

REGULAR MEETING  
February 8, 2010

CALL TO ORDER:

The regular meeting was called to order by acting chairman, James R. Jones, at approx. 3:35 P.M. on Monday, February 8, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, Phillip L. Bachman, Lois J. Rankin, and Lois J. Fennell, Sec/Treas. Chairman Jones welcomed Lois Rankin to the Board and everyone agreed. Mrs. Rankin was absent from last month's meeting due to a car accident.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

ANNOUNCEMENTS:

Chairman Jones announced that he and Supervisor Bachman met with Attorney Matt Marshall on Jan. 19<sup>th</sup> to discuss the S-bend property purchase. It was noted that Jen Rhodes was taping the meeting. Bob Corbett announced that he would tape the meeting as well.

The first duly public hearing on the 2010 Community Development Block Grant (CDBG) (duly advertised by the County) was held at 3:16 P.M., prior to the start of this meeting. The 2<sup>nd</sup> hearing is planned for March 8, 2010 at 3:15 P.M. There were no written or verbal comments received prior to the hearing. Wendy Leslie, County CDBG Coordinator, reported that the 2010 allocation has not been determined yet, but it should be similar to 2009. In 2009 the total grant was \$95,412.00 for projects plus \$20,859.00 administrative funds. So far, there are no suggested 'eligible' projects for these funds.

MINUTES:

James R. Jones *moved* to approve the Jan. 4, 2010 meeting minutes as written and distributed. *Seconded* by Lois Rankin. All agreed and *motion carried*.

FINANCIAL:

The secretary/treasurer reported that the bills paid between Jan. 4, 2010 and the month end totaled \$17,652.33 (noting that it was mostly salt purchases.) The bills presented for payment from the General Fund today totaled \$64,212.06 (one-half of which is salt purchases.) No bills were presented from the State Fund. The total of all the funds after payment of the bills presented was \$152,598.27. James R. Jones *moved* to pay the bills presented plus any that become due before the next meeting. *Seconded* by Lois Rankin. All agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT:

Norman Neupert applauded the excellent work by the road crew during the recent snow storm! The Board and several others in attendance agreed. Bob Corbett inquired about the status of the 'noise ordinance.' Chairman Jones said the topic will be discussed during the Planning Commission report.

RECREATION COMMITTEE:

Leo Rosenbauer, Recreation Committee Chairman, reported on their Feb. 3<sup>rd</sup> meeting. Baseball: had 2 sign-ups in January; the deadline for sign-up is March 1<sup>st</sup>. Pool: The pool is still leaking and down about 4 feet. Leo noted that the Supervisors already sent two letters to the County Commissioners regarding the leak problem. The contractor has come back and 're-caulked', but it has not fixed the problem. The Supervisors noted that dye was used in the past, but did not show up to indicate anything. Supervisor Bachman said the pool *may* be undermined (since it has leaked since 1969); now there is more water/more pressure and it is still leaking. Leo said Mike McCarren had thought the return line might be

leaking, but it is not showing up in the pump room. The Board wants to know whether there is still a maintenance bond on the project. Softball: Sat., March 27<sup>th</sup> is a scheduled 'work' day. Sign-ups are 'on-line.' Opening is Sat., April 24<sup>th</sup> with a rain date of May 1<sup>st</sup>. They were approached by "Good Neighbors", an organization of age 60 and over softball players. Tentatively scheduled for early August, they need Supervisor approval to park self-contained motor homes in the park for that one week-end. Soccer: Ken Stockert would like the Supervisors to appoint Michael Gore to replace him on the Recreation Board. Soccer sign-ups are 'on-line' and the season starts April 10<sup>th</sup>. Ken would have liked the ADA park construction to start in June between their seasons, but Leo noted that because the funds are 'stimulus funds' the work has to be done before June. So, the work is set to begin in February. Projects/Action: Chairman Jones received three quotes for 700 ft. of chain link fencing to be installed on the east side of the park. The length has since been reduced to 640 ft. The fence will probably be purchased from Penn Fencing; installation will likely be in early March. Softball is interested in getting extra fencing and will contact them. All organizations are to submit season schedules and tournament schedules to Lois Fennell for pavilion scheduling and extra dumpster pick-ups. The park gates need to be opened by March 14<sup>th</sup>; however, Bill Foertsch noted that it may depend on the weather. Chairman Jones *moved to appoint Michael Gore as the new Soccer Representative to the Recreation Committee.* *Seconded* by Lois Rankin. All agreed and *motion carried.* A motion was made by James R. Jones to adopt Resolution (#297) authorizing application to the Butler County Park Renovation Program Grant. The grant provides up to 75% of material costs for a project (up to \$8,000.00 -- grant of \$6,000 and local match of \$2,000.) *Seconded* by Lois Rankin. All agreed and *motion carried.* The Supervisors tabled any decision on the matter of 'self-contained' motor homes for the softball group. They would like to know how many and if they are being 'charged' by the softball assn. for use of the fields, etc.

#### PLANNING COMMISSION:

P.C. Chair. Evelyn Gross reported on the January 28<sup>th</sup> meeting. The P.C. reviewed and approved the Blackburn Subdivision with a modification for a 50 ft. private right-of-way in lieu of an 'owned' flag pole/driveway to the lot, due to the fact that at least 99% of the plan is located in Winfield Township AND contingent upon the plan complying with the Winfield Township regulations regarding subdivisions. The Supervisors reviewed the plan, which proposes Lot C-1 of 2 acres and a 50 ft. private right-of-way (which does not appear to be owned by Lot C-1). In addition, there is a .92 acre easement for part of the septic system on the adjacent property owned by Doreen & Keith Blackburn. James R. Jones *moved to approve the modification for the 50 ft. private right of way in lieu of the 'owned' flag lot 'pole'/r.o.w.* *Seconded* by Lois Rankin. All agreed and *motion carried.* James R. Jones *moved to approve the Doreen S. & Keith R. Blackburn Plan contingent upon its compliance with Winfield Township's regulations.* *Seconded* by Lois Rankin. All agreed and *motion carried.*

Evie reported that nothing new has been submitted on the proposed race track. It was reported to the P.C. that at their Jan. 4<sup>th</sup> meeting the Supervisors approved another 90-day extension submitted by Brett Neupert, which runs through the Supervisors' meeting on May 10, 2010.

She noted that the Supervisors reappointed Bob Wetzel, Bill Montgomery, and Leo Rosenbauer to the Planning Commission for another 4-year term. The P.C. held their 'election of officers'. Evelyn Gross is 2010 chairperson, Bill Montgomery is vice-chairman, and Danielle Sedlak was elected secretary, since Cheryl Prybock is planning to resign. The P.C. members discussed a possible change to the meeting day, but it will remain the same (4<sup>th</sup> Thursday monthly.) Evie noted that with she has already spoken with Kathryn Foertsch, who has previous experience on the Planning Commission, about replacing Cheryl; and Kay is willing to be appointed.

Evie reported that a small committee met with Attorney Marshall in mid-January to discuss possible noise regulations; the pros and cons; the problem of enforcement, etc. The P.C. then discussed the matter on Jan. 28<sup>th</sup>. Several other townships were contacted and most DO NOT have a noise ordinance, including Cranberry Township. The 'difficulty of enforcement' is an issue and the need for

one 'at this time' was questioned. The general consensus of the P.C. members was 'not at this time.' The Supervisors took comments from Bob Corbett, who stated that a noise ordinance is a 'local issue' and that there is 'local support' for a noise ordinance. He said that the Township has not heard the last on the noise ordinance. He said their group (Stop the Racetrack Coalition) plans to file an injunction and lawsuits if the race track is approved. Evelyn Gross responded that there have been only 2 or 3 specific noise complaints over the past 5 years or so. The petition against the race track is not an actual complaint on an 'existing' noise. Lois Rankin and Phil Bachman stated that they are not for a noise ordinance. Lois Rankin noted that she has already stated that she respects and will not oppose the recommendations of the Planning Commission. Chairman Jones believes the matter needs to be 'put on hold' until further notice and the other Supervisors agreed.

Evie reported that someone had asked about enforcement of the noise ordinance, to which she responded that these types of ordinances are complaint driven. She also noted that these types of ordinances are enforceable when adopted... NO one is grandfathered regardless whether it is an existing use or not.

#### UNFINISHED BUSINESS:

Chairman Jones reported that they obtained an appraisal for the Emery house on the Bonniebrook Rd. S-bend. It was too high, and after conversations with the appraiser, it was adjusted to a lower amount due to the non-complying septic system. The Supervisors are still in negotiations with Mr. Emery and will approach Mr. Waddingham (from whom a small amount of land will be needed for the S-bend straightening) later.

James R. Jones *moved* to ratify appointment of the secretary/treasurer, Lois J. Fennell, to be an authorized signature on the Tax Collector's checking account (as required by the new Butler Co. Resolution). This is needed in case of death or other incapacity of the tax collector. *Seconded* by Lois Rankin. All agreed and *motion carried*.

James R. Jones *moved* to ratify the approval for Phil Bachman to be included in the health, disability & life insurance coverage for 2010 (the same as the regular full-time employees) as a working supervisor/employee. *Seconded* by Lois Rankin. All agreed and *motion carried*. The request could not be voted on last month due to Lois Rankin being unavailable; but the letter was signed.

Only one fuel bid was received by the township for opening today as advertised. Purvis Brothers bid the diesel fuel at OPIS plus .10 (cents) and the unleaded gasoline at OPIS plus .10 (cents). The OPIS price (Oil Price Information Service) fluctuates from week to week, therefore, the differential would have been considered if another bid had been received. Since this was the only bid received, Chairman Jones *moved* to award the fuel bid to Purvis Brothers, Inc. as bid. *Seconded* by Lois Rankin. All agreed and *motion carried*.

The Subdivision and Land Development Ordinance Revisions for 'stormwater and road specifications' have been reviewed by both the P.C. (last year) and the Supervisors. They are finally ready to proceed. *Motion* by James R. Jones to authorize advertisement (Ordinance #292) as required by the PA Township Code. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Chairman Jones announced that the Township received notice from RAR Engineering Group regarding the application by PA American Water Co. for two 'minor' stream crossings in conjunction with the main line installation on Saxonburg Rd. There was no action to take on this.

#### NEW BUSINESS:

Phil Bachman *moved* to ratify the appointment of James R. Jones (primary) and Lois Fennell (alternate) as delegates to the Butler Co. Sewage Association. Lois Rankin declined to replace either Jim Jones or Lois Fennell. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Butler Co. Sewage Association is applying for a DCED (Dept. of Community and Economic Development) Shared Municipal Services Grant to help offset the cost of alternate system inspections due

to the lack of DEP reimbursement. The member municipalities need a resolution to authorize this. Chairman Jones *moved* to adopt Resolution #298 authorizing the BCSA to apply. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Chairman Jones reluctantly announced that Supervisor Phil Bachman has submitted a letter of resignation effective March 5, 2010. Mr. Bachman will not reconsider. The Board has 30 days from March 5<sup>th</sup> to appoint a replacement, so Mr. Jones and Mrs. Rankin will try to make this appointment at the March 8, 2010 meeting. (If they fail to agree on an appointment within those 30 days, the 'vacancy board' will have to meet within another 15 days to determine an appointment.)

Sec/Treas. Lois Fennell explained that First Commonwealth Bank sent notice that beginning March 1<sup>st</sup>, only the fronts of cancelled checks will be returned with the statements. This was unsatisfactory, since DCED trains elected auditors (as per state regulations) to review the 'backs' of cancelled checks. Other banks were contacted regarding their 'check imaging policies', but First Commonwealth has subsequently reversed this policy and are in the process of making the correction so that we receive copies of both the fronts and backs of cancelled checks. This however, won't be corrected for a month or two, so check images in March and maybe April will have to be copied from on-line (individually) by the secretary. The Board had no comments or objections to this.

The PA Dept. of Labor and Industry has adopted the International Code Council's 2009 Building Codes as the States' Uniform Construction Code. New books should be purchased to have on hand for township officials as well as township property owners and developers to review. Lois Fennell noted however, that they are copywrited, and cannot be 'copied' in full or in part! The Supervisors agreed that she should proceed with the purchase (estimated at close to \$600.00 for the set of 8.)

Attorney Marshall forwarded a copy of a proposed agreement between Concordia and Winfield, Jefferson, Butler County & the South Butler School District for payment in lieu of taxes for the tax property: (190) #1F94 Parcel 14-0001 (9 acre apts). His correspondence indicates that the School District requests that the Township sign the agreement because they believe it is a good deal. Attorney Marshall has reviewed the agreement and it is acceptable with respect to its form, but is not stating whether or not the proposed taxation numbers are a good deal for Jefferson Township. The Supervisors discussed the matter and Chairman Jones said he will talk to Attorney Marshall. No action taken today.

#### MISC. BUSINESS:

Chairman Jones announced that several Marcellus shale developers (gas companies) have contacted the township and the township will continue to talk to them as they contact us, but that ultimately, there will be a bidding process with proper advertising. This will enable the Township to ascertain a 'minimum' bid price when we are ready to advertise.

Chairman Jones announced that Butler County has advertised and awarded the 'park (ADA) handicapped accessibility project' previously authorized by the Township. It was awarded to Mahoning Builders out of New Castle, PA for \$48,109.00. The CDBG-R (stimulus) funds are \$33,470.00. The balance of \$14,639.00 will be taken from prior years' CDBG administrative funds. Nothing will have to be paid out of our general fund.

ATTENDANCE: Jen Rhoades, Alanna & Norm Neupert, Wendy Leslie (Co. CDBG), William Foertsch, Denise & Bob Corbett, Beryl Mottern, Lil Bachman, J. Miller, Tom Alberti, Wally Cypher, Jim Rankin III, Jim Rankin, Jr., Leo Rosenbauer, and Evelyn Gross

ADJOURN: *Motion* by James R. Jones to adjourn at approx. 5:06 P.M. *Seconded* by Lois J. Rankin. All agreed and *motion carried*.

NEXT MEETING: Monday, March 8, 2010 3:30 P.M. (CDBG 2<sup>nd</sup> Public Hearing at 3:15PM)