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**MINUTES**  
**REGULAR MEETING OF THE**  
**UPPER BURRELL SUPERVISORS**  
**WEDNESDAY, FEBRUARY 3, 2016, 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. Cortilesio, Secretary  
                          Stephen Yakopc, Solicitor

**COMMENTS ON AGENDA ITEMS –**

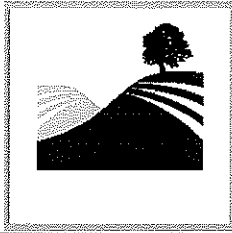
Ron Slabe – 516 Angelcrest Drive, cited several different health studies that have been done on the effects that Marcellus Shale Drilling has on the health, welfare and safety of people who reside within the drilling setback area.

Mr. Slabe also commented on the setback requirements that other communities currently have. Mr. Slabe stated that the solicitor mentioned in a previous meeting that a 500' – 1000' setback would be defensible. Mr. Slabe stated then why can we not consider increasing the setback and asked the Supervisors if they could cooperate to come up with something. Dombroski stated he would consider 750' from the residence to the well bore. Supervisor Uhler stated they will try to get something into place and look at other communities. Walker stated the state requires 500' and the driller has been asked to move the drill site back to alleviate this problem and said they would do it.

**APPROVAL OF THE MINUTES**

Motion made by Walker, second by Dombroski, to approve the minutes of the January 4, 2016, regular meeting of the Township Supervisors.

Motion passed 3-0.



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### **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 January. Most of the time was spent plowing, spreading anti-skid and salt, maintain and making repairs to the salt spreader and a lot of tree clean up. Mr. Dombroski stated that the Part Time Employee with the Road Department did turn in his letter of resignation but asked the Supervisors to reconsider hiring him once his health issues have been cleared up.

Mr. Dombroski stated we did receive correspondence in regards to winter storm Jonas from the County for possible reimbursement. Mr. Dombroski also stated that there were major repairs made to the International truck. Mr. Walker stated that in the future we may need to look into getting another truck.

**POLICE REPORT** – 91 calls, 16 Traffic Offenses. Sgt. Speer reminded the residents to like the Police Department’s facebook page and to check for information on the community on that page.

**EMC REPORT** - None

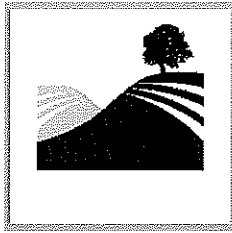
### **ENGINEERS REPORT**

Mr. Kerchner reported on the 3 grants that were applied for thru the Dirt and Gravel Program, Turkey Ridge and Whitten Hollow stating that the projects have been ranked with the Program but nothing formal yet, hopefully by the end of the month.

Mr. Kerchner stated that he did plan to attend the After the Storms: How to repair & maintain gravel driveways and unpaved lanes.

Mr. Kerchner commented on the Income Survey forms for the CDBG project, stating that Supervisor Uhler did walk the neighborhood to obtain those surveys. However, the Township did find out to late and we faulted on getting them in on time. Supervisor Uhler stated that he did speak with Terry Antonucci with the County stating that if any other project were to not get funded they would look into the Townships project for the year 2016, if not this project should be funded for the year 2017.

Several residents from the Lincoln Beach area did ask several questions. These residents wanted to know why the letters were mailed out so late, why only 17 days to respond especially around the holidays and how was the deadline missed. A resident asked about the requirements for this project, the Engineer replied the area has to be low to moderate income, that is why is the income surveys were needed, when the original application was submitted to the County the Township did use old income surveys and the County would not accept these, that is the reason for the rush on getting new surveys completed. Another resident asked what are the Supervisors doing for the residents of Lincoln Beach, they also pay taxes and this drainage has been going on for 20 years at least. Walker stated that a few



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months back Mr. Mason asked for help in getting the roads patched with the Township did, also the Township is trying to get a few homes torn down but have not had too much success with the property owners cooperating.

Walker asked Dombroski is there a quick fix to this, Dombroski replied no there is not, they have had the sewer truck from Lower Burrell come down but the drainage pipes are in such bad shape they were doing more damage than good. Mr. Slabe stated regardless of any grant why not do it now. Dombroski stated there is no temporary fix it need to be done right. More discussion took place as to the size of the lines, and whether or not any property owners may have lines in the right of way area, also need to make sure the water drains properly and how will this be controlled so to not cause flooding, could the Township take the backhoe down when the weather clears up and try to clean up along the roads to help with the water that is just accumulating on the road. A resident asked about getting the creek dredged. The Engineer replied that would be a monumental task very difficult to get permits. Walker stated that once the money is available the project will be done.

David Knox, EMC stating that if he comes across any kind of information thru his employment he will certainly keep this project in the mind.

Mr. Morris asked if the part-time job with the Road Department had been advertised.

**PLANNING COMMISSION – None**

**SOLICITORS REPORT –**

Solicitor Yakopec reported that Washington Township did file an appeal with the court system in the Leeds Walsh Case trying to obtain 50% of the LST tax being that a small portion of the building is in their community. The solicitor stated that they were awarded 24%.

Solicitor Yakopec stated that he does not believe that Allegheny Township has a 1000' setback requirement, Yakopec stated that they have conditions in place for residents and structures that would fall within a 1,000' setback that all contractors must adhere to.

**NEW BUSINESS**

A motion was made by Walker second by Dombroski, to move the monthly Supervisors meetings from the first Monday of the month to the first Wednesday of the month.

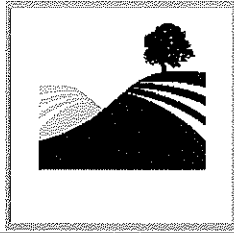
Motion passed 3 - 0

A motion was made by Walker second by Dombroski, to accept with regrets the resignation of Michael Petrarca.

Motion passed 3 – 0

A motion was made by Walker second by Uhler to send Melissa Cortileso to the Annual Westmoreland County Association of Township Supervisors Convention.

Motion passed 3 – 0



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A motion was made by Walker second by Uhler, to hire Nicholas Holzapfel as a part-time patrolman.  
Motion passed 3 – 0

A motion was made by Walker second by Dombroski to pay the 2016 allocation to WEDGIG in the amount of \$2500.00.  
Motion passed 3 – 0

A motion was made by Walker second by Dombroski to pay the special bill to Hunter Truck Sales in the amount of \$10,445.41 for repairs to the International Truck.  
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**

Mr. Peck, 209 Peck Lane, asked if on the Agenda there was an addition error on the Fire Hydrant Tax Fund. The Secretary replied that a few months back a resident asked for the Agenda to be placed on the Township website 3 days prior to the meeting, in some cases the end of the month is not here and she has not received the bank statements and yes it was an addition error.

Ron Slabe, 516 Angelcrest Drive, cited a newspaper article that referred to Walker signing a lease with Huntley & Huntley which he is well within his right to do so, said article stated that Walker previously stated he did not want this. Mr. Slabe stated that with doing so he should recuse himself from all further involvement in any gas or drilling activity because Mr. Walker now has a vested interest and should have no vote. The Solicitor replied that this is a legal standpoint what he would advise at that time that there be an abstention from the vote because there is a lease. The Solicitor stated if there is not enough for a sufficient votes to pass then at that point in time under the Ethics Act & PA Supreme Court Rule of Necessity in order for business to get done by the Municipality Mr. Walker would then have the ability to vote. Slabe stated he understands that completely but out of the 3 people he is the only one who signed a lease, so if he does not recuse himself in this situation, Mr. Slabe will certainly file the necessary challenges with the PA Ethics Commission in this regard. The Solicitor replied I will have him abstain. Walker stated NO, he spoke with an attorney and also the Ethics Commission and the only time he would need to recuse himself is if it would involve his own property and if he has any gain from it, any other time he can vote. Mr. Slabe stated he will challenge him on this. Solicitor Yakopec recommended to get this in writing from the Ethics Commission. Walker stated he will do so.

#### **ADJOURNMENT**

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 8:17 p.m.

Minutes Submitted by:  
Melissa A. Cortileso

Note\*\*\*

Next monthly meeting , will be held on Wednesday, March 2, 2016, beginning at 7:00 pm