

RESOLUTION NO. 2011-29

**A RESOLUTION OF THE TOWNSHIP OF HOPEWELL,
BEAVER COUNTY, PENNSYLVANIA, STATING OPPOSITION TO PENNSYLVANIA
PROPOSED HOUSE BILL NO. 1950**

WHEREAS, the Pennsylvania Oil and Gas Act regulates the development of oil and gas in the state of Pennsylvania; and

WHEREAS, Pennsylvania Municipalities Planning Code (“MPC”) allows municipalities to enact, amend, and repeal zoning ordinances to provide for the orderly development of the economic needs of the municipality and to protect the health, safety, and welfare of its residents; and

WHEREAS, the current Pennsylvania Oil and Gas Act does not preempt a municipality’s rights to provide for the zoning of oil and gas activities; and

WHEREAS, proposed Pennsylvania House Bill No. 1950 is an attempt by the Pennsylvania State Legislature to expressly supersede and preempt all local rules, regulations, codes, agreements, resolutions, ordinances and other local enactments that regulate oil and gas operations; and

WHEREAS, proposed Pennsylvania House Bill No. 1950, which passed the Finance House Committee on Wednesday, November 2, 2011, serves to deprive municipalities of long-standing zoning powers in favor of statewide control of the location of oil and gas related activities in the Township; and

WHEREAS, the Pennsylvania Supreme Court, in recognition of the fact that local municipal officials are in the best position to determine “where” drilling activities should occur in the Township held, “[W]hile effective oil and gas regulation in service of the [Oil and gas] Act’s goals may require the knowledge and expertise of the appropriate state agency, the MPC’s authorization of local zoning laws is provided in recognition of the unique expertise of

municipal governing bodies to designate where different uses should be permitted in a manner that accounts for the community's development objectives, its character, and the 'suitabilities and special nature of particular parts of the community''; and

WHEREAS, the Pennsylvania State Legislature stated its intended purpose is to create uniformity for the drilling industry; and

WHEREAS, the Pennsylvania State Legislature fails to account for differences in each municipality including topography, population, and reliance on well water as a primary water source; and

WHEREAS, the Pennsylvania State Legislature fails to take into consideration that "uniformity of rules" is not the equivalent of "uniformity of location," "where" drilling activities take place, as each municipality has different industrial, commercial, and residential population Hopewell's, development and comprehensive plans that can and will be thwarted by the state denying municipalities long-standing zoning powers that allows the Township to foster the Community's development objectives; and

WHEREAS, the Pennsylvania State Legislature needs to look to the municipalities where drilling is occurring for input and recognize the lessons learned from other states with prior shale drilling activities, such as Texas, which allows for and has certain local municipal oversight of oil and gas drilling activities in their communities that have not been detrimental to the oil and gas industry's ongoing operations.

NOW THEREFORE, BE IT RESOLVED, that the Hopewell Township Board of Commissioners does hereby officially express its complete and unfettered opposition to Pennsylvania House Bill No. 1950 that serves to circumvent current Pennsylvania law and long-standing zoning powers set forth by the Pennsylvania Municipalities Planning Code.

IT IS FURTHER RESOLVED, that the Township of Hopewell joins in a letter of opposition to Pennsylvania House Bill No. 1950 as part of the Marcellus Municipal Cooperative made up of eighteen (18) local municipalities.

This Resolution shall become effective immediately.

DULY RESOLVED THIS 19th day of December 2011, by the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania in lawful session duly assembled.

ATTEST:

TOWNSHIP OF HOPEWELL



Township Secretary



Chairman, Board of Commissioners

**TOWNSHIP OF HOPEWELL
Beaver County, Pennsylvania
BOARD OF COMMISSIONERS
BUSINESS MEETING MINUTES**

December 19, 2011
Meeting in Session at 7:00 p.m.

The Business Meeting was called to order by Mr. Bufalini and that the meeting will be recorded. Everyone was asked to rise for the pledge of allegiance and the opening prayer.

ROLL CALL

President

Richard Bufalini - Present

Vice President

Norm Kraus - Present

Commissioners

Nick DiPietro - Present

Joe Kusnir – Present

Brian Rohm - Present

OTHERS PRESENT

Andy Brunette – Township Manager/Controller

Marie Stratakis Hartman – Widmer Engineers

Patricia L. Owens – Recording Secretary

Diane Palsa – Treasurer/Tax Collector - Absent

John Bates – Zoning Officer

Michael Jones – Solicitor

Gary Tranelli,- Assistant Chief of Police

Chas Srafin - Public Works Superintendent – Absent

CITIZEN COMMENTS PERTAINING TO THE BUSINESS AGENDA None

BUSINESS AGENDA

The tax collector and treasurer's reports are available for public inspection at the municipal building.

Mr. Rohm: Motion to approve the Business Meeting Minutes of November 28, 2011.

Mr. Kraus: Second the motion

Roll Call Vote:

Mr. DiPietro Yes

Mr. Kusnir Abstained due to late arrival

Mr. Rohm Yes

Mr. Kraus Yes

Mr. Bufalini Yes

Motion Carried

Mr. Kusnir: Motion to approve the Tax Collector's Report for November 2011.

Mr. Kraus: Second the motion

Roll Call Vote:

Mr. DiPietro Yes

Mr. Kusnir Yes

Mr. Rohm Yes

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Mr. Kraus Yes
Mr. Bufalini Yes
Motion Carried

Public hearing to consider the adoption of Ordinance 2011-10, an ordinance of the Township of Hopewell, Beaver County, Pennsylvania, a first class township under the laws of the Commonwealth of Pennsylvania, accepting and approving McKenna Drive as a public road was continued until January 9, 2012 at 6:30 p.m.

Mr. Kusnir: Motion to consider the adoption of Ordinance 2011-08 as advertised on December 6, 2011, an ordinance of the Township of Hopewell, Beaver County, Pennsylvania appropriating monies from municipal taxes and revenues to defray expenses and liabilities of Hopewell Township for the fiscal year ending December 31, 2012.

Mr. Kraus: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes

Motion Carried

Mr. Kraus: Motion to consider the adoption of Ordinance 2011-09 as advertised on December 6, 2011, an ordinance of the Township of Hopewell, Beaver County, Pennsylvania, fixing the tax rates to be required to defray specific expenditures and liabilities for the operation of the township government at 14 mills for the year ending December 31, 2012.

Mr. Kusnir: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes

Motion Carried

Mr. Kraus: Motion to approve Hopewell Township's 2012 annual budget as proposed on November 21, 2011 as advertised for public inspection on November 29, 2011.

Mr. Kusnir: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes

Motion Carried

Mr. Rohm: Motion to approve Hopewell Township Beaver County annual meeting schedule for 2012.

Mr. DiPietro: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes
Motion Carried

Mr. Kusnir: Motion to approve Resolution R-2011-28 a resolution for committed fund balance within the General Fund for Hopewell Township.

Mr. DiPietro: Second the motion

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes
Motion Carried

Mr. Kusnir: Motion to approve Resolution 2011-29 a resolution of the Township of Hopewell, Beaver County, Pennsylvania, stating opposition to Pennsylvania proposed House Bill No. 1950.

Mr. DiPietro: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes
Mr. Kusnir Yes
Mr. Rohm Yes
Mr. Kraus Yes
Mr. Bufalini Yes
Motion Carried

COMMISSIONER REPORTS

Commissioner Bufalini commented on the Visit with Santa held on December 17, 2011 and said it was a very successful event and Santa and his elf made a big hit with the children and he thanked Pam Fiejdasz for the great job she did on this event.

PUBLIC FORUM CITIZENS COMMENTS

Assistant Chief Tranelli stated that the police have been investigating the St. Michael's Club matter and are aware of the problems. It has not gone unnoticed or unaddressed. The State Police Bureau of Liquor Control are involved as well. So far they need to move forward cautiously because the club has not yet met the nuisance bar criteria and could claim discrimination. He encouraged the residents to call when there is a problem so a pattern can be established.

**Colleen O'Connor
Crestmont Drive**

Mrs. O'Connor had an issue with the St. Michael's Club located at the Crestmont Shopping Center. They play music until 3:00 am. and use loud profanity outside the club. She has heard gunshots coming from the shopping center and she fears for the safety of her family. She has reported it to the police department several times and they have checked into it and have been very cooperative.

Tamara McMasters
1312 Crestmont Drive

Mrs. McMasters reiterated everything that Mrs. O'Connor had reported. She said that she hasn't reported it to the police because she is fearful for the safety of her family and the police officers.

Commissioner Kraus suggested that Mr. Bates cite the owner under the zoning ordinance covering littering and let them know we are aware of this problem.

Commissioner Bufalini also requested a motion that the township draft a letter to the Bureau of Liquor Control advising them that they have the support of the township on following through with this situation.

Mr. Rohm: Motion to draft a letter to the Bureau of Liquor Control advising them of the concern of the residents and that they have the support of the township .

Mr. Kusnir: Second the motion.

Roll Call Vote:

Mr. DiPietro Yes

Mr. Kusnir Yes

Mr. Rohm Yes

Mr. Kraus Yes

Mr. Bufalini Yes

Motion Carried

MANAGER'S REPORT

The Manager gave his report for November, 2011.

ADMINISTRATION AND SEWER REPORTS

The Manager gave the Administration and Sewer Reports for November, 2011.

ENGINEERING REPORT

Mrs. Hartman said she had nothing in addition to her written report..

WATER POLLUTION CONTROL REPORT

The water pollution control report for the month of November, 2011 prepared by Rich Boguszewski, operator in charge is on file at the municipal building.

ROAD DEPARTMENT

The road report for the month of November, 2011 is on file at the municipal building.

POLICE REPORT

Assistant Police Chief Gary Tranelli gave the police report for the month of November, 2011. He also commented on the fine job Pam Fiejdasz did on the Visit with Santa and that the police donated toward the cookies. The money for the cookies comes from the revenue for the Police Golf Outing.

PLANNING/ZONING REPORT

The zoning officer did not have a report for the month of November, 2011.

RECREATION REPORT

Pam Fiejdasz, Recreation Director, gave a brief report on the Visit with Santa held at the community park on December 17, 2011. Approximately 150 children attended and enjoyed refreshments, visit with a live reindeer, crafts and an overall enjoyable time.

The next Park Board meeting will be held on January 10, 2012 at 6:30 p.m.

The following reports are on file: Water Pollution Control, Road Report, Police Department, Hopewell Township Planning & Zoning Commission, Beaver County Planning Commission, Sewer Authority, Volunteer Fire Department, and Veteran's Service Center for the month of November, 2011.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Rohm thanked everyone for coming and wished everyone a Merry Christmas

**Linda Helms, Librarian
B.F. Jones Memorial Library
Aliquippa, PA 15001**

Mrs. Helms distributed the calendar for January, 2012 and thanked the township for their participation in the activities being provided by the B.F. Jones Library.

ANNOUNCEMENTS

Hopewell Township Municipal offices and Public Works departments will close at 1:00 p.m. on Thursday, December 22, 2011 and will be closed December 23, 2011 and December 26, 2011 for the Christmas Holiday.

Commissioner Bufalini recognized Patti Owens, Township Secretary who will be retiring at the end of the year, with over 13 years with the township. He said she will be missed and thanked her for her service. and wished her well.

Patti thanked him and said it has been a privilege and a pleasure to work for the township.

ADJOURNMENT

Mr. Kraus: Motion to adjourn the meeting.

Mr. Kusnir: Second the motion

The meeting was adjourned at 7:40 p.m.

Minutes Recorded by: Patricia L. Owens 12/19/11
Minutes Prepared by: Patricia L. Owens 12/21/11

