

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, NOVEMBER 1, 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 – None

OPEN TO THE FLOOR –

Ben Mermelstein, 260 Upper Drennen Road, asked about the letter correspondence received from Babst/Calland, Attorneys at Law. Mr. Mermelstein asked what kind of things are needed to be recused? The Solicitor replied, bias, direct interest or direct monetary value in proceeding. The At Party applicant has the right to ask because you can't be biased or advocate against something.

APPROVAL OF THE MINUTES

Motion made by Walker, second by Uhler to approve the minutes of the October 4, 2017, regular meeting of the Township Supervisors.

Motion passed 3-0.

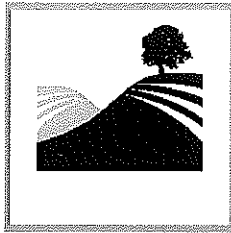
Motion made by Walker, second by dombroski to approve the minutes of the October 18, 2017 budget workshop meeting of the Township Supervisors.

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 the majority of time was spent on patching, cleaning ditches and rebuilding culverts on Rich Hill Road, also time spend cleaning up fallen Ash trees and several more signs have been vandalized.



POLICE REPORT – 93 calls for the month, 15 Traffic Citations issued and participated in DUI checkpoint. Sgt. Speer reminded residents to slow down and keep an eye out for the deer.

EMC REPORT -

Dave Knox reported that he attended the North East Shake Out Activity Drill, this covers 13 counties and he did register Upper Burrell and he will participate in this drill. Stated he is currently working with the township fire department. Mr. Knox stated to the residents please do not place any surveillance camera on West Penn Power utility poles.

ENGINEERS REPORT

Mr. Kerchner reported that the funds for the 2017 CDGG project are now available, there are some additional drains that need to be added.

Walker made a motion second by Uhler to allow the Engineer to add to additional cross drain work to the project. Open to floor with no comments received.
Motion passed 3 - 0

Mr. Kerchner reported that the 2018 CDBG application was submitted.

Mr. Kerchner reported that the project in the Industrial Park is completed.

Mr. Kerchner stated that the cross drain project is getting starting with most of the easements secured. Once completed they will get the paperwork to the contractor.

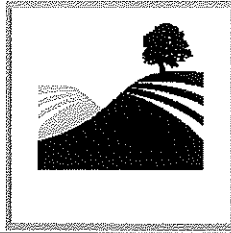
Mr. Kerchner stated that two Overweight Use Permits were submitted from Huntley & Huntley for the Zeus Well Pad and the Porter Well Pad which is located in Allegheny Township.

PLANNING COMMISSION –

Blaine Lucas, Attorney at Law for Huntley and Huntley and Todd Baldwin of Huntley & Huntley reviewed the project status to date and indicated that PA DEP permits for the projects are expected to be approved within the next week. Blaine Lucas indicated that the Westmoreland County Courts have lifted the Stay regarding moving forward on the project.

Since the drilling would be in an RA zone, a Conditional Use approval is required to drill in this zone.

Considerable discussion both pro and con regarding allowing drilling in an RA zone ensued. Opponents wanted the Commission to delay a recommendation. However, after considerable discussion, the Commission indicated that it had enough information to vote on this matter. Rick Ryan moved to approve the Conditional Use permit on the condition that Huntley and Huntley respond to all remaining Bankson Engineers comments regarding the site plan.



The motion was second by George Richard. Tom O'Brien also voted to approve Conditional Use and Leon Yurkin voted no. The motion carried. Since the project is on property owned by Ken Slahtovsky he recused himself from voting.

SOLICITORS REPORT – None

Ron Slabe asked the Solicitor to elaborate why the Validity Challenge got stalled? Yakopec stated he does not know why, anything other than what the Consent Order stated. Slabe stated you signed it and you know nothing about it. Yakopec stated the Stay has been lifted which allows Huntley & Huntley to go forward and the township ordinance is not in jeopardy. Yakopec stated if two (2) other parties make a deal between themselves it does not involve him. The case has been continued indefinitely until such a time the Troiano's bring it forward.

NEW BUSINESS

A motion was made by Walker second by Uhler to authorize the advertisement of the 2018 General Fund.

Motion passed 3 - 0

A motion was made by Walker second by Dombroski to accept with regrets the resignation of part time patrolman Bethany Allera.

Motion passed 3 – 0

A motion was made by Walker second by Uhler to hire Steve Keiser full time with the Road Department effective January 2, 2018.

A motion was made by Walker second by Dombroski grant the request to Betty Beestrice for the 2017 annual allocation for the Senior Christmas Party in the amount of \$2,100.00.

Motion passed 3 – 0

A motion was made by Uhler second by Walker, to pay all bills and accept the Financial Report.

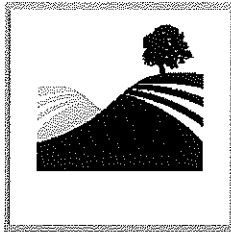
Motion passed 3 – 0

OPEN TO THE FLOOR –

Ron Slabe, 516 Angelcrest Drive, stated that last week the Planning Commission did their thing concerning the Zeus Well Pad, the info he had given them in March with his concerns was not given to the members of the Planning Commission.

Mr. Slabe continued on voicing his concerns. Please see the attached copy. Mr. Slabe stated he asked last month for the township to do an Environmental Impact Study he feels this is not unreasonable to ask.

Don Logan, 397 Upper Drennen Road, stated this happened in a small town in Ohio and the property values tripled, and the town got new roads, equipment, etc.



Robert Krajci, 409 Rich Hill Road, stated he did not know where Mr. Slabe came out with the information stating that property values have gone down. Mr. Krajci provided a handout that several counties that had wells drilled along with several counties without wells and stated in both cases property values increased. Mr. Krajci stated Mr. Slabe mentions and makes collaborations, Mr. Krajci stated that everyday at 8:00 am the sun comes up does not mean his clock did it, the studies only collaborate.

James Drane, 131 Lower Drennen Road, asked if the Environmental Impact Study that Mr. Slabe talked about has been done? Mr. Drane stated you should protect your citizens, he is not asking you to stop or go forward, he is not opposed to gas. Mr. Drane stated that finally Huntley & Huntley is coming to his house to discuss the lease signing. Mr. Drane asked why the bond for the roads is so low? Engineer Kerchner stated this state law, that for every mile \$12,500 is what is required, if there is damage that exceeds this the contractor would be 100% responsible this is part of the PA Motor Vehicle Code. Mr. Kerchner stated there will pre and post road inspections done. Mr. Drane asked how would this be enforced if the repairs were not made. Mr. Kerchner stated you would follow guideline to take them to court. Mr. Drane stated that gas company has way too much money and could outlast the township. Solicitor Yakopec stated there are only 3 court levels, local, common and Supreme.

Jim Cochran, 125 McCoal Lane, asked if the township will benefit from this in any way? Yakopec stated the township may receive what is called Impact Fees. Currently the township receives about \$8,000.00 annually from well that were drilled in Washington Township.

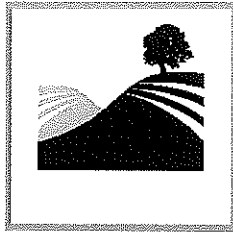
Ben Mermelstein, 260 Upper Drennen Road, stated are you willing to take the negative over getting the monies.

Chris Ann Uhler, 2213 Turkey Ridge Road, stated you have not looked at this, you are putting the residents safety at risk. This needs to be taken very seriously, everyone is fighting with one another and Mr. Walker does not seem to care. Mrs. Uhler stated to the study. Walker stated he has thought about this for years and does not feel there is a threat to the public. America is a pretty good place to live along with Upper Burrell. Mrs. Uhler asked if a well is ruined does the taxpayer have to pay for access to tap in or does the well company pay? Walker stated about 95% have access to public water.

Jen Hoffman, Huntley & Huntley, stated that under PA DEP code and regulations, if the landowner makes contact with the operator and the PA DEP, within 24 hours the PA DEP will start an investigation and depending on the findings if there is any wrong doing the operator is required to give equal or better, there are a lot of options, tap in, new well, reverse osmosis, etc. The PA DEP has the authority.

Eric Florek, 7219 Guyer Road, stated this site is pretty close to his home his water has been tested twice this has been a burden to him but he is all for it, this helps create jobs, etc.

George Uhler, 2259 Turkey Ridge Road, stated this will ruin property values, this has happened out of Bonnie Brook Road, where homes were left vacant and the school closed. Mr. Uhler stated there was so much water run off that it actually pushed an air conditioner out. If you don't have your health what do you have. Mr. Uhler stated he moved out of the city to the country to get away and he enjoys his



freedom. Supervisor Uhler stated that was my father who just spoke and he was a gas man for many years.

Ken Slahtovsky, 6200 Schafer Drive, stated it will 4 wells on 1 pad.

Zambotti could be more, but this is what they do and they work on Tri County Mack's vehicles, they seem to be very knowledgeable.

ADJOURNMENT

Motion made by Walker, second by Uhler to adjourn, meeting adjourned at 8:03 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

Note*** Next monthly meeting, will be held on January 2, 2018 beginning at 7:00 pm

insert B

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., Kinkle, & 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.