

REGULAR MEETING
December 14, 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 3:30 P.M. on Monday, December 14, 2009. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, James Chick, Phillip Bachman and Lois J. Fennell, Sec.

ANNOUNCEMENT:

The Board met briefly in executive session prior to the meeting to discuss personnel raises, budget questions, and Bonniebrook S-bend/property.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

MINUTES:

James R. Jones *moved to approve the November 9, 2009 regular meeting minutes* as written and distributed. *Seconded* by Jim Chick. All agreed and *motion carried*.

FINANCIAL:

The bills paid between the Nov. 9th and Dec. 14th meetings totaled \$1,691.89. The bills presented for payment from the General Fund today totaled \$40,806.04. No bills were presented from the State Fund. The balance of all the funds after payment of the bills presented was \$164,624.76. James R. Jones *moved to pay the bills listed as well as any bills that become due prior to the next meeting*. *Seconded* by Jim Chick. All agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT:

Mr. Larry Lutz, Attorney for the "Stop the Race Track" Coalition commented on the possible noise ordinance and the support of many property owners for it. He submitted a copy (5 pages) of Section 157.11 "Vehicular Noise Limits" for the Supervisors to consider. Chairman Jones noted that he received numerous calls urging support of a noise ordinance.

Bob Corbett submitted pictures of various 'off-road vehicles' and mentioned that most of these do not have 'stock' mufflers and referred to prior discussions with planning commission members regarding 'modified mufflers' being a nuisance and regarding noise emitted from 'older vehicles' being addressed in the state decibel standards.

RECREATION COMMITTEE: No November meeting. Next meeting is Feb. 3, 2010.

PLANNING COMMISSION:

Evelyn Gross, P.C. Chair., reported on their November 19, 2009 meeting. She noted that a 'timeline' was included in the draft minutes, which indicates that the township attorney sent sample off-road vehicle ordinances to the Supervisors in April and it has been discussed at various meetings through Nov. 19th. She reported that Brett Neupert submitted several items to support his claim that he does not need a 'handicapped accessible restroom building' and a revised estimate of people and vehicle amounts. She reported her response: that the P.C. is a group of volunteer citizens that depend upon the professionals hired for enforcing and interpreting the state laws and township ordinances; and noted that the P.C. will follow the recommendations of these professionals. She has since spoken to Attorney Marshall and re-stated that Mr. Neupert needs to submit something (an application or a copy of the plan

PLANNING COMMISSION, cont.:

with the narrative including that they plan to use portable toilets) to Code.sys Code Consulting in order to get a formal written determination. Leo Rosenbauer indicated this evening that he submitted plans to PennDOT and so far there is no response on whether a scoping meeting needs to be set-up. He also said that nothing has been sent to Code.sys, but noted concern that there is no 'set fee' for this type of plan review. Leo agreed to call Code.sys to ask for an 'hourly rate' or estimate. So far as the revised vehicle estimates, Attorney Marshall indicated that the Township must go by the 300-400 people as previously stated in several past meetings.

In regards to the proposed ORV and/or noise ordinance, Evie reported that the P.C. members do not appear to be in agreement to proceed. She asked the Board if they want them to continue to look at a simple ORV ordinance or a comprehensive 'noise' ordinance. Bob Corbett asked the Supervisors to 'direct' the P.C. to look at a comprehensive noise ordinance. Chairman Jones said that the Board is asking them to look at a possible noise ordinance that can be easily enforced and will hold up in court. It was noted that there can be exceptions from a 'noise' ordinance, and Ms. Gross proceeded to name a few. Mr. Bachman asked about gas well drilling operations, and Ms. Gross said that noise cannot be regulated as it falls under the PA Gas & Oil Act.

Mrs. Gross further reported that Mr. Corbett asked whether it was a conflict for Mr. Rosenbauer to participate in the discussions on the noise regulations because he represents the race track. She asked Attorney Marshall about this, and subsequently Leo Rosenbauer has agreed to recuse himself from deliberating or voting on the proposed noise ordinance in addition to the race track land development.

UNFINISHED BUSINESS:

The Township engineer is working on the specifications for some handicapped accessibility upgrades needed at the park and will submit them to the County CDBG office. The CDBG office needs authorization to then 'bid out' the project. *Motion* by James R. Jones to authorize the County to bid out the CDBG -R (stimulus funding) project. *Seconded* by Jim Chick. All agreed and *motion carried.*

The last correspondence from Mike McCarren regarding the pool loan issue indicated that the current balance (after applying the Nov. payment and the \$2,500 donation from Clinton Township) is \$6,833.44. They plan to pay an additional \$4,500 to bring the current pool loan balance to \$2,333.44. The Pool Renovation Phase II disbursement this month to the County for \$18,067.46 will be added to the current balance for a total 'new loan' of \$20,400.90. This is to be paid over 5 years (60 months @ \$340.02). *Motion* by James R. Jones to authorize the 'note' to be signed by the Pool Association President (*currently Mike McCarren*) after the \$4,500 payment is made.) *Seconded* by Phil Bachman. All agreed and *motion carried.*

Leo Rosenbauer and Jim Jones noted that the Pool Association is still looking for a replacement for Mike McCarren, which is currently a volunteer position, but they are considering combining the 'president/chairman' position with the pool manager job, which pays \$10 per hour.

Chairman Jones reported that the engineer is working on the initial S-bend plan and appraisal, but nothing has been submitted to the township yet.

The 2010 Budget was advertised for final review and adoption this evening. The secretary/treasurer re-evaluated the ending 2009 balance and recommended several adjustments to the proposed 2010 budget: reduce realty transfer tax by \$10,000; reduce local services tax by \$5,000; reduce prior expense reimbursement by \$4,000; increase snow/ice control materials by \$10,000; reduce road maintenance material by \$20,000; increase utilities expense by \$2,532 (for hydrants). The estimated beginning balance for all funds is \$152,050 and the 2010 ending balance for all funds is expected to be \$147,001. Chairman Jones explained that the Board has reconsidered the raises for the employees for 2010 since the last meeting and therefore: G. Foertsch and L. Fennell will receive a 2% raise; R. Foertsch will receive \$1.50 per hour; W. Foertsch will receive ½ of the difference between his current rate and the road foreman's hourly rate or \$1.62 (1/2 of \$3.25). (*Note: Dennis Sybert was given a \$2.00 per call increase at the Nov. meeting.*)

Sue Hartzell questioned the large increases for the two newer road crewmen (thought it too much too soon.) Chairman Jones and Supervisor Bachman said the raises are based on their qualifications,

UNFINISHED BUSINESS, cont.:

performance and because all of them are doing the same work. *Motion* by James R. Jones to adopt the 2010 Budget (Resolution #295) as revised and setting the real estate tax at 1 mill (no change from 2009). *Seconded* by Jim Chick. All agreed and *motion carried*.

The new tax collector, Ashley Foertsch, approached the Board last month and as requested, submitted a written proposal for 'office space'. She would like a desk and chair, use of the fax machine, use of two lockable file drawers (with a key), use of the township address for her mail. Chairman Jones stated some of the Board issues with her proposal: They are uncomfortable with her office hours being outside of those of the secretary/treasurer. They are uncomfortable giving out a key to the office. They do not want to set a precedent by allowing the tax collector to have 'office space' at the Township facilities, since traditionally the tax collectors have worked out of their homes. The only townships in Butler Co. with tax offices at the municipal building are Butler Township and Cranberry Township and both have actual office room(s) and pay rent to the township. Winfield Township's Tax Collector rents space at the Cabot post office. Ashley responded that she does not need the office key because she could come back during regular hours to use it. She will be using her home address for the receipt of mail. She will still need a key to the municipal building for her proposed office hours. Except for the two file drawers, she will bring and take everything with her (including her own cell phone.) Chairman Jones said the Supervisors are denying her request. He suggested checking on the old Jefferson school or the Jefferson Grange for 'office space.' She said the Jefferson School is already in full use, with no extra rooms available. The only office space she knows of is in Sarver; but it was noted by one of the auditors and the current tax collector that her office must be located within Jefferson Township.

NEW BUSINESS:

Kathryn Foertsch, whose term as tax collector ends 12/31/09, will have to do 'tax certification letters' in 2010 for 2009 and requested that the fee be increased to \$15.00. If the fee resolution is revised, then it raises the fee allowed to be charged by the new tax collector as well. Kay said in the past there have been 80 to 100 tax certifications annually, but that is way down now due to the economy. Jim Chick moved to revise the fee resolution (Resolution # 296) by increasing the 'tax certification letter' fee to \$15.00. *Seconded* by Phil Bachman. Jim Jones was not feeling well and had to leave the meeting early. *Motion carried* by the two remaining Supervisors.

A letter was received from PA American Water Co. regarding the 12" water transmission main to be constructed in the Saxonburg Road right-of-way. The letter states that although the project is primarily to support the need for a reliable water supply in Saxonburg, the PAWC will offer to supply water service to any resident in Jefferson Township along the proposed route that requests water service. There is no obligation for any resident to take water service and no fees will be assessed for the installation of the water main. *If the resident requests water service*, there will be a fee applied for the installation of the meter and the resident must install a copper service line from the meter to the point of use. The letter further says they hope this plan is acceptable to the Township and if so, to provide written approval. The Board had checked with DEP and subsequently with the Township attorney regarding this. The Township has no 'right of refusal' since it will be constructed in the state right-of-way. No vote was taken. The Board wants to know exactly what the 'franchise service area' is and how it affects the property owners.

MISC. BUSINESS FROM TOWNSHIP OFFICIALS:

The Board had no other business, however, Leo Rosenbauer spoke up to say Kevin Miller came to the meeting to talk to the Board about Stoneybrook Drive. They want to continue development of the plan by bringing the sewer line in from Audrey Lane to Lots 3, 2, and 1 at the end of Stoneybrook. The water line will still need to be extended up the 'unfinished' Stoneybrook Dr. They were told that the bonding for the road must be updated and the plan 'revised' somehow. The Board and P.C. Chair, Evelyn Gross, asked Leo to contact the Township attorney regarding the bonding issue.

MISC. BUSINESS, cont.:

Lois J. Rankin submitted her resignation as 'auditor' as of today, 12/14/09. (Her term would have ended 12/31/09.) Sue Hartzell had Judy Herman submit a letter of interest in the position. She and Supervisor Bachman had a heated conversation regarding the auditor appointment and position responsibilities. *Motion* by Phil Bachman to accept Lois Rankin's resignation as township auditor dated today, 12/14/09. *Seconded* by Jim Chick. The two agreed and *motion carried* (Chairman Jones had left.) Kathryn Foertsch, out-going tax collector, agreed to be considered for the position but wants to double check regarding her eligibility. The appointment of the replacement auditor was tabled.

ADJOURN:

Jim Chick *moved* to adjourn at about 5:05 P.M. Phil Bachman *seconded*. All agreed and *motion carried*.

ATTENDANCE:

Stan & Carol Walchesky, Marsha Acre, Velma Zupanek, Tom Alberti, Bob Corbett, Larry Lutz, Norm & Alanna Neupert, Bert Mottern, Kevin Miller, Sue Hartzell, John Yaroschak, Ashley Foertsch, Gene & Shirley Widenhofer, Jim Rankin, Paul Foertsch, Kay Foertsch, Wally Cypher, James L.(?), Lois J. Rankin, Jennifer Rhoades, Evie Gross, Leo Rosenbauer.

Next Regular Meeting: Mon., Jan. 4, 2010 at 3:30 P.M.