

JEFFERSON TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

July 12, 2010

CALL TO ORDER:

The regular meeting of the Jefferson Township Board of Supervisors was called to order by vice-chair., Lois Rankin, at approx. 5:00 P.M. on Monday, July 12, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were Lois J. Rankin, L. John Cypher, Attorney Mary Jo Dillon (filling in for Matt Marshall) and Lois J. Fennell, Sec/Treas. Chairman James R. Jones was absent.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

ANNOUNCEMENTS:

Brett Neupert announced that he may be taping the meeting. The Supervisors met in executive session prior to the meeting to discuss on-going legal matters.

MINUTES:

John Cypher *moved* to approve the June 14, 2010 regular meeting minutes as written and distributed. Lois Rankin *seconded*. Both agreed and motion carried.

FINANCIAL:

The secretary/treasurer reported that the bills paid between June 15th and July 1st totaled \$1,965.62. The bills presented for payment from the General Fund today totaled \$44,742.10. No bills were presented from the State Fund. The total of all the funds after payment of the bills presented was \$431,068.99. Lois Rankin *moved* to pay the bills presented plus any that become due before the next meeting. *Seconded* by John Cypher. Both agreed and *motion carried*.

ROAD REPORT:

Bill Foertsch reported that paving is scheduled for the week of 7/26 to 7/30/10. Seal coating is scheduled for August 11 and 12, and perhaps Aug. 13 depending on the weather. The paver was used on Sheetz Drive and it worked well. They may use it to do some work on Hannahstown Rd. later this summer. Mr. Foertsch, Mrs. Rankin, Mrs. Gross (Planning Chair.), Mrs. Fennell, (Sec/Treas.) and Attorney Marshall met with representatives from Phillips Productions. Bill reported that he wants the access driveway further south of the proposed entrance. He will be working with Dave Vaughan on the driveway permit. Phillips Productions provided requested information to Attorney Marshall for review. Attorney Marshall is preparing a 'revised excess maintenance agreement'.

PUBLIC BUSINESS OR COMMENT:

Lt. Tom Hill, Station Commander from the Butler State Police, gave a brief presentation on the police services. He noted that they have at the Butler barracks, a Captain (over four counties) and a Major (over 4 areas – Erie, Washington, Butler, and Punxsutawney). He gave information on the Camp Cadet program, the Aviation Unit (Helicopter); and the SERT (or SWAT) Team. He gave the Supervisors statistics on various crimes and vehicle accidents from 1/1/2009 to 6/30/2010. Information on crime stats is available at <http://ucr.psp.state.pa.us> He also provided a few copies of their 'compliment/complaint' procedures. He cautioned to 'watch for scams' and to keep accurate records of 'jewelry' (because cash and jewelry are the easiest items for a burglar to use!)

Commissioner Dale Pinkerton, in attendance this evening, thanked Lt. Tom Hill and the State Police for the excellent job they do with limited resources and personnel. Supervisor John Cypher agreed wholeheartedly.

RECREATION COMMITTEE: July 7th meeting cancelled; no report.

PLANNING COMMISSION:

Planning Commission (P.C.) Chair. Evelyn Gross reported on their June 24, 2010 meeting. They reviewed and approved the Steven & Joan Janoski Lot Consolidation Plan on Frazier Rd. Existing Lot 3 of 2.00 acres and existing Lot 4 of 1.88 acres (both lots from the R. B. Mentel Plan) are being combined into revised 'vacant' Lot 3R of 3.88 acres. No sewage testing required for this lot-line revision plan; the lots in the Mentel Plan were previously tested. The Supervisors reviewed the plan. *Motion* by Lois Rankin to approve the Steven & Joan Janoski Lot Consolidation Plan as presented. *Seconded* by John Cypher. Both agreed and *motion carried*.

The P.C. reviewed and approved the Floyd E. Sleeper Plan #2 on Winfield Rd. contingent upon DEP module submission and approval. Original Parcel B of 4.655 acres will be reduced by Lot #1 of 1.500 acres, making Amended Parcel B 3.15 acres with existing dwelling and barn. Both lots have sufficient frontage. Lot 1 has a recorded easement for a stormwater management area, which Ms. Gross reported does not adversely affect the lot area requirement. The Supervisors reviewed the plan. *Motion* by John Cypher to approve the Floyd E. Sleeper Plan No.2 contingent upon DEP module submission and approval. (It is still with the Butler Co. Sewage Assn. as the surveyor must indicate on the plan the location of the existing sewage on Parcel B. Once the module is complete it will be sent to the Township for signatures and submission to DEP.) *Seconded* by Lois Rankin. Both agreed and *motion carried*.

The P.C. reviewed the Penn United Technology Land Development proposing an addition for a warehouse/loading area which includes restrooms and an enlargement of the stormwater pond. After review of the plan, the Township engineer's comments, and the responses provided by Mr. Rosenbauer and Penn United representatives, the P.C. approved the plan contingent upon the following four things: 1) Area of property in square feet is to be provided. 2) Rear set-back should be changed to 60 ft. 3) Show mounds beside the parking area and the area to be re-seeded beside the parking area. 4) Satisfactory sewage review by Butler Co. Sewage Assn. These items have been done; the sewage permit was issued 7/7/10 by the Butler Co. Sewage Assn. for the septic tank and dose tank additions to the existing system. *Motion* by John Cypher to approve the Penn United Technology Land Development as revised and presented this evening. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

The P.C. reviewed responses from Mr. Rosenbauer and Mr. Neupert to the Township engineer's comments (letter of May 11, 2010) upon their review of 1) Stormwater Management Plan Narrative, 2) Neupert Raceway Site Development Plan, dated 4/16/10, 3) SWM Area & Flow Segment Plan, dated 12/15/09, 4) Waiver Request Letter, dated 4/8/10, 5) Project Narrative, and 6) Revised Average Daily Traffic Volumes prepared by Owner. Outstanding matters include: 'final' approval letter from Allegheny Power; percolation testing and permitting; specifications on lighting from the lighting engineer; and the NPDES permit (which could take up to 6 months for the DEP to approve.) Also needed on the plan: the height and size of the proposed bleachers/grandstands and the restroom buildings and the type, size, + height of the permanent barrier at the Neupert Rd. side of the track. The P.C. could have approved the plan with or without contingencies, deny the plan, or ask for an extension. Mr. Neupert presented a letter granting an extension for 120 days (to terminate at the Oct. 28, 2010 Planning Commission meeting.) Under the advice of the Township Attorney, where the developer shows that he is working on the outstanding matters, it is acceptable for the Township to accept the extension. The P.C. voted to recommend approval of the 120-day extension. John Cypher questioned the elimination of a race class in order to drop the count to under 50 AM or PM peak hour trips. What if Mr. Neupert decides to add classes in future, which will increase traffic flows thus qualifying the need for a traffic study? Ms. Gross said the Township can go back and require a traffic study at that point, just as PennDOT has the right to require a study if the situation changes in the future. *Motion* by John Cypher to accept and approve the 120-day extension (which will expire Oct. 28, 2010). *Seconded* by Lois Rankin. Both agreed and *motion carried*.

PLANNING COMMISSION, cont.:

The P.C. talked to Mr. Tom Vucelich who questioned the possibility of adding a garage with living space above to the existing 4-apartment building (previously owned by Glenn Herold and located at the May Dr./Saxonburg Road intersection). There are several problems: 1) a modification would be needed for the set-backs due to the shape and size of the lot (1.676 acre triangular with existing 28.87 x 64.71 ft building; 2) the 'addition' would require a revised land development submission (with engineer's drawings) and 3) the existing building is 'commercial' and therefore the 'addition' would be considered 'commercial' under the PA UCC (requiring certified architectural drawings.) Mr. Vucelich was to call and talk to Dave McGuigan, our BCO and inspector from Code.sys Code Consulting who knows the PA UCC regulations. It may be too costly for him to proceed.

PUBLIC COMMENT:

Bob Corbett commented that Mr. Neupert has no credibility and there have been too many extensions. He commented that there is 'junk' (tractors, trailers, etc.) on the Neupert property and they will file complaints. Joan Remaley commented that they want a noise ordinance.

UNFINISHED BUSINESS:

It was noted that the secretary and road foremen prepared the '2010 Snow Disaster' application for funding and the township received \$8,067.98 on June 15th. This amount is the 75% reimbursement allowed by the Federal Emergency Management Agency. The Board was pleased with a 'job well done.'

A letter was received from PA American Water (dated 6/14/10) alerting the Township that construction of the 12" water main on Saxonburg Road was scheduled to begin the week of 7/5/10.

John Cypher reported last month that he attended the May 19th Summit Township Board meeting and letters were drafted and sent this month to Representative Metcalfe and Senator Don White in regards to Bonniebrook Rd. having become a 'by-pass' between Rt. 28/Rt. 356 and Rt. 422 and the need for PennDOT to take over the road. Representative Metcalfe responded that he will pass it along and get back to us in 30 days. Mr. Cypher and Mrs. Gross attended the public transportation hearing on June 23rd at the County Government Center and made comments about Bonniebrook Rd. and Rt. 356.

Supervisor Lois Rankin, Lois Fennell, and Evelyn Gross attended the 'public hearing' on Wed., July 7th on the County Stormwater Plan. Comments centered around the following: 1) the 150 ft. set-back from streams (*in high-quality water shed...includes Jefferson Township*); 2) the square footage max. before 'stormwater study' is to be required. *Some townships requested the Commissioners raise this from 5,000 to 10,000...but HRG said that DEP is very likely to deny it...McKean County has proposed this...but DEP has not responded yet*; 3) costs to implement and enforce (plus lack of 'qualified' staff to do it); and 4) penalties and appeals NOT provided for in Act 167, so how can the ordinance provide and enforce such. It is not known **when** the County Commissioners will vote on the matter, but once they pass it and DEP approves it, each municipality must pass a stormwater ordinance equal to or greater than the county's regulations.

NEW BUSINESS:

PSATS (the PA State Association of Township Supervisors) sponsor a Youth Awards Contest. Youth groups with eligible projects benefiting "Townships of the 2nd Class", such as Jefferson, may apply and could be awarded a \$500 prize and "award/plaque". Applications are available from the secretary and must be signed by a Supervisor and be submitted to the Butler Co. Association of Township Officials for recommendation to PSATS.

PSATS has urged Townships to adopt a resolution opposing 'forced local government mergers and consolidations' that has been proposed and likely will continue to be proposed by certain 'legislators.' Motion by John Cypher to adopt Resolution #306 – Opposition to Forced Local Government Mergers and Consolidations. *Seconded by Lois Rankin. Both agreed and motion carried.*

Seminars: Dave Vaughan will consider and get back to the Supervisors regarding possibly attending a "Managing Floodplain Development" seminar Nov. 15 – 18. Lois Rankin and Lois Fennell

NEW BUSINESS, cont.:

would like to attend a seminar entitled "Top 10 List for Improving Your Municipal Operations" on Sept. 13th. However, this is a regular meeting day ... the seminar, which is in Meadville, does not end until 4 PM. Supervisor Rankin asked if it would be feasible to move the regular meeting on Sept. 13th up to 7:30 P.M. *Motion* by John Cypher to change the meeting time on Sept. 13, 2010 to 7:30 P.M. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

The Supervisors reviewed the letter from Sharp Collections, Inc. proposing terms for 'delinquent per capita tax' collection. The Township has to enter into an agreement or contract (rather than the 'tax collector'). There was significant discussion. Ashley Foertsch requested that the Board consider doing away with the township per capita and raising the real estate tax to make up for it. Kathryn Foertsch said the school district uses an 'out of state' collection agency and although they pick-up a lot of delinquent tax, the company is hard to reach and work with. If the township wants to proceed, the Board needs to determine how many years back should be turned over and what length of time the actual agreement runs. John Cypher is concerned especially about item (f) that states "Legal representation will be given by the Agent to the District Justice jurisdictional level and beyond that jurisdictional level shall be at the expense of the Township." *Motion* by John Cypher to attempt to contract with Sharp Collections, Inc. (depending on their response to several questions.) *Seconded* by Lois Rankin. Both agreed and *motion carried*.

The Township received notice of public hearings on 'proposed changes' to Chapter 78 Oil and Gas Regs. The closest ones are both Thursday evening, July 22nd. This is the Planning Commission meeting, so no one on the P.C. can attend. Evelyn Gross suggested that the Township prepare comments to send in (i.e. water quality...what about a moratorium?) Lois Rankin noted that there was a letter to the editor in today's paper which says "we must prepare." The problem is that 'gas well drilling' is regulated and permitted by the State (DEP.) Local ordinances are 'pre-empted' by the Oil and Gas Act. The only authority of the township is bonding of the township roads being used.

MISC. BUSINESS:

John Cypher reported that Summit Township Supervisor, Rod Scott, contacted him by phone wanting to know if Jefferson would re-consider the sewer line through Jefferson to Saxonburg Authority. Mr. Cypher told him that he would have to present something at a township meeting. He has not called Mr. Cypher back; he did not attend this evening; and he has not presented anything for consideration at a public meeting.

ADDITIONAL PUBLIC COMMENT:

Bob Corbett questioned the proposed 'hydrant' tax on the properties within a certain distance from the existing (and future) hydrants. The reasoning behind the suggestion was that those property owners (not the township as a whole) benefit by having lower insurance premiums and increased property values. Mr. Corbett said if we donate \$6,500.00 to the library, why can't we absorb the hydrant fees. Supervisors Cypher and Rankin said it is not the same; supporting the public library benefits everyone .. everyone in the Township has access to its resources.

ATTENDANCE:

Gene & Shirley Widenhofer, Sue Hartzell, Joan & Robert Remaley, Lt. Tom Hill, Floyd Sleeper, Ashley Foertsch, Kay Foertsch, Jennifer Rhoades, Brett Neupert, Kevin Kroneberg, Sean Naylor, Jim Gatton, Flo Allison, William L. Foertsch, Tom & Laura Alberti, Dave Vaughan, Butler Co. Commissioner Dale Pinkerton, Bob & Denise Corbett and Leo Rosenbauer.

ADJOURN:

Motion by Lois Rankin to adjourn the July 12, 2010 meeting at approx. 6:30 P.M. *Seconded* by John Cypher. All agreed and *motion carried*. The next scheduled meeting is Aug. 9, 2010 at 5 P.M.