

MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, MARCH 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

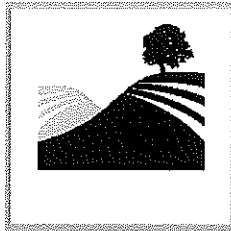
Also present: David Kerchner, Engineer
 Melissa A. Cortileso, Secretary
 Stephen Yakopec, Solicitor

COMMENTS ON AGENDA ITEMS –

Ron Slabe – 516 Angelcrest Drive, asked if there were any comments in regards to the special hearing held with the Zoning Hearing Board for Parallel Infrastructure.

Geroge Banyas 361 Hunter Hill Road, asked why would you seal coat the Industrial Park when there are other roads in the Township that need work. Mr. Banyas stated bump free some of the money the Township received for Liquid Fuels instead of giving it to the Fire Department. Mr. Banyas stated that there has been a tree down which is almost across his road has anyone called about this? Dombroski stated that due to tractor trailer and other immense traffic is the need to get the Industrial Park, maintain it while it is still good. Banyas stated he gets heavy truck traffic all the time. Dombroski stated that local deliveries are allowed. Banyas questioned the dump on Manchester Hill Road and worry about other roads such as Lower Drennen which is down to one lane and caving in.

Leon Yurkin, 3603 Baxter Drive, asked about the new boom mower? Dombroski stated the old mower was purchased in 1999 and all the bushings are gone it is 17 years old. Buying a different brand hoping it is easier to get parts for this machine rather than the Tiger mower which is made in Germany and very hard to get parts and long waiting times. This new mower is American made.



Ron Slabe, 516 Angelcrest Drive, asked about the dump on Manchester Hill Road, why is it allowed? Dave Kerchner stated a Grading Permit should have been issued, after a few attempts to contact the land owner and some information missing from the permit submitted still no permit has been issued. Walker stated we will have Scott Chermak look into this.

Cindy Trzeciak, 328 Meadow Highlands, asked about the work on Menk Road. What will take place? Dombroski stated a full depth reclamation, where you grind up the existing road, do core samples to determine what may be needed and then chip it. The project would probably start at the Rte. 780 area of Menk Road.

APPROVAL OF THE MINUTES

Motion made by Walker, second by Dombroski to approve the minutes of the February 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.

ROAD REPORT –

Supervisor Dombroski reported that most of the time was spent spreading anti-skid, plowing and removing Ash trees. Dombroski stated a lot of stop signs are being stolen. Dombroski also stated he did accompany Mike Moore, Bankson Engineers to get quantity calculations for the Road Bids. Dombroski also stated that Westmoreland Cleanways are also accepting TV's once again.

POLICE REPORT – 79 calls for the month. The department has hired several new Part Time Officers and they have been trained and are out on the road.

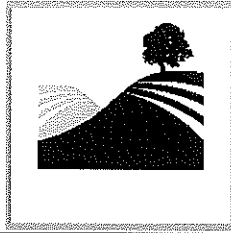
EMC REPORT - None

ENGINEERS REPORT

Mr. Kerchner stated he that feedback is expected to start from the PA DEP on the MS4 waiver but has not yet heard about Upper Burrell.

A motion was made by Walker second by Dombroski to have the Engineer prepare and advertise for the 2017 Road Material Bids.

Motion passed 3 - 0



PLANNING COMMISSION –

Xodus Medical Land Development

This application was tabled in January pending the applicant's revisions to their plans to respond to comments made by Bankson Engineers and Scott Chermak. The Commission has received letters from both Bankson and Scott Chermak dated February 21, 2017 indicating that their previous comments have been addressed. George Richard moved to approve the plan, seconded by Rick Ryan and all were in favor.

Zeus Well Pad

Jennifer Hoffman of Huntley and Huntley indicated that they will be requesting a pre application meeting with the Commission in the near future. They will be requesting a conditional use approval for a well pad located off Guyer Road. They have applied to PA DEP for a permit to construct the Zeus Well Pad.

SOLICITORS REPORT –

Solicitor Yakopec stated he the Township has received a Substantive Validity of Section 350-13 through 350-18 as well as Section 350-107 of the Upper Burrell Township Code of Ordinances filed on behalf of Patricia Troiano.

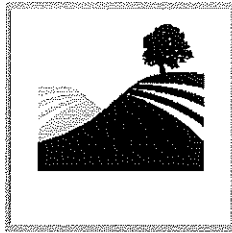
Article 1 Section 1. Constitutional Argument, Section 604 & 606 of Municipal Planning Code and Article 1 Section 27, Articles of Constitution and Special Law. This will go before the Zoning Hearing Board. This type of action has been brought to other municipalities such as Middlesex and Allegheny Township.

Allegheny Township has allows in all districts, still waiting this decision. The law of Westmoreland County has neglected these claims along with Butler County.

Ken Slahtovksy, 6200 Schafer Drive, asked will this be a public hearing? Yakopec replied yes, same course as other counties, one of the lessee who take the gas out will get involved and Troiano will bring experts along with the Gas Co., will probably be more than one night.

Leon Yurkin, 3603 Baxter Drive, asked where will this be held? Yakopec replied here at the Township Building for the first night/hearing unless the accommodations cannot be met, then will move the second night to a larger facility such as the high school or Penn State New Kensington Campus. Slahtovksy asked can you restrict it to Upper Burrell Township residents only? Supervisor Uhler stated this site was never on the original plan, was there a meeting with his colleagues that he does not know about?

Jennifer Hoffman, Huntley & Huntley, stated when selecting locations there are major pieces that need to take place and one of the original sites selected they could not come to a surface landowner agreement. Ms. Hoffman stated that the under the Ordinance it is only suggested to have a Pre-Application meeting with members of the Planning Commission which is what they are doing and no there have not been any other meetings with Supervisors or members of Boards only the meeting that took place explaining the Seismic Testing and attending the Planning Commission meeting asking about the Pre Application.



NEW BUSINESS

A motion was made by Walker second by Dombroski, to exonerate Joyce Ewing, Tax Collector, from the collection of delinquent property taxes at face value of \$9,554.31.

Motion passed 3 – 0

A motion was made by Walker, second by Uhler, to approve the Land Development request of Parallel 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 Uhler to send Melissa A. Cortilesio to attend the annual Westmoreland County Association of Township Supervisors banquet on Friday, March 10, 2017.

Motion passed 3– 0

A motion was made by Walker second by Dombroski to execute the proxies to allow MRM Trust Agreement to cast the votes for the Township for the election of Trustees to allow the Township to receive the dividend check.

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 hire John Gillette as a Part Time Patrolman.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski to transfer the January Real Estate Transfer Fees from the General Fund into the Capital Fund, Future Maintenance and Repair of Roads, received from the proceeds of the sale of property from RBJ Partners to Broadstone LS PA, LLC (350 Alvin Drive) in the amount of \$77,000.00.

Motion passed 3 – 0

A motion was made by Walker second by Dombroski to allow Dave Kerchner to contact paving contractors for scope of work and cost estimates for full depth reclamation on Menk Road and also seal coating the Industrial Park.

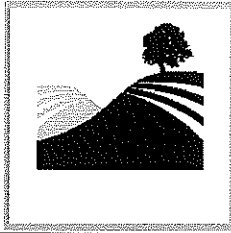
Motion passed 3 – 0

A motion was made by Walker second by Uhler to allow Dave Kerchner to prepare bidding documents for culvert replacement.

Motion passed 3 – 0

A motion was made by Walker second by Uhler to assign a new address to Matt Resnik as per Westmoreland County 911 Addressing Agency recommendation as 1501 Menk Road.

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 Dombroski to purchase a Boom Mower for the Road Department under the Co-Stars agreement at a cost of \$26,496.00
Motion passed 3 – 0

A motion was made by Walker second by Dombroski to allocate \$650.00 to Betty Beestrice for the 2017 Easter Party.
Motion passed 3 – 0

A motion was made by Walker second by Uhler to approve the Land Development request for Xodus Medical.
Motion passed 3 – 0

OPEN TO THE FLOOR

Mike Seefeld, 3443 Seventh Street Road, “Are you saying that we can’t talk to a Gas Co. without the Supervisors permission?” Uhler stated I only asked if any of this other colleagues met with Huntley & Huntley without him. Dombroski stated I find this unusual, do you meet with other people?

Ron Slabe, 516 Angelcrest Drive, stated that 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. This is list of concerns.

Example 1 – not all being revealed/shouldn’t be done in pieces.

How many well pads, where will they be located, and over what period.

How many well heads and over what period of time.

How many gathering lines and where exactly will they be located.

How many pipelines and where exactly will they be located.

How many pigging operations and pig launchers and receivers and where will they be exactly located.

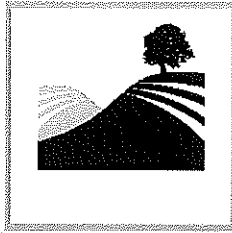
How many compressor stations and where will they be located and exactly what type of engines.

How many processing plants and where will they be located.

Where and how will the vapor destructions units and flowback storage be located.

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 oil and gas applicants – a full accounting of all planned construction activities, all infrastructure, and all ancillary facilities should be required to 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, Section 27), the US Constitution, the Municipal Planning Code and applicable local zoning rules and ordinances.



Mr. Slabe went on to mention several concerns:

The assurance of the protections of public health, safety and welfare.

The well, being located in the middle of residential homes.

Blast & Evac zone is usually the radius of 1 mile – countless homes are within this zone.

Water supply – nearly 100% rely on water wells.

Concern for our air-toxic fumes emanate from such sites.

Concern for property values, can drop 25%.

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

Concern about unconventional drilling not being an in and out process but a lasting one for years to come.

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

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

Walker stated at last month’s meeting it was stated that only 4 wells will be drilled and 3-4 wells on each well pad. He does not know which well pad got moved and he would welcome it.

Cari Armstrong, 260 Upper Drennen Road, stated they moved here from Las Vegas, originally looked in Washington County, but decided against it due to a fracking site. She stated Washington County has beautiful homes and sites but has lost its charm due to this. Home values within 1 km will drop 14% and homes within 1 ½ km will lose about \$30,000. Mrs. Armstrong stated this will impact the water, air, property values, she asked what can Upper Burrell gain and to please consider the long range value.

Dan Myers, 200 Barnview Drive, stated he would like to see Police and Road Department while out driving around to start enforcing the Ordinances, the one in particular to abandoned vehicles, when you see it, report it, the residents should not have to bring this to their attention they are out all the time in the Township.

George Richard, 350 Hunter Hill Road, asked how long has the Road Department been shorthanded? He would like to see the part time employee hired on full time, no wonder nothing is getting done, all that equipment and no one to use it.

Tom Halkias, 170 Bethesda Drive, thanked the Road Department for the work on Bethesda Drive.

ADJOURNMENT

Motion made by Walker, second by Uhler, to adjourn, meeting adjourned at 7:55 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

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