

CHARTIERS TOWNSHIP
BOARD OF SUPERVISORS MEETING
July 14, 2015
4:00 p.m.

A. William Kiehl, Chairman called the Chartiers Township Board of Supervisors to order at 4:00 p.m. Tuesday, July 14, 2015, at which time he asked all present to stand for the pledge of allegiance.

ATTENDANCE:

Attending this meeting were Supervisors Richard W. Metzler, John M Marcischak and Mr. Kiehl. Additionally in attendance were James Liekar -Solicitor; Jodi L. Noble-Township Manager; Daniel Slagle-Township Engineer; Edward Jeffries-Public Works Director; Samuel Stockton-Community Development Coordinator; Robert Brozovich-Community Center Manager and Wendy Williams-Recording Secretary.

EXECUTIVE SESSION ANNOUNCEMENT:

Mr. Kiehl announced that a majority of the Board of Supervisors met in Executive Session immediately prior to this meeting from 2:00 p.m. to 3:25 p.m. to discuss personnel matters, litigation, contract negotiations and for legal consultation for conditional uses.

VISITORS TIME:

Mr. Jeff Simpson of 30 South Johnson Road, Houston, PA, also President of the Fire Department advised the Board that the Fire Department is planning an open house in September. He inquired about the condition of a couple utility poles on Pike Street from the High School to the Township line there are broken. Some are West Penn poles and some are Verizon that are in poor condition.

Mrs. Cynthia Cowie of 231 McClane Farm Road, Washington, PA Her concern is the flooding on McClane Farm Road. There storm drain that is not capable of handling the water coming off the hill. She has lost a fair amount from flood damages. There are concerns of certifications of flood plain. The bridge abutment is creating a backflow of issues in the area.

Mrs. Deborah Brower of 234 McClane Farm Road, Washington PA. Her concern is also a flooding issue and attention needed with the storm drains in the area.

Mr. Slagle is to make arrangements with both owners to visit both sites.

DEVELOPERS TIME

1. A motion was made by Mr. Kiehl and seconded by Mr. Metzler for discussion purposes to approve with conditions the Bird Run Gas Well Conditional Use application in accordance with the Public Hearing of May 26, 2015. Mr. Marcischak announced that he lives in the Bird Run

area and has a lease with Range Resources and he has not participated in any of the development or discussion of the conditions that went along with that decision. Mr. Marcischak posed a question to the Solicitor as to where the Township gets into a situation where his vote would be required is he permitted to vote? Mr. Liekar's responded that in the event of a tie then Mr. Marcischak can vote to break the tie. Mr. Liekar prepared an opinion letter dated July 14, 2015 to the Board, regarding the Ethics Act (attached to these minutes).

Discussion:

Mr. Metzler: "This is really a complicated issue for us. I want to take a few moments to describe the process because questions have come to me and others. There seems to be a lot of confusion. 1) State law supports a property owner right to use his property as desired. 2) State law Act 13, defines requirements for oil and gas drilling. State regulations also define water quality and air quality standards. 3) Municipal ordinances define through zoning requirements appropriate uses of a property to achieve uniform uses of properties within a zone. The Township adopted the State uniform ordinance related to Act 13, which permits oil/gas drilling as a conditional use in a residential zone. 4) With regard to the Bird Run application, the application is a lessee of property; thus in effect is acting on the property owner (lessors) interest for using the property for oil and gas drilling in accordance with State law and CTWP ordinances. The application does appear to meet the requirements for condition use of oil and gas drilling in a residential zone. 5) CTWP can apply additional conditions which are accepted by the applicant. The measure of appropriateness is based on reasonability. 6) At the public meeting held on May 26, 2015, the applicant was given an opportunity to describe its application (i.e. its intended use of the property) and the public was given an opportunity to express its support or raise issues for the CTWP Board consideration. Many issues were raised related to water quality, air quality, public safety and welfare, noise, light, and operations (e.g. workers residing at the site, facilities, pies, etc..). 7) The Supervisors worked diligently to define additional reasonable conditions to address each issue raised. Examples of condition discussed are: a) assuring public health associated with water and air quality emissions such as road dust, diesel exhaust, and releases of Volatile organic compounds (VOCs) and particulate matter associated with drilling, radon /radioactive materials, etc. b) assuring public safety related maintenance and use of roads, emergency response planning, workers residing at the site during all phases of site development, etc. 8) However, it should be noted that any additional conditions are required to be accepted as reasonable by the applicant. 9) Unfortunately, in my opinion, the conditions which were acceptable to the applicant do not assure the public's welfare even with the applicant receiving applicable State approval of various permits. 10) From my point of view, oil and gas drilling is an industrial operation that extends for an indefinite period well into the future. In the industrial hygiene community, where I have worked for 40 years, it is well-known that few scientific peer-reviewed studies have been done to quantify public health effects associated with long-term, low level doses of hazardous chemicals. The IH community has not defined permissible exposure levels for these oil/gas drilling chemicals which are safe over long periods of time for children or adults. This remains an unknown despite hydraulic fracking drilling being done for years so the belief that this drilling is safe because it has been taken place in Texas and Colorado and elsewhere is not to be relied upon. The risk should not be borne by the public. The burden should be on the applicant to prove its processes are safe under its industrial conditions. There have been short term studies that show an associated with adverse health effects any many anecdotal reports by

the public. 11) The problem is exacerbated in the following ways a) Many well sites are distributed throughout the community and some close to common residential populations. b) The applicant only addressed a part of the complete industrial operation, omitting pipelines, pigging stations and other future additions to the property in question related to distribution and use of gas. How can all conditions be defined with incomplete applications. 12) Therefore, despite certain State approvals, I believe that the conditions acceptable to the applicant fall well short of addressing the concerns expressed by the public.

I will vote no on the approval of this conditional use application because in my opinion the application lacks adequate evidence related to Chapter 350, Zoning: Article IX , Conditional Use, Section 350-51. In my opinion, the application content has not provided adequate evidence that the proposed development is: A) in accordance with the comprehensive plan, and consistent with the spirit, purposes, and intent of this chapter; B) it is in the best interest of the Township, the convenience of the community, the public welfare, and a substantial improvement to the property in the immediate vicinity; and, C) it is suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

Mr. Kiehl: “Be advised the applicant has met the expressed conditions of the Township Zoning Ordinance as they have done in this case for approval of this application. We could deny it. They will go into court and if they win, we don’ have any conditions. They will be able to do what they wish to do. I really feel it’s best to approve it with conditions, where we have some control over it and that is why I am voting yes.”

Mr. Marcischak: I would like to ask the Solicitor if he would be aware of anything that is not appropriate or if the Township be not legally in line if we would approve this?”

Mr. Liekar: “No. It is legally proper to approve the conditional use application with the conditions.”

Mr. Marcischak: “The Developer, in this case, Range Resources met all the conditions. They have met all legal ramifications what they need to do get this application at this point.”

Mr. Liekar: “They have met the express conditions and criteria as set forth in our Zoning Ordinance and Bill is going to ask for a roll call vote and in the event of a tie you will be able to vote on the motion.”

Mr. Marcischak: I agree too with many things that Rich has said and I think he has done his homework and has done an excellent job in a very professional way. Mr. Kiehl’s comments if we do something and it doesn’t have the conditions attached. We’re going to get a well, one way or another, so I believe for that reason I am going to vote yes, because I believe if we’re going to have a well, we might as well have a well we have some conditions over. I will vote yes when we get to the roll call vote.”

Mr. Blaine Lucas- Babst/Callend-Legal Counsel for Ranges Resources-“I thank you for your consideration and deliberation given to this. The Company’s position to this is we met all the

requirements of the ordinance and there are rigorous conditions per draft (41 in all) and the Company is clear and consistent to the last meeting would agree to all of these conditions except one, which is Condition Number 9 “On Site Housing”. We will not reinter ate our reasons for that.”

Mrs. Chris Schussler, 406 Summit Court, Houston PA advised that she was present for the last meeting where residents voiced their concerns. She went on to acknowledge that this is a tough decision and she can understand both sides of it. Yes. You do not support the well, however, which is the lessor of the two: getting one you can control or one you can’t control. I would like to request that the residents of the area receive copies of these conditions.

Mr. Kiehl advised her that a copy is available now. Anyone who wants a copy may have one.

Roll Call Vote: Mr. Kiehl: yes. Mr. Metzler: no. Mr. Marcischak: yes. Motion carried 2 to 1

STAFF REPORT:

Township Manager – Mrs. Noble submitted a written report to the Board.

Planning/Zoning Officer -Samuel Stockton

July 21, 2015 Planning Commission Meeting – There will be no meeting.

July 20, 2015 Zoning Hearing Board Meeting – The Board will hearing an application filed by Craig and Deborah Scott, of 170 Hallam Avenue, Meadow Lands PA requesting a variance to construct a detached garage 21’x26’.

Community Center Manager- Mr. Brozovich submitted a written report to the Board.

Public Works Director –Edward Jeffries reportedthe following to the Board

Trees – We will be removing the fallen tree at the Community in the near future.

Park – Both parks are ready

Buildings – We will be pouring the two concrete pads at the Community Center Friday

Ditching – We will be moving a slide on Sprowlls

Mowing – We have started the second cut mowing the country roads and we are about 25% finished.

Township Engineer – Mr. Slagle gave an update of the Developers Proposals.

1. MarkWest Railyard Site Plan - The Site Plan was submitted on 3/2/2015 for consideration at the 4/21/2015 Planning Commission Meeting. The Plan basically consists of the

construction of a LPG Tank Pad and Administrative Building for the existing Railyard. The primary concern is safety, proximity to the existing houses, lighting and public sewer service. The plan was resubmitted on June 25, 2015.

2. MarkWest Admin. Building Site Plan - The Site Plan was submitted on June 4, 2015 and considered at the last Planning Commission Meeting on 6/16/2015. The Plan basically consists of the construction of an Administrative Building for the existing Gas Plant Site. The primary concern is public sewer service.
3. PARCO Grading Plan – The Grading Plan was submitted on 2/17/2015 with comments on 2/23/2015 and resubmitted on 6/17/2015 to expand an existing Storage Lot along Johnson Road. The primary concern is floodplain encroachment and stormwater.
4. Range Bird Run Grading Plan – The Grading Plan (Permitted Conditional Use) was resubmitted on 4/1/2015 with comments on 4/10/2015 to create a New 2.5 Acre Well Pad along Kings Road. The primary concern is stormwater discharge, lighting and noise.
5. Pending SALDO Plans – The SALDO Plans on the Horizon for possible consideration at upcoming Planning Commission Meetings include: Horizon Warehouse Site Plan, Paxton Grove Subdivision Plan PH 2, SBA Tower Stormwater Plan and Marcellus Access Roads.

Mr. Slagle gave an update of the Capital Improvement Projects.

1. Midland Sewer Project – The Project is approximately 99 percent complete. Change Order No. 1 converting trench repair to roadway overlay was submitted to PaDEP for approval. We are finalizing the restoration. We have requested that PaDEP perform a Final Inspection of the project on 7/6/2015. We have prepared for the Township’s review/approval Estimate No. 11 to W.A. Petrakis Company in the amount of \$44,991.68 for consideration at the 7/14/2015 Township meeting. The project remains under the original bid of \$3,091,945. We still retain about \$28,000.
2. PennVEST Drawdown Request – We are waiting for PaDEP’s approval of Change Order No.1 to submit the Eleventh PennVEST Drawdown request
3. Piatt Off-Site Sewer District – We have prepared Piatt Off-Site Sewer District as requested by the Developer in accordance with Act 57 which establishes a reimbursement component of \$500/EDU with a \$25.00/EDU Township Administration Fee.
4. Piatt Off-Site Sewer Project – The Township could formally accept/adopt this sewer as a Public Sewer with the condition that the Developer removes the stone Rip-Rap in the stream along Arthurs Road as required by the Army Corps of Engineers/PaDEP/WCCD prior to Closing-Out of the NPDES Permit. Close-Out documents were executed by the Developer on 9/18/2014. The Developer plans to remove the Rip-Rap later this month. Consideration needs to be given to mandatory connections.

5. Chartiers Industrial Park Sewer Extension – We have completed the design regarding alternate sewer route and the Developer has acquired the sewer easements. The GP5/GP8's were sent to WCCD/PaDEP for approval.
6. McClane Farm Road LSA Grant Application – RAWC offered \$250,000 which increases the proposed monthly fee from \$50.00 to \$94.36. This monthly fee could be reduced by blending the existing customers into this sewer district, reducing the project scope or if the bids come in under budget.
7. McClane Farm Road Act 537 Plan – The approved Act 537 Plan requires that the project be completed by June 2016.
8. McClane Farm Road PennVEST Loan – The next window for PennVEST Loan/Grant applications is August 19, 2015.

Mr. Slagle gave an update of the On Going Developers Projects:

1. Piatt Estates Plan PH I/ PH 2A – Construction (PH I) started October 22, 2013 and was completed on 6/20/14. Construction (PH 2A) started 10/17/2014 and was completed on 11/17/2014. We requested revised As-Built Drawings of the plan.
2. Arden Mills Revised PRD PH 4 – Construction started on 10/17/2014. We are providing construction surveillance. We inspected the recent flooding on 7/7/2015.
3. Sunoco/Mariner Pipeline Grading Plan – We met with Sunoco on 4/28/2015 to review the roadway safety repairs prior to the bond release. We marked the defects on Paxton Farm Road on 5/6/2015. We marked the damaged portions of the roads and prepared a cost estimate of \$202,651 vs the Bond amount of \$206,250. Sunoco has requested a follow-up meeting at our office which we deferred until confirmation by the Township.
4. Arden Mills PRD Plan PH III – We are reviewing the As-Builts for the roadway and the original plan. We inspected the recent flooding on 7/7/2015 and assembled documentation regarding the Flooding on McClane Farm Road.
5. Kingston Estates PH I – We prepared a letter of Final Matters requesting As-Built Plans for PH I before adoption by the Township. No Further Action.
6. Summit Plan PH I – The Developer requested that the Township take over PH I on 3/12/2015. We prepared a letter of Final Matters on 4/7/2015 requesting As-Built Plans for PH I before adoption by the Township. The Developer paved the PH II road system on 5/15/2015. We have a meeting with the Developer and PA American to discuss the new roadway cut on 7/14/2015.
7. Arden Mills Revised PRD Phase 5 – Construction started 5/19/2015. We contacted the WCCD regarding the lack of E&S Control.

8. Hawk's Landing Subdivision Plan – We reviewed the shop drawings, established the Bonding requirements. The project is scheduled to start this month.
9. Southern Woods Subdivision Plan – We reviewed the shop drawings, established the Bonding requirements. The project is scheduled to start this month.
10. Chartiers Industrial Park PHI/PHII – We contacted the Developer regarding a schedule for plan completion.

Mr. Slagle gave an update on On Going Township Projects

1. 2015 Sewer Rehabilitation Project – The project started on 6/16/2015 and is about 25% complete.
2. CHJA Hydraulic Overload – CHJA has threatened to proceed with the design and construction of PH I/II at a cost of \$47.5M in CONFLICT with the Act 537 Plan.
3. Summit Storm Sewer Project – The Contractor completed the work on 12/10/2014. We prepared/submitted the Final Estimate (\$28,904.20) to the Developer for payment. We revisited the site to inspect the grass replanting by the contractor. The Township still holds \$9,000.
4. 2015 Paving Project - The project is scheduled to start at the end of July 2015 for: Green/Riggle/Haft Streets/Linda Lane/Upper McClane Farm Road/Hayes & Pine Avenues.
5. Detention Basin Ownership/Maintenance Fund – We have prepared for the Township's consideration the Special Purpose Stormwater Maintenance Fee consistent with the Township's Act 167 Stormwater Management Plan.
6. Community Center ADA Sidewalk Project – We completed the design for the Community Center ADA Sidewalk Project utilizing the PaDEP Grant Opportunity Grant of \$20,000 to serve the playground/pavilion area. Bid opening on 7/28/2015.
7. Silver Maple Extension – Acquired survey data, inspected the site and prepared preliminary estimate to extend the road. Our Original Project cost estimate of \$300,000 was confirmed by an independent contractor (Shellenberger Contracting) quote of \$293,000.

Township Solicitor – Mr. Liekar had no report.

SUPERVISOR REPORTS:

Mr. Kiehl: no report

Mr. Marcischak: no report

Mr. Metzler: no report

OLD BUSINESS:

1. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to ratify the Right-of-Entry with Charles R. Meddings for the Meddings Road repair project as recommended by the Township Solicitor and Township Manager. All Supervisors voted yes the motion was carried.
2. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to amend Chapter 41 of the Chartiers Township Code of Ordinance, Pensions to make the language in the Chartiers Township Police Pension Plan consistent with Act 600 of 1956, as amended as recommended by the Township Manager and adopt Ordinance No. 351 accordingly. All Supervisors voted yes. The motion was carried.
3. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to amend the Chartiers Township non-uniform pension plan to make the language consistent with Act 205 as recommended by the Township Manager and adopt Resolution R-4-2015 accordingly. All Supervisors voted yes. The motion was carried.
4. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to approve Partial Payment No. 11 to W.A. Petrakis Company for the Midland Sewer Project of \$44,991.68 as recommended by the Township Engineer in his estimate dated July 9, 2015. All Supervisors voted yes. The motion was carried.

NEW BUSINESS:

1. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to approve the agreement with GG&C Bus Company Inc. for a bus trip to J&D Winery in the amount of \$325 as recommended by the Parks and Recreation Committee. All Supervisors voted yes. The motion was carried.
2. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to accept the resignation of Betsy Heinz from the Friends of the Park Committee. All Supervisors voted yes. The motion was carried.
3. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to appoint Betsy Heinz to the Parks and Recreation Committee for a term of 5 years, until the first Monday of January 2020. All Supervisors voted yes. The motion was carried.
4. A motion was made by Mr. Metzler and seconded by Mr. Marcischak to authorize payment of invoices (General Fund: Check #30232-#30296: \$192,800.91; Light/Fire Hydrant Fund: Check #1521-#1523: \$9,804.27; Act 13 Impact Fee Fund: Check #1069-#1072: \$37,370.70; Sewer Fund: Check #2859-#2863: \$4,408.82; Midland Sewer Fund: Check #1047: \$44,991.68; Local Service Tax Fund: Check #1054-#1058: \$3,066.93; RT. 18 SLE Fund: Check #1211,#1212: \$60,037.50; Capital Reserve Fund: Check #1036-#1041: \$43,088.96; CTCC Operating Fund:

Check #1107-#1118: \$4,176.35; Total All Funds: \$399,746.12). All Supervisors voted yes. The motion was carried.

DISCUSSION ITEMS:

1. Meddings Road – Mr. Jeffries advised that the pipe was installed on the upper side today. They used approximately 2,000 ton of R-4 aggregate to stabilization. Road to be paved next week.

2 – Railroad Street Bridge – Mr. Jeffries advised that the project is to begin tomorrow. The contractor is going to construct the access road on the upper side. When the temporary road goes through the contractor will contact the Fire Department to make sure it is strong enough and straight enough in order for emergency vehicles to have access and completion within two to three weeks.

3. Allison Hollow Loan Pay Down – A motion was made by Mr. Metzler and seconded by Mr. Marcischak to use Act 13 money in the total amount of \$500,000 to pay down the Allison Hollow loan. All Supervisors voted yes. The motion was carried.

4. Truck acquisition – A motion was made by Mr. Metzler and seconded by Mr. Marcischak to authorize obtaining specifications for a truck acquisition. All Supervisors voted yes. The motion was carried.

5. Citizen Request System Update – Earlier in the year the Board authorized software to provide a Citizens Request Online System. The Chief of Police, Public Works Director and Township Manager were trained last week on it.

6. Flash Flooding of 7/6/15 - The Fire Department were out in full force as well as the Public Works Department on flooding problems throughout the Township.

7. Second Quarter Interim Financials-This year we are doing quarterly interim financials in the form of unaudited financial statements with notes explaining where the Township stands which was provided to the Board for their review. .

8. 2017-2021 TIP – The State takes testimony and received input on State Road Projects. If there is any state roads crucial of repairs the Township needs to prepare a list in order to notify the County. Suggestions: the bridge on North Main Street and the flooding on Museum Road and the bend on West Pike Street.

9. Newsletter – Mr. Brozovich has been working on a newsletter high lighting a number of fall programs, at the Community Center. Mrs. Noble inquired if the Board would like to make it a full newsletter, not just recreation? The consensus of the Board was to extend it.

PUBLIC COMMENT:

Mr. Jeff Simpson, Fire Department President informed the Board that the Fire Department generator is nearing completion. The Fire Department voted to donate the older generator to the Township. The Contractor will be notified to calibrate all the components and then turn it over to the Township.

ADJOURNMENT:

The meeting adjourned at 4:48 pm.

John M. Marcischak
Secretary

Wendy Williams – Recording Secretary