



**FAIRFIELD TOWNSHIP REGULAR MEETING HELD ON JULY 14, 2011**

**I. MEETING** CALLED TO ORDER AT 7PM BY VAUGHN TANTLINGER, CHAIRMAN.

**II. ROLL CALL:** PAUL ALTIMUS-PRESENT JAMES BROWN-PRESENT SOLICITOR-PRESENT(JWM)  
VAUGHN TANTLINGER-PRESENT SECRETARY-**ABSENT** CITIZENS-9

**III. PREVIOUS MONTHS** MEETING HELD ON JUNE 9, 2011: APPR BY VAUGHN, 2ND BY PAUL, UNAN-YES (3)

**IV. TRUE BILLS** PAID AND TO BE PAID ON THE FINANCIAL STATEMENT DATED JUNE 2011: APPR BY JIM, 2ND BY PAUL, UNAN-YES (3)

**V. CORRESPONDENCE: 1. ROAD BOND RELEASE**—TWP RECEIVED A LETTER FROM TKI FOR 4 RD BONDS TO BE RELEASED, THEY ARE AS FOLLOWS:

*Toby Road TR476-\$600.00—Bond #104739066*  
*Caulfields Road TR448-\$3,000.00—Bond #104739067*

*Baileys Road TR475-\$3,000.00—Bond # 10478694*  
*Plummer Road TR739-\$6,250.00—Bond #105478695*

DISCUSSION: VAUGHN SAID IT WAS DEALING WITH SHALLOW GAS WELLS BONDED LAST YEAR. 3 SUPERVISORS HAS LOOKED AT THE ROADS. THEY DID DELIVER SOME STONE AND SHAPED SOME OF OUR ROADS. MOTION BY VAUGHN, 2<sup>ND</sup> BY JIM TO RELEASE THESE 4 ROAD BONDS AS REQUESTED. UNAN: YES(3) CARL FULCOMER SAID NO.

**VI. PERSONS PLACED ON AGENDA:** 1. JENNIFER & ROBERT GOURLEY-DERRY RIDGE ROAD—QUESTIONS ON GAS WELLS. ROBERT ASKED ARE ANY ORDINANCES IN FAIRFIELD FOR AIR, WATER, OR NOISE POLLUTION. PAUL, VAUGHN, JIM SAID NOT TO THEIR KNOWLEDGE. HE WANTS TO KNOW WHY NOT. VAUGHN SAID TWP HAS NO ZONING. PAUL SAID NOISE ORD. WAS PLACED ON AGENDA FOR ADOPTION IN DECEMBER 2008 AND THERE WERE 50 PEOPLE AGAINST NOISE POLLUTION. ROBERT ASKED IF ANYONE HAS LOOKED INTO SEE WHAT THE STATE ORDINANCES ARE, OR IF THEY WOULD APPLY TO THE TWP. ROBERT SAID LIKE AIR POLLUTION OVER BY THE POWER PLANT IN HOMER CITY, IT IS OVERSHADOWED BY THE STATE AND FEDERAL. ROBERT SAID THAT MAYBE THERE ARE SOME STATE OF FEDERAL LAWS THAT APPLY TO AIR POLLUTION. PAUL SAID THEY DO, AND YEARS AGO TWP HAD A VERBAL WARNING FROM DEP ON TOO MUCH DUST IN OUR YARD DUE TO THE EXCESS AMOUNT OF STONE DELIVERY. ALL THE DUST WAS GOING TO A NEIGHBOR'S ACROSS THE ROAD AND DEP SAID TO WET THE STONE DOWN BEFORE DUMPING. ROBERT SAID IF THERE IS AIR POLLUTION FROM A GAS WELL, CAN DEP COME TO THE TWP FOR THE TWP TO TELL THE GAS COMPANY OR DOES THE DEP TELL THEM. PAUL SAID THAT DEP WOULD TELL THE GAS COMPANY. VAUGHN SAID THEY (DEP) PRETTY MUCH CONTROL THE WHOLE THING. SOLICITOR STATED THAT FAIRFIELD DOES NOT HAVE ANY MUNICIPAL ORDINANCES RELATIVE TO THOSE THINGS, BUT THERE ARE STATE AND FEDERAL REGULATIONS, AND THEY ENFORCE THEIR PERSPECTIVE REGULATIONS. FAIRFIELD TWP DOES NOT UNDERTAKE ANY ENFORCEMENT OF THOSE ISSUES, FOR LACK OF PERSONNEL AND BUDGETARY REASONS. ROBERT ASKED IF THEY WOULD LIKE TWP TO ENFORCE, IT WOULD STILL BE A PROBLEM WITH THE BUDGET, ETC. SOLICITOR SAID IT IS A BIG ISSUE LATELY WITH THE CITIZENS WITH THE DRILLING OF MARCELLUS SHALE, AND THE NOISE FROM COMPRESSORS. THE TWP IS LIMITED ON WHAT TWP CAN REGULATE, THERE HAVE BEEN COURT ACTIONS WHERE THEY SAY YOU MAY ENACT ZONING REGULATIONS TO REGULATE CERTAIN ASPECTS OF THE DRILLING. SOLICITOR STATED THAT 90% OF THE REGULATIONS WILL BE REGULATED BY STATE LAWS. SOLICITOR STATED WITH THE NOISE ORD., TWP CAN ADOPT A STAND ALONE ORDINANCE. TWP DOES NOT HAVE POLICE OR CODE ENFORCEMENT OFFICER, TWP WILL HAVE TO APPOINT SOMEONE OR QUALIFY A SUPERVISOR TO ENFORCE THE REGULATIONS, WITH SCHOOLING, ETC. CARL FULCOMER SAID STATE OR FEDERAL SUPERSEDE ANY LOCAL LAWS UP TO A POINT, WHEN TWPS TRY TO SET UP RULES—THE GAS COMPANY'S HAVE SO MUCH MONEY THAT TWP CAN NOT AFFORD TO ENACT OR ENFORCE. CARL SAID YOU CAN NOT STOP THE NOISE, BUT THEY CAN PUT UP BARRIERS TO MUFFLE SOME OF IT. JENNIFER SAID THERE ARE SCIENTISTS THAT ARE BEHIND CHANGING THE LAWS THE WAY THEY ARE FRACKING, THERE ARE MANY ENVIRONMENTAL ATTORNEYS THAT ARE VOLUNTEERING THEIR TIME. CARL SAID FEDERAL DEP SUPERSEDES THE STATE DEP, AND THE STATE DEP CONTROLS THE GAS AND OIL. EACH HAS THEIR OWN GROUPS FOR PIPELINES, ACCESS ROADS, ETC. VAUGHN EXPLAINED THAT PAUL CONSTRUCTED A CERTIFIED LETTER FOR A COMPRESSOR TO POSSIBLY PUT TREES AROUND TO MUFFLE THE NOISE COMING FROM IT, CAN NOT STOP THE NOISE COMPLETELY. TWP IS WAITING TO GET A REPLY. CARL ASKED IF TWP RESENT A REVISED LETTER, BECAUSE THEY ARE NOT GOING TO REPLY TO THE LETTER THAT WAS SENT THE WAY IT WAS WORDED. PAUL SAID NOT AS OF YET. CARL SAID A GOOD GAS LEASE WOULD HAVE A NOISE SUPPRESSANT PLAN IN IT. PAUL SAID THAT IS NOT TWPS FAULT, IT IS THE FAULT OF THOSE WHO SIGNED THE BAD GAS LEASES. JENNIFER EXPERIENCE WITH IT, SHE HAS ENDED UP WITH CHEMICAL HYPERSENSITIVITY AND IS ON THE DEP. OF AGRICULTURE LIST FROM HARRISBURG, THAT IF ANYONE IS USING CHEMICALS, PESTICIDES, HERBICIDES WITHIN A CERTAIN DISTANCE OF THEIR FARM SHE IS TO BE NOTIFIED. PAUL ASKED WHAT THE DISTANCE IS. SHE DID NOT KNOW AT THIS TIME. SHE SAID UNFORTUNATELY GAS COMPANIES DO NOT HAVE TO DO THAT, AND SHE HAD TO CALL THE EMERGENCY DEP NUMBER. BOTH TIMES WAS WHEN THE NELSON WELLHEADS WERE PUT IN. SHE WAS TESTED FOR HEAVY METALS AND A LOT OF HERS CAME IN AT THE TOXIC LEVELS. SHE ALSO HAS GOTTEN BAD WATER OUT OF HER WELL FOR A FEW HOURS. DEP TESTED THE WATER AND DEP SAID THE WATER WAS FINE, TO DRINK IT. DEP SAID IT WAS SOMETHING BIOLOGICAL. JENNIFER SAID IT WAS WHILE THEY WERE PUTTING IN THE WELLS. SHE WANTS TO KNOW WHERE THEY ARE FRACKING. CARL SAID YOU CAN GET A DEP MAP SHOWING THE DIRECTION IT IS GOING AND ENDED UP. CARL SAID YOU NEED THE PERMIT NUMBER. PAUL SAID THE NELSON WELL HAS 3 DIFFERENT NUMBERS. CARL SAID YOU CAN GET THE INFO ON THE DEP WEBSITE.

**VII. OLD BUSINESS: 1. DEP PUBLIC MEETING** ON JUN. 23—WAGNER QUARRY AT BVFC. 3 SUPERVISORS AND SECRETARY ATTENDED THIS MEETING. TWP SOLICITOR HAD A REPRESENTATIVE THERE. TWP RECEIVED UPDATED INFORMATION. PAUL SAID BIGGEST CHANGE ARE PROPOSING TO REMOVE THE STONE VIA TRUCK IT WILL BE THRU THE TORRANCE QUARRY TRUCKING, NOT ON OUR TWP/STATE ROADS. VAUGHN ALSO ANNOUNCED THEY WILL NOT BE PUTTING IN A CRUSHER SINCE THEY ARE TAKING THE STONE OUT. VAUGHN SAID GAME COMMISSION IS DOING SOME ADDITIONAL TESTING ON ENDANGERED SPECIES—BATS. ROBERT ASKED ABOUT THE PONDS LINED WITH PLASTIC, WHAT DO THEY DO WITH IT? A GUY TOLD HIM THEY JUST TAKE A DOZER AND PUSH IT ALL IN. PAUL AND VAUGHN SAID THEY DID THAT WITH A SHALLOW WELL, THEY JUST BURIED IT. PAUL SAID THE PONDS ARE USUALLY FRESH WATER AND THE DIRTY WATER IS TO BE HAULED AWAY. **2. NOISE ORDINANCE UPDATE**—PAUL MENTIONED AT LAST MONTHS MEETING SUPERVISORS WILL BE WORKING ON IT, SOLICITOR IS WORKING ON IT; TWP HAD 2 OR 3 BROUGHT IN FOR REVIEW. SOLICITOR SAID THEY CAN ADVERTISE THIS WEEK, IT IS THE SAME AS THE LAST ORDINANCE HE PREPARED. CARL FULCOMER HAS SUGGESTED CHANGES TO THAT ORDINANCE AND HE WILL GIVE THE SHEET TO SOLICITOR. PAUL SAID THERE IS NO ZONING IN THIS TWP. CARL SAID YOU DON'T HAVE TO MAKE IT

**FAIRFIELD TOWNSHIP REGULAR MEETING HELD ON JULY 14, 2011 CONTINUED**

FOR RESIDENTIAL OR AGRICULTURE, IT CAN BE ONLY FOR COMMERCIAL. PAUL ASKED SOLICITOR IF THAT IS TRUE? SOLICITOR SAID AS LONG AS YOU REGULATE ACROSS THE BOARD. SOLICITOR'S QUESTION FOR COMMERCIAL ONLY, THE BASIS FOR REGULATING ANYTHING NOISE, DUST, TAX MILAGE; AUTHORIZE FOR THE HEALTH, SAFETY AND WELFARE FOR THE CITIZENS. AND THE CHALLENGE HE PUTS TO ANYONE WHO WANTS TO REGULATE ONE TYPE OF NOISE—COMMERCIAL AS OPPOSED TO RESIDENTIAL. HOW DO YOU JUSTIFY IT BEING HEALTHY FOR SOMEONE TO MAKE A CERTAIN DECIBEL LEVEL OF NOISE ON A CONTINUOUS BASIS FOR RESIDENTIAL PURPOSES, BUT NOT FOR INDUSTRIAL OR COMMERCIAL. CARL SAID ARRESTED FOR DISTURBING THE PEACE. SOLICITOR SAID SAME AS FOR COMMERCIAL. CARL SAID SAME WAY DEP GETS AROUND ITS RULES FOR COMMERCIAL VS RESIDENTIAL VS AGRICULTURAL; LIKE COMMERCIAL HAS TO JUMP THROUGH HOOPS FOR STREETS, BUT RESIDENTIAL AND AGRICULTURE YOU CAN DRIVE YOUR TRACTOR ON THE STREETS; THEY HAVE DIFFERENT SET OF RULES FOR EACH DIVISION. SOLICITOR FIRST LOOKED AT THIS ORDINANCE, BROUGHT UP NOISE FROM MOTORCYCLES—UNDER COMMERCIAL ORDINANCE IT WOULD BE OKAY. CARL SAID THERE ARE STATE LAWS FOR DECIBEL NOISE FOR MOTORCYCLES, THEY CAN BE ARRESTED UNDER THE STATE LAW. SOLICITOR SAID TWP HAS TO JUSTIFY THE ORDINANCE. PAUL ASKED CARL TO GIVE HIS IDEAS ON PAPER. SOLICITOR WILL GET TWP FORM TO ADVERTISE BY MONDAY. CARL SAID YOU CAN MAKE A 3 PERSON COMMITTEE TO CHECK THE GAS WELLS ON VOLUNTEER BASIS. CARL SAID YOU DO NOT HAVE TO GO TO SCHOOL TO RUN A DECIBEL METER. THEN YOU CALL OSHA AND GIVE THEM THE LEVELS TO ENFORCE. SOLICITOR SAID THE TWP WOULD HAVE TO ENFORCE THEIR ORDINANCE.

**VIII. NEW BUSINESS: 1. UNDERGROUND STORAGE TANK**—JIM AND VAUGHN ATTENDED A MANDATORY OPERATOR TRAINING CLASS A & B IN ROCKWOOD. THEY ARE NOW CERTIFIED BECAUSE TWP HAS 2 UNDERGROUND TANKS. **2. CDBG WORKSHOP** AT LIGONIER TWP WAS ATTENDED BY VAUGHN AND JIM. COUNTY HAS 3 YR PROGRAM, TWP USED 6 YRS ON GRAVE YARD HILL. NEW PAPERWORK WAS GIVEN AND THEY ARE LOOSING SOME FUNDING DUE TO ALL THE CUTBACKS. **3. STANTON BRIDGE** WORK WAS STARTED AND ON **MOONS BRIDGE** BY MIRROR LAKE. VAUGHN SAID ON STANTON THEY ARE NOT TAKING THE ABUTMENTS OUT, JUST THE DECK OFF.

**IX. PUBLIC COMMENT: 1. MAUREEN BLON 2. ANN MARIE BLON 3. LUCK GARLAND 4. JENNIFER GOURLEY 5. ROBERT GOURLEY 6. CINDY SHETLER 7. CARL FULCOMER**—DID NOT WANT TKI BOND RELEASED, THEY DID NOT REPLY TO YOUR LETTER—MAKE THEM COME AROUND TO RESPOND TO YOU. JUST LET THEM KNOW PINE TREES OR IF THEY HAVE A BETTER SOLUTION. ROBERT GOURLEY SAID ABOUT THE CONCRETE WALLS THAT ARE ON HIGHWAYS. PAUL ASKED CARL IF HE WILL BE ON THE CODE ENFORCEMENT IF IT COMES TO THAT, CARL SAID YES. PAUL SAID TWP DOES NOT WANT THEM OUT FOR LITTERING. **8. PAUL A BROWN 9. MITCHELL BROWN**

**X. ADJOURNMENT: MOTION BY VAUGHN, 2<sup>ND</sup> BY JIM, UNAN-YES(3) Time: 7:40 PM**

**Submitted by: Emma Brendlinger, Sec-Tres**

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