

REGULAR MEETING
August 10, 2009

CALL TO ORDER:

The regular meeting of the Jefferson Township Board of Supervisors was called to order by the chairman, James R. Jones, at about 5:46 P.M. on Monday, August 10, 2009. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, James Chick, Phillip Bachman, Attorney Matt Marshall, & Lois J. Fennell, Sec/Treas.

ANNOUNCEMENT:

The Board met briefly in executive session prior to the meeting to discuss ongoing legal matters.

PUBLIC COMMENT ON THIS AGENDA AS PRESENTED: None.

MINUTES:

James R. Jones *moved to approve the July 13, 2009 regular meeting minutes* as written and distributed. *Seconded* by Phil Bachman. All agreed and *motion carried*.

FINANCIAL:

The bills paid between the July 13 and Aug. 10, 2009 meetings totaled \$1,460.40. The bills presented for payment from the General Fund today totaled \$14,800.32. No bills were presented from the State Fund. The balance of all the funds after payment of the bills presented was \$556,790.28. James R. Jones *moved to pay the bills listed as well as any bills that become due prior to the next meeting*. *Seconded* by Phil Bachman. All agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT:

James R. Jones noted that Michael Beamer from the Boy Scouts was present to 'observe' the municipal meeting.

Marty Fitzmaurice and Tom & Laura Alberti submitted requests to talk about the proposed race track. Chairman Jones asked them to wait for the discussion during the Planning Commission report later in the meeting.

Paul Foertsch asked about the loose gravel on Frazier Rd. The road foreman said the roads just 'sealed' will be swept this week, beginning tomorrow (Aug. 11th).

RECREATION COMMITTEE:

Committee Chair, Leo Rosenbauer, reported on their August 5, 2009 meeting. **BASEBALL & SOFTBALL:** The ball tournaments are over, and were successful. **POOL:** Attendance has been low. The pool manager has accepted a teaching position; interviews are taking place for a replacement. The Championship Swim Meet was a huge success. The scheduled closing date for the pool is Sept. 7th, but could possibly be extended if there is another teachers strike. **SOC CER:** The fall season runs from Sept. 12 to Nov. 1, 2009. The Soccer Assn. will consider the possible purchase of a wooden play set from Viki Weleski. They have to consider costs (insurance) and accessibility issues. **PARK:** The Committee discussed the meeting times again, and agreed that they will meet at 8:00 P.M. on the first Wednesday each month except November, December, and January. It was noted later that there will be 'fall baseball' for 15 yr. olds.

James R. Jones talked to Tina Stone last month about cleaning and stocking the restrooms for the 'pavilion rental dates.' James R. Jones *moved to pay Mrs. Stone \$15.00 per 'rental date' and increase the 'rental fee' to \$60.00*. Phil Bachman *seconded* the motion. All agreed and *motion carried*.

PLANNING COMMISSION:

Planning Commission (P.C.) Chair, Evelyn Gross, reported on the July 23, 2009 Planning Commission meeting. The P.C. reviewed and approved the Jankosky Lot-Line Revision in the Orchard Hill Plan off Rt. 356. The 1.2 acres previously divided off to be added to the pet cemetery property, will be conveyed back to the 2.0 acre Jankosky lot (190-1F43-2BB) to create a 3.20 acre lot. The easement for the well located on the 1.2 acre piece and used by the pet cemetery was to be included on the plan before the Supervisors' meeting. The Supervisors reviewed the plan (with easement included) this evening. *Motion* by James R. Jones to approve the Jankosky Lot-Line Revision. *Seconded* by Phil Bachman. All agreed and *motion carried*. The surveyor will submit a receipt of the easement recording.

The P.C. was approached by David Herchenroether and his contractor, Dan Parr, regarding a possible 175x60 ft. storage building for his business (Mister Feed) and some personal use. They were told to submit a land development and that they would have to abide by the PA Uniform Construction Code. The building code official (BCO) has indicated that the proposed building cannot be considered 'agricultural' and they may appeal that determination. They were told that if the building is reduced in size and he certifies by notarized letter that he will be using the building only for personal/residential use, that he will still have to follow the PA UCC and the storm water issue may still have to be addressed. Mr. Herchenroether asked about re-using the little barn and green house for a business, and again the P.C. told him he would have to follow the PA UCC regulations and to contact Dave McGuigan (BCO) with questions.

The P.C. was approached by Norman, Alana, Brett & Nicole Neupert to discuss a possible 'race track' on their Neupert Rd. property. Mrs. Gross read the P.C. minutes from July 23rd: *The track will be ¼ mile 'clay' for miniature sprint cars (5/8 size of regular cars), quads and dirt bikes (250 CC to 1200 CC engines.) The 'noise' will be 99 decibels or less. They plan hours from 5:00-5:30 to 9:30-10:00 P.M. April thru Sept. mostly Saturdays and Sundays, and some Sunday afternoons (for truck, tractor, and tractor-trailer pulls.) They said they could have 300 to 400 spectators. They will put in port-o-johns and bleachers. They'll have grass parking with an over-flow area in front of the house; grass pit area with both parking and pit areas but having gravel access roads; no on-site potable water, food vendors in trailers (i.e. Scott's BBQ). The P.C. told him they would have to widen the existing lane entrance to the farm to accommodate the vehicles and trailers entering the property. They were told to contact the Butler Co. Conservation District and DEP to comply with any of their regulations. Drivers will be age 16 and older. A land development submission is required, with a 'storm water plan' and the P.C. suggested that they include in the land development 'the maximum-size trailer' that might be pulled in on wheels for offices and vendors. Stan Graff will work with them regarding the French drains and storm water system. The PA UCC Construction Code will have to be followed for bleachers and/or other applicable items. They were told to contact the township's building code official, Dave McGuigan, the inspector from Code.sys Code Consulting.* The Supervisors noted that the driveway MUST be moved (and widened) because of the insufficient site-distance of the existing driveway and the 'increased' number of (and size of) vehicles accessing the property; and the old access would have to be closed. Attorney Marshall said this is a safety issue and our ordinance Chap. 22 Section 9 would apply. Several neighbors were present to voice their concern and opposition. They wanted to know 'what can be done to stop it'. Attorney Marshall said the Supervisors can't 'keep anything out', but review the plan for ordinance compliance (which would basically be Subdivision and Land Development since there is no zoning in Jefferson Township.) Since the July 23rd P.C. meeting and preliminary questions, the Neuperts have submitted a 'preliminary plan', which will be reviewed by the P.C. at the August 27th P.C. meeting (7:30 P.M.) The Township has 90 days from that date to make a determination, unless it is denied because of ordinance non-compliance or the developer/property owner agrees in writing to a time extension.

UNFINISHED BUSINESS:

Chairman Jones attended the special meeting of the Butler County Sewage Association on July 22nd. They met regarding the DEP funding shortage. They decided to continue to wait and see if the state budget is passed with the 2008 'reimbursement' included. They voted to continue to budget based on the 85% reimbursement, but charge according to the revised 2009 NO Reimbursement Fee Schedule. Payments for reimbursable activities will be deposited into a separate account, from which ½ will be transferred to their 'general' fund for operating expenses. The other half will be rebated back to applicants IF future funding from DEP is anticipated 2010 for 2009! If future funding is completely cut from the State budget, then applicants will pay the entire costs and no rebate will be given.

Several ordinances were reviewed and discussed by the P.C. at their June 25, 2009 meeting and subsequently sent to the township attorney for review.

The "Off-Road Vehicle Ordinance", #292 as revised by Attorney Marshall and with two additional revisions (see #10-202 page 4): 1) the decibel setting will be reduced from 115 decibels at 20 inches from the vehicle to 95 decibels at 20 inches ; and 2) the set-back from a dwelling or other occupied building or from any type of farm animal will be set at 100 ft. James R. Jones *moved* to authorize advertisement of Ordinance #292 for adoption at the Sept. 14th meeting. *Seconded* by Jim Chick. All agreed and *motion carried*.

The Road Specifications 'revisions' within Chapter 22 Subdivision and Land Development were tabled until the engineer has completed the changes recommended by the P.C. and Board of Supervisors.

A *motion* was made by James R. Jones to authorize advertisement of the Road and Street Access Ordinance #293 (which adds part 3 to Chapter 21 of the Code of Ordinances) as revised (*see #21-305 B #2: revised to state "A driveway for nonresidential use or a multi-family use must access a public road or street."*) for adoption at the Sept. 14th meeting. *Seconded* by Jim Chick. All agreed and *motion carried*.

NEW BUSINESS:

After considering the costs paid for the five appeal hearings (from 7/2006 to 5/2009), the Supervisors voted to change 'appeal hearing fee.' *Motion* by James R. Jones to Revise the Fee Resolution (#290) raising the 'appeal hearing fee' from \$500.00 to \$2,000.00 and raising the 'pavilion rental fee' from \$50.00 to \$60.00. *Seconded* by Jim Chick. All agreed and *motion carried*.

The Secretary read the 2010 Financial Requirement and Minimum Municipal Obligation report to the Board of Supervisors. *Motion* by James R. Jones to accept the report and authorize the amount to be included in the 2010 Budget for Jefferson Township. *Seconded* by Jim Chick. All agreed and *motion carried*.

The "Local Fiscal Assistance Act", which is a program similar to the old 'revenue sharing' is being considered by the Federal Government. PSATS has suggested that if we want to support this legislation, townships can adopt a 'resolution' and send it to the appropriate legislators. James R. Jones *moved* to adopt Resolution #291 in support of the proposed "Local Fiscal Assistance Act." *Seconded* by Phil Bachman. All agreed and *motion carried*.

The Supervisors asked Attorney Marshall about using a 'road agreement' for long term/short distance, gas well drilling operations – either in lieu of bonding or with bonding or certified check. The attorney reviewed the agreement and indicated that it can be used as a type of 'excess maintenance agreement'. He recommended inspection (township engineer) and video taping of the road before executing the agreement and suggested that the 'collateral' check be deposited (because not all cashier's or certified checks are equal.) He will get back to the township regarding the cost per mile allowed.)

The Supervisors authorized Phil Bachman to get prices for roofing and painting of township buildings. Three quotes are needed if project is estimated to be under \$10,000.00.

Motion by James R. Jones to authorize advertisement to sell the old green dump truck. *Seconded* by Jim Chick. All agreed and *motion carried*.

MISC. BUSINESS FROM TOWNSHIP OFFICIALS:

There was no interest indicated in the NATaT Conference (National Association of Towns and Townships) in Sept. in Washington, D.C.; the seminar "Journey of a Township Supervisor" (Clarion Co. in Nov.); and the PSATS Fall Leadership Conference in Mars on Oct. 6 and 7.

Subsequent to the notification at the July 12th meeting (*Applications for the PSATS Youth Awards are now available for distribution to youth groups, scouts, 4-H clubs, etc. Projects benefiting townships of the 2nd class may be eligible to win an award and a \$500 prize. Applications are due first to the Butler Co. Assn. of Township Officials by September 3rd to be reviewed and approved, before submission to PSATS by Oct. 15th for their consideration*) James R. Jones asked the Recreation Board if they knew of anyone that might be interested and there was none indicated. There was no interest indicated from those present at tonight's meeting either.

Evelyn Gross asked the Supervisors to consider a building set-back modification from Mr. & Mrs. Wiefling on Saxonburg Rd. They propose to be 40 ft. instead of 50 ft. from the road right-of-way (the same distance as the existing house.) Evelyn and Leo Rosenbauer from the Planning Commission had no objection to the Supervisors acting on this modification. *Motion* by James R. Jones to approve the modification for a 40 ft. set-back from the road right-of-way for a proposed garage for Wiefling, Saxonburg Rd., Butler. *Seconded* by Jim Chick. All agreed and *motion carried*.

ADJOURN:

James Jones *moved* to adjourn at 7:00 P.M. Jim Chick *seconded*. Agreed and carried.

ATTENDANCE:

Evie Gross, Jane Limbacher, Stan & Maria Mills, Tom & Laura Alberti, Michael Beamer, Marty & Linda Fitzmaurice, Paul Foertsch, Beryl & Bert Mottern, and Wally Cypher.

Next Regular Meeting: Mon., Sept. 14, 2009 at 3:30 P.M.