

**BOROUGH OF LAWRENCEVILLE
REGULAR MEETING
September 6, 2011**

CALL TO ORDER

Gordon Chilson, Vice President, called the Regular Meeting of the Lawrenceville Borough Council to order at 7:04 PM with the Pledge of Allegiance. Mayor Diana Barnes swore in Kris Davis as a Council Member.

ROLL CALL

Council Members:

Marian Russell

Mildred Bliss

Maxine Smith

Gordon Chilson

Larry Barnes

Jack Young-Absent

Kris Davis

Mayor:

Diana Barnes

Secretary:

Judy Woythal

Visitors: Judy Kenyon

Jim Baker

Marty Burrows

Jason Przybycien (Wellsboro Gazette)

Lucy Wagers

Ed & Theresa Lockhart

Adda, Mary Ann & Ronald Gontarz

Al & Lucy Losey

Robin Burch

Jim Remick

Donald Stewart

Keith Kuzio, President Larson Design

Bev & Bill Shoup

Bob & Nancy Tierney

Bill Dincher

Ken Leone

Janet Abramson

Janet Abramson

Jerry Bryant

Alex & Rosita Delia

Larson Design

Craig Stage

Karen, Leanna & Steve Flynn

Janet & Walt Beach

Nancy Funck

Tom Rotsell

Cindy Burrows

APPROVAL OF MINUTES

Larry Barnes made a Motion to approve the minutes of August 1, 2011, August 4, 2011, August 8, 2011 and August 16, 2011, seconded by Maxine Smith. A Roll Call Vote was taken with all members present voted yea, except Kris Davis voted No.

PUBLIC PRESENTATIONS– Keith Kuzio, Larson Design President, answered questions from the visitors regarding the TARM project. A resident asked if there was a sludge press. Keith stated that the Gen 1 facility would treat and recycle frack water and pressed in sludge presses. There would be approximately one roll off per day and a sample test for radio activity would be done on every load. The sludge can be taken to any registered landfill. The wash down sediment works its way back through the process. Full containment is included in the DEP permit.

Keith Kuzio stated their DEP permit would not allow them to dump any fluids or sludge into the local watershed. The wastewater would be filtered and sold back to the gas drilling companies.

Rose Delia, resident, asked about frack pits or ponds and noise levels? Keith Kuzio stated that the preliminary design has enclosed storage and the noise level is not yet defined and would be an ordinance requirement. Rose commented that the Borough Ordinance does not set a noise level, it only falls under the nuisance ordinance. Rose reported on a news article regarding Range Resources challenging a South Fayette Township Ordinance.

Nancy Funck, resident, asked what type of building, when did TARM approach the Borough, is the funding a donation and is concerned with legal fees. Keith Kuzio thanked everyone for coming and asking questions. Keith stated the building would be metal and it was about a year ago that TARM approached the Borough. They were initially interested in a variance, with the Ordinance unclear, the Borough proposed an amendment for conditional use. There would be a written agreement regarding the funding for the impact fee based on the gallons of water received. The impact fee would help mitigate the presence of TARM in the Borough. The funding would be paid to a non-profit foundation, to be used to benefit the Borough.

Keith Kuzio reported that on the average there would be 6 trucks per hour and approximate 20 minutes unload and reload time per truck. There would be a pre-engineered metal building. The plant would be similar to the Williamsport plant and the road is bonded in Williamsport. Don Stewart, resident, commented he had toured the Williamsport plant and was impressed with it.

Keith Kuzio answered the question Why Lawrenceville Borough? The site was considered because it is close to the river, close to the highway and close to drilling patterns of clients.

Some residents were concerned with what happens when TARM is no longer using the facility. Keith stated there would be a surety bond to decommission the facility and the building could be used for another business. DEP regulations will require any contamination be cleaned up.

Bill Dincher is concerned that if we accept this conditional use, we must accept others. He suggested taking the TARM acreage and the R & T acreage and looking to creating a light industrial zone. He suggested tabling the ordinance and considering what else is going on.

Nancy Funck questioned that some details in the proposed ordinance would not stand up in a court of law and that the Oil and Gas Act supersedes the ordinance. Nancy is concerned with the quality of life. She spoke about the South Fayette Court Case. She is concerned about legal fees the Borough would have to pay if they went to court. She asked why our solicitor proposed an Ordinance with a conditional use and not a rezoning. Bill Dincher commented that a solicitor works from the information he receives from his client.

Gordon Chilson expressed his concern about opening up all the agricultural zoned property to other waste water treatment plants and other parts of the Oil and Gas Industry, such as a staging area.

Rose Delia commented that the State Law in PA states that a well can be drilled 200 feet from a home and the Oil and Gas Industry is excluded from the safe drinking water act and clean water act.

Keith reported that typically they are able to withdraw water 9 months out of the year. There could possibly be \$ 400,000 per year for Lawrenceville Borough, but the more realistic figure would be 50% or \$ 200,000 per year. Gordon Chilson asked about a cost of living increase of the impact fee. Keith commented: not at this time. The facility would be running 24 hours a day, except Thanksgiving, Christmas and New Years. It would employ 6 to 10 full time employees at an average salary of \$ 40,000 per year and would encourage local people to apply for the positions.

Janet Beach, resident, asked how many times the water can be recycled. Keith said it could be recycled up to 10 times. DEP does not permit brine water to be used on roads at this time. In reference to truck traffic, Janet stated that there were more trucks traveling through the Borough when Route 15 went through the Borough.

Mansel Odell, resident, asked Keith where the other proposed site is located that they are considering. Keith stated it would not be appropriate to discuss the other location. Mansel commented we should be proactive, take benefits and bring in revenue. We would deal with negatives even if the plant is not in the Borough.

Tom Rotsell presented the Borough a check from Rotsell's Restaurant in the amount of \$ 500 in memory of Melvin Davis for the Melvin Davis Memorial Park. Tom Rotsell commented that he was aware that Larson Design had applied to Lawrence Township for permission to construct a plant and the Borough would still have the noise, pollution and trucks.

Jerry Bryant talked about a newsletter he received from Senator Scarnati's office proposing legislation by March of 2012, money designated for spills/problems for Boroughs. The bill would not interfere with any community that elects to ban drilling by local ordinance or restricting drilling activities. Those communities will not be eligible for a portion of the funds.

Ed Lockhart commented he is not against the gas, but is against the effect the trucks has on his house and property. The vibration of the trucks damages his house and the dirt/dust settles on his property. He brought in a container of dirt that had settled on the street in front of his house.

Bill Dincher asked Keith if the road will be gravel or pavement. Keith commented that they are proposing 200 feet of pavement, then gravel beyond that, so mud will not be an issue.

Walt Beach asked Keith Kuzio about the equipment to be used in the plant. Walt stated that Keith just described the same equipment and process as our 27 year old sewer plant has, which he has run for 18 years with no spills.

A resident asked: Will treated water be discharged into the river. Keith stated the recycle and reuse would not have a discharge, except a filter cake that goes into the landfill. The GEN 2 evaporator would concentrate into brine or process water to DEP standards.

Gordon Chilson commented that the Conditional Use Ordinance would be superseded by the PA Oil and Gas Act, if we leave it zoned agricultural Larson would be out. We could rezone instead of conditional use.

Jason Przybycein, Wellsboro Gazette reporter, commented that a Senator stated that DEP is regulation enough and doesn't want to bring in the EPA. Jason also reported that Jim Weaver, county planner, signed off on the proposed Ordinance. The Court case regarding South Fayette was in regards to regulating drilling.

Bill Dincher asked Keith about a timeframe that they wanted an answer. Keith stated there was no pressure from him but time is of the essence. If we find a client that wants us to build a facility we can locate it somewhere else. Keith commented that the conditional use allows us to place conditions on them, if you give them a permitted use in an industrial zone, you do not have any legal ability to place conditions on them. Gordon Chilson commented that what he read about the Oil and Gas Act, conditional uses do not fly, we can govern it through zoning not conditional use.

Jerry Bryant commented that we voted the 7 people on Council plus the Mayor and the decision is up to the Council and that the residents had a chance to speak at the public hearing.

COMMUNICATIONS –

TREASURER'S REPORT- Mildred Bliss made a Motion to accept the Treasurer's Report, seconded by Marian Russell. All members present voted yea.

PAYMENT OF BILLS – Marian Russell made a Motion to pay the bills in the amount of \$ 40,456.35, plus the bills for grass seed from Gordon Chilson when received, seconded by Larry Barnes. All members present voted yea.

MAYOR'S REPORT- Diana Barnes reported she was approached by Mr. Tierney regarding dumping on the Weaver Street Heysham property. Gordon Chilson stated that the No Dumping Sign was due to people dumping other debris (trash, metal) that was not clean fill. Diana submitted to the Council \$ 150 for a donation to the library for weddings performed.

COMMITTEE REPORTS

A. Library-Chilson Brothers will not be able to do the repairs until colder weather. Gordon Chilson reported that he spoke with the Krieger Foundation chairman and suggested the Council send a letter notifying we will be delayed in spending the grant money for the repairs. The library committee will review the side steps that need repair.

B. Building Enforcement/Zoning Officer –The personnel committee had interviewed Bill Dincher for the Code Enforcement/Zoning Officer position. Mildred Bliss, personnel committee chairman, recommended Bill Dincher for the Code Enforcement/Zoning Officer position. Marian Russell made a Motion to appoint Bill Dincher as the Code Enforcer/Zoning Officer, seconded by Mildred Bliss. All members present voted yea.

A request for zoning information on what can be built on 4.5 acres on Mechanic Street was received. Bill Dincher will contact the person.

Robert Dean-subdivision proposal-16 James Street. The Council asked Bill Dincher to review the maps. Larry Barnes made a Motion to sign maps after Bill Dincher signs off with approval, seconded by Maxine Smith. All members present voted yea.

C. Public Works: Streets and Dikes-Cinders-we need to check inventory. Larry Barnes made a Motion to purchase cinders that are needed for the winter, seconded by Marian Russell. All members present voted yea.

Snowplowing will be put out for bid, as there were some complaints last year.

**D. Personnel and Appointment – Vacancy Board position
The vacancy board is used to appoint someone to the Council if there is a vacancy. The vacancy board consists of the Council members plus one Borough resident excluding the Mayor. Marian Russell made a Motion to appoint Mansel Odell to the vacancy board, seconded by Maxine Smith. All members present voted yea.**

UNFINISHED BUSINESS-

Ordinance #2-2011-Oil & Gas Development-Marian Russell made a Motion to put up for a vote Ordinance # 2-2011, seconded by Larry Barnes. A Roll Call Vote was taken with Mildred Bliss, Kris Davis, Marian Russell, Maxine Smith, Larry Barnes voted yes and Gordon Chilson voted NO. Motion passed 5 to 1.

Marian Russell made a Motion to vote down Ordinance # 2-2011 Oil & Gas Development, seconded by Larry Barnes. A Roll Call Vote was taken with Kris Davis, Marian Russell, Maxine Smith, Larry Barnes, Gordon Chilson

voted yes and Mildred Bliss voted NO. Motion passed 5 to 1. The Ordinance is off the table.

Ordinance # 1-2011 zoning amendment-conditional use-water-The Council discussed the Ordinance. Marian Russell made a Motion to table voting on Ordinance # 1-2011 until Monday September 19, 2011 to give time for the solicitor to answer questions the Council has, seconded by Mildred Bliss. A Roll Call Vote was taken with Kris Davis, Mildred Bliss, Larry Barnes, Maxine Smith, Marian Russell voted yes and Gordon Chilson voted NO. Motion passed 5 to 1.

Recodification – The Council asked Bill Dincher to review the book.

Tax Abatement Program–Bob Blair will be attending our October meeting.

Police Protection – Township –

Electric pricing – Marian Russell is research pricing from other companies.

Playground Project –The Council discussed the perimeter borders and fence. Gordon Chilson suggested that perimeter borders be installed to keep the protective surface and dirt from falling in. We would need treated wood borders and posts installed at an approximate cost of \$ 3,000. Larry Barnes made a Motion to purchase the treated wood borders and posts for the perimeter, seconded by Maxine Smith. All members present voted yea.

Park Fence-It was suggested not to re-install until the repaving is completed. For safety the Council approved to have the maintenance man purchase a plastic safety fence to be put up at the Playground project.

NEW BUSINESS –

Clean Up Day will be held September 24, 2011 from 8:00 am to 1:00 pm. Kris Davis and Gordon Chilson will help.

Lighting upgrades Mini-Grant \$ 2,000 available from N RTPDC. The Council discussed the grant and decided to not apply for the grant. Lights will be replaced when needed.

TCC-Earned Income Tax-Keystone Collections Group starting 1/1/12. The Council will need to decide if they want PAMS or Keystone to collect the delinquent. The secretary will be attending a meeting at which a Keystone representative will be the speaker.

Tioga County Hazard Mitigation Plan Resolution-due by 11/30/11. Council members were given paperwork to review and will discuss at the October meeting.

At 10:08 PM, Mildred Bliss made a Motion to continue the meeting on September 19, 2011, seconded by Kris Davis. All members present voted yea.

September 19, 2011

ROLL CALL

Council Members:

Marian Russell

Mildred Bliss

Maxine Smith

Gordon Chilson

Larry Barnes

Jack Young

Kris Davis

Mayor:

Absent

Secretary:

Judy Woythal

Visitors: Marilyn Day

Bill Dincher

Lucy & Al Losey

Gerald Bryant

Walt Beach

Terry Gleason

Greg Cummings

Rosita & Alex Delia

Chet Bryant

Nancy & Bob Tierney

Robin Burch

Dianna & Donald Robinson

At 7:00 PM on September 19, 2011 the continued meeting was reconvened. Council President stated that since this was a continuation of the September 6, 2011 meeting and public presentations were given at that meeting, no public presentations will accepted tonight.

UNFINISHED BUSINESS:

Ordinance # 1-2011 zoning amendment-conditional use-water. The Council reviewed the letter received from Attorney Chris Lantz dated September 16, 2011, regarding TARM/Public Hearing.

Gordon Chilson stated that neither TARM nor any other property owner of agricultural property in the Borough made an application to rezone agricultural property with a conditional use. He asked why we are changing the zoning before an application is received. He commented that the Borough Planning Commission had abstained from making decisions on Ordinance # 1-2011 and Ordinance # 2-2011.

A letter from the Lawrenceville Borough Planning Commission states: We would like to abstain from making a decision at this time pending further information regarding the legal issues related to how much control the Borough would have regarding similar future requests.

Marian Russell made a Motion to authorize Attorney Chris Lantz to readvertise the proposed Ordinance as soon as legally possible, seconded by Larry Barnes. A Roll Call Vote was taken with Marian Russell, Larry Barnes, Maxine Smith, Kris Davis

and Jack Young voting yes and Gordon Chilson and Mildred Bliss voted NO. The Motion passed 5 to 2.

The Council reviewed a letter received from Robert Blake regarding a request for an application for a permit to change the use of his property. Bill Dincher, zoning officer stated Robert Blake must fill out an application on what he is requesting, before he can make a decision on it. The Council agreed to have Bill Dincher contact Robert Blake.

Robert Dean – subdivision maps regarding the Tony Short Property at 16 James Street. Bill Dincher, zoning officer, has reviewed the maps and gave his approval.

The Council asked Robin Burch, realtor, why Robert Dean was requesting the subdivision approval and not the property owner Tony Short. Robin stated that Robert Dean wanted approval before he purchased the property.

Larry Barnes made a Motion to authorize the Council President, Jack Young to sign the subdivision maps, seconded by Maxine Smith. A Roll Call Vote was taken with all members present voted yea.

Street sweeping of Route 49. Gordon Chilson made a Motion to have route 49 and main street swept with a street sweeper, seconded by Kris Davis. A Roll Call Vote was taken with all members voting yea.

Cinders – 4 loads are needed. Marian Russell made a Motion to order the 4 loads of cinders, seconded by Mildred Bliss. A Roll Call Vote was taken with all members voting yea.

The Council discussed the potholes on James Street and Franklin Street from the James Street project. Gordon Chilson will contact Dennis Deats to fill in the holes.

James Street Project – CDBG - public meeting at the County Commissioner's Office on September 20, 2011 at 10:00 am. The notification from CDBG stated the amount of funding available was less than expected. Gordon Chilson reported that we would be approximately \$ 40,000 short for the combined phases II and III. Gordon suggested we look into applying for more funding since the funds were short. Once final approval is received from CDBG, phase II would be started this fall and phase III would be started in late spring, early summer for the paving. Gordon Chilson will attend the September 20, 2011 meeting.

Water Puddles near 34 & 35 State Street – metal drain covers are needed for this issue. Marian Russell made a Motion to have the maintenance man fix the issue as soon as he can find the metal drain covers, seconded by Maxine Smith. All members present voted yea.

Playground Project-Gordon Chilson reported an estimate for the perimeter borders and posts would be around \$ 800. He has contacted Tim Short for an estimate on the cost of installation. Gordon is estimating the cost for materials and labor to be between \$ 1,800 and \$ 2,000. Dennis Deats will need to do some work before the borders can be installed. The protective surfacing and weed barrier material needs to be ordered and the Costar pricing is \$ 5,877.00 delivered. We are responsible for spreading of the material.

Jack Young suggested to the Council that Kris Davis be in charge of getting the playground project completed. We have volunteers that have offered to help with the spreading of the protective surfacing. Kris Davis stated he would take charge of this. Gordon Chilson reported that only one layer of weed barrier was needed and the gravel was eliminated. Larry Barnes made a Motion to have Gordon Chilson go ahead with the installation of the borders and posts, seconded by Maxine Smith. All members present voted yea.

Secretaries meeting – information received-Keystone Tax Collection. The secretary reported that Keystone Collection Group will be collecting our earned income tax starting 1/1/2012. They will ACH a payment each week to us, currently PAMS sends us a check each month. We have the option of having Keystone collect our local service tax and delinquent taxes. They will have a computer program that will allow us to view the list of businesses and we can contact them with any additional businesses. Keystone will notify the business that they are required to file.

Gordon Chilson asked the secretary to include in the minutes that the President refused to allow any comments from the visitors at this meeting. Jack Young stated that this was a continuation meeting and that the public had commented at the September 6, 2011 meeting. Gordon Chilson responded that the public comments were spread out during that meeting.

Kris Davis reminded everyone that clean up day is Saturday September 24, 2011.

Maxine Smith made a Motion to adjourn the meeting at 7:40 PM, seconded by Marian Russell.

Minutes recorded by and printed by Judy Woythal, Secretary

October 3, 2011 meeting regarding September meeting minutes

Gordon Chilson asked that the paragraph that reads: (The Council reviewed a letter received from Robert Blake regarding a request for an application for a permit to change the use of his property.) the words: to change the use of his property, to be corrected to read: to withdraw groundwater for gas well development on the commercially zoned property on 14 Cowanesque St.