

A Message from the Chairman

By Peter V. Marcoline, Jr. Chairman, Board of Supervisors

The Nottingham Township Board of Supervisors opposes any Amendment to Act 13 of 2012 that would reduce the amount or allocation of unconventional gas well fees, i.e., “Act 13 Impact Fee” to Nottingham Township or any municipality affected by gas exploration activities.

Act 13 of 2012 amended the Oil and Gas Act of 1984 and imposed a per well fee assessed and collected on wells drilled into the Marcellus Shale known as unconventional wells. The Pennsylvania Public Utility Commission (PUC) assesses, collects and distributes the impact fees.

There is presently much controversy about whether or not the companies drilling in the Marcellus Shale pay their “fair share” on the money generated from this activity. There are presently proposals to enact an extraction tax on the Marcellus Shale Industry to fund everything from roads to schools. The purpose of this article is to provide information to Township residents regarding the amount of money paid by the industry in impact fees for state taxes and fees, and to Washington County and Nottingham Township.

The impact fee was designed to provide a financial benefit to those communities where the Marcellus Shale drilling activities took place as it was those communities that would bear the brunt of any negative effects of the drilling, such as noise, increase in truck traffic, damage to roads, pollution of water supplies, etc.

In the fiscal year 2012, this industry paid approximately \$1.4 billion in state taxes and fees. It contributed nearly \$300 million dollars in property taxes to local governments. The impact fee imposed on the Industry, which is in reality a tax, generated over \$200 million in revenue to affected communities.

In the years 2011 and 2012, Washington County alone received \$2.3 million dollars in impact fees, excluding payments to Washington County municipalities. For those years, Nottingham Township received approximately \$126,000 in impact fees.

As of the writing of this newsletter article, Nottingham Township has one operating Marcellus Shale well. The impact fees received to date are the result of that one well. As set forth in another article in this newsletter, four (4) more unconventional wells are expected in the immediate future. The benefit to this Township has already been significant as the \$126,000 received in impact fees allows the Township to utilize those funds for various projects without having to use taxpayer funds or to raise taxes.

The Board of Supervisors are aware that the Pennsylvania General Assembly is considering passing legislation Amending Act 13 to reduce and/or eliminate the amount of impact fees distributed to townships effected by gas exploration and drilling activities, thus taking away those funds from affected townships and local control. One of the considerations before the General Assembly is to impose an extraction tax to make the Oil and Gas Industry pay their “fair share”. However, pursuant to Act 13, if an extraction tax is, in fact imposed, the impact fee is automatically eliminated by operation of law. While the particulars of a extraction tax are presently unknown, it is assumed that the proceeds would be widely distributed throughout the Commonwealth in a manner that is simply unknown at this time and would not directly benefit the townships impacted by the drilling such as Nottingham Township, which the impact fees do.

In response to the consideration by the General Assembly of amending Act 13 to reduce or eliminate the amount or allocation of impact fees, the Board of Supervisors has adopted a resolution opposing any Amendment to Act 13 that would reduce the amount or the allocation of impact fees to municipalities affected by gas expiration activities. This resolution was submitted to the Washington County Association of Township Officials and it is expected that, with the approval of all 31 of the townships that comprise the Association, the Association will adopt a similar resolution opposing any Amendment to Act 13.

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Update on Mineral Removal and Marcellus Shale Drilling Activities in the Township

In the spring 2014 Newsletter, I reported that an increase in coal mining activity, to include a surface (strip) mine, a proposed a deep mine and an expected increase in gas drilling activities. The surface mine has continued its operation and has submitted a conditional use application to expand its operation to mine the Long property of approximately 66 acres. The Department of Environmental Protection has yet to approve a permit for a deep mine proposed by Ramaco on Little Mingo Road. It is unknown when the Department of Environmental Protection will approve Ramaco's permit.

As expected, there will be a significant increase in Marcellus Shale drilling activities in the immediate future. Range Resources has submitted an application for an unconventional well on the Malachosky property between Gilkeson and Patterson Roads; Rice Drilling has notified the Township of its intent to conduct unconventional well drilling operations on the George property; EQT, who purchased the drilling rights from Chesapeake, has notified the Township of its intent to expand its operations on the Harbison property where a well presently exists; and Rice Energy has notified the Township of its intent to drill an unconventional well on the Coutu property in the vicinity of Countryview Lane, near Finleyville.

**Sunoco Pipeline, L.P. Lacked Eminent Domain Authority to Condemn Private Property**

Several years ago, representatives of Sunoco Pipeline, L.P. (Sunoco) met with Township officials to layout their plan for the construction of the Mariner East Pipeline, part of which was to be located in Nottingham Township. Upon review of the proposed route for the pipeline, inquiry was made with the Sunoco representatives as to how Sunoco intended to get access to the land where the proposed pipeline was to be constructed since the vast majority, if not all, was privately owned. The representatives stated that Sunoco had eminent domain authority and could both access the respective properties to conduct a pre-dig survey without landowner permission and exercise eminent domain authority to seize the property through condemnation proceedings if landowner refused to grant Sunoco an easement. Sunoco's contention was challenged by Township officials indicating that Sunoco was a privately owned entity and not a public utility and were questioned regarding the source of Sunoco's eminent domain authority. The Township received no answer at that time and requested that the Township Solicitor direct a letter to Sunoco making inquiry regarding the purported eminent domain authority. No response was received from Sunoco.

A lengthy article was posted on the Township website regarding Sunoco's plans and their claim of eminent domain authority with a comment that the Township questioned that such authority existed. In that article, Township residents were informed of their rights under the Pennsylvania Eminent Domain Act to challenge the taking of their property in the Washington County Court of Common Pleas if the occasion arose. A letter was received from a law firm representing Sunoco demanding that the Township remove the article from its website which the Township ignored.

Sunoco's claim of eminent domain authority and purported right to condemn and seize properties to construct the Mariner East Pipeline was challenged in the York County, Pennsylvania Court of Common Pleas and also in the Washington County Court of Common Pleas by a couple residing in North Strabane Township. During the pendency of the litigation in the Washington County Court of Common Pleas, a Judge in the York County Court of Common Pleas held that Sunoco Pipeline, L.P. was not a public utility under Pennsylvania Law and did not have eminent domain authority to condemn private property and then use that property to construct the Mariner East Pipeline. Subsequent to the York County Court of Common Pleas decision the case in the Washington County Court of Common Pleas was settled without decision.

Sunoco Pipeline, L.P. then filed numerous petitions with the Pennsylvania Public Utility Commission (PUC) seeking to have the PUC grant it public utility status to enable it to have eminent domain authority pursuant to the Pennsylvania Business Corporation Law. In a decision handed down very quickly on July 23, 2014 the PUC denied Sunoco's request stating that Sunoco was not public utility and did not have eminent domain authority.

Mark your Calendars

Saturday, September 27th - a **Bonfire Event**, sponsored by the Nottingham Township Recreation Board, will be held at Sherwood Park located at the Municipal Complex from 6:30 p.m. to 10:00 p.m. Live Entertainment will be provided. A 50/50 Raffle will be held to benefit the Finleyville Food Bank. Bring your lawn chairs and blankets. Free food and drinks. Be sure to bring family and friends to this popular Township event!



Saturday, October 25th, 2 p.m. – 4 p.m. Haunted Halloween Trail

Sponsored by the Recreation Board. Bring your children to receive candy from the Nottingham Township ghosts & goblins! Hope to see you there! Free Admission

**NOTTINGHAM TOWNSHIP'S
TRICK-OR-TREAT
FRIDAY, OCTOBER 31ST
6:00-8:00 p.m.**



Meet Your Zoning Officer

Nottingham Township is proud to introduce their new Zoning Officer, Lee Schafer. Lee will be replacing longtime Zoning Officer, Mike Christoff, who resigned the position in July.

Lee has spent the last sixteen years working for both the Canon-Mac School District as Director of Support Services, and the Upper St. Clair School District as Director of Transportation Services. Lee's recent retirement has given him the opportunity to become more involved in his community.

Lee and his entire family are lifelong residents of Nottingham Township. He has been married to his lovely wife, Laura, for over 42 years and is the proud father of two grown sons. We cannot forget that he is the beaming grandfather of three!



Lee normally is in the Township Office Monday, Wednesday and Friday, and of course, on an as needed basis.

If you need to contact the Zoning Officer he can be reached by calling 724-531-4624.

Thanks Mike!

The Township would like to take this opportunity to thank Mike Christoff for his years of dedicated service to his community as Zoning Officer. We will miss you Mike and wish you and your family all the best in any future endeavors.



GENERAL ELECTION DAY

TUESDAY, NOVEMBER 4, 2014

Polls will be open from 7:00 a.m. through 8:00 p.m.



If you are unsure of your voting location, or validity of your registration, contact the Washington County Elections Office at 724-228-6750. You must be registered by October 6th to be eligible to vote. Absentee Ballots are available at the Township Office and must be submitted to the County Board of Elections no later than 5:00 p.m. on October 31st.

Mark Flitton appointed to the Township Planning Commission

Upon recommendation from the Planning Commission, the Township Supervisors appointed Mark D. Flitton to serve on the Planning Commission for a term ending in January 2017. Mr. Flitton is a retired Lieutenant Colonel of the U.S. Army. He and his wife, Lori, reside in the Nottingham Forest Subdivision.

Robert Vaughn appointed to the Township Zoning Hearing Board

In August, the Township Supervisors appointed Robert A. (Bob) Vaughn to serve on the Zoning Hearing Board for a term ending in January 2017.

Mr. Vaughn is a retired Pennsylvania State Police officer and also serves in the U.S. Military. He and his wife, Diana, reside in the Nottingham Forest Subdivision.

*The Township has many fine, civic minded people serving in various capacities, such as members of the Planning Commission, Zoning Hearing Board and Recreation Board. These Boards serve a vital function within the municipality. **Do you have an interest in serving your Community?** If so, please write a letter of interest and send it to the Nottingham Township Municipal Complex, 909 Sugar Run Road, Eighty Four, PA 15330. Your letter will be kept on file for consideration when vacancies occur.*

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