

MT. PLEASANT TWP. BOARD OF SUPERVISORS' SPECIAL MEETING OF OCTOBER 7, 2013

The special meeting of October 7, 2013, was called to order at 6:04 p.m. by Chairman Grimm with the Pledge of Allegiance to the Flag. Those present were: Larry H. Grimm, Chairman (LG), Arden B. McCartney, Vice-Chairman (AM) was available by phone, R. Bryan Smith, Supervisor (BS), William A. Johnson, Solicitor (WJ), Mary Ann Stevenson, Secretary (MS), and those citizens listed on the attached sheet.

Purpose: To consider entering into an agreement with Range Resources for the settlement of the Notices of Violation.

Discussion Item: WJ gave a brief statement explaining that the purpose of this special meeting was for the Board of Supervisors to consider entering into a settlement agreement with Range Resources after they took an appeal to the Zoning Hearing Board for the 4 Notices of Violation issued to them from the Township regarding the 4 impoundments. WJ added that this is not a hearing in which the board will hear testimony regarding the impoundments and that he will read the terms of the settlement agreement as proposed and then the board will take public comments. WJ read the settlement agreement in its entirety which is attached to these minutes.

Public Comments:

1. Dwight Ferguson (DF), representing residents from the municipality offered the following comments: The agreement does not appear to be drafted by the Township as evidenced by the "whereas clauses". He added there are things within the agreement that are unneeded such as language regarding when installed and how long inoperable. DF added the oil and gas amendments are irrelevant as the Township didn't cause them to become illegal, that it was because they put them in illegally. Also, he added that it doesn't matter how much they spent on the impoundments and they didn't say how much the tank farm would cost them either. He added that the wording stating "appropriate measures" and "best efforts" are toothless. He would like to know who decides that, Range. DF suggested the Township consider getting an engineered site plan and "as built" plans and take the time to make a decision that is best for the Township. Finally DF asked that the Supervisors take their time and for the Township to draft an agreement and present it to Range. WJ commented that the "whereas clauses" has no effect on the essence of the agreement and the rush is the fact that the Supreme Court could rule on Act 13 at any time and that if the Township sought an injunction to get the impoundments shut down that could be another 1.5 years down the road. DF replied that regardless of Act 13 the agreement would supersede and WJ agreed but only if there was a signed agreement.
2. Shawn Gallagher (SG) stated that Range has offered a lot with respect to removing the impoundments and has made a good faith commitment to the Township. AM stated that he likes the agreement. Janet Lauff asked SG what permit the tank farm would fall under and SG replied that he knows they would have to get an ESCGP2 permit but he doesn't know what else.
3. Maggie O'Lear presented a letter that she read out loud and which is attached to these minutes. WJ stated he agreed with the first page but the second page is wrong and there absolutely was no violation of the Sunshine Act and there was not a quorum of the board present at any meeting.
4. Rebecca Skirpan, 151 Avella Road, asked the Supervisors not to rush into an agreement; the ordinance does not allow tank farms; wastewater has toxic chemicals and radiation and pumping that through pipelines is dangerous and poses a hazard to those who have well water. She added that the Township is allowing Range to turn MPT into an industrial zone.
5. Martin O'Lear stated that the Supervisors are elected to represent the citizens and that their health and welfare is in the Board's hands. He added that the Board should make them go to the industrial zone or to take them out.
6. Bill Forrest, 62 Baker Road asked each Supervisor if they thought a centralized impoundment belongs in the R-1 district. AM stated that it is not the best location. LG stated it is not the ideal place but the agreement is the best solution. BS stated that he does not believe it is the appropriate location and feels the agreement is "loosey-goosey". Mr. Forrest asked the Board to slow down and to not vote on it tonight.

MT. PLEASANT TWP. BOARD OF SUPERVISORS' SPECIAL MEETING OF OCTOBER 7, 2013

7. Jane Bershok, Fort Cherry Road, asked who is watching over the community because she has VOCs at her house and the Board needs to be concerned about the people. WJ added that the Board is concerned about the people which is why they are trying to get rid of 3 impoundments including the Carter Impoundment and that one will be decommissioned immediately.
8. John Galbraith, 40 Caldwell Road, commented that he feels there are not enough facts and the Board needs to slow down. He added that he is upset with Range because they only act in good faith when they are threatened with litigation. He stated he is concerned with wastewater pipes leaking and added he feels the agreement is bad for the Township.
9. Chuck Gallagher, Lynn Portal Road stated that in the past AM said the Township cannot go against our own zoning ordinance and asked the Board to have Range put these in the proper zoning district and vote the agreement down.
10. Gary Cowden, 50 Caldwell Road, Stated that the Stewart Impoundment cost them the least amount of money and has been the longest inactive and they admit it was freshwater. They are now changing it to wastewater which is a change in use and that would require zoning approval. He asked what allows Range to have this short cut of the process. Larry Chome, Zoning Officer responded that they would have to go to the ZHB for a variance. Mr. Cowden said they need to follow the procedure that is in place.
11. Eric Costello, 3151 Henderson Road, stated he borders the Clingerman site and said he is open to the impoundments and that it is unfair to push that off onto another Township and he is more in favor of the drilling however, he does not like the agreement and asked the Board to turn it down.

Deliberations:

LG commented that he has been dealing with these issues for a long time and he wants to give relief to the residents near the Carter Impoundment because they have been living next to a toxic waste dump for too long.

AM feels it is the best for the Township to get rid of the Carter Impoundment and to have it contained to a closed tank system and the area there is already an industrial area of sorts.

BS stated it might be good for the people near the Carter, Cowden and Clingerman sites but questioned how the Township could then put the same thing at the other end of town. He added that with some tweaking to the agreement it could be good but doesn't want to transfer the problem to another are of the Township.

LG said the people near the Carter Impoundment shouldn't have to live next to a toxic waste dump and they have been complaining about it for a long time and there is the possibility to get it out of the Township immediately.

BS asked AM why his position relative to zoning has changed since the meeting from last Saturday. AM responded that he still is concerned with zoning but getting rid of the Carter first and phasing out the other 2 impoundments would be good for the Township. AM added that he felt the closed tanks are safer for the people and for the environment. BS stated that he does not dispute that but it is not supposed to be in the A-1 district.

BS stated that he was at a meeting with Brian Miller from the DEP and he said the Carter Impoundment is not in compliance with DEP regulations and it is still there so he has to be concerned with where it is built.

There was some discussion on needing more information about the tanks and BS stated that he also felt AM needed to be present at the meeting when it is voted on so that he could see the people at the meeting.

BS motioned to table the action on the agreement in order to get more information from Range and to take the time to think about it carefully. WJ asked SG if they (RR) would be willing to postpone the ZHB continuance tomorrow 10/8/13. SG said "yes" but they do have some urgency to get this resolved. LG seconded the motion. The motion carried unanimously.

MT. PLEASANT TWP. BOARD OF SUPERVISORS' SPECIAL MEETING OF OCTOBER 7, 2013

Adjournment: The meeting ended after the vote to table the agreement was made.

Respectfully submitted,

Mary Ann Stevenson
Township Secretary
Mount Pleasant Township
Board of Supervisors