

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
MONDAY, NOVEMBER 2, 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**

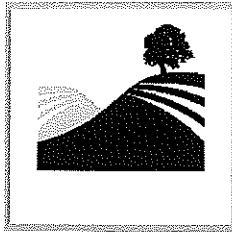
 Allen E. Uhler, Supervisor

Also present: Michael Moore, Engineer
 Melissa A. Cortilesio, Secretary
 Stephen Yakopec, Solicitor

COMMENTS ON AGENDA ITEMS –

Ken Slahtovsky, 6200 Schafer Drive, requested that we try keep the speaking of residents to a minimum of 3 – 5 minutes a piece. Last meeting it took over an hour for the same people to speak. Walker replied let's see how this goes but he will certainly take his request into consideration. Mr. Slahtovsky asked is this something that needs to be voted on at every meeting to keep the comments to a minimum of 3 – 5 minutes. Walker replied no it would only take one time.

Dan Myers, 200 Barnview Drive, stated that he believes that we should be able to drill wells he just believes that we need some conditions. Mr. Myers quoted from previous meeting minutes from the year 2014 and earlier in 2015. Mr. Myers asked if the 4 sites that were planned if that is still the case? Walker stated he believed so. Mr. Myers asked how many of those 4 sites are located in an Industrial Zoned District? Walker replied he did not believe that any are in the Industrial Zone per say that they are in RA. Mr. Myers stated that everyone agreed last month that drilling is an Industrial process. Myers stated we need to do what we can to get these into the RA and farm land. Mr. Myers questioned Walkers earlier statements about saying these wells need to go into the middle of the 100 acres. The particular well near his home is nowhere near the middle of the 96 acres. Walker stated that he has also said he believed there would not be much damage if a well was put into the middle of 100 acres.



Mr. Myers requested that the Supervisors look into revising the setbacks when amending the Drilling Ordinance. Mr. Myers also questioned the way the gas will be transmitted thru out the Township. Myers stated that he was told the nearest location from Turkey Ridge Road would be 15 miles away. Mr. Myers also requested the Supervisors look more into this.

Allan Beattie, 6205 Schafer Drive, quoted some information from the Tribune Review news articles in regards to paying lower natural gas fees due to Marcellus shale drilling. Mr. Beattie stated that the Saudie's are not going to drop prices. Mr. Beattie stated the drilling uses less water and does not contaminate any less than normal and cows give off more methane. Mr. Beattie stated we do not need any more government and expenses.

Diane Kadunce, 2295 Turkey Ridge Road, quoted some information from her telephone in regards to the health hazards that Marcellus shale drilling can cause and stated maybe that is why it should be in an Industrial Zone it needs to be further away from homes and take into consideration how the home values will plummet.

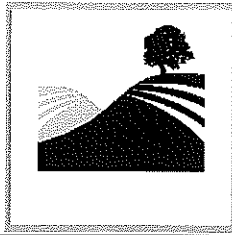
Ken Slahtovsky, 6200 Schafer Drive, stated that the law says 500' setback under Act 13 not less then. He stated Act 13 originally said R1 included and was designed for all areas when passed and also that conventional wells only had a 250' setback since then it has increased 2 ½ times for unconventional wells, 500 ' is enough if you keep pushing it back further you are going to limit where these wells can go and we need every well we can get.

Walker asked Huntley & Huntley if it would be possible to get 1 jogged over a couple of hundred feet due to only getting 4 wells, is this possible. Mr. Slahtovsky stated he did not like that at the last meeting someone stated that Huntley & Huntley are the enemy why would you ask the enemy what to do. It works when everyone works together and it does matter if we lose 1 out of the 4 wells he does not want taxes raised or new road, Schafer Drive became a speedway once it was paved. Mr. Jordan stated he kind of agreed with Slahtovsky that drilling is OK to do the issue is how it will affect some people who fall into these areas. Some of the problem is that the RA abuts a lot of these other areas but maybe we could come up with an agreement, get together with the well people, he just does not want this outside his window. Walker stated that out of the 4 proposed wells this maybe the only problem area which may be solved with getting the couple extra hundred feet.

Steve Tresco, Horvath Lane, need to also consider the people who want the wells you are affecting people on the other side, taking away from the owners who want to drill, keep that in mind when considering the setbacks. Solicitor Yakopec stated that owners can waive setback requirements. Mr. Tresco stated he would be happy to slide it back to the tree line.

Paul Romito, 900 Menk Road, stated he did chastise the people for a poor job, but he did thank each one of the Supervisors but stated it is the peoples job to remind them. Mr. Romito stated there should not be a time a limit on people speaking at the meeting, write a letter and ask to be put on the agenda.

Mr. Romito also stated that the road crew leave garbage in the ditches and along the roads. Mr. Romito asked if the Township could come up with a policy so that the ditches remain clear.



Leon Yurkin, 3603 Baxter Drive, stated that he did not believe that the Township Solicitor prepared to new revisions to the Drilling Ordinance, he believes that Huntley & Huntley wrote it. Solicitor Yakopec stated that 2 out of 3 Supervisors want it in other areas not just in the Industrial Zoned District and that he did not confer with Huntley & Huntley.

Robert Krajci, 409 Rich Hill Road, quoted from three (3) different decisions from earlier this year.

- (1) PA Environmental Resource Law, stating that leasing of state land was a violation.
- (2) Fairfield Township, was ruled that Oil & Gas is compatible with RA use.
- (3) Allegheny Township was ruled that Oil & Gas are consistent with agriculture and rural use.

Ron Slabe, 516 Angelcrest Drive, brought in a poster of what a well pad located 500' from a residence looks like. Mr. Slabe would like something concrete and adequate placed in the new Drilling Ordinance. Mr. Slabe is against the time limit of speaking during a meeting. Mr. Slabe went on to mention the numerous health affects, cancer causing consequences drilling has, that is why the entire state of New York has banned it. This is not an in and out process lasts for years and devalues properties and pollutes the air. Mr. Slabe also went on to quote some phrases of the Pope. Mr. Slabe also wanted the Supervisors to know that resident Richard Troiano is abridged on this idea.

Jim Minford, 6026 Schafer Drive, stated that in 1990 in Derry Township was the first Agriculture Security Area, this is land set aside for farming, oil & gas exploration helped save the family farm due to economic development. More and more evidence supports these farms and this boom has helped farmers be able to update their farms, equipment, etc. in the early days most had to live paycheck to paycheck.

APPROVAL OF THE MINUTES

Motion made by Walker, second by Uhler, to approve the minutes of the October 5, 2015, regular meeting of the Township Supervisors.

Motion passed 2-0.

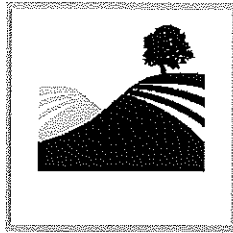
CORRESPONDENCE

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 Walker reviewed the activities of the Road Department for the month of October. Most of the time was spent removing branches, checking culvert inlets for obstructions, patching Whitten Hollow, base repair, patching and cleaning out ditch and lining with R-4 rip rap on Menk Road, walked portions of Whitten Hollow, Turkey Ridge Roads with Bankson Engineers and the Westmoreland County Conservation District.

POLICE REPORT There were 142 calls for the month and 32 of those calls were traffic offenses, any person who wishes to speak with the Police Chief is welcome to call him to discuss any reports.



EMC REPORT – stated that Westmoreland County does have 2 portable generators and he is looking into getting one of those for the Township Building. Next round of declaration the Township is eligible.

ENGINEERS REPORT

Mr. Moore reported that on 10/27/2015 the Township did apply for a Dirt, Gravel, Low Volume Road application for Whitten Hollow Road for drains and Turkey Ridge Road in 2 different phases. Mr. Moore stated that about 10 applications had been received and there is about \$266,000 available for this project. Mr. Moore stated they also did apply for the CDBG funds for a drainage project down in Lincoln Beach estimated costs of about \$47,000.00.

Mr. Moore stated that he along with Supervisor Dombroski did walk Menk Road and another Engineer from their office will be inspecting other roads.

PLANNING COMMISSION – No report

SOLICITORS REPORT – Mr. Yakopec stated that in the Allegheny Township suit it was determined that gas and oil are consistent with the uses. Solicitor Yakopec went to state the following setbacks. Murrysville proposed Ordinance setback is 800' with 250' buffer yard on all sides, 550' from protected structure minimum.

Trafford Borough 2500' setback from property line of properties with protected structures.

Maryland Study Occupied Building 1000' setback, no drilling or compressor stations 1000' of an occupied structure.

Maryland only 2 counties allow drilling, vast majority of MD does not have it.

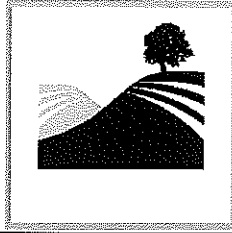
West Virginia from the center of the well pad 625' of structure.

MD-1000' edge of well pad, studies indicate from the center of core. PA Dep 500' from a protected structure, in his legal opinion 500' – 1000' not less than gives room to the municipalities. The Solicitor recommends looking at the Township and the houses and take a compass and figure it out.

Dan Myers stated that to the borehole 500' mean that the size of the pad could come up to his property line, factor in the size of the pad.

Allan Beattie stated the pad is temporary only lasts about a year. Mr. Beattie asked what is the difference between the DEP Study and a Universe Study? Mr. Beattie stated there is more contamination when you drilling a well for water. Mr. Slabe stated that this is a several months long going process not in and out. Mr. Slabe also stated that he attended the hearing for Allegheny Township and felt the judge paid no attention when the Attorney for the people have his oral argument.

Solicitor Yakopec stated that Washington Township has filed motions in the Leed's World case they did not agree with the 25% allotment of the LST Taxes that the judge awarded they want 50%.



NEW BUSINESS

A motion was made by Walker second by Uhler, to authorize the advertisement of the 2016 General Budget.

Motion passed 2 - 0

A motion was made by Walker second by Uhler , to transfer \$9,296.10 from the General Fund into the Capital Fund, these were funds received for damages down to Myers Drive and the repairs will take place in 2016.

Motion passed 2 – 0

A motion was made by Walker second by Uhler, to transfer \$1485.00 from the Fire Hydrant Fund into the General Fund to repay back funds needed to pay the 1st quarter Fire Hydrant Rental Fees.

Motion passed 2 – 0

A motion was made by Walker second by Uhler, to grant the annual allocation of \$2,000.00 to Betty Beestrice for the 2016 Christmas Dinner Party.

Motion passed 2 – 0

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

Motion passed 2 – 0

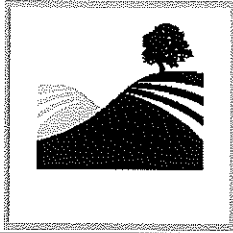
OPEN TO THE FLOOR

George Banyas, 361 Hunter Hill Road, questioned the Supervisors about the promised made to him from Huntley & Huntley in regards to work being done when his well was installed. Walker advised him this is not the place and time. Mr. Banyas just wanted the Supervisors to be aware of the false promises and to make sure they ask all the questions.

Patricia Hagerman, Allegheny Township, stated she is very excited about moving forward with the case against Allegheny Township, she stated that the judge did not have any knowledge about the 3000 PSI near a home, that is why this is a heavy industrial use and does not belong in a Residential Zone District, this could go on for as long as 20 years the gas company can come right back after drilling and drill to Utica and can do over and over. Mrs. Hagerman also stated that she has a copy of the DEP Mine Map showing where 3 wells are capped and mined and this could possibly cause a blowout.

Dan Myers asked about the Township mineral rights, we were approached at the last meeting by Jacob who is interested in leasing the Townships rights. Solicitor Yakopec stated this has to be advertised, he will look everything over and figure it has to be bid or not.

Mr. Slabe reminded the Supervisor s of the Shale & Public Health Conference being held on 11/8/15, cost of \$14.00 for lunch, there will be a host of speakers and they may benefit from going to this.



ADJOURNMENT

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 8:41 p.m.

Minutes Submitted by:

Melissa A. Cortilesio

Note***

Next monthly meeting , will be held on Monday, January 4, 2016, beginning at 7:00 pm