second by Uhler to approve payment. Motion passed 3 – 0

The Engineer also stated that the Contractor did encounter an issue at the job site, said additional work has been completed and at the July meeting a change order will be presented in the amount of \$4100.00.

Supervisor Dombroski stated that he would like for the Engineer to look at the CDBG fund for the 2nd slide issue on Lower Drennen Road. A motion was made by Dombroski, second by Walker to have the Engineer prepare a report. Motion passed 3 - 0

PLANNING COMMISSION – Recommended the subdivision request of Steve Nonn, to subdivide 2 parcels on Lower Drennen Road, Parcel #1 will be a residual area of 48.65 acres and includes utilization of the non-building waiver for sewage which has been completed and signed by the Township SEO. Parcel #2 will consist of 20.523 acres and include the existing dwelling.

SOLICITORS REPORT

Solicitor Yakopec stated that he has known Dan Olszweski since he was 8 years old and highly recommends him for the part-time policeman position.

NEW BUSINESS

A motion was made by Walker, second by Uhler, accept with regrets the resignation of Phillip J. Huth from the Upper Burrell Township Police Department.

Motion passed 3 - 0

A motion was made by Walker, second by Dombroski ,to submit a nominee for the PSAT's Youth Contest Award Contest, however ,there does not seem to be a candidate.

Motion passed 3 - 0

A motion was made by Walker, second by Uhler, to make a donation in the amount of \$40.00 to Westmoreland Cleanways for their annual HHW Collection Day.

Motion passed 3 - 0



Walker made a motion, second by Dombroski to approve the recommendation of Planning Commission for the subdivision request of Steve Nonn.

Motion passed 3 – 0

Walker made a motion, second by Dombroski to hire Dan Olszweski, as a part-time policeman.

Motion passed 3 - 0

COMMENTS FROM THE PUBLIC

Arlene McCutcheon, 713 Evergreen Road, asked about why the Supervisor's did not take action on the new Firearm Ordinance that was prepared by Solicitor Yakopec, at the last meeting. She went on to say that she feels an Ordinance is needed and that by adding the 150 yard safety zone was a good idea. Mrs. McCutcheon also stated that people do trespass throughout the community especially in hunting season. You need to consider that all residences are not the same and shooting can affect a neighboring property by being to close. As of now there are no rules, so at any time an unofficial gun club could appear.

Supervisor Walker stated that they Supervisors did deliberate over this at the last meeting and only 4 people who were present at the meeting wanted more restrictions and at least 45 did not.

Ron Slabe, 516 Angelcrest Drive, also asked why the suggestions that were given to the Supervisor's in regards to the Firearm Ordinance were not even given a chance. He stated that as Supervisor's they are responsible to all home owners. Mr. Slabe stated that it is the Townships responsibility to enact provisions and regulations. Mr. Slabe also stated that the safety zone is required during hunting season why would you not want a safety zone out of season?

George Banyas, 361 Hunter Hill Road, stated that hunting season is in all year long.

Supervisor Walker stated that by repealing the Firearm Ordinance does not mean that a new Ordinance will not be drafter, it is not a done deal, and safety protections can always be added.

Leon Yurkin, 3603 Baxter Drive, stated that he did call the State Police and they are not aware of the Game Laws, a few years back someone shot about 30 yards away from his garage. Mr. Bolt stated that was because he call the wrong authorities, needed to call the PA Game Commission and yes there maybe a delayed response but they will handle the complaint.

Dan Myers, 2431 Turkey Ridge Road, presented a drawing that showed the how much area would be affected by adding a 150 yard safety zone. Mr. Myers stated that the Game Commission did not set this regulation that it was set back in the 1920's or 1930's by the PA State Statue and was established for small game hunting. By having this safety zone almost every person in the Township would be in violation.



Ron Slabe, 516 Angelcrest Drive, asked the solicitor what the 150 yard safety zone meant, Solicitor Yakopec stated that you could not shoot within 150 yards of a dwelling, garage, playground and/or anywhere or anything that would have occupancy. Slabe stated stop making this a political situation, don't blame the President for a safety issue. Slabe stated that the Police Chief testified about residents who had encounters with bullets, are you just going to ignore that.

Supervisor Dombroski, stated that in regards to the Chief, no matter if we have 150 yards or 160 yard safety zone, it will not be any safer if it were 75 yards. It all comes down to common sense, he could be 1000 yards away and with the right firearm your windows could still be shot out. People need to have respect for the neighbors and some are still going to do what they want.

Don Greene, 848 Merwin Road, stated that with the drawing that was presented by Mr. Myers he would not be able to shoot anywhere on his property if you had the 150 yard safety zone. Mr. Greene stated that about 1 year ago he did encounter a problem and he contacted the police who handled the situation to his satisfaction.

Chris Ann Uhler, 2213 Turkey Ridge Road, stated that at last meeting she did state her opinion, and her question is if while she is out walking and here's shooting how in the world could she determine if the person was 150 yards away, would the police be able to determine this? Mrs. Uhler stated that not all people have common sense.

George Banyas, 361 Hunter Hill Road, stated that we had these laws all along, what is making more laws going to do? He can hear the gun club that is located in Plum from his home shooting some evenings until up till midnight.

Ron Slabe, 516 Angelcrest Drive, stated that as the community grows this will become a concern and the Township does not need the reputation as a being gun crazy. He stated that the Supervisors are clouding the issue and this is basically a safety issue not a frivolous issue it is serious.

Supervisor Walker stated that recently he had the pleasure of speaking with one of the Allegheny Township Supervisors, Allegheny Township is a community that is 4x times us in population and double us in size, and they do not have a Firearm Ordinance and never did.

Dan Rowe, 905 Merwin Road, stated that when the police chief dicussed the past issues even back then the Ordinance could not prevent what happened as a new Ordinance will not either. Mr. Rowe stated that there are other laws that would cover any incidents. Mr. Rowe also asked if there is status on the working of a new Firearm Ordinance.

Several discussions took place over statues of safe shooting and angles of shooting and backstops.

George Banyas, stated the rules were on the books and what could have been done about it. Solicitor Yakopec stated that it can either be handled criminally or civil.

Gene Syminof, 3803 Baxter Drive, stated all has been quiet except for 1 day of riding.



Supervisor Walker stated that when the Zoning was codified that 1964 Ordinance was repealed due to other provisions covering that Ordinance. Walker stated that the Township is looking into a "Creating a Nuisance Ordinance". But as of now there is no Ordinance in place so hold tight. However, such issues as the kids being minors, whose property it is, etc. enforcement will become a big issue. Walker advised Mr. Syminof to document the activity.

Bill Bolt, 629 Pleasant Valley Road, addressed the Supervisor's about an ongoing situation for the past three years with the draining of a small pond that is causing damage to his yard.

Supervisor Walker stated that we will send Scott Chermak, Building Official out to look at the problem.

Mr. Bolt also asked about a tree that is on the Township right of way, Supervisor Dombroski stated that said tree would still be the property owner's responsibility.

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, July 7, 2014
Beginning at 7:00 p.m.