

JEFFERSON TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
October 12, 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 3:36 P.M. on Monday, October 12, 2009. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, James Chick, and 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 THE AGENDA AS PRESENTED: None.

MINUTES:

James R. Jones *moved* to approve the September 14, 2009 regular meeting minutes as written and distributed. *Seconded* by Jim Chick. Both agreed and *motion carried*.

FINANCIAL:

The bills paid between the Sept. 14th and Oct. 12th meetings totaled \$68,894.95. This total includes the \$32,603.30 Foreign Fire Insurance Tax received on 9/14 and paid out to Saxonburg Volunteer Fire Dept. on 9/18/09. It also includes the Neubert property purchase of \$36,179.28. The bills presented for payment from the General Fund today totaled \$19,989.57. No bills were presented from the State Fund. The balance of all the funds after payment of the bills presented was \$161,029.23. 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. Both agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT:

Tom Alberti and Bob Corbett asked whether the Neupert's filed for a PA UCC appeal hearing yet and what fee they would have to pay for the 'hearing.' Brett Neupert has not yet filed for a PA UCC appeal hearing. If he does, he will have to submit \$2,000 with his request for the hearing (according to the revised fee resolution passed this summer). They asked about the traffic study (see Planning Commission report below) and it was noted that IF it is required, the developer has the study done and pays for it. Mr. Corbett submitted a 'noise ordinance guideline' and an updated petition against the race track. Mr. Corbett said that this one takes the place of the first one submitted. He read some excerpts from the 'guidelines' regarding quantitative and qualitative noise, stating that the 95 decibels discussed for the Off-Road Vehicle Ordinance were 'off' and that they want to study the matter and present their information for consideration. Subsequent discussion took place regarding: whether 'we' are talking about an "Off-Road Vehicle Ordinance" (the original intention) or a "Noise Ordinance"; if a noise ordinance, then it should exempt special events and holidays; operations hours; concerns about 'more and more' controls and where it ends; and how/if property values go down if the race track goes in.

RECREATION COMMITTEE:

Leo Rosenbauer, Rec. Committee Chairman, reported on their Oct. 7th meeting. The four associations still do not want their dumpsters removed through the off-seasons (winter), plus, the pool association's has already been removed and they would like to have it returned at no charge! Leo will be calling Vogel Disposal to get the issue resolved. POOL: The well-house roof needs replaced. They are not able to use the prison work release program, but Evelyn Gross recommended contacting VO-Tech to see if they could do a 'project.' The pool association may be able to pay off their current loan balance of

RECREATION COMMITTEE, cont.:

\$10,000.10. (The new loan will be for the amount due on the Phase II Renovation Grant -- about \$18,000.) BASEBALL: The baseball association will be sending a check soon for the trash service bills through 8/31/09. Leo said all four associations plan to pay this initial billing from the township. SOFTBALL: Fall ball will be done by mid-October. Volunteers will be replacing the roof on the storage shed. Career Track may be painting some dugouts. SOCCER: The fall season is half over. Someone caught some teenagers hanging around the women's shelter; hopefully this does not become a problem. PARK: Leo is waiting to hear from Gary Pinkerton, Butler Co. Parks & Rec. Director, as to when a section of concrete will need to be taken out in order to finish the pool sidewalk.

PLANNING COMMISSION:

Evelyn Gross, P.C. Chair., reported on their September 24, 2009 meeting. The P.C. reviewed and agreed with the front set-back modification for Bradley Wiefing approved by the Supervisors at their August meeting.

The P.C. reviewed and approved a modification request from Andrew and Dawn Durand to build a garage 1 to 3 ft. from the property line of the parents (Andrew & Bernice Durand), whose property surrounds their lot. A notarized letter of permission was submitted. *Motion* by James R. Jones to approve the 1 to 3 ft. side set-back modification for a proposed garage for Andrew & Dawn Durand at 174 Bonniebrook Rd., Butler. *Seconded* by Jim Chick. Both agreed and *motion carried*.

The P.C. reviewed and approved a subdivision for James and Joan Miller on North Pike Rd. Lot 4 is being divided. Lot 4R (revised) will be 1.64 acre with existing stone house and septic. New Lot 5 will be 1.50 acre with existing mobile home and septic. Both have sufficient frontage, but lots are odd shaped in order to keep septic systems on the appropriate lots while making sure the new lot is 1.5 acre. *Motion* by James R. Jones to approve the James D. & Joan M. Plan No. 2 as presented. *Seconded* by Jim Chick. Both agreed and *motion carried*.

The P.C. heard Leo Rosenbauer's report on the outstanding issues noted last month:

- 1) The legal agreement between Brett Neupert and his parents (the property owners) has been submitted.
- 2) The 'permanent structure/restroom' matter is still outstanding and the owner will be deciding whether to appeal or to abide by the requirement (PA UCC/Plumbing Code) as indicated by Code.Sys Code Consulting.
- 3) The NPDES permit is still being worked on and they still must meet with the Butler County Conservation District and DEP.
- 4) Calculations on the storm water plan were sent to the Township Engineer and some comments were received today.
- 5) They have filed the 'plan' with the Butler County Planning Commission.
- 6) A project narrative has been submitted.

Evie also reviewed the township engineer's response letter and Leo commented as follows:

- 1) Applicant is to forward a complete Land Development package to the Butler Co. Planning Commission for a review and report. *Mr. Rosenbauer indicated that they have submitted the plan.*
- 2) If wetlands are present, a delineation and report will be required. *Mr. Rosenbauer indicated that there are no wetlands.*
- 3) An NPDES Individual permit will be required for this project. *Mr. Rosenbauer indicated that submission is in progress and they will be meeting with the Butler Co. Conservation District.*
- 4) Based on the parking spaces provided and the anticipated 300 to 400 attendees on a weekly basis, a traffic impact study is required. *Mr. Rosenbauer interprets this Section 603.2.P differently. He said he calculated it: 400 'people' divided by 2.5 people per vehicle = 160 plus 30 'racers' (divided by the # of days?) = 32.17 trips per day. He said that is under 50 trips, which would not require a study.* Evie reported that Leo was told he may contact the township engineer to discuss the traffic study calculations, but noted that in the end, the township will follow the recommendations of the township engineer.
- 5) An Environmental Impact statement as specified in Section 912 shall be submitted. *Mr. Rosenbauer said they can do this.* The Township Engineer (Brandy Kunsman, P.E.) further noted in the letter that the developer must verify that final grades will not impact the overhead aerial electric lines and that she will verify site distance and entrance drive location. Ms. Kunsman also notes: The final application submission shall include a complete Land Development set and Narratives/Reports conforming to

PLANNING COMMISSION, cont.:

Chapter 22, Part 7, Part 9, and Part 10 of the Jefferson Township Code of Ordinances, including, but not limited to, the Post Construction Stormwater Management Plan and Narrative/Report.

The above review was followed by comments and discussion from various property owners that attended the P.C. meeting. The P.C. voted to table the decision on the Neupert Raceway Park Land Development Plan. *The Supervisors took no action this evening.* It was noted that a time extension has been submitted by the developer, which ends in February.

The P.C. voted to approve changing the October meeting to Wed., Oct. 21st at 7:30 P.M.

UNFINISHED BUSINESS:

Evelyn Gross, P.C. Chair., was directed by Chairman Jones and Vice-Chairman Chick to contact Attorney Marshall regarding the proposed "Off Road Vehicle Ordinance" and then take his recommendations to the Planning Commission for further review.

NEW BUSINESS:

The 2010 Preliminary Budget, prepared by the secretary/treasurer, was 'introduced' to the Board of Supervisors. They will review it this month and will plan to discuss as needed at the November 9th meeting. Generally authorization to advertise the proposed budget is given at the November meeting.

The Supervisors discussed the proposal from Phil Bachman (Road Foreman and Supervisor) to purchase a 1999 Vermeer Wood Chipper from Clinton Township. Jim Jones noted that Phil was getting quotes for 'new' wood chippers starting at \$32,000. Clinton Township will sell the wood chipper to Jefferson Township for \$18,000, and Jefferson Township will allow Clinton to use the chipper for emergencies. Phil has indicated that the chipper is in very good condition. (Paul Foertsch spoke up to say that he agrees that it is in good condition.) The township prefers to purchase rather than rent, in order to have the chipper on hand for emergencies. It will be used for maintenance along township roads and in the township park. James R. Jones *moved* to authorize the purchase of the 1999 Vermeer Wood Chipper from Clinton Township for \$18,000. *Seconded* by Jim Chick. Both agreed and *motion carried*.

MISC. BUSINESS FROM TOWNSHIP OFFICIALS:

Lois Rankin, candidate for Supervisor on the ballot for Nov. 3rd, wants to attend the "Journey of a Township Supervisor" Seminar (Nov. 7th) and "Newly Elected Officials Course (Nov. 21st) and asked that the township to pay the registration. Chairman Jones suggested that she pay the registration and then after the election (if she is successfully elected as supervisor) she can submit the registration and mileage to the secretary for reimbursement. Supervisor Chick agreed. Lois Rankin agreed.

ADJOURN:

James Jones *moved* to adjourn at about 4:23 P.M. Jim Chick *seconded*. Both agreed and *motion carried*.

ATTENDANCE:

Evie Gross, Lois Rankin, Leo Rosenbauer, Paul Foertsch, Norm & Alanna Neupert, Jennifer Rhoades, Shirley & Eugene Widenhofer, Alan Beblo, Jim Lentz, Dale Koegler, Helen & John Yaroschak, Andrew Durand, Tom & Laura Alberti, Denise & Bob Corbett, Susan Kerr, and Wally Cypher.

Next Regular Meeting: Mon., Nov. 9, 2009 at 3:30 P.M.