

Cherrytree Township Board of Supervisors
Regular Monthly Meeting/Annual Reorganization Meeting
January 3, 2022, 6:30 p.m.

A regular monthly meeting/annual reorganization meeting of the Cherrytree Township Board of Supervisors was held on Monday, January 3, 2022 at 6:30 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.

Annual Reorganization

- Descriptions of the resolutions listed below are attached.

Temporary Secretary (motion to appoint)

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to appoint Christine Kurelowech as Temporary Secretary.

Temporary Chairman (motion to appoint)

On a motion made by Dave Zdarko and seconded by Rob Kellogg, the Supervisors voted to appoint Jim Waugh as Temporary Chairman of the Board. Jim Waugh abstained.

Resolution #22-01

On a motion made by Dave Zdarko and seconded by Rob Kellogg, the Supervisors voted to adopt Resolution #22-01 (Appoint Jim Waugh as Chairman of the Board for 2022). Jim Waugh abstained.

Resolution #22-02

On a motion made by Rob Kellogg and seconded by Jim Waugh, the Supervisors voted to adopt Resolution #22-02 (Appoint Dave Zdarko as Co-Chairman of the Board for 2022). Dave Zdarko abstained.

Resolution #22-03

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #22-03 (Appoint Christine Kurelowech as Secretary-Treasurer for 2022).

Resolution #22-04 through Resolution #22-38

The Supervisors decided to change the meeting time for regular monthly meetings from 6:30 p.m. to 6:00 p.m., amending Resolution #22-13 accordingly. On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #22-04 through Resolution #22-38, including the amended Resolution #22-13.

Public Comment

Ron Stewart asked the Supervisors how they chose the Zoning Hearing Board members and alternate members to appoint. Chrissie Kurelowech said that Jeff Nelson

and Tom Wilks have served on the Zoning Hearing Board for many years, so they were chosen for the 3-year term and the 2-year term. Tracy Zdarko has been an alternate, but was chosen for the 1-year term because she was the first person to volunteer to serve as an alternate when the township needed alternates. Charles Sampson was chosen to serve as an alternate (3-year term) because he was the second person to volunteer to serve as an alternate, and Ron Stewart was chosen as an alternate (2-year term) because he was the third person to volunteer to serve as an alternate. Ron Stewart asked why the township did not advertise the vacancies and ask for volunteers during recent meetings and Chrissie Kurelowech said that the township was advised to fill the alternate positions on the Zoning Hearing Board quickly due to the hearing for Titusville Solar LLC in case any of the existing members had conflicts of interest and would not be able to vote. The clock starts ticking once the township receives a request for a hearing before the Zoning Hearing Board, so there simply was not enough time to wait for the next regular monthly meeting of the Board of Supervisors to ask for volunteers. Furthermore, when the township has advertised for volunteers for various positions in the past, nobody volunteers. Until 2022, the township had always appointed people to the Zoning Hearing Board each year (appointed the entire Zoning Hearing Board), as opposed to appointing people to serve terms that expire at different times. According to the Pennsylvania Municipalities Planning Code (PA MPC), the terms should be 3-year terms and should be staggered. For that reason, the Supervisors used Resolution #22-11 to appoint people to the Zoning Hearing Board for different length terms. From here on out, when a term expires, the replacement will be appointed to a 3-year term.

Tim McGrath wanted to clarify what he said at the regular monthly meeting held on Monday, December 6, 2021, regarding Cypress Creek Renewables falsifying documents submitted to the Federal Aviation Administration (FAA) and to the township (providing incorrect numbers). He originally stated that if a pilot had used those numbers to land at the airport, there would have been a crash because the plane would have been 1,000 feet too low. He should have said that the numbers used by Cypress Creek Renewables were 1,000 feet lower than the airport elevation and, therefore, the glare analysis could not have had an effect on a pilot's vision. Furthermore, in relationship to the airport elevation, if a pilot used the numbers provided by Cypress Creek Renewables to navigate from the Titusville Solar LLC project location to the airport, the plane would have been 1,000 feet off and could have caused a crash.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, December 6, 2021, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

The treasurer's report, for December 2021, was read, accepted, and approved, on a motion made by Rob Kellogg, seconded by Jim Waugh, and carried unanimously.

Correspondence

PSATS – 2022 Dues

Chrissie Kurelowech asked the Supervisors if they wished to continue the township's membership in PSATS (Pennsylvania State Association of Township Supervisors) for 2022 and, if so, if they wished to continue to receive the same services in 2022. The annual invoice always includes several add-on services that the township usually declines, reducing the cost. The Supervisors were in agreement to continue membership in PSATS and to continue to receive the same services as were received in 2021.

Venango County Association of Township Officials – 2022 Dues

Chrissie Kurelowech asked the Supervisors if they wished to continue the township's membership in the Venango County Association of Township Officials for 2022 and they were in favor of doing so.

PSATS News Bulletin

Zoning

Permits

Z-2021-13 Chuck Whitman 536 Dutch Hill Road new detached garage

Zoning Report

Ben Breniman, Zoning Officer, reported that one permit was issued during the month. A hearing for American Legion Post 368 was held before the Zoning Hearing Board on December 9, 2021 to obtain a special exception to erect a picnic pavilion at 1624 Breedtown Road. The Zoning Hearing Board did not grant a decision and asked the applicants to get more details regarding how they plan to use the property, sewage, stormwater, etc., and return for a second hearing. Ben Breniman reported that the applicants are no longer considering 1624 Breedtown Road and are looking at other properties instead.

Ben Breniman also reported that Cypress Creek Renewables recently sent him a packet containing corrected copies of an FAA filing that was submitted as an addendum to the Titusville Solar LLC permit application. He gave copies to the Supervisors and noted that the closer a structure is built to the airport, the lower in height it must be. Tim McGrath explained features on a diagram that was part of the FAA filing to those in attendance, noting that the diagram shows that the proposed project is outside of the runway area and not in the glide path.

Don Deliman questioned the "Accessory Solar Energy System (ASES)/Principal Solar Energy System (PSES) Initial Application Deposit", which is 1% of the estimated project cost, on the 2022 Fee Schedule. He thought that an accessory solar energy system that a resident chooses to build for personal use should not require a 1% deposit. Chrissie Kurelowech noted that the requirement was not new and was part of the township's fee schedule prior to 2022. It was also noted that some accessory solar energy systems can be quite large, so the 1% deposit is not unreasonable.

Administrative Action

Resolution #22-39 – Destroy Specified Municipal Records – Vote to Adopt

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #22-39. This resolution permits the Secretary-Treasurer to destroy records that the township is no longer required to keep, as specified by the Pennsylvania Municipal Records Manual. The resolution contains a list of the types of records and the years that will be destroyed.

Resolution #22-40 – Updated Personnel Policy – Vote to Adopt

On a motion made by Rob Kellogg, seconded by Jim Waugh, and carried unanimously, the Supervisors voted to adopt Resolution #22-40. This resolution updates the township's personnel policy, specifically Section 7.02, to make it clear that only full-time (Class A) road workers are eligible to receive double time and one-half (2.5 * regular hourly rate) for hours worked on a paid holiday. This

change was necessary because one of the road workers is now partially retired and is considered full-time (Class B).

Culvert Projects-Bidding-Lamey Rd. Culvert #1 and Breedtown Rd. Culvert #3

Chrissie Kurelowech told the Supervisors that Mark Corey, Township Engineer, recently called to ask if the Supervisors would be interested in putting Lamey Road Culvert #1 (0.20 mile west of State Route 8) and Breedtown Road Culvert #3 (0.10 mile west of Cherrytree Road – near Breedtown Cemetery) out for bid now as opposed to later in the year. He said that other townships have recently put similar projects out for bid and have received good prices. Last June, the Supervisors decided to continue the permitting process for Lamey Road Culvert #1 and Breedtown Road Culvert #3 with the intention of putting both projects out for bid during 2022. Chrissie Kurelowech said that the estimates received from Shingledecker's Welding a year or so ago were \$44,057.70 for Lamey Road Culvert #1 and \$33,347.20 for Breedtown Road Culvert #3, but that the bids most likely will be significantly higher. She noted that the township will receive \$73,477.79 in American Rescue Plan (ARP) money, most likely in June, to put towards the culvert projects. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to have Mark Corey put Lamey Road Culvert #1 and Breedtown Road Culvert #3 out for bid. The Pennsylvania Department of Environmental Protection (PA DEP) has issued permits for both culvert projects.

Committee Reports

VFD

Tom Huffman, acting VFD Fire Chief, reported that there were 16 calls since the last meeting. Of the 16 calls, 1 was a building fire, 5 were EMS, 1 was an MVA with injuries, 3 were public service, 3 were dispatched and cancelled, and 3 were alarm malfunctions. There were 198 calls and 843 hours in 2021.

Tom Huffman reported that the VFD has formed a committee to get the property on the corner of Cherrytree Road and Buxton Road turned over from the township to the VFD. They plan to have a pavilion built on the property before the gun raffle scheduled for June of 2022. Lew Staub asked if the VFD will have to go through zoning before building and was told that a zoning permit would be required. Tom Huffman said that the plan is to split the parcel so the township is left with the two pavilions and the VFD will have everything from the pavilions to Buxton Road. Lew Staub asked where the township will build a new building when one is needed and Dave Zdarko suggested the property be subdivided and only a small piece be deeded over to the VFD as opposed to the entire parcel, or most of it, being deeded over. This would give the township space to expand in the future. Dave Zdarko said deeding the entire property over would take any space for a new township building away. Jim Waugh said the VFD is waiting on the surveyor. Tom Huffman said that it was supposed to be deeded over to the VFD originally. Jim Waugh noted that Alan Shaddinger, Township Solicitor, has said in the past that it would be better to turn the property over to the VFD than to have a 99-year lease. Jim Waugh also said that he does not want the VFD to build a new building and then have the Board of Supervisors change and evict the VFD from the property. He also mentioned proposed legislation in Congress to fund new buildings for any fire departments that are currently housed in buildings that are over 40 years old. The VFD most likely would qualify for funding if the legislation passes.

EMA Office

There was no report.

Road

Lew Staub, Roadmaster, reported that, during the past month, the road crew plowed and put antiskid down once, put antiskid down 4 times, cleaned the garage once, pushed trees off of roads twice, and checked roads 3 times. They spent 1 day throwing limbs off of roads, cleaned the trucks twice, and spent 1 day fixing signs.

Northwestern Heating fixed the furnace in the garage.

Old Business

There was no "Old Business".

New Business

Titusville Solar LLC – Stormwater Review

Chrissie Kurelowech told the Supervisors that Alan Shaddinger, Township Solicitor, has asked for their approval to have Mark Corey, Township Engineer, proceed with the stormwater review for the Titusville Solar LLC project as long as Titusville Solar LLC provides \$1,000.00 to be put into escrow and a signed agreement to reimburse the township for expenses related to the review and inspections. The Supervisors granted approval. Chrissie Kurelowech will notify Alan Shaddinger.

The meeting adjourned at 7:02 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer

The following resolutions were introduced and voted upon, on Monday, January 3, 2022, at the regular monthly meeting/annual reorganization meeting of the Cherrytree Township, Venango County, Board of Supervisors, as required by the Second Class Township Code.

- #22-01 Appoint Jim Waugh as Chairman of the Board for 2022.
- #22-02 Appoint David Zdarko as Co-Chairman of the Board for 2022.
- #22-03 Appoint Christine Kurelowech as Secretary-Treasurer for 2022.
- #22-04 Appoint Lewis Staub as Roadmaster for 2022.
- #22-05 Adopt the Cherrytree Township 2022 Wage & Salary Schedule.
- #22-06 Adopt the Cherrytree Township 2022 Fee Schedule.
- #22-07 Appoint Todd Fantaskey as the Sewage Enforcement Officer for 2022
- #22-08 Appoint Nicholas Melnick as the Alternate Sewage Enforcement Officer for 2022.
- #22-09 Appoint Donald Deliman to the Vacancy Board for 2022.
- #22-10 Appoint Karen McGrath, Melody Staub, and Austin Armstrong to the Cherrytree Township Planning Commission for 2022.
- #22-11 Appoint Jeff Nelson (3-year term), Thomas Wilks (2-year term), Tracy Zdarko (1-year term), Charles Sampson (alternate - 3-year term), and Ron Stewart (alternate – 2-year term) to the Cherrytree Township Zoning Hearing Board for 2022.
- #22-12 Appoint Attorney Alan Shaddinger as Cherrytree Township Solicitor for 2022.
- #22-13 Designate the first Monday of each month, at 6:00 p.m., as the regular monthly meeting of the Board of Supervisors. If that day is a legal holiday, the meeting will be held on the following evening. All schedule changes will be advertised in the classified section of The Titusville Herald. All township meetings will be held in the manner described in Resolution 615, dated August 23, 1993.
- #22-14 Maintain the 1% wage tax currently in effect and retain the 4 mill property tax rate currently in effect.
- #22-15 Allow the Secretary-Treasurer to pay any bills prior to approval by the Board of Supervisors.
- #22-16 Name Farmers National Bank and PNC Bank as depositories for all township funds.

- #22-17 Set the Treasurer's bond at \$500,000.00 per year.
- #22-18 Send Jim Waugh, David Zdarko, and Robert Kellogg to the annual PSATS State Conference in Hershey, PA and name Jim Waugh as the voting delegate.
- #22-19 Continue to do driveway installations and bill for the service as specified in the Cherrytree Township 2022 Fee Schedule.
- #22-20 Require all applicants for road permits to pay the township fees as specified in the Cherrytree Township 2022 Fee Schedule. Fees will be held by the township for any and all road repairs that are needed as a direct result of the applicant's operations. An exception to this procedure may be made at the discretion of the Roadmaster or the Board of Supervisors when it is determined that the applicant will conduct any operation that involves excessive long term projects, heavy truck, drilling, or construction projects that may result in significant damage above and beyond the routine hauling damage amounts.
- #22-21 Continue participation in the Pennsylvania Municipal Retirement System for eligible employees. The Secretary-Treasurer will act as Chief Administrative Officer for the plan.
- #22-22 Retain Mark J. Corey & Associates as Cherrytree Township Engineers for 2022.
- #22-23 Appoint Robert Kellogg as the township's representative to the Oil Creek Area COG.
- #22-24 Name the Titusville Appeals Board as appeal agents for enforcement of the Universal Construction Codes.
- #22-25 Appoint Robert Kellogg as the township's representative to the Venango County Planning Commission.
- #22-26 Use the federal maximum mileage reimbursement rate to compensate employees for their use of personal vehicles while conducting township business.
- #22-27 Allow any Supervisor to act as a voting representative for any appointed position (outside the township) in the event that the designated appointee is unable to attend a meeting.
- #22-28 Declare English the official language for all township business.
- #22-29 Appoint Benjamin Breniman as Cherrytree Township Zoning Officer for 2022.
- #22-30 Appoint Benjamin Breniman as Cherrytree Township Floodplain Administrator for 2022.

- #22-31 Appoint Benjamin Breniman as Cherrytree Township Stormwater Enforcement Officer for 2022.
- #22-32 Retain Construction Code Inspectors, Inc. as Cherrytree Township Building Code Inspectors for 2022.
- #22-33 Appoint Jim Waugh as Cherrytree Township's delegate to the Crawford County Tax Collection Committee.
- #22-34 Appoint David Zdarko as Cherrytree Township's alternate delegate to the Crawford County Tax Collection Committee.
- #22-35 Appoint Robert Kellogg as Cherrytree Township's second alternate delegate to the Crawford County Tax Collection Committee.
- #22-36 Adopt the Cherrytree Township 2022 Stormwater Management Ordinance Fee Schedule.
- #22-37 Allow the Board of Supervisors to occasionally work for Cherrytree Township at a rate of \$12.00 per hour, which will be confirmed by the township auditors.
- #22-38 Appoint Attorney Richard Winkler to represent the Cherrytree Township Zoning Hearing Board, at a rate of \$130.00/hour, for 2022.