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**MINUTES**  
**REGULAR MEETING OF THE**  
**UPPER BURRELL SUPERVISORS**  
**MONDAY, DECEMBER 7, 2015, 7:00 PM**  
**MEETING ROOM, 3735 - 7<sup>TH</sup> 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, Jr. Vice Chairman**  
                             **Allen E. Uhler, Supervisor**

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

**COMMENTS ON AGENDA ITEMS – None**

**APPROVAL OF THE MINUTES**

Motion made by Walker, second by Uhler, to approve the minutes of the November 2, 2015, regular meeting of the Township Supervisors.  
Motion passed 3-0.

**CORRESPONDENCE**

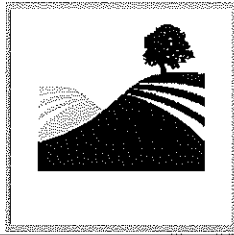
Chairman Walker asked Mrs. Cortileso, to review the correspondence from the month. Mrs. Cortileso reviewed the items that were listed on the agenda.

**ROAD REPORT**

Supervisor Dombroski reviewed the activities of the Road Department for the month of November. Most of the time was spent patching, cutting up fallen trees, backhoe work and getting the rest of the equipment ready for winter.

**POLICE REPORT**

There were 114 calls for the month and 20 of those calls were traffic offenses and 15 warnings. With joint effort with Lower Burrell Police Department they were able to solve the rash of car breaks.



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### **EMC REPORT**

Mr. Knox stated that Westmoreland County is looking for communities to get their credit for Community Rating System (CRS) for a high water mark initiative. Mr. Knox stated he needs to know of any areas in the Township who have a flood plain rating. Also he has been working with programs that have to do with cyber and Identity theft.

### **ENGINEERS REPORT**

Mr. Kerchner reported that they have covered 23 of the 40 roads in the Township for the Long Range Paving Plan he anticipates completing the work in the next few weeks and will provide rating list of the roads to the Township.

**PLANNING COMMISSION** – No report

### **SOLICITORS REPORT**

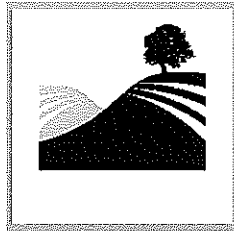
Mr. Yakopec stated he was contacted by Supervisor Uhler to draft a potential setback requirement which was 800' from the well pad. He did that and provided copies of the language. Section 3215 of Act 13 says wells may not be drilled unconventional gas well 500' measured horizontally of the vertical well bore from the building or water well source without written consent of the owner. Current PA laws reads that 500' if you have a water well 100' from your home it has to be 500' away from that. All studies he knows of that have been done all go from the bore hole not the well pad. Murrysville may have a situation they may need to look at cause the drillers have said that if you go 800' from the well pad you cannot drill in Murrysville they call it a DeFacto taking can end up in either state or federal court. You have what was drafted and it is 800' from all sides of the well pad this is what Supervisor Uhler request and he also has it stating that the owner of the property may sign off or waive this also a neighbor may do the same.

Supervisor Walker asked if Murrysville has passed the Ordinance. Solicitor Yakopec replied not to date.

Ron Slabe, 516 Angelcrest Drive, stated that is incorrect and it has been sent & passed to Planning Commission it is pending. Solicitor Yakopec stated that it is not passed in law.

Supervisor Dombroski asked is there a study of measurement of bore or pad? Supervisor Walker asked in PA is it from bore hole to property line?

Ron Slabe stated that at the last meeting he quoted delegates stated from bore hole not well pad.



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### **NEW BUSINESS**

A motion was made by Walker second by Dombroski, to adopt the 2016 Annual Budget and the budgets for the special funds.

Motion passed 3 - 0

A motion was made by Walker second by Uhler , to set and advertise the date for the Annual Organizational Meeting for January 2016, which will be held on Monday, January 4, 2016 beginning at 7:00 p.m.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski to accept the 2016 animal control agreement with Hoffman Kennels.

Motion passed 3 – 0

A motion was made by Walker second by Uhler, to advertise Ordinance #1-2015, amending the Police Pension Plan.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski to decide on which options should be used to obtain the information needed for the planned CDBG Project. Option #1 was chosen.

Motion passed 3 - 0

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

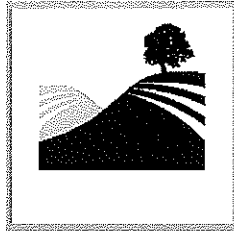
Motion passed 3 – 0

### **OPEN TO THE FLOOR**

Supervisor Walker asked Huntley & Huntley if they could speak about the agreement to move the well? Huntley & Huntley stated that they have not been able to get into contact with Mr. Tresco but they are trying to work this out. Walker stated that is admirable they are willing to move it around.

Dan Myers, 200 Barnview Drive, stated that Churchill rejected a well on a 158 acre site that used to be a golf course. Mr. Myers asked if the only mandate required by the state to meet is allowing drilling to take place in one zoned area? Solicitor Yakopec stated yes this is mandated by the state and is the only requirement. Mr. Myers stated we should use this to our advantage if they are not willing to work on getting greater setbacks we should consider then to only allow drilling in the Industrial Zone use this to negotiate.

Ed from Huntley & Huntley stated they will not divulge the location of the proposed drilling sites due to competitors. Ed stated that years back the setbacks were only 250' and this has since been revised to 500' now.



Ron Slabe, 516 Angelcrest Drive, stated that this 500' setback was picked out of the air and PA has done squat on proper setbacks, true studies have been down in Maryland. The studies in Maryland have been conducted by scientists, environmentalist, etc. who are experts. Marcellus shale is permitted in MD and these are the best practices to follow including the 2000' setback. Mr. Slabe stated that he attended the 2015 Health Conference hosted by the PA Women's League of Voters, he stated not 1 person said this is the greatest or safest thing since sliced bread the chemicals due negatively affect people's health. The best thing the Township could do is educate and empower the community to know about this. Mr. Slabe stated that 500' or 1000' will be safe at a minimum it should be 2000', pass this and get a decent setback, protect the public.

Frank Ross, 1228 Markle Road, had a placard of pictures to show what a current well site production looks like today. Mr. Ross stated that in the drilling phase this can be done without damage to the property. Hydraulic phase is a temporary process, closed loop eliminates ponds and the water never leaves the system, drilling compressor station you can see what is left it's minor, and the roads are better then what was started with. Mr. Ross stated that if you have a 800' – 1000' setback this will eliminate drilling in Upper Burrell and if choose 2000' setback all of Westmoreland County.

Mr. Slabe stated that Allegheny Township has a 1000' setback why is that not good enough for here? Mr. Slabe asked how do the Supervisor's know there are 4 proposed well sites? Dave Knox, stated that there are 4 requested in Upper Burrell and you can go on the County's website to find this information.

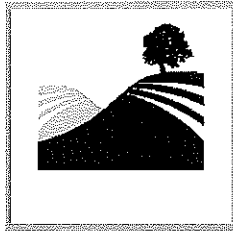
Al Beattie, 6205 Schafer Drive, stated that people are assuming that it will be more than 4 wells just as they are assuming MD is the same as PA and they are 2 different make ups.

Ed from Huntley & Huntley stated that there are only 3 proposed sites in Murrysville and Upper Burrell is about the same. Ed asked do you want to stop drilling? The 800' will affect things. Murrysville is trying to eliminate it. Some people as so far out there, stopping this is stopping the way of life it is the bridge fuel, a lot of people will benefit and a few will be mad. Huntley & Huntley will be a good neighbor.

Dan Myers, asked is Churchill right in saying that you only have to permit this in 1 place, use that power to get a setback. Mr. Myers also asked if the Supervisors are aware of these sites why are they not required to tell the public and did they take an oath to not tell. This is proprietary information and it is only proposed. Mr. Myers stated that it also bothers him that Supervisor Dombroski just sits there and never says anything. Dombroski state he would like to see the setback go from the property line.

George Hawden, 412 Hillview Drive, asked if the Supervisors are familiar with the PennVest lending program for on-lot sewage? Mr. Hawdon is asking for one of the Supervisors to sign off on his application.

Leon Yurkin, 3603 Baxter Drive, stated he did see where the proposed sites are, Turkey Ridge, Living Branch Ministries, Piazza.



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Supervisor Uhler stated that he is worried about people with well water and also the emissions.

Mr. Slabe stated that he would not want to be in Dan's shoes, would you want the site to be 500' away from your home.

Tom Schmiedlin, 1120 Markle Road, would rather have a temporary drill site than a permanent housing plan.

Huntley & Huntley stated that studies have been done by EPA, DEP and Yale University no connection between fracking or water usage, if any damage is done they have to fix it or make it better.

**ADJOURNMENT**

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 8:03 p.m.

Minutes Submitted by:  
Melissa A. Cortileso

Note\*\*\*

Next monthly meeting , will be held on Monday, February 1, 2016, beginning at 7:00 pm