

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, NOVEMBER 2, 2016, 7:00 PM
MEETING ROOM, 3735 - 7TH STREET ROAD

Board of Supervisors, 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: 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 October 5, 2016, regular meeting and the minutes of the October 11, 2016 Budget meeting, of the Township Supervisors.
Motion passed 3-0.

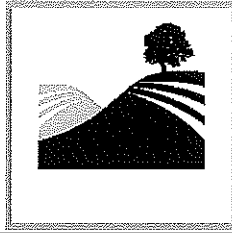
CORRESPONDENCE

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 - None

POLICE REPORT – 89 incidents, 50 Traffic Offenses, and 3 officers attended update training.

EMC REPORT - None



ENGINEERS REPORT

Mr. Kerchner stated he provided copies of the Long Range Township Road Maintenance Plan to Supervisor Walker and Uhler, he had already got Supervisor Dombroski's input, once he has Supervisor Walker & Uhler's input they will then have a final draft.

PLANNING COMMISSION –

At the township's October 4, 2016, Zoning Hearing Board meeting, the board requested the Planning Commission review the plans for the communication tower site prior to their action on a request for a Special Exception for the tower being constructed in an RA zone.

Their application requested that the requirements for a subdivision plan and a land development plan approval be waived. Joe Perotti and George Franci presented arguments for not requiring a subdivision plan (Section 350-93.A 13 (r) and land development approval (Section 350 – 93.A 13 (s)). They argue that recent State Supreme Court rulings have indicated that cell towers did not constitute subdivision or land development requirements. After a discussion, the Commission indicated that since site plans, E & S Control Plans and the geotechnical report have already been prepared, the applicant should submit full size drawings for review by the township engineer. With regard to the need for the applicant to prepare a subdivision plan for the proposed easement, the Commission would be amenable to waiving the requirements for preparation of a subdivision plan noting the previous State Supreme Court rulings on the subject. George Richard moved that the applicant follow the above discussion items, second by Leon Yurkin and all were in favor.

Joe Perotti, stated that if Land Development is what they want they will be happy to go thru with it.

John Kosmal, 3524 Milligantown Road, asked the how close is the nearest home to the proposed cell phone tower site?

Mr. Perottit stated that new cell tower sites are no longer built how they used to be, the tower is now designed to at half point to break and the tower should collapse on itself.

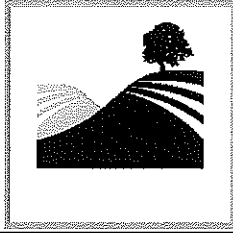
2017 Planning Commission Dates

The Commission members have no objections to the proposed dates for the 2017 Planning Commission meetings.

Codified Zoning and Subdivision Ordinances

It has come to the attention of the Commission that recent codification of all township ordinances has changed the section numbers of both the Zoning Ordinance and the Subdivision.

Supervisor Uhler asked if prior members of any board have copies of the books should they be returned to the Township? The Solicitor replied yes the property should be returned.



SOLICITORS REPORT –

The Solicitor stated that he has an argument in court on 11/14/2016 at 1:00 pm for the Leed's World LST Tax Law Suit, this suit in regards to the LST Taxes collected at this site. The Solicitor stated the law is pretty clear and states that wherever you spend the principal workday that is where the LST Tax is paid. Washington Township wants a 50/50 split on all employees located at the site. The Solicitor stated that when this first started there was about 700 employees, Upper Burrell tried to settle stating that you get what is on your side and Washington Township did not agree.

Upper Burrell Township did when in the Court of Common Pleas but since Washington Township has appealed the ruling and this will now go in front of the PA Commonwealth Court. The Solicitor stated the case out there he believes is in Bucks County and yes this will set a precedent. The Court will determine who pays all the fees, the Solicitor believe the cost is usually split.

NEW BUSINESS

A motion was made by Walker second by Uhler, to advertise the 2017 General Budget.
Motion passed 2 – 0

A motion was made by Walker, second by Uhler, to grant permission to PSNK to use Myers Drive on Saturday, November 5, 2016 from 10:00 – 11:00 am to hold their annual Turkey Trot.
Motion passed 2 – 0

A motion was made by Walker second by Uhler to accept with regrets the resignation of Secretary, Patty Trzeciak, Planning Commission.
Motion passed 2– 0

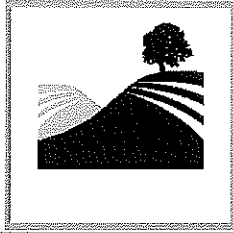
A motion was made by Walker second by Uhler to advertise for the open seat on the Planning Commission.
Motion passed 2 – 0

A motion was made by Walker second by Uhler to pay Suit Kote \$35,717.79 for the seal coating of Myers Drive.
Motion passed 2 – 0

A motion was made by Walker to consider whether Subdivision & Land Development approval are required for the applicants request and Planning Commission recommendations for the proposed cell phone tower site at 409 Rich Hill Road. After some discussion this item was tabled until further information can be gathered.

A motion was made by Walker to provide current copies of the latest Zoning & Subdivision Ordinances to the members of the Planning Commission.
Let this item reflect no action was taken.

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

Ron Slabe, 516 Angelcrest Drive, talked about the recent newspaper article in the Post Gazette, citing that the PA Medical Society has called for a moratorium on new shale gas drilling and hydraulic fracturing. This Society has over 16,000 doctors from PA that belong. The reasons being, the growing evidence has shown it's increasing deleterious effects outweighs any economic benefit.

Protect PA, Health Professionals for a Livable Future, an organization of doctors and nurses stated that many communities benefited economically from the initial shale gas boom are now experiencing environmental and human health consequences.

Last month Yale School of Public Health found that numerous carcinogens used in fracking have the potential to contaminate the air and water of nearby communities and increase the risk of childhood leukemia. Fracking is linked to cancer causing elements. Mr. Slabe stated that he has provided numerous studies showing the deleterious effects of drilling and its coming to our neighborhood and the board has the power to increase setbacks but have done nothing, surely revisit this 500' setback does not protect it. The Robinson Township case, stating the Township can impose stricter restrictions than the state, we are allowing the Gas Industry to dictate what can be done.

John Kosmal, 3524 Milligantown Road, stating Mr. Slabe would be better off donating his time to people who smoke, all the people in the County dying from heroin, and the gas industry accidents, drunk drivers, etc., he stated hold off on this issue. Supervisor Uhler stated you just previously asked about setbacks for the cell phone tower why is this different.

Ron Slabe stated this not only brings potential for water, air and soil pollution. Look at Apollo they had to dig up half of downtown and Parks Township has an armed guard on duty to protect the radioactive material.

Lori Peck, Keibler Beach asked if the road sign that was taken down when Greensburg Road was paved could be put back up and also asked the status of the home that is going to be demolished.

ADJOURNMENT

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 7:44 p.m.

Minutes Submitted by:
Melissa A. Cortilesio

Note*** Next monthly meeting, will be held on January 3, 2017, beginning at 7:00 pm