

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF JUNE 22, 2011

The meeting of June 22, 2011, 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), Arden B. McCartney, Supervisor (AM), William A. Johnson, Solicitor (WJ) was absent, John Smith, Special Counsel (JS), Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Manager/Secretary (MS), and those citizens listed on the attached sheet.

Public Comments: None.

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 – 5/24/11 – 6/14/11
- Public Works Report – 5/26/11 – 6/22/11
- Planning Commission Minutes – 6/6/11
- Parks & Recreation Minutes – Board Inactive
- Municipal Authority Minutes – None
- Midway Sewage Minutes – None
- Cross Creek Valley Region Minutes – None
- Washington County Sewage Council Report - None
- MPT Volunteer Fire Dept. Report - May, 2011
- Treasurer's Report - May, 2011
- Correspondence for the period of - 5/25/11 – 6/21/11

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

Action Items:

1. **Bills:** LG motioned to authorize the payment of the invoices for the period of 5/25/11 – 6/21/11 as presented and LG seconded the motion. The motion carried unanimously.
2. **Minutes:** WD motioned to adopt the minutes of the May 25, 2011 regular board meeting and LG seconded the motion. The motion carried unanimously.
3. **Truck Bidding Process:** LG motioned to close the bidding process and open any bids received for the sale of the 1982 International Dump Truck and AM seconded the motion. The motion carried unanimously.
4. **Bid Award:** WD stated that there were no bids received for the sale of the 1982 International Dump Truck. This item was tabled.
5. **DeVitis Subdivision #3:** LC presented the subdivision located at 90 Red Fox Road. He stated that this subdivision was originally approved 7/23/03 but was never recorded. The original Mylar could not be located so HMT & Associates printed a copy of it. The MPT Planning Commission re-approved this subdivision. WD motioned to re-approve the DeVitis Subdivision #3 and AM seconded the motion. The motion carried unanimously.
6. **Resolution 2011-O:** LG motioned to adopt Resolution 2011-O; a Resolution authorizing the Washington County Tax Claim Bureau to sell MPT property held in the Washington County Repository in order to get the property back on the tax rolls and AM seconded the motion. The motion carried unanimously.
7. **Ordinance #121:** AM motioned to adopt Ordinance #121; an Ordinance repealing Chapter 104 of the Township Code of Ordinances relating to Oil & Gas Wells and LG seconded the motion. The motion carried unanimously.
8. **Ordinance #122:** AM motioned to adopt Ordinance #122; an Ordinance amending Chapter 200, titled Zoning, of the Township Code of Ordinances incorporating Oil and Gas Activities and LG seconded the motion. WD did not cast a vote. The motion carried.

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9. **Ordinance #123:** LG motioned to adopt Ordinance #123; an Ordinance electing to establish a Police Pension Plan with the PA Municipal Retirement System pursuant to Article IV of the PA Municipal Retirement Law and WD seconded the motion. The motion carried unanimously.
10. **Road Use Maintenance Agreement:** WD motioned to approve a Road Use Maintenance Agreement for hauling on Township roads and LG seconded the motion. The motion carried unanimously.
11. **Fort Cherry Access Road:** WD motioned to officially approve the concept for an access road (on Fort Cherry School property) by Fort Cherry School District encroaching onto Caleffe Road (a Township Road) LG asked if the concerns with the middle part of Caleffe Road were addressed and WD said they were. LG seconded the motion. The motion carried unanimously.

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

LG stated that JS is going to explain what took place as a result of the mediation process. JS stated that Range Resources agreed to the mediation which was held on May 6, 2010 at the Hilton Garden Inn, South Pointe in front of Judge Ziegler. He added that the judge spoke with both parties together, separately and just with counsel. He added that the Judge was very familiar with the law and the case law surrounding this matter and that there was a lot of back and forth discussion of the issues which is what takes place during mediation. JS gave a summary of the outcome as follows:

The Township agreed to allow Supervisory Trailers on site with restrictions such as the number of trailers and the amount of people allowed in them and that this information is in the ordinance that was adopted tonight. It should be noted that this addition was the only change to the ordinance from the Hearing of April 12th and it is not considered substantive. The Township also agreed to an expedited conditional use hearing process that is addressed separately and is not in this ordinance. It calls for an expedited hearing date as long as the application is filed within certain parameters and a limited amount of hearing time which is 2 hearings of not more than 3-4 hours each and they are to be scheduled a week apart if at all possible. JS added that it should also be noted that this wording was forwarded to RR for comment and none was received.

In exchange, Range Resources has agreed to pay the fine (\$8,145) that the District Magistrate imposed and drop the two (2) appeals they have pending. LC explained that the issue with the bunk housing went before the Zoning Hearing Board at the request of Range Resources (RR) but was turned down. RR has filed an appeal at the County level over the ZHB decision. LC added that the other violation involved supervisory trailers, which was not a part of the ZHB case. RR continued to have these trailers with employees living in them on site and the Township cited RR. He added that the case went before District Judge Costanzo in which she found in favor of the Township. RR has filed an appeal to that decision as well. JS stated that it needed to be made clear that this ordinance has been on the books for many years prior to any gas well activity and LC added that the ordinance specifically states that trailers are not to be used as dwellings what so ever. MS stated that RR has not dropped either appeal and has not paid their fine and it's been approximately forty five (45) days.

JS stated that MS has provided the supervisory trailer language and the expedited conditional use hearing process to RR and that Judge Ziegler in concluding the mediation process advised giving RR seven (7) days to respond in writing to our language and then the Township can proceed from there. Someone from the audience asked if the 7 days has expired and MS stated that it has been thirty (30) days and still no response. JS stated that it should be noted that the language used to draft the supervisory trailer wording was taken from a Robinson Township conditional use hearing in which RR had no objections to.

LG wanted it on the record that in previous meetings RR has publicly stated that there were only two (2) issues stopping this from being resolved (referring to the adoption of the Township's ordinance) and that was the supervisory trailers which is currently provided for in our ordinance and the time frame for conditional use hearings, in which the Township has provided language to shorten those time parameters. LG added that both of their concerns have been addressed by the Township and RR still won't cooperate and all along, despite RR public relations efforts, the Township has tried working with them and has addressed their concerns. JS stated that the Township entered into mediation in good faith and in turn the paramount issue with respect to public

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safety and supervisory trailers was met by the Board of Supervisors. LG stated that at this point there is nothing else the Supervisors can do; both of their concerns have been addressed.

An unidentified member of the audience asked what the chances are for RR to challenge the entire ordinance and WD stated that we could not speculate on that and JS agreed. JS added that there are court rulings that justify the Township's position and we are doing what the courts authorize and allow the Township to do with respect to State law that goes as high as the State Supreme Court. JS added that during the crafting of this ordinance, items were removed that the industry found objectionable, and the industry was asked if there was anything else other than what the Township has already addressed during mediation and the conditional use process itself. JS stated that the industry could point to none and neither could Judge Ziegler. LG added that Judge Ziegler said our conditional use ordinance was legal and would be upheld in court if challenged. WD stated that there are a lot of conditional use ordinances that they are already adhering to. AM stated this is becoming standard operating procedures for the industry.

An unidentified woman said she got a notice that Range Resources was going to test her water for the Falconi Well and asked if the Township knew about it. WD stated that is located at the top of Cowden Hill. LC stated that he has not gotten any registration documents for this well. JS stated that if it comes in now they will have to go before the BOS for a conditional use hearing but if they are already in the process they might be exempt from a having a hearing. WD stated that they do preliminary testing way before the start of any well and JS added that they start two (2) years in advance and sometimes longer.

LC commented that the Zoning Hearing Board which is completely autonomous from the Board of Supervisors has granted approval to the applicant to re-open the Westland Mine with conditions. There was a brief discussion amongst unidentified residents and LC relative to the coal industry.

Unfinished Business:

1. Main Street Project – Project ideas are being considered by Rep. White's office and Penn DOT.
2. Municipal Authority Vacancy – One position is available.

Adjournment: WD motioned to adjourn the meeting at 7:10 pm and LG seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors