

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF JUNE 24, 2009

The meeting of June 24, 2009, was called to order at 6:30 p.m. by Chairman Dinsmore with the Pledge of Allegiance to the Flag. Those present were: William L. Dinsmore, Chairman (WD), Larry H. Grimm, Vice-Chairman (LG), Shane D. Maga, Supervisor (SM), William A. Johnson, Solicitor (WJ) was absent, Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Secretary (MS) was absent, Erin Ober, Interim Secretary (EO) and those citizens listed on the attached sheet.

Public Comments:

1. Larry Chome stated that he was there on behalf of the Lion's Club along with Will Schweitzer to seek approval of a Veterans' War Memorial. LC added that it had been approved by the Community Center and that he had submitted a letter detailing the project along with a drawing for the Supervisors' review. LC wanted to clarify that any excess money that they received in donations would probably be retained by the Lion's Club and earmarked for future maintenance of the site. Will Schweitzer stated that it should be completed by Labor Day and dedicated on Veterans' Day. LC clarified that they had received donations mostly due to the work of Jack Caldwell and that they had surpassed the amount needed for the project. SM and WD both agreed that what was proposed looked very nice.
2. Chris Lauff (CL) wanted to address the Board regarding an issue between Fort Cherry School District and the Mount Pleasant Township Police Department. He stated that on March 13, 2009, there was a bomb threat at the school and that the Police were called out to assist. CL continued on to say that he had approached the School Board to see why a letter sent home to the parents regarding the situation was not signed by anyone in the administration. CL was told by the School Board that there was not anyone available at the time to sign it, which CL believed was a contradiction to what was written in the police report. CL added that he had a lot of respect for Sergeant McQuillan and believed that he was an asset to the Township. CL stated that he thought that the statements made by the School Board to him and to the media were reflecting poorly on the Township and wanted to know what steps the Township was going to take to rectify the situation. LG replied that a letter was sent to the School Board, but that the Township was advised by WJ that it was not worth pursuing any further than that.
3. Paul Battista (PB) wanted to speak about the safety conditions of Johnston Road. PB stated that after the removal of Hy Bridge, there had been an erosion problem on one of the banks. WD responded that he had received a quote from the contractor to fix the situation. PB stated that he thought the contractor should fix it free of charge because it was their mistake that led to the problem. WD replied that it was still to be determined. PB moved on to say that the temporary road that was put in had caused multiple accidents because of how it had been constructed. SM asked him to clarify what he thought the problem was specifically. PB responded that the new road was supposed to have been aligned with the old road, but it was not and this created two 90 degree turns. PB also stated that the speed limit sign was not put where the speed issues were and that there was a pothole that was forcing drivers into the opposite lane. LG and SM asked WD if it was something that he could fix. WD replied that the only way to fix it would be to acquire property. SM asked if they could level the road so that it would not lean the wrong way and LG suggested that they fix the pothole first and then look into what else they could do to fix the road. WD agreed. PB also stated that there was a large ditch left by the contractor doing the water project and LG responded that the contractor would take care of that. PB stated that there were other neighbors that share his views and he was speaking on their behalf as well.
4. Joanne Wagner (JW) presented the Supervisors with a position paper on how a municipality can study the impact of horizontal drilling and a draft ordinance from Cecil Township. JW continued on with how much of an impact the gas wells have had on the community and requested on the behalf of the citizens of the township that the supervisors put strong ordinances in place to protect the residents. JW suggested that the solicitor reach out to other Townships to see what they were doing and that the explanation that the Township could not afford to fight the legal battles was unacceptable. LG then asked JW where the money would come from and JW responded that there were companies that would offer municipalities financial support and that she would research them and get back to the Township. LG explained that the other townships that had passed ordinances were going to be shot down in court and were currently facing lawsuits. JW suggested that it still be pursued. LG responded that it was on the agenda for tonight and that the supervisors were trying to do everything they could, but they had to somewhat follow the solicitor's

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advice. LG suggested that everyone call Jesse White's office and ask him to start listening to his constituency.

5. An anonymous resident asked the supervisors if they had heard about a new tax on gas well drilling that would provide 4 ½% to local municipalities. The supervisors responded that they had not heard of that and LG stated that he would not want it if it meant that the Township would have to cave in to well drillers.
6. Paul Battista wanted to give a report on the progress of the Municipal Authority as it relates to the Act 537 Plan. PB stated that they were on the agenda for Cecil Township's meeting because they need a resolution from them for part of Antill Street. PB continued on to say that to get the Plan approved, it had to be advertised and then a copy would have to be displayed at the Township building for a 30 day public comment period. PB explained that there was a tentative meeting scheduled in August or early September through Jesse White's office with Pennvest, RUS, and the DEP. PB stated that Kim Nielson at Jesse White's office had been very helpful.

Reports

The following reports, if any, were submitted for the Board's review and are on file at the Municipal Office:

- Zoning Officer's Report – Since last meeting
- Public Safety Report – 5/26/09 – 6/20/09
- Public Works Report – Since last meeting
- Planning Commission Minutes – 6/1/09
- Parks & Recreation Report – 3/9/09 & 5/18/09
- Municipal Authority Minutes – None
- Midway Sewage Minutes – 5/5/09
- Cross Creek Valley Region Minutes - None
- Washington County Sewage Council Report - None
- MPT Volunteer Fire Dept. Report - May, 2009
- Wilbur Smith – Revitalize Main Street Project Minutes – None
- Treasurer's Report - May, 2009
- Correspondence for the period of 5/27/09 – 6/19/09

► LG motioned to accept the reports as given and SM seconded the motion. The motion carried unanimously.

Action Items:

1. **Temporary Secretary:** SM motioned to appoint Erin Ober as temporary secretary for this meeting only in order to prepare the minutes and LG seconded the motion. The motion carried unanimously.
2. **Bills:** LG motioned to authorize payment of the invoices for the period of 5/27/09 – 6/23/09 as presented and SM seconded the motion. The motion carried unanimously.
3. **Minutes:** SM motioned to approve the minutes of the May 27, 2009 regular board meeting and LG seconded the motion. The motion carried unanimously.
4. **Resignation:** LG motioned to accept Erin Ober's resignation notice effective July 31, 2009 and SM seconded the motion. The motion carried unanimously.
5. **Administrative Assistant Position:** WD motioned to officially approve advertising for the open Administrative Assistant position and LG seconded the motion. The motion carried unanimously.
6. **Donation for Police Tasers:** LG motioned to officially thank Mr. Tom Bruce from Fort Cherry Ambulance for his donation to the MPT Police Department for the purchase of police tasers and SM seconded the motion. The motion carried unanimously.
7. **New Address Request Fee:** WD motioned to adopt Resolution 2009-N – a resolution amending the Fee Schedule to allow for a new address request fee in the amount of \$25. SM seconded the motion. The motion carried unanimously.

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8. **Re-zone Gas Well Locations:** LG motioned to authorize Bill Johnson to start the process to amend the Zoning Ordinance to re-zone gas well locations and to make them a conditional use. SM seconded the motion. The motion carried unanimously.
- a. Joanne Wagner asked if the gas well locations included only wells or all of the equipment and activities that are associated with the gas wells. WD confirmed that it would be all of it, not simply the wells, because the drilling companies made the claim that it all had to do with the wells. LG added that the compressor station on Stewart's property was considered by the opposing solicitor to be under the Gas & Oil Well Act.
 - b. Paul Battista asked if there was a way to get townships from the surrounding area together to form an organization that could look into all of this. LG stated that it would be difficult because every township would have their own ideas and views on how things should be done. PB responded that he thought that the goal of the drilling companies was to keep them divided. Joanne Wagner agreed that the group would have more power than an individual township. PB suggested that someone go online to the Forth Worth Texas Community Action Group's website because it had tips on how to work with the drilling companies. LG responded that the drilling companies lie and that the DEP is incapable of telling the township what is in the frac fluid. PB asked about whether the brine water coming out was an issue and LG replied that it was. PB then advised that the DOT could force the trucks to have placards on them, which they now do not. LG responded that most of the trucks are going to West Virginia, where they don't have those laws.
 - c. Dencil Backus (DB) inquired as to what the motion actually meant by starting the process. LC explained that to change a zoning ordinance, it would take an absolute minimum of 2 months because the Township would have to draft it, advertise it, have a 30 day public comment period, make changes based on the comments, re-advertise it, have another 30 day public comment period, and so on until the ordinance is satisfactory and then adopted. DB asked if the public would be kept updated on the progress and LC explained that a copy of the proposed ordinance would be available for viewing at the municipal building.
 - d. Linda Carnevali asked how the residents would know when the solicitor finished the proposed ordinance and SM replied that it would be advertised in the paper and a copy would be kept at the municipal building.
 - e. Scott Weitzel (SW) asked if any of these ordinances would include a noise ordinance so that the drilling companies could not operate all night. LG stated that he could not answer that question and that he would prefer that they not operate all night but that the Township would have to listen to the advice of their solicitor as to what would be legal. SW then inquired as to whether the Township currently had a noise ordinance. LG and WD both replied that they did not have anything for that specifically, only one addressing the disturbance of peace. LC added that it was virtually impossible to enforce.
 - f. Chris Lauff (CL) wanted to address the chemicals that were being transported in concentrated form. CL stated that because of the hazardous nature of some of these chemicals, they would be on the FBI's list of chemicals of concern. CL added that because the chemicals were stored on sites that were not secure, it would be inviting to terrorists. LG interjected that the Township did not know what the chemicals were because the drilling companies were not required to divulge that information. CL suggested that the Township call the FBI to get them to investigate. LG replied that we would have nothing to report to the FBI since we do not have that information.
 - g. Bonnie Vello (BV) wanted to encourage everyone to write to Bob Casey and Congressman Tim Murphy to remove the exemption to the Clean Water & Air Acts for these drilling companies. BV also wanted to add that she would suggest that everyone would get their wells tested so that they would have a baseline before a gas well would come to their neighborhood. LG added that it costs about \$500.
9. **CVLD Phase IV Final Approval:** LG motioned to give final approval for CVLD Phase IV. WD asked Chal McCombs (CM) from HMT to give his presentation. CM stated that as the Township was aware, the plan had changed from a throughway to two cul-de-sacs. CM continued by showing the Supervisors a drawing with a landscaping plan that included shrubbery and pine trees in the 300 feet or more between the two cul-de-sacs. CM stated that this proposal had been presented at the Planning Commission meeting

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and that the Planning Commission and the engineer, Bob Gales, had recommended the approval of the plan. LC added that the only things that were missing for the final approval were the Developer's Agreement and the Deposit and that the approval should be contingent upon those items. LG amended his motion to give final approval for CVLD Phase IV contingent upon the Developer's Agreement and the fees and the bond money and the Homeowner's Association Covenant. SM seconded the motion. The motion carried unanimously.

10. **War Memorial:** SM motioned to approve the Lion's Club War Memorial at the Community Center as presented by LC and LG seconded the motion. The motion carried unanimously.

Discussion Items: *(board members may elect to discuss items presented to them since the last meeting)* None

Unfinished Business:

1. Vacancy on the Board of Auditors (Elected) to replace Benjamin Libert who possibly moved out of the township.

WD stated that the Township still did not have a replacement for Benjamin Libert on the Board of Auditors and asked for any volunteers from the residents present at the meeting. No one volunteered.

Adjournment: WD motioned to adjourn the meeting at 7:27 pm and SM seconded the motion. The motion carried unanimously.

Respectfully submitted,

Erin Ober
Mount Pleasant Township
Board of Supervisors