

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 Secretary

TOWNSHIP OF HOPEWELL


Chairman, Board of Commissioners