

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

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Tuesday, September 7, 2021, 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.

Pledge

Moment of Prayer

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

Public Comment

Ken Humanic told the Supervisors that the enactment of Ordinance #01-2021 (Solar), which occurred at the regular monthly meeting held on Monday, August 2, 2021, is extremely disturbing and asked them to rescind the ordinance. He said that he felt the ordinance was passed illegally because a motion was made by Jim Waugh to vote on passing the ordinance, which failed for lack of a second, and, later in the meeting, the Supervisors went into executive session to discuss a personnel issue and came out of the executive session and told those in attendance that they discussed a personnel issue and the ordinance. Following the executive session, Dave Zdarko made a motion to vote to pass the ordinance and it was passed unanimously. He told the Supervisors that the ordinance was not passed in an ethical or legal manner, but that, even if they rescinded it, they would probably just vote to pass it again anyway.

Ken Humanic told the Supervisors that he feels like they “stepped on him as a landowner” by passing Ordinance #01-2021 (Solar). He said that he does not own the oil, gas, and mineral rights for his property and that people who own those rights take millions of dollars for the resources underground, but are not required to pay property taxes. He said that he pays about \$25,000.00 in property taxes each year and has employed 10 – 25 people over the past 27 years, some who are Cherrytree Township residents. He told the Supervisors that they have taken a large portion of potential value from his property by passing Ordinance #01-2021 (Solar). He said if the opportunity for him to use his property for solar development presented itself, he would not be able to because the Supervisors have taken it. Furthermore, he said that if he could make money by using his property for solar development, he would invest the money in the township. Ken Humanic also told the Supervisors that Ordinance #01-2021 (Solar) is a disgrace, needs overturned, should be removed, and asked them to rethink it. He said that his options are limited and encouraged the Supervisors to get input from the other side regarding solar regulations. Jim Waugh thanked Ken Humanic for his comments.

Ernie McCain, of Pioneer Road, asked the Supervisors to update him on the status of the project to widen part of Pioneer Road, which had been promised to be finished by the end of the summer. Rob Kellogg told Ernie McCain that the township would get to it soon, most likely within the next week. He asked where the extra dirt should be placed and Ernie McCain suggested talking to Dick Thompson because he might want it. Ernie McCain and several other Pioneer Road residents attended regular monthly meetings during the summer of 2020 to ask the Supervisors to consider widening Pioneer Road because it is so narrow that 2 cars cannot safely pass on it. When it rains, parts of the road wash away and there is a dangerous blind curve on the road.

Ron Stewart stated that the paving and seal coating that took place this summer on Dutch Hill Road looks great and that the residents really appreciate it.

Agenda Amendments

Due to Act 65 of 2021, which amends the Pennsylvania Sunshine Law, the Supervisors are now required to formally vote to make amendments (significant amendments, no vote is required for certain minor amendments) to the agenda, if the amendments are made after the original meeting agenda is posted, and to give a reason for the amendments. The meeting agenda is required to be posted at least 24 hours before the meeting on the township's website and at the township building.

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to add "Resolution #21-46 (2021 Fee Schedule) – Vote to Pass" near the end of the meeting, as recently (since 1:00 p.m. on Thursday, September 2, 2021) advised by Alan Shaddinger, Solicitor.

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to add "Executive Session" to the end of the meeting, before "Adjournments", to discuss legal advice recently (since 1:00 p.m. on Thursday, September 2, 2021) received from Alan Shaddinger, Solicitor.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, August 2, 2021, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously.

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

Correspondence

May & Company – 2020 Municipal Audit

May & Company has completed the 2020 municipal audit and filed the Municipal Annual Audit and Financial Report with the Pennsylvania Department of Community and Economic Development (PA DCED). There were no audit findings.

Zoning

Permits

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|-----------|--------------------|----------------------|-------------------------------|
| Z-2021-10 | Mark D. Shaffer | 671 Old Route 8 | residential/recreational camp |
| Z-2021-11 | Troy Hutchinsonson | 1072 Cherrytree Road | greenhouse |

Zoning Report

Ben Breniman, Zoning Officer, told the Supervisors that he contacted the owner of the junkyard located near the intersection of Route 8 and Route 417, regarding the junkyard encroaching on the required setbacks and a visual barrier being erected, and was told that there is an ongoing property dispute between neighbors and that zoning enforcement will need to be put on hold while the court hearings continue and until a resolution is found. The piece of property involved in the dispute is where the visual barrier of the junkyard should be located.

Ben Breniman noted that he has spent a lot of time recently reviewing solar matters and attending meetings related to solar development. He has received one application for a solar facility.

Administrative Action

PMRS 2022 Minimum Municipal Obligation (MMO) – Vote to Accept

On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to accept the 2022 Pennsylvania Municipal Retirement

System (PMRS) Minimum Municipal Obligation (MMO). The 2022 MMO, which is \$14,049.00, represents the amount of money the township will be required to contribute to PMRS (employee pension fund) by the end of 2022. This is a decrease of \$439.00 from the 2021 MMO, which is \$14,488.00. 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.

2021 VFD Donation

Chrissie Kurelowech reminded the Supervisors that, when preparing the 2021 budget, \$4,000.00 had been budgeted as a donation for the Cherrytree Township Volunteer Fire Department. She asked the Supervisors if they still wanted to make the \$4,000.00 donation to the VFD. After a brief discussion, they decided against making a donation to the VFD in 2021. Jim Waugh explained that the township funds have been stretched thin this year due to culvert replacements, etc. and that the VFD is in a good financial situation due to unexpected donations received throughout the year.

Complaint – Junk Accumulation

A complaint was received regarding junk accumulation at 1220 South Perry Street. The complaint alleges junk accumulation on the front, rear, and sides of the property as well as junk accumulation on an adjoining parcel with the same owners. After a brief discussion, the Supervisors asked Ben Breniman, Zoning Officer, to begin enforcement by sending a certified letter to the property owners. Ben Breniman mentioned that he sent a certified letter to the owners of 903 Fairview Road regarding travel trailers on the property and received no response so he will send a second certified letter. Don Deliman named several properties in the township that are in violation of the zoning ordinance due to junk accumulation and suggested to the Supervisors that the township start taking the property owners to court before the problem gets out of hand. Jim Waugh explained that the township has been trying to get junk removed from several properties in the township for years and that it is a constant battle because the owners begin to make progress, then start accumulating again, and then the township has to start at the beginning of the enforcement process. It's a lengthy process and the situations seem to perpetuate.

Committee Reports

VFD

Tom Huffman, VFD 1st Assistant Chief, reported that there were 20 calls since the last meeting. Of the 20 calls, 5 were building fires, 5 were EMS, 1 was a pole fire, 2 were public service, 1 was a good intent (possible rekindle), 1 was dispatched and canceled, 2 were false alarms, 2 were severe weather, and 1 was a citizen complaint.

The VFD will hold its annual car cruise and barbequed chicken dinner on Saturday, September 18, 2021, beginning at noon. A gun show will also take place on Saturday, September 18, 2021, as well as on Sunday, September 19, 2021. The gun show will run from 9:00 a.m. – 4:00 p.m. on Saturday and 9:00 a.m. – 3:00 p.m. on Sunday. General admission to the gun show is \$5.00.

EMA Office

Tim McGrath reported that, during September and October, records need to be updated and certifications need to be verified. The annual Crawford County/Venango County fire school will be held the weekend of September 11, 2021.

Road

Chrissie Kurelowech read a report submitted by Lew Staub, Roadmaster. The road crew spent 6 days mowing berms, fixed 8 washout spots, graded 7 roads, spent 4 days using the backhoe to open pipes, and checked the roads 3 times. They spent 1 day

throwing branches off roads, spent 2 days berming Dutch Hill Road and various spots, cut up 2 trees, spent 1 day ditching, and mowed the yard twice. Suit-Kote put a seal coat on Dutch Hill Road (near city line) and Cherrytree Road (between Fairview Road and Buxton Road).

As for equipment, new front tires were put on the tractor (2017 Massey Ferguson). Also, the mower was taken off the tractor and the ditcher was put on. Stabilizer links were replaced on the 2014 Dodge. The 2009 International went to Hunter Truck for an engine warning light, a rear main seal leak, and a regeneration problem.

Old Business

There was no “Old Business”.

New Business

There was no “New Business”.

Administrative Action

Resolution #21-46 (2021 Fee Schedule) – Vote to Pass

The Supervisors considered passing a new fee schedule (2021 Fee Schedule). David Weightman, of Cypress Creek Renewables, asked how the new fee schedule differed from the old fee schedule and Chrissie Kurelowech said that the new fee schedule puts a \$10,000.00 cap on the zoning permit fee. Additionally, “Accessory Solar Energy System (ASES)/Principal Solar Energy System (PSES) Initial Application Deposit” was added. The deposit required is 1% of the estimated project cost and will be put into a non-interest bearing escrow account to be used to reimburse the township for expenses incurred for consultants and attorneys to provide assistance in the application review process. David Weightman told the Supervisors that the initial deposit for Cypress Creek’s \$25,000,000.00 project (Titusville Solar LLC) would be \$250,000.00, which is too high. Others in attendance said they thought the 1% initial deposit was too high. Chrissie Kurelowech noted that the 1% initial deposit is specified in Ordinance #01-2021 (Solar), so even if it did not appear in the fee schedule, it would still be required. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to adopt Resolution #21-46 (2021 Fee Schedule).

Executive Session

The Supervisors went into executive session at 7:05 p.m. to discuss legal advice recently received from Alan Shaddinger, Solicitor. They returned to the meeting at 7:15 p.m.

Adjournments

The meeting adjourned at 7:15 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer