

**Cherrytree Township Board of Supervisors**  
**Regular Monthly Meeting**  
**April 4, 2022**  
**6:00 p.m.**

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, April 4, 2022, at 6:00 p.m., at the township building. In attendance were Jim Waugh, Dave Zdarko, and Rob Kellogg, Supervisors, and Christine Kurelowech, Secretary-Treasurer.

**Call to Order**

Jim Waugh called the meeting to order.

**Pledge**

**Moment of Prayer**

Jim Waugh led those in attendance in a moment of prayer.

**Public Comment**

Steve Anderson asked the Supervisors if the township would pursue enforcement on the owners of 112 Turkey Farm Road due to junk accumulation. He said the junk is overflowing onto an adjoining property. Ben Breniman, Zoning Officer, will send an enforcement letter.

Carl Hazen asked the Supervisors if the road crew could wait to grade the stretch of Dempseytown-Gresham Road in front of his house until they are ready to put salt brine down, rather than grade it early in the spring and then a second time in preparation for salt brine. Lew Staub, Roadmaster, said that, as long as there is nothing wrong with the road in front of Carl Hazen's house, the road crew will not grade it in the early spring.

**Minutes/Treasurer's Report**

The minutes, from the regular monthly meeting held on Monday, March 7, 2022, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

The treasurer's report, for March 2022, was read, accepted, and approved, on a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously.

**Correspondence**

Venango County Regional Planning Commission – Annual Report  
PSATS News Bulletin  
PSATS – 2022 Proposed Bylaws Changes, Nominations Report, and Resolutions

**Zoning**

**Permits**

Z-2022-02	Kay and Jason Kaster	675 Breedtown Road	new addition and breezeway
Z-2022-03	Jay and Paula Donovan	24988 Miller Farm Road	new barn

**Zoning Report**

Ben Breniman, Zoning Officer, reported that he recently sent enforcement letters to four property owners who are in violation of the zoning ordinance. A property on Black Road (near Route 8) (1 owner) contains several vehicles and a motor home that is being occupied. Junk is accumulating again and is beginning to spread into the field at 1220 South Perry Street (2 owners). There are numerous travel trailers located at 903 Fairview Road (1 owner). Ben will file citations with the district magistrate if the owners refuse to comply within 30 days. He said he will talk to the district magistrate about reasonable fines because he feels the fines are too low. For some property owners, it is easier to just pay a fine rather than comply with the zoning ordinance.

**Administrative Action**

**2022 Stone RFO – Review Quotes and Vote**

Quotes for stone from Allegheny Aggregates, Inc., Allegheny Mineral Corporation, Hillside Stone, LLC, Hasbrouck Sand & Gravel, Glenn O. Hawbaker, Inc., and IA Construction Corporation were reviewed by the Supervisors. Discussion was held about whether the township should accept the quantities and prices presented, or lower the quantities and seek new quotes. Chrissie Kurelowech told the Supervisors that she compared the road maintenance expenses (accounts 432, 438 and 439) for 2022 with the road maintenance expenses from 2021 and found that, if the township chooses to purchase all of the stone that was put out for bid, when considering the other road maintenance expenses for 2022 (culvert replacements, salt brine, salt, etc.), only about \$85,000.00 (most likely less, depending upon the cost of salt brine and salt) will remain to be spent on other road maintenance activities like seal coating and paving. On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to award Item #1, Item #2, Item #3, and Item #4 to the lowest bidder, Hasbrouck Sand & Gravel, and Item #5 to the lowest bidder, IA Construction Corporation. The total for all of the gravel is \$171,497.00, which is approximately \$10,000.00 higher than the total for 2021 (\$161,636.00). Quantities and prices are listed below. The full bid results are attached.

<b><i>Item #</i></b>	<b><i>Item Description</i></b>	<b><i>Tons</i></b>	<b><i>Cost Per Ton</i></b>	<b><i>Total Cost</i></b>
1	AS1 Antiskid	2,300	\$8.59	\$19,757.00
2	2RC Gravel – Tailgate Delivery	14,400	\$9.48	\$136,512.00
3	2RC Gravel – Stockpile	500	\$9.48	\$4,740.00
4	AASHTO#57 Type C	600	\$13.48	\$8,088.00
5	2A Limestone	150	\$16.00	\$2,400.00

\* IA Construction Corporation made an error when quoting and its quote for Item #5 (2A Limestone) was disregarded on April 5, 2022. The Supervisors will vote to formally accept the quote submitted by Allegheny Mineral Corporation for Item #5 (150 tons of 2A Limestone at \$23.50 per ton) at the regular monthly meeting scheduled for 6:00 p.m. on Monday, May 2, 2022.

**Salt Brine – 150,000 Gallons**

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to put 150,000 gallons of salt brine (PA DEP approved) out for bid. Bids will be opened and reviewed at the next regular monthly meeting, which is scheduled for 6:00 p.m. on Monday, May 2, 2022.

**Resolution #22-42 – Vargason Single Residence Sewage Treatment Plant**

Chrissie Kurelowech reported to the Supervisors that John DeLacio, of Advanced Treatment, Inc., sent notification letters to the owners of properties located downstream of the proposed Vargason single residence sewage treatment plant (138 Turkey Farm Road) and received a response letter from an attorney representing Carmen and Antoinette Paliotta. The letter said that Carmen and Antoinette Paliotta would not object to the single residence sewage treatment plant being installed as long as some conditions were met by the property owner, Matthew Vargason, including providing a written indemnity and providing proof of liability insurance naming Carmen and Antoinette Paliotta as additional insureds relating to work performed during the installation of the system. Chrissie Kurelowech was told by Donna Ulan Smith, of the Pennsylvania Department of Environmental Protection (PA DEP), that the letter from Carmen and Antoinette Paliotta’s attorney would not prevent the township from approving the Vargason single residence sewage treatment plant, but that either the township or John DeLacio should respond and address the concerns. On March 9, 2022, John DeLacio sent a response letter to the attorney representing Carmen and Antoinette Paliotta. In the letter, he said that the National Pollutant Discharge

Elimination System (NPDES) permit holds Matthew Vargason totally responsible for long-term maintenance and that annual monitoring documents will be required. Additionally, the system's discharge pipe will be located on the Vargason property and most likely will only discharge "a trickle". John DeLacio also stated in the letter that there is a high probability that the malfunctioning system is putting untreated sewage into the same drainage channel right now and that Matthew Vargason is eliminating the discharge of untreated sewage by installing a new single residence sewage treatment plant. After being made aware of the concerns brought forth on behalf of Carmen and Antoinette Paliotta, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #22-42 (Vargason Single Residence Sewage Treatment Plant).

**Titusville Solar, LLC – Stormwater Management Plan - Vote**

Jim Waugh made a motion to approve the Stormwater Management Plans as submitted by Titusville Solar, LLC to Cherrytree Township's Engineer Mark J. Corey for review and approval for the Solar Energy Project planned for Cherrytree Township on the west side of Route 8 in the vicinity of 4200 William Flynn Highway, and consisting of those plans identified in Mark J. Corey's letter dated January 24, 2022, under and subject to the following conditions.

**Conditions of Approval**

*Cherrytree Township must receive (1) written documentation of approval of the Soil Erosion & Sedimentation Control Plan by the Venango County Conservation District, (2) written documentation of the issuance of the NPDES Stormwater Management Discharge permit by the Venango County Conservation District, and (3) written documentation of final approval of the final Land Development Plans by the Venango County Regional Planning Commission.*

*Cherrytree Township must also receive (1) the Stormwater Operation and Maintenance Agreement in the form acceptable to the Township, as properly executed by the appropriate landowners and Developer, (2) the Agreement to Reimburse the Township for certain expenses related to the review, administration and inspection of Stormwater Management plans and facilities, as properly executed by Developer, (3) the Decommissioning Agreement as properly executed by the Operator, and (4) the properly executed Stormwater Management Plans as reviewed and approved by the Township's Engineer.*

*When the executed Agreements and Plans are received by the Township, the Plans and Agreements shall be executed by the appropriate Township officials and recorded by the Township at the Venango County Recorder's office at Developers expense unless other arrangements are made with the agreement of Township officials.*

*The Developer shall comply with the criteria and conditions for approval as set forth in the letter of Mark J. Corey dated January 24, 2022.*

*Before construction of the Solar Facility may commence, Developer shall provide the Township with the properly executed Agreement for Financial Security for Completion of Stormwater Management Facilities as required by Section 1001 of the Cherrytree Township Stormwater Management Ordinance, in a form acceptable to the Township, together with the security required.*

Dave Zdanko seconded and the motion was carried unanimously.

## **Committee Reports**

### **VFD**

Jim Waugh, VFD Treasurer, reported that there were 13 calls since the last meeting. Of the 13 calls, 1 was a building fire, 3 were EMS, 1 was an MVA with injuries, 1 was shorted electrical equipment, 4 were public service, 1 was dispatched and canceled, and 2 were false alarms.

The spring shoots will continue to be held every Tuesday evening through Tuesday, April 12, 2022. The doors open at 5:30 p.m. and the shooting begins at 6:00 p.m. The turnout has not been great so far this year.

### **EMA**

There was no report.

### **Road**

Lew Staub, Roadmaster, reported that the road crew spent 2 days fixing spots from washouts, cleaned the trucks off 4 times, and spent 1 day restacking antiskid. They also graded on 1 road, dragged on 1 road, plowed and put antiskid down 8 times, and cut up a tree.

As for equipment, the leaf blower was taken off and the drag was hooked up, the 2014 Dodge is back from Shambaugh Towing, a new wiper arm was put on the 2002 International and the spreader bearing was changed on the 2002 International. The 2002 International is currently in need of extensive repairs and the following parts have been ordered: fan, radiator, shroud, both coolant tanks, both radiator hoses, both belts and tensioners, cam sensor.

## **Old Business**

### **Fairview Road/Stone Springhouse Road – Stop Signs/Speed Limit Signs**

Chrissie Kurelowech reported that she and Jim Waugh recently spoke with the township solicitor and the PennDOT municipal services representative regarding whether or not the township can erect stop signs and/or speed limit signs near the intersection of Fairview Road and Stone Springhouse Road. The concern of vehicles speeding near the intersection was brought to the Supervisors' attention during the regular monthly meeting held on Monday, March 7, 2022. In order to erect a stop sign, an ordinance would need to be passed and, most likely, a traffic study would be needed. In order to erect a speed limit sign, an ordinance would need to be passed and a traffic study would be needed. Chrissie Kurelowech reported that the PennDOT municipal services representative said that the traffic study would record the speeds of vehicles and take the average to determine the speed limit, so if vehicles are consistently speeding, the average speed is going to be high and, most likely, the speed limit would be set higher than the township would want. Unless the ordinances are passed and the traffic studies are performed, any stop signs or speed limit signs put up by the township are unenforceable. No new signs will be erected at this time.

### **Residents Purchasing Additional Salt Brine**

At the regular monthly meeting held on Monday, March 7, 2022, a resident asked if he would be able to purchase salt brine from Seneca Mineral and have it applied to the stretch of road in front of his house early in the season, before the township applies salt brine. Chrissie Kurelowech reported that she checked with the township solicitor and he said that the township is ultimately responsible for maintenance of the roads, so the township could be held liable, therefore, residents cannot be permitted to purchase their own brine and have it applied to township roads.

### **Executive Sessions – Monday, March 28, 2022 and Monday, April 4, 2022 - Personnel**

The Supervisors announced that two executive sessions were recently held to discuss personnel matters (applicants for vacant road worker position). The first occurred on Monday, March 28, 2022 (early evening) and the second occurred on Monday, April 4, 2022 (5:00 p.m.).

## **New Business**

### **Generator**

Jim Waugh asked Dave Zdarko and Rob Kellogg if they would consider using township funds to pay the VFD for half the cost of a generator that the VFD recently purchased for the township building. The total cost of the generator was approximately \$5,500.00. A lengthy discussion took place. Ron Stewart questioned the VFD's need for financial assistance due to recent COVID funding and private donations. Another concern that was discussed was that the VFD is actively searching for property to purchase to be used for a new building, so the VFD and the township will not be sharing a building in the future. Some in attendance questioned whether or not the VFD would take the new generator to the new building or leave it in the township building. The Supervisors decided to table the issue.

### **Insurance Renewal**

Chrissie Kurelowech said that she was recently contacted by Sarah Sorek, of Matson Insurance Agency, regarding the township's insurance renewal, which will occur on July 1, 2022. Ms. Sorek is interested in giving the township a quote for coverage on property, inland marine, general liability, public officials, automobile (both township and VFD), umbrella, and workers compensation (both township and VFD). Chrissie Kurelowech said that the township does not seek quotes every year because it is very time consuming. However, it has been several years since the township has considered quotes (2016). She asked the Supervisors if they wished to seek quotes this year and they were in agreement to do so. Chrissie Kurelowech will contact several agencies to let them know that they are welcome to submit quotes.

## **Executive Session**

The Supervisors went into an executive session at 6:52 p.m. and returned at 7:01 p.m. The reason for the executive session was to discuss personnel matters (applicants for vacant road worker position).

## **Adjournments**

The meeting adjourned at 7:01 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer