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

**MONDAY, OCTOBER 6, 2014, 7:00 PM**  
**MEETING ROOM, 3537 - 7<sup>TH</sup> 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:

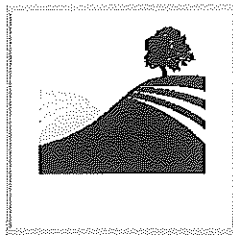
**Present:** Chairman Walker  
Vice Chairman Dombroski  
Supervisor Uhler

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

**COMMENTS ON AGENDA ITEMS** – Maxine Gregg – 2920 Greensburg Road, asked questions pertaining to the adoption of Ordinance #3-2014, what all is stated in the Ordinance and how was it proposed. Solicitor Yakopec stated he drafted the Ordinance, stating that the Ordinance has sections addressing the parking issue as to why anyone would park in a manner that Emergency Vehicles could not pass thru. Mrs. Gregg questioned about the snow plowing, the solicitor stated that maybe that needs to come out. Mrs. Gregg stated that they do the plowing. Darren Bell, stated that he has plowed the road for the last 10 – 11 years up to the point on the road where he can no longer pass by the vehicles. The Solicitor stated once again why no one would want to park in a certain way that Emergency Vehicles could pass thru.

Leon Yurkin, 3603 Baxter Drive, asked about clarification on the date of the Zoning Hearing.

Ron Slabe, 516 Angelcrest Drive, asked about the overweight permit application that has been issued to Consol Eneergy for the work on Oak Lake Road. Dave Kerchner, Bankson Engineers, stated that all fees have been paid and the Township did require a bond & surety and that he did inspect the road and will do another inspection of the road once the work has been completed. Mr. Slabe, stated that his concern is what recourse does the Township have if once Consol has started to the work and then



decides to renig on the agreement of rebuilding the road. Solicitor Yakopec stated that the Township can always shut them down telling them they cannot use the road. Mr. Kerchner stated that the road is posted with a weight limit and he has inspected the road he suggested that the Township get in touch with Consol and ask for an Improvement Bond or an excess agreement form.

Dan Myers, 200 Barnview Drive, asked about the Supreme Court Ruling on the Oil and Gas amendments, what exactly are the amendments. Solicitor Yakopec stated that Marcellus Shale is an Industrial Use and to protect this board it is his recommendation that the Township amends their Ordinance and put this into an Industrial Use, also they can only drill 2 miles underground and the R & RA Zoned areas can no longer permit drilling. Mr. Myers questioned as to why Huntley & Huntley are out in full force in our community and some residents have already sold their rights if this is what the Supreme Court ruled.

#### **APPROVAL OF THE MINUTES**

Motion made by Walker, second by Dombroski, to approve the minutes of the September 8, 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 September. Supervisor Dombroski stated some of the work performed was rebuilding a headwall and culverts, replacing knocked off guide rail and posts, paving and prepping Myers Drive for the paving project.

#### **POLICE REPORT**

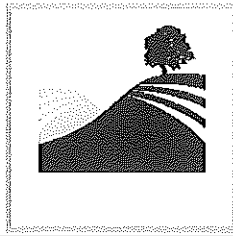
There were 116 calls for the month.

#### **EMC REPORT - No Report**

#### **ENGINEERS REPORT**

Mr. Kerchner reported that still inspite of his company efforts and the Westmoreland County they still have not been able to get the Contractor for the Lower Drennen Road Slide Repair to sign the proper paperwork. No payment has been issued due to there being some restoration issue that needs to be completed.

**PLANNING COMMISSION** – Did approve the site plan for Leedsworld contingent on the comments being addressed prior to the October Supervisor’s meeting and concurrence received from Bankson Engineering & Scott Chermak, Building Official.



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They did approve the revised subdivision request from Steve Nonn, showing the corrected westerly property line.

**SOLICITORS REPORT** – Stated that the Zoning Ordinance has already been discussed along with the adoption of Ordinance #3-2014. The Solicitor stated that for Leedsworld the setback should be as on the 2006 recorded plan of 25' rear setback, in his opinion they meet the setback requirements they completed the update by the time required and any subsequent changes do not apply goes by the 2006 Ordinance.

### **NEW BUSINESS**

A motion was made by Uhler, which failed to get a second to pass Ordinance #3-2014 at this time this matter has been tabled until the next meeting.

A motion was made by Walker, second by Uhler, to amend our Current Oil and Gas Ordinance, to conform with the recent Pennsylvania Supreme Court .

Motion passed 3 - 0

A motion was made by Walker second by Dombroski to accept the revised drawings submitted by Steven Nonn showing the corrected westerly property line.

Motion passed 3 – 0

A motion was made by Walker second by Uhler to approve the request from the Westmoreland Conservation District to enter into an agreement which would allow the Township and the District to work together.

Motion passed 3 – 0

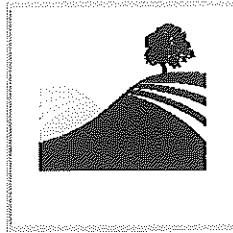
A motion was made by Walker second by Dombroski to grant Betty Beestrice's allocation request in the amount of \$2000.00 for the Township's annual Christmas celebration.

A motion was made by Uhler second by Walker to accept the Financial Report and pay all the bills.

Motion passed 3 - 0

### **COMMENTS FROM THE PUBLIC**

Dan Myers, 200 Barnview Drive, thanked the Supervisor's for sending someone to attend the hearing on the Turkey Ridge Road property issues, he stated that said resident has cleaned up but not quite there yet. Mr. Myers also asked if the Supervisors have addressed the issue on the Township's road situation. Mr. Kerchner stated no quite competed yet. Mr. Myers also asked about the status of the residents request to consider hiring another employee to the Township's road department, he also stated that he hopes that next year the Township considers contracting the grass cutting out. Walker stated that once they sit down to have budget discussions this matter will be discussed.



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Ron Slabe, 516 Angelcrest Drive, commended the Supervisor's and the Solicitor for passing the motion to amend the Township's current Oil and Gas Ordinance he stated this is where this belongs it is an Industrial Use and should have compatible uses.

Gene Symionof, 3803 Baxter Drive, asked what can be done about his neighbor's dirt bike riding. He stated that on 3 different occasions they have been riding these bikes for hours at a time. Mr. Symionof stated that the police did respond to the residence in question but stated they would not speak to the officer, stating that it is his property he can do whatever he wants with it. Mr. Slabe stated that you should respect your neighbors and have no transgression on them. Solicitor Yakopec stated that this is a very fact specified issue, stating issues such as how long, duration, frequency, etc. there are no easy answers. Supervisor Uhler stated he has received several calls from Mr. Symionof in regards to this matter.

Carol Magill, 2144 Swank Lane, Walker asked Mrs. Magill can you get to your property she stated yes I can. Mrs. Magill also questioned about the integrity of the bridge she stated that it is deteriorating she can get out but is worried about her neighbors. She stated that the after crossing the bridge a fire truck cannot make a left turn only if they came in from the Greensburg Road entrance. Mrs. Magill stated that she has a right of way and cannot use it stating that this has always been an open road, citing that years back there was a gate there and one of the residents could not open the gate and the judge ruled that you cannot block off any right of way.

Mrs. Magill also went on to quote an article that was published in the newspaper quoting Walker. Solicitor Yakopec stated this only serves to new homes. She also mentioned about the huge hump in the road which does not allow the ambulance to pass over she is only worried about her elderly neighbors. Walker stated that the Township will try to get the Fire Department down there to look at this situation.

A motion by Walker to adjourn, second by, Dombroski, meeting adjourned at 7:57 pm.

Minutes Submitted by:

Melissa A. Cortileso

Note\*\*\*

Next monthly meeting , will be held on Monday, November 3, 2014  
Beginning at 7:00 p.m.