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**MINUTES**  
**REGULAR MEETING OF THE**  
**UPPER BURRELL SUPERVISORS**  
**WEDNESDAY, AUGUST 2, 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**

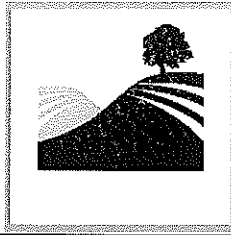
**Also present:** David Kerchner, Engineer  
                             Melissa A. Cortileso, Secretary  
                             Stephen Yakopec, Solicitor

**OPENING OF BIDS – None**

**OPEN TO THE FLOOR –**

Leon Yurkin, 3603 Baxter Drive, asked why the Township received a letter of apology from Huntley & Huntley? Supervisor Uhler stated he got a lot of calls about the seismic testing. Uhler also stated that he wanted GeoKinetics to come back to a meeting and explain and answer any questions about seismic testing. The letter was an apology to the Township Supervisor's apologizing for having to answer any of the resident's questions in regards to the seismic testing. Paul Burke, Counsel for Huntley & Huntley stated that residents may call him in regards to any questions or concerns pertaining to the seismic testing.

Mr. Slabe, 516 Angelcrest Drive, stated people have also approached him in regards to the seismic testing and he stated this company is intimidating people and it is not right. Mr. Slabe stated yes this is an issue between property owners and Huntley & Huntley but when it comes to this they should not intimidate anyone and as Supervisor's they have an obligation to stick up for the citizens. Walker stated a good thing to do here is to contact Paul Burke, (giving Mr. Slabe his contact information). Slabe again stated but this is your Township and you should stick up for the residents so they do not feel intimidated. Walker stated we are out of the loop on this. Slabe stated you may not have anything to do with seismic testing but you have an obligation to speak up for the residents. Walker stated that he has not heard of anyone being intimidated. Uhler stated that residents are saying the company is using leverage against neighbors. Uhler also stated that is why he became concerned and made contact with Mr. Burke from Huntley & Huntley and Mr. Burke stated if you have any questions to call him directly. Mr. Uhler also stated the seismic testing map in the back of the meeting room has been corrected to indicate that the map is "proposed".



James Drane, 130 Lower Drennen Road, stated he has also been approached to sign a lease and was told that his neighbor signed when in fact he did not. Mr. Drane stated that he did not know if he had the mineral rights and the company did research and stated he does have the mineral rights and then the company also told his neighbor he had signed the lease when in fact he had not even received it yet. Mr. Drane stated he is a new resident and feels he is being forced to sign a lease, he would like for the intimidation to stop.

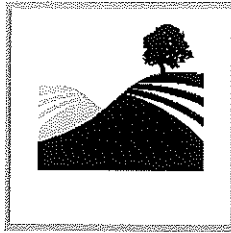
Bruce Saye, 136 Lower Drennen Road, stated he was also approached about signing lease and was told the same thing as Mr. Drane that his neighbors did sign and that he was the last person on Lower Drennen Road to sign and was holding things up. Walker asked what recourse do the residents have? Solicitor Yakopec stated they do not have to sign. Solicitor Yakopec stated if the seismic testing people are becoming too aggressive to call the police and call Mr. Burke and let him know. Walker stated that maybe several of the residents should get together and call Mr. Burke. Mr. Slabe stated this should Supervisor Walker's job to call Mr. Burke. Walker stated this is the first he is hearing of this intimidation. Mr. Banyas stated there are all kinds of signs up in the Township about solicitation.

George Banyas, 361 Hunter Hill Road, asked if the company doing the seismic testing got a solicitation permit? Why is this not considering solicitation? Coming to your door buying and selling, that is solicitation, look it up in the dictionary, Banyas stated. Solicitor Yakopec stated that is was not needed, they are not selling a product. Banyas stated they are making money. Yakopec replied that are paying money. Yakopec stated this is why it is better that the residents call Huntley & Huntley with their complaints about the seismic testing company because the residents can give specifics. Walker asked those residents to write down their names and addresses and the township will be glad to contact Huntley & Huntley.

Ben Mermelstein, 260 Upper Drennen Road, stated he was glad to hear the Supervisors will contact Huntly & Huntley. Mr. Mermelstein stated this company is not portraying themselves the same to the Township as they are to the residents.

Pam Clawson, 2708 Lori Drive, Lower Burrell, stated a representative from Huntley & Huntley came to her door to have her sign a permit even though she has not trespassing signs up and she stated she told she is not interested at this point and she needed more information and was told that she needed to do this because she is holding things up and she could also be taken to court and have an injunction to have her sign for the seismic testing. Walker asked did they think they were in Upper Burrell when they came to her house and asked. She replied no and from that point on she received several different calls and she also felt very intimidated. Walker stated for her to leave her information on the list and to also attend the Lower Burrell meeting.

Mr. Drane stated he had a suggestion, about setting up a meeting for all of them to attend so questions could be answered and then determined if the permit would be issued or not. Mrs. Clawson stated she was told they could drill within 300' of her home, Walker stated they cannot do that.



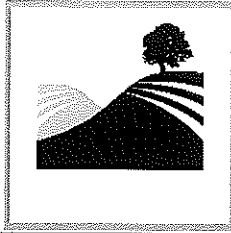
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Marcella Moore, 107 Lincoln Blvd. asked if the pink markings she has been seeing on the bridge located along Lincoln Blvd., have anything to do with the seismic testing? Supervisor Dombroski stated those are the survey markings for the proposed bridge replacement project to be done by the County.

Cari Armstrong, 260 Upper Drennen Road, asked about the approval of the overweight use permit. If approved and if there is damage to the road, does the Township incur the cost for the repairs? Walker stated any overweight use vehicle that goes on the road has to be bonded before they go on the road and if they do create any damage then they have to pay for the damage that is why it is required to post a bond.

Jennifer Hoffman, Vice President Huntley & Huntley, apologized to the residents on behalf of the seismic testing companies and stated the residents should not have been treated this way, harassment is not good. Huntley & Huntley will not put up with this and she will personally address this. Walker stated this is not Huntley & Huntley doing this directly, there are subcontractors. Walker stated could we just give the list to you tonight. Jennifer Hoffman replied yes.

Ron Slabe stated in Pam's case it was Huntley & Huntley. Jennifer Hoffman stated she will hand this. Ron Slabe also thanked Pete for the change of the seismic testing map. Slabe also stated that when he approached an employee from the seismic testing company he could not speak English and Mr. Slabe stated he has heard this from several people that it is tough to communicate with them and thru this whole process of the drilling and everything he is not sure they are hiring Americans. Mr. Slabe also asked about the weight limit that Ms. Armstrong brought up. If they go over the weight limit, what do we do, are they given a waiver? Yakopiec stated no they posted a bond in the amount of \$ 312,500.00, and they have to use to repair any damage to the road. Mr. Slabe asked can they exceed the weight limit of any road. Dave Kerchner replied, yes, that's the reason for the bond, because they are exceeding. Mr. Slabe stated then why have a weight limit? Walker stated you have a weight limit so that the regular vehicle does not come down a road and exceed the limit and damage the road and if it is a heavier vehicle they must post bond so if they damage it because they exceeded the specifications of the road they can repair it. Slabe stated that some of these thumper trucks are running tandem and you might have several and yet several of those maybe classified different weight but when you have them all together they are definitely overweight. Slabe asked how long after do you wait to know if there is damage, is there a specified time? Walker replied a lot of time when we have these bonds we do check the road before and after and have used video inspection. Kerchner replied there will be video inspection and when finished this will be compared as to whether or not any damage occurred due to the seismic testing activity. Slabe asked what if the damage does not occur until down the road, like a water line being damaged. Walker stated if that happened you would notice a leak right away. Slabe stated what if you don't. Kerchner stated then it breaks, or it leaks or whatever, there is no way we could x-ray the ground to find subsurface damage. Kerchner stated the water lines are not maintained by the Township, as for the Township goes it's just the road and storm sewers, each utility voices their own concern with respect to meetings and conversations with the companies who do seismic testing that is outside the scope of responsibility for the Township.



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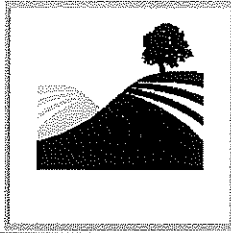
Ben Mermelstein, spoke in regards to the intimidation and harassment of the seismic testing companies. Walker stated that Jennifer Hoffman from Huntley & Huntley is going to try and rectify the situation, and did everyone put their information on the paper.

Ron Slabe asked about the last item on the Agenda that pertained to the injection well that is being proposed in Plum Borough. Uhler stated he is kind of concerned being that our Township of Upper Burrell borders Plum Borough. Uhler stated he was at last week's meeting for that injection well that the EPA held and they are injecting abandoned wells and he would like to know how many do we have in our township that they can do and how is this process done? Yakopec stated he has no idea. Uhler stated he wondered do we have any future plans for anything like this to happen in our Township like in Plum. Yakopec stated that not that he is aware of. Where is this injection site? Uhler replied Leechburg Road and 366 it borders Jim Paddock's property. Walker stated one way to find this out is to contact Penneco. Uhler stated Penneco was at the meeting last week and would not speak, so where did that get anyone? Uhler stated after the meeting Penneco came up and had very little to say, Uhler asked how long has this been in the making? Penneco replied 2 years and Uhler replied these people just got wind of this now. Uhler stated there was probably about 200 people there and no one sees this stuff until it's in their backyard. These are abandoned wells, conventional wells that are being filled with lace. There was some talk of leases being bought out by Huntley & Huntley.

George Banyas talked about the abandoned well on Lower Drennen Road, on the left, about 3 – 4 years ago there was a rig in there, which is right next door to him, so he went over and was told that they were injecting something to help make the well produce better, they did not say they were injecting chemicals just injecting to make it produce better. Since then this well has been shut down. Yakopec stated that one of the ways they do this is by injecting salt water so the oil sits on top of the water much like you have when a tanker spills in the ocean and the oil sits on top of the water, he believes this is what incurs so that the oil sits on top of the water. Banyas stated this is not an oil well it is an old gas well back to early 1900's. They came and did this in your Township by his property so to think this does not happen is to be naïve and you need to quit having excuses for this. To not enforce the laws we have is ridiculous just like our roads.

Ron Slabe, at a meeting about these injection wells which are just disposal wells and not an oil and gas activity. These are going to be dumps basically liquid landfills they have nothing to do with oil and gas activity. All the waste they want to get rid of will go into these so it is a liquid landfill in which they are doing. The important thing to remember here is that in Ohio, where there have been injecting this stuff for the last how many years has now decided because of earthquakes cause by these that they are no longer going to have them there and looks as if western Pennsylvania is going to be the next spot to dump this stuff. If it can happen in Plum it can happen here and you better be aware of it and be ready for it by having some type of ordinance. It's a warning ahead of time. Uhler stated there were a lot of concerned residents of Plum that live very close to this injection site and are worried about the seismic testing taking place with this injection site. Will they have earthquakes, and other good stuff.

Cari Armstrong, asked what is the process for a resident to introduce getting an ordinance adopted or to be considered? Walker replied we discuss this with the Solicitor who drafts, advertises and then it gets



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adopted and passed. Armstrong asked would you draft a letter to the board to ask for an ordinance to be drafted? Walker replied yes.

Bruce Sayer, stated that the roads in the Township now cannot handle these vehicles they are not equipped. You cannot fix something that there is not there to fix. Walker asked to garbage trucks have to be bonded? Kerchner replied no, they are considered a local delivery.

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

Motion made by Walker, second by Uhler to approve the minutes of the July 5, 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.

#### **ROAD REPORT –**

Supervisor Dombroski reported that a lot of the time was spent mowing, tree cutting and storm clean up. Dombroski stated that the Peterbilt truck will not pass inspection due to the frame rotting. He has some information coming next week.

**POLICE REPORT –** 91 calls for the month, 20 being Traffic Offenses. Sgt. Speer stated one DUI checkpoint was held and there are still a few left. Sgt. Speer also stated that at any point that these people come to you house please call 911 and the police will respond. Walker asked if the police department had good relations with it neighboring community police departments. Sgt. Speer responded we have mutual aid and good relationships will all communities.

#### **EMC REPORT -**

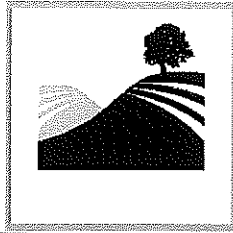
Mr. Knox was absent but had Walker report that he is attending another meeting and plans to be here next month.

#### **ENGINEERS REPORT**

Mr. Kerchner reported that paving in the industrial park will start the last week of the month and seal coating will begin on 9/4/2017. Mr. Kerchner also reported that the Lincoln Beach Storm Sewer Grant monies has not yet been released. He has never seen this program go so late, funds were to be released in late June. Mr. Kerchner asked the Supervisors if they would like to proceed with the final steps of this project or wait until the funds were released? All agreed they wait on the funds to be released.

Mr. Kerchner also reminded the Supervisors that the next phase of the CDBG Grant Program will be coming out for the years 2018 – 2020 and will need to come up with another project in an area that is eligible.

Mr. Kerchner stated that preliminary drawings for the cross drain project are done. Mr. Kerchner stated that on list of cross drains that need repaired, 2 of them need to be pulled off the list and addressed



they are that bad. The 2 drains are located on Bethesda and Lower Drennen Roads. Mr. Kerchner just needs approval to get quotes for the 2 drains.

Dombroski made a motion second by Walker to give permission to Dave Kerchner to seek quotes to replace 2 culvert pipes, one on Lower Drennen Road and one on Bethesda Road. Any public comment due to not being on the Agenda. No Motion passed 3 – 0

George Banyas asked where on Lower Drennen is this cross drain located? Dombroski stated down by Peli farm. Dombroski stated we are talking about the pipes that are failing because they are rotting out. Dombroski stated did you see on the news where 3" of rain fell not just particularly on Hunter Hill and Lower Drennen. The water comes out of the creek above the pipe and comes down the road and goes back to the pipe. Mr. Saye stated the water comes from the back of the fire hall and has for years and runs down past Mark Williams house into DeBlasio's old farm, he has to shovel gravel all the time and he also dug a hole, also put in a grate and has pictures he not for certain but believes this is coming from the firehall and the water is still going over his catch basin. Dombroski asked to you believe this is coming from the parking lot area? Mr. Saye stated he is not certain. Mr. Saye also stated that the DeBlasio pond is so saturated that it is running out of the pond and down Lower Drennen.

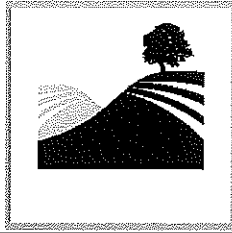
Mr. Kerchner asked are we going to discuss the stop sign issue later where it's located under new business? Yakopec stated you are going to need to authorize Dave to go out and do a stop sign warrant before you can even do an Ordinance. Kerchner stated there are several things that need to be pointed out before you even talk about passing an Ordinance.

Walker spoke about the taxation rate here in Upper Burrell Township. Some of you don't understand or remember what we are dealing with here in Upper Burrell. When you get your tax bill you pay 3 sets of taxes, the County, Township and School. Walker wanted to remind everybody that the township part of your taxes averages about \$240.00 a year or about \$20.00 a month. We do get compensated for being Supervisors we get about \$125.00 a month but all the money we get in for taxes has to flow back out and we have to use your money in order to fix all the problems in the Township. We have 3 main expenses, the administration of the office, the roads and the police department so for that \$240.00 the residents pay for a year that's what we have to use. Just wanted the residents reminded that when you are paying your tax only a small portion of that tax goes to the Township. We are at .10 mills. George Banyas asked how much of the money is going to the fire hall? Walker stated we give them about \$25,000 and about 1/3 of the LST Tax. Walker stated we take in about \$1,000,000 and approximately about 1/3 goes to each department he spoke about. Walker stated it's not a great deal of money so when we have a problem with the road we have to figure that into the \$20/month tax.

**PLANNING COMMISSION – None**

**SOLICITORS REPORT –**

Solicitor Yakopec stated Huntley & Huntley applied for a Conditional Use Permit for a well off of Guyer Road. Mr. Yakopec also reminded the Supervisor's about the Validity Challenge which is challenging the



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Township Ordinance stating that it is unconstitutional and there will be a Status Conference hearing to take place on 8/10/2017 at the Court of Common Pleas before Judge McCormick.

Yakopec stated that under the Conditional Use Permit application the Township has 60 days to hold a hearing we have to hold a hearing within that time frame. On 08/15/2017, Huntley & Huntley will come before the Planning Commission to seek their recommendation which is required whether the case of everyone talking is finished on 8/15 or not this board has to hold a hearing within 60 days. Even if the testimony is not complete at the Planning Commission level.

Yakopec stated that once we see what happens on 08/10/2017 the counsel for the Troiano's, could ask for a stay of proceedings, Yakopec does not that or the Troiano's trial strategy is but after 8/10/17 he will then contact the Board and set up the hearing. On the public hearing of that nature that requires advertisement for once a week for two successive weeks under the state law. The newspaper is here Yakopec is sure they will be covering that whenever that conditional use hearing appears and then it will come in front of the Board of Supervisors and then that hearing will commence at that time.

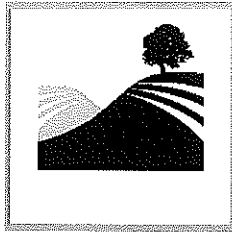
Yakopec stated he did draft a letter to the election board about the interest the Township does have in redistricting the 2 wards. There are 1100 voters in one district and 300 in the other. Yakopec stated why we have 2 districts he does not know but will send another letter to the Election Bureau including why there are 2 districts. Yakopec stated the Election Bureau will come and look into this and decide if the Township needs to redistrict or consolidate to make just one district. Everyone come to the Township to vote anyways. His understanding is that when you come to vote one voting line moves fast one move slow. Walker stated they decided to ask the Election Bureau, due to question coming up why do we have one that has 300 voters and one district that has 1100 voters, can they evenly balance them out or just go to one district.

Ben Mermelstein asked the Solicitor that under the Conditional Use Ordinance there are several things that they need to abide on, due the Supervisors have freedom to approve or not regardless of whether or not they meet these standards.

Yakopec stated that the way the law currently stands is that if they meet the requirements of that Ordinance they are entitled as a matter of right to have that well in. Then it is up to the objectors to present evidence to show that there is a substantial detriment that could occur to the community concerning that. The Board of Supervisors also has the ability to attach more reasonable conditions if they so desire based upon the presentation that is given by Huntley & Huntley.

Ron Slabe stated so 60 days from when are we talking about? Yakopec replied the application was received on 7/21/17 which takes us up to 9/19/17, this hearing will take place before then because he does not like to run it that close.

Slabe stated you are looking to advertise sometime between now and 9/19/17. Yakopec replied that is correct. Slabe stated we had one other conditional use hearing here with Penneco are you going to do this the same way, by giving someone else the authority to hold this hearing? Yakopec stated how do you mean? Slabe replied that Yakopec actually authorized the Supervisors to turn this over to



Harlan Stone. Yakopec replied Harlan Stone represents the ZHB, Slabe replied yes, but that conditional use for Penneco you deferred and gave the power to Harlan Stone for him to make a recommendation which then came back to the Board of Supervisors, is that process going to be used again? Yakopec he would have to think about that, but it would be this board who make the decision. If it was Harlan Stone he represents the ZHB, the only thing he can think of was if it was ZHB case. Slabe replied no. It was a conditional use hearing and Uhler stated the same as Slabe. Slabe asked Walker if he remembered this hearing. Yakopec stated he did remember the one case being in the audience and also fighting on one, and that was in front on of the ZHB. Slabe asked for Melissa go back and find this.

Yakopec stated that last month he talked about the Environmental Defense Foundation Case, he did have an opportunity to speak with Duquesne University, Law School, Asst. Dean, Professor Meredis, concerning this case and the Professor believes this case applies to commonwealth land and that is all it applies to but that is a little bit different interpretation then what he had of it. But as he has said before it will all be ultimately determined by the courts.

Ron Slabe, the rule of the Planning Commission will meet on 8/15/17, they only have that one day to decided? Yakopec replied they can hold other hearing dates if they want to. Slabe asked if the Solicitor will be present, he replied yes. But we have to move ahead, if we don't get a hearing before this board within 60 days they get it by default. Uhler again asked if Yakopec plans to attend that hearing with the Planning Board and he replied yes. Uhler asked with this go any better than the Penneco hearing. Yakopec replied yes. Someone from the audience asked if the 8/15/17 meeting will be open to the public? Yakopec replied yes beginning at 7:00 pm. Uhler asked should this go any earlier. This is just the Planning Commission's regular meeting not a hearing, however, Huntley & Huntley will be coming in to do their presentation.

#### **NEW BUSINESS**

A motion was made by Walker second by Dombroski to have Dave Kerchner look into the stop sign request made by Xodus Medical and to do the study.

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

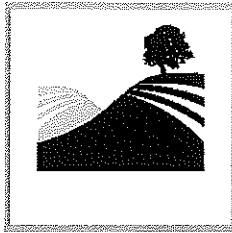
A motion was made by Walker second by Uhler to grant the request for the 2017 Halloween Celebration to Betty Beestrice in the amount of \$650.00.

Motion passed 3 – 0

#### **OPEN TO THE FLOOR**

George Banyas, 361 Hunter Hill Road, spoke again about the water runoff from the firehall parking lot down Lower Drennen Road, he stated at times there is 4" of water on Lower Drennen and Hunter Hill Roads and makes a giant lake. After several residents spoke again of this water run off issued it was determined that meeting will be set up for next week with Supervisor Dombroski and the residents to see if this issue can be resolved. Uhler asked can something be put in place that says the homeowners are responsible for erosion from driveway run off? Yakopec stated that the Code Officer did take a





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homeowner from Lower Drennen Road to court for something so he assumes he could cite anyone else. Uhler also stated he will be contacting the Westmoreland County Conservation District to help with some direction and see if they can come out also. George Richard stated he would also like to attend the meeting they have planned next week for the water run off issue.

Chester Lockwood, 4425 Seventh Street Road, also addressed Pete in regards to certain catch basins along Rte. 780 not working properly especially the one above his driveway which is state owned and has collapsed. He stated that Pete may want to look into this also.

Mr. Banyas stated nothing has been done in over 30 years to Lower Drennen Road but you give all the money to the all the people and can't get a road paved. Mr. Banyas stated the Fire Department has money and we should ask to see their records. Yakopec replied the Township does not have the power to make them turn over their books.

Ron Slabe, 516 Angelcrest Drive, stated at the last meeting he gave the Supervisor's important information the bad health effects that is linked to fracking on infant mortality, to follow up with that besides infant death it also affects all children. Mr. Slabe also presented 2 more informational handouts to the Supervisor's on this issue. Mr. Slabe stated that there are 353 chemicals put out and put into the ground from fracking. Slabe stated he would hate to be in the Supervisor's position, to say it's OK within these area's to allow fracking. This is a serious problem and as Supervisor's you have the power to do something about it.

Cari Armstrong, 260 Upper Drennen Road, stated she also attended the EPA hearing held last week and about 40 people spoke. The demographics in Plum are the same as in Upper Burrell and people do not want to raise their children in these areas. Upper Burrell population has been declining over the years by 3%. If you can't get new homeowner's then the pot will get smaller.

Ben Mermelstein, stated gas wells have all the freedom and what is the role of the Supervisor's when this operation goes on, there is clear evidence of bad things happening. You can't have a chicken in R-1 but you can drill a well. Big decisions need to made and those decisions will have effects on people.

Bruce Saye, 136 Lower Drennen Road, stated let's get together with Pete and get this issue resolved. Uhler stated he would also like to be at that meeting.

#### **ADJOURNMENT**

Motion made by Walker, second by Dombroski to adjourn, meeting adjourned at 8:38 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

Note\*\*\* Next monthly meeting, will be held on September 6, 2017, beginning at 7:00 pm