

JEFFERSON TOWNSHIP

REGULAR MEETING

June 10, 2019

CALL TO ORDER:

The regular meeting of the Jefferson Township Board of Supervisors, held at the municipal building on 157 Great Belt Rd., Butler, PA, was called to order by Chairman John Cypher at 7:01 P.M. on June 10, 2019. All rose to pledge the flag.

ROLL CALL:

Those present were Chairman John Cypher, Vice-Chair. Lois Rankin, Supervisor Braden Beblo, and Sec/Treas. Lois Fennell.

ANNOUNCEMENTS:

Chairman Cypher announced that the Supervisors met in brief executive session on personnel just prior to the start of this evening's meeting.

PUBLIC COMMENT ON THE AGENDA AS PRESENTED: None.

MINUTES:

John Cypher *moved* to approve the May 13, 2019 regular meeting minutes as written and distributed. *Seconded* by Lois Rankin. All agreed and *motion carried*.

FINANCIAL:

Bills paid between the May 13th meeting and May 31, 2019 totaled \$2,016.04. Bills presented for payment from the General Fund (6/1 to 6/10/19) totaled \$22,989.85. No bills were presented from the State Fund. The total of all funds after payment of the bills reported is \$1,632,906.80. John Cypher *moved* to pay the bills plus any regular bills that may become due prior to the July 8, 2019 meeting. *Seconded* by Lois Rankin. All agreed and *motion carried*.

PUBLIC BUSINESS OR COMMENT: None.

RECREATION COMMITTEE:

Recreation Committee Chairman, Brian Patten reported on the June 5, 2019 Recreation Meeting.

Action Items: The Recreation Board asked that the set of bleachers for the Pony Baseball Field (in storage at the township) be delivered to the empty concrete pad at the field by the road crew by Friday, June 14th. They plan to have volunteers gather to help with the assembly on Sat., June 15th at 5:00 P.M. They plan to continue to review the bathrooms at the baseball upper concession stand as needed. New fixtures are being considered. They asked that the road crew investigate the large broken branch hanging over the fence & walking trail at Field #5. Chairman Cypher said the road foreman will get a price for someone to climb and trim...due to the space being too tight and the ground too wet for equipment to be pulled in there.

Baseball: Tournaments 9U July 5 - 8; 10U and 11U June 27-30. www.saxonburgbaseball.com

Pool: Pool will open at 12 noon daily beginning June 10th. www.sebcopool.com

Softball: They are considering a younger age tournament around the end of June and an 18/19U tournament mid-July...no definite dates yet. www.sagsa.org Soccer: www.knochsoccer.org

John Cypher said that due to the 60 kids attending the YMCA Summer Camp at the park and use of the Ladies' Pavilion, that it is necessary to dump trash cans into the dumpsters and restock the bathroom and cleaning of the bathroom facilities at least twice a week. He proposes to pay \$20 per trip (one trip, two evenings (Tues. & Fri. per week) for the YMCA rental weekdays and two trips for a Saturday or Sunday Pavilion rental (to stock and clean before and after the event.) He asked the other Supervisors to consider using Roger Cypher to do this work (contracted on a 'per trip basis) separate from his employ on the road crew and Roger told the

Recreation Committee, cont.:

Supervisors this evening that he is willing. *Motion* by Lois Rankin pay Roger Cypher for 2 trips each week (Tues. & Fri. evenings) and 2 trips for each Saturday or Sunday that the pavilion is rented for an event and pay \$20 per trip. *Seconded* by Braden Beblo. John Cypher abstained due 'conflict of interest' as Roger is his brother. *Motion carried* 2 to 0 with 1 abstention.

Lois Rankin noted that the landscaping at the gazebo has been completed. John Cypher thanked the Recreation Committee for all their efforts at the park.

ROAD FOREMAN REPORT:

Chairman Cypher read the report submitted by Road Foreman William Foertsch. Under drain on Great Belt Rd. was installed to correct a wet spot (due to all the wet weather.) The road crew lost about 8 work days cleaning up after the storms and heavy rain. The road crew wants to know what the Township's responsibility is during clean up after these storms because a few residents were very upset that the road crew did not go onto their private property to clean up; and asked that a notice be placed in the newsletter. Chairman Cypher said the Township's responsibility is to clear and protect the Township rights-of-way and is NOT authorized (nor would the Board order) to clean-up any private property, with the exception for 9-1-1 Emergency access. It also not legal for property owners to place any debris along the township road rights-of-way. A notice will be placed in the newsletter!

XTO has finished base repairs to Bullcreek and Frazier Roads. We received about 700 ton of millings. The 2019 paving project is projected to proceed in the month of July.

Alwine Road will be closed on June 10, 11 and 12 for 2 'smaller' cross pipes and catch basin replacement. Squash pipe and two other 'larger' pipes (48" and 36") are to be done in July. The road crew needs either a rental excavator and attachments (cost for 2 weeks is \$7,678 or 1 month is \$10,648 depending on weather and availability) OR hire an outside contractor with operator, machine and attachments for \$140 per hour (estimated 56 hours to complete the 3 crossings will cost \$7,840.) *Motion* by John Cypher to proceed with hiring the independent contractor with machine and attachments. (Chairman Cypher said McCrea gave the best price, well under the 'quoting requirement'.) *Seconded* by Braden Beblo. All agreed and *motion carried*.

The O'Hara Road guide rail quotes came in, but the road foreman has a few things to clarify before he reports...he should have all the information for the July meeting.

John Cypher thanked the road crew for everything they have done during the stormy wet weather!

PLANNING COMMISSION:

Planning Chairman, Leo Rosenbauer, reported on the May 20, 2019 P.C. meeting. Keith Graham from the Butler Eagle explained to them what the Butler Eagle plans to do with the existing billboards located at 725 Freeport Rd. (Phil Riemer & William Kriess properties.) Due to storms, the 'wooden upright electrical mount' which snapped at ground level and the weight of it on the metal structure (posts) is causing the left corner to lean forward about 10-15 degrees. They plan to remove the broken wooden post and re-mount the electrical service to the vertical metal upright directly behind it. They also plan to add metal struts to further secure the billboard(s) and add a walkway to the back of the board for safety of the installer plus add a green metal skirting. The P.C. had no problem with the plans, noting that an electrical inspection should be done and that he can contact Dave McGuigan at Code.sys. No action for the Supervisors to take this evening, June 10, 2019.

The P.C. reviewed and approved two (2) modifications requests submitted by Mr. and Mrs. James Robinson for side set-backs for the proposed house (south side) and for a proposed garage (north side) of 388 Bullcreek Rd. The hardship is the long narrow lot and placement of the septic (front) and well (back) making it difficult to place the house. Notarized letters of permission were submitted from both Robert Damico and James P. Lawson. *Motion* by John Cypher to approve both side set-back modifications (10 ft. modification (relief) for the 15 ft. set-back for the garage on the north side of 388 Bullcreek Rd. and 10 ft. modification (relief) for the 15 ft. set-back for the proposed house on the south side of 388 Bullcreek Rd. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Planning Commission, cont.:

The P.C. reviewed and approved the modification request submitted by Mr. Brian S. Ekas of 132 Great Belt Rd. subsequent to discussion at the last month's P.C. meeting. He plans to construct a proposed addition (single garage, bedroom and bathroom) next to his parent's property. A notarized letter of permission was submitted. The SEO, Doug Duncan, has reviewed the existing Eco-flow septic system installed in 1999 and it is adequate for an additional bedroom and bath. A letter was submitted from Mr. Ekas indicating that the addition is actually the 4th bedroom, since the master bedroom and adjacent room were combined (wall removed) and up to this point the house has always been 3-bedroom with office space. *Motion* by Lois Rankin to approve the 13 ft. modification (relief) for a 12 ft. set-back for the proposed addition at 132 Great Belt Rd. *Seconded* by Braden Beblo. All agreed and *motion carried*.

The P.C. reviewed and approved a modification request submitted by Mrs. Kathy (Wahl) Rasely (Wilbert C. Rasely) of 237 Green Manor Dr., for a proposed garage addition at the northern property line. A notarized letter of permission was submitted, allowing an 8 ft. modification for a 17 ft. set-back. The addition will actually be set-back 2 ft. more than their existing garage. *Motion* by Lois Rankin to approve the 8 ft. modification (relief) for the 17 ft. set-back for the proposed garage addition at 237 Green Manor Dr. *Seconded* by John Cypher. All agreed and *motion carried*.

The P.C. reviewed and approved a modification request submitted by Mr. Albert Godfrey for a proposed 'pole barn' at 162 Dusty Lane with existing dwelling. The hardship: the property drops off to a stream and he would like to keep it back on higher ground. He owns the adjacent property and submitted a notarized letter giving himself permission to build closer than the required 25 ft. John Cypher *moved* to approve the 15 ft. modification (relief) for a 10 ft. set-back for the proposed pole barn at 162 Dusty Lane. *Seconded* by Braden Beblo. All agreed and *motion carried*.

The P.C. reviewed and approve a modification request submitted by Mr. Larry Letzelter of 120 Keck Rd. He originally requested a 5 ft. set-back for a proposed shed, however, the P.C. explained that 5 ft. is very restricting (blocking good access to the backyard) and asked him to consider a smaller 'modification'. He agreed to increasing that to a 10 ft. set-back (15 ft. modification). A notarized letter of permission was submitted from his neighbor, James McCabe. *Motion* by John Cypher to approve the revised request for a 15 ft. modification (relief) for a 10 ft. set-back for the proposed shed at 120 Keck Rd. *Seconded* by Lois Rankin. All agreed and *motion carried*.

Mr. Godfrey was asked to attend the P.C. meeting to discuss the building permit requested for a large pole building (40 x 80 ft.) at 160 Caldwell Dr. P.C. Chair., Leo Rosenbauer, asked the Township Attorney at the May 13th Supervisors' meeting about the application for an accessory structure on a vacant lot (no dwelling.) The Attorney and Supervisors agreed that since there is no existing 'dwelling', the proposed storage building is considered 'non-residential' and would require submission of a land development plan. The P.C. recommended that he attend the Supervisors' meeting for clarification, but Mr. Godfrey determined that he would apply for a building permit for BOTH the new house and the storage building at the same time. Mr. Godfrey was present at this June 10th Supervisors' meeting. Chairman Cypher clarified that the house must be built and occupied before a building permit can be issued for the 'proposed' pole building, unless Mr. Godfrey submits a land development.

The P.C. reviewed and approved the 'new' Harbison Lot-Line Revision submitted by Stan Graff. (The original plan, prepared by Jarrod Tezik, was denied in Feb. 2019. Stan was contracted to start over.) First, note on the plan refers to a 'grey area' next to Lots 3 and 4 previously acquired by Jefferson Township during Bonniebrook Road relocation in May 2001, so it shows that Lot 4 owns a narrow strip of land (Tract F) of 0.75 acre on the other side of Bonniebrook Rd. It does not belong to the Township or the property owner across the road (but could create problems in future (i.e. future driveway entrances.) The Lot-Line Revision: Lot 1 of 1.308 acres is revised by addition of Tract A (0.438 ac.) to make Revised Lot 1 equal 1.732 acres. Lot 2 of 1.135 acres is revised by addition of Tract B (0.617) to make Revised Lot 2 equal 1.752 acres. Lot 3 of 0.961 acre is revised by addition of Tract C (0.309 ac.) to make Revised Lot 3 equal 1.270 acres. Tract E of 0.850 acre is revised by addition of Tract F (0.75 ac.) and Tract D (0.200 ac.) to make Revised Lot 4 equal 1.125 acres. The residual, owned by L.A. Harbison is reduced to revised total of 14.779 acres. Lois Rankin *moved* to approve the Harbison Plan No. 2 as prepared by S.D. Graff Surveying as presented. *Seconded* by John Cypher.

All agreed and *motion carried*.

The P.C. reviewed and approved the Thomas Ferraro Plan No. 2 submitted by Stan Graff for Thomas M. Ferraro located on the north side of Great Belt Rd. (next to the Township and Anderson property.) At tonight's Supervisors' meeting, June 10, 2019, a letter of 'withdrawal' was submitted by Stan Graff. *Motion* by John Cypher to accept the 'withdrawal' and deny the original submission (thus stopping the 90 day review process). *Seconded* by Braden Beblo. All agreed and *motion carried*.

OLD BUSINESS:

Ordinance #433, which creates the position of "Manager" was advertised for adoption this evening. Chairman Cypher asked for any comments. There being none, Chairman Cypher *moved* to adopt Ordinance #433 as prepared by the attorney and advertised. *Seconded* by Lois Rankin. No further discussion. All agreed and *motion carried*.

Chairman Cypher reported that Mr. Spaulding is making some progress and 'has a plan' to remedy the failing septic system. We should have more information by next month's meeting.

The DCED Grant cost estimate was less than anticipated and discussed at the May meeting; it is \$177,508.80 instead of \$250,000.00. Therefore the commitment letter and Resolution #432 needed to be revised and signed for submission with the grant application on May 31, 2019. *Motion* John Cypher to ratify the revised commitment letter and revised Resolution #432. *Seconded* by Braden Beblo. All agreed and *motion carried*.

Final approval and executed "Multimodal Grant Agreement" was received from PennDOT for the joint Summit/Jefferson Bonniebrook Rd. project. Officials from both townships met with Allen Williams on Monday, 6/3/19 to try and finalize bid specs for the 'drainage' portion of the project. Allen was to try and have the cost estimate and advertisement ready for Summit Township by their 6/5/19 meeting. However, Summit Township Supervisor, Larry Osche, brought a copy of the 'cost estimate' over early this morning, and our foreman, Bill Foertsch discovered some inaccuracies in the material amounts. So, he and Mr. Osche met to discuss, change and left message for Allen Williams to get back to them about the needed changes. Once the specs are satisfactory, the advertisement can be placed (Jefferson Township pre-authorized this at their March 2019 meeting.)

The permits officer received, from Pine Run Midstream, four temporary driveway permit applications: (HOP 1) Victory Road, Stasiak property, across from existing one to 300 Victory Rd. AND Golden City Rd. Frndak property; (HOP 2) Golden City Rd., Stasiak property; (HOP 3) Victory Rd., Frndak property. All appear to be within the PennEnergy Resources 'bonded 1 mile' of Victory Rd. and Golden City Rd. bond. The road foreman Bill has reviewed them, plus the TWO road occupancy permits for installing waterline UNDER Victory Rd. and under Golden City Rd. *Motion* by Lois Rankin to approve the 4 temporary driveway applications subject to satisfactory review by the permits officer, Clinton Bonetti. *Seconded* by John Cypher. All agreed and *motion carried*.

NEW BUSINESS:

Resolutions and Ordinances passed Feb. 2018 to May 2019 were sent to General Code by e-mail on 5/29/19 for a 'codification estimate.' Generally we codify once per year, but submission was delayed because the Multimodal Agreement was not executed (for the Intergovernmental Cooperation Agreement Ordinance #422). *Motion* by John Cypher to authorize proceeding with the codification estimated between \$2,405 and \$3,080. *Seconded* by Lois Rankin. All agreed and *motion carried*.

MISC. BUSINESS:

- Received NOTICE from Gateway Engineers that PennEnergy Resources is making application to DEP for permit to drill and operate an unconventional well - Well PER W44 6H & 7H - in Winfield Township off Leasureville Rd.

- Received NOTICE from DEP that three "Water Management Plan - Amendment Applications" dated 2/28/19, 4/25/19 and 4/26/19 . DEP 'finds' that the applications demonstrate that PennEnergy Resources proposed withdrawals or use of water in accordance with the Plan Amendments will satisfy the requirements under the 2012 Oil and Gas Act and have approved the three amendments.

Misc. Business, cont.:

Leo Rosenbauer asked that the Board have the secretary check with the SEO, Doug Duncan as to whether the EcoFlo septic system will be sufficient to include a 'kitchenette' on the Ekas property. The Planning Commission approved the set-back modification for a 'one stall garage and living space addition' at the May 20th meeting, but they did not realize it included a 'kitchenette', as well as the 4th bedroom, until this evening.

Lois Rankin asked if the 'Neupert Race Track' land development has passed the 5 year expiration. Leo Rosenbauer and Evie Gross said yes (final approval was Feb. 2012). He would have to start all over (submit a new land development, etc.) if he wanted to proceed with a race track.

ATTENDANCE:

Evie Gross, Leo Rosenbauer, Roger Cypher, Bill & Mandi Foertsch, Albert Godfrey, Mrs. Rasely, Mr. Ekas, Mr. Letzelter, Amy Gonzales (PennEnergy) and Stan Graff.

ADJOURN:

Motion by John Cypher to adjourn at 8:07 P.M. *Seconded* by Lois Rankin. All agreed and *motion carried*. The next regular meeting is scheduled for Monday, July 8, 2019 at 7 P.M. at the Township Building, 157 Great Belt Rd., Butler.

Respectfully submitted by Sec/Treas., Lois Fennell