

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF OCTOBER 23, 2013

The meeting of October 23, 2013, was called to order at 6:30 p.m. by Vice-Chairman McCartney with the Pledge of Allegiance to the Flag. Those present were: Larry H. Grimm, Chairman (LG) was absent, Arden B. McCartney, Vice-Chairman (AM), Bryan Smith, Supervisor (BS), Charles Means (CM), Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Manager/Secretary (MS), and those citizens listed on the attached sheet.

Executive Sessions: AM stated the following 3 executive sessions that were held.

- 10/7/13 at 2 pm to discuss personnel issues.
- 10/19/13 at 9 am to discuss potential litigation.
- 10/19/13 at 12 pm to discuss personnel issues.

AM stated that Attorney Means has to leave the meeting which is why these action items are listed first and explained that general public comment will take place following these items.

Action Items: Attorney Charles Means introduced himself as special counsel relating to zoning issues that involve Range Resources (RR) and gave a brief explanation of the 3 motions below.

1. AM motioned to ratify the appointment of Attorney Charles Means to serve as Special Counsel in zoning enforcement matters regarding Range Resources effective October 15, 2013 per the engagement letter and BS seconded the motion. The motion carried unanimously.
2. BS motioned to approve the Conditional Use Application of Range Resources for the McMaster and Schuman properties, based on the Decision prepared by the Township Solicitor and AM seconded the motion. The motion carried unanimously.
3. AM motioned to approve the Conditional Use Application of Range Resources for the Toward property, based on the Decision prepared by the Township Solicitor and BS seconded the motion. The motion carried unanimously.
4. AM motioned to adopt Resolution 2013-I – A Resolution to declare portions of the zoning ordinance invalid as exclusionary pertaining to impoundments or other storage facilities for water or other fluids used in connection with Oil & Gas Well uses and BS seconded the motion. The motion carried unanimously.

Paul Battista, 28 Johnston Rd. asked CM to explain motion #4. CM responded that under the MPC (Municipalities Planning Code) that there is a provision for a curative amendment and this is the proper provision for a zoning amendment to improve the ordinance and provide for the proper areas for water storage. He added by adopting this resolution, the Supervisors have 180 days to correct the zoning ordinance and that revisions have to go the County and Township Planning Commissions and a public hearing must be held.

Shawn Gallagher, legal counsel for Range Resources does not feel that the zoning ordinance is exclusionary and that it is provided for. CM responded that the Township feels this is the best way to handle this issue.

Don Reed, Main St. asked CM asked if he worked at the same firm as the Attorney representing the residents at the Zoning Hearing because that would be a conflict and CM responded that he was not with that firm and that he works for Goehring, Rutter and Boehm.

Public Comments:

Parks & Rec. Board – Seeking approval for 2014 Fundraiser – Ladies Bash. Rebecca Farner (RF), Treasurer of the P&R Board stated that they are planning on holding a ladies bash (similar to a gun bash) fundraiser to fix up the parks and that she has been to these types of fundraisers and they usually make 15k per event. AM asked what problems there were with the parks because we have a maintenance budget and a seasonal parks employee. RF responded that the current equipment is fine and that they would like to add new equipment to the parks. AM added that he has a concern with

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BYOB and the necessary permits. RF explained that they would need a temporary alcohol permit and a gaming permit but she doesn't want to do all of the work and then possibly get turned down. BS asked that they put together a written plan of what their fundraiser would involve and require and what they need to get in order to proceed. AM asked that they eliminate alcohol from this plan.

Paul Battista (PB), 28 Johnston Road, summarized currently that the Township issued Notices of Violation against RR for the water impoundments and that the land owners near the Carter impoundment obtained their own attorney and that there was a resident who had an issue with the Cowden impoundment and currently there was a continuance of the Zoning Hearing Board. PB added that RR is asking to utilize above ground storage tanks made out of fiberglass which has closed tops and charcoal filters on them and in exchange they will close the Carter impoundment and phase out the other two. He added that this is a win/win/win situation, the seven property owners are getting rid of the impoundments which is a win, the industry get to continue drilling which is a win and for those land owners that do not have leases, a share of the Act 13 revenue (provided by the industry) is being set aside for infrastructure for future public sewage which is a win. PB suggested that the Township work with the industry and to stop all of the attorneys.

Mark Baker, Walnut Rd. commented that RR has already taken concessions and that the Stewart property is already an industrial zone. He asked the Supervisors to save the M-1 District for future uses and for other development and businesses to come to the Township.

Brian Temple, Dire Dr., stated that the Stewart Property already has a Dew Point Control Facility, a compressor station and pipelines. He added that the ZHB just granted 2 use variances for other businesses and asked the Supervisors not to pass up this opportunity to settle.

Rick Walsh, 180 Main St., stated that regardless of whether or not there is truck traffic from these impoundments, truck traffic will still be here on a daily basis coming from other areas which is a downside and if we don't work with the industry, the Township will not have any of the upside. BS stated that the Township just approved 2 conditional uses so the Township is working with them and RR will be back drilling. There were back and forth discussions amongst unidentified people in the audience.

Bob Hanes, 107 Washington Ave., commented that RR is here to make money and that MPT was the beginning for RR and they leased a lot of ground and they are coming back regardless of what is going on.

Rich McClain, Community Center, stated that the roller was left at the CC and that there are brand new cones around it and it's going to get damaged and asked why they had to pay 10k for the parking lot paving when there is a parks budget. BS stated that the roller was broken down and he will see that it gets removed. There was no further discussion.

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 – October, 2013
- Public Safety Report – None
- Public Works Report – 9/26/13 – 10/23/13
- Planning Commission Minutes – 9/9/13
- Parks & Recreation Minutes – 9/16/13
- Municipal Authority Minutes – None
- Midway Sewage Minutes – 9/3/13
- Cross Creek Valley Region Minutes – None
- Washington County Sewage Council Report – None
- MPT Volunteer Fire Dept. Report - September, 2013
- Treasurer's Report - September, 2013

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- Correspondence for the period of - 9/25/13 – 10/22/13

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

Action Items:

1. **Bills:** BS motioned to authorize the payment of the invoices for the period of 9/25/13 – 10/22/13 as presented and AM seconded the motion. The motion carried unanimously.
2. **Minutes:** AM motioned to adopt the minutes of the September 25, 2013 regular board meeting and BS seconded the motion. The motion carried unanimously.
3. **Minutes:** AM motioned to accept the minutes of the September 28, 2013 Special Board Meeting and BS seconded the motion. The motion carried unanimously.
4. **Minutes:** BS motioned to accept the minutes of the October 7, 2013 Special Board Meeting and AM seconded the motion. The motion carried unanimously.
5. **Minutes:** BS motioned to accept the minutes of the October 9, 2013 Budget Workshop Meeting and AM seconded the motion. The motion carried unanimously.
6. **Minutes:** AM motioned to accept the minutes of the October 19, 2013 Budget Workshop Meeting and BS seconded the motion. The motion carried unanimously.
7. **New Solicitor:** BS motioned to ratify the appointment of Attorney Neva L. Stanger, Esq. as the Township's Municipal Solicitor effective 10/8/13 per the terms of the engagement letter and AM seconded the motion. The motion carried unanimously.
8. **Employee Termination:** AM motioned to ratify the termination of Township employee Austin Thase effective 10/2/2013 and BS seconded the motion. The motion carried unanimously. AM added that the termination was due to the employee no longer having a valid card to be Police Officer.
9. **County Winter Bid Items:** BS motioned to award the County Winter Bid items: Sodium Chloride with North American Salt for \$51 ton FOB and \$53.41 ton delivered and Cold Patch with Russell Standard for \$79 ton FOB and \$91.95 ton delivered and AM seconded the motion. The motion carried unanimously.
10. **PT Winter Maintenance:** AM motioned to reinstate the part time seasonal winter maintenance employees effective immediately, as needed, at \$11.75 per hour with no benefits and BS seconded the motion. The motion carried unanimously.
11. **Eberle Road Study Request:** BS motioned to approve a written request from Patty Dunn to have the Township submit a request to Penn DOT for the feasibility of putting 2 stop signs on Eberle Rd. at the intersection with Dairy and Martin making it a 4-way stop and AM seconded the motion. The motion carried unanimously.
12. **Robinson Run Watershed Municipal Group:** AM motioned to approve becoming a member of the Robinson Run Watershed Municipal Group established by McDonald Boro to deal with flooding. Cost to the group include: 50% if over 100k for feasibility and 35% for construction and both can include in-kind services and BS seconded the motion. The motion carried unanimously.
13. **Public Officials Insurance Renewal:** BS motioned to approve the renewal of the Public Officials and Employment Practices Insurance for \$4,148 effective 11/15-13 – 11/15/14 and AM seconded the motion. The motion carried unanimously.
14. **Police Professional Insurance Renewal:** AM motioned to approve the renewal of the Police Professional Insurance for \$3,070 effective 11/15-13 – 11/15/14 and BS seconded the motion. The motion carried unanimously.

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

1. AM motioned to advertise for additional part time seasonal winter maintenance with the advertisement being approved by the Labor Attorney and BS seconded the motion. The motion carried unanimously.
2. AM stated that he is resigning his position as Township Supervisor effective December 11, 2013 and thanked the community for allowing him to serve on the board.

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3. Don Reed wanted the board to know that he feels the agreement with RR is a good proposal.

Unfinished Business: None.

Adjournment: AM motioned to adjourn the meeting at 7:18 pm and BS seconded the motion. The motion carried unanimously.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors