

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

***MONDAY, AUGUST 4, 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:

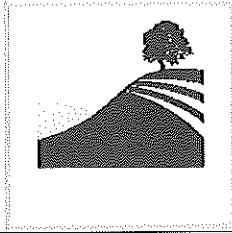
Present: Chairman Walker
Vice Chairman Dombroski
Supervisor Uhler

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

COMMENTS ON AGENDA ITEMS – Leon Yurkin, 3603 Baxter Drive, stated that when he got on the Township website that the Agenda for the August 4 meeting was not there, stated that the Agenda is to be placed on the website 3 days prior to the meeting.

Dan Myers, 200 Barnview Drive, inquired about Correspondence #1C, the violation letter addressed to Steven Hoover, 2395 Turkey Ridge Road. Mr. Myers stated that he spoke with Scott Chermak, Building Official about when then violation hearing will occur, he requested that when a date has been set for the hearing that he is notified and also requested that one of Supervisors also be in attendance and if that is not possible he would like for an attorney be present. Solicitor Yakopec stated that if he attended the hearing would have to be moved due to a conflict of interest the solicitor stated that an associated from him office would be able to attend on his behalf.

Ron Slabe, 516 Angelcrest Drive, asked about the correspondence from Lennon, Smith, Souleret Engineering, Inc. stating that there was a lack of information about the replacement of a gas line. Dave Kerchner, Bankson Engineers, stated that he believes that this an 8" gas line replacement, replacing the existing gas line which runs off of Turkey Ridge Road to Greensburg Road near Whitten Hollow, and all rights-of-ways are located within private property.



Ron Slabe, 516 Angelcrest Drive, inquired about the correspondence from Consol Energy in regards to the Porter 1K well which is located in Allegheny Township, Mr. Slabe stated that some residents from Allegheny Township are here as well tonight and wondered if the Township would let them speak. Supervisor Walker stated let's wait until the end of the meeting.

APPROVAL OF THE MINUTES

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

CORRESPONDENCE

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

ROAD REPORT

Supervisor Dombroski reviewed the activities of the Road Department for the month of July. Supervisor Dombroski stated some of the work performed was cutting trees, chipping, mowing, weed whacking, cutting branches, patching holes and servicing vehicles.

POLICE REPORT

There were 102 calls for the month.

EMC REPORT – Dave Knox, reported that currently they are still working on the Hazardous Mitigation Plan which will soon be wrapping up. Said plan will have some information that will not be published and will only be available to be viewed by certain personnel. Supervisor Walker stated that the Township did not receive the generator grant nor for that did anyone, Mr. Knox stated that this grant is not a dead issue.

ENGINEERS REPORT

Mr. Kerchner reported that they have received the temporary right of way from the owner's to allow GEO Technichal to do drilling and boring to find a fix for the newest landslide on Lower Drennen Road.

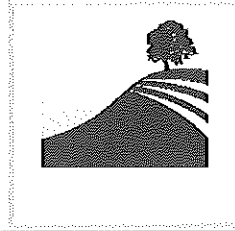
Mr. Kerchner also stated that Michael Moore did attend the CDBG meeting held on July 16, 2014, in regards to the 2015 – 2017 funding cycle. The Township will receive \$45,600 in funding. Mr. Kerchner also stated that there may also be funds available thru the county wide demolition program.

Mr. Kerchner stated that the bids for the Myers Drive paving did come slightly higher then anticipated and this would be due to the asphalt index price increasing. Mr. Kerchner did recommend awarding said paving project to Russell Standard in the amount of \$131,040.00

Road Report August 2014

1	mow, trim and cut low branches- Rich Hill and Ross Plan
4	wrote up time sheets and July Road Report(PD), lubed and fueled boom mower(TW), mow, trim and cut low hanging branches- Oak Lake, Watson, Woodland
5	vacation(PD-8), mowed- Woodland, Lwr. Drennen, Hunter Hill
6	vacation(PD-8), removed large trees from road with backhoe- Whitten Hollow, and Turkey Ridge, mowed Lwr. Drennen
7	vacation(PD-8), mowed- Lwr. Drennen, Hunter Hill, Borland, Whitten Hollow
8	vacation(PD-8), weed wack and cut grass, vacation-4
11	vacation(TW-8), wrote upn time sheets and called in PA One Calls, changed flails on boom mower and lubed, personal(PD-4)
12	vacation(TW-8) cleaned out culverts and checked roads, wire wheeled and sharpened boom mower flails- call out by Police Dept. to unclog culvert with backhoe- Whitten Hollow
13	vacation(TW-8), cleaned out culverts and removed debris from road with backhoe- Whitten Hollow, Turkey Ridge
14	vacation(TW-8), cleaned out culverts with backhoe- Whitten Hollow, washed and fueled backhoe, repaired gauge wheel on X-495 mower deck, weed wacked and cut grass
15	vacation(TW-8), worked in garage, met core boring contractor and watched boring at Lwr. Drennen slide
18	replaced stolen road name sign, post, bracket and break away- Michael Dr. @ Guyer Rd., fueled trucks and wrote up time sheets, dug up and repaired separated culvert sections- Lwr. Drennen
19	mow, trim and cut low branches- Whitten Hollow
20	mow, trim and cut low branches- Whitten Hollow, Turkey Ridge
21	mow, trim, cut low branches- Turkey Ridge
22	vacation(PD-8), put in 2 culvert makers- Turkey Ridge, changed flails and welded skid on boom mower
25	mow, trim, cut low branches- Lincoln Beach, Kiebler Beach
26	pwr. Washed boom mower and removed from tractor, mounted broom to tractor, cleaned deck and sharpened blades on X-495, lubed trucks and backhoe
27	power washed and serviced grader, drained water contaminated oil from tandems and refilled, made new gaskets
28	changed beacon light and repaired air box cover on grader, weed wacked and cut grass
29	vacation(TW), holiday floater(PD)

Submitted By: *Peter J. Donley*



A motion was made by Dombroski, second by Uhler, to award the bid to Russell Standard, contingent upon funding source, by moving funds from one account to another.

Motion passed 3 – 0

Mr. Kerchner stated that in regards to the paving of Myers Drive, PennDot requires a resolution stating that The Officials of Upper Burrell Township by majority action have accepted the Low bid and awarded the contract as indicated above.

A motion was made by Walker, second by Uhler to sign and submit said resolution to PennDot in regards to the Paving Project. Solicitor Yakopec asked for comments from the public due not being on the Agenda. No comments received.

Motion passed 3 - 0

Ron Slabe asked about the increase in price. Supervisor Dombroski stated that his estimate is about a \$7,000.00 difference which would be due to the asphalt index price increase. This paving will take place on Myers Drive from where they left off last year and down.

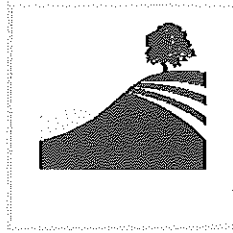
Mr. Kerchner reported on the meeting that he and the 3 Supervisors attended on Friday, August 1, 2014 with Consol Energy in regards to the upgrades that Consol is proposing to do on Oak Lake Road. Mr. Kerchner stated that Consol Energy plans to put down a 4" base and 2" wearing course, fix drainage issues, relocate utility poles and also work with any homeowner on any driveway issues. Mr. Kerchner stated that has formally been approved and he asked Consol Energy to submit drawings, he also stated that Consol Energy has submitted an excess maintenance bond. Mr. Kerchner also stated that Consol Energy has stated that they plan to go door to door to the residents along Oak Lake Road and explain their plan to them and how it would affect their property. Ron Slabe stated that he would like to see Consol Energy and the residents along with the Supervisor's get together. Supervisor Walker did agree, he stated that he attended that meeting on Friday and did walk the road and Consol Energy is suggesting nice road improvements and addressing the drainage issues. Ron Slabe stated have you considered the negative impact this truck traffic will have. Supervisor Walker stated that everyone will be made aware.

PLANNING COMMISSION – No Report

SOLICITORS REPORT – Solicitor Yakopec provided some info in regards to some concerns from last meeting about Swank Lane. He stated that Swank Lane is private. One of the concerns in question is the ability of Emergency Vehicles being able to pass by on this Lane. The Solicitor 's opinion is that the Board can pass an Ordinance to prevent this even if it is a Private Lane.

A motion was made by Walker, second by Dombroski, to have the Solicitor draft, review and advertise for this Ordinance. Solicitor Yakopec asked for comments from the public due to not being on the Agenda, Ron Slabe asked if the Township would be responsible for the upkeep of this road? The Solicitor responded No.

Motion passed 3 – 0



The Solicitor also stated that he was asked to look into the Soliciting Ordinance, he stated that soliciting cannot be banned. Supervisor Uhler stated that a soliciting permit had been issued in the Township but after receiving a few complaints on the conduct of these people said permit was revoked. Solicitor Yakopec stated that we cannot stop it, however, we can cut down on it by limiting the hours. He also stated that residents should post signs that say private property, no trespassing, no soliciting, to keep these people off of their property. All non-profit organizations will still need to get a permit however the fees are usually waived. Dave Knox, EMC, also stated that you could give the applicants a code of conduct on their behavior when in the Township. Solicitor Yakopec stated that the fees cannot be excessive.

A motion was made by Walker, second by Dombroski to have the Solicitor draft a new Soliciting Ordinance for review at the next meeting.

Motion passed 3 – 0

Ron Slabe, stated that he has attended meetings held by Huntley & Huntley and they have been up to 2 hours long, he suggested that a meeting be set up with Huntley & Huntley outside of the regular Supervisor's monthly meeting. Supervisor Walker stated that he will get a meeting set up.

Supervisor Walker asked about the Insurance policy quote and our current policy, he stated that the current policy will expire on 9/1/14. Solicitor Yakopec stated that we will not meet again until 9/8/14 and most policies do have a 30 day grace period, if current policy does not have a grace period then the Supervisors can call a special meeting. Supervisor Dombroski asked what if we just stay with the current policy holder? Solicitor Yakopec stated then a special meeting would not be required. Dombroski stated that is why we switched carriers due to the offers that MRM can provide. Connie Jerich did state that the policy/quote she provided does have a 30 day grace period. Walker stated that we did not have a quote from MRM, Dombroski stated at least give a week to review Jerich Insurance Co. quote.

A motion was made by Walker, second by Dombroski, to give the Insurance bid to the best qualified candidate.

Motion passed 3 – 0

Walker stated they will try to have this determined in the next 2 weeks.

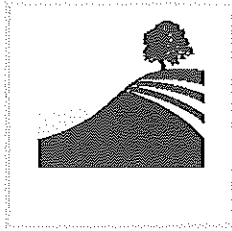
NEW BUSINESS

A motion was made by Walker, second by Dombroski, to put together a CDBG project for the year 2015.
Motion passed 3 – 0

Dombroski stated that these funds are an income based grant. In the past most of this money had been used on Lower Drennen Road, he suggested for the 2015 CDBG project said monies be used in the Lincoln Beach area on culverts and/or demolition.

A motion was made by Walker, second by Uhler to set up a meeting with Huntley & Huntley Energy Exploration.

Motion passed 3 - 0



A motion was made by Walker, second by to donate \$650.00 to Betty Beestrice for the 2014 Halloween Celebration.

Motion passed 3 – 0

COMMENTS FROM THE PUBLIC

Ron Slabe, 516 Angelcrest Drive, asked the Supervisors to grant consideration to the residents out of the Township.

Dave Knox, 1307 Oak Lake Road, asked that when anytime there is a special meeting in the Township if said information could be posted on the Township website.

George Richard, 350 Hunter Hill Road, stated that the Township needs to consider hiring another road worker or a full-time mechanic, he stated that the current workers are over worked. Mr. Richard stated that the roads are deteriorating and the road department is busy cutting grass when they should be working on the roads, the cones that are placed are not stopping the issues.

Dan Myers, 200 Barnview Drive, also agreed with Mr. Richard, but stated that it is not fair for Supervisor Dombroski to take all the slack, he stated that Walker & Uhler are also responsible for seeing that the work in the Township is fixed. Mr. Myers stated that the Township should get an expert in here to evaluate the Township on how to get the roads in order, he stated that the Engineer should be able to find someone and send the work out on the vehicles. Supervisor Walker stated that in order to do all of this we are going to have to raise taxes up. Walker stated that they are agencies out there that do this evaluation, but what would it cost us? Walker stated that he is excited about Oak Lake and it will cost nothing to the taxpayers.

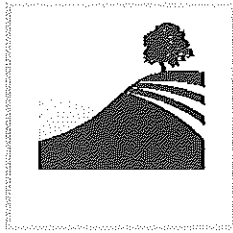
Dave Kerchner, Bankson Engineers, stated that he will provide the Township with a good, better, best way to come up with a long range plan.

A motion was made by Walker, second by Uhler to have Dave Kerchner come up with a way to develop a plan.

Motion passed 3 - 0

JR Hagman, Allegheny Township, inquired as to why Consol Energy is not considering using 780 or White Cloud Road they are capable? He stated they should do all the roads not just Oak Lake Road. Any of those other roads incur any damage, Consol Energy will be held liable for repairs, and PennDot will due a pre and post road inspection.

Pat Kokezez, Allegheny Township, asked if the residents of Oak Lake have been notified that their frontage will be taken away? Supervisor Walker, stated that the flooding will be taken care of, and there is 33' right of way and Consol plans to stay within the right of way, the sticks show right-of-ways. Will be widen but no property will be infringed upon.



Dave Kerchner, Bankson Engineers, stated that Consol Energy plans to build up 6" of road, they will transition those driveways and will speak to property owners and would get their owner's permission.

Patricia Hagman, Allegheny Township, stated that the water on Oak Lake Road comes from the 13 homes which begin at the Millstone Farms and the Artesian Wells. She has a huge pond in there yard and wants to make sure they check the wetlands. She also stated that the road has been fixed to handle this water, when it rains it just comes up out of nowhere. She is just asking that more research be done on a designation of a wetland of even placement of the well due to the water issue.

Mr. Taylor, Allegheny Township, stated his house is right next door to the pad, his well is good and did not have to tap into the public system, why pay for something when he is getting free already. Mr. Taylor also asked about the vibration from the well, what about his foundation of his house.

D. Frederick, Allegheny Township, is very passionate about this, and is just here to give us information on how this will affect them, don't permit Consol Energy to use the road.

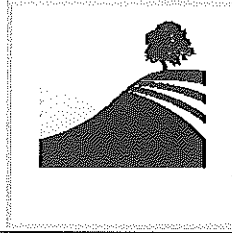
Ron Slabe, 516 Angelcrest Drive, stated that this is Zoning & Zoning. He stated that Supreme Court ruling that this should be a compatible use, some people feel they can do what they want with their property. He quoted "use your own property as to not to harm your neighbors". Marcellus is an industrial process and does not belong anywhere else. Mr. Slabe stated that our current Ordinance does not pass constitutional muster, we should abide by Industrial that's where it belongs. Attorney John Smith has already been to court in other communities in Butler County where this has happened. The resident of Allegheny Township have a right to be upset, it's coming here and we need to take action. Mr. Slabe stated they are over 300 acres there why would they put the well so close to the neighbors. Mr. Slabe requested that Solicitor Yakopec speak to Attorney, John Smith on these issues.

Allegheny Township resident stated just consider your neighbor. 15 homes are on this street she is #4, some are right next door, if it were you, how would you feel? Another resident stated that once its done its done it becomes contaminated, must take a stand now.

Mr. Slyke, Allegheny Township, stated that he does understand their concerns and CNX will come and meet with them to answer all their concerns. He stated that he has no control that CNX came to him and said they are going to do this, over the years the leases have been sold and sold and cause these wells produce.

Dave Kerchner, Bankson Enginners, asked if the residents of Allegheny Township are hear asking for the Township to not allow Consol Energy to improve or use the roads? Mr. Kerchner stated that this is first exposure with drilling, and as the motor vehicle code states that you cannot prohibit Consol from using the road, Consol has followed all the rules, and have to have financial security, and build it ahead of time before drilling or make repairs as they go, the Supervisors cannot tell them no.

Ron Slabe, 516 Angelcrest Drive, stated that drilling is unconstitutional and to knowingly violate this you can be held responsible on an individual level, we need to get on the ball.



A motion by Walker to adjourn, second by, Dombroski, meeting adjourned at 8:55 pm.

Minutes Submitted by:

Melissa A. Cortilesio

Note***

Next monthly meeting , will be held on Monday, September 8, 2014
Beginning at 7:00 p.m.