

**Economy Borough Council
Special Meeting Minutes
June 4, 2019**

MEETING: was called to order at 7:04 p.m. by Council President Brian Westrom.

ROLL CALL: – Audrey Mutschler, Pat Skonieczny, Brian Westrom, R.J. Burns, Frank Morrone, Tom Fetkovich, and Mayor Borato

ABSENT: Gary Bucuren

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

President Westrom asked if there was anyone from media in the audience – no response from the public. President Westrom also stated this meeting is only on the Geotech report from Garvin Boward Beitko. Public would have to stay on this topic and only have 3-5 minutes.

Bob Donnan, from McMurray, PA spoke on behalf of Steve White. Bob read a one-page report. This will be attached to the minutes.

Steve White 475 Amsler Ridge Road. stated that his position all along that these wells should not be in a residential area even if you call it rural agricultural, it is still near a residential area. I left the last meeting upset that the zoning permit passed on with no reviews no questions asked., was angry to see that this permit was extended. To see that it was extended that council is further complying with what Penn Energy wants to do with the road. Don't care what the Geotech report says, it is not an appropriate road.

Borough Engineer – Mr. Shoup – Borough Council engaged geotechnical engineers Garvin Boward Beitko did an evaluation of the report prepared by Stahl Sheaffer Engineering, consulting engineering firm to Penn Energy Resources. Went onsite of the road and area of the road and prepared a report dated May 23, 2019. Joe Boward was the author of the report. Mr. Boward first divided the road into 8 zones. Zone 1 furthest up the hill and Zone 8 down by the intersection with Big Sewickley Creek Road. In his report he does agree that a proposed retaining wall to be built in Zone 1 is appropriate which was proposed by Penn Energy and their consultants. Joe did question Zone 2 from the top of the hill to down the hill. What the bottom limit of the wall was, and should it be extended into Zone 2 by some distance. He raised that as a question. Also proposed because of the condition in Zone 4 as other zones that there would be monitoring performed. Monitoring of the slopes to see of any movement taken place. Methods of monitoring slopes include engaging survey markers to check for slope movement and/or installing inclinometers on/at the slope monitored to see if any movement. Likewise, Zone 5 monitoring.

In Joe's conclusions he reiterated that we concur with the SSE retaining wall recommendation. However, he noted problematic slope stability issues southeast of the proposed wall terminus.

This concern should be addressed. Possible solutions, entail extending the wall or, instead, providing adequate instrumentation to monitor the down-slope area southeast of the proposed retaining wall. Joe made the comment that Amsler Ridge Road is not a PA roadway and does not appear appropriate to require that a Pennsylvania Department of Transportation (PennDOT) engineer should approve any aspect of work on this roadway.

Zones 2,3,4,5, and 6 Penn Energy consultant prepare a slope monitoring plan to be submitted and reviewed. Include type and location of recommended instrumentation frequency of readings, trigger movement reading levels, and so forth.

In the report, based on our engineering review, at this point we do not recommend approval of the proposed roadway use until our above-listed concerns are addressed to our satisfaction. Joe refers to several photographs with the report. In summary, that is what the report is all about.

Mr. Westrom does council have any questions

Mrs. Mutschler, they do not recommend approval until these concerns are addressed to **their** satisfaction. Is this with the scope of what they charged us? It does not take a rocket scientist to say that if they do all these three things, if you or us to look at the report again to say that they did these three things. Aren't you capable of deciding or are we going to pay additional monies for them to look at it again to correct three things? Are you able Mr. Shoup to produce a letter from them to extend the wall, remove the statement that PennDOT is going to do the rock depths, and monitoring is ongoing? Do a plan and say we are going to do this this and this and be reviewed on a date and time that is set.

Mr. Burns said these costs need to go back to the permit holder. They are saying two methods for monitoring the slope are suggested, including engaging a survey crew to check for slope movement and/or installing inclinometers on/at the slope. Their engineers come back with a plan to us after the plan is reviewed and we submit to our engineers for review.

Mrs. Mutschler - If they are agreeing to extend the wall and per this statement it is not a Penn Dot road that they should not have concerns of the rock depth during construction they correct that monitor this and they came back with the plan then their done.

Mr. Burns – Their own engineer stated in the May 22, 2018 report and in the September 5, 2018 report that further monitoring will be necessary. I'm not a soil engineer, we would have to touch base with Garvin Boward Beitko to see how long of a duration that process is.

Mrs. Mutschler - I understand you are looking at the reports from 2018. Did you realize they came back, and we got a revised blue book binder was revised in 2019 from the December 18, 2018 original report. A lot of discussions for safety of the road, we will revisit this road per the minutes, we will revisit this if your willing to do a lot of work and upgrades. Did you read the blue binder provided by Penn Energy?

Mr. Burns - No

Mrs. Mutschler – Turned to Mrs. Skonieczny and asked did you read the blue binder (Penn Energy)?

Mrs. Skonieczny – No

Solicitor Askar – what was provided to the Geotech, was the blue book revision provided to them?

Shoup - stated the latest April 22, 2019 was provided to Geotech, Penn Energy Consultants put the seal on it, was reviewed.

Solicitor Askar – I did not talk to the engineer, on number 2 he doesn't feel that Penn Dot should do the rock depth construction should not be the PennDOT engineer and it would have to be our Geo-Tech engineer unless Scott has the expertise to do that It would be better with a Penn Dot Engineer might not cost the Borough but if we get a road agreement with Penn Energy I agree with Mr. Burns that is a cost Penn Energy would have to pick up.

Mrs. Skonieczny – I would like to comment on the Geotech report. There are issues in the report that I have a problem with. Things in their report, in the blue binder throughout the meetings we were basically promised that they were going to widen the road. I do not see in this plan about widening the road. My concern for the safety of the residents is when not widening the road can a truck and ambulance be on the road at the same time? According to what I read, No – not on portions of the road and this can mean the difference of life and death. Even if they have flaggers on the road for trucks to get off the road and an ambulance to come portions of the road, they need to be on can make a difference. They also made promises in meetings for a sound wall for noise that is not in the plans.

Mrs. Mutschler For the road or well pad? It is for the well pad they have a sound barrier.

Mrs. Skonieczny – In the Geotech report it states fill bankment appears to include substantial organics, which are inherently unstable and there is nothing in the report that addresses how they are going to stabilize it and what the ramifications because it is unstable that is going to occur.

Mayor Borato If you look at the pictures what they are talking about it looks like someone threw garbage in there.

Mrs. Skonieczny – With this all said according with the Geotech report, yes, they would have to have a new plan, comeback, our Geotech would have to approve it again. That is not what we are here for. We are here for based on a permit application. Our function is either to approve or deny the permit application. Nothing else. Our Geotech report says they do not recommend approval. That should be it. If they want to come back, we should vote to the approve or deny the permit based on all the information we have, all recommendations, our vote should be based on that. If Penn Energy wants to make other plans up and bring it back for our Geotech to look at it that is a different story. We are not here to hand coddle them or anybody that puts an application in as to how and what they need to do. This should have been a pristine turnkey that was brought to us. It wasn't, that is our only function to approve or deny it.

Mrs. Mutschler – I'm going to say basically it is not our function to approve or deny it. What other permits in the history of the Borough did we ever approve? Anybody that walked in the door and we asked Randy "have we ever come to council and we ever approve one of these types of permits?

Mr. Kunkle – Not in the last 26 years.

Mrs. Skonieczny –Mr. Kunkle, did we ever have this type of permit application in the last 26 years?

Mr. Kunkle – No

Mr. Mutschler – No of course not, we did not have this type of application. You fill out an application, what is the difference?

Mrs. Skonieczny – There is a difference. The difference is not an overweight application being asked for 1 to 2 days to bring in some construction materials for a project or house. That is the difference.

Mrs. Mutschler you better correct your application. I go by what the Borough states, because if I have an application and I fill it out and you go around and fill it out and I have to jump through hoops, and you don't how fair and legal is that?

Mr. Burns in the report it states 3700 and some trucks on the road.

Mrs. Skonieczny – When we get to the vote, I would like to have a roll call vote, we all have a duty to everyone to voice for the record why we are voting the way we are voting.

Mrs. Burns – our own engineers, I took it out of the report saying "in conclusion, further monitoring would be recommended in order to make a more accurate assessment in slope stability.

Mayor Borato – It is a recommendation.

Mrs. Mutschler it is a recommendation and if you approach Penn Energy, they are going to adhere with these three recommendations, what is the issue?

Mrs. Skonieczny I'm sorry I was not finished as I want to ask Mr. Askar, another reason why I am not going to vote for it is because if our Borough get sued and our engineers recommends not for approval and we vote to approve it does that make us liable financially outside the scope of our duties?

Solicitor Askar- potentially

Mrs. Skonieczny – With that said, I'm not willing to lose my house.

Mayor Borato – I have a question on the report to the slide monitors and inclinometers. I would like to know from you, since you are the engineer here, so under their recommendation all those inclinometers, which I think we all agree that road has pass slide issues, put as a part of our response when Penn Energy sees the report would a weekly report come to your and you respond and give it to us? How would that happen.

Borough Engineer Shoup – All that would be spelled out in the monitoring plan.

Mayor Borato – I would also like to say I don't know what council is going to do. If you haven't read the blue binder or even that other report, and in conjunction these work hand in hand to go back to December 2018, I think when Staul Sheaffer Engineering was here, I don't think anyone was happy with his presentation at the time or what he told us. I think the changes from that initial presentation to where we are today and these three recommendations is a far cry from where we started and actually I would contradict you that there are several places in the report where they state they are widening the road and they are going to try to take out some of the blind bend in the report in the blue binder. Maybe that is why they are not put in this report they are already in the blue binder report. Review of this and the blue binder Garvin Boward Beitko found three things that they recommend would like to see fix in my mind none of these are a fatal flaw.

Mr. Burns – One thing we got from our own engineer that Penn Energy report don't address and that is our own engineer said that the roadway pavement subgrade that included subbase may be inadequate. There is no mention that the subbase be fixed in the reports.

Mayor Borato – In the blue book there is.

Casey Bowers (Penn Energy) – We had three separate reports. The Geotech report was strictly to address the wall. We also presented construction drawings and together with a narrative describing how we would widen and straighten the road. Conduct a full depth reclamation with soil cementing 4" of binder course 1 ½" of wear. We presented detail drawings and plans on how we are going to upgrade this road. The Geotech report was limited strictly to the wall.

Borough Engineer Shoup – The conclusion of the Geotech report was the wall, but the Geotech report included data and all the findings of the bores that were done along the length of the road. So, your report was not confined to the wall it did evaluate the stretch of the road.

Casey Bowers (Penn Energy) – As far as things we are addressing, Staul Sheaffer Engineering is here to answer any questions. We are thrilled to see the report. From what I heard these are – it is my experience in doing dozens of these. It is within normal course, where materials are submitted to a borough or township engineer, there are comments, a chance to respond, and from what I heard these issues can be readily addressed by Penn Energy and Staul Sheaffer. Nice to see the report, from what I heard we are confident to address these issues to the Borough and to the Borough engineering satisfaction.

Mrs. Mutschler – So give them the report.

Mayor Borato – Isn't that why were here to see if they should get the report?

Mrs. Mutschler – Why not to see the report? They should of just did a right to know request, the people are involved now, your going to hold the information away from them.

Mr. Westrom – Is there any other questions to Mr. Shoup about the report?

Mr. Burns – How is your feelings about this Mr. Shoup?

Borough Engineer Shoup – In terms of the Geotech evaluation, I think you said it, that it is not my specialty, but it appears that Garvin Boward Beitko prepared a thorough report. They raised some good points and indicated things that need to be addressed at some point.

Mr. Burns – So you agree with the report stating that we do not recommend approval on the proposed roadway use until our above listed concerns are address to our satisfaction.

Mayor Borato – We are not here to approve today, I thought we were just here to give them the report.

Mrs. Skonieczny – Wait, wait you asked him a question.

Mr. Burns – You do agree?

Borough Engineer Shoup – I agree

Solicitor Askar – I just want to make it clear, the report does have a recommendation above that for council and I want to point out to everyone in the audience, as well as the folks from Penn Energy it does say “we recommend that such a plan be developed by the project design professionals, and that plan be submitted to the Borough for our review”. Whether it's the Borough's review, Mr. Shoup's review, or Garvin Boward Beitko that is for you and the engineer to discuss who has the expertise in those certain areas to make that decision.

Mrs. Mutschler – That is fine.

Mr. Westrom – That is standard for road jobs – monitoring. We will tell them how to do that and they will say yes or no.

Mayor Borato – How can they do that if we don't give them this? I thought that was the whole catalyst for this meeting. How can you get that done?

Solicitor Askar – Mayor, I don't think anyone has said not to give it to the general public or to Penn Energy. The email I responded to said specifically it should not be distributed until council had the opportunity to discuss it with the engineer and ask any questions that they have. I further stated that I do not have the authority to release a document that was prepared on the behalf of

councils third party. I don't have the authority to distribute that nor would Mr. Shoup. So that was the purpose of the email in which I explained it. I do not have the authority to do that. If that is what council wants to do, they can do it, nor would I recommend council to hold it back.

Mrs. Mutschler – Do you want my copy?

Solicitor Askar – This is the purpose to have this meeting so everyone can discuss the issues that are out there and the concerns that are out there. So if Penn Energy is able to get with a Geotech engineer and able to work all these differences its going to be up to Mr. Shoup and the Geotech engineers to come to council and say you got a green light that they have agreed to do X, Y, and Z. You have got a green light to approve, they are satisfied but right now you're not getting that green light. It does not sound like we are getting it from Mr. Shoup or council is getting the green light from this firm.

Mayor Borato – and I agree with that until these are addressed. I think they need to be addressed and I am particularly interested in monitoring the slides, that is of high interest to me.

Mrs. Mutschler – So if we give them, they can all have their report, touch base we come back in next Tuesday, you will have some answers for us?

Casey Bowers (Penn Energy) – I think so it seems straight forward.

Mr. Fetkovich – To simplify this we had an original Geotech report, we had a third party do another Geotech report. When they reviewed, they agreed with a lot of the original Geotech report, they also made some recommendations that make it safer. I feel we have an obligation to look at both of those. I really though the main objective today was to have discussions and open the report to the public – everyone. So, they can review it, respond to a question about it and it went down an odd path.

Mrs. Mutschler – Is there any questions you need to ask anyone one of us while we are up here before you get the report?

Casey Bowers (Penn Energy) – I would obviously want to review the report and I think what we would suggest is that the engineers work directly, you know we would respond directly to Mr. Shoup or the Geotech firm and address those and come to a recommendation yah or nae from Garvin Boward Beitko and work with them directly until they give council recommendation one way or another.

Mrs. Skonieczny – That is not what they are asking for. They are asking for plans to be resubmitted so they can review they're not saying for you to work together that's my point earlier.

Casey Bowers (Penn Energy) – We would need to submit those plans to them. We need to know what they are asking for and we will submit the monitoring plan. We would submit that directly to the Geotech firm.

Mrs. Mutschler – and we will get a copy addressing their issues and we could attach it to what you originally

Casey Bowers (Penn Energy)- The first step is seeing the report so we can respond to it and follow the recommendations.

Mrs. Skonieczny – Okay I would like to see how we know the road cannot be widened everywhere. So we know it is not going to be widened, the last meeting I was at we spoke about this and you told me that you were going to go to the other property owners to get right of ways because you don't have the powers. How is that going?

Casey Bowers (Penn Energy) – We are in that process.

Mrs. Skonieczny – You got permission so you can widen that road?

Casey Bowers (Penn Energy) – We haven't gone – we submitted an access maintenance usage agreement application and heavy hauling application more than two months ago.

Mrs. Skonieczny – No, I'm talking about getting the property owner's permission

Casey Bowers (Penn Energy) – We don't want to get ahead of the Borough

Mrs. Skonieczny – Well that's part of it even if you come back with pristine plans that's only in the Geotech report, like I said there are things not in there and one of the main things is widening the road.

Casey Bowers (Penn Energy) – We can only accomplish what we set forth in our plans.

Solicitor Askar – Mr. Bowers do you have any issue with the time is Penn Energy waiving any issues of time or do you want council to vote on your road application today?

Casey Bowers (Penn Energy) – The access maintenance agreement where it says the secretary shall issue when anybody applies.

Solicitor Askar – Do you want them to vote on that today?

Casey Bowers (Penn Energy) No, we were not asking for council action. Don't believe it is necessary.

Mrs. Mutschler – I don't think voting is necessary to be issued. Sorry Randy hate to tell you but that is your job.

Mr. Westrom – Anybody else have any questions to Mr. Shoup about the report? At this time if anybody wants to get a copy of the report, they can fill out a right to know request.

Solicitor Askar – Is the Borough okay releasing the report without a right to know?

ALL COUNCIL - Absolutely

Solicitor Askar – I have an electronic copy, I know I have Mr. White’s information, Penn Energy

Mr. Fetkovich – Put it on the website so everyone has equal access to the report.

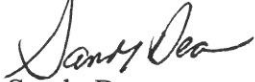
Mrs. Mutschler – We can make one hard copy and pass it along

Solicitor Askar – I will email electronically when I get into the truck

MOTION TO ADJOURN THE MEETING at 7:41 p.m.

Motion Mrs. Mutschler, Second Mr. Burns to adjourn meeting, all vote aye

Respectfully submitted,



Sandy Dean

Borough Secretary

BOB DONNAN

MURRAY, PA.

In the ten years I've been following drilling and fracking very closely in our tri-state area, it's always been the heavy truck traffic, and deteriorating roads, that come up as the number one issue. Number one.

It's well known that 1,000 truck trips or more are required to put each well into production. While industry would have you believe this is only a temporary nuisance, we are now seeing producers returning to their original Marcellus well pads, to add more wells.

The fact remains that once you put wells into production, there is an ongoing flow of trucks to service the wells and drain the condensate tanks.

Permits are now coming through for well pads with as many as 44 wells. Imagine if you have 44,000 truck trips on your local road, or more, even if it is spread out over many years.

I just attended a memorial service for a friend from Wetzel County, West Virginia, and it was two large dump trucks, speeding past him on a narrow road, then driving in both lanes around blind corners, that got him involved full-time in holding the drilling industry far more accountable.

He followed those drivers to the well pad they were building, and told them point blank, "You're going to kill my children and grandchildren if you keep driving like that." Indeed, there have since been scores, if not hundreds, of truck accidents in Wetzel County. We've read of several cases where 4,000 gallon tri-axle tankers have rolled over, killing people on at least two occasions.

It seems to be the right tire track area of roads, near the shoulder, that disintegrates first from the heavy trucks. The roads have actually gotten so bad, from all the drilling traffic in the county around Wheeling, Marshall County, that officials have declared a 'State of Emergency' for their roads. They've become hazardous for school buses and all other traffic.

Impact fees may pay for a few projects in local townships, but they won't come close to repairing small roads and highways. Unless you have the appropriate bond amounts in place, you are leaving yourselves and the citizens you represent 'holding the bag' with the inevitable road repairs.