

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
MONDAY, OCTOBER 5, 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 the Supervisors if they recognize drilling as an Industrial process. All three (3) Supervisors replied yes. Solicitor Yakopec replied that 4 justices said it is however that is not a plurality decision. Mr. Myers is asking the Supervisors to please start work on getting the Township Drilling Ordinance in order and asking to the Supervisors to write some setback restrictions from land borders. Mr. Myers also requested that the Supervisors, Planning Commission Members, Zoning Hearing Board Members and any resident who wishes so to plan a trip to visit an active Marcellus Shale site. Mr. Myers wants to make sure that all members of the committee's understand fully just what a site looks like. Walker stated that he has been to an active site along with Supervisor Uhler.

Supervisor Walker stated that this is currently trying to be done in Murrysville where they did increase the setback requirement from 600' to 750' and this did reduce the number of drilling sites from 7% down to less than ½ %. Mr. Myers asked what is the definition of an occupied building? Is it anything that anyone can go into or where you live? Solicitor Yakopec stated that it comes down to how you draft it, depends on the statute.



Dr. David Jordan, 2216 Turkey Ridge Road, stated that he was partly satisfied with the last meeting he said things were very reasonable. Mr. Jordan stated the current Ordinance allows for 500' setback from a home, he believes the well pad planned by his home is 6 acres and massive in site. Mr. Jordan stated that with the current Ordinance in place now any company could be issued a conditional use permit which would go thru the Planning Commission and if all requirements are met a recommendation would be granted on which the Supervisors could grant the permit. Mr. Jordan asked could we right now make it so that no permits can be issued until such a time that the Ordinance is revised? Solicitor Yakopec stated that from a legal stand point if all restrictions were met then a permit has to be granted.

Why continue to table this Ordinance because Allegheny Township wants it everywhere that does not mean anything here. Mr. Jordan stated that the hole that will be drilled will only be 500' from his home and that this is not acceptable, he is not asking for something ridiculous just more than 500'. Supervisor Uhler stated that going on site is a good idea not one person understand until on site.

George Banyas, 361 Hunter Hill Road, stated that his back border of his property has the biggest gas line going thru it and it now has 2 leaks you need ear muffs it's so loud. Mr. Banyas stated that he had to call the PUC to get this fixed he cannot even sit on his porch without getting sick. Mr. Banyas stated that the Township needs to also think about the infrastructure we have here there are very old lines.

Ron Slabe, 516 Angelcrest Drive, asked if our present Ordinance did allow for a 500' setback? Solicitor Yakopec stated that it's not written in there. Mr. Slabe stated that 5 years ago we went thru all of this and it is the Supervisors job to protect the rights of the citizens and not the drillers. Mr. Slabe went on to say that Murrysville had a task force appointed to look into this issue. The state of Maryland has a 2000' setback, and you ask why, they found bad air pollution has bad health effects. The Duke Study has a 3280' setback due to methane migration contaminating water that will travel that far. Mr. Slabe stated the Zoning Hearing Board could place further setbacks but he would much rather see it in the Ordinance and he supports Dan & Dave and will fight every restriction he stated move on their request and get adequate setbacks.

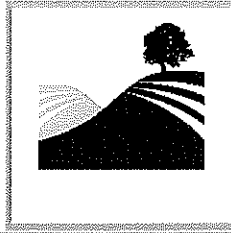
Motion made by Walker, second by Uhler to continue with an Ordinance for the setback restrictions.
Motion passed 3 – 0.

Solicitor Yakopec stated that Zoning Hearing Commission can put an extra condition on but must have a very reasonable basis. This varies from case to case and becomes difficult to defend and yes there is case law on these conditions.

APPROVAL OF THE MINUTES

Motion made by Walker, second by Uhler, to approve the minutes of the September 16, 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 September. Most of the time was spent patching, cutting trees and spreading R4 Rip Rap in ditches that washed out and getting the vandalism issues fixed.

POLICE REPORT

There were 135 calls for the month and 29 of those calls were traffic offenses, 8 assists and some building checks, any person who wishes to speak with the Police Chief is welcome to call him to discuss any reports.

Paul Romito, 900 Menk Road, stated that did they not ask last month if the Chief could come to the meeting to give the Police Report and they can require him to come. Walker stated he will discuss this again with the Chief.

EMC REPORT – No Report

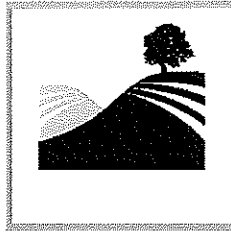
ENGINEERS REPORT

Mr. Kerchner reported that he does not recommend accepting the Consol road paving agreement without Consol providing a bond. So Consol will not be doing the full reclamation project that was presented due to not wanting to put up bond, they will do spot repairs and seal coat and once the well pad is done they will put down 4" – 5" of asphalt and then seal coat. The Solicitor and Roadmaster both concurred to not accept the project without having a bond in place. Mr. Kerchner stated that Consol does have an excess maintenance bond in place now for vehicles who exceed the weight limit and will repair the road it is now the method now they don't want to bond.

Mr. Kerchner stated he is hoping by next week to be able to start walking the roads for the Long Range Paving Plan starting with Menk Road.

PLANNING COMMISSION – Recommend contingent approval of the Minor Land Development Application and Drawing for the Quality Machined Product site as long as all conditions set forth by Dave Kerchner, Bankson Engineers were met in his letter dated September 22, 2015 and the Stormwater Management and Erosion and Sedimentation Control Plans were approved by the Westmoreland County Conservation District.

SOLICITORS REPORT – Mr. Yakopec stated that the Township was successful with the Leeds World suit, 50% of the LST Taxes is what Washington Township asked for and they are only entitled to the majority of people who spend their time of the day in Washington Township and same for Upper Burrell so they will get about 24%. Solicitor Yakopec stated that he has been in touch with Scott Coburn, legal counsel for PSATS gathering statewide info on Marcellus Shale Drilling, in terms of creating the setbacks with



some reasonable basis or the Township will come under attack we have to have valid reasons. Ron Slabe stated he just gave valid reasons due to the 2 studies he mentioned, health issues.

NEW BUSINESS

A motion was made by Walker second by Dombroski, to transfer the funds from the Police General Fund Line Item into the Capital Fund in the month of December 2015.

Motion passed 3 - 0

A motion was made by Walker second by Uhler , to transfer the funds from the Highway & Street General Fund Line Item into the Capital Fund in the month of December 2015.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski, to transfer the employee health contributions from the Payroll Fund into the General Fund in the month of December 2015.

Motion passed 3 – 0

A motion was made by Walker second by Uhler, to approve the Minor Land Development Application and drawings for the Quality Machined Products site proposed Parking Lot Expansion, 134 Prominence Drive, contingent upon addressing David Kerchner, Bankson Engineering, comments outlined in his letter dated September 22, 2015 and the Stormwater Mangement and Erosion Sedimentation Control Plans being approved by the Westmoreland Conservation District.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski, to have Dave Kerchner, Bankson Engineers, proceed with the application for CDBG Funding for the Lincoln Beach culver replacement.

Motion passed 3 – 0

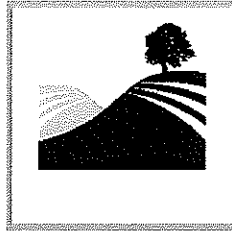
A motion was made by Uhler second by Dombroski, to pay all bills and accept the Financial Report.

Motion passed 3 – 0

OPEN TO THE FLOOR

Jacob DePalm, Bopland Services, presented a new lease to the Township for the 14 acres of land the Township has, he stated the current lease the Township had with Patriot has since expired. Mr. DePalm offered a lease for Marcellus for \$35,000 for 7 years, which works out to \$2500/acre with 15% royalty for subsurface gas rights this would be to continue with acreage. If after a 5 year period no well has been established they have the option to renew the lease for the additional up front money. Walker stated that no answer could be given tonight. The Solicitor stated that this may need to go out to bid.

Ron Slabe, stated he agreed with Mr. Romito and we should have officers here at the monthly meeting, he stated you do not need his permission to be here tell him he has to be here that is what he is here for is to enforce their rules, if the issue is requiring to ask them to come make it a condition they have to come.



Mr. Slabe stated as for the conditions of the road on the other end of the Township he can't complain although Lower Drenned Road is a mess. Mr. Slabe also stated with the election coming up he wanted Mr. Conley's input.

A motion was made by Dombroski second by Uhler to allow Dave Kerchner, Bankson Engineers to submit the paperwork for eligibility for the Dirt & Gravel Road Program.
Motion passed 3 – 0

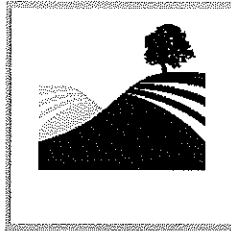
Paul Romito stated that he would like the 3 emails he sent to the Township be on next month's meeting agenda. Mr. Romito asked about getting internet service on Menk Road. Solicitor Yakopec stated that under Federal Act we don't have the ability to force them to provide service. Walker stated that almost 90% of the Township has coverage, a lot of the homes are far & between. Mr. Romito also stated that years back he thought the Township did solicit to get bids for a sound system for the meeting room and wanted to know what happened he stated the acoustics in the room are terrible. Supervisor Uhler stated that bids were received but never moved forward. Mr. Romito also asked what are the tasks the road crew perform which are not direct work on the roads?

Ron Slabe, asked Mr. Conley about his views on the setbacks. Mr. Conley stated he has not done much research on this but he is not against this but does feel the people need to be protected. Mr. Slabe asked Mr. Conley if he would support a 1000' setback if the proposed Ordinance stated so, Mr. Conley replied yes. Mr. Slabe stated again that the state of Maryland has a 2000' setback and has a moratorium because of doing research on air pollution, it is state wide. Mr. Slabe stated we have an opportunity to prevent going forward by saying where it's going to be.

Joann Adams, 222 Whitten Hollow Road, stated she was at a meeting a few months ago to complain about the water coming onto her property she stated to date the no one has come to speak with her. Supervisor Uhler stated this is because of the time gone by with no rain, he will come next time it rains. Dave Kerchner and Supervisor Dombroski feel that this water issue is due to the obstructions in the swell which makes the water come out over the ditch. The water is flowing out over these obstructions which are located on private property which the Township cannot go onto. Mr. Kerchner stated the cross drain are working properly and are maintained it's when the water leaves the Township property is where the clog is and the water finds a new path way. The right of way is 16 1/2' from the center of the road.

Mr. Bolt, 629 Pleasant Valley Drive, stated this proposed well would be just like the well at the Mills Mall, that is what Mr. Jordan would have to look at out his back door. Mr. Bolt stated the Swank Farm he could see it from his home that far away and says it sounds like a jet engine.

Dave Knox, 1307 Oak Lake Road, stated that there was another major accident at the intersection of White Cloud and Oak Lake Road and he asked if the Supervisor's would consider sending another letter to PennDot asking them to consider place another stop sign at the intersection. Mr. Kerchner recommending that in the letter you reference the accidents that have occurred there and ask them to reevaluate the intersection maybe have another traffic study done to reevaluate if more stop signs are needed.



Paul Romito asked when the paving on Myers Drive was completed. He stated that it seems to be breaking up. Dombroski stated that sometime in April 2016 it will be let out to bid to get seal coated.

ADJOURNMENT

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 9:03 p.m.

Minutes Submitted by:
Melissa A. Cortileso

Note***

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

Remember election day is Tuesday, November 3, 2015.

UPPER BURRELL TOWNSHIP
BUDGET MEETING
3735 SEVENTH STREET
NEW KENSINGTON, PA 15068
OCTOBER 19, 2015

The meeting was called to order by Vice Chairman, Peter F. Dombroski, Jr., with the Pledge of Allegiance at 2:00 p.m. Present at this meeting were Supervisor's Peter F. Dombroski, Jr., Allen E. Uhler, Kenneth Pate, Police Chief and Secretary, Melissa Cortileso.

DISCUSS 2016 BUDGET

A budget work session of the Board of Supervisors of Upper Burrell Township was held on Monday, October 19, 2015. The Board of Supervisors discussed the proposed 2015 Budget. After reviewing the proposed revenues and proposing the anticipated expenses there was a balanced budget proposed. The Board decided to review the budget and return to the next budget meeting with ideas to lower the expenses in the proposed budget.

Ron Slabe, 516 Angelcrest Drive, commented on the annual contribution to the WEDIG Organization. Mr. Slabe questioned as to what the amount would be for the year 2016 and stated that our Township should not be paying the same amounts as the other communities who are involved. Mr. Slabe feels this annual allocation should be based on each community's population and Upper Burrell Township is just a small fraction of the population compared to the other communities.

Leon Yurkin, 3603 Baxter Drive, asked about the printers in the building. Chief Pate replied that the old copy machine in the Secretary's office has been brought over to the Police Department for use, buying out the remaining lease, and eliminating three (3) copy machines within their department and the Secretary's office did lease a new copy machine at a lower rate than the old machine.

Mr. Yurkin also asked what ever happened to the old 1998 crown vic automobile? Chief Pate replied that vehicle is still sitting on the property with a bad frame and will probably end up junking said vehicle, waiting for the price of scrap to go back up.

ADJOURNMENT

Mr. Dombroski made a motion to adjourn second by Uhler and all were in favor.
Meeting adjourned at 3:03 p.m.

Respectfully,

Melissa A. Cortileso, Secretary

**UPPER BURRELL TOWNSHIP
BUDGET MEETING
3735 SEVENTH STREET
NEW KENSINGTON, PA 15068
OCTOBER 26, 2015**

The meeting was called to order by Vice Chairman, Peter Dombroski, with the Pledge of Allegiance at 2:00 pm. Present at this meeting were Supervisor 's, Peter Dombroski , Allen Uhler, and Secretary, Melissa Cortileso.

DISCUSS 2015 BUDGET

A budget work session of the Board of Supervisors of Upper Burrell Township was held on October 26, 2015. The Board of Supervisors discussed the proposed 2016 Budget. After reviewing the proposed revenues and proposed expenditures, the Board decided to make a few changes and have a balanced budget.

Ron Slabe, 516 Angelcrest Drive, commented on the annual allocation to WEDIG. Mr. Slabe stated this allocation should be based on a per capita basis due to Upper Burrell having the least amount of residents compared to the other 4 communities involved.

Motion made by Dombroski, second by Uhler, to lower the annual allocation to WEDIG from \$10,000 to \$2500.00 for the year 2016.

Motion passed 2 - 0

Motion made by Dombroski, second by Uhler to allocate the additional \$7500.00 from the reduced allocation to WEDIG and put said funds in the budget for Engineering Fees for the CDBG Project Fees.

Motion passed 2 - 0

ADJOURNMENT

Mr. Dombroski made a motion to adjourn. Mr. Uhler, second. All in favor. Meeting adjourned at 2:53 p.m.

Respectfully submitted,

Melissa Cortileso, Secretary