

REGULAR MEETING MINUTES
REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, AUGUST 5, 2020
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**
 Michael P. Conley, Vice Chairman
 Kenneth R. Slahtovsky , Present

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

OPENING OF BIDS – None

OPEN TO THE FLOOR – None

APPROVAL OF THE MINUTES

Motion made by Walker, second by Slahtovsky to approve the minutes of the July 1, 2020 regular meeting.

Motion passed 3-0.

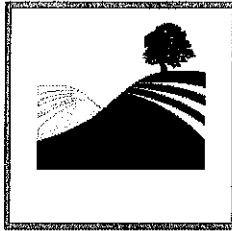
CORRESPONDENCE

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 Slahtovsky reported that for the month of July time was spent mowing, patching, weed whacking, cutting branches and maintain the equipment.

POLICE REPORT –

Chief Pate reported there were 148 calls for the month of July Chief Pate reported that a lot of vehicles were broken into on Myers Drive one involving a firearm, he reminded residents to lock up their cars. Chief stated it's that time of year again with accidents on the rise. Chief stated just had an accident on Rte. 780 right in front of the Township Building. Chief stated they could hear the car coming and speed did play a factor in the accident. Chief reminded the residents anytime they have questions to please feel free to call. Amy Beeatrice asked the Chief of those thefts calls what all does that cover. The Chief



replied the car break-ins along with the home/shed burglaries. The Chief stated that car thefts are also occurring in Lower Burrell, and the Puckety Church area.

Dan Myers, 200 Barnview Drive, stated it would be nice to see the police travel Turkey Ridge Road at least once a shift. Having 24-7 police coverage it does not see why this cannot be done. Myers stated you can cover the whole township by vehicle in one hour. Chief Pate assured Mr. Myers that the police are out there patrolling. The Chief can't make the promise that every shift will cover Turkey Ridge Road, but he can say it is patrolled during the 24-7 coverage. Mr. Myers stated also that while the police are on patrol they can report all the junk vehicles and property violations. Chief replied if they see the obvious then yes, but he won't send them out just for code violations.

EMC REPORT – None

ENGINEERS REPORT – Dave Kerchner reported the following:

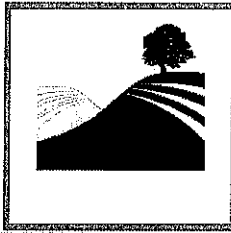
The Lincoln Beach Paving Project was rebid. This second rebidding did drop in price by \$5,000.00. The Engineer did recommend to award the project to Independent Enterprises, Inc. in the amount of \$66,542.50.

A motion was made by Walker second by Coley to award the Lincoln Beach Paving Project, Contract #20-6 Rebid to the low bidder, Independent Enterprises, Inc. in the amount of \$66,542.50. Open to comment on the floor. None received.
Motion passed 3 – 0.

The Engineer reported that they did reach out the County to see if there would be any additional funding available to help offset the cost of the Lincoln Beach Paving Project. The Township only received around \$44,000 in CDBG funds to pay for the project, it came in at \$66,542.50. Kerchner reported that the County would be happy to fund the difference, the funds will not be available until mid-September.

Kerchner reported that he did review the Model storm water Ordinance that the County is requiring all municipalities to adopt. Kerchner wants to be certain that it complies with the Township storm water Ordinance and he will get his comments back to the solicitor.

Kerchner reported that the contractor for the Turkey Ridge & Whitten Hollow Road Paving Project has been put on notice to proceed with the work. Kerchner stated he will get the Township to see if any work needs done or our end before the work begins.



PLANNING COMMISSION

Wilhelm Plan No. 3

William Snyder presented a plan that included a number of lot line revisions to a subdivision along Rich Hill road and Markle Road. A portion of the subdivision is in Allegheny Township. The plan has been reviewed by George Hart of Bankson Engineers and Scott Chermak. The plan has been revised to include their comments. After a discussion, Chester Lockwood moved to approve the plan, seconded by George Richard and all were in favor.

JK Tool and Die Building Addition

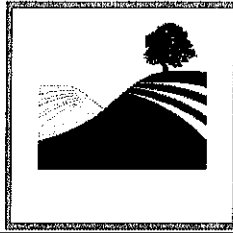
Greg Kourniotis and Jeff Ferris presented a plan for a building addition to the JK Tool and Die building in the Westmoreland Business and Research Park along Prominence Drive. The plan has been reviewed by George Hart of Bankson Engineers in a letter dated July 20, 2020, and by John Sisley of the Westmoreland County Industrial Development Corp. in a letter dated July 23, 2020, and Scott Chermak in a letter dated July 8, 2020. All three reviews had plan comments that needed to be addressed. Mr. Kourniotis indicated that the plans will be revised to address these comments. After a discussion, George Richard moved approve the plans contingents on the review comments of Bankson Engineers, Westmoreland County and Scott Chermak be addressed, seconded by Dan Hosac and all were in favor.

SOLICITORS REPORT

Solicitor Yakopec reported that the Westmoreland County Conservation District sent over a copy of a model Storm water Ordinance. It is required for all counties and municipalities to adopt this Ordinance. Yakopec stated it looks to fine to him only a few minor modifications are needed.

NEW BUSINESS

- A.** A motion was made by Walker second by Slahtovsky to grant the lot line revisions as recommended by the Planning Commission for the Wilhelm Plan No. 3.
Motion passed 3 - 0
- B.** A motion was made by Walker second by Conley to grant the Land Development request as recommend by the Planning Commission for the JK Tool and Die building addition.
Motion passed 3 - 0
- C.** A motion was made by Walker second by Conley to appoint both Tim Neal and Randy Louis as the alternate SEO'S for the Township.
Motion passed 3 - 0
- D.** A motion was made by Walker second by Slahtovsky to have the Engineer prepare an application for the 2021 CDBG Program.
Motion passed 3 - 0



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- E. A motion was made by Walker second by Slahtovsky to accept the new 5 year police contract beginning January 1, 2021 and extending thru December 31, 2025.
Motion passed 3 - 0

 - F. A motion was made by Conley second by Walker to pay and ratify all the bills and accept the financial report for the month of July 2020.
Motion passed 3 - 0

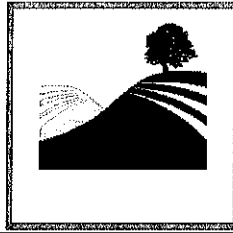
OPEN TO THE FLOOR –

Supervisor Walker stated that Upper Burrell Township Supervisors would like to consider an ATV Ordinance to allow ATV'S and OTV'S to have dual use of the township owned roads. Walker stated in Upper Burrell there are 22 miles of local roads and 22 miles of state roads. Walker stated that all persons would need to be 18 years of age or older, must have a current PA license, must have a DCNR registration plate on the vehicle, must have insurance, wear a helmet and follow the rules of the road and obey the speed limit.

One resident stated that Turkey Ridge Road is barely good enough for cars let alone ATV'S, he does not want ATV'S flying on his road. Walker stated that Westmoreland County has more ATV'S than any other county. This is not for motorcycles, only 4 wheeled vehicles. Walker stated it could possibly generate some revenue for the township. Another resident stated what is going to happen during hunting season? Another resident stated they will be going to Woodpeckers, this is not a good idea.

Dan Myers, 200 Barnview Drive, stated who in Upper Burrell want this ATV Ordinance? Who instigated this? Walker replied that after reading the article in the paper about Gilpin Township doing this, he thought maybe this is something that could work in Upper Burrell. Myers replied who cared about Gilpin Township. Myers stated there were 707 ATV deaths, the police have more important things to do. Myers also stated that ATV'S are not designed to travel on hard roads and has our Insurance Company been notified of this and what is the township's liability. Walker replied the township has Sovereign Immunity. Yakopec replied that township would need to put on notice on any dangerous road conditions. Myers stated the roads are not suited for this and that's why the state won't pass it.

Rick Jones, 201 Merwin Road, stated there is already enough trouble keeping the ATV'S off of private property, how do you think they will get from the township roads to the state roads? Dan Myers asked where are all the out of town people going to park their vehicles? Bob Speer, 325 Delberta Road, stated he already drives defensively, adding more small vehicles to the road will not be safe. Amy Beestrice, stated she would like to hear what the Police Chief thinks. Chief Pate, stated that he does want to be respectful to the Supervisors. Pate stated that from a law enforcement point of view, there is a reason why the state has shot it down. Pate stated that currently if they see any riders traveling along the road and they are doing it the right way, he is OK with that, it is the crazy ones who they deal with. The police usually give a warning the first time after that they are cited.



Allen Uhler, 2213 Turkey Ridge Road, asked if the ATV'S have been a nuisance. Do they police receive a lot of complaints on this issue? Chief Pate replied it has always been a problem, they get a call at least once a week. Chief Pate stated they do not make chase with the vehicles, they do activate the police lights, if they stop that is good for them but they will not make chase. Walker stated it sounds as if the residents do not have any interest in this.

Walker stated that possibly a Dollar General Store would be interested in building a site in the township. Avolio Law Group did attend the June Planning Commission stating that their client would like to construct a Dollar General Store along Route 780 and in the vicinity of Dewey Drive. The current zoning ordinance for C-1 does not include provisions for a 10,000 sf store. They were requesting an amendment to the C-1 district to include, Store, General Merchandise (Local) and provided wording for the amendment. The Commission members were concerned about the stores impact on the business of the Little Store which is in close proximity. Since this was just a preliminary discussion, the Commission members had no major objection to their proposal, however, a public meeting would be required after a formal submission to the Township has been made.

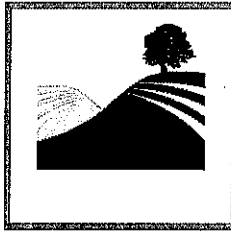
Solicitor Yakopec stated that the current Zoning in the C-1 district does not allow for a site this large to be built. Yakopec stated that the Dollar General would need to apply for a Zoning Permit and Building Permit and once the Zoning Permit is denied due to not meeting the C-1 criteria, the Dollar General does have the right to ask for a Variance Hearing. A hearing date would be set and all residents within 300' of the proposed site would be notified by mail of the hearing date, along with the hearing notice being published in the local newspaper and also the proposed site would be posted. Whatever the outcome of the hearing may be, both sides do have the opportunity to file an appeal with the Court of Common Pleas. Sides being the Township and the Dollar General. Yakopec again stated as of date nothing has come to the Township.

Several residents voiced their concerns about this proposed site and asked if the zoning can be challenged. One resident stated his property has been rutted up due to the soil samples being taken. Betty Beestrice, 108 Dewey Drive, stated with all of the vacant ground in the Township could they not consider somewhere else, such as the Lab Lodge Building or the intersection of White Cloud Road. Walker stated that he thought it would be good idea if the neighbors sent a letter to the attorney representing the Dollar General Store telling them they are not in favor of this store being constructed. Allen Uhler asked do they have to apply to be denied. George Richard stated they did attend the June Planning Commission Meeting, it was just an informational meeting, and no action was taken. Pearl Jones, asked if a petition could stop it? Yakopec stated it could not hurt, the Zoning Hearing Board would probably take it into consideration. Amy Beestrice asked if this would be considered spot zoning. Yakopec stated no, it is zoned C-1, this is why a variance would be needed. Ron Chabel, stated he believed this area is zoned R-1 and not C-1.



Supervisor Walker spoke on behalf of possibly imposing a 2 mill Fire Tax to help the Upper Burrell Township Volunteer Fire Department to purchase a new ladder truck. Walker stated the township has not raised taxes in over 10 years and this is the township's only volunteer fire company and they need help. Walker stated he took a tour of the fire department facility. The old truck they bought 6 years ago is now even older, in order to be able afford a new truck the 2 mill tax increase is needed and should only cost the average resident around \$40.00/year more a 3 mill increase would be around \$60.00 more a year.

Several residents spoke about issues such as, how many grants has the department applied for? Why are the garage bays at the truck site filled up with so much junk? If the tax increase were to go thru, would the township then consider lowering the annual donation, the LST donation, not pay the workmen compensation insurance? Instead raising taxes why not tap into the 1.8 million budget the township has and give the funds that way, why is the township sitting on all this money? Conley stated the Capital Fund will be depleted when the Turkey Ridge Road, and the other paving projects are completed. Myers stated then I am for raising our taxes to get the roads fixes. Walker stated the Township has around a 1 million budget, 1/3 spend on Police, 1/3 spent on the Road Department and 1/3 spent on administration. Walker stated he is proud to live in Upper Burrell and proud that taxes have not been raised and stated the Township is very fiscally responsible. Myers stated you support the Police Department then you should support the Fire Department without having to raise taxes. Myers asked out of the 340 calls, how many of those were house fires calls that an \$800,000.00 truck of that is needed. Walker replied they respond every time there is a call. Someone remarked if there is a fire at your house they are going to respond, if there is one call that is enough. Bill Hazlett, 304 Delberta Road, stated since day one of the LST Tax going into effect, the Fire Department has received 35% of the funds collected, so around \$40,000 a year. Along with this they also receive from the Township, a \$20,000 donation, \$13,000-\$15,000 in Fire Relief, \$12,000-\$14,000 in public donations and have the Workmen's Compensation Insurance paid for them. Mr. Hazlett also mentioned the purchase of a truck that bought out of state and was put into service that did not have a good title, and put a plate on it, using this truck to answer calls until the Police Chief stopped this because it did not have a title. Mr. Hazlett stated who buys a truck without the title. An off duty State Policeman attending a class notified the Upper Burrell Police Chief saying the ladders on the truck were not inspected, the regular inspection was out of date and was not registered. The Police Chief had to tell the Fire Department they are not permitted to move that truck out the door. Why is such a truck needed when the current truck has been out of service for over 6 months with the transmission out of it? Mr. Hazlett also stated please feel free to contact Ed Saliba, Jr., Fire Chief of New Kensington. 5 other departments also stated a truck is not needed. Walker asked Kevin Hogan if a ladder truck is needed. Mr. Hogan responded yes, this truck is a 5 in vehicle. Mr. Hazlett stated that 92% of the businesses are only 2 ½ stories high, Washington Township's ladder truck is also dispatched on every call and 5 other surrounding communities have a ladder truck also please feel free to call Washington Township's Fire Chief. Mr. Hazlett stated a truck of that size could not make turns and cross over bridges. Bill Pott's stated a truck of this size would never be able to reach the homes, it's too large in size, and too heavy for most driveways, which are either stone or mud it would destroy the driveway or sink. Kevin Hogan, from the fire department stated he is looking forward to continue working with the Township and the funds for the truck would be managed by them. Mr. Hogan



stated it's not just a ladder a truck, it has 5 roles it can do and it is a single axle truck. Kevin did go on to explain how the truck would work. Kevin stated the vehicles have been parked outside due to Plum Borough loaning them a truck to use. Kevin stated a lot of the apparatus issues are because of buying used equipment, this new truck would eliminate that. Kevin stated the department has been working hard on obtaining grants, the one grant received will be used on getting the members certified and they have been putting in a lot of training hours. Kevin stated he believed there were 25 calls in 2019 but not all were in Upper Burrell, he also stated that they have 18 new members and staffing at the hall to be ready to go out the door. Joyce Ewing, Ladies Auxiliary, stated that garage is a mess, Kevin did agree the place is a mess. Joyce suggested that while the members are standing around, why not have them clean the place. Joyce asked, where did all this stuff come from? Kevin replied mostly donations. Supervisor Walker asked instead of Quint can we get a quad without the ladders since we have ladders all around us and it would be about 4/5th the cost. Kevin stated the current ladder now has been used in about 3-4 rescue situations. Walker asked again can we do without a ladder. Kevin replied no, due to some of the setbacks and the Industrial Park. Some discussion took place as to the response of the truck and the response of neighboring communities. Allen Uhler asked if you could please explain the cost to the residents if the tax is imposed. Walker stated the businesses will take the edge off the cost. Uhler stated this was in regards to the article in the paper, the article stated homes not businesses. Joyce Ewing, Tax Collector stated a home assessed at \$54,000 would pay around \$162.00 with a 2 mill increase. Joyce stated she does not where you are at by saying the businesses will take the edge off, a lot of our businesses are struggling. Joyce stated for a business like Arconic it would be an additional \$20,000, she suggested that letters be sent to the businesses in the township asking for a donation. If the tax goes thru a lot of businesses who are already struggling will suffer from this. It was asked why the fund drive letters did not go out for this year and last year? Kevin stated the fund driving has been going under some changes and that's why it did not go out. Kevin stated most businesses do donate, however the larger corporations do not. Bob Speer stated it needs to be reevaluated what kind of truck is needed, he does not believe a 100' ladder truck is needed, he worked for Alcoa for several years and no building within Alcoa or the Industrial park needs a truck of that size. Mr. Speer asked are you able to utilize that truck enough to justify the amount of the money for that kind of truck. Walker stated a more compact truck is needed to be able to traverse our rural roads. Walker stated that seems to be what the community is telling us. Kevin again stated the 5 uses of the truck. A resident stated you can add 6-7 bells and whistles it still won't matter, because it can travel most roads. A resident stated you really need to reevaluate this, when there is stuff there now not being take care of. Dan Myers stated certainly is not the time to hit the residents with a tax increase with the current state of the pandemic, it can hurt a lot of people. Mr. Myers stated as Supervisor's you have the right if you wanted to allow this tax increase be a referendum vote and let the people decide. Bill Hazlett mentioned the weight of truck would far exceed most weight limits on township roads and most driveways are either rock, gravel or mud and will sink in the mud before it reaches the driveway. Mr. Hazlet stated he talked to 6 life members of the department and at the end of the year the department should have \$700,000 in their checking account, it seems as if there be some discrepancies in the funds being spent, where is all this money going? Mr. Hazlet state if something is not going to be done, he is considering contacting the PA Auditor General and request an audit be done on the Fire Department. Hazlet stated an audit was just done in western Pennsylvania and discovered over \$60,000 dollars were missing. This was turned over to the PA State Police. Mr. Hazlet asked if the department provided their expenses, the funds they have and if they applied for a 2% loan and did they submit a financial plan, or is the expect 3 mill increase

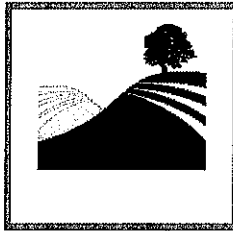


going to pay for it all? Hazlet stated the UBVFD gets more money than any department in the AK Valley. Kevin stated that the City of New Kensington just received a grant to replace the breathing equipment. Kevin stated during discussions it was discussed that the tax would also allow for them to purchase apparatus along with any other items needed. Mr. Hazlet stated previous financial plans were put into place, where is the expected \$700,000 funds at. Walker replied they have a big building to pay for. Hazlet stated within the previous financial plan that building was to be paid for at the end of 2020. Walker stated it was supposed to be paid for but did not happen. Several residents yelled out why. Mr. Hazlet stated again let them come in and do the audit and if any criminal misdoings them be accounted for it. Kevin stated building funds were refinanced. The crowd was very displeas with this answer.

Jeff Ewing, 201 Stoney Hill Road, did explain the financial plan that was in place for the fire department when he was the financial secretary. Jeff did go on to explain how the original funding for the building was financed. The \$750,000 was borrowed in 2005, when the LST Tax was incorporated, along with the 35% of that LST Tax, Fund Drive monies and gas well monies, this is how the building payment would be made. In 2010 they got a \$200,000 – 2% loan for the debt reduction on the building loan, the plan to pay for this would be to apply to the state for the \$12,000 and the department would make up the difference which would then bring the balance down to \$450,000, which they did remortgage in 2016, but it did have a clause in it stating that within the first 5 years they could not pay the loan off, so in 2021 it would be paid off. Mr. Ewing stated that there was \$853,000 in the building fund, they only borrowed \$750,000 so the monies should have been there to pay for the building. Mr. Ewing did go on to explain more of the finances and stated that the financial plan created for the new building fund on at least 4 separate occasions had not been followed. Why give them more money when they can't manage the money they have. Mr. Ewing asked what has changed since last year that you're so willing to give them more money. Walker stated he likes seeing the enthusiasm in the volunteers. Mr. Ewing stated he agrees they are definitely doing the training. Mr. Ewing stated he also very upset over the fact that a year ago he attended a meeting at the fire department asking for his name to be removed from the liquor license as of date this has not been done. Mr. Ewing stated whether you handle the money or the Township handles the money, the issue is why you need the money. Mr. Ewing stated the fund drive is a disaster and you have not done it for the 2 years. Kevin replied every grant that has come into the department has been applied for. Mr. Ewing stated he agrees they do need a new truck but need to be real careful and hold accountable for tax dollars being spend. Walker asked Mr. Ewing in his opinion is a ladder truck needed. Mr. Ewing responded no. It is up to the 3 supervisors if this tax needed, (Conley would have to abstain) just remember there are a lot of people out there hurting right now.

Allen Uilher, asked what can you do with a truck that does not have a title? Kevin responded that issue has since been resolved. Allen asked is all 3 mills going to the Fire Department or is some going to the Police? Walker stated it will just be 2 mills and will too solely to the Fire Department.

It was suggested that an audit of the funds the fire department receives from the township should be audited. It was also suggested that the Auditor General be contacted and a separate audit be performed by their office. After several other comments on the misappropriation of funds and that a ladder truck is not what is needed maybe a different kind of truck would be more suitable. Supervisor Walker asked if Jeff Ewing, Bill Potts, Rick Jones and Bill Hazlett would consider making up an advisory



board along with Kevin Hogan and Bryan Fitch of the Fire Department to determine just exactly what is needed.

Amy Beestrice, stated that there was mention of the property near the proposed Dollar General site that was rezoned 7 years ago, why was she not notified? Walker asked Betty if she had the paperwork that involved this rezoning and she stated no paperwork just a note that someone at the township building told her this was done. Yakopec stated that was back when the codification was done, only the perimeters of the properties needed to be notified. Yakopec stated there were several notices in the paper and months of hearing on the code and the zoning map, a professional planner was hired. Betty Beestrice stated lately there has been a drone flying over Dewey Drive, she asked about the laws.

Supervisor Conley stated that he has received bids to replace the 2 roofs on the township building and the roof that houses the police garage. Said bids did come in over the \$11,300 which requires to solicit written/telephonic bids. Conley stated he received 4 bids. The low bid was Gil Schrock in the amount of \$20,250 to replace all three (3) roofs.

A motion was made by Conley second by Walker to bid the three (3) roof replacement to low bidder, Gil Schrock in the amount of \$20,250.00.

Motion passed 3 - 0

ADJOURNMENT

Motion made by Walker, second by Conley to adjourn, meeting adjourned at 9:00p.m.

Minutes Submitted by: Melissa A. Cortilesio,

Note*** Next monthly meeting, will be held on October 7, 2020, beginning at 7:00 p.m.