AGENDA
UPPER BURRELL TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
October 5, 2022

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

Opening of Bids - Separate and sealed proposals will be received by the Upper Burrell Township Board of Supervisor's at the Township Office, until 10:00 am, prevailing time, Friday, September 30, 2022, and opened and read aloud immediately for the following project:
Whitten Hollow Road and Hartge Road Guide Rail Installation – Contract No. #22-2

Opened Bids on 9/30/2022 at 10:00 am – Present – Michael Moore, Bankson Engineers and Melissa Cortileso – Upper Burrell Township

Received one bid from Green Acres Contracting in the amount of $111,600.00 also included 10% bid bond.

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.

Steve Nonn, 560 Lower Drennen Road – Nonn Plan of Lots No. 3 – Application for Subdivision Approval

2. **Minutes**
Minutes from the September 7, 2022, Regular Meeting are submitted for the Board's review and approval.

3. **Correspondence**

- Received correspondence from Westmoreland County Conservation District in regards to earthmoving activities at 231 Upper Drennen Road. The letter states that the construction activities do not meet the requirements of the DEP and the Clean Streams Law, the act of June 22, 1937, P.O. as amended 35 P.S. 691.1 et. Seq. Certain violations noted:
  Failure to implement effective E&S Best Management Practices
  Failure to maintain effective E&S BMP's
  Failure to provide temporary stabilization of the earth disturbance site
  Please report your corrective actions by September 22, 2022. This Notice of Violation is neither an order nor any other final action of the DEP. It neither imposes nor waives any enforcement action available to the Conservation District under any of its delegation authority, if determined that an enforcement action is appropriate, you will be notified of this action.

- Received correspondence from FEMA, announcing that the Township Hazard Mitigation Plan has been approved.

- Received a copy of a sample Resolution to implement Act 57 of 2022, Property Tax Penalty Waiver Provisions. This would be to direct tax collectors to waive additional charges for real estate taxes in certain situations:

- Received a "Municipal Infrastructure Priorities Survey" from Westmoreland County asking to submit any water, sewer, or storm water projects the township would like to consider using the American Rescue Plan Funds. Priority will be given to new and expansion projects over maintenance projects. Priority will also be given to municipalities providing matching funds.

- Received a request from Alicia Gismondi Walker and Maris Trzeciak, Recreation Committee Co-Chairs, requesting the 2022 allocation for the Children's Halloween Party in the amount of $600.00. Party will be held on Sunday, October 30, 2022, from 1:00 – 2:30 pm at the Township Building for children ages 1 to 12 who reside in Upper Burrell.

- Received a copy of the meeting minutes for the Residual Waste Transfer Facility Permit – Penneco Environmental Solutions Sedat UIC Facility, Plum Borough, Allegheny County

- Received an email from George Hart, Bankson Engineers, in regards to the Nonn Plan of Lots No. 3 – Subdivision Application.

- Received correspondence from CEC on behalf of Olympus Energy, LLC submitting an application for Conditional Use for the Hephaestus Well Pad project.

  Project Location: 477 Merwin Road
  Proposed Use: Natural Gas Well Site within an Agricultural Residential Zone

- Received correspondence from DeBlasio & DeBlasio Associates stating they did not encounter any significant difficulties in dealing with management in performing and completing their audit for the Tax Collector, Joyce Ewing, for years ended December 31, 2021 and 2020.

4. **Road Report**

5. **Police Report –**
   Chief Pate would like to discuss the possibility of having the solicitor prepare a barking dog ordinance.

   a) Emergency Management Report

6. **Engineers Report**

7. **Planning Commission -**
   Steve Nonn Subdivision Request
   Mr. & Mrs. Nonn and their son attended the meeting. Mr. Nonn takes exception to Bankson Engineers comment that their 30.239 acre parcel does not meet the requirement for a 10 acre permit exemption since the SEO has field viewed the parcel and has signed off on the Permit dated September 6, 2022. Since Mike Moore of Bankson did not specify in his email dated September 8, 2022 why it did not meet the requirements of the exemption, Mr. Nonn should call Mr. Moore to discuss the details. After reviewing the exemption form requirements, the Commission does not understand why it is not acceptable. After a discussion, Rick Ryan moved to table the submission pending resolutions of the permit issues, seconded by Chester Lockwood and all were in favor. It should be noted that Bankson has not commented on the subdivision plan to date.

Demharter Consolidation Plan

George Hart of Bankson Engineers initially indicated they had questions regarding a right of way agreement that provides access to Rustic Lane for Brian Holmes adjacent property to Demharter property. In a September 16, 2022 email, Mr. Hart indicated that after a discussion with Mr. Yakopec and Mrs. Demharter, Bankson have concluded that Mr. Holmes' Special Warranty Deed from Richard and Donna Davis dated September 29, 2006, grants to Holmes free and uninterrupted use of the 33 front street leading to Rustic Lane and therefore does not land lock the Holmes property. That being said, Bankson has yet to provide the Commission comments on the plan, so Chester Lockwood moved to table the submission until we get Banksons comments on their approval, seconded by Rich Ryan and all were in favor.

8. Solicitor's Report

9 New Business

A. Motion to transfer the police department general fund line item into the capital fund in the month of October 2022.

B. Motion to transfer the paving item in the general fund into the capital fund in the month of October 2022.

C. Motion to ratify and have the engineer prepare and accept bids for the guard rail project.

D. Motion to adopt Resolution #13 of 2022, Property Tax Penalty Waiver Provisions.

E. Motion to complete the 2022 Municipal Water & Sewage Priorities Survey Form back to Westmoreland County for possible American Rescue Plan Funding for water/sewer/storm water project.

F. Motion to approve the change order from West Penn Paving for the CDBG Lincoln Beach Paving & Drainage Project – deduct of $1.25/S.Y. for substitution of binder in lieu of FB Modified and addition of stone in the hotel parking lot. This would be a deduction of $1,815.00.

G. Motion to have the County make the pay request in the amount of $88,696.00, to West Penn Paving for the CDBG Lincoln Beach Drainage and Paving Project.

H. Motion to grant the 2022 Halloween Party to the Recreation Committee in the amount of $600.00.

I. Motion to have Bankson Engineers apply for a CDBG application for the replacement of a cross drain, crossing Lincoln Boulevard and also replace the clogged storm drain along Davis Street.

J. Motion to have the solicitor prepare a barking dog ordinance.

K. Motion to grant the Whitten Hollow Road and Hartge Road Guide Rail Installation – Contract #22-3 to the lowest, responsible bidder – Green Acres Contracting in the amount of $111,600, using the Multi Modal Transportation Fund Grant Reimbursement in the amount of $83,200 and the remaining balance of $28,400 will come from the township.

L. Motion to pay and ratify all the bills and accept the financial report for the month of September, 2022.

10. Pay all Bills & Financial Report

GENERAL FUND		CAPITAL RESERVE FUND	
Beginning Balance	$ 948,360.80	Beginning Balance	$ 411,015.10
Receipts	283,369.82	Receipts	755.06
Expenditures	259,645.53	Expenditures	4,303.90
Closing Balance	$ 972,085.09	Closing Balance	$ 407,466.26

FIRE HYDRANT TAX		STATE AID FUND	
Beginning Balance	$ 3,396.71	Beginning Balance	$ 440,245.52
Receipts	33.15	Receipts	751.36
Expenditures	0	Expenditures	42,238.66
Closing Balance	$ 3,429.86	Closing Balance	$ 398,758.22

11. 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.

12. Adjournment

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

Next meeting of the Township Supervisors will be held on Wednesday, November 2, 2022 beginning @ 7:00 pm

***** Reminder to visit the website westmorelandbroadband.org to take the online survey about broadband expansion. Also the link to the survey can be found on the township website.

Children's Halloween Party - will be held on Sunday, October 30, 2022 from 1:00 – 2:30 p.m. for children ages 1 – 12 and must be residents of Upper Burrell.