

MT. PLEASANT TWP. BOARD OF SUPERVISORS' SPECIAL MEETING OF JUNE 21, 2010

The special meeting of June 21, 2010, was called to order at 6:53 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), Arden B. McCartney, Supervisor (AM), William A. Johnson, Solicitor (WJ), Larry Chome, Zoning Officer (LC) was absent, Mary Ann Stevenson, Manager/Secretary (MS), Brian Simmons, Mark West Council (BS), Debbie & Bob Hanes, resident (DH) and those citizens listed on the attached sheet.

Discussion Item: MarkWest Liberty Midstream & Resources LLC (MW) settlement agreement.

WJ stated that this settlement agreement stemmed from MarkWest applying for a building permit for an expansion to the Stewart and Fulton Compressor Stations which was turned down by the Township Zoning Officer and resulted in an appeal to the Zoning Hearing Board. The ZHB turned down the expansion request. MarkWest then filed an appeal to the Washington County Court of Common Pleas. WJ added that in order to avoid costly litigation, the Township and MarkWest have attempted to reach an agreement that addresses Township and affected residents concerns. At this time, WJ read the list of conditions in the agreement. To follow is a brief description as read by WJ:

- Within three (3) days of an executed agreement, the Township will give MW all necessary permits for the construction and installation of the additions.
- MW will fully enclose all new compressor engines with sound reduction buildings which shall be of a style that blends in with a rural environment.
- Noise generated at the sites will not exceed a maximum of 60 dBA beyond the property lines.
- An eight (8) foot fence with a locking gate must be placed around the Compressor Stations.
- Emergency contact information must be posted at the main entrances.
- Emergency contact information must be provided to the Township and to each resident within a one (1) mile radius of the Compressor Stations.
- MW will apply for Township assigned addresses and visibly display them.
- MW will make commercially reasonable efforts to abate any malodorous odors which shall include the continued use of a closed-loop system on condensate trucks.
- MW will inform the Township how it may obtain any reports submitted to the DEP and/or the EPA by MW for Township review.
- Lights at the stations will be angled downward and inward to minimize glare on neighboring properties and public roads.
- MW will participate in training with the local Fire Department.
- MW will provide 24 hours advance notice to the Township and property owners within 1,000 feet of the stations of any scheduled deviations to the operations that may cause excessive noise, odors or emissions.
- MW will work in good faith with the Township BOS in establishing reasonable buffer areas with respect to the Compressor Stations which will be at a minimum consistent with the requirements in the Zoning Ordinance.
- MW will make reasonable efforts to minimize the effects of dust, dirt and mud on Township roads caused by MarkWest operations.
- Access roads to the compressor stations must be maintained and a method of dust abatement shall be utilized during dry weather.
- Within twenty (20) days of the agreement, MW shall make a \$50,000 payment to the Township and with 365 days from the agreement MarkWest shall make a \$25,000 payment to the Township. These payments are for general Township use related to costs and expenses incurred with the growth and impact of natural resource development including, but not limited to, repairs to Township roads. *WJ added that these payments /penalties, are reimbursements for the many costs already incurred by the Township and for future monitoring of the sites and that any road damage as a direct result of MW activities will continue to be addressed and paid for separately by MW.*
- A MW employee and the Township Road Supervisor shall meet on a bi-weekly basis to discuss Township road issues.

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- Sufficient parking spaces will be provided for at the Compressor Stations for all personnel working at the facility.
- MW will have identifying placards on all MW trucks and all contractors' trucks to include company name, phone number and a truck number.
- MW will regularly monitor the adjacent properties and remove debris and trash that is generated.
- Except for emergency situations, heavy truck traffic shall be limited to the hours of 7 AM – 7 PM.
- MW will install oxidation catalysts on all compressor engines.
- MW will install permanent vent silencers at pig launchers/receivers.
- MW will, if acceptable to the DEP and/or EPA, implement shielding to minimize the visibility of the flares to neighboring properties.
- All parties agree that the Stewart Compressor Station will require five engines in the future to properly collect and transport natural gas which shall be installed no later than two (2) years from the effective date of this agreement. MPT acknowledges that this expansion is expressly permitted and authorized as long as the engines are housed in sound reduction buildings similar to those described above.
- MW agrees that no more than five (5) engines will be located at the Fulton Compressor Station and/or the Fulton Property. MW agrees that no more than five (5) engines will be located at the Stewart Compressor Station and/or the Stewart Property.
- All of the above conditions required of MW will be required of any subsequent owner or operator including subsidiaries or division of MW Energy.

WJ stated that the rest is legal items standard to any settlement agreement and that the above conditions are the essence of the agreement.

Public Comments:

WJ stated, as legal council, he encourages the BOS to enter into this agreement and that if the appeal goes forward all of the above conditions may be lost. LG asked what happens if both parties (the BOS and the ZHB) do not sign the agreement and WJ responded that the Township will be going to Washington County Court on the appeal. DH stated that they are not happy at this time and oppose the Township entering into an agreement. BS asked for a brief recess to discuss some issues with the Hanes' and the BOS agreed to suspend the meeting at 7:08 PM. During that time, Rebecca Skirpan asked WJ what the procedure was at this time and WJ responded that the Township has to vote on the agreement tonight and then the ZHB will be voting on it Wednesday June 23, 2010 as they are a party to the case. Mrs. Skirpan was not happy that the Township meeting was interrupted. At 7:20 PM the meeting resumed. LG asked BS if MW and the Hanes' have a personal agreement in place. BS stated not in writing. DH commented that their (her and her husband) position has not changed and they are opposed to the agreement.

AM asked BS to explain item #14 of the agreement (which is dealing with buffer areas). BS stated that MW absolutely intends on reasonably accommodating the Hanes' request for additional tree buffering and #14 states that, at a minimum, they will meet the requirements of the Zoning Ordinance with respect to buffer areas. He added that there will be over 100 trees planted on 650 feet of the Hanes' property but some of them will require approval from Sam Fulton which they do not have yet. BS added that they will be addressing the Stewart site with respect to buffering as well but that site is different and will require different measures and item #14 states we will work with the Township in good faith on these issues. BS respectfully requested that the Township approve the agreement tonight as they still need ZHB approval on Wednesday. He added that they have worked in good faith already by turning all of the lights off, tarring and chipping the access road, installing pig launcher silencers and working on the buffering. LG asked WJ what the Township could do if MW stopped acting in good faith and WJ responded that enforcement would go through a court order to enforce the agreement. WD added that he wasn't all that happy with that as the court system usually takes forever to get anything accomplished.

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DH stated that since May 13, 2010 she has been asking for a meeting between all parties and that never happened and she would like to ask for a postponement to workout some of the issues before the Township takes a vote. BS stated the agreement is for the betterment of the Township as a whole and MW is addressing the issues of the BOS, the ZHB and the affected residents and again respectfully asked for a vote tonight and to not postpone this any longer. He added that it has been postponed several times while this agreement was being drafted and doing so could jeopardize the whole agreement. WJ stated that the MW appeal was approaching quickly and once both sides get into filing briefs and taking positions that there would be no turning back and WJ then urged the BOS to enter into a settlement agreement tonight. DH stated that they have unique circumstances and they have been working with MW to get their own agreement and they do not oppose an agreement between the Township and MW and that she actually wants an agreement in place but a one (1) week delay will not make a difference. She added that they've only had one (1) day to prepare for this meeting.

WD asked WJ if this issue could be dealt with on Wednesday at the regular board meeting and WJ stated that it could be added as an agenda item. WD asked BS if they would be willing to take the Fulton Compressor station out of the agreement and enter into a separate agreement for each facility and BS stated that was not a possibility and WJ agreed, they needed to be addressed at the same time in the same document. BS again asked the board to vote on the agreement tonight as to not hinder this process any longer.

Action Items:

1. **MW Settlement Agreement:** AM made a motion to enter into a settlement agreement with MarkWest Liberty Midstream & Resources, LLC. The motion died for lack of a second.

WD motioned to have this agreement as an agenda item at the June 23, 2010 regular board meeting and LG seconded the motion. AM opposed the motion. The motion carried.

Adjournment: AM motioned to adjourn the meeting at 7:40 PM and WD seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors