

Black Creek Township Supervisors General Meeting Minutes  
Tuesday, January 3, 2023  
The Pledge of Allegiance

(The Pledge was already recited at the Reorganization Meeting immediately prior to this meeting.)

The General Meeting of the Black Creek Township Supervisors, held on Thursday, December 1, 2022, was brought to order at 6:00 PM.

**Attendance:** Roll Call; Lupcho, Rohrbach, Tombasco; Present

**Duly Advertised Public Hearing:**

- 1. Amending the Black Creek Township Zoning Ordinance, Chapter 15, in relation to supplemental regulations for specific uses. (Animal Ordinance)**
  - Solicitor Sean Logsdon gave an explanation of the proposed ordinance in relation to the Black Creek Township Zoning Ordinance, Chapter 15, in relation to supplemental regulations for specific uses.

**Public Comment on Duly Advertised Public Hearing:**

- Christina Ferry from Mountain Grove asked how many other townships required a permit for chickens. Supervisor Rohrbach stated that she found that if chickens were in town, they were required to have permits. Supervisor Rohrbach stated that the permits are just for properties under an acre and in town, not for everyone in the Township. She also stated that the supervisors are attempting to make the ordinance more lenient for those that do not have five acres of land which was the requirement in the old ordinance. Christina Ferry said that she thought it was infringing on owning the chickens if she would be required to have a permit. Solicitor Sean Logsdon stated that it is possible to have a different permit fee for the renewal of the chicken permit. A discussion ensued on a possible adjustment for a fee to own chickens in town for lots under one acre.
- Beatrice Pierce from Mountain Grove asked why one would need five acres of land for animals that are not chickens. She also stated that it is not fair for homes that are right next to each other, for one side to have chickens and the other side to be upset about it. She also said that she should not be penalized if she wants to have livestock on her lot that is less than an acre.
- Supervisor Tombasco asked if there is a minimum land requirement for livestock. Sean Logsdon stated that there is a requirement. A discussion ensued on what would be the required lot size and that hoarding of animals should be prevented.
- Supervisor Lupcho asked if someone had a 100x150 lot size with a dog, but walked the dog all over town, left the dog dirt in other people's yards and never cleaned up the dog dirt, shouldn't they have to take a bag with them to clean up after their dog or else let the dog dirt in their own yard and then clean it up out of their yard? Supervisor Rohrbach

stated that livestock would need to stay in the yard. Supervisor Lupcho stated that everyone should look out for their neighbors and clean up after their animals.

- Supervisor Rohrbach asked if what is a reasonable setback for those who are in town. Christina Ferry said she would feel bad having animals right up against someone's house. She also said an eight-to-ten-foot setback would be a reasonable setback requirement.
- Kyle Maylath of Mountain Grove stated that setbacks could be more lenient if a setback would be against a field rather than a house. A discussion ensued about limits for lot size and the amount of chickens owned.
- Michael Bacon of Mountain Grove owns twelve chickens and twelve ducks on  $\frac{3}{4}$  of an acre. Beatrice Pierce stated that she is his neighbor and does not complain. Christina Ferry stated that chickens could be happy and healthy in a 10x10 foot cage. Supervisor Rohrbach stated that they do have to have some limitations and the lots in Mountain Grove are bigger than in Rock Glen.
- Supervisor Rohrbach stated that the supervisors will need to research how big of a lot is recommended for livestock other than chickens.
- Christina Ferry asked if the supervisors had a sense of what they were looking for in regards to setbacks. Sean Logsdon stated that that was what they were looking at tonight.
- The Supervisors stated that they were happy to have everyone come out and give input on the ordinance.
- A discussion ensued because animals need to still be treated well on the right sized land and the zoning officer should be put into the role of an SPCA position.
- Beatrice Pierce asked why roosters are not allowed. Supervisor Rohrbach stated that it was due to the noise complaints in town. A further discussion ensued about whether roosters were needed or not to produce eggs for food.
- A question was asked what could a person do if they own an acre but across multiple properties, Supervisor Rohrbach stated that you would still need to meet the setbacks.
- A statement was made on letting complaints be made public, Supervisor Rohrbach stated that that was not possible since the Township has to protect the complainants. John Ross explained that if someone found out who made the complaint, it could lead to problems for the complainants. Supervisor Rohrbach stated that if someone complains, and the property owner is not in violation, then the complaint will be dismissed. However, if a neighbor does not like another neighbor and continually makes complaints, and the other neighbor is in violation, then that neighbor needs to make sure that they are in compliance.
- Denise Davis asked if there would be requirements for mobile coops. Supervisor Rohrbach stated that it should be fine if it met whatever setback they come up with.
- Andrew Harabin said that he believed that an eight-to-ten feet setback would be reasonable in town. Beatrice Pierce said that she believed ten feet to be too much for homes in town. Denise Davis said that the Township could not foresee every situation.
- Supervisor Rohrbach stated that the supervisors will research and work on the ordinance and have it ready for the next meeting.

**Public Comment on Agenda Items: None.**

**Minutes:**

Chairperson Rohrbach asked if there were any additions or corrections to the December 1<sup>st</sup>, 2022 General Supervisor Meeting Minutes.

A *motion* by: Supervisor Rohrbach, seconded by Supervisor Lupcho, to approve the aforementioned meetings' minutes.

All in favor.

**Financial Report: December 1 to December 31, 2022**

BB&T/Truist General Fund: \$294,119.90 (Includes Low Vol. Pk. St. Grant \$59,600.00)

Fire Escrow Account:	\$14,000.00
PLGIT Prime Savings:	\$83,875.80
PLGIT Checking/Liquid Fuels:	\$373.07
<u>Fed Shared Revenue Entitle-ARPA:</u>	<u>\$193,580.56</u>
Total Checking/Savings:	\$585.949.33
<u>PLGIT Alumni Assoc.:</u>	<u>\$5,510.65</u>
<u>Total:</u>	<u>\$591,459.98</u>

A *motion* by Supervisor Rohrbach, seconded by Supervisor Tombasco to approve the financial report.

All in favor.

**Bills:** Payment of bills, as presented.

A *motion* by: Supervisor Rohrbach, to approve the bills as presented, and to pay any and all bills in all funds that become due before the next general meeting.

**Roll Call Vote:** Lupcho; Yes, Rohrbach; Yes, Tombasco; Yes.

**Correspondence: PSATS Calendar**

- Supervisor Lupcho stated that the supervisors are on the PSATS calendar for May 2023. Supervisor Rohrbach explained that the photo included those who donated to the merry-go-round for the Rock Glen Park.

**Supervisor Comment:**

- Supervisor Lupcho shared her thoughts of remembrance of Donald Nenstiel, a previous township supervisor. Supervisor Rohrbach shared that he put a lot of effort into making the Township a better place.

## **Reports:**

-Zoning Report: Zoning/Codes Officer, Ed Wenger, was absent and sent a zoning report which was reviewed by Supervisor Rohrbach.

- Andrew Harabin said that Supervisor Rohrbach failed to mention 9 Alley Lane and he won the case. Solicitor Sean Logsdon stated it was originally filed against the wrong party and that if there is not compliance then it could be refiled. Andrew Harabin said that it should “be a done deal” because it was under his name. However, Sean Logsdon said that it was filed under Andrew Harabin’s son’s name. He was told by Sean Logsdon to take up the issue with Judge O’Donnell’s office. Supervisor Rohrbach discussed with him that if he would have come in for a permit, then he would have known that he could not have a shipping container there. Andrew Harabin asked if a compromise could be made. Sean Logsdon said that if Ed decides that he wants to pursue zoning enforcement, he would send a notice that would notify Andrew that he would have the right to appeal to the zoning hearing board. Andrew Harabin asked if the ordinance could be amended to allow shipping containers. Supervisor Rohrbach explained that that would not be right as many people have had issues with shipping containers. She also stated that sheds are better than shipping containers since the containers could have chemicals or invasive species in them. Andrew Harabin said that his neighbors do not complain about it. Sean Logsdon and Supervisor Rohrbach told him that he could have his neighbors come in his favor before the zoning hearing board.

-Fire Company: Fire Chief Joe Lescowitch was absent and no report was sent.

-Emergency Management: Steve Motil was absent and sent a report which was reviewed by Supervisor Rohrbach.

-Engineer’s Report: Supervisor Rohrbach shared the recent work the engineers have been doing.

-Roadmaster Report: Chairwoman Rohrbach reviewed the report.

- Chairwoman Rohrbach stated that numerous cars have been coming up her driveway and turning around, she believes this is due to rumors that her driveway has been paved with Township funds, which is not true. She also stated that the road will be dirt and gravel but that it will remain paved except for a small development where there are houses.

**Old Business: None.**

## **New Business:**

### **1. Full-Time Roadcrew Worker**

A *motion* by: Supervisor Rohrbach, seconded by Supervisor Tombasco, to approve ratifying hiring Mark Williams as a full-time Roadcrew Worker at a rate of \$20 per hour. All in favor.

**2. Disposing of Old files**

A *motion* by Supervisor Rohrbach, seconded by Supervisor Lupcho, to approve disposing of old files that exceeded their retention time.

All in favor.

**3. Grant money received since 2020.**

Derringer Street Bridge	\$194,720.00
Park Street Box Culvert	\$119,200.00
Barnes Run Box Culvert	\$172,000.00
Chicks Lane	\$38,511.63
Hilltop Drive	\$82,164.42
E50 Bobcat Excavator Grant	\$26,800.00
COVID Grant	\$23,936.10
ARPA	\$217,980.30
<b>Total Grant Money Received since 2020:</b>	<b>\$875,312.45</b>

**4. The Township garage has been repaired and the roof at 1330 Park Street has been replaced.**

**5. Adopting a Zoning, Property Maintenance, Stormwater Management, and Engineering master fee schedule.**

A *motion* by Supervisor Rohrbach, seconded by Supervisor Tombasco to approve adopting a master fee schedule for Zoning, Property Maintenance, Stormwater Management, and Engineering.

All in favor.

**6. Resolution authorizing small borrowing for capital purposes under section 8109 of the LGUDA (Local Government Unit Debt Act).**

A *motion* by Supervisor Rohrbach, seconded by Supervisor Lupcho to approve adopting the resolution authorizing small borrowing for capital purposes under section 8109 of the LGUDA (Local Government Unit Debt Act) for the Bobcat Excavator loan.

All in favor.

**7. Advertising for an ordinance to amend the Code of Ordinances as it relates to licenses in Chapter 6.**

A *motion* by Supervisor Rohrbach, seconded by Supervisor Tombasco to approve advertising for an ordinance to amend the Code of Ordinances as it relates to licenses in Chapter 6.

All in favor.

**8. Amending the Black Creek Township Zoning Ordinance, Chapter 15, in relation to supplemental regulations for specific uses. (Animal Ordinance)**

*A motion* by: Supervisor Rohrbach, seconded by Supervisor Lupcho, to table, amending the Black Creek Township Zoning Ordinance, Chapter 15, in relation to supplemental regulations for specific uses.

All in favor.

**9. Advertising an ordinance for the vacating of Walnut Street and Mountain Street.**

*A motion* by: Supervisor Rohrbach, seconded by, Supervisor Tombasco, to approve, advertising for an ordinance to vacate Walnut Street and Mountain Street.

All in favor.

**10. The Black Creek Township Board of Supervisors will hold a special session on Thursday, February 2<sup>nd</sup> during the Regular Board of Supervisors Meeting in regards to the Rock Glen Pool.**

- A discussion ensued on the financial issues that are involved with the pool.

**Review Public Comment from last meeting: None.**

**Public Comment: None.**

**Next Regular Meeting**

- The next Regular Meeting will take place on **Thursday, February 2nd, 2022 at 6:00 p.m.**

**Final Announcement(s)**

- None.

**Adjournment:**

*A motion* by: Supervisor Rohrbach, seconded by Supervisor Lupcho, to adjourn the meeting at 7:39 p.m.

All in favor.