

SUPERVISORS MEETING MINUTES of PORTER TOWNSHIP

Sept 14th 2015 Township Building 7:00 PM.

Attendance: Chairman Kevin Frank, Karl Walizer Jr. Larry Dotterer, Secretary Carol Colucci, Zoning Officer Rich Brungard, Solicitor O'Connor and 34 members of the public.

The meeting was called to order by Supervisor Chairman Kevin Frank at 7:00PM opening with the pledge of allegiance. Frank reminded to sign in and the meeting is being recorded

After review of the August minutes a 1st motion was made by Supervisor Walizer and a 2nd by Supervisor Frank motion passed to accept the minutes as presented.

Chairman Frank stated at 7:03PM that an executive meeting is needed to discuss legal matters on a proposed possible ordinance for a Motor Cycle Track. The regular supervisors meeting resumed at 7:17PM.

Chairman Frank asked for Public Comments. Gary Robinson asked what the meeting was about. Solicitor O'Connor stated the meeting was in regard to the legal matters of a proposed possible passage of a Motor Cycle Track Ordinance. O'Connor announced he was advising the Supervisors pertaining to the action pending. He drafted a proposed ordinance and the question is whether the zoning ordinance in regard of the use of a speedway is sensually exclusionary under the law. If in fact it is a legitimate use in the Township and the township excludes use of it, it could conceivably be shoved down the townships throat. The question is what is legitimate verses non-legitimate use.

What is considered legitimate use would consider the character of the community, whether there is other availabilities for other remedies and to show why the use is prohibited and if other alternatives such as regulating the use, a hardship on the attacker, which in this case would be irrelevant, or the prohibition promotes the health safety and welfare of others. The problem in this particulate situation is a reasonable person looking at a proposed use of motor cycle tracks do exist across the commonwealth of PA. So for the township to say it is not a legitimate use is perhaps going beyond reality.

The bottom line is to pursue but regulate to the extent of where it would cause the least detriment to the health and safety of the public. And if you don't go down that road there is concern of what might happen is that potently gets site specific use that is not going to be regulated. As of right now the Township Zoning Ordinance does not accommodate nor provide for race tracks or speedways.

O'Connor replied he understands every ones sentiments on this matter he has represented Lamar Township which has a speedway and was confronted with the same issues. Lamar Township established regulations for the track. Such as hours, days, dust control, use of speakers and issues of lights etc. O'Connor stated he has been asked by the Supervisors to advise them what the law is. The decision is to move forward with this then not so it is able to be regulated with the use that is proposed.

Chad Miller commented that if Porter was going to follow Lamar Township at Rt 220 / I-80 corridor as a model they used at specific zoning if we're going to have race tracks maybe that should be followed. This was proposed to be used for all the Township and that is not the case in Lamar. That was zoned mostly Industrial Commercial. O'Connor said there has been discussions and was suggested by the Clinton County Planning Commission to use Industrial Commercial, agricultural and conservation which will not be appropriate. Champion asked why O'Connor replied he believes it is state operated.

There was confrontations about what the people want and if there was a pending law suit. O'Connor confirmed he was not aware of any legal action against the Township. Also he stated anyone has to legal right to oppose the ordinance. He was asked if the Supervisors were asking him how to put in a Race Track ? O'Connor expressed it is exclusionary.

Chad Miller asked what is the process of appeal? The applicant must challenge the exclusionary nature and make a proposed curative amendment. The Township then has 30 days to make its own amendment and if it doesn't then they loose by default.

Gary Robinson expressed he thinks the problem was the original ordinance had a minimum amount of restrictions to it. And it sounded like a track could be anywhere.

It was asked about the previous track turned down with Likens. O'Connor stated the theory of approach with Likens is totally different verses a potential exclusionary nature. Comments were made from the audience referring to where are the people who are for the race other than the supervisors. Supervisor Dotterer replied there are people who want the track and in favor of the race track.

There was a big discussion on what the audience believes is the nature of people who attend and participate in motor cycle racing. Gene Auman stated he only sees all negative related to a motor cycle track. Rich Brungard stated racing is a family oriented event for all ages and he and his family participates traveling out of town to do so. O'Connor suggested to make regulations to the things people are against or want controlled.

The question was asked who will take care of it and all the issues that can happen with it. O'Connor's reply was just like any other issues that happens, you call any law enforcement on duty. Chairman Frank moved things on.

Donna Jeirles reported that Carol and Rich did and good job at the Park with all the improvements,

Kenny Courter asked what is happening with the Cottage Industries? He is opposed to changing anything about his business and wants to see his property rezoned.

Sue Yarrison requested a copy of the Zoning Book. Secretary Carol replied the book is available electronic on the Township website there are no hard copy books to sale. O'Connor suggested to copy and sale for \$25.00.

Mary Ann Clark read statements on government policies, entitlements and abuse of government. Gary Robinson agreeing and adding that the government becomes a dictatorship and that is what the township became.

Dave Showan asked solicitor O'Connor if the township would be protected from a future law suite? That is why the county recommended what they did. And it would totally be a legislative issue.

Several people commented they were at the meeting to oppose the track. Janice Keller is opposed to amending the Cottage Industry ordinance. Chad Miller asked about the road quotes on Fox Hollow. Others questioned if there was a vote and approved expenses. O'Connor confirmed Supervisors can delegate Rich to make decisions. Bidding requirements were stated. Cost under \$10,500 is a decision by the Supervisors per job. Between \$10,500. - \$19,400 three written quotes are needed and over \$10,500 projects need to be advertised for bids.

Robinson asked if the new road jobs had tac coat. Mark Saville commented the elected Supervisors are individuals that does not speak for the majority.

Ralph Funk stated there is a problem in Clintondale to clean out under the bridge. The stream flow is a problem if we have high water. O'Connor stated there is big issues with Fish and Boat. It was suggested to get Penn Dot to do an inspection to see what can be done.

Champion commented the Park looks good with many improvements. There was a discussion on when making a statement that someone is for the motor cycle track the question is were they told a track could be in his backyard from their property?

The Nittany Valley Fire Company had no report.

175th Anniversary Committee Chairman Sharon Schrack reported the list of events planned for the celebration. attached) The first event would begin April 16th with an ice cream social and hymn sing and listing the scheduled events. The events to be video recorded. Supervisor Chairman Frank presented a check for \$5,000. as approved previously to the committee to support the events. Photo taken to be submitted to the newspaper.

Janice Keller assistant treasurer reported she has been told that a bank is willing to make a donation of \$500. and or sponsor an event.

The Community Building Activity Committee report was given by Sharon Shrack. PTAC served the USDA lunch for 60 people August 6th. October 3rd will be the first community breakfast. There was a question about when and how a payment would be received? Treasurer Carol reported the bill was submitted to the finance office at USDA and would be sent direct deposit to the Townships general fund and then reimbursed to PTAC.

A quote was given for a grill from Keystone House Wares for \$1,350. one 4' stainless steel grill with stainless table no shipping. Another quote was given from Serv-U Restaurant Equipment for the amount of \$2,375.50 for the same thing plus two stainless 4' service tables. Help will be needed due to the grill is 400 pounds. On a 1st motion by Frank and a 2nd motion by Walizer motion passed to purchase the equipment for the Community building kitchen for the cost of \$2,2375.50.

PTAC treasurer Judy Briggs presented a finance report for the committee with an ending balance of \$8,611.61 (attached)

Supervisor Frank reported the Park pavilion rentals were over \$1,000. Income this year. Increased over last year and we are sure that the improvements and new developments will increase next year. The pavilions and the concession building have been painted. The restroom improvements will be completed by painting & epoxy on the floors. Stones have been delivered to start the walking trail. The volleyball pit is waiting for the Eagle Scout project to get started. The question was asked if there is any money involved with this project. Frank replied not that he is aware of. It is about a volunteer heading a project to earn a badge.

Property manager Rich Brungard gave the road update. Penn Dot is offering an informational meeting Sept 22 on long range transportation plan. The patch work is completed on Fox Hollow, Peach Orchard, Spring Run, Dotterer and Silver Ave. Stone House work is to start September 14th through the 21st.

The Walizer Bridge has been inspected by Larson Design and reported there was a need to put a weight limit of 29-35 ton combination on the bridge. New signs need to be posted.

Solicitor O'Connor stated he believes an ordinance is needed to post a bridge for weight limit. On a 1st motion by Dotterer and a 2nd motion by Walizer motion passed to create an ordinance for bridge weight limit.

Rich reported the traffic light repairs have been completed. Rich asked what cost should be invoiced to TravelCenters Pilot & Flying J. Signals verses concrete. O'Connor replied he can review the maintenance agreement to verify.

Supervisor Dotterer said the traffic lights at Dotterer Road are still a problem. Rich replied there is a bad wire and could be replaced with new radar equipment in place of being underground that would be very expensive he was quoted a cost of \$5,000 per light total of \$15,000 for one intersection. He suggested that would be something to propose to Pilot if it would be their expense.

Concrete work was completed on the ramp for the sensor. Robinson inquired about the cement and how it was done.

Property Manager Rich reported he has a quote for a backhoe plate for \$691.00. On a 1st motion by Dotterer and a 2nd by Walizer motion passed to purchase the backhoe plate.

Three loads of salt 78 tons were delivered and four loads of 1Bs for winter mix. The Community building heating system was cleaned and could be a wrong injector. The USDA vehicles had some vandalism done to them. Nancy Chavka reported she saw a pick up truck and 2 kids were seen throwing rocks at the building. It was not reported to the police.

Supervisors report was a correspondence letter from Penn Dot approving the Township request to replace the yield signs at the I-80 ramps with stop signs. Supervisor Frank had complaints about traffic. Solicitor O'Connor commented an ordinance is required to enforce the replacement of yield signs with stop signs.

A Planning Board meeting was held August 25th. Chairman Funk reported a subdivision for Robert Crisinger 814 Fishing Creek Road was reviewed and discussed. The Board had many questions and there were unmarked details missing from plans. Board member

Mark Saville stated he has not reviewed the plans at this time but he will completely evaluate to comply with township ordinances. A letter to be sent to owner of deficiencies for corrections.

Conditional approval was given by the Supervisors to delegate Saville and the Planning Board recommendations. On a 1st motion by Dotterer and a 2nd by Walizer motion passed.

Zoning Officer Brungard reported permits for the month of August was \$1,050. A peddler permit (car sale) 1 deck, 1 new sign, 1 carport, 3 new sheds

Secretary Carol reported the estimate for scanning Comprehensive Plan book is .50c per page about \$36.00 one time fee. The Supervisors agreed and on a 1st motion Walizer and a 2nd by Frank to get the book scanned from Reese Print shop for .50 per page 76 pages estimate of \$36.00.

Salt price has increased \$76.14 per ton. That is \$7.24 more per ton than last year. Average of 23 -26 tons per load roughly \$181. more per load this season.

Last winter 2014-15 season salt expenses were \$18,505.16. 1-Bs winter mix 4 loads 89 tons @ \$12.00 per ton Total \$1,383.37. The road sign replacement was \$611. Road work expenses were \$38,249.49 Stone House project is an additional \$155,171.50. total \$193,420.99 for road work to date.

Secretary Carol presented an attentive calendar to the Supervisors for budget planning workshops. All agreed to use the already scheduled 3rd Monday of the month October 19th for budget planning and November 16th for finalizing approval to adopt at December meeting.

Finance report

The State Account balance is \$248,022.42. Act 13 Account balance \$43,123.02. The Jersey Shore State Bank general checking account has a beginning balance of \$495,139.41 beginning check# 1045 ending balance \$526,799.52 ending check #1081.

Total Revenue for the month of August until to date is \$65,336.42 Expenses \$40,287.84 net income \$25,048.58
Carol read through the checks and on a 1st motion by Walizer and a 2nd by Frank motion passed to pay the bills as presented.

Chairman Frank announced there is a Recreation Planning Committee meeting following this meeting. The next Supervisor meeting is Oct 5th 7:00PM. On a 1st motion by Dotterer and a 2nd by Frank motion passed to adjourn at 8:40PM.

Supervisors Chairman
Kevin Frank

Township Secretary
Carol Colucci
