

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF SEPTEMBER 24, 2014

The meeting of September 24, 2014, was called to order at 7:00 p.m. by Chairman Smith with the Pledge of Allegiance to the Flag. Those present were: Bryan Smith, Chairman (BS), Gary Farner, Vice-Chairman (GF), Dencil Backus, Supervisor (DB), Neva Stanger, Solicitor (NS), Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Manager/Secretary (MS), and those citizens listed on the attached sheet.

Public Comments and Comments Regarding the Agenda:

Steve Greenberg, KLH Engineers for the MPT Municipal Authority stated they need approval of the resolution for an Act 537 amendment to eliminate the treatment plant in Southview and replace it with a pump station. He added that the DEP stated they will expedite approval of this amendment then all three phases (Southview, Westland and Hickory) will begin simultaneously and there could be tap-ins by February 2018.

Bill Orton, Eberle Road, requested that the board allow gas well employees to stay on site since there is now more drilling in the Township.

Chief McQuillan stated the drug take back is this Saturday and this is the last one that is federally funded.

Rick Walsh thanked the board for the speed reduction on Wabash St.

Janet Lauff, 317 Fort Cherry Road, stated she had several comments regarding the COA between the DEP and Range Resources on converting the Carter Impoundment to a freshwater only impoundment, and they were: there should be no activity at Carter until the notice of violation is settled in the Washington County court system; there was a police report on 12/12/12 of a possible spill and Range told the Township that it was general maintenance; there have been numerous repairs made to the liner; there have been elevated levels of radiation detected in the sludge and the radiation filled containers are still sitting on site; she requested that the board request to the DEP that they sample the soil under and around the Carter impoundment and to receive a detailed analytical report of the results; to stop all activity at Carter considering the design and construction in the same as the others that have been shut down due to them leaking; to ask for a new Act 14 notice and DEP permit since Carter is changing to freshwater; ask the DEP to deny Ranges' Act 14 notice for the Carter/ McMaster line to be for recycle water due to the COA; if Range and the DEP do not honor these requests then she asked the board to seek an injunction to stop the use of the Carter Impoundment.

Kim Staub, 101 Walnut Road lives adjacent to the Carter Impoundment and made the following comments: there is a NOV against Range Resources but they are still operating the impoundment with no oversight; there was excavation of soil with 20 hazmat containers filled with that soil from the day that Range said there wasn't a spill and she added that the DEP stated there was a spill; Range has an Act 14 notice to use Carter again while in the Fall of 2013 Range drained and cleaned the liner and repaired numerous holes - she counted 81 and the DEP stated they were precautionary repairs; DEP stated they are to take Range's word and are not required to take soil samples or look into the repairs to the liner; She asked the board to "step up"; the radioactive containers have been sitting on site since May and she would like to the board to get the DEP to test the soil and to do water testing; she asked the board to shut the impoundment down.

Rebecca Skirpan, Avella Road, asked for support in passing the motion for the library's request for funding for a copier/fax.

Jeff Donati, Washington Ave., questioned why the agenda was not on the website and asked for an explanation of Resolution 2014-S.

John Bershok, 273 Fort Cherry Road, stated that the Carter Impoundment was constructed just like the ones that were leaking and that men were working in hazmat suits on site. He added that it smells horrible, his family doesn't get hazmat suits and the impoundment needs shut down.

Joanne Wagner, 1025 Lakeside Drive, made the following comments: the board needs to protect the children and the families near the impoundment have children; there are VOC's in the air and soil contamination from leaks;

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impoundments are not compatible in these zoning districts; if the concern is Range Resources bankrupting the township, then hire general counsel in house because the citizens need proper legal protection; the sewage project and the comprehensive plan seems to be backwards – if amending the comp. plan changes the zoning, she questioned if the sewage lines may be in the wrong area to enable growth.

Jane Worthington, Main Street, stated she is against impoundments, and per the DEP's website, you can't turn a waste water impoundment into a freshwater impoundment and since it is grandfathered they do not have to have leak detectors or an alarm system. She asked the board to enforce the violations and shut down the impoundments by a drop dead date.

Action Items:

1. **Reports:** DB motioned to accept the reports as given and GF seconded the motion. The motion carried unanimously. The following reports, if any, were submitted for the Board's review and are on file at the Municipal Office:
 - Zoning Officer's Report – September, 2014
 - Public Safety Report – 8/22/14 – 9/17/14
 - Public Works Report – 8/28/14 – 9/19/14
 - Planning Commission Minutes – 8/4/14
 - Parks & Recreation Minutes – None
 - Municipal Authority Minutes – None
 - Midway Sewage Minutes – 8/5/14
 - Cross Creek Valley Region Minutes – None
 - Washington County Sewage Council Minutes – None
 - MPT Volunteer Fire Dept. Report - August, 2014
 - Treasurer's Report – August, 2014
 - Correspondence for the period of – 8/27/14 – 9/23/14
2. **Bills:** DB motioned to authorize the payment of the invoices for the period of 8/27/14 – 9/23/14 as presented and BS seconded the motion. The motion carried unanimously.
3. **Minutes:** BS motioned to adopt the minutes of the July 30, 2014 regular board meeting and DB seconded the motion. GF opposed the motion. The motion carried 2 to 1.
4. **Minutes:** DB motioned to adopt the minutes of the August 27, 2014 regular board meeting and BS seconded the motion. GF opposed the motion. The motion carried 2 to 1.
5. **Tri Sate Management Holding Company Subdivision #2:** GF motioned to approve the Tri State Management Holding Company Subdivision #2, subdividing a 1.35 acre parcel for the purpose of constructing a Dollar General Store with the Sewage Planning Module (*assigned Resolution 2014-X*) and DB seconded the motion. Joe Johnson, engineer for Dollar General was in attendance. LC presented the plan and stated that K2 reviewed and approved the subdivision. NS stated the approval is subject to the following condition; that financial security is to be posted to the Township before the recording of the subdivision. The motion carried unanimously.
6. **Hickory DPP IX, LLC Land Development for the Dollar General Store:** DB motioned to approve the Hickory DPP IX, LLC Land Development for the Dollar General Store. BS seconded the motion. Motion subject to the following conditions identified by the solicitor: Highway Occupancy Permit, financial security for the stormwater mgmt. posted to Township, a storm water management agreement, a developers agreement, financial security for site improvements posted to the Township; any outstanding engineering requirements; a sewage planning module and holding tank agreement. Joe Johnson on behalf of Dollar General explained the plan. There was a brief discussion. The motion carried unanimously. *The agenda was taken out of sequence to finish the Dollar General items.*
7. **Resolution 2014-W:** GF motioned to adopt Resolution 2014-W; a Resolution entering into a holding tank agreement with Hickory DPP IX, LLC for the Dollar General Store and DB seconded the motion. The motion carried unanimously. *Joe Johnson then asked for a modification to the site plan to allow for striped islands verses landscaped islands to be able to get trucks in and turned around. He added that the planning commission approved of this request. NS stated that this needs more consideration because the legal requirements state the request must be equal to or better than the standards. Mr. Johnson stated they are beefing up the landscape and creating more green space. NS asked for the numbers – how many trees are*

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being added and how much green space is being added. Mr. Johnson will provide the numbers at a later date. No action was taken.

8. **Apple Festival Committee Request:** DB motioned to approve the request from the Apple Festival Committee to provide police officers and diesel fuel for the weekend of Oct. 4th and Oct. 5th and BS seconded the motion. The motion carried unanimously.
9. **Resolution 2014-S:** GF motioned to adopt Resolution 2014-S; a Resolution adopting rules for the administration of complaints regarding on-lot sewage systems and providing direction to the Washington County Sewage Council and BS seconded the motion. The motion carried unanimously.
10. **Resolution 2014-T:** DB motioned to adopt Resolution 2014-T; a Resolution authorizing the distribution of Act 13 Impact Fee Funds and GF seconded the motion. GF amended the motion to include the change for the Municipal Authority from \$50,000 to a minimum of 50%. DB seconded the amended motion. The motion carried unanimously.
11. **Resolution 2014-U:** DB motioned to adopt Resolution 2014-U; a Resolution for Act 537 Plan revision approval and GF seconded the motion. The motion carried unanimously.
12. **Resolution 2014-V:** GF motioned to adopt Resolution 2014-V; a Resolution implementing changes to the trustees of the MPT Money Purchase Pension Plan and DB seconded the motion. The motion carried unanimously.
13. **2015 Minimum Municipal Obligation for the MPT Police Pension Plan:** BS motioned to approve the 2015 Minimum Municipal Obligation for the MPT Police Pension Plan as \$15,705 and GF seconded the motion. The motion carried unanimously.
14. **2015 Minimum Municipal Obligation for non-uniformed MPT Money Purchase Plan:** DB motioned to approve the 2015 Minimum Municipal Obligation for the non-uniformed MPT Money Purchase Plan as \$32,054 and GF seconded the motion. The motion carried unanimously.
15. **Agreement with EPD for Re-doing the Comprehensive Plan:** DB motioned to approve an agreement with EPD for the purpose of re-doing the comprehensive plan to be charged on a time plus reimbursable basis estimated to be \$34,985 and to authorize execution of the agreement and GF seconded the motion. The motion carried unanimously.
16. **CVLD Phase IV Proposed Findings of Fact and Conclusions of Law:** DB motioned to approve the CVLD Phase IV Proposed Findings of Fact and Conclusions of Law and to execute the Conditional Use Application 2014-01 approval decision and BS seconded the motion. The motion carried unanimously.
17. **Scott Kanotz Full Time Police Officer:** GF motioned to approve hiring Scott Kanotz as a new full time police officer effective September 28, 2014 per the Collective Bargaining Agreement and DB seconded the motion. The motion carried unanimously.
18. **Collin Griffith and Alex Lee Part Time Police Officers:** GF motioned to approve hiring Collin Griffith and Alex Lee as part time police officers effective September 24, 2014 per the Collective Bargaining Agreement and BS seconded. The motion carried unanimously.
19. **Fee Agreement for Cafardi Ferguson Wyrick Weis + Stanger:** DB motioned to approve and execute the fee agreement for Cafardi Ferguson Wyrick Weis + Stanger to reflect the solicitor's firm change and BS seconded the motion. GF thought other firms should be researched. GF opposed the motion. The motion carried 2 to 1.

Unfinished Business – Action Items (public permitted to comment in advance of motions not appearing on the agenda):

Heritage Public Library: GF motioned to approve a payment to the Heritage Public Library in the amount of \$4,960 for a new copier/fax machine to be paid out of the Local Share Account and DB seconded the motion. The motion carried unanimously.

New Business: None.

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BS announced the board was going into executive session to discuss impoundment litigation with no further business to be conducted.

Adjournment: DB motioned to adjourn the meeting at 8:14 pm and GF seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors