

**MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF MAY 27, 2015**

The meeting of May 27, 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), Chuck Means, Special Zoning Counsel, Chuck Means (CM), Larry Chome, Zoning Officer (LC) and Mary Ann Stevenson, Manager/Secretary (MS).

**Executive Session:** GF announced that there were 5 executive sessions held: 4/29, 5/11, 5/19, 5/20 and 5/21 regarding personnel issues.

*Chairman, GF took the agenda out of sequence to address the settlement agreement with Range Resources (RR), Resolution 2015-I.* Special Zoning Counsel, CM, stated that there was a proposed agreement with RR to settle the impoundment lawsuit and appeal that resulted from the four citations issued by Mr. Chome. CM read word for word the main points of the settlement agreement starting at the bottom of page 2, No. 1 Closure of Impoundments, letter a through letter d and through No. 3 of which the following is an abbreviated version. A.) Mt. Pleasant Twp. 17 Impoundment (Carter Impoundment) as being the cease of use and to commence the process of reclaiming the Carter Impoundment after the completion of the Toward well pad (1H, 2H, 3H and 4H) as soon as practicable and subject to PADEP permits or approvals. B.) Cowden, Clingerman and Stewart Impoundments as being the cease of use and to commence the process of reclaiming the Cowden, Clingerman and Stewart Impoundments after the completion of the Toward well pad (1H, 2H, 3H and 4H) as soon as practicable and subject to PADEP permits or approvals. C.) The timing of this would be after the stimulation of the Toward Wells and prior to November 2015 and if not completed by November 1, 2015 for any reason, Range will notify the Township of the reason and the estimated time for when it will be completed. D.) The Township acknowledges and agrees that during the reclamation of the four impoundments RR will require the removal of water that naturally accumulates which may be accomplished by utilizing trucks to haul such water from the impoundments. CM went on to read No. 2 from the agreement which stated that RR does not have current plans to construct the Stewart Tank Site previously approved by the Township on 12/20/13 and RR acknowledges that they must submit a new request for Township approval if they seek to utilize the Stewart Tank Site in the future. No. 3, CM stated the Township will agree to discontinue the enforcement of the NOV's and RR will agree to withdraw its appeal of the Township NOV's and there is a mutual release of any and all claims, damages or fines related to the NOV's. CM stated in summary, that all four impoundments under NOV's will cease use and will be reclaimed after the Toward wells and RR will not be constructing the Stewart Tank Farm and they will start the permitting process over if they chose to in the future. CM added there will be no more litigation on the NOV issue.

**Public Comment on the RR Settlement Agreement:**

1. Chris Lauff, Ft. Cherry Rd., stated concerns over the conditions in the Toward Gas Well Consent Order Agreement for use of temporary above ground tanks being in conflict with this settlement agreement and suggested that the NOV's be withdrawn only after RR completes the reclamation the site. He also questioned the ability for RR to transfer ownership.
2. Paul Battista, Johnston Rd., commended the board for settling this issue.
3. Rebecca Skirpan, Avella Rd., stated she was concerned about the Stewart Impoundment, which hasn't been used in years and that RR could now start using it until the Toward wells are completed. Erin McDowell, Legal Counsel for RR stated they will only be withdrawing rainwater at Stewart to use for the Toward wells.
4. Kim Staub, Walnut Rd., raised concerns over the timing of closing the impoundments and that RR stated the frac job takes 18-25 days and they are starting in June; it shouldn't take them to November to finish. She also expressed concerns over the reclamation process and the potential for it to take place 24/7 and there should be regulations governing that for those residents living near the impoundments.
5. Hugh Staub, Walnut Rd., had same concerns as Chris Lauff and Kin Staub and questioned how long the reclamation process takes.
6. Jane Worthington, Main St., suggested waiting until the DEP adopts new regulations to Chapter 78A on the reclamation process and those new guidelines would be much better for the community. She also questioned why RR couldn't close the Clingerman and Stewart Impoundments now, closing them in phases. She also felt the agreement was too generic, not enough detail and it should have a drop dead date to close them.

**Public Comments Regarding the Agenda:**

1. Adam Lohr, Captain of the MPT Fire Dept. stated his request for no parking on both sides of Church Street, from the fire hall to Southview Road.
2. Chief Lou McQuillan questioned agenda item J stating he asked for a raise during budget time and didn't get what he proposed, he budgeted some of his line items out of Act 13 revenue to save money in the budget and he previously asked for a contract and was denied. He added if item J is passed that it is not fair to other employees who didn't get that kind of raise and he questioned the timing of when to ask for a raise and how to get it approved.
3. Rick Walsh, regarding Transparency TV. He stated he has the Township's agreement and it is being reviewed by Attorney Pete Darragh and he should have a revised copy back by the June meeting.

**Matters Concerning Business of the Township:**

Rich McClain – State of Affairs of the Community Center. Mr. McClain stated they have been doing some remodeling such as updating the bathrooms and they installed a coin operated laundry for the tenants. He added his main concern was a serious problem with black snakes in the 3 silver maple trees in front of the Community Center. He added the trees are dying from the top down and have holes in them and they are very close to the play yard for the daycare center. He asked for the Township to pay to have the trees cut down asap. He doesn't want to use pesticides and chemicals due to the daycare center and liability. Direction was given by the board to seek quotes to have the trees cut down with the removal of the snakes.

**Action Items:**

- A. **Reports:** DB motioned to accept the reports as given and BT seconded the motion. BT commented on the building permits register that permit 2015-19B should be a Washington address not Westland. 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 – May, 2015
  - Public Safety Report – 3/19/15 – 4/16/15
  - Public Works Report – 4/17/15 – 5/22/15
  - Planning Commission Minutes – 4/6/15
  - Parks & Recreation Minutes – None
  - Municipal Authority Minutes – 4/1/15
  - Midway Sewage Minutes – 4/7/15
  - Cross Creek Valley Region Minutes – None
  - Washington County Sewage Council Report – None
  - MPT Volunteer Fire Dept. Reports – Call Log 5/21/15
  - Treasurer's Report – April, 2015
  - Correspondence for the period of – 4/17/15 – 5/14/15
- B. **Bills:** BT motioned to ratify the payment of the invoices for the period of 4/17/15 – 5/14/15 as presented and DB seconded the motion. The motion carried unanimously.
- C. **Minutes:** DB motioned to adopt the minutes of the April 6, 2015 special board meeting and BT seconded the motion. The motion carried unanimously.
- D. **Minutes:** BT motioned to adopt the minutes of the April 22, 2015 regular board meeting and GF seconded the motion. The motion carried unanimously.
- E. **Resolution 2015-I:** DB motioned to adopt Resolution 2015-I; a Resolution entering into a settlement agreement with Range Resources-Appalachia, LLC to set forth terms for the withdrawal of the appeal at Case No. 2014-1086 pending in the Court of Common Pleas of Washington County, and the discontinuance of use and the reclamation of the four impoundment sites which are the subject of said court appeal and GF seconded the motion. DB stated the residents have raised a lot of questions and he feels the board has the best

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agreement the Township could account for and the Township is very close to seeing this problem eliminated. The motion carried unanimously.

- F. **Resolution 2015-J:** BT motioned to adopt Resolution 2015-J; a Resolution entering into a holding tank agreement with David Simmons, Simmons Hickory Farm, 55 Loffert Rd., McDonald and GF seconded the motion. The motion carried unanimously.
- G. **Evans Subdivision:** DB motioned to approve the John & Eva Evans Subdivision Plan No. 2; subdividing 112+ acre parcel into multiple lots located mostly in Smith Township with 2 small portions in MPT. LC presented the subdivision and stated all signatures are present and the MPT Planning Commission recommended approval and they have an approved sewage planning module. BT seconded the motion. The motion carried unanimously.
- H. **Neva Stanger Resignation:** GF motioned to accept the resignation of Township Solicitor Neva Stanger effective May 31, 2015 and thanked her for her service to the Township. BT seconded the motion. DB opposed the motion. Motion carried 2-1.
- I. **New Township Solicitor:** DB motioned to appoint the firm of Goehring Rutter and Boehm as the Township Solicitor effective June 1, 2015 upon execution of a professional agreement. Motion died for lack of a second. BT motioned to appoint the firm of Gaitens Tucceri and Nicholas, PC as MPT Solicitor effective June 1, 2015 upon execution of a professional agreement and GF seconded the motion. BT stated that all were excellent choices but GTN had the lowest hourly rate. GF stated that 6 law firms responded to the RFP which was narrowed down to the top three and those three were interviewed. DB stated that of the three interviewed, GRB was the most professional and had the lowest retainer fee. DB opposed the motion. Motion carried 2-1.
- J. **Larry Chome Rate Adjustment:** LC asked to address the board and stated that at the beginning of the year when he was switched from salary to hourly he took a large pay cut and that he was told by the board that it wasn't intentional so this \$1 hour adjustment is not a raise. DB motioned to ratify a \$1 hour rate adjustment for Larry Chome, with retro-active pay to the first pay of this year. Motion died for lack of a second.
- K. **Truck 6 Trade-in:** GF motioned to approve the trade-in allowance for Truck 6 to Fyda Freightliner for \$13,000 and DB seconded the motion. BT asked if the Township was keeping the plow and spreader and William Dinsmore confirmed that we were. The motion carried unanimously.
- L. **Ordinance 132 Advertisement:** BT motioned to approve advertising for the adoption of Ordinance 132; an ordinance providing for definitions and procedures for the issuing of building permits related to sewage authorization for a June 24, 2015 adoption date and GF seconded the motion. The motion carried unanimously.
- M. **Ordinance 133 Advertisement:** DB motioned to approve advertising for the adoption of Ordinance 133; an ordinance update, replacing Chapter 97, Floodplain Management, as required by FEMA to coincide with the new Flood Insurance Rate Maps for a June 24, 2015 adoption date pending review and comments from the Commonwealth and BT seconded the motion. The motion carried unanimously.

**Discussion Items:**

- 1. GF suggested having the no parking ordinance ready for the June meeting. MS stated she needed a list of the roads. BT is fine with the recommendation of emergency services personnel. GF stated the board will have to evaluate the roads to see if there should be no parking on 1 side or both sides of the road. BT added he would like a stipulation that if there is a party that they inform the police ahead of time. Board discussion concluded that the no parking is for 24 hours a day. GF suggested the board give recommendations to MS by Friday, June 5<sup>th</sup> and work with the Solicitor to draft an ordinance.
- 2. DB stated he has concerns regarding the ordinances that were declared invalid with no action taken on them which is leaving the Township vulnerable. He added that the comprehensive plan is being worked on but it appeared that the boards and consultants were waiting on each other for direction on how to proceed and there were no plans to incorporate any zoning amendments. BT stated he is following the guidance of the solicitor's March 20, 2015 letter to complete the comprehensive plan first then start the zoning ordinance. BT added that the letter referred to having EPD look at the zoning amendments post comprehensive plan. DB suggested getting separate quotes from EPD. The Board stated to get quotes to re-write the O&G Ordinance; to update the Zoning Ordinance and to re-write the Zoning Ordinance.

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3. BT stated he is still waiting for the House Numbering Ordinance. LC stated there was such a minor difference from the recommendation to the current ordinance and that enforcement is the issue. BT and GF agreed that they want the number size to match the International Property Maintenance Code which is 4" by 0.5" and it needs to be placed on the house, both sides of the mail box and at the driveway. It was suggested to make up courtesy cards that the mail carriers and police can hand out. GF stated to draft an ordinance and put it on the June agenda to advertise. GF stated the Township is going to have to look at adopting the International Property Maintenance Code in the future and BT agreed.

**Unfinished Business:**

1. Southview Ball Field – BT stated the ball teams do not want to take care of anything on the property except the infield and added that the benches and the fence are really bad. DB stated he understood from Bryan Smith that the ball teams were to take care of those issues. GF stated he did not want to spend tax dollars on property the Township doesn't own and BT agreed. BT stated he would check with the baseball teams to see if they would be interested in doing the repairs and report back at the June meeting.
2. Transparency TV – Rick Walsh addressed during the public comment on the agenda section.
3. No Parking Ordinance – GF discussed during the discussion items.
4. Antil Street Repair – BT stated this issue is resolved.

**Public Comment on Matters of Concern:**

Paul Battista, Johnston Rd., made the following comments: he was happy that the comprehensive plan was being worked on and that the Police are more visible; he was also happy that the road dept. was out widening the road in his area; the bad condition of Baker Road was due to the water project and not RR and he is proud of the work RR did repairing Johnston Rd. five years ago and it is still holding up; he suggested working with RR to determine which roads they will be traveling in the future so the Township doesn't spend money fixing those roads. He gave an update on the sewage project stating Emily Shade gave the MA and extension of time on submitting the Act 537 Plan Amendment. DB stated he thought the amendment was to be submitted last September. Mr. Battista stated that was the plan but Cecil took time to explore running Southview to Cecil for 6.2 million but it was cheaper to send Southview to MPT for 4.5 million but Cecil still has to decide if they are onboard with the amendment and their next meeting is June 1<sup>st</sup>. If Cecil doesn't approve the amendment then the MA will proceed without the amendment under the existing approved Act 537 Plan.

Chris Lauff, Ft. Cherry Rd., stated the condition of Ft. Cherry Road is very bad especially past the High School toward Noblestown Rd. He is concerned for the safety of the buses and student drivers. GF stated this was brought up at a region meeting with Penn DOT and MS stated the response was Penn DOT's goal is to only keep the roads passable. It was suggested that residents call Penn DOT directly and to call the Uniontown office to complain.

Steve Geyer was checking to see if the Township will take Sawmill Lane over as a Township Rd. GF stated that the width does not meet the requirements in the 2<sup>nd</sup> Class Township Code to be a Township Road. BT stated there are many private lanes in the Township that do not meet the required specifications and that the signage on Sawmill Lane was due to 911 requirements. BT added that residents work together to maintain the lanes. Mr. Geyer asked to see the information himself as this is a safety issue. BT stated in addition to the code, there are road requirements in the Subdivision and Land Development Ordinance and GF stated there is Stormwater Ordinance issues also and all of that work would take a lot of money and take up a lot of land as well. DB stated he will get copies of the information and deliver it to him.

Jane Worthington, 135 Main St. asked about the comprehensive plan meeting that EPD is to hold. BT stated he thought it was going to be before the next BOS meeting in June. BT stated it will be advertised.

Paul Battista asked for an update on the Johnston Road railroad crossing. MS stated her last communication with MarkWest was that the upgrades should be completed by the end of the 2<sup>nd</sup> quarter.

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**Adjournment:** DB motioned to adjourn the meeting at 8:25 pm and GF seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson  
Township Secretary  
Mount Pleasant Township  
Board of Supervisors