

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF AUGUST 26, 2015

The meeting of August 26, 2015, was called to order at 7:00 p.m. by Chairman Farner with the Pledge of Allegiance to the Flag. Those present were: Gary Farner, Chairman (GF), Dencil Backus, Vice-Chairman (DB), Brian Temple, Supervisor (BT), Tom McDermott, Solicitor (TM), Larry Chome, Zoning Officer (LC) and Mary Ann Stevenson, Manager/Secretary (MS).

Executive Session: GF announced there was an executive session held on 8/21/15 regarding legal issues.

Matters Concerning Business of the Township: None.

Public Comments Regarding the Agenda: None.

Action Items:

- A. **Reports:** DB motioned to accept the reports as given. 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 – August, 2015
 - Public Safety Report – 7/16/15 – 8/18/15
 - Public Works Report – 7/20/15 – 8/19/15
 - Planning Commission Minutes – 7/6/15
 - Parks & Recreation Minutes – 7/13/15
 - Municipal Authority Minutes – 7/1/15
 - Midway Sewage Minutes – 7/7/15
 - Cross Creek Valley Region Minutes – None
 - Washington County Sewage Council Report – None
 - MPT Volunteer Fire Dept. Reports – July 2015 & call log
 - Treasurer's Report – July, 2015
 - Correspondence for the period of – 7/17/15 – 8/20/15
- B. **Bills:** BT motioned to ratify the payment of the invoices for the period of 7/17/15 – 8/20/15 as presented. DB seconded the motion. The motion carried unanimously.
- C. **Minutes:** GF motioned to approve the minutes of the July 22, 2015 regular board meeting. DB seconded the motion. The motion carried unanimously.
- D. **Fyda Freightliner Additions:** BT motioned to approve the addition of stainless steel couplers and LED lights on the Fyda Freightliner truck purchase for \$1,164 payable to U.S. Municipal. DB seconded the motion. GF questioned the LED lights as being free and Mick Maga stated these were extra lights for the rear spot lights. The motion carried unanimously.
- E. **Act 13 Transfer:** DB motioned to ratify the transfer of Act 13 revenue to pay for the previously authorized Fyda Freightliner truck purchase in the amount of \$141,680. GF seconded the motion. The motion carried unanimously.
- F. **Randy Brown Subdivision:** DB motioned to approve the Randy Brown Subdivision Plan No. 1; subdividing 11.168 acres from a 70.6 acre parcel off of Southview Road. LC presented the subdivision and stated the planning commission approved it on May 4th contingent upon certain changes being made, which have been made and the DEP has finally approved the sewage planning module in July. GF seconded the motion. The motion carried unanimously.
- G. **Sealcoating:** BT motioned to approve the sealcoating of Beechnut, Elm and Woodland roads to be paid with Liquid Fuels funds. GF seconded the motion. The motion carried unanimously.
- H. **E3 Oil Purchase:** DB motioned to approve the E3 oil purchase through CoStars vendor Suit-Kote for approximately 15,000 gallons of oil at 1.895 per gallon. BT seconded the motion. The motion carried unanimously.
- I. **#8 Stone Purchase:** GF motioned to approve the purchase of #8 stone from John Thomas & Son Trucking for approximately 300 ton of stone at \$31.98 per ton. BT seconded the motion. MS stated 3 quotes were obtained and this was the lowest quote. The motion carried unanimously.

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- J. **Ordinance 134:** GF motioned to adopt Ordinance 134; an ordinance amending Chapter 61 of the Township Code of Ordinances, Section 61-5; setting forth house identification number requirements. DB seconded the motion. The motion carried unanimously.

Discussion Items:

1. GF stated the board should look into adopting the International Property Maintenance Code (IPMC). TM stated he can get a copy of the current code for the board to look at and a sample ordinance.
2. GF announced that there was an information meeting with Waste Management as the contract will be expiring and going out to bid and they are offering the collection of household hazardous waste for \$1.05 extra per month which would accept electronics, oil and paint etc. with curbside pick-up. He added the Township is also considering getting a recycle dumpster for voluntary recycling.
3. BT stated Mick Maga met with Sports & Recreation Associates about getting prices for the playgrounds and Southview Ball Field and they stated none of the parks are in compliance but he did get a quote for Yanosik ballfield.
4. BT stated he felt an additional public works employee will be needed for winter maintenance. GF suggested waiting until after a few budget meetings.

Unfinished Business:

1. Transparency TV – TM stated he has reviewed the contract and had discussion with the board and has communicated with Rick Walsh. TM requested an executive session after the meeting to continue the discussion and get further instruction from the board.
2. Yanosik Ball Field – BT stated the items that were to be donated will not work and he has some quotes for new items such as benches and bleachers etc. Since the Yanosik's have offered to make a donation for ball field items, it was determined to ask for a \$3,000 donation to cover benches, work on the back stop, bases, infield work and caps for the fencing. It was determined to eliminate the bleachers as too costly. TM will contact Yanosik's attorney with this information.
3. No Parking Ordinance – GF asked Chief McQuillan if they had a chance to look over the information. Chief McQuillan stated he and Fire Chief Kevin Dry stand by their initial proposal and even though it may upset some people it is for the safety of all of the residents. GF stated the board will take a look at it again.

Other New Business: None.

Public Comment on Matters of Concern:

Chief McQuillan stated there is a drug take back on September 12th from 10 am – 2 pm and that they cannot accept needles and labels need to be taken off of prescriptions. He recognized the work of Officers' Butler and Kanotz as he received compliments from residents on some cases they were working on.

Rick Walsh, 186 Main St., made the following comments: he put his sign on with the auto light sensor and it is not as bright; the Dollar General should be opening by late September; he supports the property maintenance code.

Kim Staub (KS) stated she filled out a complaint form regarding the Carter Impoundment and what appears to be a settlement agreement violation since they are using this impoundment to frack a job in another township and asked the BOS what action they will take. TM stated after reviewing the complaint that he and RR general counsel discussed the issue and Range's initial response was that they were compliant with the settlement agreement and with the DEP order. He added that he and GF were invited and went to the RR site Tuesday (8/25/15) and met with Justin Welker, Glen Truzzi, Mike Mackin and others from Range and was told that the impoundment is to be pumped out by Friday (8/28/15) plus or minus and they will then start remediation per DEP guidelines. TM added that he and GF feel they are compliant with the settlement agreement and that they may be fracking a well in another Township and running water from impoundment to impoundment, which is not inconsistent with the settlement agreement and the DEP regulations with respect to closing the impoundment and he stated he does not feel there is an enforcement issue at this time. GF stated Range did end up with more water left over after the Toward Well. KS stated she did not agree; the

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settlement agreement stated they would cease use after the Toward Well was done, which was early July and even though it is done, Range continued to refill the impoundment and has been continuing to use it, which she stated is not ceasing the use and is a clear violation. DB commented that he spoke with Brian Schimmel from the DEP who stated Range has started the site assessment and remediation plan but has not yet submitted a closure or reclamation plan. DB agreed that Range probably stockpiled the water for another job but if they stopped filling it early July then they are in compliance. KS stated she felt the BOS is not holding them accountable.

Janet Lauff commented that she agreed with KS statements and felt the Carter Impoundment was to cease use after the Toward Well was done and that never happened and now there is all of the truck traffic again and she felt they are in violation of the settlement agreement.

Chris Lauff (CL) stated he submitted a large document to the board and to the DEP and added that he did a RTK request for an email from Brian Schimmel which stated that a closure plan for the Carter Impoundment was not required. TM stated per his understanding from Range that a closure plan will not start until the pond is empty and testing has been done. CL offered the following comments: he asked the BOS to require Range to provide a detailed closure plan; he asked the BOS and TM to read his document in its entirety; he asked the BOS to comment on the Act 14 notice that Range submitted for an ESCGP-2 Permit for earth moving and to require a detailed closure plan and to deny their request for an expedited permit. TM felt he received Range's closure plan verbally and added he would ask them to share it in writing. TM added that the Township has limited authority and all regulatory power is with the DEP. DB stated that per the settlement agreement Range is to comply with the Consent Order. CL asked TM and the BOS to deny the NOI (notice of intent) filed by Range until further information is supplied. DB added that per the DEP the Township has 30 days to file a response and then another 14 days in order for Range to get the expedited permit.

Don Reed, 25 Main St., questioned the Waste Management contract and asked the BOS to include a clean-up day one time per year in the bid. He also asked about the timeline for pipelines for sewage.

Paul Battista (PB), 28 Johnston Rd., Municipal Authority Chairman answered Don Reed's question stating they are in the process of securing rights of access for core sampling for the plant and 4-5 pump stations and hopes that will be done by November. PB addressed the board regarding funding of the sewer project. He added that they will need around 500 rights-of-way and he didn't anticipate the legal cost in doing that. PB went on to say that if they proceed in the same manner they will run out of money in December 2015 and if they scale back on the legal aspects they will run out of money in January 2016. PB added if the Township doesn't give them more money, in addition the Act 13 revenue from this year, they (the Municipal Authority) will have to get a line-of-credit which the Township has to guarantee and that reduces the borrowing power of the Township. BT asked if the Solicitor was going out to the properties which would cost too much money and PB responded that the authority members were doing that and the Solicitor was only preparing the documents. GF asked what the shortfall is and the response was roughly \$540,000. BT asked PB to get the engineers to restructure their payment plan. PB stated they were going to do that but wanted the board to know the funding issue and the need for more Act 13 money.

Jane Worthington commented on the DEP's Chapter 78; the new regulations regarding the closing of open air impoundments in PA. She stated they should be adopted by the 2nd quarter of 2016 and operators will have 3 years from passage to convert their impoundments to the new standards in the law or to close them down. She added she does not want any more excuses from Range and would like to see accountability from the BOS and the Solicitor and suggested they oversee this closing process week-to-week until 11/1/15 which is when they are to be finished with the impoundments and provide a report to the citizens at each monthly meeting and ensure that they are shut down by Nov.

Lee Robinson, Ridge Rd., thanked the road crew for mowing his road.

Duane Scott, 67 Main St., stated he received his membership paperwork from Ft. Cherry Ambulance and he is uncomfortable signing up with them for another year due to the kind of service they are providing. MS stated they are appointed as the first responder at the Re-Org. meeting in January. Mr. Scott has concerns about signing up with them in October and the BOS not appointing them in January. GF stated he has concerns as well and the BOS will discuss this issue.

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Adjournment: GF motioned to adjourn the meeting at 8:21 pm and enter Executive Session to discuss the Transparency TV contract with no further business to be conducted. BT seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors