



FAIRFIELD TOWNSHIP REGULAR MEETING HELD ON NOVEMBER 10, 2016



I. MEETING CALLED TO ORDER AT: 7:00 PM (TIME) BY: VAUGHN TANTLINGER PLEDGE OF ALLEGIANCE-VAUGHN ALSO THANKED THE VETERANS FOR THEIR SERVICE, HE ALSO WAS IN THE MILITARY.

II. ROLL CALL: PAUL ALTIMUS- ABSENT JAMES BROWN-PRESENT SOLICITOR-PRESENT(JWM)
VAUGHN TANTLINGER-PRESENT SECRETARY-PRESENT(EJB) CITIZENS-6

III. PREVIOUS MONTHS MEETING 10/13/2016: APPR BY VAUGHN; 2ND BY JAMES; UN-YES 2 - 0
(V. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES)

BUDGET WORKSHOP MEETING 11/7/16 AT 3 PM: APPR BY VAUGHN; 2ND BY JAMES; UN-YES 2 - 0
(V. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES)

IV. TRUE BILLS PAID AND TO BE PAID ON FINANCIAL STATEMENT DATED OCTOBER 2016:
APPR BY JAMES; 2ND BY VAUGHN; UN-YES 2 - 0 (V. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES)

V. CORRESPONDENCE: 1. COAL LOADERS BOND RELEASE FOR STATE 1 & 11, PERMIT #6512013; VAUGHN SAID IT WAS A RECLAIM OF A FORMER MINE. IT WAS AN EXCESSIVE MAINTENANCE BOND. AND THEY ARE FIXING THE ROADS AS THEY ARE LEAVING. VAUGHN NOT SURE IF THEY HAVE TO OFFICIALLY RELEASE IT. SOLICITOR SAID NO, IT IS A BOND WITH DEP. SOLICITOR SAID THEY WERE PROBABLY REQUIRED TO NOTIFY THE TOWNSHIP INCASE THERE WAS ANY TYPE OF PROBLEMS. 2. WPX ENERGY DERRY TWP GAS WELL RENEWAL FOR WELL PAD USCHAK. 3. WPX ENERGY DERRY TWP GAS WELL FOR FRYE SOUTH 1-8H. VAUGHN SAID THAT THE GAS WELLS HAVE TO NOTIFY NEIGHBORING TOWNSHIPS AND PROPERTY OWNERS,

VI. PERSONS PLACED ON AGENDA: 1. KEN FRISK SAID HIS PROBLEM HAS BEEN ONGOING FOR 2 YRS. HIS SURVEY STAKES HAD BEEN REMOVED. HE HAD PROPERTY RESURVEYED AND THE STAKES WERE MOVED ABOUT 7 FT, WHICH GAVE HERB WILL MORE PROPERTY. HE TALKED TO HERB AND HE DENIED MOVING THEM. DURING THE PAST 10 YEARS HERB HAS STARTED ENCROACHING ONTO THEIR PROPERTY. SO KEN PUT A FENCE UP. THE STATE POLICE ALSO TO POST THE SIGNS. AFTER THE SIGNS WERE PUT UP, HERB ALWAYS BURNED LEAVES, NOW HE IS GETTING WORSE. HE NOW SHOOTS GUNS, FINDING CROSSBOW ARROWS ON THEIR PROPERTY, SHOOTING BIRDS OUT OF TREE WHILE HIS WIFE WAS SITTING ON THEIR DECK. LAST YEAR DURING HIS BURNING, HE CAUGHT THEIR PROPERTY ON FIRE. KENS SAID THAT WAS WHEN THEY HIRED AN ATTORNEY AND HE SENT HERB A LETTER. HE THEN KIND OF SETTLED DOWN. THEN ON TUESDAY, HE WAS BURNING SO THAT THE SMOKE WAS BAD, THAT YOU COULD NOT BREATHE. DONNA FRISK SAID THAT THEIR YARD WORKERS COULD NOT STAND THE SMOKE/SMELL. CAROL FENTON SAID YOU COULD STILL SMELL IT AT 4:30 IN THE AFTERNOON AND IT HAPPENED EARLIER. DONNA SAID THAT THEY EVEN HAD TO BATH THE DOGS DUE TO THE SMOKE SMELL. KEN SAID HE KNOWS THE TWP CAN'T DO ANYTHING, BUT HE WANTED TWP TO BE AWARE OF THE SITUATION. DONNA SAID THEY ARE PROBABLY GONG TO HAVE TO PROCEED MORE WITH LEGAL ACTION. VAUGHN EXPLAINED THAT THE FRISK'S TOOK THE ARROW TO THE GAME COMMISSION, AND VAUGHN FEELS THE SHOOTING AND ARROW WOULD BE THEIR DEPARTMENT. JEFF SAID THEY SHOULD HAVE CALLED THE POLICE. JEFF SAID THE POLICE WOULD PROBABLY NOT TAKE ACTION ON THE BURNING, BUT THE SHOOTING ANIMALS AND OVER YOUR PROPERTY CAN BE A SERIOUS OFFENSE. DONNA SAID THEY NEED PROOF, HE SHOOTS ONCE OR TWICE THEN HIDES IN HIS GARAGE. JEFF SAID THEY ARE THE WITNESSES, THEY HAVE A DEAD BIRD. KEN SAID HE SHOULD HAVE CALLED POLICE WHEN HE AHD THE DEAD BIRD ON HIS PROPERTY, BUT HE DIDN'T. HE KEEPS THINKING HE IS GOING TO QUIT, BUT HE HASN'T. DONNA SAID THEIR ATTORNEY WROTE HIM A GOOD LETTER WITH EVERYTHING HE HAS DONE, AND TOLD HIM THAT IF IT PERSISTS, THEY WILL PURSUE LEGAL ACTION. HERB STOPPED THEN, BUT NOW HE HAS STARTED THE BURNING AGAIN CHOKING ALL THE NEIGHBORS. HE HAS HAD AS MANY AS 3 FIRES GOING AT THE SAME TIME. SOLICITOR SAID FOR THE TWPS PART, THEY HAVE NO ORDINANCES FOR BURNING. BUT IT IS NOT THE LAST WORD, DEP HAS BEEN CALLED OUT WHEN BURNING CAUSES AIR QUALITY PROBLEMS. THEY CAN ORDER A CEASE AND DESIST; MAYE THEY SHOULD CALL DEP. KEN CALLED DEP, BUT HE IS NOT SURE IF THEY WENT TO SEE HIM OR NOT. AND THEY WILL NOT NOTIFY KEN IF THEY DID. DEP WANTED MORE THAN ONE NEIGHBOR COMPLAINT. DONNA SAID THEY ARE AFRAID OF THIS PERSON, HE HAS THREATENED PEOPLE. THERE ARE WIDOW, ELDERLY PEOPLE THERE THAT ARE AFRAID. VAUGHN STATED KEN FELT IT WAS IMPORTANT TO COME IN AND LET THE TWP KNOW AND THEN IT WILL BE RECORDED IN THE MINUTES. SOLICITOR SAID IF THE BURNS ARE INTENTIONAL, YOU CAN TELL BY THE PLACEMENT OF THE BURN BARREL, FREQUENCY OF THE BURNING, QUANTITY AND DURATION OF THE BURNING. SOLICITOR FEELS IT WOULD STILL BE WORTH THEIR TIME TO KEEP CONTACTING DEP. SOLICITOR SAID IF YOU GET AN ORDER FROM THE COURT AND IT CAN TELL HIM TO CEASE AND DESIST. BUT FOR THEM TO COME UP WITH A REASONABLE SOLUTION TO SUGGEST TO THE JUDGE BECAUSE IT IS NOT ILLEGAL TO BURN IN THE TWP. BUT IF YOU ARE TRYING TO WORK WITH HERB THE JUDGE MAY BE MORE APT TO PUT IN SOME KIND OF ORDER. MAYBE LIKE ASKING THE JUDGE TO MAKE HIM PUT IT IN THE BACK OF HIS PROPERTY LINE, NOT RIGHT UP AGAINST THE FENCE SO THE SMOKE INTENTIONALLY COMES INTO THEIR PROPERTY AND HOME. AND IF HE WOULD VIOLATE THE JUDGES ORDER, THE JUDGE WOULD STEP IN TO PUNISH HIM FOR THE CONTEMPT OF THE ORDER. SECRETARY ASKED JEFF IF THE TWP WOULD CONTACT THE DEP BECAUSE THE FRISKS SAID HE ALSO USES AND ACCELERANT, AND THE STATE POLICE BECAUSE THE FIRE DID CROSS OVER ONTO THEIR PROPERTY. SECRETARY SAID MAYBE IF TWP WOULD CONTACT THAT POLICE OFFICER THAT LEFT HIS NAME AND NUMBER HERE AND ASK HIM TO MAYBE PATROL THAT AREA SOME. AND IF THAT INDIVIDUAL SEES THE POLICE MORE OFTEN, MAYBE THAT WOULD STOP SOME OF HIS ACTIONS. SOLICITOR SAID HE SEES POLICE INITIALLY DON'T WANT TO BECOME INVOLVED. REPEATED CALLS STARTS TO BECOME A DRAIN ON THEIR RESOURCES, SO THE SOMETIMES DO 1 OF 2 THINGS; EITHER IGNORE IT TOTALLY AND NOT SEND SOMEONE OUT—WHICH USUALLY DOES NOT HAPPEN; OR START CHARGING TO TAKE IT IN FRONT OF A JUDGE. SOLICITOR SAID SOMETIMES THE SQUEAKY WHEEL GETS THE OIL. SOLICITOR SAID THE PHOTOS THEY HAVE CAN SHOW THE THICKNESS OF THE SMOKE.

VII. OLD BUSINESS: 1. RES #7-2016 SUPPLEMENTAL APPROPRIATIONS TO THE 2016 BUDGET—TWP RECEIVED DIRT AND GRAVEL ROAD GRANTS FROM WESTMORELAND CONSERVATION DISTRICT—APPROX. \$106,626 WHICH WOULD SUPPLEMENT RECEIPTS FOR ROAD FUND AND DISTRIBUTE TO EXPENDITURES. MOTION BY VAUGHN; 2ND BY JAMES TO ACCEPT RES#7-2016 AS PRESENTED; (V. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES). VAUGHN SAID THAT FOR YEARS WESTD CONSERVATION DISTRICT HAS SOMETIMES AWARDED GRANTS MOSTLY FOR DIRT/ GRAVEL ROADS THAT GOES INTO STREAMS SUCH AS HENDRICKS AND TUBMILL. TWP. FOR THE LAST SEVERAL YEARS HAVE APPLIED AND RECEIVED SEVERAL GRANTS. THIS LAST YEAR TWP RECEIVED \$37,000 FOR A DIRT

AND GRAVEL ROAD THEY JUST FINISHED UP TODAY, ALL BUT SUBMITTING THE PAPERWORK. THIS IS THE SECOND YEAR THEY ARE GIVING MONEY FOR PAVED ROADS. THAT MONEY WAS GIVEN THROUGH THE NATURAL GAS WELL COMPANIES. WHICH WAS A PLUS BECAUSE ROADS WERE DAMAGED BY THE GAS COMPANIES. THEY RECEIVED A SUBSTANTIAL AMOUNT OF MONEY, HE BELIEVES IT WAS \$266,000. THIS TWP WAS APPROPRIATED \$144,000. TWP DID SOME OF THAT WORK THIS YEAR, AND WILL FINISH THAT PROJECT NEXT YEAR. VAUGHN STATE JIM AND HE WENT TO CLASSES THAT THEY HAVE TO HAVE IN ORDER TO QUALIFY AND FILL OUT THE GRANT APPLICATIONS. IF TWP DIDN'T GO AFTER SOME OF THESE GRANTS, SOME ELSE WOULD JUST APPLY AND RECEIVE THEM. TWP JUST COMPLETED AN \$80,000 GRANT FOR ANOTHER ROAD THAT WAS TOTALLY WASHED OUT WITH THE 6" OF RAIN THAT AREA RECEIVED. **2. 2017 BUDGET-- RESOLUTION #8-2016--TAX LEVY RESOLUTION— TAX 4.1 MILLS, VAUGHN WENT OVER THE BUDGET, AND HE PERSONALLY THANKED EMMA BECAUSE SHE PUTS A LOT OF TIME INTO THE PREPARATION OF THE BUDGETS. VAUGHN ALSO EXPLAINED THAT IT IS AN ESTIMATE, BECAUSE WE CAN NOT KNOW THE EXACT FIGURES.**

GENERAL FUND		ROAD FUND	
AVAILABLE	\$436,210	AVAILABLE	\$117,120
EXPENSES	\$436,210	EXPENSES	\$117,120
STATE FUND		ACT 13 FUND	
AVAILABLE	\$266,535	AVAILABLE	\$88,700
EXPENSES	\$266,535	EXPENSES	\$88,700

TOTAL BALANCED BUDGET \$908,565 INCOME/ \$908,565 EXPENSES (ALL FUNDS)

ANNUAL BUDGET REPORT FOR 2016 IS RESOLUTION # 9 OF 2016 (PUBLIC COMMENTS) SECRETARY EXPLAINED THE SUPPLEMENTAL RESOLUTION TO THE ROAD FUND—TWP WAS NOT AWARE THAT THEY WERE RECEIVING GRANT MONEY FROM THE DIRT/GRAVEL; AND IF YOU ARE OFF A CERTAIN PERCENTAGE, YOU HAVE TO AMEND THE BUDGET ACCORDINGLY. CAROL FENTON ASKED ON THE FINANCIAL STATEMENT, WHERE WILL TWP. FIND MONEY FOR TURKEY INN REPAIRS. SOLICITOR EXPLAINED THAT THE BUDGET RESOLUTION REPRESENTS THE INCOME AND EXPENSES FOR 2017, NOT 2016. VAUGHN SAID IT IS A PROJECT THAT THE SUPERVISORS HAVE AN ENGINEER WORKING ON, THIS PROJECT IS TENTATIVELY TO BE ADVERTISED IN FEBRUARY TO OPEN IN MARCH. HOPEFULLY THAT WILL BE AN EARLY SPRING PROJECT. BUT TWP. CAN NOT PROMISE ANYTHING. TWP. DID NOT HAVE THE FUNDS THIS YEAR. THEY WILL BE PUTTING IN A 4 X 8 FOOT BOX CULVERT. THE TWP FIXED IT TWICE, AND IT DIDN'T STAY. CAROL EXPLAINED ON HOW SHE FELL INTO THE CULVERT, DONNA FRISK SAID SHE BETTER WATCH FOR COPPERHEADS. **MOTION BY VAUGHN , TO TENTATIVELY ADOPT TAX LEVY RES 8--2016--TAX MILLS 4.1 MILLS AND RES 9-2016 PROPOSED 2017 BUDGET AS PRESENTED; WITH FINAL ADOPTION SCHEDULED FOR THE REGULAR MEETING ON DEC 8, 2016 AT 7 PM AT THE MUNICIPAL BUILDING; 2ND BY JAMES; UNAN- YES(2-0) (v. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES)**

VIII. NEW BUSINESS: NO NEW BUSINESS. VAUGHN ANNOUNCED TWP. FINISHED WINELAND ROAD WITH GRANT MONEY. TWP. ALSO UPDATING 1974 LIGHTS IN THE GARAGES.

IX. PUBLIC COMMENT: **1. MAUREEN BLON** ASKED ABOUT HALLOWEEN PARADE AND IT RAINED, DO THEY TAKE THE CHILDREN SOMEWHERE TO STILL CELEBRATE HALLOWEEN? A LITTLE BIT OF GATHERING AT FIREHALL. MAUREEN SUGGESTED MAYBE PUTTING IN A RAIN DATE TO TRICK OR TREAT. MAUREEN ASKED IF WE HAVE COPPERHEADS IN OUR AREA. VAUGHN STATED YES. SOLICITOR STATED THERE ARE SOME OF THE BIGGEST RATTLESNAKE DENS IN THE STATE UP THE HILL FROM HER, ACROSS SR 259. **2. TOM BLON**
3. CAROL FENTON—SAID SHE CAN NOW TELL HER NEIGHBORS THAT SOMETIME IN APRIL TURKEY INN WILL BE REPAIRED. VAUGHN SAID TENTATIVELY EARLY SPRING. **4. DONNA FRISK** **5. KEN FRISK**
6. DAN BRENDLINGER

X. ADJOURNMENT: MOTION BY JAMES TO ADJOURN; 2ND BY VAUGHN; UN-YES(2-0)(v. TANTLINGER--YES/P.ALTIMUS-ABSENT/J.BROWN--YES) TIME (7:35 PM)

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