

FAIRFIELD TOWNSHIP REGULAR MEETING HELD ON NOVEMBER 13, 2008



I. MEETING CALLED TO ORDER AT 7:00 PM BY PAUL ALTIMUS, CHAIRMAN.

II. ROLL CALL: PAUL ALTIMUS-PRESENT JAMES BROWN-PRESENT SOLICITOR-PRESENT (J.M.)
VAUGHN TANTLINGER-PRESENT SECRETARY-PRESENT (EJB) CITIZENS-16

III. PREVIOUS MONTHS MEETING HELD ON OCTOBER 9, 2008: APPR BY VAUGHN, 2ND BY JIM, UNAN-YES.
BUDGET WORKSHOP MEETING HELD ON NOV. 6, 2008: APPR BY VAUGHN, 2ND BY PAUL, UNAN-YES.

IV. TRUE BILLS PAID AND TO BE PAID ON THE FINANCIAL STATEMENT DATED OCTOBER 2008: MOTION TO APPROVE BY PAUL, 2ND BY JIM, MOTION CARRIED WITH VAUGHN ABSTAINED FROM 3 T'S FARM.

V. CORRESPONDENCE: **1. LETTER FROM XTO ENERGY-WELL PERMIT APPLICATION FOR MARCELLA SHALE ON ALAN CHRISTIANSON'S PROPERTY LOCATED ON SR1013 KNOWN AS KNUPP ROAD, IT CONNECTS RTE 711 AT THE FT PALMER CHURCH AND SR259.** PAUL STATED TWP JUST RECEIVED THIS NOTICE TODAY. LIMBACH SAID THE TWP NEEDS TO BE AWARE OF THE LARGE AMOUNT OF WATER IT TAKES AND HOW THEY HANDLE THE DISPOSAL OF THE WATER AFTERWARDS. VAUGHN SAID THERE WAS A GOOD NEWS REPORT ON CHANNEL 4, SOME SEWAGE PLANTS WERE LETTING THEM USE THEIR FACILITIES FOR DISPOSAL, BUT CAN NOT EXTRACT THE METAL. LIBBY POINTED OUT THAT IT SHOWED PICTURES OF DRIED UP STREAMS. LIMBACH SAID HE DOES NOT THINK THIS KIND OF WATER WITHDRAWALS ARE SANCTIONED BY THE STATE. THE NEWS SAID THAT THEY CAN IN WESTERN PA. ASKED IF IT SHOWED THE STREAMS THEY WERE GOING TO USE. **2. REGINA GARLAND REQUESTED TO GO TO A WORKSHOP FOR BASIC TRAINING FOR ELECTED AUDITORS ON DEC. 11TH AT STATE COLLEGE, REGISTRATION FEE IS \$50.** MOTION BY PAUL, 2ND BY VAUGHN TO PERMIT ANY OF THE 3 ELECTED AUDITORS ATTEND THE WORKSHOP FOR ELECTED AUDITORS WITH REGISTRATION FEE AND MILEAGE BEING PAID BY THE TOWNSHIP, UNAN-YES. **3. LETTER FROM BARB ALTIMUS RESCINDING HER BID FOR THE 1990 4 WHEEL DRIVE FORD F250 PICKUP TRUCK, WITH PLOW AND SPREADER.** PAUL CHECKED WITH THE SOLICITOR IF THE TWP CAN AWARD TO THE NEXT HIGHEST BIDDER FROM THE ORIGINAL 3 BIDS RECEIVED. SOLICITOR SAID THEY COULD OFFER TO THE NEXT HIGHEST BIDDER THE TRUCK. PAUL MADE A MOTION TO ACCEPT THE NEXT BID DOWN WHICH IS FROM HUGHES EXCAVATING FOR \$3060.99 AND AFTER 15 DAYS IF HE FAILS TO PARTICIPATE, NOTIFY THE NEXT BIDDER IN LINE, 2ND BY VAUGHN, UNAN-YES. HUGHES EXCAVATING WAS IN THE AUDIENCE AND HE SAID HE WILL LET THE TWP KNOW WITHIN THE 15 DAYS.

VI. PERSONS PLACED ON AGENDA: NO ONE

VII. OLD BUSINESS: 1. PROPOSED BUDGET FOR 2009—COPIES ARE AVAILABLE FOR PUBLIC INSPECTION. SECRETARY STATED THAT WHEN THE BOARD ADOPTS THE 2009 BUDGET, THE TAX RESOLUTION INCREASES THE TAX MILLS FROM 2.1 MILLS TO 3.1 MILLS, ANY DISCUSSION SHOULD BE PRIOR TO THE FINAL ADOPTION SCHEDULED FOR DEC. 11TH REGULAR MEETING. VAUGHN STATED THE TAX INCREASE IS ONLY 1 MILL. PAUL SAID THE 1 MILL WILL GENERATE APPROXIMATELY \$22,000 ADDITIONAL REVENUE FOR THE TWP. VAUGHN SAID FUEL USAGE WENT FROM AROUND \$4,000 A YEAR TO \$17,000. BILL HUGHES POINTED OUT FUEL COST IS COMING DOWN. PAUL SAID ON THE BACK OF THE TAX INCREASE YOU CAN DO A COMPARISON OF ALL THE TAX MILLAGE FOR WESTMORELAND COUNTY. MOTION MADE BY PAUL TO TENTATIVELY ADOPT THE PROPOSED 2009 BUDGET RES#4-2008 INCLUDES RES #5-2008 TAX LEVY FOR 2009 AND TO ADVERTISE TENTATIVE ADOPTION AND FINAL ADOPTION SCHEDULED FOR DEC. 11, 2008; 2ND BY JIM, UNAN-YES. PAUL ASKED SECRETARY WHERE IT WILL BE ADVERTISED, SECRETARY SAID LIGONIER ECHO.

VIII. NEW BUSINESS: 1. SECRETARY INFORMED THE PUBLIC THAT SHE ATTENDED A WORKSHOP IN INDIANA ON FILING ALL PENNDOT FORMS ELECTRONICALLY. IN ORDER FOR THE TWP TO FILE ELECTRONICALLY THE TWP HAS TO ADOPT A RESOLUTION AND SIGN AN AGREEMENT AUTHORIZING ACCESS TO ELECTRONIC PENNDOT SYSTEMS. PAUL MADE MOTION TO ADOPT RES. #6-2008 FOR PENDOT FORMS AND THE AGREEMENT FOR ELECTRONIC ACCESS TO PENNDOT SYSTEMS; 2ND BY VAUGHN, UNAN-

YES. **2. HICKMAN LUMBER REQUESTED ROAD BOND RELEASE FOR STIFFLER RD, KEIPER RD, AND TANTLINGER HOLLOW RD IN THE AMOUNT OF \$16,500.00;** VAUGHN ANNOUNCED THAT THE DID REPAIR THE DAMAGE THE DID ON KEIPER ROAD AND DID SOME WORK FOR US ON ZUFALL ROAD, HE SEES NO REASON WHY THE TWP CAN NOT RELEASE THE ROAD BOND. MOTION BY VAUGHN TO RELEASE HICKMAN LUMBER ROAD BOND IN THE AMOUNT OF \$16,500; 2ND BY JIM, UN-YES. **3. GREAT LAKES ENERGY (RANGE RESOURCES NOW) REQUESTED ROAD BOND RELEASE FOR COW BRIDGE ROAD IN THE AMOUNT OF \$2400;** VAUGHN SAID HE AND JIM MET WITH A GENTLEMAN THERE TODAY, THEY DID SOME DAMAGE ON HARTMAN ROAD TR729. THEY ARE GOING TO COME IN AND RESURFACE WHAT THEY BROKE. THEY DID ADD A LOT OF MATERIAL ON COW BRIDGE WHEN THE DID A COAL BED METHANE WELL. MOTION MADE BY VAUGHN TO RELEASE GREAT LAKES BOND CONTINGENT UPON SUPERVISORS APPROVAL OF THE WORK DONE ON HARTMAN, 2ND BY PAUL, UN-YES. PAUL ASKED SOLICITOR ABOUT THE OPEN RECORDS LAW—DOES THE TWP NEED A RESOLUTION? SOLICITOR STATED THEY WILL TO APPOINT A OPEN RECORDS OFFICER EITHER AT DECEMBER MEETING OR FOR THE REORGANIZATION MEETING IN JANUARY. SOLICITOR WILL MAKE SURE THE TWP HAS A RESOLUTION READY FOR DECEMBER MEETING IF THEY WANT TO ADOPT IT THEN.

PUBLIC COMMENT: 1. BOB MALNOSKY—ASKED FOR THE DATE OF THE XTO WELL. VAUGHN SAID IT DOES NOT EVEN HAVE A DEP APPROVAL NUMBER. PAUL SAID TWP WILL GIVE BOB A COPY OF THIS NOTICE. VAUGHN SAID XTO IS A SUBSIDIARY TO TKI, THEY ARE WORKING WITH TKI. BOB ASKED ABOUT THE DRAFT NOISE ORDINANCE. HE THINKS THE TWP SHOULD MOVE ON IT. **2. MIKE SHANK**
3. JIM FERRI **4. WALTER KRAUSE** **5. BILL HUGHES**-ASKED WHAT THE NOISE ORDINANCE TAKES CARE OF. PAUL SAID ANY AND ALL NOISE POLLUTION—FROM WEED EATERS TO LAWNMOWERS TO MUSIC,

AUTOMOBILES. KURT LIMBACH SAID THEY ARE ALL EXEMPTED AS LONG AS THEY USE THE MANUFACTURERS DEVICES ON IT. BILL ASKED WHY IT IS BEING ENACTED. BOB MALNOSKY SAID FOR EQUIPMENT OPERATIONS AFTER CERTAIN HOURS. LIMBACH SAID AFTER 9 PM AND BEFORE 7 AM. CHUCK KRAUSE SAID WHAT ABOUT SWING SHIFTS? BARRY TUSCANO SAID IT STATES IN THE ORDINANCE ABOUT THE NOISE LEVELS DURING THE DAY 70 DECIBELS. BILL SAID HE THOUGHT IT WAS TO DETER THE QUARRY. LIMBACH SAID THEY WOULD HAVE TO SPEND A LITTLE MORE MONEY TO MEET THE ORDINANCE. BILL SAID THE MAIN CONCERN IS TO DO WITH THE WATER. HE HAS SENT LETTERS INTO DEP AND HAS NOT HEARD ANYTHING BACK. THEIR CONCERNS ARE ABOUT LOOSING THE WATER. HE FEELS SOMETHING LIKE THIS IS JUST PASSING THE BUCK. THEY NEED THESE COMPANIES TO CLAIM RESPONSIBILITY, NOT JUST BRING IN A WATER BUFFALO. THEY NEED TO SAY IF YOU LOOSE YOUR WATER THEY WILL PURCHASE YOUR PROPERTY AT MARKET VALUE OR 1-1/2 TIMES MARKET VALUE—BASICALLY THEY ARE FORCING YOU TO LEAVE YOUR PROPERTY IF YOU LOOSE WATER. BILL SAID THIS IS NOT GOING TO STOP THEM FROM OPERATING. **6. LIBBY HUGHES** ASKED IF TWP PASSES THIS, THE NEXT STEP IS TO WORK ON PROTECTING THE WATER. BILL SAID WHEN HE WORKED AT THE TWP—BASICALLY THERE IS NOTHING THAT CAN BE DONE. LIMBACH SAID THIS IS SOMETHING THAT CAN BE DONE ON A TWP LEVEL. LIMBACH SAID THIS IS A START, IT PROTECTS OUR WAY OF LIFE. BILL SAID THAT JOHN KRADEL SAID THE ORDINANCES ARE NOT WORTH ANYTHING BECAUSE TWP DOES NOT HAVE AN ENFORCEMENT OFFICER. LIMBACH SAID ANYBODY CAN BE THE ENFORCEMENT OFFICER. SOLICITOR SAID IT DOES NOT LOOK LIKE TWP WILL HAVE AN OFFICER ANYTIME SOON, SOMEONE WILL HAVE TO BE APPOINTED TO WRITE THE CITATIONS, YOU DO NOT HAVE TO BE IN LAW ENFORCEMENT TO BE THE ORDINANCE OFFICER. BOB SAID BILL IS GOING TO GET THE NOISE IF THE QUARRY GOES IN. **7. KURT LIMBACH** SAID IT WAS 315 DISTURBED ACRES SURFACE MINE FOR LIMESTONE AND COAL. KURT ASKED THE SUPERVISORS IF THERE IS ANY PROBLEM WITH PASSING THIS ORDINANCE. SOLICITOR SAID IT WOULD HAVE TO BE ADVERTISED. KURT SUGGESTED ADVERTISE AND ADOPT AT NEXT MEETING. **8. BARRY TUSCANO** WOULD ALSO LIKE TO SEE THE NOISE ORDINANCE ENACTED. ALSO WANTS TO COMMEND THE TWP ON THE WORK THEY DID ON THE DRAIN BY HIS PLACE, HOPEFULLY THEY CAN CONTINUE CORRECTING THE DRAINAGE. **9. GRANT SCOTT** FROM 259 AND HE TALKED TO VERNERS AND THEY WOULD LIKE THE NOISE ORD. PASSED. PAUL ASKED HIM TO SIGN IN. **10. KITTY TUSCANO** SHE WOULD ALSO LIKE TO SEE THE NOISE ORD. PASSED. **11. CHUCK PAYNE** ASKED TWP HEARD ANYTHING FROM AMFIRE. CHUCK HEARS THAT AMFIRE IS IN A BIND, THEY HAVE TO HAVE THEIR GROUND FOR THE MINES—CHUCK OWNS THE MINERAL RIGHTS. AMFIRE DID CONTACT THEM IN APRIL. **12. SUZY PAYNE**—AMFIRE DID FILE FOR PERMITS WITH DEP. PAUL ASKED HER IF SHE COULD GET A DATE FOR THE TOWNSHIP. BILL HUGHES ASKED IF THEY USED TWP ROADS WITHOUT BONDING, PAUL SAID NO. PAUL ASKED IF THEY DID ANY CORE SAMPLING ON THE BOLIVAR GROUND. BOB AND SOLICITOR SAID THEY DID NOT HEAR ANYTHING. CHUCK PAYNE SAID THEY DID A CORE SAMPLE NEXT TO HIS PLACE. THEY ARE PROJECTING A DEEP MINE. LIMBACH SAID THEY WILL PUT IN A LONG WALL. CHUCK KRAUSE SAID THE STATE SAID CAN NOT DO NEW LONG WALLS, JUST THE MINES THAT ALREADY HAVE THEM. SUZY IS TO GET US INFORMATION REGARDING THE DEP. **13. ERN HENDERSON** **14. DEAN ROBINSON** FOR THE NOISE ORDINANCE. **15. MAUREEN BLON** **16. PAULA BROWN**

BACK TO MEETING: PAUL ASKED FOR ANY COMMENTS ON THE NOISE ORDINANCE. NONE. PAUL MADE A MOTION TO ADVERTISE FOR CONSIDERATION ORDINANCE #1 NOISE ORDINANCE, 2ND BY VAUGHN, UN-YES. VAUGHN SAID IT IS NOT GOING TO AFFECT NORMAL USE. VAUGHN AND JIM ASKED RANGE RESOURCE IF THE NOISE ORD. WOULD AFFECT THEM FOR THE MARCELLA SHALE—HE SAID NO, THEY ARE UNDER 50 DECIBELS. CHUCK KRAUSE ASKED WHERE YOU GET A METER. BOB SAID DEP HAS THEM.

ADJOURNMENT: MOTION BY PAUL, 2ND BY VAUGHN TO ADJOURN, UNAN-YES.