

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, SEPTEMBER 16, 2015, 7:00 PM
MEETING ROOM, 3735 - 7TH STREET ROAD

Board of Supervisor's Chairman, Ross Walker, 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: **Ross G. Walker, III, Chairman**
 Peter F. Dombroski, Vice Chairman
 Allen E. Uhler, Supervisor

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

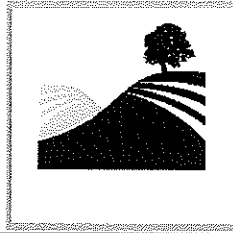
COMMENTS ON AGENDA ITEMS –

Dan Myers, 200 Barnview Drive, asked about the Long Range Paving Plan for the roads in the Township. He stated talks started months ago and road evaluations are being done. He asked the Supervisors to please make up their minds about they are going to do. Mr. Myers stated we need to get the Engineering people involved, Whitten Hollow and Merwin are really bad.

Walker stated some work has been gathered. Dave Kerchner stated just weight information is all he has now no assessment of the road conditions.

Dan Myers, 200 Barnview Drive, also asked if anyone has done an evaluation on the Adams property from the last meeting in regards to the complaint that was filed. Supervisor Uhler stated that he and the Engineer are waiting to evaluate when it is raining out.

Paul Romito, 900 Menk Road, stated that the Supervisors are who the people put in charge of our community and have no idea of how to take care of our roads. Mr. Romito stated that simple change is all we need. Mr. Romito would like to see the shoulders of the roads cleaned out, gutters, and drainage taken care of. Mr. Romito asked about why are there potholes on Menk Road. Dombroski stated he has been off all summer and has only had 1 ¾ guys working. The Township has 26 miles of road to do and they use cold patch. Mr. Romito questioned why not use hot patch, cut them out, it is being done the



wrong way. Dombroski stated he is doing what 2 guys are capable of doing. Mr. Romtio stated we need to quite budgeting for personal assets and start worrying about capital assets.

Dr. David Jordan, 2216 Turkey Ridge Road, stated that several years ago the drilling issue had come up. Walker stated we are only discussing Agenda matters now, we will come back to Mr. Jordan at the end of the meeting.

APPROVAL OF THE MINUTES

Motion made by Walker, second by Dombroski, to approve the minutes of the August 3, 2015, 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 August. Most of the time was spent mowing, trimming, patching and spreading R4 Rip Rap.

POLICE REPORT

There were 107 calls for the month and 26 of those calls were traffic offenses, 23 assists and 6 suspicious person.

EMC REPORT –

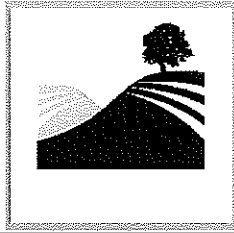
Mr. Knox stated that he has some documents for the UBVFD on some classes available to them and would be helpful for when and if the County would have to assist them. Mr. Knox did state the dates and times of classes and did stress how important it is to pre-register.

Mr. Knox stated he is still trying to push how crucial it would be for the Township to have a generator.

ENGINEERS REPORT

Mr. Kerchner reported that he received an email from Consol Energy Co. about the Oak Lake Road damage from the traffic and equipment that traveled the road to get to the well pad. Mr. Kerchner stated that he did meet with Consol Energy Co. along with Supervisors Dombroski and Uhler to review the damage done to the road. Consol Energy Co. has propped a full depth reclamation of the road, down to the aggregate base, relaying it then shooting it. They are trying to use this concept again, 15 years or so ago this was not a good concept to use. Mr. Kerchner asked if the Supervisor would agree to allow Consol Energy Co. to do this here and if this concept works this maybe something to consider for other roads in the community. Consol Energy did invite Dave and the Supervisors to go and look at other projects they have done using this concept.

Mr. Kerchner stated that several months ago he did present a Long Range Paving Plan to the Supervisors for their consideration. He stated that he believed the quote he received from a Transportation



Specialist ranged from \$20,000 to \$35,000. Mr. Kerchner stated that he believes his company can provide a downscaled plan to the Township.

Plan A – walk all the roads in the Township using the uniform grading method and then rate the grade of the roads, cross drains, etc. at a cost of about \$9300.00.

Plan B – no walking of the roads more driving in vehicles and remit storm sewers at a cost of about \$6900.00

Dan Myers, stated you have to go with Option A, have to travel the roads on foot and get the work started now don't put it off.

Walker asked Kerchner if they could hold off on the billing until next year. Kerchner stated he did not see any problem with that.

A motion was made by Walker second by Dombroski to choose option A for the Long Range Paving Plan. Motion passed 3 - 0

PLANNING COMMISSION – No Report

SOLICITORS REPORT – Mr. Yakopec stated that he and Scott Chermak, Building Official did attend the appeal hearing on Friday, September 11, 2015 on Sean Barnes. However, Mr. Barnes was a no show and the case was dismissed but all fines levied from Magistrate Yakopec were to still be imposed at the amount of \$24,000.00.

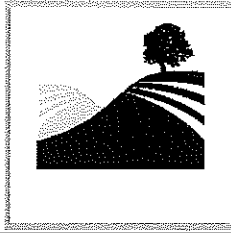
Dan Myers stated we need to continue this legal battle, lien the property, etc. don't just drop this issue.

A motion was made by Walker second by Uhler to have the solicitor proceed with asking the County to put this property up for Sheriff Sale. Motion passed 3 - 0

NEW BUSINESS

A motion was made by Walker second by Dombroski, to accept with regrets the resignation of Scott Brouwer, Part Time Patrolman. Motion passed 3 - 0

A motion was made by Walker second by Dombroski , to pay the UBVFD the annual donation for the year 2015 in the amount of \$20,000.00 and also the 35% of the LST Tax which will be paid in the month of December. Motion passed 3 – 0



A motion was made by Walker second by Uhler, to accept the 2016 MMO Contracted Employer Contribution Rate expressed as Dollar per members as \$9,000.00 and \$20.00 administrative fee per member for the Townships two (2) pension plans.

Motion passed 2 – 0 with Dombroski abstaining

A motion was made by Walker second by Uhler, to approve Resolution #9-2015 defining the contribution to the Municipal Plan for the year 2016.

Motion passed 2 – 0 with Dombroski abstaining

A motion was made by Walker second by Dombroski, to approve Resolution #10-2015 defining the contribution to the Police Pension Plan for the year 2016.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski , to reappoint Joanne M. Johnson for a three (3) year term as the Townships Board Member to the Peoples Library of New Kensington and Lower Burrell.

Motion passed 3 - 0

A motion was made by Walker second by Uhler , to allow the Westmoreland County Election Bureau to use the Township Building for the November 3, 2015 Municipal Election.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski , to apply for the Dirt, Gravel and Low Volume Roads Program if the Township would qualify.

Motion passed 3 – 0

A motion was made by Walker second by Uhler ,to comply with the PA DEP MS4 regulations based on the Engineers recommendation which is the best option for permit coverage.

Motion passed 3 – 0

Mr. Kerchner stated that the Township will not have much to do until the year 2017, these regulations are for storm sewers in more urban settings and does not believe we meet that criteria.

A motion was made by Walker second by Uhler ,to pay Freedom Systems to process the 2015 year end services.

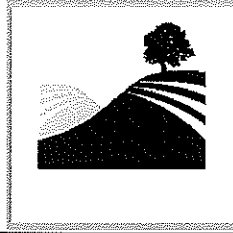
Motion passed 3 – 0

A motion was made by Walker second by Uhler, to send a letter of support for the Wynn & Clara Tredway Trail Extension Project.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski , to hire Ryan Winkler as Part Time Patrolman for the Township.

Motion passed 3 – 0



A motion was made by Uhler second by Dombroski, to pay all bills and accept the Financial Report.
Motion passed 3 – 0

A motion was made by Walker second by Uhler ,to send the Engineer to evaluate the condition of the road, shoulders, drainage ditches and culvert along Menk Road as per Mr. Romito's request. Dovetailing this into the road assessment plan and this being the first road looked at.
Motion passed 3 – 0

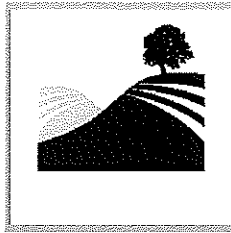
OPEN TO THE FLOOR

Dr. Dave Jordan, 2216 Turkey Ridge Road, stated he would like clarification on the Townships current procedures for drilling he stated he is somewhat of a supporter. Mr. Jordan asked if drilling was prohibited in R Zoned area and allowed in Industrial Zoned area and a conditional use permit would need to be applied for in the RA zoned areas. Solicitor Yakopec stated that would be correct and once the application for the conditional use was filed it would go before the Planning Commission for recommendation and then to the Board of Supervisors for final approval. The DEP handles all permits. Mr. Jordan asked if the Township knows off hand how many current applications are filed for drilling. Solicitor replied he believed six (6) which would be on the Alcoa property. Mr. Jordan asked why not in R zoned area, the solicitor replied cause it is an Industrial use in the R zoned areas there is a greater dense of people especially when the trucks would come thru in the drilling stage.

Mr. Jordan asked if an RA area is next to a R zoned area what is the correct requirement to see how far away it should be and also what are the state requirements. The Solicitor replied he believed that distance is 500' and must meet all the conditions set forth in Ordinance #5-2011.

Mr. Jordan stated his concern is his home is located in the RA with owning 22 acres and Mr. Myers his neighbor who owns 4 acres with a 96 acre tract of property next door which he believed the current restriction is only 500' from a residence. The Solicitor replied that you cannot just ban drilling it but can put it in certain zoned areas. There is to be a map drawn up with a 6 acre well pad on the neighboring 96 acres showing that the well will be just the 500' from his home. Mr. Jordan asked how are we going to protect his rights and the value of his home. Mr. Jordan stated the Township needs to something better to dictate this. South Fayette just did this and the Township should do this logically making the distance a further offset from a primary residence. Solicitor Yakopec stated that there are current amendments to the Townships drilling ordinance but is on hold awaiting the outcome of the Allegheny Township appeal hearing.

Solicitor Yakopec stated that the Allegheny Township Supervisors did uphold the decision of its Zoning Hearing Board and is now awaiting an appeals hearing on October 15, 2015. Mr. Jordan asked if the Solicitor had an opinion on this outcome. Yakopec replied the courts may strike some zoning but keep it in other areas. The Solicitor stated he has been keeping up on all this and reading reports from other communities and stated notification is in the amended ordinance.



Dan Myers, stated he agrees with Mr. Jordan and asked if we would also consider imposing a boundary line setback . Have the setback from the owners property line. The Solicitor stated that the DEP has these distance and we can make it greater but he believes that would be challenged and this is something would need to be addressed and hashed out with Planning Commission and the Supervisors. The Solicitor also stated that once a proposed draft has been completed he usually sends this to the drilling companies for their review and get a take on what they may challenge to see if an kind of compromise could be done before spending thousands of dollars tied up in court.

Mr. Jordan asked how is it determined where the measurements come from?

Paul Romito, 900 Menk Road, asked how does a person get a motion before the board. Walker replied like Mr. Romito had done submitting a letter. Mr. Romito also asked that he be contacted when the Engineer and Roadmaster plan to walk Menk road for the Long Range Paving Plan.

Dan Myers, 200 Barnview Drive, asked if a policeman could please be present during the monthly meeting and give the report and also asked if they could also report on the miles traveled. He believes presence of the police can do more in the Township. All the police would need to do is come give the report at the monthly meeting and then leave.

Mr. Myers stated that a young woman stopped his brother on Turkey Ridge Road looking for a parcel of property stating that she is looking at all the farmland in the Township and if it is really being utilized. Is the Township aware of this?

George Richard, 350 Hunter Hill Road, stated that for some time now an airplane has been flying over his property and the Alcoa property, do we know anything about that?

Milton Pitts, asked who does he need to contact in the Township with questions about building a new home?

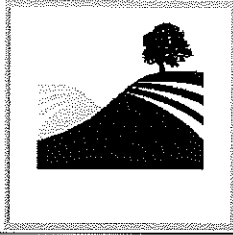
Supervisor Dombroski asked if a motion was needed to allow Consol Energy to do the work on Oak Lake Road.

Dan Myers asked what if the base is not what they want. The Engineer replied they will test first.

A motion was made by Dombroski second by Uhler to allow Consol Energy to make to the necessary repairs as presented contingent upon the Engineers approval.

Motion passed 3 - 0

Mr. Kerchner stated that if this method does not work they will use the traditional method, final means the method they want to use is acceptable to him. There will be a final review of the road after all work is done. Mr. Kerchner is not sure what the cost is going to be to Consol Energy Co. and this will be a hodge podge of work with culverts, etc. with a uniform surface which can be sealed later. From fifteen (15) years ago they have developed better techniques.



ADJOURNMENT

Motion made by Walker, second by Dombroski, to adjourn, meeting adjourned at 8:26 p.m.

Minutes Submitted by:
Melissa A. Cortilesio

Note***

Next monthly meeting , will be held on Monday, November 2, 2015, beginning at 7:00 pm

Remember election day is Tuesday, November 3, 2015.