

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, APRIL 5, 2017
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**
 Peter F. Dombroski, Vice Chairman
 Allen E. Uhler, Supervisor

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

OPENING OF BIDS –

A motion was made by Walker second by Uhler to award the bid to lowest, responsible bidder after the Engineer's review.

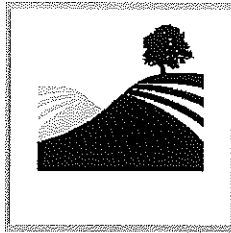
Motion passed 3 – 0

OPEN TO THE FLOOR

Ron Slabe – 516 Angelcrest Drive, asked about the correspondence on the Agenda about the meeting that Huntley & Huntley had with the Planning Commission. Mr. Slabe stated he was certain but it was difficult to hear at the meeting but he thought that along with everything else, Huntley & Huntley would be putting up a soundwall around the Zeus well pad.

Mr. Slabe also asked about the letter the Solicitor sent to the DEP about his comments. The Solicitor stated he has a call into the DEP Counsel.

Leon Yurkin, 3603 Baxter Drive, asked about the status of the LST Tax Law Suit. The Solicitor stated the case has not yet been decided. Yakopec stated that a reasonable settlement has been made to Washington Township, based on the law, which clearly states which states it's based on where the line is located and Washington Township wants 50% of the whole facility and that is not what the law states. Yakopec also stated that the School District agrees.



APPROVAL OF THE MINUTES

Motion made by Walker, second by Dombroski to approve the minutes of the March 1, 2017, 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.

Please let the record reflect a correction was made on the Planning Commission report.

ROAD REPORT –

Supervisor Dombroski reported that Spring Clean Up will take place on Saturday, May 20, 2017, from 8:00 am – 2:00 pm. Items not accepted, paint, hazardous material, electronics, shingles but will accept batteries and tires at a cost. Most of the time was spent removing snow & ice, again a lot of trees down and minor repairs, they have been patching the bad holes first and then will be back around the get the small ones and Lower Burrell was here street sweeping.

POLICE REPORT – 65 calls for the month, 21 being Traffic Offenses, nothing major and if you have any questions please stop and see the Chief or the Sergeant.

EMC REPORT - None

ENGINEERS REPORT

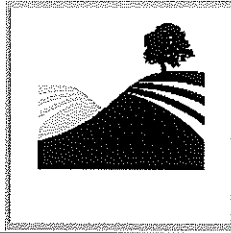
Mr. Kerchner stated bids for the seal coating in the Industrial Park will be opened on April 28, 2017 with the award to come at the May meeting. Had meeting with paving contractor for Menk Road and they have agreed at no cost to come and do some core sampling in April. Dave & Pete will be meeting next Thursday to go over the culvert replacement that coincides with Menk Road. Mr. Kerchner stated that great news received in regards to the MS4 Waiver, he saw where it may cost Vandergrift Borough up to \$500,000 to comply. Uhler asked where the culverts they will be looking at are located. Kerchner stated Menk Road.

PLANNING COMMISSION –

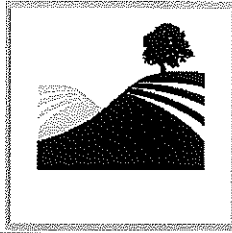
Ron Slabe stated Jennifer Hoffman from Huntley & Huntley is present and Ms. Hoffman did confirm that sound walls will be used.

Zeus Well Pad

Jennifer Hoffman, Brian Dillemath and Todd Baldwin of Huntley and Huntley Energy (HHEX), were in attendance for a pre-application meeting regarding the Zeus Well Pad Project. HHEX has alerted the township that they plan to submit applications to PA DEP for an ESCGP-2 Permit for construction of the Zeus Pipeline Project and a permit to drill and operate an Unconventional Well for three gas wells off Guyer Road on property owned by Ken and Daniel Slahtovsky. HHEX reviewed the township's drilling ordinance point by point and the following is HHEX's understanding of discussions and decisions made at the meeting:



- Roadway Plans and Routing
 - HHEX will provide a description of plans for transportation of materials and equipment
 - Plans will include video and photos of the route, as well as a pre-condition survey
 - HHEX will bond necessary roads and enter into a necessary road maintenance agreements and/or excess maintenance agreements
 - HHEX will coordinate the truck routes with applicable school districts
 - HHEX will provide flagmen during heavy traffic times or for large equipment (ie mobilization of the drill rig)
- Screening of materials applies to the production phase of the well site
 - HHEX will survey the view shed of the well pad
- Site specific and overall Emergency Response Plans will be submitted as part of the application process
- HHEX will provide proof of our bond application with PADEP in our application
- HHEX will provide anticipated dates for each stage of the process (i.e. construction, drilling, completions, etc.)
 - HHEX will also provide the township with updates to the schedule, as requested
- HHEX will provide an estimate of the number of and types of vehicles anticipated entering and exiting the site during each stage of operations
- The Township agreed adequate security measures to protect wellheads would include a fence around the wellheads.
- HHEX does not anticipate a need for an off-street area for maintenance vehicles to stand while gaining access to the access road
- HHEX will include in submittal the map showing radius distances from the well head to neighboring nearby residences
- HHEX will provide the background noise study conducted as part of the submittal
 - Potential noise monitoring during peak hours of operation during each stage was discussed
 - HHEX will handle noise complaints as per the ordinance
- HHEX will provide first responder training prior to site construction
- HHEX will provide their signage plan and an example of the ACT 9 sign as part of the application
- Planning Commission requested that HHEX hold a public meeting for residents within 3000 feet of the well pad prior to site construction to allow for questions and sharing of plans
- Planning Commission requested photocopies of the green cards for the notifications; this will serve as written evidence that legal notice of the intent to drill
- Planning Commission requested a list of the parameters that will be analyzed during pre-drill sampling of water sources
- Planning Commission requested a copy of final permits and plans submitted to the state
- The Planning Commission requested that the Township be notified within 24 hrs. of a DEP reportable spill
- HHEX will determine a time frame for submittal and discuss with the township, along with the process for the submittal
- Jennifer Hoffman indicated that certified letters have been mailed to adjacent property owners informing them of their proposed project.



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- Sound walls will be used.

Ron Slabe Discussion

Ron Slabe discussed his concerns regarding constructing gas wells in residential areas. He presented the Commission Members with a handout outlining his concerns. (see attachment). Included in the Planning Commission March minutes as well as the Supervisor's April Agenda.

SOLICITORS REPORT –

Solicitor Yakopec stated there have been several calls put into place for the Troiano Validity Challenge. This is a procedural situation and there are trying to figure out how to do it and save costs for everyone involved. Yakopect stated the LST Tax Suit has already been discussed.

NEW BUSINESS

A motion was made by Walker second by Uhler, to send a donation in the amount of \$500.00 to the Westmoreland County Food Bank.

Motion passed 3 – 0

A motion was made by Walker, second by Dombroski to make the month of April, "Pennsylvania 811 Safe Digging Month".

Motion passed 3 – 0

A motion was made by Walker second by Uhler to allow the Westmoreland County Election Bureau use the Township Building as a polling location on Tuesday, May 16, 2017, for the Primary Election.

Motion passed 3– 0

A motion was made by Walker second by Dombroski to grant the request of the UBVFD for their annual allocation in the amount of \$20,000.00.

Motion passed 3 – 0

A motion was made by Walker second by Uhler to send an Elected Official and public safety personnel to attend the Westmoreland County Department of Public Safety seminar on March 14, 2017.

Motion passed 3- 0

A motion was made by Walker second by Dombroski to allow GeoKinetics to conduct their seismograph survey on Township owned properties. (Noting that there are no infrastructure issues)

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

Ron Slabe, 516 Angelcrest Drive, read a news article that he also shared with the Planning Commission on the concerns that Carroll Township residents had in regards to the drilling site in their neighborhood. Deafening noise, excessive dust, road congestion and sleepless nights were some of the concerns raised by Carroll Township residents to the Carroll Township Supervisors.

Ernie Koontz, who lives in the Ripepi housing plan, asked the board what action can be taken to address the noise and excess dust from the gas drilling. Koontz stated the back of his house is covered in dust, including his windows, doors and garage door having ruined his home air-conditioning compressor more than once. Mr. Koontz also stated that his son and wife can't sleep, he added that since the drilling began in 2007, he has been dealing with these problems, during the first round of drilling, an abatement wall was built to offset the noise. Another issue is in previous drilling, five compressors were used. Now, 15 to 17 compressors are being used.

Bill Lemonovich, another Ripepi plan resident stated, in 2005, when he moved there, he never would have envisioned what is happening. He can't sleep; the noise is deafening. When this Marcellus Shale drilling started, did the township have any vision of their quality of life? Mr. Koontz stated this round of drilling is expected to be finished at the end of April. But, EQT has a permit to drill five more wells at this site.

Mr. Slabe stated a man's home is his castle, and that people are not going to sit by and watch this, as Supervisors you have a responsibility and if not this is a dereliction of your duty. Yakopec stated there is no dereliction of duty, this is a very passionate issue and the board is stuck in the middle of it. Slabe stated this was brought up years ago and should have been put where it belongs.

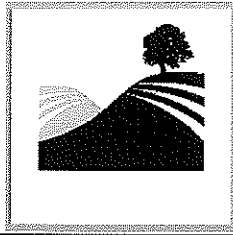
Chris Ann Uhler, 2213 Turkey Ridge Road, stated that it always seems to hear comments for drilling and putting residents against one another. Mrs. Uhler stated this should not be put anywhere near a residence.

Yakopec stated that if in the Industrial District still need two (2) votes and the same if in Residential Agriculture District, this is a democracy, he does what the board wants, it's not about pitting each other against one another.

A resident stated that while we are still waiting on the decision of the Frederick case maybe we should wait to make any decision. Yakopec stated that under State Law you have to act. They also have the right to do what they want with their property.

Uhler stated yes we are waiting for the Supreme Court Ruling to be heard being that is to try and save money rather than putting other ordinances together and trying to save money he just wants safety for everyone.

Mary Jane Zdila, 7162 Guyer Road, asked once the well pad goes in will that affect the MS4 permit? Dave Kerchner stated the MS4 deals with farms, dirt roads, and soil and sedimentation not drilling. Kerchner also stated that the Zeus Well Pad is not located in the MS4 area.



Yakopec stated that the alternate Zoning Hearing Members terms have expired, there were a 3 year term, either need to reappoint the existing members or appoint new members. Ron Slabe and Maxine Gregg who were both present indicated they were interested in keeping the position.

Ron Slabe stated that the Supervisors have the ability to change and say where drilling is to take place and also increase setbacks. He stated the Supervisors take an oath to protect the public if that Oath is not followed they may very well be a dereliction of their duty. Yakopec stated he disagrees and that one of his jobs is to make sure the Supervisors do not get into trouble. Slabe stated they cannot do what they want with their property.

Ken Slahtovksy, 6200 Schafer Drive, asked is there any laws being broke? Slahtovsky stated the closest house to the well pad is his farm house which is 1000' away and the Troiano home is 1500' away.

ADJOURNMENT

Motion made by Walker, second by Dombroski to adjourn, meeting adjourned at 8:00 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

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

insert B

Non State concerns be presented to the Planning Comm.

It is very important to see the full footprint of just what is coming our way regarding this Zeus well. And we must ask the DEP to withhold approval of this well's application until our concerns are taken into consideration.

Full transparency regarding the entire projected operational footprint of an oil and gas operation – including infrastructure – is essential in making an informed decision.

And here are a list of what should be our concerns to help us in our quest for full transparency and disclosure, talking over 14 acres what else planned? Huge footprint

For example #1 Concern: not all being revealed/shouldn't be done in pieces

- * Well pads (how many, where will they be located, and over what period of time)
- * Well heads (how many and over what period of time)
- * Gathering lines (how many and exactly where will they be located)
- * Pipelines (how many and exactly where will they be located)
- * Pigging operations – pig launchers and receivers (how many and exactly where will they be located)
- * Compressor stations (how many, where will they be located, and exactly what type of engines)
- * Processing plants (how many and where will it/they be located)
- * Vapor destruction units & flowback storage (where and how)

An architect designing a school for your community would never be allowed to get any approvals or permits without providing the whole footprint for the planned project(s). The same standard should apply for all oil and gas applicants – a full accounting of all planned construction activities, all infrastructure, and all ancillary facilities should be required to be made public during the DEP application process

* Local officials must be able to review ALL the facts – ALL the planned construction and infrastructure - so as to ensure their rights and fiduciary responsibilities to uphold the PA Constitution (specifically Article 1, Sec. 27), the US Constitution, the Municipal Planning Code and all applicable local zoning rules and ordinances.

* Without full disclosure of the entire footprint of the expected build out of the oil and gas operations, local government officials cannot assure the protection of public health, safety and welfare. A **Completeness Review** akin to the DEP requirement should be a part of the package. All conditions must be met within the UB Oil & Gas Ordinance. (See back)

(BACK)

Concerns continued:

#2

This well – middle of residential homes (Schafer Dr., Bethesda, Guyer, Michael Dr., Kunkle, & Chambers Rd. Dozens of residential homes will be affected.

#3:

Blast & evacuation zone is usually the radius of one mile-- countless homes are within this zone. An accident could incinerate several or more of these homes.

#4

Water supply --- nearly 100% rely on water wells—numerous studies including the final EPA report showed fracking as a major threat to our ground water and other countless examples (Connoquenessing Twp, the Woodlands, Butler Co) without drinkable water for six years.

#5

Concern for our air –toxic fumes emanate from such sites ---especially hazardous to children and many small children live in close proximity of this well, their lives could be impacted seriously

#6

Concern for our property values, can drop 25%, mortgages could be hard to get and there could be insurance concerns. Recent study shows home values losing an average of 30K.

#7

Concern to overall quality of life, could forever be changed. *Robinson Twp, PA Supreme Court, gas development “unquestionably will have lasting and undeniably detrimental impact our environment, our people, their children, and future generations”*

#8

Concern about unconventional drilling not being an in and out process but a lasting one for years to come, affecting all aspect I've so far mentioned. Observer-Reporter, Carroll Twp example: deafening noise, excessive dust, road-congestion, sleepless nights, 2007 to present.

#9

This well is being placed in an RA zone not an Industrial zone and raises questions of compatibility. Like uses kept together and unlike ones kept separate.

#10

This type of incompatible land use will thwart future home growth & future revenue through taxation which is not helping the twp as a whole, dooms future growth.