

**REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, DECEMBER 1, 2021
MEETING ROOM, 3735 - 7TH STREET ROAD**

Board of Supervisors, Chairman, Ross G. Walker, III, 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, Present**
 Michael P. Conley, Vice Chairman
 Kenneth R. Slahtovsky, Supervisor

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

OPENING OF BIDS –

2006 Ford F-550 XL Super Duty, 1 Ton Dump Truck with plow and salt spreader.

2 bids were received:

Clyde's Auto Service in the amount of \$5,000.00.

Brent M. Zanella in the amount of \$4,126.00.

Both bids were accompanied with a cashier's check.

A motion was made by Walker second by Slahtovsky to accept the bid from the highest bidder, Clyde's Auto Service in the amount of \$5,000.00. No comment on the floor. Motion passed 3 – 0.

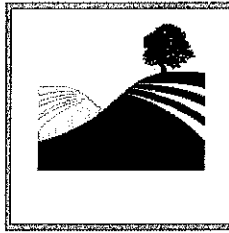
Dan Hosac, 1301 Menk Road asked if you were obligated to award to the highest bidder. Conley stated that yes they had decided that the bid would be awarded to the highest bidder.

OPEN TO THE FLOOR –

Dan Myers, 200 Barnview Drive, stated there were several omissions left out of the Budget Workshop meeting minutes. Mr. Myers stated he would like the following amended to reflect:

2nd paragraph, first line, it states Myers asked if it was necessary to keep all of the police cars. Myers would like it to reflect, necessary to keep 4 police cars.

Last Paragraph, stated that Walker asked Myers if he went to the school board to complain about the tax increase. Myers would like the record to reflect that he replied by also asking Walker if he attended



the school board meeting. Myers would also like the record to reflect that Walker stated he is now closing the floor for anymore comments.

Walker stated to amend the minutes.

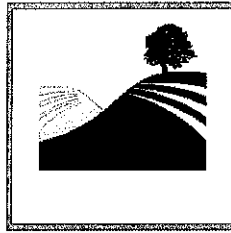
Myers asked Walker when he was a rebuttal witness for Olympus Energy, LLC, was he there to represent himself or as a Supervisor and was he representing all 3 of the supervisors or just himself. Conley stated he did not even know about it, but Walker did call them to let them know he was going to speak on behalf of Olympus Energy, LLC, himself. Myers asked if Walker got prepped for his testimony. Myers stated he felt this was unethical for Walker to do and he would think you would not want to do it. Myers stated Walker was a star rebuttal witness.

Myers stated that the Supervisor's refused to ask Arconic to consider moving the driveway entrance to Selene pad. Solicitor Yakopec stated they did this based on his recommendation, this could be considered Contractual Interference. Myers stated you could have asked. Myers stated this is the 9th hearing for West Deer and they still have 45 days to rule on it. Myers asked what the connection is. Walker stated that Olympus Energy, LLC, has been very nice to deal with. Conley stated that when they are in compliance you can't stop them. Myers stated he is all for it, but you need to listen to the people. Walker stated it took over 10 years for the Zeus Well Pad, and on the hearing night they were there until midnight hearing testimony. Myers stated yes and you only had 1 hearing. Myers stated with the compressor station coming soon, he just does not know why Walker would do it. Myers asked about the donation check received, he wants to know what date the check was received. Myers stated again he does not know why they won't ask Arconic to move the driveway entrance to the Selene Pad.

Dan Hosac, 1301 Menk Road, stated that at the Planning Commission meeting he did bring up the issue about the entrance to the Selene Pad being so close to the neighboring home. It was stated that Planning Commission did not make any recommendation about the driveway entrance. It was stated that it was a waste of time and already decided.

Chester Lockwood, 4425 – 7th Street Road, stated he is a member of the Planning Commission and the reason the entrance is located where it is, is because a 10% grade at Rte. 780 is needed to get to the well pad and that was the only place they could get in.

George Richard, 350 Hunter Hill Road, stated that he did write in the Planning Commission meeting minutes that one concern was the location of driveway entrance to the well pad being very close to the houses on Rte. 780. Conley asked what the recommendation of the Planning Commission was. Richard replied what could they do. Myers replied Supervisor's give ultimate permission. Solicitor Yakopec stated courts say if they meet all requirements you have to grant it. Myers stated you could have asked them to move the driveway. Myers stated that all 3 Supervisors are deeply embedded in this, all are getting royalty checks, this is a conflict. Walker did state he was questioned about his lease. Walker stated he would recuse his vote if he got a royalty check, he has to. Myers stated pass a resolution tonight to pass a referendum to add 2 more Supervisors. Walker stated no.



APPROVAL OF THE MINUTES

Motion made by Walker, second by Conley to approve the minutes of the November 3, 2021, 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 the township did receive a donation for \$39,000.00, from Olympus Energy, LLC for a generator at the township building. This generator was purchased thru the Co-Stars Program. This project has been ongoing for 2 years and due to Covid things have been slowed down.

Slahtovsky stated that time spent this month was getting the equipment prepared for the winter season, some cold patching was done and the edging issue on Mosaic Blvd. has been completed. Olympus is trying to get restoration work done on Rich Hill Road, however, due to weather this work may not get completed until spring of 2022, this would be from the Beagle Club up to the top of Rich Hill Road, some scratch work was done on the bad sections.

POLICE REPORT – No report

EMC REPORT –

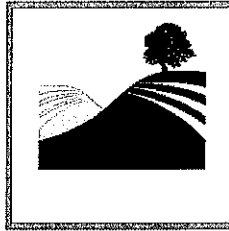
Dave Knox stated that if anyone has any comments of the proposed bridge work, they can take advantage of this from 12/3 – 12/17/2021, on the PennDot website to post comments. Knox advised the residents to please be cautious of scams stating never give out information. Knox stated he will forward a copy of 2022 Hazardous Mitigation Plan for review and signature.

ENGINEERS REPORT –

Dave Kerchner stated the Township did not get funded for the Multimodal Grant Application, for the drainage work on Lower Drennen Road. Kerchner stated it was turned down for the same reasons as the PennDot application.

Kerchner stated that the Landslide work repairs were submitted to Senator Casey's office.

Kerchner stated he did receive revised drawings for the Dollar General and stated that the revisions that were needed were included. Kerchner stated that Planning Commission did receive his comments and he believed Scott Chermak also commented. Conley asked is the Dollar General is now in complete compliance with all buffer zones. Kerchner stated this is a question for Scott Chermak. Kerchner stated in his opinion there are no issues with setbacks or buffers.



PLANNING COMMISSION -

Dollar General Discussion with Amy Cromie

Amy Cromie indicated that she was not happy about some things happening at the work site. Work hours are too long into the night 7:00 a.m. – 9:00 p.m. Need to change times. Dollar General cut a part of the pine tree. Can't find clear deed for strip of land above Amy's property. Who owns it? Where is the septic system and what kind? Is there a buffer zone for the retention pond? Planting of trees may be wrong. These things will be looked into.

Olympus Energy LLC

There were not on agenda. We voted to hear their presentation. There were 5 associates present to represent Olympus. Talked about future plans to gas wells. Adding a compressor station beside Calliope Well off of White Cloud Road. All gas wells will be tied together by pipe lines and pumped to main gas line.

SOLICITORS REPORT –

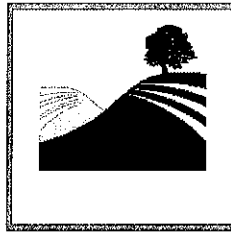
Supervisor Slahtovsky stated that he and Supervisor Conley did attend the November Planning Commission meeting and that Olympus Energy, LLC was only presenting information to the Commission they were not requiring any action. George Richard stated he was unsure if they could speak. Dan Myers stated they should have been on the agenda that way the public could attend the meeting. It was stated to just say no and tell them to come back next month.

Solicitor Yakopec stated that at the January meeting it will be considered to pass the Stormwater Ordinance. This is the model ordinance being passed by every community, this comes from the EPA and is passed down to the DEP and then forced on the communities. Yakopec stated this needs to be done in case of a flood the township would need this to apply for funds.

Yakopec stated that in regards to the Sieman's tax appeal the School Board was able to recoup some of tax monies. Yakopec wished everyone a Merry Christmas.

NEW BUSINESS

- A. A motion was made by Walker second by Slahtovsky that the Township accepts the recommendation of the school district and Westmoreland County to settle the Sieman's tax appeal. Motion passed 3 – 0.
- B. A motion was made by Walker second by Conley to adopt Resolution No. 12-2021, adopting the 2022 General Budget and the budgets for the special funds. Motion passed 3 – 0.
- C. A motion was made by Walker second by Slahtovsky to adopt Resolution No. 13-2021, fixing the tax rate for the Fiscal Year of 2022 at 12 mills. Motion passed 3 – 0.

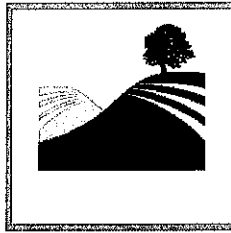


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- D. A motion was made by Walker second by Conley to set and advertise the date for the Annual Organizational Meeting for the January 2022, which will be held on the First Monday, January 3, 2022, beginning at 7:00 p.m. Motion passed 3 – 0.
 - E. A motion was made by Walker second by Slahtovsky to set and advertise the date for the Annual Auditor’s meeting for January, 2022, which will be held on Monday, January 3, 2022, beginning at the ending of the January Supervisor’s regular meeting. Motion passed 3 – 0.
 - F. A motion was made by Walker second by Slahtovsky to transfer the employee health insurance contributions from the Payroll Fund into the General Fund in the month of December 2021. Motion passed 2 – 0. Conley abstained.
 - G. A motion was made by Walker second by Conley to approve and ratify the advertisement to the appointment of a CPA or firm to perform the 2021 township audit. Motion passed 3 – 0.
 - H. Motion to have the Township Hearing Board files remain with the office of Dickie, McCamey & Chilcote, P.C. No action was taken.
 - I. A motion was made by Walker second by Conley to have the Township Hearing Board files transferred with Harlan Stone, Esquire (current Zoning Hearing Board Attorney) to the office Babst Calland. Motion passed 3 – 0.
 - J. A motion was made by Walker second by Slahtovsky to grant the 2021 Senior Christmas Party Allocation in the amount of \$2,700.00, to Alicia Gismondi Walker, Chairman of the Committee. Motion passed 3 – 0.
 - K. 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 November 2021.

OPEN TO THE FLOOR

Art Grazier, 1211 Center Avenue, asked why the Supervisors shot down the idea of having 5 Supervisors. Walker stated this was on the ballot before and did not pass.

Allen Uhler, 2213 Turkey Ridge Road, stated he was opposed before to having 5 members on the board but he is now sold on it. Conley asked what changed his mind. Uhler stated maybe have better ideas or change. Uhler stated what do they concentrate on, how others feel verse of different opinions. Conley stated from 1991 he has served this community and times are changing. Uhler stated the township is growing.



Myers stated why it would be a problem, get together and do it, make a resolution to do so, make it easy. It was stated how many other townships have 5 supervisors. All 3 supervisors have a relationship with Olympus, need some diversity.

Dan Myers stated that Dollar General has mud all over Rte. 780 could you just cite them and get this cleaned. Kerchner stated that Rte. 780 is a PennDot road and he is not certain if they have the ordinance as the township to keep clean. Myers stated there is going to be an accident there.

Joyce Ewing, 201 Stoney Hill Road, stated last month it was noted that a SEO is needed for the township have they found a replacement yet. Yakopec stated the ad has not been placed yet.

Dan Hosac, 1301 Menk Road asked if they knew what section of the bridge on Rte. 366 is going to be worked on. Kerchner stated that technically this section is in Lower Burrell just pass Lincoln Beach into Lower Burrell, between Dutchmans Run Road and Lincoln Beach. Hosac also asked since Arconic was granted a tax reduction, once they get the Selene Pad, which will be an improvement to the area, can the township then go back and get the taxes adjusted. Yakopec stated he will make calls and see if it's worth taking an appeal to do this.

Dan Myers, 201 Barnview Drive, asked if there is any update on the guardrail project. Conley stated it is out of our hands and in the hands of the state. Conley stated he will speak with Representative Bob Brooks.

Adjournment

A motion was made by Walker second by Conley to adjourn, meeting adjourned at 7:57 p.m.

Minutes Submitted by: Melissa A. Cortileso,

Note*** Next monthly meeting, will be held on Monday, January 3, 2022, beginning at 7:00 p.m.