

**Cherrytree Township Board of Supervisors  
Regular Monthly Meeting  
September 4, 2018**

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Tuesday, September 4, 2018, at 6:30 p.m., at the township building. In attendance were Emery Fiely, Jim Waugh, and Dave Zdarko, 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**

Jamey Miller expressed concern about the condition of Cherrytree Road over Labor Day weekend. Sharon Paving, the company hired to pave Cherrytree Road (from South Perry Street to Fairview Road and a small section between Fairview Road and Sopher Road) cut the road in various places in preparation for paving, leaving 3”– 5” ruts with no signs or cones to warn motorists. Many people on social media said they drove over the ruts and, consequently, had permanent damage done to their vehicles. Had there been signs or cones, the motorists would have reduced speed. Jamey Miller said someone should be held liable for damages. Apparently, the contractor left a message for the road crew in the garage on Saturday, when nobody was there, to let them know they were going to cut the road. Lew Staub, Roadmaster, was not home or at work on Saturday and did not know of their plans. After hearing about the condition of the road, Dave Zdarko put cones out. Emery Fiely apologized and said that the contractor is responsible for signs. He said the township prefers not to have contractors do work on the roads on Fridays, Saturdays, or Sundays, but unfortunately it happened. He recommended that anyone with car damage contact Sharon Paving and suggested getting the phone number from Chrissie Kurelowech. Chrissie Kurelowech said she felt people would be better served by contacting their insurance carriers. The insurance carriers will then hold Sharon Paving liable.

Terry Coogan asked the Supervisors to have the construction of a septic system at 904 Fairview Road stopped immediately. He showed the Supervisors a survey map and said that the new system is going onto his property and another neighboring property owned by Herb Butcher. He questioned how the owner of 904 Fairview Road was able to obtain a permit for the system to be installed. Chrissie Kurelowech said that Herb Butcher has never contacted the township regarding the septic system being partly on his property. She will check with Todd Fantaskey, Sewage Enforcement Officer, to see if he is aware of the situation.

*After all public comment had been made, Emery Fiely asked those in attendance to refrain from asking questions or making comments until the “Public Comment” section at the end of the meeting. Jim Waugh said that he felt the First Amendment rights of those in attendance were being stifled by not allowing questions and comments throughout the meeting. People were confused about whether or not questions and comments made during the “Public Comment” section at the end of the meeting would*

*appear in the minutes. Emery Fiely said questions and comments made during both “Public Comment” sections of the meeting would be documented in the minutes. Jim Waugh said that, if the meetings are getting out of control, it is the responsibility of the Chairman of the Board to control them. Charlene Armstrong asked if those in attendance would be permitted to ask for clarification during the meeting and Emery Fiely said that questions on clarification should wait until the “Public Comment” section at the end of the meeting. Robert Van Valkenberg said that the people attending the meeting might as well go outside and Emery Fiely said that the comments made during the meeting disrupt people sitting at the table and, at the end of the day, the same decisions are made. He also told Robert Van Valkenberg that if he wants to make decisions, he should run for a seat on the Board of Supervisors and that some people in the room have their own agendas. Tom Willis said he feels the Supervisors do a good job.*

### **Minutes/Treasurer’s Report**

The minutes, from the regular monthly meeting held on Monday, August 6, 2018, were read, accepted, and approved, on a motion made by Emery Fiely, seconded by Dave Zdarko, and carried unanimously.

The treasurer’s report, for August 2018, was read, accepted, and approved, on a motion made by Emery Fiely, seconded by Dave Zdarko, and carried unanimously.

### **Correspondence**

#### **Dave Zdarko - Resignation**

*Dave Zdarko submitted a letter of resignation and resigned from his road worker position at the township. His last day of work was August 23, 2018. Emery Fiely said that Dave Zdarko has done a great job at the township and will be hard to replace. He also said that Dave Zdarko had the opportunity to better himself and that he holds nothing against him and encourages it. On a motion made by Jim Waugh and seconded by Emery Fiely, the Supervisors voted to accept Dave Zdarko’s resignation from his road worker position.*

*Dave Zdarko abstained. He will continue to serve on the Board of Supervisors.*

PA Dept. of the Auditor General–Municipal Pension Rptng. Prog.–Distress Determ. *Cherrytree Township’s pension plan has received a distress determination of “1” from the Auditor General. There are no mandatory remedies with a distress determination of “1”, so the township will not need to take any action. Chrissie Kurelowech said that, since the township’s pension plan is administered by a third party (Pennsylvania Municipal Retirement System – PMRS), required actions usually are handled by PMRS. In the past, the township has had to respond to mandatory remedies with statements provided by PMRS.*

VC Conservation District – Dirt, Gravel, and Low Volume Roads 2019 Application *The deadline to submit applications for 2019 projects to the Dirt, Gravel, and Low Volume Roads program is October 19, 2019 and the deadline for pre-application site visits is October 12, 2018. The Supervisors have met with a representative from the program regarding potential projects. After some discussion, they agreed to apply for money to use on Fairview Road near the intersection of Cherrytree Road.*

PA Dept. of the Auditor General – 2016 & 2017 Liquid Fuels Audit – Exit Memo *The Auditor General’s office recently visited the township and audited Liquid Fuels for both 2016 and 2017. There were no findings.*

Oil Region Alliance – Annual Membership Meeting  
*The Oil Region Alliance will hold its Annual Membership Meeting on  
Thursday, September 20, 2018 at the Wanango Country Club..*  
PSATS Newsletter  
PennDOT Newsletter

## **Zoning**

### **Permits**

None

### **Zoning Report**

Ben Breniman, Zoning Officer, reported that there were no permits issued during the month of August.

He recently received a call from a woman representing a company interested in putting a solar farm somewhere in the township. A solar farm is not identified in the zoning ordinance, but Ben Breniman said he felt it would fall under the category of “essential services” and most likely would be able to get permitted as an “essential service”. He said the company is considering several locations within the township.

Ben Breniman said he has recently looked at several properties. Emery Fiely asked him to investigate a property owned by Stanley Thompson on Stone Springhouse Road because there have been reports of a lot of gravel and equipment being taken there and it is suspected that a new house could be under construction. Ben Breniman said that he will send a letter to the owner of a property on Route 8 because it is alleged that a camper is located on the property and is being occupied full-time. He recently sent a letter to a property owner on Fairview Road regarding a claim that a deck was built without a permit.

## **Administrative Action**

### **Spreaders – Vote to Accept Bids**

Three stainless steel spreaders were recently listed on [www.municibid.com](http://www.municibid.com). No reserves were put on any of the spreaders, but each spreader was listed with the stipulation that the Board of Supervisors would have to vote to approve the highest bid before the item could be sold. Chrissie Kurelowech told the Supervisors that the highest bids for the spreaders were \$370.00, \$220.00, and \$100.00. Lew Staub said that he felt the spreaders were worth much more, possibly \$5000.00 per spreader. On a motion made by Emery Fiely, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted against selling any of the spreaders.

### **PMRS 2019 Minimum Municipal Obligation (MMO) – Vote to Accept**

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to accept the 2019 Pennsylvania Municipal Retirement System (PMRS) Minimum Municipal Obligation (MMO). The 2019 MMO, which is \$22,493.00, represents the amount of money the township will be required to contribute to PMRS (employee pension fund) by the end of 2019. This is a decrease of \$143.00 since 2018. Chrissie Kurelowech explained that, each year, the township usually receives between \$8,000.00 and \$10,000.00 in state aid to put towards the MMO, but the township is required to make up the difference and must meet the MMO.

### **Resolution #18-41 – 2019 County Aid Application**

On a motion made by Jim Waugh, seconded by Emery Fiely, and carried unanimously, the Supervisors voted to adopt Resolution #18-41 (2019 County Aid Application). The township will apply for \$12,500.00 to put towards seal coating approximately 1.34 miles of Cherrytree Road (from South Perry Street to Fairview Road) and approximately .5 mile of Dutch Hill Road (just off Route 8). The total cost of the project is estimated to be \$25,123.50.

## **Committee Reports**

### **VFD**

Don Deliman reported that there were 20 calls since the last meeting. Of the 20 calls, 3 were building fires, 7 were EMS, 1 was an MVA with no injuries, 1 was an electrical wiring problem, 3 were public service, 4 were dispatched and cancelled, and 1 was an alarm malfunction.

On Saturday, September 8, 2018 and Sunday, September 9, 2018, 4 firefighters will be attending Crawford/Venango fire school.

The VFD will hold a 50<sup>th</sup> Anniversary celebration on Saturday, September 15, 2018 at Timber Lake Lodge. Two members from each of several neighboring volunteer fire departments have been invited as well as township officials, township employees, and other officials.

The VFD will have a flea market on Saturday, September 8, 2018. Doors open at 9:00 a.m. and close at 3:00 p.m.

Emery Fiely asked Don Deliman if he knows why the siren at the fire station is not tested. Don Deliman said a meeting was held last year at Cross Creek Resort and the VFD just wanted to know why the testing is no longer taking place, but instead discussion was held on other topics like repairs. He will check with the Venango County 911 Center to see if he can get an answer. Emery Fiely asked Don Deliman if the siren is supposed to go off whenever the VFD gets a call. Don Deliman responded by saying the siren does not go off when the VFD is called out because very few of the VFD members live within hearing distance, the members carry monitors, and most get called on the phone when there is a call. He said the siren was installed many years ago to be used as a severe weather alert. Currently, if there is a tornado warning, Don Deliman goes to the fire station and sounds the alarm. He also notifies Country Acres Personal Care Home, Cross Creek Resort, and a few other businesses in the township.

### **EMA Office**

There was no report.

### **Road**

Lew Staub, Roadmaster, reported that the road crew graded the rough spots on 7 roads, mowed 3 roads, ditched Cherrytree Road, cut 3 trees up, met with Sharon Paving, cleaned pipes, mowed the yard twice, and checked the roads once. Sharon Paving paved Cherrytree Road, from South Perry Street to Fairview Road, and a small section of Cherrytree Road, between Fairview Road and Sopher Road.

As for equipment, the tail lights were fixed on the 2002 International, a flat tire on the grader was fixed, and new front tires were put on the tractor. The road crew also worked on getting the paver running.

Beginning the week of September 3, 2018, Dempseytown-Gresham Road will be closed for 2 weeks south of Deets School Road by Oakland Township for a pipe replacement south of Tarr Road.

Chrissie Kurelowech wanted the Supervisors to be aware of the fact that Sharon Paving contacted both PennDOT and the township, before the paving on Cherrytree Road took place, to try to get permission to change one of the products that was in the original contract specifications from Performance Graded (PG) 58-28 to PG 64-22. The PennDOT Municipal Services Representative who created the bid documents for the project said that the PG 58-28 product is better to use on township roads than the PG 64-22, but beginning next year, PennDOT will be putting PG 64-22 in the bid specifications for township roads. Sharon Paving said that the price increased on the PG 58-28 and that they were not going to make any money on the job. The PG 64-22 product is less expensive. Chrissie Kurelowech said she told Sharon Paving that they must adhere to the original specifications because it would not be fair to the other vendors who submitted bids many months ago and it also would cause problems with the state auditors who audit the Liquid Fuels money. The PennDOT Municipal Services Representative checked with a Liquid Fuels expert at PennDOT who confirmed that changing the specifications on a paving project after the contract has been awarded is not permissible. The Supervisors felt that this matter, along with Sharon Paving's failure to put warning signs up after cutting the road, could give the township reason to reject future bids from the company, even if Sharon Paving submits the lowest bid.

## **Old Business**

### **Sell Paver**

Chrissie Kurelowech told the Supervisors that there is no title for the paver they recently voted to sell. The paver is jointly owned with Oil Creek Township, Crawford County. Both townships have searched for the title and have not found one. She called PennDOT and was told that a VIN is needed if the title has been lost. Both townships have had no success in locating the VIN. Chrissie Kurelowech contacted the township that sold the paver to Cherrytree and Oil Creek and they had no title or record of the VIN either. Oil Creek Township found the manual for the paver, but the VIN was not written in it. At this point, Chrissie Kurelowech needs to contact PennDOT again to see what the options are. She told the Supervisors that, since winter is around the corner, this probably is not the best time of year to sell a paver anyway and the townships might be better off if they wait until it gets closer to spring to list it. She will continue to work on this.

### **Jake Brake Sign on Route 8**

Recently Lawrence Wensel, of 2597 State Route 8, asked the Supervisors about getting a "No Jake Brake" sign placed near his home on Route 8 because the noise is bothersome. Chrissie Kurelowech talked to the PennDOT Municipal Services Representative and was told that the township must apply for the sign and install it. Residents cannot apply for approval by themselves. Additionally, most townships pass the cost on to the person requesting the sign. She asked the Supervisors if they wanted her to send Lawrence Wensel a letter asking him to pay for the sign and installation before applying for approval from PennDOT. The Supervisors were in agreement to send a letter to Lawrence Wensel and to apply for approval through PennDOT only if he pays the township for the sign (including materials and installation) first. If he pays for the sign and PennDOT rejects the

application, his money will be refunded.

### **New Business**

There was no “New Business”.

### **Public Comment**

Jamey Miller asked Ben Breniman if the “essential services” category that a solar farm would fall into is permissible only in certain districts and Ben Breniman indicated that “essential services” could be permitted in most areas of the township. Jamey Miller expressed concern that his property might be affected by some uses that are considered “essential services”, like solar farms, etc. Ben Breniman said, unfortunately, many uses that are considered “essential services” are “out of our hands” because other levels of government mandate that they are allowable anywhere. Mark McDowell said that solar farms are everywhere in Vermont and New Hampshire.

Mark McDowell asked the Supervisors if they plan to replace Dave Zdarko on the road crew and Emery Fiely said they really had not had time to discuss it yet. Emery Fiely also said that Lew Staub said they would be able to make it until October with only 2. Jim Waugh suggested hiring Rob Kellogg, who was in the meeting room, because he interviewed with the township the last time there was an opening for a road worker and Emery Fiely said, at that time, that he would have liked to hire him. Emery Fiely said he felt the township needed to advertise for the job and go through the interview process. Tom Willis said he felt it would be unfair to hire someone without advertising for applicants. Dick Shaffer questioned the need for 3 full-time road workers and Jim Waugh suggested hiring a part-time road worker to replace Dave Zdarko. Both Emery Fiely and Dave Zdarko felt 3 full-time road workers would be necessary. On a motion made by Emery Fiely and seconded by Dave Zdarko, the Supervisors voted to advertise for a full-time road worker (Fiely–YES / Zdarko–YES / Waugh–NO).

Dick Shaffer asked the Supervisors if the road crew is going to clean ditches in the township and said it is way past due. Emery Fiely said they cannot clean ditches at this time because they will damage the oil that was put down as dust suppressant. Dick Shaffer said the township is making excuses and the neglect of the ditches is costing the tax payers money. Dave Zdarko suggested cleaning the ditches that are in the most need before winter.

Terry Coogan questioned the Supervisors as to why the township does not keep the paver and use it. Lew Staub said the road crew does not have the means to haul it.

### **Adjournments**

The meeting adjourned at 7:35 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer

