

PUBLIC HEARING – Zoning Amendment

A public hearing was conducted by the Fox Township Board of Supervisors on November 6, 2024 at 5:00 PM for the purpose of taking testimony in regard to the proposed Zoning Ordinance Amendment, No. 2024-11 providing for the regulation of dog kennels. Those present: Dave Mattiuz, Matt Pontzer, and Randy Gradizzi, supervisors, Kathy Dowie, secretary-treasurer, Robin Singer, Jay Dippold, Mark Mosier, Rich Wonderly, Cindy Wonderly, Chrissy Dippold, Joyce Mosier, Mike Shannon and Shannon Shannon, owner of Forestview Kennel and Spa.

Chairman Mattiuz called the meeting to order and began by stating that the proposed ordinance amendment, which was available for review prior to the hearing, if adopted, would not affect any existing dog kennels. Existing dog kennels would be grandfathered from any changes in regulations adopted after they were built. Chairman Mattiuz then opened the hearing to any comments from those in attendance. There were no visitor comments.

With no comments or discussion, the hearing adjourned at 5:15 PM.

The regular monthly meeting of the Fox Township Board of Supervisors was held November 6, 2024, at 6:00 PM. Those present: Dave Mattiuz, Matt Pontzer, and Randy Gradizzi, supervisors, Kathy Dowie, secretary-treasurer, Robin Singer, Greg Bauer, Pete Turbovich, Attorney Tom Beveridge and Jim Nissel.

Chairman Mattiuz called the meeting to order and began by acknowledging the visitors.

Pete Turbovich was present on behalf of the St. Marys Airport Authority. The Authority recommended the dissolution of Fox Township as a member of the Airport Authority due to lack of financial support. They wish to give the seat to Elk County so that they Commissioners will have more representation on the Authority. Fox Township has been a member of the St. Marys Airport Authority since 1994, with a term of 50 years. This term is now at year 30. Turbovich presented the Board with a document, prepared by the Authority solicitor, to execute in acknowledgement of Fox Township's desire to withdraw from the Authority. Dave Mattiuz responded that according to the PA Municipal Authorities Act Fox Township cannot withdraw from the Airport Authority because the Authority has outstanding debt. Mattiuz read the relevant portion of the Municipal Authorities Act which also stated that the withdraw of Fox Township from the Airport Authority would need to be approved by the State. Attorney Beveridge, the solicitor for the Airport Authority, stated that he didn't realize the Authority had any debt. Matt Pontzer commented that the Authority can approach the Township again, once their debt has been paid. Turbovich, who was also unaware of this regulation stated that the Authority currently owes the City of St. Marys \$36,000 but he expects that to be paid off in a few years.

Tom Beveridge was present as the attorney representing a group of residents in the Shelvey Road area who have been affected by the presence of the Forestview Kennel and Spa. Beveridge read a statement cited the regulations of the Fox Township Zoning Ordinance regarding dog kennels, including section 110-11 which requires a property to be at least 5 acres in size to house a dog kennel. Beveridge noted that the property on which the Forestview Kennel and Spa sits contains less than 5 acres. Beveridge continued his statement which recounted the events and details of the process that took place in the permitting of the Forestview Kennel as well as events that took place since the kennel opened that led to his clients seeking legal representation. Beveridge stated that he intends to work with the Township solicitor, John Thomas to work towards a resolution of the situation but to find recourse for his clients, he will be filing a lawsuit against the Forestview Kennel and Spa on their behalf.

There were no other visitor comments.

A motion was made by Matt Pontzer, seconded by Randy Gradizzi to approve the minutes from the regular monthly meeting of October 2, 2024 and the Budget Workshop of October 23, 2024. Motion carried.

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

With no comments being presented at the public hearing, a motion was made by Randy Gradizzi, seconded by Dave Mattiuz, to adopt Ordinance No. 2024-11, an ordinance amending Ordinance No. 2005-10 of Fox Township, known as the Fox Township Zoning Ordinance, providing for the regulation of kennels. Motion carried.

A motion was made by Randy Gradizzi, seconded by Matt Pontzer, to adopt the Proposed 2025 Budget. Motion carried. The Proposed budget will be available for review at the Township office during regular office hours or online at foxtownship.com. Adoption of the Final Budget is scheduled for December 4, 2024 at the regular monthly meeting.

A motion was made by Matt Pontzer, seconded by Dave Mattiuz, to adopt Resolution 2024-11A, a resolution to set a new fee schedule for the Administrative Services offered by the Tax Collector. Motion carried. The new fees will take affect on January 1, 2025.

A motion was made by Matt Pontzer, seconded by Dave Mattiuz, to adopt Disposition Resolution 2024-11B for the destruction of specific records in accordance with the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008. Motion carried.

The following items were listed on Municibids for sale. The highest bids for each are as follows:

- 2001 International dump truck \$8,000.00
- 1200-gallon poly water tank \$535.00
- Western Striker 6 cy spreader \$950.00

A motion was made by Randy Gradizzi, seconded by Matt Pontzer, to accept the bid for the 2001 International and the poly water tank but reject the bid for the Western spreader. Motion carried.

The following bills were submitted for approval for payment:

- From the General Fund, check #29968 thru check #29997 in the amount of \$71,591.78
- From the Landfill Fund, check #2315 thru check #2320 in the amount of \$64,523.65
- From the Fire Protection Fund, check #1702 in the amount of \$1,539.52
- From the State Fund, check #3229 and check #3230 in the amount of \$90,656.16
- From the Park Reserve Fund, check #1040 in the amount of \$13,018.11
- From the Toby Water account, check #1611 thru check #1621 in the amount of \$5,281.59
- For a TOTAL of \$246,610.81

A motion was made by Matt Pontzer, seconded by Dave Mattiuz to approve the bills as presented. Motion carried with Pontzer and Mattiuz in favor. Randy Gradizzi was in favor of the motion but abstained from check #29993 and check #1618 to St. Marys Water, as he sits on the Board.

OTHER BUSINESS

Randy Gradizzi received a request to have a "Hidden Driveway" sign placed near 143 Skyline Drive. The request will be forwarded to PennDOT for approval.

With no further business to discuss, a motion was made by Randy Gradizzi, seconded by Dave Mattiuz, to adjourn this meeting at 6:22 PM. Motion carried.

The next meeting will be held December 4, 2024 at 6 PM at the Municipal Building.