

JEFFERSON TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING

May 10, 2010

CALL TO ORDER:

The regular meeting of the Jefferson Township Board of Supervisors was called to order by chairman, James R. Jones, at approx. 3:32 P.M. on Monday, May 10, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, Lois J. Rankin, L. John Cypher, Attorney Matt Marshall and Lois J. Fennell, Sec/Treas.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

ANNOUNCEMENTS:

Brett Neupert announced that he may be taping the meeting. Bob Corbett said he would be taping the meeting as well.

The Supervisors met briefly with Attorney Matt Marshall in executive session prior to the meeting.

MINUTES:

James R. Jones *moved* to approve the April 12, 2010 regular meeting minutes as written and distributed. *Seconded* by John Cypher. All agreed and motion carried.

FINANCIAL:

The secretary/treasurer reported that the bills paid between April 12, 2010 and the month end totaled \$114.87. The bills presented for payment from the General Fund today totaled \$34,384.76. No bills were presented from the State Fund. The total of all the funds after payment of the bills presented was \$467,004.20. John Cypher *moved* to pay the bills presented plus any that become due before the next meeting. *Seconded* by Lois Rankin. Agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT: (moved to the end of the meeting, due to the chairman needing to leave at 4:30 PM)

RECREATION COMMITTEE:

Leo Rosenbauer, Recreation Committee Chairman, reported on the May 5, 2010 meeting. Correspondence from Butler Co. Community Block Grant Coordinator, Wendy Leslie, indicated that they are ready to schedule the pre-construction meeting for the 'handicapped accessibility/soccer assn. project.' This meeting will be scheduled soon. Baseball's opening day, April 24<sup>th</sup>, went well. The Pool was drained and is being cleaned. Two leaks have been identified in the caulking (one in the old caulking at the deep end of the pool and the other at the 5 ft. level.) Repairs had not been started at the time of their (May 5<sup>th</sup>) meeting. The sidewalk at the pool entrance had been formed for pouring concrete. Township road foreman interjected that it was poured last week. Pool membership is down by 40 families compared to last year at this time. A crew from Davis Archway has been raking leaves and mowing. Over the winter, thieves broke into the pool concession stand and stole a hotdog cooker and two pizza ovens. Softball's opening day on April 24<sup>th</sup> went well. Fencing at the American Legion Field was completed. Soccer representatives met with the contactor that is doing the CDBG project at the soccer parking lot. They want to add: 1) replacement of both sets of steps 2) replacement of the gate and 3) fencing around the handicapped parking area. The Supervisors reviewed their drawings and proposal with Evelyn Gross (P.C. Chair) and Attorney Matt Marshall. (Note: This project was not introduced by Soccer. The Supervisors authorized the Township Engineers to prepare the specs at their Nov. 2009

## RECREATION COMMITTEE, cont.:

meeting, the cost of which was reimbursed to the Township from the CDBG admin. funds. Subsequently the Supervisors voted to authorize the County (CDBG) to bid out the project at their Dec. 2009 meeting. The County has since awarded the bid and are about to hold the pre-construction meeting.) The Supervisors directed the secretary/treasurer to forward the proposed additions to the Township Engineer for review to make sure these additions do not affect the 'handicapped accessibility' project (which is to be paid for by CDBG-R/stimulus and CDBG admin. funds.) Miscellaneous park matters: Wayne Deaner will request Woodmen of the World to do a community service project (so landscape the park entrance signs.) John Rhyshek will be donating chocolate colored mulch for it. The associations want the Township to check if the liability insurance coverages could be consolidated. John Cypher indicated that he will review the township policies.

## PLANNING COMMISSION:

Planning Commission (P.C.) Chair. Evelyn Gross reported on their April 22, 2010 meeting. They reviewed and approved a modification request on Rancindin Rd. for a proposed covered porch to be only 36 ft. from the front right-of-way. The Supervisors reviewed the modification request. John Cypher *moved* to approve the 36 ft. front building set-back (14 ft. modification) for George Schwalm as presented. *Seconded* by Lois Rankin. All agreed and *motion carried*.

They reviewed and approved a modification request on Green Manor Dr. for a proposed garage to be built 45 ft. from the right-of-way. The Supervisors reviewed the modification request. John Cypher *moved* to approve the 45 ft. front building set-back (5 ft. modification) for Joseph & Leah Swory as presented. *Seconded* by James R. Jones. All agreed and *motion carried*.

They reviewed and approved a modification request on Jason Drive to build a proposed shed 10 ft. from the property line. He submitted a notarized letter of permission from his neighbor, Mr. Hajek. The Supervisors reviewed the modification request. John Cypher *moved* to approve the 10 ft. side-set back (15 ft. modification) for Matthew Savannah as presented. *Seconded* by James R. Jones. All agreed and *motion carried*.

Ms. Gross reported that Leo Rosenbauer recused himself as P.C. member for the remainder of the P.C. meeting in order to represent Brett Neupert. Revised plans were submitted to the P.C. and the following is an excerpt from the April 22<sup>nd</sup> P.C. minutes, which Ms. Gross read to the Supervisors:

- 1) Allegheny Power did not want the physical track surface under the electric/utility right-of-way, so they reduced the track from 70 to 60 ft. wide and rotated it to fit (away from under the utility lines.) They do not have a letter from Allegheny Power regarding the track and/or other things that are indicated under the right-of-way (i.e. parking, restrooms, concession area, etc.)
- 2) They have decreased the area disturbed to less than 5 acres to be exempt from the NPDES permit. Mr. Rosenbauer said they have submitted this revision (dated 4/8/10) to Butler Co. Conservation District, but have not yet received a reply. Township engineer, Brandy Kunsman, responded in an e-mail to Mr. Neupert that his site drains to a High Quality Watershed and his revised limits of disturbance (based on the narrative) are very near (only 0.02 acres) what is required for a NPDES permit. The Butler Co. Conservation District must make the determination on permit requirements.
- 3) They are requesting a waiver from the Environmental Report (section 912, Chapter 22). Mr. Rosenbauer said there are no wetlands. A copy of this request was sent to the township engineers.
- 4) The revised stormwater plan was sent to the township engineers.

Discussion took place on the following:

- 5) Traffic study: Brett Neupert reported that he sent revised traffic information to the township engineer, in which he used 300 and 400 patrons for calculating the 'peak' hour. For 300 it came to 33.3 patrons for the peak hour and for 400 it came to 46.6. He stated that weight limits should not be a problem. Brandy Kunsman responded in the e-mail (*see #2 above*) to Mr. Neupert that he must have his traffic engineer certify by letter to the township, that the traffic volumes he calculated are correct for his proposed use and are below what is required by the ordinance for a traffic study.

## PLANNING COMMISSION, cont.:

- 6) Septic disposal: Mr. Neupert has been trying to get more information regarding the facilities needed and/or allowed. He has spoken with Peg Russell from Code.sys Code Consulting. He said Ms. Russell told him to apply for a building permit to trigger the plan review, but how can he request a building permit if 'no buildings' are to be built. He has been told verbally that if they install bleachers, they must get a building permit. The plans show a designated area for bleachers/grand stands. Attorney Marshall said the size, height, and use of all structures should be indicated on the plan (not just the location.) Mr. Neupert asked the P.C. about use of 'pre-fab restrooms' with waste containment units (or holding tanks.) Evelyn Gross, P.C. Chair, talked with Ms. Russell, and it is her understanding that the permanent nature of this 'use/venue' (and because it is not residential) requires that a permanent building be constructed for the restrooms. Ms. Gross also noted the township ordinances do NOT allow holding tanks except to abate a nuisance (or if public sewage is eminent).
- 7) Revised plan verses 'new submittal': Ms. Gross, P.C. Chair., said that at first she and the township engineer (Brandy Kunsman) thought that the 'revised plan' was actually a new submission. Attorney Matt Marshall said a new submission would have given them 90 days from tonight. Since they have indicated that this is a modification or revision to the 'original' for which Mr. Neupert has had 270 days to satisfy the outstanding matters; and since there are still basically the same outstanding matters, Attorney would advise the P.C. to make a decision (*i.e. denial, approval, or approval with conditions.*) He further noted that if Mr. Neupert would like to withdraw the original submission and use the 'revised plan' as a new submittal, the P.C. could table the matter; the Board of Supervisors would not have to take action on the 'original' land development; and Mr. Neupert would have 90 days to comply with the outstanding issues. Mr. Rosenbauer had prepared a draft 'withdrawal letter', which Attorney Marshall reviewed and added to (a sentence). Mr. Neupert then signed the letter of withdrawal.

In regards to the now 'newly submitted' land development, the following items need to be addressed or submitted to the township:

- A) The response letter from Allegheny Power.
- B) The review letters from the township engineer on the 'new plan' and especially regarding the environmental review. (Chapter 22, 5, 603.2q)
- C) The certification letter from Mr. Neupert's traffic engineer.
- D) The response from Butler Co. Conservation District regarding the NPDES permit (Section 912)
- E) An official written response from Code.Sys Code Consulting . Mr. Neupert was told to get set of land development plans (not necessarily a building permit application) to Peg Russell at Code.sys Code Consulting with proper detail so that they can give an official determination in regards to the permanent restroom and building permit requirements.

After this brief review of the 'new plan', it was tabled by the Planning Commission.

At today's meeting (5/10/10) Mr. Rosenbauer had nothing new to submit on the race track proposal.

## ROAD FOREMAN REPORT:

Bill Foertsch reported that they are prepping roads (Rennick, Sheetz, Heller, etc.) for seal coating or paving. He said they may use the 'paver' before chipping Sheetz Drive (will be using coldpatch.) The 'crack sealing machine' is reserved (from the Butler Co. COG) for May 19<sup>th</sup> through the 28<sup>th</sup>. He noted that the cost through the COG is considerable savings from the rental we did last year. He ordered a few loads of stone from McClymonds due to running short and needing stone for the current projects. He reported some drainage issues at Janice Lane/Brian Drive (Clark Harvey's lot.) The road crew put a snake through the pipe about 8 ft. Upon visual inspection with a spotlight, the pipe made a 90 degree bend. He said their work will not affect Mr. Harvey's development of the lot. Bill will contact Mr. Harvey, but feels the matter is resolved.

Chairman Jones moved the award of the road seal coat and binder bids up to this point in the meeting (from under new business). The seal coat and paving (binder) bids were opened by the township sec/treas.and road dept. personnel at 1:00 p.m. today (as advertised). All bids included bid bonds. The results are: (continued on next page.)

Russell Standard - Seal Coat total \$112,624.40	and Binder bid total \$124,419.90
Suit Kote Corp. - Seal Coat total \$ 90,141.86 **	and Binder bid total \$125,640.00
Shields Asphalt - Seal Coat NO BID	and Binder bid total \$123,829.75
Wiest Asphalt - Seal Coat NO BID	and Binder bid total \$112,840.75 **
Glenn O Hawbaker - Seal Coat total \$113,047.80	and Binder bid total \$127,411.35

A motion was made by James R. Jones to award the Seal Coat bid to the lowest qualified bidder, Suit Kote Corp., for the total of \$90,141.86. *Seconded* by John Cypher. All agreed and *motion carried*. James R. Jones to *moved* to award the Binder bid to the lowest qualified bidder, Wiest Asphalt Products and Paving, for the total of \$112,411.35. *Seconded* by John Cypher. All agreed and *motion carried*.

#### UNFINISHED BUSINESS:

Lois Fennell, Sec/Treas., reported that she had submitted cost estimates to Butler Co. Emergency Services in February. In April, the President authorized about 11 more counties to apply for funding for the '2010 Winter Storm Disaster.' She attended the 'applicant briefing' on Tues. April 27<sup>th</sup> and the 'kick-off' meeting' on Tues. afternoon, May 4<sup>th</sup> (Bill Foertsch also attended the May 4<sup>th</sup> meeting.) Now the Board must appoint an agent (someone familiar with the submission and costs...which is usually the secretary/treasurer) and authorize the application/agreement with FEMA/PEMA. *Motion* by James R. Jones to appoint Lois J. Fennell as the agent for this disaster application. *Seconded* by John Cypher. All agreed and *motion carried*. *Motion* by James R. Jones to authorize and sign the application/agreement with FEMA/PEMA for the disaster funding application. *Seconded* by John Cypher. All agreed and *motion carried*.

The workmens' compensation insurance quotes were due today for review by the Board of Supervisors. Lois Fennell reported that C.W. Howard submitted 4quotes via e-mail dated May 10<sup>th</sup>; Kenneth R. Sloan Agency will not be quoting per e-mail dated May 4<sup>th</sup>; Rodgers Insurance Group will not be quoting via phone call from John Roche who stated that none of his contacts will write 'just workmens' comp'; received no word from Dennis Kelly Insurance Agency. The Board decided to table the discussion. John Cypher will review the quotes from C. W. Howard Insurance Agency, Inc.

The stone bids were publicly opened and read on April 12, 2010. The results were as follows:  
Quality Aggregates, Inc.- Item 1) 500 ton 2A Limestone fob \$10.85/ton del. \$15.50/ton.

“ “ Item 2) 500 ton 2RC Limestone fob \$10.85/ton del. \$15.50/ton.

No bid for Items 3, 4, and 5. It was noted that they failed to submit bid bond or certified check, which was required in the specifications.

Allegheny Mineral Corp.- Item 1) 500 ton 2A Limestone fob \$11.00/ton del. \$15.75/ton  
 Item 2) 500 ton 2RC Limestone fob \$11.00/ton del. \$15.75/ton

No bid for Items 3, 4, and 5. Bid Bond was enclosed.

Glacial Sand and Gravel - Item 3) 400 ton #57 Gravel fob \$ 8.50/ton del. \$14.90/ton  
 “ “ Item 4) 200 ton #3 Gravel fob \$12.25/ton del. \$18.65/ton

No bid for Items 1, 2, and 5. Bid Bond was enclosed.

McClymonds Supply & Transit- Item 1) 500 ton #2A Limestone NO FOB del. \$15.62/ton  
 “ “ Item 2) 500 ton 2RC Limestone “ “ del. \$15.62/ton  
 “ “ Item 3) 400 ton #57 Gravel “ “ del. \$13.60/ton  
 “ “ Item 4) 200 ton #3 Gravel “ “ del. \$13.83/ton  
 “ “ Item 5) 1,000 ton 3B Antiskid “ “ del. \$11.35/ton

All items were bid at delivered prices only. Requested but not 'required.' Bid Bond was enclosed. The award of the bid(s) was tabled for a decision today (5/10/10.) John Cypher *moved* to award to the lowest qualified bidders (at the delivered prices): Items 1 and 2 to Quality Aggregates and Items 3, 4 and 5 to McClymonds. However, Quality Aggregates, although lower for Items 1 and 2, failed to submit a bid bond or certified check with the bid as required, so they are 'not qualified' and therefore all items (1 & 2 'next lowest qualified' and 3,4, & 5 'lowest qualified') are awarded to McClymonds Supply and Transit. *Seconded* by James R. Jones. All agreed and *motion carried*.

## NEW BUSINESS:

NOTE: At 4:30 PM, Chairman Jones had to leave the meeting early due to a family commitment. Lois Rankin, Vice-Chair., took over the remainder of the meeting.

A request was received from Scott Hacker, Knoch Track, Field & Cross Country Boosters President, to close a portion of Dinnerbell Rd. in Jefferson Township for 25 minutes on June 19, 2010. Since Dinnerbell is a state highway, the Township must vote to approve and submit the request (at least two weeks in advance) to PennDOT for approval. John Cypher *moved* to authorize the application to PennDOT for the temporary closing. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

Mary Papik from Saxonburg Borough called the township office about the 'clean-up day' they hope to have this August. She asked if the Township was interested in a 'joint' endeavor and if the Township would like to host it. John Cypher and Lois Rankin discussed the matter. They are not interested in participating this year.

## MISC. BUSINESS:

Lois Rankin noted that the secretary/treasurer polled the three supervisors and all three agreed that due to security and safety reasons the Tax Collector, Ashley Foertsch, can be given a key to use the 'township office' for use during her 'office hours.' John Cypher *moved* to ratify this decision. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

In regards to Summit Township's efforts to get PennDOT to take over Bonniebrook Rd. (discussed last month), the secretary/treasurer reported that Summit Township Supervisors meet the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays at 7 PM. John Cypher said he will plan to attend their May 19<sup>th</sup> meeting.

It was noted by Supervisor Rankin and the township secretary/treasurer that last year the Meadows Manor requested an occupancy permit for a change of use of the 'bar' area (converted for bedrooms). Subsequently, Mr. Paule submitted plans for review by Code.sys Code Consulting and a building permit application, which are pending due to resolving sewage matters on the property. Recently, the Butler Co. Sewage Association asked that the Township advise them whether to pursue enforcement. John Cypher *moved* to authorize an initial letter from the Township to Mr. Paule and to notify BCSA to pursue enforcement. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

Supervisor Rankin directed the codes officer to investigate the Gressly property on Saxonburg Rd. in regards to a pipe installation from the house to the road. Subsequently, Mr. Gressly submitted a letter of explanation. After some discussion, John Cypher *moved* to authorize BCSA to investigate a possible violation at the Gressly property. *Seconded* by Lois Rankin. Both agreed and *motion carried*.

## PUBLIC BUSINESS OR COMMENT:

Mr. Bob Corbett from Stop the Race Track Coalition, said he just got back from Florida and wanted to review some items regarding the race track proposal. 1) He commented on the Supervisors' tabling of the proposed noise ordinance. 2) He commented on Mr. Neupert's conversation with the Planning Commission meeting and said he (Mr. Corbett) does not get a 'fair shake.' Attorney Marshall and the Board assured him that he is entitled to his opinion and can make comment, but that this is not a question and answer period (the Supervisors may, but are not obligated to respond to his comments or accusations.) 3) Mr. Corbett believes the proposed race track to be a public nuisance. Attorney Marshall interjected that the new application is incomplete at this point. The township ( its engineer, codes enforcement officials, etc) will review it and subsequently state its deficiencies. 4) Mr. Corbett said it is not a 'bad plan' ...just a bad location for it. 5) Mr. Corbett referred to the petition submitted last year (signatures of people against the race track.) John Cypher commented that the Township has laws/ordinances that are the same for every resident ...with the same responsibility to abide by them. This is what the Township must consider.

ATTENDANCE: Brett Neupert, Norm & Alana Neupert, Evelyn Gross, Gene & Shirley Widenhofer, Bob & Denise Corbett, Wally Cypher, Tom & Laura Alberti, William and Mandi Foertsch, Denise Foertsch, Ashley Foertsch, Jim Rankin and Leo Rosenbauer.

ADJOURN: *Motion* by John Cypher to adjourn at approx. 5:00 P.M. *Seconded* by Lois J. Rankin. All agreed and *motion carried*.

NEXT MEETING: Monday, June 14, 2010 3:30 P.M.