

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
August 7, 2017

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, August 7, 2017, at 6:30 p.m., at the township building. In attendance were Emery Fiely, Lew Staub, and Jim Waugh, Supervisors, and Christine Kurelowech, Secretary-Treasurer.

Call to Order

Emery Fiely called the meeting to order.

Pledge

Moment of Prayer

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

Public Comment

Don Deliman said that the Supervisors met at the end of June and did not include the public. He asked them why the meeting was not advertised and open to the public. Emery Fiely said that the three Supervisors met to share information to make sure all three were kept current on a situation with an employee. He said no decisions were made at the meeting. Sue McDowell asked if minutes were taken at the meeting and Emery Fiely said they were not. Lew Staub said that it was a work session, not a meeting. Don Deliman then questioned the Supervisors as to why there was nothing under “New Business” at the regular monthly meeting, held July 3, 2017, if they met about an issue at the end of June. Emery Fiely said the Supervisors met because he wanted to inform Jim Waugh about a situation with an employee and that he wanted to keep a good employee. Mark McDowell then questioned the 11.4% raise given to an employee during the regular monthly meeting held on July 3, 2017. He said the average Cherrytree Township resident only sees a 2.2% to 2.5% yearly raise. He also said that the issue should have been on the agenda and people might have understood if they knew the employee was going to work somewhere else. Mark McDowell asked the Supervisors if the new rate was discussed in the employee in question’s interview and Emery Fiely said that it was not discussed. Jamey Miller said that he thought employee matters were to be discussed behind closed doors and Jim Waugh responded by saying that only disciplinary matters regarding employees were to be discussed behind closed doors.

Jamey Miller told the Supervisors that their decision to remove the recycling dumpsters from the township property has set us back 30 years from where we have come as a planet. He said that he used the dumpsters for 17 years and never saw trash being left. He also said that, since Hydetown and Pleasantville recently removed their recyclable dumpsters, the Cherrytree Township Supervisors should be leaders in the effort to recycle. He said the only choice he has now is to take his recyclables to Richmond Township. Jamey Miller suggested having dumpsters monitored by township employees or security cameras. He asked the Supervisors to reconsider their recent decision to remove the dumpsters. Jim Waugh said Constable Refuse will handle recyclables and Jamey Miller said he thinks the township should reverse the decision. Chrissie Kurelowech mentioned that Venango County has dumpsters for recyclables at Two-Mile Run Park.

Jamey Miller also told the Supervisors that they need to start enforcing the Zoning Ordinance. He said there are new buildings in the township with no permits, junk accumulating, a property with 20 parked cars, etc., and that the residents should not have to do the policing. He said that, although zoning enforcement is “complaint based”, it starts with the Supervisors.

Another issue brought to the table by Jamey Miller was the closing of the South Perry Street Bridge in Titusville. He said that the closing of the bridge negatively affects the lives of everyone in the community and that people need to contact their representatives in an effort to save the bridge. Many in attendance agreed with him.

Terry Coogan expressed concern over several issues at 904 Fairview Road. He said that the property owner built a home with no building permit or zoning permit and installed a septic system without a permit. Sewage is running onto the adjacent property, which is owned by Terry Coogan and his wife. He also said a horse shelter was built without permits. In reference to a letter received by the township from an attorney representing the owner of 904 Fairview Road, Terry Coogan told the Supervisors that he and his wife are indeed the owners of the adjacent property and that there is no pending litigation against them. Chrissie Kurelowech presented a letter from Todd Fantaskey, Sewage Enforcement Officer, to the attorney representing the owner of 904 Fairview Road that said the township will file charges against the property owner if he does not repair his septic system with an approved system by September 30, 2017. Terry Coogan asked if the VFD still does controlled burns and Don Deliman, of the VFD, said that the department does not do controlled burns anymore because it is responsible for anything that happens as a result. There is just too much liability.

Sue McDowell noted that she is in favor of recycling and was wondering if the township considered obtaining grants to pay for it. She also suggested joining other townships in the effort. Chrissie Kurelowech said that the township receives a \$500.00 grant (approximate) each year to help pay for the dumpsters. Mark McDowell mentioned that many of the recycling grants would require the township to pass an ordinance making it illegal to burn any recyclable goods.

Ron Stewart told the Supervisors that he agreed with Jamey Miller’s comments about zoning enforcement. He said the Supervisors should be looking for new structures and should not be turning neighbors against each other. He said that, months ago, he asked Lew Staub if he reports new structures that he notices while he is out doing road work and Lew Staub said that he does not because he is the road master when he is doing road work, he is not a Supervisor. Ron Stewart said Lew Staub should always be a Supervisor, even when he is doing road work. He then asked Lew Staub if he had noticed the large new structure on Pioneer Road and Lew Staub said he noticed it last spring. Ron Stewart noted that the township is losing tax revenue by failing to report new structures.

The next issue brought to the table by Ron Stewart was the \$1.75 per hour raise recently given to a road worker who has been with the township for just over a year. Ron Stewart said that the raise is not fair to the other road workers who have been with the township for 30 years or more because the new person now almost makes as much money as they do. He asked the Supervisors if their next move will be to increase the wages of the road workers who have more seniority and suggested capping wages. Ron Stewart stated that the road workers cost the township \$800.00 - \$900.00 per day when they work 10-hour days. He said the road workers need to ask themselves, at the end of each day, if they did enough work to earn that much money, especially on the days where they sit in the garage.

Ron Stewart noted that the township has put oil down in front of his house for 15 – 20 years. He said he talked to the person who is putting salt brine down this summer and

was told that the brine will not work unless more gravel is put down on the roads. The person putting salt brine down also said the township will not be using oil next year. Chrissie Kurelowech said that nobody from the township has said there will be no oil next year. The Supervisors will consider their options next spring. Ron Stewart said the person putting salt brine down told him he would be happy to explain to the Supervisors what needs to be done to the roads to increase the effectiveness of the salt brine. Jim Waugh said that the dust suppressant seems to have worked well this year, but the areas in front of the houses are deteriorating faster than in other years. Lew Staub said that Cherrytree Road (South Perry to township line) has deteriorated more than other roads because it sees a lot more traffic than the other roads and Emery Fiely reminded those in attendance that the township started putting dust suppressant down a month earlier this year. Robert VanValkenberg said that some of the oil has deteriorated, but some is perfect. He suggested putting twice as much gravel down.

Dave Turner said he is interested in getting the recycling program started in the township again because the absence of the dumpsters in the township parking lot is costing him \$300.00 per month. He said people have recently started illegally using his dumpsters at the Oil Creek Family Campground. Jim Waugh said the township needs to install cameras to catch people abusing the dumpsters.

Nathan Hasty said he recently was granted custody of his daughter and, during the process, a judge was concerned about the township letting the situation at 1722 Breedtown Road go so long. Among other issues, the septic system is malfunctioning. Chrissie Kurelowech showed the Supervisors a recent email from Todd Fantaskey stating that he tested the septic system and it is indeed malfunctioning. He said the Supervisors did not aggressively pursue enforcement at the time the system was tested because they were working on other issues through zoning enforcement. The Supervisors were in agreement to begin enforcement on the owner of 1722 Breedtown Road in an effort to resolve the issue with the malfunctioning septic system. It was noted that the accumulation of junk and garbage in the front yard of 1722 Breedtown Road has significantly improved.

Nathan Hasty told the Supervisors that his family recently purchased an adjoining property to their property on Route 417 and that they are in the process of cleaning it up.

Another issue brought to the table by Nathan Hasty was the culvert pipe at the end of Tarr Woods Road. He said that it is crushed and needs replaced. He contacted PennDOT and was told that the pipe is the township's responsibility and he contacted the township and was told that the pipe is PennDOT's responsibility. Chrissie Kurelowech will contact the township's PennDOT Municipal Services Representative to resolve the issue.

Nathan Hasty asked the Supervisors if they could, in the future, notify him a day or two before dust suppressant is put on Tarr Woods Road because his son is on a ventilator and the windows and doors need to all be closed. Chrissie Kurelowech said she will make a note to contact Nathan Hasty in the future when the township is planning to put dust suppressant on Tarr Woods Road.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, July 3, 2017, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Emery Fiely, and carried.

The treasurer's report, for July 2017, was read, accepted, and approved, on a motion made by Emery Fiely, seconded by Jim Waugh, and carried.

Correspondence

Venango County Tax Claim Bureau – Properties Scheduled for Upset Tax Sale
Several properties in the township are scheduled for upset tax sale by the Venango County Tax Claim Bureau on September 25, 2017.

PSATS News Bulletin

PennDOT Newsletter

Venango County Association of Township Officials – 105th Annual Convention
The Venango County Association of Township Officials will hold its 105th annual convention on September 27, 2017, at the Oakland Township Fire Hall.

Venango Conservation District – Dirt, Gravel & Low Volume Roads Program
The Venango County Conservation District is accepting applications for dirt, gravel, and low volume road projects for the 2018 project year. The deadline for applications is October 20, 2017. Cherrytree Township will not be applying for funding through this program.

U.S. Census Bureau – Local Update of Census Addresses (LUCA)
Cherrytree Township has been asked to participate in the 2020 Census Local Update of Census Addresses Operation (LUCA). Chrissie Kurelowech explained that participation is voluntary, would involve training for at least one township employee, and is estimated to require 16 to 672 man hours by a township employee. The Supervisors were in agreement that the township will not participate in LUCA.

Todd Fantaskey – 904 Fairview Road
A letter from Todd Fantaskey, Sewage Enforcement Officer, regarding 904 Fairview Road, was discussed during “Public Comment”.

Zoning

Permits

Z-2017-09 Harriet Davis 3557 State Route 8 new deck to connect two existing decks

Zoning Report

Ben Breniman, Zoning Officer, reported that he recently talked to the owner of a property on Black Road that has several partially demolished trailers on it. One of the trailers has been removed from the property and the owner, Doug Looby, is committed to continuing the clean-up effort.

Administrative Action

Timber Bids – Open and Review

The township advertised for bids on marked timber located on the township’s property at the intersection of Cherrytree Road and Buxton Road. No bids were received. At the previous meeting, a quote from Blue Ox Timber was received, but it was unknown if the township could accept the previously submitted quote due to the fact that no bids were submitted. Chrissie Kurelowech will find out what the township can do to sell the timber legally and report on it at the next meeting.

SM60 Bush Hog Side Mount Rotary Cutter – Vote to Sell

On a motion made by Emery Fiely, seconded by Jim Waugh, and carried, the Supervisors voted to sell the township’s SM60 Bush Hog Side Mount Rotary Cutter by listing it on www.municibid.com with a reserve of \$7,000.00. It will be

advertised in The Titusville Herald. The mower was purchased new in 2013 for \$8,500.00, but is not being used by the road crew.

Spreader – Vote to Sell

On a motion made by Emery Fiely, seconded by Jim Waugh, and carried, the Supervisors voted to sell the township's 1991 Henderson Chief spreader by listing it on www.municibid.com with no reserve. It will be advertised in The Titusville Herald.

Committee Reports

VFD

Don Deliman reported that there were 18 calls. Of the 18 calls (5 mutual aid), 8 were EMS, 7 were public service, and 3 were dispatched and cancelled.

The flea market scheduled for Saturday, August 19, 2017 has been cancelled due to a lack of interest.

Don Deliman told the Supervisors that the Venango County Firefighters and Fire Chiefs Association will be sending out a survey to municipal leaders in the near future to see if the monthly severe weather siren test should be reinstated. He said that the siren used to be tested on the first Monday of every month, but that has not been done for a long time. The Supervisors were in agreement that the severe weather siren should be tested every month. On a motion made by Emery Fiely, seconded by Lew Staub, and carried, the Supervisors voted to reinstate testing the severe weather siren once a month. Mark McDowell suggested that the township publish the time during the month that the test will take place in an effort to let people know that it is only a test.

EMA Office

Don Deliman mentioned that Tim McGrath, EMA Coordinator, said Tim Dunkle, Venango County Public Safety Director, is in need of some information from the township. Chrissie Kurelowech said she has contacted Tim Dunkle in the past about alleged missing information and was not able to determine that the county needed anything from the township. Don Deliman will try to get more details on this.

Road

Lew Staub reported that the road crew spent 3 days cutting up trees. They mowed the yard 3 times and spent 6 days berming roads. They also spent 6 days grading one-lane roads, 3 days ditching in spots, 3 days cleaning pipes, and checked the roads twice. The road crew spent 3 days stacking gravel and 2 days cleaning oil off the trucks. They also loaded the old mower, put the new mower together, and mowed berms for 3 days. Jefferson Paving seal coated 5 roads.

As for equipment, a new belt was put on the bermer. Lew Staub noted that the wrong ditcher was delivered with the new mower. Chrissie Kurelowech said that Bill Shaw, of Walsh Equipment, contacted the township and said that the reverse head ditcher that the township wanted was not on the quote. Instead, the price for a regular ditcher appeared on the quote. Consequently, the quote should have been \$2,100.00 higher than it was. Walsh Equipment offered to pay half the difference between the two ditchers (\$1,050.00), since it was their mistake, and wanted the township to pay the other half. The Supervisors were all against paying the extra \$1,050.00 because it was a mistake made by Walsh Equipment and they based their decision to purchase the equipment on the original quote. Chrissie Kurelowech will

let Bill Shaw know that the township will not pay the extra \$1,050.00. The ditcher that was delivered has been returned, so the township does not have a ditcher at this point.

Don Deliman thanked the road crew for recently helping the VFD to remove large trees that were down. The VFD could not have removed them without a backhoe.

Old Business

Sewage Enforcement – 1722 Breedtown Road

This item was discussed during “Public Comment”.

Sewage – Fix Deeds

Chrissie Kurelowech reported that she recently made contact with Alan Shaddinger, Township Solicitor, regarding needed changes to some property owners’ deeds. He apologized for the delay and has started working on the Christy property on Buxton Road. While the township belonged to Butler County Sewage Association (BCSA), several property owners were required to sign installation and maintenance agreements that were recorded at the courthouse and are still attached to their deeds. These agreements are between the property owners and BCSA and state that the property owners must put money in escrow and have their systems inspected by BCSA. Since the township no longer belongs to BCSA, the installation and maintenance agreements need removed from the deeds. At the time the township pulled out of BCSA, the Supervisors agreed to pay the township solicitor to correct the deeds. Alan Shaddinger said he plans to finish working on the Christy property within a couple of weeks.

New Business

Water Well Isolation Distance Exemption – 3856 State Route 8

Chrissie Kurelowech asked the Supervisors to grant a water well isolation distance exemption to Brian Hagar-McKee for 3856 State Route 8. Brian Hagar-McKee is selling the property, which is owned by his mother, because she recently moved to a nursing home. The septic system cannot be repaired unless the exemption is granted because the exemption will allow the septic system to be closer to the water well than the minimum distance required by the Pennsylvania Department of Environmental Protection (PA DEP). Chrissie Kurelowech explained that, in PA Code Section, 72.33, it states that, if the township grants an exemption, it cannot be held liable in the future. However, it also states that the applicant should submit groundwater studies for the township’s review. She contacted Todd Fantaskey, Sewage Enforcement Officer, about the absence of groundwater studies and he contacted the PA DEP and was told that groundwater studies are only necessary if the septic system and the water well are on different parcels, which is not the case at 3856 State Route 8. Chrissie Kurelowech noted that it also states in PA Code Section 72.33 that, if a repair to a malfunctioning system is being considered, the requirements of PA Code Section 72.33 can be waived by the local agency. Additionally, Chrissie Kurelowech said that Todd Fantaskey has had to request water well isolation distance exemptions in 8 to 10 other townships and has never had any issues as a result. On a motion made by Jim Waugh, seconded by Emery Fiely, and carried, the Supervisors voted to grant a water well isolation distance exemption to Brian Hagar-McKee for 3856 State Route 8.

County Aid Application – Possible Projects

Chrissie Kurelowech noted that applications for county aid will be due in a couple of months and asked the Supervisors if they had any projects in mind. Emery Fiely suggested applying for money to pay for E-1 Prime dust suppressant. Chrissie Kurelowech said she would talk to Josh Montgomery, PennDOT Municipal Services Representative, about it, but felt he would not approve it because other townships are using salt brine for dust suppressant at no cost.

Direct Deposit

Emery Fiely suggested that the township begin paying employees by direct deposit instead of issuing checks. Chrissie Kurelowech will do some research on it (cost, etc.) and report her findings at the next meeting.

Recycling

Jamey Miller asked the Supervisors to make a decision on recycling and the Supervisors were in agreement that, at this point, they will not put the dumpsters back. Terry Coogan mentioned that he has a friend who is in the salvage business and pays townships for recyclables. He will ask his friend if he would be able to help the township with this problem in any way.

The bills were reviewed by the Board of Supervisors.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer