

**MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF SEPTEMBER 23, 2009**

The meeting of September 23, 2009, was called to order at 6:34 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), Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Secretary (MS), and those citizens listed on the attached sheet.

**Public Comments:**

1.) Stephanie Hallowich (SH), 179 Avella Road, Hickory, to discuss the William's Refrigerated Liquid Gas Extraction Plant. *Her verbal presentation is attached to these minutes in written form along with related documents.* WD answered one of her questions stating that the Township has not received any money from Atlas, Williams or Laurel Mountain Midstream. LG stated that Blaine Township recently lost their court battle. SH stated that this legal team from Pitt Law Clinic & CMU will help prepare ordinances for Townships to use. LG stated that they would not refuse their help if they bring the Township samples. WJ stated that the Township is currently working on regulating zoning since Township's were given some authority to regulate it about 8 months ago via a court decision. WJ added that SH comments were valid concerns but that they fall outside of the Township's authority. The Township has some authority on regulating where they go but they do not have any control over how they are operated, that is solely up to the DEP. SH stated that the 39 acres adjacent to her property while zoned agricultural, which has clean and green status and only pays \$300 a year in taxes is now an industrial zone due to the plant, compressor stations, water impoundment, well and numerous roads. WJ stated in his opinion the Township can regulate some of the noise such as jake brakes but once you get to the site the other issues are out of the Township's control. There was a brief discussion on noise regulation with decibel readings and that the township does not have a separate enforceable noise ordinance at this time.

2.) Rebecca Skirpan (RS), Avella Road, Hickory, stated that there has been nothing done about the truck traffic and the jakes brakes since she brought this up 2 years ago. She added that the Blue Knight Motorcycle Ride was wonderful because there was a lot of Police presence and she hasn't seen any since. LG stated that the township cannot control truck traffic and that there are only 2 officers within the department. RS added that there is constant speeding and it needs to be monitored. LG explained that the Magistrate requires 14 miles per hour over the posted speed limit in order to validate a citation. RS said that some traffic does exceed that. LG stated that the Police Officers monitor the speed all over Mt. Pleasant Township and that they can't sit only on Rt. 50. RS agreed.

3.) Marie Schurr (MSh), 62 Main St., Hickory stated that in Mt. Lebanon they put a "dummy" in a parked police car and it slowed traffic down and didn't require any pay. LG stated that the Township did do this on Main St. in the past. MSh stated that it didn't work. LG stated it absolutely worked, for 2 days until everyone caught on. MSh stated that the Magistrate is elected and LG confirmed. LG added that he has been trying to fight that 14 MPH rule since he's been elected and that the Township bought an ENRADD System, which is a highly accurate speed timing system and the Magistrate won't accept that reading either if it's under 14 MPH over the posted speed limit.

4.) Paul Battista (PB), 28 Johnson Road, responded to the comment on lawyers and Blaine Twp. and it might be a better idea to get together as a group, maybe all of the township's in Washington County, and sit down with these different companies and work together on ordinances that will help the Townships and be something that these gas companies can live with. WD stated that is what Ben Price from the Legal Environmental Defense Fund does and who was working with Blaine Township and they still lost. PB asked if the Township belonged to the Washington County Assoc. of Twp. Officials and LG responded "yes" and PB asked how that worked. SM stated that Township's come up with ideas for laws / ordinances and they are presented to the county association and voted on and if it passes then it is passed onto the State Assoc. of Twp. Supervisors for a vote at their convention and then it gets passed onto Legislators down the road for consideration. PB added that he felt it was a good idea for Township's to work together and pay one attorney and do one set of research and pass ordinances that were acceptable to everyone. PB moved on and asked if any of the Supervisors were going to the workshops put on by Penn State in November on the gas well industry that he previously sent information on. PB added that it is training for elected officials to learn what is acceptable, economically, via zoning and ordinances such as noise. WD acknowledged receipt of this information by the board but wasn't sure if anyone was going or not. There was a brief discussion by LC on noise ordinances and the fact that there is a small section in the Zoning Ordinance that

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addresses noise but not in an A-1 district and LC added that he's feels there would still be a problem with the Gas & Oil Well Act.

7.) Ron Gulla (RG) 29 Gulla Lane, wanted to address Paul Battista's comments regarding Penn State and stated that Penn State is a fossil fuels school and that they received a 7.5 million dollar grant from Chevron and that is why they put on all of the workshops, to promote the drilling. RG added that you have to follow the money, he referred to the money the politicians are making and the money Rendell is making from the Oil & Gas Industry. RG added that the Government passed the Halliburton loophole in 2005 and gave the Gas & Oil Companies all of their exemptions and got their "hands greased". RG stated that it is hard to fight them.

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 – 8/25/09 – 9/22/09
- Public Works Report – Since last meeting
- Planning Commission Minutes – 9/9/09
- Parks & Recreation Report – None
- Municipal Authority Minutes – 7/16/09
- Midway Sewage Minutes – 8/4/09
- Cross Creek Valley Region Minutes - None
- Washington County Sewage Council Report - None
- MPT Volunteer Fire Dept. Report - August, 2009
- Wilbur Smith – Revitalize Main Street Project Minutes – None
- Treasurer's Report - August, 2009
- Correspondence for the period of - 8/26/09 – 9/22/09

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

Action Items:

1. **Bills:** SM motioned to authorize payment of the invoices for the period of 8/26/09 – 9/22/09 as presented and LG seconded the motion. The motion carried unanimously.
2. **Minutes:** LG motioned to approve the minutes of the August 26, 2009 regular board meeting and SM seconded the motion. The motion carried unanimously.
3. **Minutes:** LG motioned to approve the minutes of the September 16, 2009 special Main Street meeting and SM seconded the motion. The motion carried unanimously.
4. **Range Resources Subdivision:** LC presented the subdivision as a Meter Pad Easement on 380 Lynn Portal Road on Lbros. LLC property and that the Planning Commission recommends approval. WJ asked about the lot line for the leased portion of the property and an unidentified person who brought the drawings stated that this is not a lease, that it is only an easement. WJ recommended tabling this item until the next meeting so that he can get further information on this. WJ added that there are different aspects to a lease verses an easement. SM asked that if this site is measuring the gas wouldn't it be permanent and WJ stated it could be a permanent easement but he would need to see the actual document. WJ asked that a copy of the document be provided to the Township Secretary. *Side note: The Township never received a copy of said document.* LG motioned to table the Range Resources Subdivision at 380 Lynn Portal Road until the next meeting so that WJ can review this further and obtain more information and SM seconded. The motion carried unanimously.
5. **Benjamin Libert Resignation:** SM motioned to accept the Benjamin F. Libert resignation from the Board of Auditors effective immediately and LG seconded the motion. The motion carried unanimously.

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6. **Auditor Appointment:** SM motioned to appoint Donald F. Alrutz from 41 Walnut Road as an Auditor to fulfill Benjamin Libert's term until the next general election in 2011 and LG seconded the motion. The motion carried unanimously.
7. **2010 Minimum Municipal Obligation (MMO):** LG motioned to accept and approve the 2010 Minimum Municipal Obligation for the pension fund in accordance with the regulations of Act 205 at an amount of \$36,403 and WD seconded the motion. The motion carried unanimously.
8. **2009 Trick-or-Treat:** SM motioned to set the 2009 Trick-or-Treat hours for 2009 as Saturday, October 31<sup>st</sup> from 6pm – 7:30 pm and LG seconded the motion. The motion carried unanimously.
9. **Officials, Police & Employment Insurance Renewal:** WD motioned to renew the Public Officials, Employment Practices and Police Professional Liability Policy effective 11/15/09 – 11/15/10 with National Casualty Company for \$5,899 which is the same price as last year and SM seconded the motion. The motion carried unanimously.
10. **Resolution 2009 – S:** SM motioned to adopt Resolution 2009 – S, a Resolution granting signing authority to William Dinsmore in order to execute a 5 year Winter Maintenance Agreement with Penn DOT and LG seconded the motion. The motion carried unanimously.
11. **Resolution 2009 – T:** LG motioned to adopt Resolution 2009 – T, a Resolution endorsing Go21 (Growth Options for the 21<sup>st</sup> Century) supporting increased freight rail hauling capacity and SM seconded the motion. WD opposed the motion. The motion carried.
12. **Settlement Agreement with the Lesnick's:** LG motioned to authorize a payment in the amount of \$30,860 for the settlement agreement with Mr. & Mrs. John & Sandra Lesnick and WD seconded the motion. The motion carried unanimously.
13. **Fund Balance:** SM motioned to decrease the fund balance by \$29,860 for the payment of the Lesnick Settlement Agreement and LG seconded the motion. The motion carried unanimously. *Side note: the \$1,000 difference is due to the fact there was already \$1,000 in the 2009 budget for this.*

**Discussion Items:** *(board members may elect to discuss items presented to them since the last meeting)*

SM stated that the electric pole is set at the new Westland Pavilion and he added that the Vo-Tech School is building the picnic tables for free with the only cost being the materials. LG asked about the sewage for the restrooms at the pavilion and SM stated that there will be a holding tank and agreement but it is not time for that yet.

**Unfinished Business:** None.

**Adjournment:** WD motioned to adjourn the meeting at 7:16 pm and LG seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson  
Secretary – Treasurer  
Mount Pleasant Township  
Board of Supervisors