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**REGULAR MEETING OF THE  
UPPER BURRELL SUPERVISORS  
WEDNESDAY, OCTOBER 5, 2022  
MEETING ROOM, 3735 - 7<sup>TH</sup> 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, Supervisor**

**Also present:** Michael Moore, Engineer  
                          Melissa A. Cortileso, Secretary  
                          Steve Yakopec, Solicitor

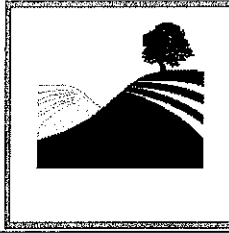
**OPENING OF BIDS –**

Separate and sealed proposals were received and read aloud by Upper Burrell Township on Friday, September 30, 2022, at 10:00 a.m., at the Township Building, 3735 – 7<sup>th</sup> Street Road, for Whitten Hollow Road and Hartge Road Guide Rail Installation – Contract #22-2.

Received one (1) bid from Green Acres Contracting in the amount of \$111,600.00 which also included a 10% bid bond. Michael Moore, Bankson Engineering did recommend awarding the project to Green Acres Contracting in the amount of \$111,600.00. Grant funding in the amount of \$83,200 from the Multimodal Transportation Fund and the remaining balance of \$28,400 will be the required township obligation.

**OPEN TO THE FLOOR –**

Steve and Olga Nonn – 560 Lower Drennen Road, addressed the board in regards to the subdivision application that was presented to the Planning Commission. The Nonn's are subdividing Parcel 301/Parcel 1 to give 30.239 acres to their son to build a home and the residual area of parcel 1 will have two areas – 1 residual area of 9.090 acres which has parcel 2 between the other parcel 1 residual area of 7.852 acres. For Parcel 301 the Nonn's have applied for a 10 acre exemption. At the September Planning Commission the subdivision request had been tabled due to the SEO, Jonathan Barron and also Bankson Engineering stating they did not feel that the plan meets the 10 acre exemption requirements. Mr. Nonn also stated that in 2014 he did receive a 10 acre exemption and does not understand why this subdivision application does not meet the same. Mr. Non stated that after discussion with the PA DEP, Kimble Webb, also agreed that the subdivision does not meet the 10 acre exemption requirements.



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Mr. Nonn asked the supervisor's for any guidance or help in trying to get the issue resolved. Supervisor Conley stated he will contact Tony Males and see what the issue is. Michael Moore stated that Bankson Engineers will rely on what the SEO has stated and also the DEP.

**APPROVAL OF THE MINUTES**

Motion made by Walker, second by Conley to approve the minutes of the September 7, 2022, 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 most of the time was spent patching on Michael Drive, Hartge Road, Pleasant Valley Road and Dewey Drive and storm clean up.

**POLICE REPORT** – Chief Pate reported there were 96 calls for the month of September. Chief Pate stated there department is in the process of getting there recertification's. Chief Pate along with other Chiefs that are part of the CRT team did meet with the County Commissioners asking the Commissioners to consider the CRT for some of the ARF funding to update equipment. Also in attendance was the DA and she is on board with asking for the funds.

Chief Pate also asked the Supervisor's to please consider having the solicitor prepare an Ordinance addressing barking dogs. The Chief stated this is long overdue. The Chief stated the ordinance would be enforce the issue unlike the current ordinance which addresses zoning issues.

**EMC REPORT –**

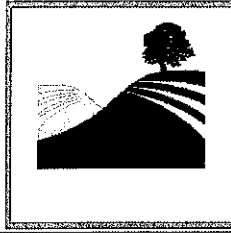
Dave Knox, stated he did attend the local coordinators meeting and they are reviewing the wish list. Mr. Knox stated that there is an issue with the address that was listed on the application for the proposed Hephaestus Well Pad. Mr. Knox stated the address provided of 477 Merwin Road is already an existing address. Knox stated he is not certain if the current HMP needs to be renewed or not.

**ENGINEERS REPORT –**

Michael Moore stated he has the paperwork for the change order for the CDBG Lincoln Beach Paving and Drainage Project that needs to be signed. Moore stated that he also needs the pay request for the project in the amount of \$88,696.00 to West Penn Paving be approved.

Moore also stated that they needed approval to submit the CDBG application for the replacement of a cross drain, crossing Lincoln Boulevard.

Moore stated next month he will need permission to submit the application for the Dirt and Gravel Road grant for the Hunter Hill Road pipe replacement and Whitten Hollow double asphalt.



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## **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

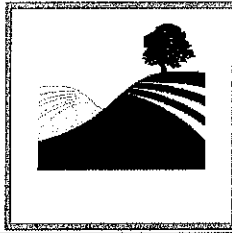
George Hart of Bankson Engineers initially indicated they had questions regarding a right of way agreement that provides access to Rustic Lane for Brian Holmes adjacent property to Demharter property. In a September 16, 2022 email, Mr. Hart indicated that after a discussion with Mr. Yakopec and Mrs. 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.

## **SOLICITORS REPORT –**

Solicitor Yakopec stated that a date will need to be set for the Conditional Use request application for the Hephaestus Well Pad. Yakopec stated that he also been asked to prepare a presentation next year at the annual convention.

## **NEW BUSINESS**

- A. A motion was made by Walker second by Slahtovsky to transfer the police department general fund line item into the capital fund in the month of October 2022. Motion passed 3 – 0.
- B. A motion was made by Walker second by Conley to transfer the paving item in the general fund into the capital fund in the month of October 2022. Motion passed 3 – 0.
- C. A motion was made by Walker second by Slahtovsky to ratify and have the engineer prepare and accept bids for the guard rail project. Motion passed 3 – 0.



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- D. A motion was made by Walker second by Slahtovsky to adopt Resolution #13 of 2022, Property Tax Penalty Waiver Provisions. Motion passed 3 – 0.
  - E. A motion was made by Walker second by Conley 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. Motion passed 3 – 0.
  - F. A motion was made by Walker second by Slahtovsky 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. Motion passed 3 – 0.
  - G. A motion was made by Walker second by Conley 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. Motion passed 3 – 0.
  - H. A motion was made by Walker second by Slahtovsky to grant the 2022 Halloween Party to the Recreation Committee in the amount of \$600.00. Motion passed 3 – 0.
  - I. A motion was made by Walker second by Conley to have Bankson Engineers apply for a CDBG application for the replacement of a cross drain, crossing Lincoln Boulevard. Motion passed 3 – 0.
  - J. A motion was made by Walker second by Conley to have the solicitor prepare a barking dog ordinance. Motion passed 3 – 0.
  - K. A motion was made by Walker second by Slahtovsky 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. Motion passed 3 – 0.
  - L. 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 September, 2022. Motion passed 3 – 0.

#### **OPEN TO THE FLOOR**

Supervisor Conley stated that last month the board was asked to consider adopting a rental property inspection ordinance. Conley stated he has thought about this wanted to know if at minimum the township could send out a letter to landlords letting them know about requirements. Yakopec stated yes. Dan Myers stated your giving permission to do a barking dog ordinance why not the rental inspection ordinance. Dave Knox, EMC, stated that under Act 45 under the UCC states you have to maintain certain requirements. Knox stated enforce what you already have possibly let the Fire Department do the inspections. Joyce Ewing, stated every year on January 1, letters are mailed out landlords they could easily include a letter with these requirements.



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Conley also stated that the new tractor has been ordered and by this time next year it should be delivered.

Milton Pitts, asked what the Tax Resolution previously mentioned was about. Solicitor Yakopec stated this would allow the Tax Collector to waive additional charges for real estate taxes in certain situations.

Dan Myers, 200 Barnview Drive, asked when the guide rail project will start. Michael Moore responded in about a month. Myers also asked what was sprayed along the side of Turkey Ridge Road. Slahtovsky stated bituminous material. Myers stated it was a waste of money since all of the fill was washed away. Myers stated they sprayed the high grass. Slahtovsky stated he take a look and contact Olympus.

Reverend Moore, 94 Lincoln Boulevard, stated that since the last paving project was done in Lincoln Beach his parking lot is now filling up with water. Slahtovsky stated they will take a look at it. Reverend Moore also stated that he did not sign the lease. Solicitor Yakopec stated there are some changes the township wants to make. Yakopec asked it does say exclusive use for community. Moore asked why not donate why a lease, before when this issue first came up the township was willing to donate, what changed and the township has now decided to lease it.

### **Adjournment**

A motion was made by Walker second by Conley to adjourn, meeting adjourned at 7:56 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

Note\*\*\* Next monthly meeting, will be held on Wednesday, December 7, beginning at 7:00 pm.