

3 - "April" meetings: Vacancy Board 4/7/10; Special Meeting 4/8/10; & Regular Meeting 4/12/10.

Jefferson Township
VACANCY BOARD MEETING
April 7, 2010

CALL TO ORDER:

The Vacancy Board meeting was called to order by the Vacancy Board chairman, Larry Plowman, at approx. 3:31 P.M. on Monday, April 7, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were Larry Plowman, James R. Jones, Lois J. Rankin, and Lois J. Fennell, Sec/Treas.

ANNOUNCEMENTS:

Mr. Plowman noted that the reason for this meeting is to fill the vacancy left by the resignation of Phillip L. Bachman. The two remaining supervisors could not come to an agreement (within the first 30 days of Mr. Bachman's resignation.) The Vacancy Board has an additional 15 days to make this appointment. As the 'vacancy board member' appointed at the reorganization meeting, he must act as chairman at this meeting. The 'replacement' will serve the remainder of this term (thru Dec. 2011). A new supervisor will have to be elected at the next municipal election in Nov. 2011.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED:

Mr. Plowman asked for public comment, and noted that it is limited to the business as advertised: *the appointment to the vacant elected supervisor position.* Evelyn Gross commented that any of the three already considered by the two remaining supervisors are good men and would be good supervisors.

BUSINESS:

Mr. Plowman said he reviewed the three 'brief survey' responses from the three people considered at the March meeting (John Cypher, Jim Chick, and Gary Stone.) He said understood that that one of two remaining supervisors will probably be disappointed with today's vote. Larry Plowman *moved* to nominate (appoint) L. John Cypher to the vacant supervisor position. Lois Rankin *seconded* the motion. James R. Jones opposed. *Motion carried 2 to 1.*

Jim Jones asked Lois Rankin if she had any contact with Larry Plowman regarding the possible appointment of John Cypher. She said NO. Lois Rankin asked Jim Jones if he had any contact with Larry Plowman on the possible appointment. He said NO. Larry Plowman confirmed that he did NOT speak with either Mr. Jones or Ms. Rankin regarding the possible appointment.

ATTENDANCE:

Norm Neupert, Brett Neupert, Gene & Shirley Widenhofer, William L. Foertsch, Jim Rankin, John Cypher, Paul Hartzell, and Evie Gross.

ADJOURN:

Motion by James R. Jones to adjourn at approx. 3:36 P.M. *Seconded* by Lois J. Rankin. All agreed and *motion carried.*

NEXT MEETING:

Special meeting called for April 8, 2010 at 3:30 P.M. – to discuss proposed revisions to the Lezzer/Miller Development (Stoneybrook Dr.)

Regular meeting is Monday, April 12, 2010 3:30 P.M. (*Public Hearing on the Subdivision & Land Development Ordinance Revision is scheduled for 3:15 P.M. on April 12, 2010.*)

Jefferson Township
SPECIAL MEETING
April 8, 2010

CALL TO ORDER:

The advertised special meeting was called to order by Chairman James R. Jones at about 3:30 P.M. on April 8, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, Lois J. Rankin, Sec/Treas. Lois J. Fennell and Attorney Matt Marshall. John Cypher, who was just appointed yesterday to the vacant supervisor position, could not attend due to prior commitments.

ANNOUNCEMENTS: None.

PUBLIC BUSINESS OR COMMENT: None.

BUSINESS:

The purpose of this special meeting was for the Supervisors and Township Attorney to hear the proposal from Kevin Miller to revise the Stoneybrook plan and determine what will be needed to proceed with the development.

Attorney Marshall stated that the Board met with him about one year ago, when Kevin Miller proposed to be allowed to build on two lots *at the north end of Stoneybrook* and construct only a gravel (private) driveway from the lots to the 'constructed' portion of Stoneybrook Dr. (currently paved to the stream). At that time, the Attorney recommended revised bonding and revised developer's agreement; but first Mr. Miller needed to go to his engineer to have revised drawings prepared and to his attorney to have an 'approval document' prepared that all property owners in the plan must sign. These items were not prepared or submitted.

More recently, Millers proposed to extend Audrey Lane so that the single family lots could be sold and developed. The Board tabled any decision due to the outstanding issues. Mr. Miller said this is no longer proposed.

Kevin Miller has now proposed to build a quad (condo) in place of two duplexes (within the area served by the constructed road.) The quad equals the same square footage as the duplexes, but there will be more impervious surface for the driveways to each unit. The P.C. has approved this revision at their March 2010 meeting contingent upon bonding, developer's agreement, and other issues (such as legal, review fees, etc.) being resolved to the Supervisors satisfaction.

Ms. Gross said the increase in impervious area is minimal and the 'pond' is oversized already. She

asked the Supervisors if they want the engineer to do a stormwater review or if they would waive this review (for this quad proposal.) After further discussion and recommendations by the Attorney, James R. Jones *moved* approve the Land Development Revision changing the two duplexes to one quad (condo) **contingent** upon the following: 1) the developer increasing security to 100% of remaining improvements; 2) an updated developer's agreement (which will include the new bond amount and cost of outstanding improvements); 3) waiving engineer's stormwater review; and 4) legal review and approval. *Seconded* by Lois Rankin. *Agreed and motion carried.*

ATTENDANCE: James Rankin, Kevin Miller and Evelyn Gross.

ADJOURN: *Motion* by James R. Jones to adjourn at approx. 4:09 P.M. Lois Rankin *seconded* the motion. All agreed and *motion carried.*

NEXT MEETING: Regular meeting, Monday, April 12, 2010 at 3:30 P.M.

Jefferson Township
REGULAR MEETING
April 12, 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. 3:30 P.M. on Monday, April 12, 2010. All rose to pledge the flag.

ROLL CALL:

Those present were James R. Jones, Lois J. Rankin, L. John Cypher and Lois J. Fennell, Sec/Treas. Chairman Jones welcomed John Cypher as the new supervisor, appointed at the vacancy board meeting on April 7, 2010.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

ANNOUNCEMENTS:

Brett Neupert said that he may be taping the meeting.

There was a public hearing at 3:20 P.M. to take comments on the proposed Ordinance to revise the Subdivision and Land Development Ordinance. The revisions are in regards to road specifications and some storm water requirements. No other comments.

MINUTES:

James R. Jones *moved* to approve the March 8, 2010 regular meeting minutes; the April 7, 2010 vacancy board meeting; and the April 8, 2010 special meeting as written and distributed. *Seconded* by Lois Rankin. John Cypher abstained, since he was either not a supervisor (3/8 and 4/7) or not in attendance (4/8). *Motion carried 2 to 1.*

FINANCIAL:

The secretary/treasurer reported that the bills paid between March 8, 2010 and the month end totaled \$10,693.71 (\$5,837.01 was for salt.) The bills presented for payment from the General Fund today totaled \$19,630.31. No bills were presented from the State Fund. The total of all the funds after payment of the bills presented was \$337,931.63. 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:

Brett Neupert presented some paperwork to the Supervisors (Township letter dated Sept. 8, 2009; page 3 and 5 of the quote from Trans Associates indicating a fee of \$7,250 for the traffic study; a page from the Institute of Transportation Engineers regarding trip generation; revised traffic counts; and a highlighted copy of page 7 - Chapter 21, Part 306 #1.) He noted the traffic study quote of \$7,250.00, saying that their quote is based on speculation and 'voluntary' input from a 'broad range of facilities.' He claimed that previous traffic studies done in regards to the traffic light intersection should be sufficient for his land development. Ms. Gross, P.C. Chair. and Chairman Jones both reiterated that the township hires professionals (engineer and attorney) to determine and advise the township officials what needs to be done, and they have required a traffic study according to our ordinance. He stated at several past meetings that they could have 400 people per weekend. Tom Alberti questioned how he can possible make any money with only 65 people coming per weekend (as per the revised count.) Mr. Neupert requested that the Supervisors 'waive' the traffic study as required under Chapter 21, Part 306 #1. After a lengthy discussion, the Supervisors told him they need to talk to the township attorney and/or engineer regarding the matter before they could make such a decision.

PUBLIC BUSINESS AND COMMENT, cont.:

Cheryl Prybock was present about several matters regarding Becker Road. 1) In the summer of 2008, the township paved the road, raising it about 6 inches. Her driveway entrance has been affected by making it difficult to exit over the hump and she wants someone to look at it. 2) There is a storm drain (catch basin) at the top of the hill at Great Belt with a pipe that goes under the road into the Malencia property. Then the water run-off washes out her driveway (and others') and they have to replace gravel every year. There was discussion in regards to water flowing down-hill and that this 'catch basin and pipe' system has been in place for years prior to any houses being constructed. 3) Since the road is higher and there are no berms (on the lower side; the upper side is a bank), vehicles get 'hooked' on the edge of the road. The vehicles have difficulty getting back up on the road surface and have knocked out her mailbox. The Board will have the road foreman investigate and report.

Bill Coe was present about damage from the snow plow to Alana Dr. He said this winter the road crew used a salt/anti-skid mix instead of 'straight salt' which he says was not swept up properly and the plows have scratched the curbing during plowing. The Township responded that it was more cost and time effective to use the same 'mix' on all roads during the winter storms; that the sweeper bristles were worn and new ones were on back order; and that deep snow made it nearly impossible to determine exact road edges, plus snow had to be pushed back in order to prepare for 'more snow'. The Township will resume road sweeping when the new brushes arrive.

Lois Rankin interjected that she would like to have the road foreman at the regular meetings to give a report (barring inclement weather.) The Board will have an executive/personnel session to decide how he can be compensated.

Bill Foertsch presented the proposed 'road project' for 2010. Sections of Smith Road, Heller Road, Rennick Rd., and Sheetz Drive should be double sealed and sections of Bullcreek Rd. and Mushrush Rd. should be paved with binder this year and then seal coated next year. He reported that road signs must all be replaced by the end of 2011 (with high intensity reflective painted ones) according to State laws. About half of the signs (speed, weight, curves, some stop signs, and road names signs) will be done this year for an estimated \$7,000 plus hardware (already have some posts.) The other signs will be replaced in 2011.

PLANNING COMMISSION:

Planning Commission (P.C.) Chair, Evelyn Gross reported on their March 25, 2010 meeting. The P.C. reviewed and approved the Thoma's Meat Market Land Development/Building Addition including a modification 'waiving the side set-back' with South Butler County School District (notarized letter of permission received) **contingent** upon satisfactory review and comment from the Butler County Planning Commission. Mr. Thoma proposed to add a cooler area on the north end of the existing production building and a shelter addition to the west side of the existing processing building/shop. Both will be placed on a concrete pad (one over existing gravel and the other over existing impervious material). The P.C. decided that the proposal did not have to be reviewed by the township engineer. The Supervisors reviewed the land development today (4/12/10). It was noted by Leo Rosenbauer that the County P.C. has Ok'd the plan. John Cypher *moved to approve the modification waiving the side set-back* with the So. Butler County School District. *Seconded* by James R. Jones. All agreed and *motion carried*. John Cypher *moved to approve the Thoma's Meat Market Land Development/Building Addition*. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Ms. Gross reported that the P.C. reviewed and approved the Verizon Wireless Land Development which proposes to use the existing cell tower area on the Thoma property to place an 11'-5" x 16'-0" pre-fabricated building (for cellular radio equipment) on a concrete pad. This approval was contingent upon the entry pad being moved back toward the building showing that it is in the building area and not the set-back area. This revision has been made and submitted. The township engineers have reviewed the

PLANNING COMMISSION, cont.:

plan and see no problems. The Butler Co. Planner, Joel MacKay gave a verbal Ok to the plan, a letter will be forwarded after their April 21st meeting. The Supervisors reviewed the plan. *Motion* by John Cypher to approve the Verizon Wireless Land Development. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Ms. Gross reported that Bill McGarvey, surveyor, presented the Veselich Lot Line Revision on Bullcreek Rd. at their March 24th meeting. The P.C. waived the submission deadline, but warned Mr. McGarvey that in the future the 15 day prior submission requirement will not be waived. The plan proposes to combine the three lots on the east side of Bullcreek Rd. for conveyance to Robert L. Veselich. Parcel A of 2.50 acres plus tax parcel 2F12-43A of 1.242 acres plus Parcel B of 2.08 acres from 2F12-43 will combine for a revised total of 5.82 acres for tax parcel 2F12-43A. The P.C. approved the plan **contingent** upon the addition of the septic system location and well location for 2F12-43A and showing the 'subtraction' from the remnant farm acreage owned by Lawrence & Edward Veselich (2F12-43). The Butler Co. Planning Commission approval is also needed. No revised plans were submitted before today's Supervisors' meeting today and James R. Jones *moved to table any action*. *Seconded* by John Cypher. All agreed and *motion carried*.

Ms. Gross noted that she and Leo Rosenbauer reported to the P.C. in regards to the Butler Co. Stormwater Ordinance 'mandated' by the State (DEP) under Act 167. The 80+ page proposed ordinance is still under scrutiny, but must be adopted by June 2010. Ms. Gross noted that every municipality in Butler County must adopt the ordinance, but 'who' will enforce it (the county or the municipality) has not been made clear yet. Currently the ordinance requires stormwater planning for anything (residential and non-residential) over 1,000 sq. ft. They are trying to increase that to at least 2,500 sq. ft. The 'buffer' area is currently stated from 50 to 150 ft. on either side of a stream. They are trying to get this reduced! The whole process will be much more complicated for non-residential projects. An appeal process (requiring hearing fees, etc.) will apply to very few projects. It is very 'restricting' and will likely prohibit growth. Chairman Jones reported that they talked about this matter at the Butler Co. Sewage Association meeting this month.

Ms. Gross reported that code enforcement officer, Danielle Sedlak, asked the P.C. about a request from Phillips Production for a driveway permit using a tractor path (apparently a 50 ft. r.o.w. to an approx. 50 acre parcel owned by Bill Broman, Jr. off Blakely Rd.) She was advised that it should be issued to the property owners, but noted on the permit that 'use' of the r.o.w. should be in an agreement between the property owners and Phillips Productions.

Ms. Gross reported that she was contacted about a r.o.w. situation (off Dinnerbell Rd.) between Mrs. Heade and Mr. Perine. There was some discussion today on the matter, but still remains a matter between the property owners. Mrs. Heade may have to get an attorney. It was noted that according to township records, Mr. Perine's access for the 26 acre parcel is to O'Hara Rd.

Ms. Gross noted that the P.C. discussed the land development revision proposed by Kevin Miller. This matter was discussed at the advertised special meeting on April 8, 2010.

Ms. Gross reported that Cheryl Prybock's resignation letter was received. Kathryn Foertsch was previously recommended to replace her on the P.C. *Motion* by Lois Rankin to accept Cheryl Prybock's resignation. *Seconded* by John Cypher. All agreed and *motion carried*. *Motion* by Lois Rankin to appoint Kathryn Foertsch to fill the vacant seat on the Planning Commission. *Seconded* by James R. Jones. All agreed and *motion carried*.

RECREATION COMMITTEE:

Leo Rosenbauer, Recreation Committee Chairman, reported on the April 7, 2010 meeting. The Township received the John H. Snyder Community Service Award, which was presented at a banquet on March 23rd at Seven Springs. Jim Jones, Wayne Deaner, Leo Rosenbauer and Mike McCarren

RECREATION COMMITTEE, cont.:

attended along with Commissioner James Kennedy and Gary Pinkerton from Butler Co. Parks and Recreation. Jim Jones is to hang the award in the meeting room.

Baseball's season begins April 24th. They would like a 'gate' to be placed across the access road to the batting cages to stop vehicles from going in. Bill Foertsch and Jim Jones will decide whether to 'build' a gate or buy it, whichever is most feasible and cost effective.

The pool is uncovered. The cover sustained some major rips due to the water level going down and the heavy snow. They will check to see if it is covered by insurance. The pool is down about 4 ½ feet. Jim Jones and Leo Rosenbauer met with county representatives, the architect, the contractor, and other recreation committee members to discuss a solution to the pool leak. It was suggested it be drained completely and tested. Lois Fennell reported a phone call from the new 'pool manager', Kim Wetzel, asking for three 'handicapped parking' signs (2 at entrance to playground and 1 at the pool sidewalk.) Jim or Leo will check this out and notify the road department what needs installed.

Softball's opening day is April 24th. The softball association has arranged to have the fencing contractor (Penn Fencing) do some work for them. Dumpster pick-up will not be a problem for the weekend when the "Good Neighbors' group will be in the park. This group has been asked to park away from the Women's Pavilion since it may be rented out by another group!

Soccer's season began April 10th. A sinkhole opened up in their parking lot, but was repaired by the township road crew.

Wayne Deaner is arranging for the Career Track crew to work in the park one or two days per week this summer beginning mid-June. Loyal Fredley will be contacting "Davis Archway" to schedule 'community service' projects such as mowing playing fields, lining fields, cleaning graffiti at swings, etc.

UNFINISHED BUSINESS:

The adoption of Ordinance #292 revising the Subdivision and Land Development was advertised and the public hearing held prior to this meeting. *Motion* by James R. Jones to adopt Ordinance #292 as advertised. *Seconded* by John Cypher. All agreed and *motion carried*.

The agreement between Concordia and Winfield, Jefferson & So. Butler School District (for payment in lieu of taxes for 1F944-14-0001 for a 10 year period) was introduced at the March meeting. Subsequent to review and comment by the township attorney, James R. Jones *moved to enter into the Concordia "payment in lieu of taxes" agreement* as presented. *Seconded* by John Cypher. All agreed and *motion carried*.

The Supervisors discussed the proposed purchase of the Emery's house on Bonniebrook Rd. Chairman Jones noted that the Board authorized the appraisals as well as the survey of the area. He has talked to Mr. Emery several times, and Mr. Emery was in agreement with an offer of \$73,000.00. (Mr. Emery was aware that this offer was subject to approval by the entire Board of Supervisors.) After this last discussion, a letter to the editor was printed in the Eagle and claimed that we were taking the property by eminent domain. This was never the case, but the township is 'prohibited' from paying more than the appraised value. Chairman Jones said if they really feel this way, then we should perhaps just walk away. Supervisors John Cypher and Lois Rankin are not in agreement to proceed for a couple reasons. One is the cost. The other is the future of Bonniebrook Rd., and the recent adoption of the BAMB Plan was noted. The BAMB Plan is a multi-municipal comprehensive plan done by Summit Township, Penn Township, Butler Township, Butler City, and East Butler Borough, which includes pursuing PennDOT to take-over of Bonniebrook Rd. Bonniebrook has become a major artery between Rt. 356 and Rt. 422. No action was taken on the Emery house. It is tabled indefinitely. The Board will contact Summit Township offering cooperation in regards to its 'future' ownership. Chairman Jones will notify Mr. Emery and a follow-up letter will be sent from the Township.

NEW BUSINESS:

The stone bids were publicly opened and read today pursuant to the secretary polling the Supervisors for authorization to advertise. 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.

John Cypher moved to table the award/decision until the next meeting (May 10, 2010). *Seconded* by Lois Rankin. All agreed and *motion carried*.

Motion by James R. Jones to authorize the road foreman (Bill Foertsch) to attend a CDL Supervisory Training on June 9 in Indiana, PA. The township will pay the \$50 registration fee and mileage. *Seconded* by John Cypher. All agreed and *motion carried*.

Motion by John Cypher to authorize the road foreman to do an On-Line ‘Guide to Local Government Purchasing’ seminar. The \$50 registration will be paid by the township. *Seconded* by Lois Rankin. All agreed and *motion carried*.

The Butler County Association of Township Officials’ Spring Convention is scheduled for May 20, 2010. *Motion* by John Cypher to authorize eligible township officials (sec/treas., supervisors, auditors, tax collector) and Planning Commission members wishing to attend and pay the registration and usual expenses. *Seconded* by Lois Rankin. Agreed and *motion carried*. Jim Jones and Lois Rankin stated that they will attend. The secretary will poll the other officials before the registration is due.

The DCED is offering a seminar called “Capital Improvement Planning and Financing” in Mars/Four Points Sheraton on Thurs., May 13, 2010. Lois Rankin would like to go. *Motion* by John Cypher to authorize Lois Rankin to attend. The township will pay the \$80 registration fee and mileage reimbursement. *Seconded* by James R. Jones. All agreed and *motion carried*.

No interest from the Board in the seminars: TRANSCAER “Emergency Response Tabletop Drill” at BC3 on April 24th (no cost/copies sent to emergency management coordinator and assistant); or “PA Tourism = Jobs, YOUR Jobs” a Gubernatorial Candidate Forum on April 29th in Pittsburgh.

NEW BUSINESS, cont.:

Chairman Jones reported that the road department had asked him to look into renovating the rear section of the garage building, so that they can move the trucks out of the rear of the office/meeting room building. It is proposed to install 2 doors (only one door now) in place of the two existing windows; cementing the floor; heating the garage (or perhaps heating the floor); plus the building needs re-roofed and both buildings need painted. The priority appears to be re-roofing. Due to the budget, the work will have to be spread over a couple years. A building permit will likely be needed. Road Foreman, Bill Foertsch, will proceed to get more prices and report back.

MISC. BUSINESS:

The road foreman, Bill Foertsch, attended the PennDOT 'field meeting' held by Markosky Engineering in regards to the Jefferson Center bridge project. Bill noted that there are two catch basins at the end of West Jefferson Rd. which PennDOT originally installed and we hope these are replaced by them during this project.

ATTENDANCE: Bill Coe, Brett Neupert, Norm Neupert, Cheryl Prybock, Evelyn Gross, Shirley Widenhofer, Gene Widenhofer, Jim Rankin, Lil Bachman, Tom Alberti, Laura Alberti, Wally Cypher, William Foertsch, Joe Krill, Jane Limbacher, Brian Thoma, and Leo Rosenbauer.

ADJOURN: *Motion* by James R. Jones to adjourn at approx.6:40 P.M. *Seconded* by Lois J. Rankin. All agreed and *motion carried*.

NEXT MEETING: Monday, May 10, 2010 3:30 P.M.