

Connoquenessing Township's supervisors' meeting was called to order by Chairman, Terry Steinheiser at 7:00 p.m. on Wednesday, April 3, 2013 at the Connoquenessing Township Municipal Building. Present were supervisors Terry Steinheiser, Scott Longdon and Jack Kaltenbaugh. Also present were Solicitor Andrew Menchyk, Jr. and Engineer Bill Braun. Secretary Brenda Davis was not present. Treasurer Lee Kradel was present and recorded the minutes. Eleven people signed in on the public sign-in record on file at the township office. The meeting opened with the Pledge of Allegiance.

## **REVIEW MINUTES**

Steinheiser motioned to accept the supervisors' meeting minutes from March 6, 2013. Kaltenbaugh seconded. Roll call, yes, unanimous.

## **FINANCIAL REPORT**

Lee Kradel reported that the beginning balance in the General Fund is \$271,449.25 with deposits of \$72,429.88 and checks in the amount of \$61,186.78 being approved tonight; the ending balance will be \$282,692.35. The Escrow beginning balance is \$27,321.00 with checks being approved tonight of \$3,230.50 leaving an ending balance of \$24,090.50. Highway Aid/Liquid Fuels fund beginning balance is \$25,870.73 with interest posted March 29 of \$0.33 and deposits received April 1 totaling \$143,796.35, the ending balance is \$169,667.41. Act 13 Fund beginning balance is \$205,592.54 with interest posted March 29 of \$26.47 for an ending balance of \$205,619.01.

Lee Kradel stated that the budget update for the first quarter of the year is in the packets.

Steinheiser made a motion to accept financial report and budget and pay the bills, seconded by Longdon. Roll call, yes.

## **COMMENT PERIOD**

\*NONE\*

## **BIDS**

There were four sealed bids received for the 1992 International Dump Truck. They were: Walter Stickney \$3,177.00; Walt Neubauer \$3,525.15; Route 422 Sales Mathies & Sons \$2,860.00; Tom Huff \$2,500.00. Scott Longdon stated that the truck was only advertised in the Butler Eagle and not on Municibid. On a motion by Scott Longdon, seconded by Jack Kaltenbaugh, the supervisors accepted the bid for the 1992 International 10-ton dump truck from Walt Neubauer in the amount of \$3,525.15. Roll call, yes.

## **OLD BUSINESS**

\*NONE\*

## **NEW BUSINESS**

\*NONE\*

## **REQUEST TO BE HEARD**

Jim Smith – not present

Tom Huff – not present

## **PLANS**

Bob Swartz representing Voelker Paving was present to update the board on the status of the land development plan for commercial building at 1055 Prospect Road. Mr. Swartz stated that they have addressed all of Senate Engineering's concerns except the NPDES permit. He stated that they are addressing it but it does take 90-120 days. He is asking for an extension to the plan approval of 95 days in order to get the process going which will get them through the July meeting. Phase I has been approved preliminary and final through planning commission and Phase II has been approved preliminary only. Steinheiser asked where the SWM areas were and Mr. Swartz pointed them out on the plan. Discussion continued regarding the building being built without a permit and the building has not been inspected by any of our inspectors and the proper steps were not followed from the beginning. Steinheiser said he is willing to grant the extension with the condition that Mike Grill signs off on the commercial inspection of the building. Mr. Menchyk, Jr. asked what the building was being used for and Mr. Swartz said "for Voelker Paving", for the storage of trucks, etc. Mr. Menchyk, Jr. said there should be no occupancy of the building without an occupancy permit. Mr. Menchyk, Jr. asked Mr. Swartz to relay that message to Mr. Spangler to avoid action due to the illegal occupancy of the building. Kaltenbaugh added that they need to do something to get it straightened out. Steinheiser made a motion to grant the 95 day extension, seconded by Longdon. Roll call, Steinheiser,

yes, Longdon yes, Kaltenbaugh, no.

Four billboard applications were presented by Oliver Outdoor. They had previously been reviewed at planning commission and three were previously presented to supervisors but not approved. The first one to review was the Underwood Trust Property and Mr. Ferguson suggested that they go through each item that they were asked to comply with because most of them would pertain to all of the applications. Mr. Ferguson stated that for each application they tried to do as much as they could to reduce the impact. For the Underwood property, the signs are now "static" signs", a durable sign face with a light shining down on it, not LED as originally planned. The items asked for each are:

1. Engineered plans sealed by engineer for each type of structure with height of 28' and distinguishing between static and LED signs.

2. Location of electrical lines has been added to plans. Bill Braun asked if they had an approval letter from electric company concerning the easements. Mr. Oliver explained that they are outside of the easement for all of the properties.

3. Sight triangle (applicable to Bergdahl plan)

4. Letter providing foot candle data for LED signs (they will have static signs letter mailed)

The next billboard discussed was the Ron West Property. Mr. Ferguson stated what is different is they have cut the size of the signs almost in half to reduce impact. Instead of being 40' wide, they are 24'. Sign itself is 12' and height is 28', but Bill Braun said the drawing shows 29'. The West sign "A", even though it is smaller, will be an LED sign. West sign "B" will be one side LED and one side static.

For the Bergdahl site, the utility lines and sight triangles (one for Buttercup School Road and one for the parking area) have been shown. This sign has been reduced from 40' wide to 24' wide sign faces with one digital side. The side facing the intersection is standard static indirectly illuminated sign. Mr. Oliver stated that the bottom of the sign is 13' off the ground and you can see under it. Mr. Ferguson stated that the memorandum that he provided to Mr. Menchyk, Jr. earlier in the day addressed the side setback requirements. Mr. Ferguson said they researched three sources to find guidance on side yard setbacks; first, Ordinance #61, then Ordinance #69, then the Subdivision and Land Development Ordinance. Mr. Ferguson stated that if there is any ambiguity or question on whether provisions of an ordinance applies, courts have found that you should rule in favor of the landowner's rights. Ordinance 61 refers to "existing" billboards, but these billboards do not exist. Ordinance 69 says that "billboards are prohibited unless they comply with the Highway Beautification Act", but that does not address setbacks. The Subdivision and Land Development Ordinance lists various properties subject to the ordinance, but none of it refers to billboards. In summary, Mr. Ferguson feels that neither Ordinance #61, #69 or SALDO apply to billboards, therefore prior to new ordinance, there was no regulation of billboards. Mr. Ferguson stated that he provided photos of almost all billboards in the township to the planning commission and the largest side setback was 7 feet. They are proposing a side setback of 10 feet from the sign itself. Steinheiser stated that he appreciated the Oliver Outdoor group working with the township and made a motion to approve the four billboards subject to change in height on the drawings from 29' to 28' and a letter regarding lighting; seconded by Kaltenbaugh. Roll call, yes.

Estle Harp Billboard Application – Mr. Harp was not present, however Mr. Menchyk, Jr. noted that this application would fall under the new ordinance since the application was received after the ordinance was advertised. It was also noted that the Code Enforcement Officer's report stated that Mr. Harp did not determine where the sign was to be located; therefore, it will be put off until next month.

United Plate Glass presented a land development for a building at Lot 6 of the Kriess Road Business Park. Steinheiser stated in his opinion, UPG has been good to the community and brought a lot of revenue to community. They started with about 12 people and now have about 100 employees. Bill Braun stated that they received final approval on their land development plan in 2011, with contingencies that have been met, but now are making modifications to the building that do not impact stormwater management or anything to do with the land development. Mike Ogin from Gateway Engineers mentioned that UPG owns lots 4, 5, 6 in the Kriess Road Business Park. He explained the modifications being requested are for front yard setback of 95' instead of 100' and side yard setback of 33' instead of 50'. There was discussion regarding the need for modification and why the lot line couldn't be moved. Mr. Ogin explained that it becomes more complicated when financing is involved. Steinheiser asked Mr. Menchyk, Jr. and Mr. Braun if it is possible to request a lot line revision is the property is ever sold? Mr. Menchyk, Jr. stated that you can't tie an approval to a modification. Don Graham, UPG's attorney, stated that the complete land development is really the entire thing no matter how many lots; that shopping centers are sometimes built over existing property lines. Steinheiser made a motion to accept the plans and approve the above building lot setbacks. Seconded by Kaltenbaugh. Roll call, yes, unanimous.

## **ENGINEER REPORT**

Mr. Braun updated on the Winterwood sewer project by stating that he had not received a reply to his letter to Mr. Zimmerman from the DEP, but that he had not expected to because when he spoke to Mr. Zimmerman on the phone, Mr. Zimmerman said they want to see what we propose in our 537 plan.

Mr. Braun again asked the supervisors if he should go through with applying for the CMAQ funding for the route 68 turning lane project. He felt we would not score very high but we should start somewhere. Steinheiser felt it would not get us anywhere and suggested we wait to see what we hear from Senator Vulakovich's office regarding their request for more information on the project. Mr. Braun stated we should at least notify the county planning commission regarding funding.

## **SOLICITOR REPORT**

Mr. Menchyk, Jr. stated that the new sign ordinance was adopted last month and that a new sign application is being proposed. He also stated that Resolution 3-13 indicates the administrative framework of the new ordinance along with fees associated with it. Steinheiser made a motion to accept new sign application and pass resolution 3-13. Seconded by Kaltenbaugh. Roll call, yes, unanimous.

Mr. Menchyk, Jr. stated that a settlement has been reached on the damage to the guiderails on Lower Harmony Road in the amount of \$3,195.00. Longdon made a motion to approve settlement and release of all property damage claims and authorize Steinheiser to execute release, seconded by Kaltenbaugh. Roll call, yes.

Mr. Menchyk, Jr. stated that the codification of ordinances is moving forward. He received three copies of the draft with more questions that need answered by September 5.

### **CODE ENFORCEMENT REPORT**

Steinheiser stated that the Code Enforcement report was in the packets along with an invoice in the amount of \$204.02. Steinheiser stated that Mr. Lokhaiser is also requesting to purchase a laser measuring device. Longdon mentioned that Mr. Lokhaiser asked for advice on whether he should request Mr. Ricky Bridges to have the existing septic system tested. After discussion, no dye test was required. Also discussed was the requirement to have existing septic systems tested before a lot line revision is approved. Mr. Steinheiser does not agree that the systems need to be tested, however Mr. Menchyk, Jr. reminded him that it is the township's responsibility to be sure septic systems are functioning properly. Steinheiser made a motion to approve the Code Enforcement invoice in the amount of \$204.02 and allow Mr. Lokhaiser to purchase the measuring device for \$85.00, seconded by Kaltenbaugh. Roll call, yes.

### **ROADMASTER REPORT**

Mr. Longdon stated the road crew has continued salting. They also have built and painted stands for storing the hoppers. Also, the township received a quote from Williams & Willman Line Painting to paint double yellow lines on Eagle Mill Road. 400' of roadway would cost \$2,376.00. Mr. Longdon stated the lines will be painted as soon as weather permits. The proposal was accepted on a motion by Longdon, seconded by Steinheiser. Roll call, yes.

Longdon stated that some paving projects have been reviewed by Richard Knapko and the township. Fassinger and a section of Smalstig Road are being considered. The total estimated cost for binder and wearing course on Fassinger and Smalstig and double seal coat on Moose Road is \$373,765.00. There is \$160,000.00 available in Liquid Fuels. Mr. Longdon said that Mr. Knapko suggested that we put a binder down and a single seal coat on Fassinger and also improve the drainage along Fassinger to correct the water issues. Mr. Longdon would like to use some of the Act 13 monies for this project. Using a binder and single seal coat on Fassinger and Smalstig, and single seal coat on Moose Road, the project would cost approximately \$260,000.00. Longdon also said that Moose Road needs to be crack-sealed before the seal coat is put on. Steinheiser made a motion to move \$100,000.00 from Act 13 funds to Liquid Fuels to cover the road construction costs, seconded by Kaltenbaugh. Roll call, yes, unanimous. A motion to advertise to receive bids for paving projects for Fassinger and Smalstig Roads binder

and single seal coat and Moose Road double seal coat according to Richard Knapko's specifications made by Longdon, seconded by Steinheiser. Roll call, yes, unanimous. Longdon stated to be sure driveways are addressed in the specs when received.

## **BUILDING PERMIT APPLICATIONS**

There were two building permit applications: Rodney Smith, shed on Krenitsky Lane and Sonoma Valley, swimming pool on Silver Oak Drive (Community Building).

## **TAX COLLECTOR REPORT**

\*NONE\*

## **SEO REPORT**

\*NONE\*

## **EMERGENCY MANAGEMENT REPORT**

\*NONE\*

## **MOTIONS & GENERAL INFORMATION**

Steinheiser made a motion to release Voll Compressor Station escrow in the amount of \$2,056.50 seconded by Kaltenbaugh. Roll call, yes.

Steinheiser made a motion that the township will pay for any township official interested in attending the Butler County Association of Township Officials' annual Spring Convention May 16 at the Butler Country Club at a cost of \$25.00 each, seconded by Longdon. Roll call, yes. The office will be closed that day.

Connoquenessing Township, Connoquenessing Borough and Forward Township will have their joint annual "Clean-up/Recycling Day" on May 11, 2013 from 8:00 a.m. to 2:00 p.m. A list of items being accepted and fees will be posted at the Township office next week.

Rec'd letter dated March 19, 2013 from Gateway Engineers (Mark West) to inform of an application for coverage under the Erosion and Sediment Control General Permit (ESCGP-2) for Earth Disturbance, etc. for the Lynn to Voll Pipeline located in Connoquenessing and Butler Townships. Any comments concerning this project should be submitted to the DEP within 30 days. Information is on file at the Township Office.

Rec'd letter dated March 19, 2013 from Shell Exploration & Production Company (SWEPI LP) notifying they are applying for well permits (3468-3HS, 3468-1HS, 3468-3HD, 3468-3HM,

3468-5HD, 3468-5HM) on the Renick property located in Center Township. Information is on file at the Township Office.

Received letter dated March 13, 2013 from Rex Energy notifying that Permit Applications for Drilling or Altering a Well are being submitted to the PA DEP for the Bailie Trust Unit's 5HB & 6HB natural gas wells located in Jackson Township. Information is on file at the Township Office.

Rec'd "notification of surface landowner/water purveyor of well drilling operation or alteration" from DEP for 2 wells in Butler Township. The well pads are Hinch-Smith Units 8H and 9H. Information for both is on file at Township office.

Before adjourning, Evelyn Hockenberry, resident, asked if the brushcutter had been advertised. Mr. Longdon said it had been advertised and we did not receive a good bid. He said it can be used and we have used it, but it is not worth the price we paid.

Dorothy Onufer asked about blighted property help. She is aware of a blighted property in her neighborhood, but feels the resident would not accept the help. She is concerned it is affecting the property values in her neighborhood. Mr. Menchyk, Jr. stated that he is on the board of the Redevelopment Authority of Butler County and funds are available.

Steinheiser made a motion at 8:40 p.m. to adjourn to an executive session regarding the Western PA Company litigation and opening of union negotiations, seconded by Longdon. The board did not return to the regular meeting.

Respectfully submitted,

Lee Ann Kradel