

AGENDA
UPPER BURRELL TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
APRIL 5, 2017

1. **Call to Order – Chairman Walker**

2. **Open to the Floor-Item on the Agenda**

The Board will now hear public comments from residents and tax payers of Upper Burrell Township on any agenda item at this time. Please state your name and address for the official meeting minutes.

Opening of Bids

3. **Minutes**

Minutes from the March 1, 2017, Regular Meeting are submitted for the Board’s review and approval.

4. **Correspondence –**

- Received a letter from Bankson Engineers in regards to the review of a set of prints for the Huntley & Huntley Energy Exploration LLC development of the Zeus Well pad, located on property owned by Kenneth R. & Daniel Slahtovsky. The prints and accompanying documents were developed by Civil & Environmental Consultants, Inc. include a Site Location Map, Figure 1, and a Notice of Intent for Coverage under the Erosion and Sediments Control General Permit (ESCGP-2). We have also received a general comment letter written by Solicitor, Stephen Yakopec, Jr. relative to the access route to the site, dated February 7, 2017.

This property is located approximately 2,200 feet southeast of the intersection of Guyer Road (T-654) and Bethesda Drive (T-995), near the northern corner of the Township. Inasmuch as the PA DEP and the Township have regulations governing the development of well pad sites, we have reviewed it for compliance in general with respect to the proposed grading and access to the property via a driveway permit. Other aspects of development of a well pad site are strictly regulated by the PA Department of Environmental Protection. Our comments relative to our review are as follows:

1. The drawings submitted to this office show that the name of the road which accesses the site is to be from Guyer Road, (t-654).
2. There is adequate site distance along Guyer Road for safe ingress and egress to this site.
3. The proposed grading for both cut and fill slopes is within the required requirements for grading in Upper Burrell Township.
4. We would recommend that the Township require a road bond to cover excess haulage over the Township’s roads for development of a well.
5. The Erosion and Sedimentation Control Plan will be reviewed and approved by the PA DEP. The Township should require proof of permit approval before any driveway permit is issued for development of this site.

- Received a request from Donegal Township asking for consideration in helping the Westmoreland County Food Bank with a kind donation to help the tough windfall they are experiencing due to the cut in funding of \$49,000.00.
- Received a request for a proclamation from PA One Call designating the month of April as “Pennsylvania 811 Safe Digging Month”.
- Received a request from Westmoreland County Election Bureau requesting permission to use the Township Building as a Polling Location for the May 16, 2017, Primary Election.
- Received an address request from Xodus Medical, for their new building, as per Westmoreland County Public Safety 911 Addressing Agency, they recommend 204 Myles Drive.
- Received copy of letter sent to the PA DEP from Solicitor, Stephen Yakopec, as requested including the comments of Ron Slabe which were presented to the Supervisors at the March 1, 2017 regular meeting of the Township Supervisors.
- Received notice from Civil & Environmental Consultants, Inc. informing the township that Huntley & Huntley Energy Exploration, LLC is applying for coverage for a Permit to Drill and Operate an Unconventional Well from the PA DEP for three (3) gas wells. All adjacent municipalities must be notified of the permit application. The proposed wells (6M, 8M, & 10M) will be drilled on a proposed well pad that is to be located off of Coxcomb Hill Road in Plum Borough, Allegheny County. If you wish to submit comments to the DEP, you must respond within 15 days to the DEP Southwest Regional Office. If you do not submit comments by the end of the comment period, the DEP will assume that there are no substantive conflicts and proceed with the normal application review process.
- Received a request from the UBVPD for the 2017 Annual Allocation in the amount of \$20,000.00 and also the LST tax which is 35% of collections for the year. LST Tax will be allocated in December of 2017.
- Received notice from Civil & Environmental Consultants, Inc. stating that under the requirements of Acts 14, 67, 68 and 127 of Municipalities Planning Code, this notice is to inform you that, on behalf of Huntley & Huntley Energy Exploration, LLC, Civil & Environmental Consultants, Inc., is applying to PA DEP for authorization under the ESCGP-2 Permit for construction of the Zeus Pipeline project. The proposed pipeline is located off Guyer Road in Upper Burrell Township, Westmoreland County. The project will consist of an approximate 250 linear foot 8” gas line, extending from the proposed Zeus Well Pad (ESG17-129-0004) to a connection with an existing Dominion gas line. Approximately 2 acres will be disturbed during construction of the project. If you wish to submit comment to the PA DEP, you must respond within 30 days to the PA DEP.
- Received notice from Civil & Environmental Consultants, Inc. giving notice that under the requirements of the 2012 Oil and Gas Act is to inform you that Huntley & Huntley Energy Exploration, LLC is applying for coverage for a Permit to Drill and Operate an Unconventional Well from the PA DEP for three (3) gas wells. The proposed wells (4M, 5M and 8M) will be drilled on a proposed well pad that is to be located off Guyer Road in Upper Burrell Township, Westmoreland County. If you wish to submit comments you must respond within 15 days to the DEP. If you do not submit comments by the end of the comment period, the DEP will assume there are no substantive conflicts and proceed with the normal application review process.

- Received a letter from Geo Kinetics on seismograph survey on municipal property.
- Received a letter of interest from Potomac Mineral Group wanting to present and make an offer to purchase the Townships Oil and Gas rights.
- Received an email from Dave Kerchner, Bankson Engineers, stating that the Township was granted an advanced waiver from the Pollution Reduction Plan (PRP) requirements of the MS4 Program. Dave stated this is fantastic news, because the waiver will save Upper Burrell and its residents many thousands of dollars. Without the waiver, we estimate that it will cost a township roughly \$50,000 to \$75,000 a year to prepare and administer the PRP. Upper Burrell still must submit the NOI and is required to obtain the formal waiver.
- Received information from Westmoreland County Depart of Planning & Development stating that this fall, the Southwestern PA Commission, PennDot and SPC member counties will begin the process of developing the 2017 Transportation Improvement Plan (TIP) for the region. TIP includes all travel modes, including highways, bridges, public transit, aviation, rail, bicycle and pedestrian. To qualify, projects must be on the Federal Aid System, including bridges 20' or more in length.
- Received correspondence from PA DEP, in regards to the Act 14 Notice Comment Period, ESCGP-2 Application, Huntley & Huntley, from the letter dated February 10, 2017 submitted by Stephen Yakopec, in regards to the extension to March 31, 2017 to submit comments on the Erosion and Sediment Control General Permit-2 for the proposed Zeus Well Pad project in Upper Burrell Township, Westmoreland County. Mr. Yakopec requested an extension from the Department to submit comments in response to an Act 14 municipal notification letter, dated, January 25, 2017, from Michael Sheleheda, PE and Ryan B. Dailey, EIT of Civil & Environmental Consultants, Inc. The length of the comment period is set forth in the statue (71 P.S. § 510-5). The Department does not typically grant or deny extensions to that statutory period. However, if comments are received prior to the acknowledgment of coverage by the Department under ESCGP-2, the Department may consider the comments during the review of the application.

5. **Road Report** - Spring Clean Up will be on Saturday, May 20, 2017 from 8:00 am – 2:00 pm.

6. **Police Report**

a) Emergency Management Report

7. **Engineers Report**

8. **Planning Commission** -

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.

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)

9. Solicitors Report

10. New Business

- A. Motion to make a donation to the Westmoreland County Food Bank.
- B. Motion to make the proclamation request from PA One Call, making the month of April “Pennsylvania 811 Safe Digging Month”.
- C. Permission to allow the Westmoreland County Election Bureau use the Township Building on May 16, 2017 as a polling location for the Primary Election.
- D. Motion to grant the address request to Xodus Medical as per Westmoreland County Public Safety 911 Addressing Agency. New address will be 204 Myles Drive.
- E. Motion to grant permission to Joyce Ewing, Tax Collector, to destroy the records mentioned under the correspondence section, destruction to take place by shredding.
- F. Motion to pay the 2017 agreed allocation to the UBFVD and pay the LST allocation in the month of December 2017.
- G. Permission to allow Geo Kinetics to do the seismograph survey on Township owned properties.
- H. Motion to allow Potomac Mineral Group present their proposal on making an offer to purchase the Townships Oil & Gas Rights.
- I. Motion to pay all the bills and accept the financial report for the month of March.

11. Pay all Bills & Financial Report -

GENERAL FUND

Beginning Balance	\$ 791,915.50
Receipts	71,183.12
Expenditures	85,150.51
Closing Balance	\$ 777,948.11

FIRE HYDRANT TAX

Beginning Balance	\$ 1,732.44
Receipts	1,004.02
Expenditures	0
Closing Balance	\$ 2,736.46

CAPITAL RESERVE FUND

Beginning Balance	\$ 203,853.76
Receipts	51.75
Expenditures	1,400.00
Closing Balance	\$ 202,505.51

STATE AID FUND

Beginning Balance	\$ 80,799.89
Receipts	122,750.38
Expenditures	10,516.71
Closing Balance	\$ 193,033.56

12. Open to the Floor

The Board will now hear public comments from residents and tax payers of Upper Burrell Township on any non-agenda item at this time. Please state your name and address for the official meeting minutes.

13. Adjournment

Motion to adjourn _____ Second _____ at _____ p.m.

*Please note that there may be addendums to this agenda.

Next meeting of the Township Supervisors will be held on Wednesday, May 3 2017,
beginning at 7:00 pm

Please note: Primary Election Day, Tuesday, May 16, 2017
General Election Day, Tuesday, November 7, 2017
Easter Party, April 8, 2017 beginning at 2:00 pm at the Twp. Bldg.
Spring Clean Up – May 20, 2017 from 8:00 am – 2:00 pm

Addendum:

Correspondence:

- Received copy of letter sent to PA DEP, dated March 30, 2017 sent by Stephen Yakopec, in regards to the Zeus Well Pad, CED Project 164-086, requesting an extension of the comment period to April 30, 2017 to submit comments.
- Received notice from CNX Gas Co., stating they are applying to renew an application with the PA DEP, Office of Oil and Gas Management, for the purpose of drilling Marcellus Gas Well, Porter 1 K, which is located at 385 Willowbrook Road, Apollo, PA. The Pa Oil and Gas Act, No. 13, requires to communicate their intent to permit a well by notifying (via certified mail) all Surface landowners, water purveyors whose water supplies lie within 3,000' of the proposed well location, as well as the owner, (and lessee, if any), of such coal seams and gas storage operators.