

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
November 6, 2023
6:00 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, November 6, 2023, at 6:00 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.

Agenda Amendment

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 "Executive Session" before "Public Comment" on the agenda. This was necessary because the need for an executive session was not known until Monday, November 6, 2023 and the agenda was posted on November 1, 2023.

Executive Session

Jim Waugh told those in attendance that the Supervisors would hold an executive session immediately to discuss correspondence from Alan Shaddinger, Township Solicitor, regarding the Halteman Subdivision. The Supervisors went into executive session at 6:01 p.m. and returned to the meeting at 6:10 p.m.

Public Comment

Heather Schmader, of ERA Richmond Real Estate Service, told the Supervisors that she is representing Caleb and Janelle Halteman, who own a property in Cherrytree Township that they would like to subdivide. The property is located at 2182 State Route 27 and the owners would like to sell the house with approximately 3.04 acres and they would like to keep an approximate 11.20-acre parcel. She asked the Supervisors to approve and sign a Planning Waiver and Non-Building Declaration. By signing the waiver, the property owner agrees that no building that generates sewage will ever be erected on the property unless the township and the Pennsylvania Department of Environmental Protection (PA DEP) have approved sewage facilities planning. Additionally, if the township approves and signs the waiver, the township and its officials are responsible for identifying any violation of the waiver, submitting a Sewage Facilities Planning Module to PA DEP, soil testing, and other environmental assessments. Jim Waugh asked Caleb Halteman if there were any structures on the parcel in question, including hunting camps and campers, and Caleb Halteman said there was a camper on the property. Jim Waugh told him that he would need to remove the camper. According to the instructions for the Planning Waiver and

Non-Building Declaration, under “Unacceptable Uses”, it states, “It may not be used for subdivision proposals concerning hunting cabins, recreational vehicle sites, camps, or other uses involving construction or placement of temporary or seasonal dwellings on the lots”. Jim Waugh noted that the township secretary received two calls from someone who said he had leased the property for hunting and was planning to put a hunting camp on the property. Jim Waugh said that, if the owner removed the camper, the Supervisors would have to approve and sign the waiver because they were being “forced”. He said that, since Venango County has a Subdivision and Land Development Ordinance and handles all subdivisions, it is not right to push the responsibilities described in the Planning Waiver and Non-Building Declaration onto the municipality. Heather Schmader noted that the township is responsible for any property’s sewage and read some case law to those in attendance. Jim Waugh agreed to approve and sign the waiver if the owners agreed to remove the camper, which they did. Heather Schmader said that she would take a picture of the property once the camper is removed and send it to the township. On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors approved the Planning Waiver and Non-Building Declaration for the Halteman Subdivision (2182 State Route 8). Jim Waugh signed the form.

Ron Stewart asked the Supervisors if they knew anything about Samsung building a solar farm in the township. Tim McGrath, Zoning Officer, said that he had spoken with someone from Samsung recently regarding the possibility of a second solar farm in the township. He noted that, according to the solar regulations, only 1,000 acres in the township can be used for solar development. Currently, Cypress Creek Renewables has approximately 325 acres leased, leaving only 675 acres available.

Minutes/Treasurer’s Report

The minutes, from the regular monthly meeting held on Monday, October 2, 2023, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

The treasurer’s report, for October 2023, was read, accepted, and approved, on a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously.

The minutes, from the special meeting (2024 Budget) held on Friday, October 20, 2023, were read, accepted, and approved, on a motion made by Rob Kellogg, seconded by Jim Waugh, and carried unanimously.

Correspondence

PSATS Unemployment Compensation Group Trust – 2024 Contribution Rate

The township’s Pennsylvania State Association of Township Supervisors (PSATS) Unemployment Compensation Group Trust contribution rate for 2024 will remain unchanged at .09%. This means that the township will be required to pay \$90.00 for the first \$10,000.00 each employee is paid during the year.

PSATS News Bulletin

Zoning

Permits

| | | | |
|-----------|--------------------------------|-------------------------------|------------------------------|
| Z-2023-10 | Daniel and Tammy Speer | 1765 Dempseytown-Gresham Road | 32’ by 30’ detached garage |
| Z-2023-11 | Curtis and Katherine Donaldson | 300 Breedtown Road | porch added to existing home |

| | | | |
|-----------|------------------------------|----------------------|---|
| Z-2023-12 | Donald and Kristyna Gould | 1306 Cherrytree Road | commercial automotive repair facility (with conditions) based on Zoning Hearing Board decision on 10/4/2023 |
| Z-2023-13 | Shane Goodman | 2778 State Route 8 | off premise advertising – billboards (with conditions) based on Zoning Hearing Board decision on 10/4/2023 |

Zoning Report

Tim McGrath, Zoning Officer, noted that 4 permits were issued during the month, 2 of which were granted based on decisions made by the Zoning Hearing Board during hearings. Shane Goodman has requested a variance to be able to erect a billboard that is approximately 500 square feet at 2778 State Route 8. Based on the zoning ordinance, the maximum size allowable for a billboard is 300 square feet. The hearing will take place on Wednesday, December 6, 2023 at 6:00 p.m.

Bill and Judy Cochran recently requested a hearing before the Zoning Hearing Board to get permission to build several cabins near Drake Well Park to rent to people visiting the area. They thought they had approval from the City of Titusville for water and sewage, but there was a misunderstanding and the city’s system cannot handle the addition of several new structures along Drake Well Road. Bill and Judy Cochran are in the process of deciding how they will use the property without being able to connect sewage and water to the City of Titusville.

Tim McGrath told those in attendance that he will soon be sending several enforcement letters.

In early August, Tim McGrath visited 1722 Breedtown Road (former Trojak property) and spoke with Samantha, who, along with her husband, had entered into a land contract to purchase the property. He asked for a clean-up schedule and Samantha said that they had been cleaning the inside by throwing everything outside. They were expecting a dumpster and some friends to help in the effort. Tim McGrath offered to help with his backhoe once the owners had a dumpster on-site. He stopped at the property again on September 7, 2023 and did not see any progress. He told those in attendance that he stopped at the property again in late October/early November to find that no progress had been made. Additionally, it looks like the people who were living there have left the area. He said that he will give the owners until December 6, 2023 and, if no progress has been made, he will begin the process to take them to court.

Tim McGrath reported that very little effort has been put towards cleaning the Bliznesky property at 1220 South Perry Street, despite several conversations with the property owners and visits to the property. He will begin the process to take the property owners to court.

On September 7, 2023, Tim McGrath investigated a complaint regarding junk/garbage accumulation on a vacant property located on Route 8 (parcel #03,016.-006.-000, owned by Michael Raven). The complaint states that someone is allegedly piling junk along the northern border of the property. Tim McGrath was able to locate the dump site and found it to be approximately 20 ft. by 50 ft. The area was filled with trash, bottles, cans, clothing, an old couch, etc. Tim McGrath reported that no progress has been made in cleaning the property, so he will begin the process to take the property owner to court.

Tim McGrath reported that he recently had discussed, with a woman interested in purchasing a property along Trout Run Road, the possibility of building a yurt and the applicable zoning requirements. The deal has fallen through.

Tim McGrath will contact three property owners who built new structures without permits. These structures were discovered by the Venango County Assessment Office.

Grand Valley Manufacturing is purchasing approximately 50 acres on Petroleum Center Road, across from Electralloy. Tim McGrath has talked to Dave Ewing, of Grand Valley Manufacturing, regarding plans for a new building, and will meet with people from the company this Friday. A new building will require a conditional use from the Board of Supervisors.

Tim McGrath has asked Chrissie Kurelowech to check with Alan Shaddinger, Township Solicitor, in an effort to lay out the steps that must be followed if a property owner wishes to appeal to the Zoning Hearing Board after receiving an enforcement letter. When writing enforcement letters, he would like to be able to let each property owner know how to make an appeal in the event that the property owner does not agree with the Zoning Officer’s decision that the property is in violation.

Tim McGrath noted that the property, at the intersection of Fairview Road and Stone Springhouse Road, where a mobile home was recently placed without permits, is showing signs of improvement. He said that the owners, Nick and Amanda, have started cleaning the property, have erected a fence, and have been very cooperative.

Administrative Action

Fuel Bids – Approximately 8,000 Gallons – Open, Review, Vote

Only one bid was received for approximately 8,000 gallons of diesel fuel. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to accept the bid submitted by Bayless Fuel, LLC. The bid results are below.

| | Description | Quantity | Amount over rack price per gallon - Ultra Low Sulphur diesel fuel from United Refining Co. (located in Warren, PA) | Amount over rack price per gallon - Ultra Low Sulphur diesel fuel from another source |
|-------------------|--------------------|-----------------------------|---|--|
| Bayless Fuel, LLC | diesel fuel | Approximately 8,000 gallons | \$0.209 | \$0.209 |

UPMC Health Insurance Renewal – Review Options and Vote

Chrissie Kurelowech reported that she recently received options for employee health insurance (2024) from Frank Riley, of Loesel-Schaaf Insurance Agency. If the township renews the current plan (UPMC Inside Advantage PPO \$1,250/\$2,500 \$20/\$40 \$15/\$30/\$50 Rx), the premiums will increase by 3.5%, which will increase the township’s health insurance cost by \$152.80/month if the employees continue to pay 10% of the premiums. Frank Riley provided other options to the township, but they were significantly more expensive than the current plan. A Highmark Western plan is available and UPMC MyCare Advantage Gold EPO \$1,250 \$35/\$50 – Premium Network is available. However, both plans are about 21% more expensive than the current plan. On a motion made by Dave Zdarko and seconded by Jim Waugh, the Supervisors voted to renew the current employee health insurance plan (UPMC Inside Advantage PPO \$1,250/\$2,500 \$20/\$40 \$15/\$30/\$50 Rx) for 2024 (Waugh-YES / Zdarko-YES / Kellogg-abstained). The employees will continue to pay 10% of the premiums through payroll deductions.

Committee Reports

VFD

Tom Huffman, VFD Fire Chief, reported that there were 5 calls since the last meeting. All 5 calls were in Venango County. Of the 5 calls, 1 was an MVA with injuries,

1 was public service, 1 was a controlled burn, and 2 were unintentional activations of smoke detectors.

Fall shoots continue to be held on Tuesday nights, with the exception of Tuesday, November 7, 2023 (Election Day). The doors open at 5:30 p.m. and the shoots start at 6:00 p.m. During the week of the election, shoots will be held on Thursday, November 9, 2023.

Venango County has signed a contract to move to digital radios (\$6,000,000.00 - \$7,000,000.00). They are saying the move will take effect in 18 months. The VFD will need new handheld radios, which will cost \$5,000.00 per radio, and new truck radios, which will cost \$8,000.00 per radio. The VFD plans to apply for a FEMA AFG grant (2023 – 2024) for new radios.

The VFD has been awarded an individual grant from FEMA for \$90,000.00 to be used to purchase SCBAs (Self-Contained Breathing Apparatus). The VFD will also receive \$51,700.00, as part of a regional FEMA grant, to be used to purchase new bunker gear.

The VFD will pay off 2-41 (2014 Dodge Ram) in July and is looking to replace the current engine (2-21 – 2001 GMC 8500).

EMA

There was no report.

Road

Lew Staub, Roadmaster, reported that the road crew spent 13 days mowing berms, spent 1 day cold patching holes on blacktops, spent 3 days working on signs, and pushed 4 trees off of roads. They fixed 4 intersections with a backhoe, spent 7 days stacking antiskid, installed a driveway pipe, spent 6 days grading bad spots, mowed the yard, and spent 7 days blowing leaves.

As for equipment, the 2024 John Deere 670G grader was delivered on October 19, 2023. Spreaders were put on the 2009 International and the 2002 International. Time was spent working on a window switch on the 2002 International.

Old Business

2024 County Aid

Chrissie Kurelowech reported that Troy Cyphert, PennDOT Municipal Services Representative, said that the township will receive \$45,000.00 in 2023-2024 County Liquid Fuels Aid to be used to put towards paving an approximate 1.00-mile stretch of Old Route 8 (Breedtown Road to city/county line) during the summer of 2024. The township will receive a notification letter from the county soon.

New Business

2024 Fee Schedule – Zoning Hearings

Chrissie Kurelowech asked the Supervisors to consider raising the fees for hearings on the 2024 Fee Schedule because the current fees are not covering the expenses (postage, advertising, transcriptionist, etc.). She said that the two most recent hearings have cost the township about \$800.00 each and the applicant is only required to pay \$400.00. Many years ago, the \$400.00 fee would cover the expenses and the township was able to refund any money that was not used. The Supervisors decided that they did not want to pass the hearing expenses onto the taxpayers, so they decided to raise the fee for a conditional use hearing to \$1,000.00, the fee for a special exception hearing to \$1,000.00, the fee for a variance hearing to \$1,000.00, and the fee for hearings related to appeals and Zoning Officer decisions to \$500.00. The new fees will appear on the 2024 Fee Schedule, which will be adopted at the Regular Monthly Meeting/Annual Reorganization of the Board of Supervisors on Tuesday, January 2, 2024.

Adjournments

The meeting adjourned at 6:52 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer