

Cherrytree Township Board of Supervisors  
Regular Monthly Meeting  
June 7, 2021  
6:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, June 7, 2021, at 6:30 p.m., at the township building. In attendance were Jim Waugh, Dave Zdanko, 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**

David Weightman, a representative of Cypress Creek Renewables, was in attendance to discuss Titusville Solar LLC (proposed solar farm along Route 8). He apologized for not being able to attend many meetings during the pandemic and said that family issues prevented him from doing so. Consequently, Pete Bruno, also of Cypress Creek Renewables, attended meetings in David Weightman's absence. He said that he has been working on the project (Titusville Solar LLC) for the past year and a half and that there will soon be a website set up that will allow anyone with questions related to the project to ask and receive answers online. He noted that he has not been able to review the draft solar ordinance (#01-2021) yet. David Weightman said that Cypress Creek Renewables wants to be a good partner with the community and said that the company has been discussing getting involved with training at the University of Pittsburgh at Titusville (UPT) and could possibly donate money to the VFD. He told those in attendance that he would be available after the meeting if they had any questions.

Ernie McCain, of Pioneer Road, told the Supervisors that the trees on Pioneer Road that needed removed in order to widen a sharp curve have been removed. Jim Waugh said that he would meet with Lew Staub, Roadmaster, to determine how to proceed with widening the curve. He noted that the road crew is currently busy with summer maintenance (gravel, grading, salt brine, mowing).

Several residents were in attendance to complain about dust. Tammi Clark, who lives at the intersection of Fairview Road and Stone Springhouse Road, said that she lives in a "triangle of dust" and that it is unbearable. She noted that the township received over \$194,000.00 in 2021 Liquid Fuels funds and asked for \$8,000.00 to apply emulsion dust suppressant near her home. She said that she gets nothing for her taxes. It was noted that, although the township did receive over \$194,000.00 from the state for road maintenance, the money has already been spent or has been earmarked for other items such as gravel, salt brine, anti-skid, salt, seal coating of Cherrytree Road, paving of Dutch Hill Road, and culvert repairs. Essentially, there is no extra money in the budget. Tammi Clark said that salt brine does not work and presented the Supervisors with contact information for companies that sell emulsion dust suppressant and asked them to make phone calls and look into it. Lew Staub, Roadmaster, said that emulsion does not work as well as salt brine. Jim Waugh encouraged residents to be patient and give the salt brine a chance. He explained that the township switched from E-1 Prime oil to salt brine last year and is using the money saved to build up the gravel on the roads. Additionally, he said that many residents were happy with the salt brine last summer. Carl Hazen said that the brine does not work in areas where the sun hits the road and Jim Waugh said Fairview Road, between

Cherrytree Road and Route 8, is in great shape, including the sunny areas. Dave Zdarko noted that, no matter what product the township uses, it is early in the summer and the people who live in the area of Carl Hazen and Tammi Clark would not have any dust suppressant down on their roads anyway. The township is divided into three areas and, to be fair to the residents, the application of dust suppressant starts in a different area of the township each year. The area where Carl Hazen and Tammi Clark live was first to get dust suppressant last year, so it will be last this year. Other residents who live near Carl Hazen and Tammi Clark and voiced their displeasure with the dust were Mark McDowell and Christine and Jim Hicks. Lew Staub said that the last area to receive salt brine this year will most likely get it near the end of June or early July. Dave Zdarko noted that weather has a lot to do with the timing of the dust suppressant. Tammi Clark pleaded with the Supervisors to accept the contact information she provided for emulsion dust suppressant companies and they did. Carl Hazen took the floor and discussed a section of the “Environmentally Sensitive Maintenance for Dirt and Gravel Roads” manual that was related to dust control, stressing the need for dust suppressant. He asked Lew Staub why Foster Road did not receive brine earlier in the year and Lew Staub said Foster Road is in the area designated to receive dust suppressant last this year, the gravel needs to settle, and a final grade must be done first. Carl Hazen suggested putting salt brine down before new gravel and asked Lew Staub why the township needs to grade before putting down the dust suppressant and Lew Staub said the top layer needs to be loosened up to allow the salt brine to soak in. Ron Stewart noted that near his home on Dutch Hill Road, the road is in great condition.

Melody Staub told the Supervisors and those in attendance that two people have recently stopped at her home and threatened her over the solar farm because she serves on the planning commission and her property is part of the Titusville Solar LLC project. She said that she “feared for her life” and that one of the people, after being questioned by her, implied that Jim Waugh sent him to her home. Jim Waugh said that he would never send someone to her home to threaten her and that, if it happens again, to call him. It was also suggested that she call the police.

### **Minutes/Treasurer’s Report**

The minutes, from the regular monthly meeting held on Monday, May 3, 2021, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

The treasurer’s report, for May 2021, was read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

### **Correspondence**

PSATS News Bulletin

### **Zoning**

#### **Permits**

Z-2021-07 James Armatas 922 Hamilton Corners Road new 30’ by 40’ pole building

#### **Zoning Report**

There was no report.

### **Administrative Action**

#### **Ordinance #01-2021 (Solar)–Vote to Advertise Intent to Adopt–Schedule Public Hearing**

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to advertise the township’s intent to adopt Ordinance #01-2021 at the next regular monthly meeting, at 6:30 p.m. on Tuesday, July 6, 2021, and to schedule a public hearing to receive public comment on Ordinance #01-2021 for 6:00 p.m. on Tuesday, July 6, 2021. The Cherrytree Township Planning Commission voted to

pass the draft ordinance to the Supervisors during its public meeting held at 5:30 p.m. on Monday, June 7, 2021. Ordinance #01-2021 is a curative amendment to the Cherrytree Township Zoning Ordinance that includes regulations pertaining to solar development in the township.

**Ordinance #02-2021 (COT Treatment Works Ord.)-Vote to Advertise Intent to Adopt**

On a motion made by Rob Kellogg, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to advertise the township's intent to adopt Ordinance #02-2021 at the next regular monthly meeting, at 6:30 p.m. on Tuesday, July 6, 2021. Ordinance #02-2021 adopts the publicly owned treatment works ordinances of the City of Titusville for residents of Cherrytree Township connected to the Titusville municipal sewer system. By passing Ordinance #02-2021, Cherrytree Township will be in compliance with the Clean Water Act, which is a requirement of the United States Environmental Protection Agency.

**Resolution #21-45 – Appoint New Planning Commission Member (Alternate)**

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #21-45, appointing Austin Armstrong to the Cherrytree Township Planning Commission to serve as an alternate.

**Shreve Road Culvert Replacement Bids – Discuss and Vote**

A public bid opening was held at 10:00 a.m. on Thursday, June 3, 2021, at the township building, to open and review bids to replace a culvert on Shreve Road (Shreve Road Culvert #1 - 0.90 mile south of Black Road - between Turkey Farm Road and Black Road). Five bids were received, the lowest being the bid submitted by Northrock Construction for \$104,751.00. Mark Corey, Township Engineer, has obtained a Pennsylvania Department of Environmental Protection (PA DEP) emergency permit for Shreve Road Culvert #1 and is applying for a regular permit. He is also in the process of applying for permits for two other culverts in the township, one on Lamey Road (Lamey Road Culvert #1 - 0.20 mile west of State Route 8) and one on Breedtown Road (Breedtown Culvert #3 - 0.10 mile west of Cherrytree Road - near Breedtown Cemetery). The engineering fee for permitting is \$4,000.00 per culvert, but the engineering fee for the design and bidding of Shreve Road Culvert #1 was \$7,500.00. Chrissie Kurelowech told the Supervisors that once the permits have been issued they are valid for years, so there really is no rush to put the other two culverts out for bid, especially since the township is low on funds. She said that she recently compared the current finances to last year and, when considering all of the expenses still to come during 2021, the township has spent \$20,000.00 more than it spent last year on road maintenance. There is not enough money in the budget to spend \$104,751.00 to repair a culvert. However, the township will soon receive \$73,477.79 in American Rescue Plan (ARP) money, with another \$73,477.79 arriving in about a year. It is questionable as to whether this money can be used to replace a culvert, but Jim Waugh recently attended an informational session for municipalities at Clintonville Volunteer Fire Department and was told that a culvert replacement would fall under "stormwater" and would be considered an acceptable expense. Chrissie Kurelowech said that she asked Mark Corey for his thoughts on whether ARP money could be used to finance culvert replacements and he said that, when the ARP was first passed, it was clear that the money could not be used for any road maintenance, most likely because legislators were planning to pass a separate package to be used for road maintenance. However, he said ARP is very vague on the specifics of allowable expenses and he could understand a township viewing a culvert replacement as falling under "stormwater". Chrissie Kurelowech said the ARP is still unclear and is evolving daily, but that she feels there is a good chance the ARP money could be used to finance the culvert replacement. She

suggested moving forward with Shreve Road Culvert #1, continuing the permitting process for Lamey Road Culvert #1 and Breedtown Road Culvert #3, and waiting until next year to put Lamey Road Culvert #1 and Breedtown Road Culvert #3 out for bid. If the township is unable to use any ARP money to put towards Shreve Road Culvert #1, financing the project through a bank may be an option. If the township has to put Shreve Road Culvert #1 out for bid again (next year), it will be an additional expense to the township. On a motion made by Jim Waugh, seconded by Dave Zdanko, and carried unanimously, the Supervisors voted to accept the bid submitted by Northrock Construction to replace the Shreve Road Culvert (Shreve Road Culvert #1), for \$104,751.00 and to authorize Mark Corey to continue permitting work for Lamey Road Culvert #1 and Breedtown Road Culvert #3. They decided to wait until next year to put Lamey Road Culvert #1 and Breedtown Road Culvert #3 out for bid, due to limited funds available in 2021. Full bid results are attached.

### **Complaint – Junk Accumulation**

A complaint was received about a business at 4587 State Route 8 accumulating junk outside of its building. On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to authorize Ben Breniman, Zoning Officer, to begin enforcement to clean up the property.

### **Municipal Insurance – 2021 Renewal**

Chrissie Kurelowech reported that she recently met with Robyn Guth, of Barr's Insurance, to obtain renewal premiums for 2021 for the township's workers compensation insurance and commercial package insurance (buildings, equipment, vehicle insurance (township and VFD), public officials liability, etc.). The premium for workers compensation insurance to cover township employees, which is through Amtrust, will increase by \$634.00, moving from \$7,672.00 in 2020 to \$8,306.00 in 2021. The commercial package, which is through Selective, will increase by \$458.00, moving from \$12,516.00 in 2020 to \$12,974.00 in 2021. On a motion made by Rob Kellogg, seconded by Jim Waugh, and carried unanimously, the Supervisors voted to accept the 2021 renewal premiums and continue coverage through Amtrust (workers compensation for township employees) and Selective (commercial package). The township will continue to purchase the insurance through Barr's Insurance.

## **Committee Reports**

### **VFD**

Tom Huffman, VFD 1st Assistant Chief, reported that there were 14 calls since the last meeting. Of the 14 calls, 1 was a brush fire, 6 were EMS, 1 was an MVA with no injuries, 1 was a gas leak, 2 were public service, 2 were dispatched and cancelled, and 1 was an unintentional alarm activation.

Tickets are available for the VFD's annual gun raffle, which will take place on Saturday, June 26, 2021. The doors open at noon and the gun raffle starts at 1:00 p.m. Tickets can be purchased for \$10.00 from any VFD member or at the township office. Donations for the Chinese auction are being accepted.

### **EMA Office**

There was no report.

### **Road**

Lew Staub, Roadmaster, reported that the road crew spent 11 days graveling roads with Hasbrouck Sand & Gravel, mowed the yard 4 times, stacked 2B gravel, and fixed a spring coming out of Tarr Road. They dragged 2 roads, pushed 6 trees off of roads,

checked the roads twice, and put 4 crossover pipes in. The road crew also spent 2 days cleaning pipes and ditches with a backhoe, 2 days mowing berms, graded 5 roads, cold patched 2 roads, and scarfired 3 oil spots up and hauled gravel to cover. Seneca Mineral sprayed salt brine on roads 2 days. The road crew also smashed dumpsters down during Clean-Up Weekend.

The spreader was taken off the 2009 International and the truck was inspected. The boom mower was put on the tractor.

## **Old Business**

### **Planning Commission – Eligibility Requirements**

At the regular monthly meeting held on Monday, May 3, 2020, the eligibility requirements of planning commission members came into question, specifically whether a member was required to be a resident or if any property owner would be eligible to serve. Chrissie Kurelowech said that she looked into it and anyone serving on the planning commission must be a resident of the township.

### **Air Compressor – Schramm Tag Along S# 114996 - Sold**

Chrissie Kurelowech reported that the air compressor (Schramm Tag Along S# 114996) that the township jointly owns with Oil Creek Township, Crawford County, sold for \$680.00 and the township has received a check for its share (\$340.00). The air compressor has been removed from the insurance policy that covers all of the equipment that is shared between the two townships.

## **New Business**

### **Cleaning Person for Township Building**

Jim Waugh said that the township used to pay a cleaning person to clean the building several years ago and asked the other Supervisors if they would be in favor of paying Jess Neely \$10.00/hour to clean the building, mostly after VFD events. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to hire Jess Neely to clean the township building on a 1099 basis at a rate of \$10.00/hour.

### **Additional Cameras for Township Building**

Jim Waugh suggested having two additional security cameras installed inside the township building, one in the back hallway and one in the kitchen. He said an incident of improper conduct recently occurred in the kitchen and was witnessed but not recorded on camera. He asked the other Supervisors if they would consider paying half the cost if the VFD paid half. On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to pay for half the cost of two new security cameras to be installed in the back hallway and in the kitchen. Chrissie Kurelowech will contact Blair's Key Locksmith to order the two new cameras.

### **State Workers Insurance Fund – 2021 Renewal for VFD Workers Compensation**

Chrissie Kurelowech reported that the 2021 renewal premium for the VFD's workers compensation insurance will be \$9,082.00, which is a \$693.00 increase from the 2020 premium of \$8,389.00. The VFD's workers compensation is purchased through the State Workers Insurance Fund (SWIF) because private insurance companies no longer insure volunteer fire departments due to legislation passed since 9/11. By law, the township is required to purchase the workers compensation insurance for the VFD.

### **2020 Municipal Audit**

Chrissie Kurelowech said that May & Company has begun to perform the 2020 municipal audit. They visited the township office and made copies of the QuickBooks files

and will return at a later date to go through the invoices, checks, bank statements, minutes, etc. She said they have been delayed due to the extension of tax season.

### **Cherrytree Township FaceBook Page**

Chrissie Kurelowech reported that the township's FaceBook page has been removed because it "does not meet FaceBook's community standards" and could contain "hate speech". She said she only posts agendas for upcoming meetings on the FaceBook page and cannot understand the reasoning behind removing it. Nevertheless, she has appealed FaceBook's decision and is waiting for a response. The meeting agendas will not be posted on FaceBook until the problem is resolved, but they can be accessed on [www.cherrytreetwp.com](http://www.cherrytreetwp.com).

### **Offensive Signs**

Christine Hicks noted that there are offensive signs containing vulgar language in the yard of a home on Route 8. Jim Waugh said that the township has no ordinances preventing a property owner from displaying such signs and that it is considered freedom of speech.

### **Thank-You Road Crew**

Donna Stewart expressed gratitude towards the road crew for fixing Black Road near Route 8. She said the road has been improved greatly and that she appreciates it.

### **Stolen Planters**

Lila Preston said that she has lived in the township since 1960 and has never had anything stolen until recently. Someone stole two pots of flowers that had been placed near her driveway.

### **Comments on Ordinance #01-2021**

David Weightman, of Cypress Creek Renewables, asked the Supervisors if it would be acceptable to email comments on the draft of Ordinance #01-2021 to the township for consideration and they said that it would be acceptable.

### **Executive Session**

The planned executive session did not take place.

### **Adjournments**

The meeting adjourned at 7:31 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer