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**MINUTES**  
**REGULAR MEETING OF THE**  
**UPPER BURRELL SUPERVISORS**  
**WEDNESDAY, FEBRUARY 1, 2017**  
**MEETING ROOM, 3735 - 7<sup>TH</sup> 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**  
                          **Peter F. Dombroski, Vice Chairman**  
                          **Allen E. Uhler, Supervisor**

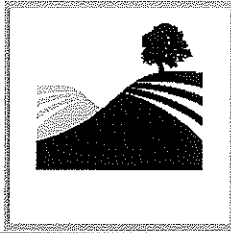
**Also present:** David Kerchner, Engineer  
                          Melissa A. Cortileso, Secretary  
                          Stephen Yakopec, Solicitor

**COMMENTS ON AGENDA ITEMS –**

Leon Yurkin – 3603 Baxter Drive, stating that on Monday, January 30, 2017 he received information on the Zeus well pad. Mr. Yurkin asked what if any plans have been done, has the Solicitor replied to the DEP for comments, with only having a 30 day response time. Mr. Yurkin stated we have only received one part of the whole plan and no one has informed the Supervisors of anything more. What about fracking, reports, soil sample, air quality, etc. Mr. Yurkin stated that one the first page for site location say New Kensington, it is not, it's Upper Burrell. Mr. Yurkin is also concerned about the travel path to get to the pad, going past 2 schools a church and a park, when then come into the community they should come in by the PennDot shed, why travel 1 ½ miles thru those areas.

Solicitor Yakopec stated this plan does not need to be approved it is, the information received is a requirement of Act 14. Yakopec stated he did draft a letter to the DEP about needing a conditional use permit, in which case will trigger all other requirements, he stated the letter is to go out on Thursday. Mr. Yurkin asked for a 30 day extension for the response time on the letter to the DEP. The Solicitor stated on what case? Mr. Yurkin stated the traffic pattern.

Motion made by Uhler second by Walker to send a letter to the DEP asking for a 30 day extension to the response time on the information received by the Township in regards to the Zeus Well Pad, mentioning about the traffic route, passing of two schools, a church and a park. Motion passed 3 – 0



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Ken Slahtovsky, 6200 Shaffer Road, asked does it give a detailed written direction?

Frank Bolt, 2277 Turkey Ridge Road, stated a few months back it was mentioned about getting PA System for the meeting room, he asked where said system is, stating he can hardly hear the meeting. Walker stated we previously had a system but the acoustics in the room made a terrible echo and made things more difficult to hear. It was asked by Supervisor Uhler to look into this.

Ron Slabe, 516 Angelcrest Drive, stated that it is his understanding that the Township received an Act 14 notification letter on Friday, January 27, 2017, notifying the Township of Huntley & Huntley's intent to apply for PA DEP permits for the construction of the Zeus Well Pad. Mr. Slabe is requesting the Township send a letter to the PA DEP asking for a 30 day extension of the Act 14 letter – 30 day comment period until March 6, 2017. He stated this allow for the Board and the public to properly review all the materials submitted, stating this review can be done before the regularly scheduled meeting of Board of Supervisors on March 1, 2017. At the March meeting the Board can discuss and vote on the appropriate response to the Act 14 notice letter. Mr. Slabe believes this is a fair and factual way in which to review and respond to this very important notification letter. Solicitor Yakopce stated not a problem asking it's a matter of whether they grant it.

Jennifer Hoffman, Huntley & Huntley, stated please send the letter and ask for extension, she stated it is very rare they deny it. Ms. Hoffman stated this is a ESCGP-2 and it takes about 8 months for approval, it is not automatically granted.

Carol Frampton, 353 Delberta Road, asked how many wells will be on this pad? Ms. Hoffman, replied 2-3, still up in the air. Ms. Frampton asked about the time limit? Ms. Hoffman stated that the permit to drill has not been submitted yet, and takes about 15-30 days to drill and can ask for up to a 2 year extension.

Supervisor Uhler stated about a year and half ago this area was not on the original proposed site, why the site change? Ms. Hoffman stated, this was due to land owner negotiations.

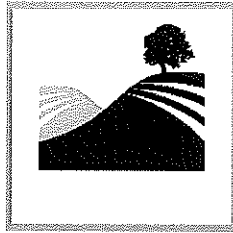
#### **APPROVAL OF THE MINUTES**

Motion made by Walker, second by Uhler to approve the minutes of the January 3, 2017, regular and Organizational 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.



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#### **ROAD REPORT –**

Supervisor Dombroski reported that most of the time was spent doing minor snow removal, vehicle & equipment maintenance, cleaning up fallen Ash trees, cleaning leaves out of culverts. Dombroski stated he provided some materials to the Supervisors for the purchase of Boom Mower using the Costars program. Dombroski also stated he provided a list of culverts that need to be replaced.

**POLICE REPORT –** 67 calls for the month. The department has hired several new Part Time Officers and they have been trained and are out on the road.

**EMC REPORT - None**

#### **ENGINEERS REPORT**

Mr. Kerchner stated he that the grant for the Lincoln Beach Drainage Project is not official until HUD reviews which will probably not be until May or June of this year, so he suggested waiting to bid until you receive notice of approval.

#### **PLANNING COMMISSION –**

##### Alcoa – Building G Site Modification

Rob Shanta was in attendance to represent the project. After a discussion, George Richard moved to approve the project contingent on a light fixture revision noted in Scott Chermak's, January 17, 2017 letter, seconded by Leon Yurkin and all were in favor.

##### Parallel Infrastructure Cell Tower

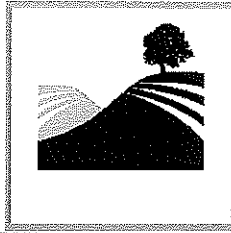
Joe Perotti was in attendance for the applicant. Since required plan modifications have been made, Ken Slahtovsky moved to approve the project, seconded by Rick Ryan and all were in favor. The application can now be reviewed by the Zoning Hearing Board.

##### Xodus Medical Land Development

The applicant plans to construct a new warehouse building in the Westmoreland Industrial Park at the intersection of Prominence Drive (T-460) and Myles Drive (T-462). After a discussion, George Richard moved to table the application based on a number of comments on Bankson's review letter dated January 6, 2017 and Scott Chermak's letter dated January 17, 2017, that needs to be addressed, Rick Ryan seconded the motion and all were in favor.

#### **SOLICITORS REPORT –**

Solicitor Yakopec stated he has been ordered to go to Harrisburg for the Leed's Tax Suit, this has been ordered by the court, being the parties cannot come to a consensus. The Solicitor also stated that after the meeting there will be a presentation about Seismic Testing. The Solicitor also stated he has some information on this subject for the residents if interested. A resident asked why was the Leed's suit moved to another court. The Solicitor replied that Washington Township filed an appeal and the



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Commonwealth Court said go to Harrisburg to try and settle. Mr. Yurkin stated a decision was not made due to this case setting precedent. The Solicitor stated Judge Quigley will mediate and can't enforce a settlement only the parties can settle.

Ron Slabe stated as for the seismic testing, what kind of rules can the Township enforce? The Solicitor stated this is not his area of expertise, would need the Engineer's expertise. The Solicitor stated they are several case laws on this subject. If an Ordinance would be drafted the Engineer would be needed to state what the standards are. The DEP already has regulations in place.

Supervisor Uhler stated, that a good advertisement was not able to get the newspaper on a timely manner, he asked if the Cougar Land Services would consider delaying the start of going door to door until such time all the residents got notice. At least not go around until after the meeting and some notice can be put in the paper. Doug Garret, Cougar Land Services, stated they do have agents in the neighboring communities but have not yet assigned any permit to any agents in Upper Burrell. Uhler stated he received a call on Sunday from a resident about someone being at their home. Garrett stated that the working class is hard to get a hold of. Garrett stated he will look into trying to get a log of the agents and properties and that any landowner at any time can call him and not have the Township be the middle man. They do plan to start contacting home owners as soon as this weekend.

#### **NEW BUSINESS**

A motion was made by Walker second by Dombroski, to approve the Land Development request of Alcoa-Building G, Stie Modification.

Motion passed 3 – 0

A motion was made by Walker, second by Uhler, to approve the Land Development request of Parellel Infrastructure for the proposed cell phone tower located at 431 Rich Hill Road.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski to obtain quotes for the best upgrade system for the Township's Accounting database.

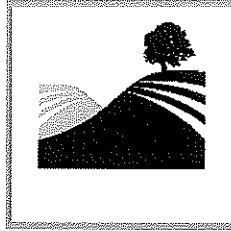
Motion passed 3– 0

A motion was made by Walker second by Dombroski to accept the grant offer from Westmoreland County to participate in the 2017 CDBG Program for the Lincoln Beach Drainage Improvement.

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



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### **OPEN TO THE FLOOR**

Tom Bajack, 529 Rich Hill Road, stated that the agents doing to work to secure the leases for permission for the seismic testing were at his house yesterday. He stated this is not the first time around for Huntley & Huntley they are not going to pull the wool over your eyes. Mr. Bajack stated this is no different than the Jehovah Witness going to door to door. Supervisor Uhler stated he just wants to make sure the Township is protected.

Dan Myers, 200 Barnview Drive, asked about the Long Range Road Improvement Plan, and what plans are being put into place for this year? Daver Kerchner stated his report has been completed and turned over to Supervisor Dombroski for input and modified the report still waiting to hear from input from the other Supervisors. Dombroski stated a lot of culverts need repaired and there is a lot of prep work needed for asphalt paving and that he would like to look into reclamation.

### **ADJOURNMENT**

Motion made by Walker, second by Dombroski, to adjourn, meeting adjourned at 7:59 p.m.

Followed by a presentation and question and answer session held by Huntley & Huntley on seismic testing.

Minutes Submitted by:  
Melissa A. Cortilesio

Note\*\*\* Next monthly meeting, will be held on April 5, 2017, beginning at 7:00 pm