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**REGULAR MEETING OF THE  
UPPER BURRELL SUPERVISORS  
WEDNESDAY, JULY 3, 2024  
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  
John Pallone, Solicitor

**OPENING OF BIDS – None**

**OPEN TO THE FLOOR –**

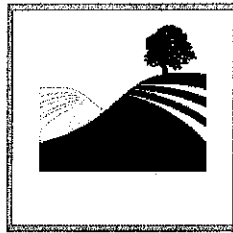
Dan Myers, 200 Barnview Drive, asked about the proposed ordinance for the reclassification of the 20.81 acres on Oak Lake Road. Myers asked when it was advertised and if any of the supervisors were aware of the Ordinance. Myers stated that someone must have told the solicitor to draft the ordinance. Attorney Pallone stated there has been no action taken on the proposed ordinance. The hearing is set to take place on July 18, 2024. After a lot of discussion took place, it was stated that no action has been taken and that is what the hearing on July 18, 2024 is for.

Diane Kadunce, 2295 Turkey Ridge Road, stated that her neighbors were told to take down a car port because it was too close to the road. Kadunce asked how this is being allowed to continue and why the owner has not been fined. Supervisor Walker stated the township will do the right thing.

Shelly Dynys, 512 Oak Lake Road, asked if the hearing will cover all the other violations that have occurred in the area.

Gloria Butler, 1021 Oak Lake Road, stating he has not stopped doing anything at the property and both sides of the road are horrible.

Supervisor Walker stated he has heard what they are saying and does appreciate all the feedback.



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Additional talk went on about the Oak Lake area and it was stated that nothing can be done until the final decision has been made and the owner still has the right to an appeal. It went on to be explained about how the judicial system works.

Crystal Beam, 300 Whitten Hollow Road, stated that the physical property is where the equipment is being stored but what about the other areas where he is conducting business. Attorney Pallone stated that anyone could store equipment on their property most allow for home businesses.

Chester Lockwood, 4425 – 7<sup>th</sup> Street Road, stated the owner cannot be fined until the final appeal process is done. Pallone stated yes once the judicial findings are done, they cannot go outside of the jurisdiction and set the fine amounts. Pallone stated it's a drafted ordinance it does not mean much it is not the law until it is passed.

Dan Myers, 200 Barnview Drive, stated that a resident on Turkey Ridge Road got a citation if not taken down they got turned in. Myers stated that Oak Lake Road property is right under their nose. Pallone again stated no decision has been made until the hearing on July 18, 2024.

Crystal Beam, 300 Whitten Hollow Road, stated this drafted ordinance seems to be premeditated. Beam stated the supervisors stated they have not seen this draft. Pallone stated either the ordinance will get a motion and a second and then voted on, if no second then it will fail. The talk went on about separation of powers and how an appeal process works.

Joyce Ewing, 201 Stoney Hill Road, asked if Solicitor Yakopec will be present at the July hearing. Attorney Pallone stated he would be present. Ewing asked who can talk and not talk at the hearing.

Joe Dynys, 512 Oak Lake Road, stated the south side of Oak Lake Road also had violations. Pallone stated it was given to the magistrate as one she does not have the power to split it up.

**APPROVAL OF THE MINUTES -**

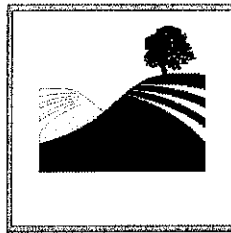
Motion made by Walker, seconded by Slahtovsky to approve the minutes of the June regular meeting. Motion passed 3-0.

**CORRESPONDENCE -**

Chairman Walker asked Mrs. Cortilesio, to review the correspondence from the month.

**ROAD REPORT -**

Supervisor Slahtovsky reported most of the time was spent trimming and patching. Slahtovsky stated that the Lower Drennen drainage project should be finishing up.



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#### **POLICE REPORT -**

Chief Pate reported there were 77 calls for the month of June. The Chief stated the audits will be next week on the transmission of information, the training has wrapped up and they have been enforcing speed on Route 780.

Dan Myers, 200 Barnview Drive asked about the enforcement of the weight limit on township roads. The Chief stated the police do not have the scales that would be the State Police and the Chief believes all township roads are 10 tons. The Chief went on to discuss the issue on the equipment on Oak Lake Road and stated that after several discussions with PennDot you must allow for ingress and egress, however if that person were to damage the road they would be responsible to fix it and that each vehicle should have a certificate.

Crystal Beam, 300 Whitten Hollow Road asked if there were any new hires for the police department. Chief Pate stated not now but the township will begin budget talks soon.

Gloria Butler, 1021 Oak Lake Road, thanked the Police Department for everything they do. The Chief stated there were a few drug arrests and DUI arrests.

#### **EMC REPORT – None**

#### **ENGINEERS REPORT –**

Mike Moore stated as mentioned on the agenda that Bankson Engineers does recommend payment to Russell Standard all the paperwork has been received.

Moore stated they are still waiting for some paperwork from Tresco for payment #2 and waiting PennDot approval on payment #1.

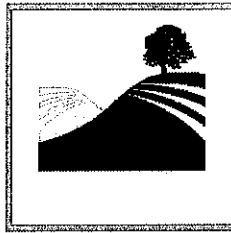
Moore stated that the Lower Drennen Road drainage project is close to being finished and he expects to a pay report for that for next month.

#### **PLANNING COMMISSION – None**

#### **ZONING HEARING BOARD –**

A hearing was held on Thursday, June 13, 2024, beginning at 7:00 pm, to hear the request of Clint Craft 1520 Menk Road, requesting to re-establish a non-conforming residential use in the C-3 Highway Commercial District and a special exception to change the use of non-conforming use on the same property. Said requests were granted to Mr. Craft.

Scott Chermak, Professional Code Services, Zoning Officer/Building Official did request a 60-day continuance for Austin Schafer due to Mr. Schafer not having his septic approval. The Sewage Enforcement Officer was on vacation. Mr. Schafer produced drawings. Within 60 days he needs his septic permit, building permit and substantial completion of the project for the next hearing

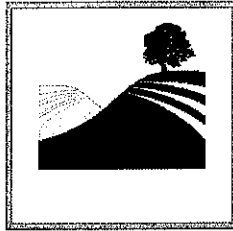


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## **SOLICITORS REPORT – None**

### **NEW BUSINESS**

- A. A motion was made by Walker seconded by to adopt Resolution #8-2024, the 5-year Winter Service Agreement with PennDOT. Motion passed 3-0.
- B. A motion was made by Walker seconded by to grant the 2024 annual donation in the amount of \$20,000 to the UBVFD. Motion passed 3-0.
- C. A motion was made by Walker seconded by to grant the 2024 – 35% LST Tax funds in the month of December to the UBVFD. Motion passed 3-0.
- D. A motion was made by Walker seconded by to advertise that the Road Department is seeking to hire a Full-Time Employee and will accept applications through July 31, 2024. Motion passed 3-0.
- E. A motion was made by Walker seconded by to grant the address request to Nicole and Andrew Reed as per Westmoreland County 911 Addressing Agency as 768 Myers Drive. Motion passed 3-0.
- F. A motion was made by Walker seconded by to pay Tresco Paving Payment No. 2 (final) in the amount of \$7,390.40 for the Menk Road 1-1/2 inch Thick WMA 9.5 mm Wearing Course Overlay based on Bankson Engineering recommendation. Motion passed 3-0.
- G. A motion was made by Walker seconded by to pay Russell Standard Payment No. 1 (final) for the Michael Drive (6,650 sy) and Laing Road (2,950 sy) Double Asphalt Seal Coat based on Bankson Engineering recommendation. Motion passed 3-0.
- H. A motion was made by Walker seconded by to transfer the 2023 Act 13 funds in the amount of \$62,109.91, from the General Fund into the Capital Fund for future maintenance and repair of roads. Motion passed 3-0.
- I. 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 June 2024. Motion passed 3 – 0.



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**OPEN TO THE FLOOR**

Milton Pitts, Arnold, PA, asked if he could get copies of the tax statements for the Lincoln Beach Park property. It was stated that the township does not pay taxes on that property.

Chester Lockwood, 4425 – 7<sup>th</sup> Street, stated the grass behind the fence at the Dollar General store needs cut.

Dan Myers, 200 Barnview Drive asked what happens if they cannot close on the Lincoln Beach Park property. Attorney Pallone stated he would need to see what the conditions of the sale say. Myers stated he would like to see some of those monies used for a PA system for the meeting room. Supervisor Slahtovsky stated he would rather see the monies go into the roads.

**Adjournment**

A motion was made by Walker second by Conley to adjourn, meeting adjourned at 7:54 p.m.

Minutes Submitted by: Melissa A. Cortilesio,

Note\*\*\* Next monthly meeting, will be held on Wednesday, August 7, 2024, beginning at 7:00 p.m.