

Connoquenessing Township's Supervisors Meeting was called to order by Chairman, Terry Steinheiser at 7:00 p.m. on February 6, 2013 at the Connoquenessing Township Municipal Building. Present were Supervisors Terry Steinheiser and Scott Longdon. Jack Kaltenbaugh did not attend. Also attending were Solicitor Andrew Menchyk, Jr., Engineer Bill Braun, Treasurer Lee Kradel and Secretary Brenda Davis was present to take the minutes. Twenty-four residents signed in on the public sign in record on file. The meeting opened with the Pledge of Allegiance.

REVIEW MINUTES

Steinheiser motioned to accept the "organization meeting" minutes of January 7, 2013 and the January 7, 2013 "supervisors meeting" minutes. Longdon, seconded. Roll call, yes.

FINANCIAL REPORT

Lee Kradel reported the beginning balance in the General Fund is \$301,140.20 but after total deposits of \$96,193.60 and checks of \$87,576.80 are approved tonight the ending balance will be \$309,757.00. The Escrow account beginning balance was \$26,280.00 but after deposits of \$352.00 and checks in the amount of \$5,049.00 tonight, the ending balance is \$21,583.00. Lee Kradel said the Highway Aide beginning balance was \$25,870.06 but with interest of \$.35, the ending balance is \$25,870.41. Lee Kradel stated the Act 13 Impact Fee fund beginning balance is \$205,526.09 but with interest of \$34.91, the ending balance is \$205,561.00. Steinheiser motioned to accept the financial report and pay the bills. Longdon, seconded. Roll call, yes.

COMMENT PERIOD

Brenda Davis opened the comment period by stating the comment period will be held to a three minute time limit and told everyone if they wanted a 30 second warning of their time running out to let her know. Brenda Davis had a stop watch to time the comment period.

Jim Smith, resident of the Woodlands, started by telling the supervisors that he understands what the supervisors stated previously that there is no proof from the DEP that Rex Energy has caused the water problem and since there is no proof, the Township can not do anything. Mr. Smith questioned if the Township is planning on putting any money towards the area and how much. Mr. Smith also said he looked up the Act 13 guidelines and wondered if the Woodlands could fall under the Homestead Act, Hazardous Materials or Water sections. Supervisors had no comments. Steinheiser told Mr. Smith his three minutes were up but told him he was already listed under the "Request to be Heard" section and could continue during that time.

Don Kernodle, resident of the Woodlands, stated in the past two years the area has gone from two (2) wells to forty (40) wells and feels the water contaminants are starting to surface. Steinheiser stated the DEP did pre-drilling and post-drilling testing and concluded there is no concrete evidence stating what has caused the water problems. Steinheiser did tell Mr. Kernodle that the DEP records are being reviewed by the state Auditor General, Eugene DePasquale, to make sure the gas companies have followed all the proper testing regulations. Steinheiser mentioned a letter the Butler County Commissioners handed out titled "People of the Woodlands must unite" at their meeting earlier in the day and said the Commissioners also state there is no solid evidence on what caused the problem. Steinheiser assured Mr. Kernodle that the Commissioners and Township supervisors are working on finding a solution.

Eileen Gilson, resident of the Woodlands, mentioned she has MS and a low immune system and is concerned. Ms. Gilson stated pets are dying and recently someone blasted near her home and caused a 5 foot sink hole in her yard. Steinheiser asked if she contacted the company who caused this? Ms. Gilson said she didn't know who to call. Steinheiser told her she should keep in touch with the DEP because the Township does not have jurisdiction in that area. Ms. Gilson stated she has lived there 12 years before the fracking started without any problems. Steinheiser mentioned the abandoned coal mines and gas wells could be a factor. Steinheiser stated there are a lot of geographical issues going on under the land that he is trying to understand. Steinheiser told Ms. Gilson to stay informed with the DEP and the state Auditor General "Eugene DePasquale's investigation. Longdon noted that the gas companies are regulated by the State and DEP, therefore Butler County Commissioners or Township officials have no power. Longdon said no one is ignoring the water problem, everyone is looking for a long term solution.

OLD BUSINESS

Steinheiser mentioned he had wanted to discuss at the Organization Meeting last month increasing the Planning Commission Chairperson's salary by \$10/m for a total of \$60.00/m. Steinheiser stated the Chairperson does an extreme amount of work and effort in keeping all the paperwork in order. Longdon questioned if the chairperson had requested this? Steinheiser said, "no", he based this on all the work that is done. Brenda Davis and Lee Kradel said to their knowledge, the chairperson did not request this pay increase. Evelyn Hockenberry mentioned contacting PSATS to see what their pay can be and whether one member can receive more compensation than another. Longdon agreed that this should be looked into before a decision can be made. Mr. Menchyk, Jr. said he would call PSATS and advise. Steinheiser tabled the discussion until the March meeting.

Steinheiser stated the new wage of the elected tax collector pay for the 2013 election year must be set by February 15th. Tom Pawlowicz, current tax collector, requested the rate per card of \$.80 be raised to \$1.25. Longdon said he would be willing to increase to \$1.00 but thought \$1.25 was too much of an increase. Mr. Pawlowicz said he was the lowest paid but did not have a survey from neighboring townships to prove this to the board. Mr. Pawlowicz said this rate will remain for four years without another increase and feels \$1.25 is fair. Longdon disagreed and made a motion to adopt resolution 2-13 stating the tax collector pay rate for the years 2014 through 2017 will be \$1.00 per tax card. Steinheiser seconded. Roll call, yes. Mr. Pawlowicz stated the janitor got a 3% raise. Steinheiser told him going to \$1.25 would be around a 45% raise. Mr. Pawlowicz stated the tax collector rate stays for 4 years. Steinheiser said that would still be around a 11% raise per year compared to the janitor's 3%. Longdon stated Mr. Pawlowicz knew what the pay was when he ran for office and accepted the position. Mr. Pawlowicz agreed. In closing, Longdon and Steinheiser signed resolution 2-13. Brenda Davis witnessed.

NEW BUSINESS

Steinheiser said the Township has purchased a new copier from our current vendor, Precision Copy Products. Steinheiser motioned to advertise the old copier for sale in the Butler Eagle. Longdon, seconded. Roll call, yes.

REQUEST TO BE HEARD

Jim Smith said he heard a housing plan was coming into the Woodlands area and wondered if the water line running to it would be close to the Woodlands? The board said they have no knowledge of a housing plan. Mr. Smith asked how much of the Township money is being designated to help the Woodlands? Mr. Smith said the Woodlands doesn't ever see much tax monies. Mr. Smith said the Township should be investigating what is causing this. Steinheiser told Mr. Smith they have been working on it and read from the County Commissioner's letter previously mentioned that on August 10, 2012, a meeting was held with Brian Ellis, a representative of PA American Water, all three county commissioners and himself to discuss the Woodland water problem. Longdon told Mr. Smith they are working on it and trying to find a permanent fix. Mr. Smith said he has heard the Woodlands residents are going to have to pay for their water. Longdon stated, "I pay for my water". Longdon also stated he had to pay to run his water from the road to his house. Longdon also told Mr. Smith the board asked Mr. Chas Tanner, who used to come to meetings representing the Woodlands, to provide a list of names who would be willing to hook into water if it became available and stated the supervisors have never received this list. Mr. Longdon stated PA American Water needs these figures to help determine the cost of the overall plan. Also, Longdon said PA American Water has not supplied any cost estimate yet so how would the Township even know what they may contribute. Steinheiser once again read from the Commissioner's letter, paragraph 2, "Two problems must be addressed prior to the project moving forward. First, a water association must be created by the residents of the Woodlands to determine those individuals interested in bringing water to their area. Second, the responsibility and the contribution in time and money by members of the newly created association must be identified. **The people of the Woodlands must unite if this project is to move forward.** Steinheiser also stated the letter says, "United we can make it, divided we can't". Mr. Smith said the Woodlands is being poisoned and all they hear is, "we're working on it, we're working on it, we're working on it". Mr. Smith said it is starting on three years of "working on it". Mr. Smith asked Steinheiser if he, as a man, could afford to wait for water needed for drinking, bathing, cooking, showering and washing clothes? Steinheiser stated, "it is not the Township's responsibility at this point in time". Mr. Smith stated he will be at every future meeting because this is affecting his family, community, health and property value. Steinheiser told Mr. Smith the meeting needed to continue because other people wanted to speak.

Darnelle Martin was present and stated she had applied and paid for a swimming pool/deck permit, that she didn't know she needed, and then was denied the permit because the Code Enforcement Officer said the swimming pool/deck setbacks are not in compliance. Leyne Lokhaiser, CEO, who was present, said the Township ordinance states that a structure must be 50 ft. from the front of the property line. Mr. Lokhaiser stated Ms. Martin's deck is only 35 ft. Mr. Doug Johnston, who filed a complaint about the pool/deck being too close to the property lines, said there is no mathematical way the structure can fit on the lot. Mr. Johnston said the back setback is 16 ft but should be 25 ft. Steinheiser told Ms. Martin that Leyne Lokhaiser is correct on the setback ordinance and if she wanted to she could request a modification but she would need permission from the adjoining neighbors allowing the setback requirement to be changed. Longdon explained to Ms. Martin you are required to get a permit for the purpose of the Township to come and check the setbacks before a structure is placed. Andrew Menchyk, Jr. told Ms. Martin she is in violation of the Township's building ordinance and the Township could choose to assess a fine until the pool/deck is removed or moved to meet setback requirements. Ms. Martin was not pleased and stated there is only one neighbor complaining which is Doug Johnston. The board said that doesn't matter, you must follow our setback ordinance. Steinheiser told Ms. Martin to apply for a modification and see how that goes.

Doug Johnston said Leyne Lokhaiser stopped at Ms. Martin's on July 13, 2012 and told Mr. Johnston he saw three infractions. Mr. Johnston stated Mr. Lokhaiser was there again on Oct. 12, 2012 and measured the pool to the road. Mr. Johnston said there are 2 roads and an intersection and the pool/deck is 15 ft. too close to one of the roads. Mr. Johnston said Mr. Lokhaiser was there again on January 11, 2013 probably checking to see if the pool/deck had been moved. Mr. Johnston said the pool/deck is too close to the road. Steinheiser closed the discussion by telling Ms. Martin to stop in at the Township to pick up a modification form. Ms. Martin said she would also bring a copy of her survey.

PLANS

Cheryl Hughes, representing the William Kradel Subdivision plan, stated Mr. Kradel is dividing off one parcel to make two parcels for his two children. Ms. Hughes stated one parcel is 7.51 acres and the other is 10.87 acres. Ms. Hughes stated lot 2 (7.51 acres) applied for an exemption from the Sewage Planning Module but the DEP said they still had to do the "Component 1" of the Sewage Planning Module. Mr. Braun noted the plan also dedicated an additional right-of-way along Eagle Mill Rd. Steinheiser stated that is good. Mr. Braun said the plan came through Planning Commission and they recommended approval. Mr. Braun said the plan could be approved contingent on receiving the letter from DEP accepting the "Component 1". Steinheiser motioned to approve the William Kradel Subdivision plan with the contingency that the DEP accepts the Sewage Planning Module "Component 1". Longdon, seconded. Roll call, yes. Evelyn Hockenberry questioned if the driveway was approved for site distance? Longdon stated Bill Chuba inspected and approved with modifications to be made to end of the driveway for left turns. .

Steinheiser said Voelker Paving is requesting a time extension on their plan. Mr. Braun stated the ordinance states the Township has 90 days from the date of application to either approve, deny or approve a plan with contingencies. Mr. Braun stated if the Township doesn't act and approve an extension, the plan would automatically be approved. Voelker Paving put a written request in to the board for a 60 day extension. Mr. Braun stated they will need to go back to Planning Commission meeting this month. Mr. Menchyk, Jr. reiterated to the board the reasons Voelker Paving needs to be granted an extension so the Township would not be forced into approving. Longdon made a motion to grant an extension of 60 days for the Voelker Paving plan. Steinheiser, seconded. Roll call, yes.

Steinheiser said the contingency on the Fleegeer Subdivision plan approved last month has been met. Brenda Davis said the contingency was receiving exemption from Sewage Planning from DEP and the letter has been received. Steinheiser motioned to release their \$318.75 escrow funds. Longdon, seconded. Roll call, yes.

ENGINEER REPORT

Mr. Braun mentioned possible grants he has looked into for the Rt. 68 and Kriess Road/Eagle Mill Road turning lanes. Mr. Braun said none are too promising but the CMAQ grant is the most promising if you have a lot of political pull. Mr. Braun stated it would cost the Township around \$1,500 for his time to complete the application. Mr. Braun also noted that the Trans Associates study was completed and approved by PennDot. The board discussed whether to have Mr. Braun complete any grant applications but tabled the discussion until they have more time to consider the options.

Mr. Braun told the board he had sent a response letter to the DEP about the Winterwood issue but has not received a response. Mr. Braun also said the Act 537 Plan he is completing should be finished by the end of July 2013.

SOLICITOR REPORT

Mr. Menchyk, Jr. stated he has completed a draft of the "Financial Procedure Booklet" which the auditors comment the Township doesn't have during each audit. Steinheiser stated this will be good for our bonding company too since the Township is trying to increase Lee Kradel's bond since receiving the Act 13 funds. Lee Kradel said the booklet is really a "Policy" not a "Procedure". Mr. Menchyk, Jr. said it should be called the "Policy on Financial Management". The board accepted the booklet.

Mr. Menchyk, Jr. stated the final draft of the "Sign Ordinance" is complete. Mr. Braun said the Planning Commission has also reviewed and approved. Mr. Menchyk, Jr. stated it will need advertised for possible adoption at the next meeting. Longdon motioned to advertise the "Sign Ordinance". Steinheiser, seconded. Roll call, yes. Evelyn Hockenberry asked if the draft would be available to review before next meeting in case anyone had comments? The board said a draft copy could be requested from the Township Office.

Mr. Menchyk, Jr. said he was asked at last meeting to look into whether or not Primary and Alternate septic sites are required when subdividing lots. Mr. Menchyk, Jr. stated he read the PA Code and talked to the DEP and said the PA Code states if you don't do both testing sites, the subdivider (developer) would have to do an amendment to the Township's Act 537 Plan which is completing a Sewage Planning Module with the DEP. Mr. Menchyk, Jr. stated this could possibly be more costly than just doing the two testing sites. Cheryl Hughes said the problem is when you are acquiring or selling a part of land that is just being added to another for no building purpose, but requiring the seller or buyer do an alternate testing site. Steinheiser said he agrees that if you're just adding on, no alternate site should be required. Andrew Menchyk, Jr. stated it technically is still creating new lots but he would call Tomissa at DEP to further discuss and ask if only doing a lot line revision, would require an alternate site. Lee Kradel stated the most common complaint is requiring an alternate site when all that is being done is moving lines around and no intent to build. Ms. Kradel also stated the testing only lasts 6 years so it would need re-tested anyway if any building plans were proposed. The non-building waiver also was discussed by Cheryl Hughes and Mr. Menchyk, Jr. Ms. Hughes said a lot stated as non-building can be reversed and made a building lot if the proper sewage testing is done. Steinheiser stated that is one reason if testing needs done again in 6 years, why require the testing now when someone is not planning on building. Steinheiser asked Mr. Menchyk, Jr. to discuss further with DEP and advise at next meeting.

Mr. Menchyk, Jr. mentioned a civil complaint was filed against the Kelosky's for not submitting payment to the Township to have their SFTF tested.

CODE ENFORCEMENT REPORT

Code enforcement report in packets. Longdon motioned to approve and pay Leyne Lokhaiser's invoice in the amount of \$157.08. Steinheiser, seconded. Roll call, yes.

ROAD MASTERS REPORT

Longdon stated the road superintendent's report for January 2013 states the crew is busy plowing, replacing road signs and doing routine equipment maintenance. In addition, Longdon stated lettering has been put on the new Peterbilt.

BUILDING INSPECTOR'S REPORT

Steinheiser stated there were four building permits applied for this month. They were:
 Connoquenessing Township – storage building
 Robert Wright – garage – Whitestown Road
 Shannen & Mark Capriotti – addition - Buttercup Road
 Michael & Jennifer Murcko – garage – Timberlee Drive

TAX COLLECTOR REPORT

Mr. Pawlowicz said he attend the BCTCC meeting on January 22, 2013. Mr. Pawlowicz stated the meeting only lasted 20 minutes. Mr. Pawlowicz questioned the BCTCC why Donegal Township, which is part of Butler County is allowed to pay ½ % directly to the School District and the other ½ % to Berkheimer instead of Berkheimer handling the whole process. Pawlowicz said the law enforces all municipalities in Butler County to use Berkheimer. Mr. Pawlowicz did not receive an acceptable response. In addition, Mr. Pawlowicz questioned why the BCTCC pays the Butler School District \$4,000 each month for administrative reasons? He said there should be documentation on what they are doing to justify this payment. Mr. Pawlowicz stated the contract states the BCTCC will pay “**UP TO**” \$4,000, not \$4,000. Mr. Pawlowicz said the BCTCC treasurer would look into and advise at next meeting.

Tom Pawlowicz said the 2013 tax cards are printed and will be mailed out by March 1st.

SEO REPORT

* NONE *

MOTIONS & GENERAL INFORMATION

Steinheiser said the below, which was on the agenda, is for information:

Received invitation from Connoquenessing VFC to attend their annual “Officer Installation/Member Appreciation Dinner” to be held at 6:00 p.m. on February 16, 2013. R.S.V.P. by February 8, 2013.

Letter mailed to Senate Engineering authorizing them to finish the Act 537. 2013 Budget set aside \$8,000 for this service.

Bronder Technical Services offered the Township a one (1) year extension to the existing contract at the same cost/rate.

Secretary and Treasurer pay effective January 1, 2013 is \$16.65.

Received letter dated January 23, 2013 from Gannett Fleming notifying that XTO Energy, Inc. proposes to construct a water pipeline in Connoquenessing and Forward Townships. Information on file at township office.

Received letter dated January 23, 2013 from Rex Energy to notify that Permit Applications for Drilling or Altering a Well are being submitted to the PA DEP for the Ceaser Units 1H and 2H natural gas wells located in Muddy Creek Township. Information on file at township office.

Received notice from Dept. of Environmental Protection that US Energy Exploration Corp. submitted a permit application to drill and operate a conventional well in Center Township. All information on file at township office.

Received letter dated January 11, 2013 from Interstate Gas Marketing Inc. notifying us they are applying for a permit to drill the Stadler #1 & Stadler #2 oil wells in Center Township. All information on file at township office.

MOTION TO ADJOURN

Steinheiser motioned to adjourn the meeting at 8:40 p.m. to an Executive Session to discuss litigation concerning Lower Harmony guiderail damage. Steinheiser said the board would not return. Longdon, seconded. Roll call, yes.