

REGULAR MEETING  
September 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 3:38 P.M. on Monday, September 14, 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 THE AGENDA AS PRESENTED: None.

MINUTES:

James R. Jones *moved* to approve the August 10, 2009 regular meeting minutes as written and distributed. *Seconded* by Phil Bachman. All agreed and *motion carried*.

FINANCIAL:

The bills paid between the Aug. 10<sup>th</sup> and Sept. 14<sup>th</sup> meetings totaled \$288,591.26. This total includes the \$282,857.75 invoice from Russell Standard Corp. for seal coat work. The bills presented for payment from the General Fund today totaled \$56,154.11. This total includes the Saxonburg Fire & Ambulance workmen's comp. share of \$11,821.57 and the \$19,178.04 due to the Butler Co. Sewage Assn. No bills were presented from the State Fund. The balance of all the funds after payment of the bills presented was \$219,705.51. 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*.

RECREATION COMMITTEE:

Committee Chair, Leo Rosenbauer, reported on their September 2<sup>nd</sup> meeting. He distributed the interim invoices for the trash removal for the four associations. He told them to call the township secretary with any questions. The committee discussed the new one-year agreement. Career Track may be available, up to early Oct. depending on the weather, to paint guard rails in the soccer parking lots. They are to contact Wayne Deaner for materials available. BASEBALL: Fifteen year olds will be playing fall ball until the end of October. The home run net has been installed at the Legion Field by Jeff Stall, Andy Bozzo and other volunteers. POOL: The closing date for the pool is scheduled for Sept. 7<sup>th</sup>. Mike McCarren is trying to find someone to replace him as pool manager. This position is 'volunteer.' They would like a notice in the township newsletter. There is about 12 ft. of old sidewalk at the pool entrance that the township road crew will remove. Leo will notify the road crew how soon this should be done after checking with the County about when their volunteers can install the new sidewalk.

SOCCER: The fall soccer season is under way. Ken Stockert dealt with a situation recently regarding several teenagers playing a pick-up soccer game on one of the fields without permission. It was communicated that the soccer association is licensed to use their 'area' of the park and the association maintains the fields. Committee ACTION ITEMS: In regards to the new one-year trash agreement, the four associations decided they did not want the trash dumpsters removed for the off-season. However, the township secretary has informed Leo that Vogel Disposal is no longer offering the off-season rate and wants the dumpsters removed in the fall and replaced in the spring. The cost for this is about the same as the 'old' off-season low rate. The only other alternatives: pay the regular rate per month (\$115) or talk

to Vogel about purchasing the dumpster(s). It was noted that the pool dumpster needs repaired – but if it is removed, it can be fixed by Vogel then.

#### NEW BUSINESS:

A *motion* was made by James R. Jones to authorize the road crew (4 employees) to attend the Annual Safety Seminar on Oct. 7<sup>th</sup> at the Vagabond Center. The cost is \$10.00 each. *Seconded* by Jim Chick. All agreed and *motion carried*.

James R. Jones *moved* to authorize township officials (Supervisors, sec/treas., tax collector, auditors, and planning commission members) to attend the Butler Co. Assn. of Township Officials Fall Convention (Wed., evening Oct. 28<sup>th</sup>) and authorize payment of the registration and usual expenses. *Seconded* by Phil Bachman. All agreed and *motion carried*.

James R. Jones *moved* to ratify the registration payment (due before this meeting) and authorize Lois Fennell and Evelyn Gross to attend the Ret. 28 Regional Corridor Alliance “Economic Champions Summit” on Sept. 21<sup>st</sup>. *Seconded* by Jim Chick. All agreed and *motion carried*.

Chairman Jones *moved* to set “Trick or Treat” for Saturday, Oct. 31<sup>st</sup> from 6 PM to 7:30 PM. *Seconded* by Phil Bachman. All agreed and motion carried.

#### UNFINISHED BUSINESS:

Chairman Jones reported that the Supervisors, with the help of the Township Attorney, have been negotiating the purchase of a 4.269 acre flag lot with a 50 ft. r.o.w. to Rt. 356 that abuts the park. The appraisal was done last fall. The property owner Kevin and Michelene Neubert, had wanted \$50,000 for the property, but the final purchase price is \$35,000.00. The closing is scheduled for Monday, Sept. 14, 2009. A *motion* was made by James R. Jones to adopt Resolution #294 agreeing to the purchase and authorizing execution of the documents. *Seconded* by Phil Bachman. All agreed and *motion carried*.

This property will give the Supervisors options for park use, whether it is for the pool or ball fields, etc.

The 1985 International Dump Truck was authorized to be sold and as advertised, the bids were due for opening today. Four bid envelopes were received and they are:

Richard Murray	- \$4,700.00	Walter Stickney	- \$2,876.42
Wayne Dilllabaugh	- \$2,150.00	Paul Foertsch	- \$3,756.90

James R. Jones *moved* to award the ‘as is’ sale of the 1985 International Dump Truck to the highest bidder, Richard Murray, for \$4,700.00. *Seconded* by Phil Bachman. All agreed and *motion carried*. The secretary will contact Mr. Murray tomorrow.

The Supervisor authorized advertisement of Ordinance #293 – Road and Street Access Ordinance last month. It has been duly advertised for adoption today. James R. Jones *moved* to adopt Ordinance #293. *Seconded* by Phil Bachman. All agreed and *motion carried*.

Chairman Jones reported that due to the failure of the State to pass a budget and the fact that it is unlikely that the State will include in the budget the 2008 Sewage Facilities Act Reimbursement (which was applied for by our sewage enforcement agency or BCSA), each member municipality must pay their share of that reimbursement (as per our agreement with BCSA). They are in desperate need of this reimbursement money for current operating costs. The check for \$19,178.04 is included with the bills this evening. IF the State ends up including the 2008 Sewage Facilities Act Reimbursement in the budget when passed, our share will be returned to us! James R. Jones *moved* to remit the \$19,178.04 to BCSA as required. *Seconded* by Jim Chick. All agreed and *motion carried*.

The Supervisors authorized last month to advertise the “Off-Road Vehicle Ordinance”, but due to conversations with our attorney, the advertisement was postponed. Attorney Marshall reported that the noise aspect of the proposed ordinance needs to be re-considered. The 95 decibels at 20 inches does not allow for ‘revving’ of motors, etc. Plus, he recommends that since we have no zoning, the measure of decibels should be from the property line with a maximum allowed continuous and maybe a max. allowed

'spike' level. The question is "what should the decibels be set at (at the property line)"? Mr. Corbett mentioned the number of vehicles that will be running at the same time – revving at different levels. Mrs. Hartzell questioned whether we have someone to enforce the ordinance and if that person knows how to use a 'decibel meter'? An unnamed gentleman complained about a skid loader that his neighbor is running all day long – wondered about those types of vehicles being improperly muffled. The Attorney is to send more information to the Board for consideration before a 'final' draft is completed.

#### PUBLIC BUSINESS OR COMMENT:

Mr. William Lawson was present regarding an unopened right-of-way. He said he gave his 'power of attorney' to Hagan Smith. Mr. Smith claims that Mr. Lawson's lot is NOT part of the 1980 subdivision. He said Mr. Lawson's mother gave him a 20 or 25 ft. r.o.w., but it was never recorded. He said that the 'plan' put the 'road' over his right-of-way. They want the township to allow a driveway on the r.o.w. to his lot and when and if the back lots are to be improved, the new road can go over his driveway. Planning Commission Chair., Evelyn Gross stated that the lot is not 'land locked', that it has access from the r.o.w., but the r.o.w must be improved or 'changed' with the permission of all the property owners in the plan. Mr. Smith said he will approach all of the property owners to see if they will 'sign-off' for a change to the plan; but still wants the Supervisors to consider allowing the private driveway – stating that it is an eminent domain taking if we refuse. He also stated that the Grupps and Laughner properties are misfiled and that they do not own the r.o.w., but it is jointly owned by the 'plan.' Attorney Marshall told Mr. Smith to put his information in a letter to the township for review. Chairman Jones said Attorney Marshall will then review the matter to advise the Board.

#### PLANNING COMMISSION:

Planning Commission (P.C.) Chair, Evelyn Gross, reported on the August 27, 2009 Planning Commission meeting. The P.C. reviewed and approved a lot-line revision for Mr. Frank Zacherl on Durango Lane. Lot 1 will be conveyed a 9.40 acre Parcel D (from Lot 2). Lot 2 will be conveyed a .42 acre Parcel B (from Lot 3) for additional frontage on Durango Lane. Lot 3 will be conveyed .36 acre Parcel C (from Lot 2). The results after all conveyances are: Lot 1 = 20.90 acres with existing metal building. Lot 2 = 29.75 acres with existing buildings and septic. Lot 3 = 27.16 acres +/- with existing buildings. The Supervisors reviewed the plan. James R. Jones *moved* to approve the Lot-Line Revision for Frank D. & Nancy L. Zacherl as presented. Seconded by Phil Bachman. All agreed and *motion carried*.

The P.C. reviewed and denied the Neupert Raceway Park Land Development due to the following deficiencies: 1) *A legal document or agreement between Bret Neupert and the property owners (his parents).*

- 2) *Permanent structures should be shown on the plan – in particular the restroom facilities required under the PA Uniform Construction Code/International Plumbing Code OR apply for an appeal from the plumbing code through the Jefferson Township Board of Appeals.*
- 3) *NPDES and other possible permitting under the Dept. of Environmental Protection (DEP) and the Butler County Conservation District. A sewage permit will be required if an appeal from the plumbing code is not successful. Also if the appeal is unsuccessful, a well will have to be drilled and both the well and septic need to be indicated on the plan.*
- 4) *A stormwater plan.*
- 5) *File the land development with the Butler County Planning Commission for review and comment prior to the Township's review and provide the Township with a copy of the transmittal letter or an acknowledgment of receipt from the County.*
- 6) *A project 'narrative' as offered by your engineer/surveyor, Leo Rosenbauer.*

Mr. Neupert's consultant, Leo Rosenbauer, gave a brief presentation of the land development to the Board. The 40 +/- acres are owned by Norman and Alana Neupert. The land development will take place on the 10 acres in the southwest corner. There will be a ¼ mile track, with a detention pond in the center for 100 yr. storm water overflow. They have already contacted the power company regarding thie 'high tension lines' that run above the development. The power company has indicated that there should

be 'no physical permanent structures' in the r.o.w. The existing home and barn will retain the existing driveway, and that will be fenced to prohibit access by the track users and spectators. There will be a new wider access for the race track. There are natural buffers (wooded area and fields) plus the substation to the south. Mr. Rosenbauer said he understands the outstanding issues and they will continue to work on those issues. Attorney Marshall advised the Supervisors may want to table any decision on the condition that more information on the outstanding issues must be submitted very soon and the developer is willing to give an extension. The Supervisors want the outstanding information to go back to the Planning Commission. Mr. Rosenbauer and Mr. Neupert are agreeable to a 90 day extension. *A motion was made by Chairman Jones to table the NRP Raceway Park plan, refer to the Planning Commission for further review, and accept the applicants request for an additional 90-day extension. Seconded by Phil Bachman. All agreed and motion carried.*

Several people had questions and comments. Mr. Corbett would like a copy of the actual drawing (*the township has no means to copy a 3x2 ft. plan.*) He submitted a petition of 200 people who are against the track. Mr. Brewer said the power line r.o.w. is 200 ft., but the consultant said it is 100 ft. (50 ft. on each side of the center line.) Mrs. Hartzell asked if Mr. Neupert had his 'financing' in place. He said yes. In response to her other question, his track will be clay not asphalt – and not the same as the track in Beaver County to which she referred. Mrs. Kerr said she is concerned about the well water drying up with the water usage. She asked about the existing agricultural pond. It is fed by natural spring and may be used as a back-up for water during dryer periods. Mr. Rosenbauer said the retention pond will not be stagnant, but is based on a circulating system (to their knowledge there are no springs on this side of the Neupert property.) Mr. Neupert is planning a 'French drain' type system to collect as much water run-off as possible.

#### MISC. BUSINESS FROM TOWNSHIP OFFICIALS:

Mr. Robert Corbett mentioned the HB1500, which would require townships to pay for state police coverage (with no increase in the actual coverage). *NOTE: This bill is now before the full house. The first year will be \$52.00 per year, the second year \$104.00, and the third year and thereafter, \$156.00 PER CAPITAL (per person). Our population will likely be 6,000 or more with the 2010 Census, so the cost will be upwards of \$936,000.00. That is 24 mills of real estate tax. Jefferson Township's real estate is currently 1 mill!! The problem is that the PA Second Class Township Code states that the annual millage rate for general purposes can be no more than 14 mills.* Mr. Corbett said we need to get the word out. The secretary has noted that this topic has already been put in the newsletter and is also available on the website on line. The township has already contacted Representative Daryl Metcalf and Senator Don White.

Evie Gross reported that Dave Perine was present at their meeting on Aug. 27, 2009. He inquired about a possible subdivision of his property. He has a flag lot with an existing house and plenty of acreage. The front lot, however, has court approved use of this same access. Since the P.C., Evie spoke with the attorney, who has advised that one additional lot would be allowed on this private r.o.w. (*our ordinances allow only 3 lots/houses on a private lane*) and he can be grandfathered in for driveway 'construction' specifications, since the shared portion is existing.

#### ADJOURN:

James Jones *moved* to adjourn at about 5:30 P.M. Jim Chick *seconded*. Agreed and carried.

#### ATTENDANCE:

Evie Gross, Sue Hartzell, Lois Rankin, Leo Rosenbauer, Paul Foertsch, Norm & Alana Neupert, Tom Sweesy, Bill & Jeanne Lawson, Hagan Smith, Stan & Carol Walchesky, Velma Lupanek, Tom & Laura Alberti, Monique Moody, Brett Neupert, Jennifer Rhoades, Sandra Sweesy, Frank Zacherl, Jim L. (?), Don Montag, David Campbell, Susan & Dale Kerr, Lloyd Brewer, Dayne Cypher, Robert Corbett, and Wally Cypher.

**Next Regular Meeting: Mon., Oct. 12, 2009 at 3:30 P.M.**