

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
November 7, 2022
6:00 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, November 7, 2022, 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.

Public Comment

There was no "Public Comment".

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 Rob Kellogg, and carried unanimously, the Supervisors voted to add "Resolution #22-49 (Move Advertising to The Derrick)" to "Administrative Action". This was necessary because The Titusville Herald closed permanently on Saturday, November 5, 2022, after the original agenda had been posted.

Minutes/Treasurer's Report

The minutes, from the special meeting (Prepare 2023 Budget) held on Friday, October 14, 2022, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

The minutes, from the regular monthly meeting held on Friday, October 7, 2022, were read, accepted, and approved, on a motion made by Rob Kellogg, seconded by Dave Zdarko, and carried unanimously.

The treasurer's report, for October 2022, was read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

Correspondence

PSATS Unemployment Compensation Group Trust – 2023 Contribution Rate

The township's Pennsylvania State Association of Township Supervisors (PSATS) Unemployment Compensation Group Trust contribution rate for 2023 will increase from .08% in 2022 to .09% in 2023. 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.

Frank Riley, Loesel-Schaaf Insurance Agency, Inc. – 2023 Health Insurance Renewal
The township has been notified that the current UPMC employee health insurance plan (UPMC Inside Advantage PPO \$1,250/\$2,500 \$20/\$40) will see a 9.4% increase when it renews on January 1, 2023. Frank Riley, of Loesel-Schaaf Insurance Agency, Inc., will get quotes on other plans together for consideration. Chrissie Kurelowech said that the current monthly premium for the plan is \$4,626.32 and that the township pays 90% and the employees pay 10%. If the current plan is renewed, the monthly premium will increase to \$5,061.19, which will cost the township (90% portion) an additional \$4,696.59 for the year.

Venango County Assessment Office – Parcels Scheduled for Formal Appeal
One property in Cherrytree Township (178 Dewey Road) has been scheduled for a formal appeal. The hearing will take place on October 20, 2022.

Venango County Tax Claim Bureau – Distribution of Upset Sale Monies
One property in Cherrytree Township (vacant parcel on Old Petroleum Center Road) has been sold by the Venango County Tax Claim Bureau and, as a result, the township will soon receive tax revenue for the property.

Anonymous – Sewage Complaint

An anonymous complaint was received regarding a malfunctioning septic system at 1026 Trout Run Road. Todd Fantaskey, Sewage Enforcement Officer, has been notified and will investigate the situation the next time he is working in the area.

PSATS News Bulletin

Venango County Reg. Planning Commission – Liquid Fuels Award for Fiscal Year 2023
The township has been notified that it will receive \$10,000.00 in 2023 County Aid to be put towards the replacement of 6 culvert pipes on Old Route 8. It is estimated that the project will cost \$37,500.00 to complete. The township had applied for \$25,000.00 in 2023 County Aid with the intention of using the money to pay for a portion of the labor, pipes, gravel, and rip-rap. If the \$25,000.00 had been awarded, the township would in-turn pay \$3,000.00 towards labor, pipes, gravel, and rip-rap, \$2,000.00 for approximately 20 tons of cold patch, and \$7,500.00 to cover the engineering fees, making the township's portion \$12,500.00. With the 2023 County Aid award being \$10,000.00 instead of \$25,000.00, the township will be expected to pay approximately \$27,500.00 towards the project. Chrissie Kurelowech told the Supervisors that Troy Cyphert, PennDOT Municipal Services Representative, suggested that the township join the Venango County Council of Governments (COG) in an effort to be more visible to the Venango County Commissioners and to increase the chances of receiving future County Aid awards. Troy Cyphert said that the COG meets once a month and if a representative from the township (does not have to be the same person every month) attends for 9 months out of a year, the township will not be required to pay dues for the next year. The Supervisors were not receptive to joining the Venango County COG at this time. Chrissie Kurelowech noted that nobody from the township has attended the annual convention of the Venango County Association of Township Officials (held in Dempseytown) in several years and said that it could be beneficial to have at least one person from the township attend next fall in an effort to be more visible to the Venango County Commissioners. She also said that Troy Cyphert told her he could provide the township with a bid packet for the pipe replacement project on Old Route 8 in an effort to save on engineering fees. Lew Staub, Roadmaster, felt that it would be better to have the township engineer, Mark J. Corey, handle the bid packet instead of using PennDOT.

Zoning

Permits

Z-2022-12 Resurrection Baptist Church/Jim Waugh 3515 State Route 8 new garage

Zoning Report

Tim McGrath, Zoning Officer, reported that one permit (Resurrection Baptist Church/Jim Waugh) was issued during the month.

On October 18, 2022, he attended the monthly meeting of the Venango County Regional Planning Commission to address issues between the county and Cherrytree Township. The conditional approval issued by the county for Cypress Creek Renewables' solar farm on Route 8 expired last year and the company applied for a second conditional approval. After the first conditional approval expired, a year passed before Cypress Creek Renewables applied for a second conditional approval and the township was never informed that the first conditional approval had expired. When the second conditional approval was granted, Cypress Creek Renewables had 15 days to accept the conditions and 45 days to meet the conditions. Tim McGrath said that he asked the Venango County Regional Planning Commission to keep the township informed on any large projects (not just solar) in the future.

Tim McGrath met with Alan Shaddinger, Solicitor, the Supervisors, and the Secretary-Treasurer on October 20, 2022 and drafted a letter on October 25, 2022 to notify Cypress Creek Renewables that the zoning permit for the solar farm on Route 8 (Z-2022-04) has been withdrawn because it expired on October 18, 2022. Notices were sent to representatives from Cypress Creek Renewables, the Venango County Regional Planning Commission, and the property owners.

Tim McGrath received a verbal complaint about a property located at the intersection of Fairview Road and Stone Springhouse Road. People are living on the property and no permits have been issued for anything. He told the complainant to file a written complaint with Chrissie Kurelowech in the township office.

A verbal complaint has been received about junk accumulation at 1220 South Perry Street. Tim McGrath is waiting for the Supervisors to vote to pursue enforcement.

Tim McGrath will meet with Jenna Dillion, of the Venango County Regional Planning Commission, on November 9, 2022, to discuss the status of the solar farm on Route 8 proposed by Cypress Creek Renewables.

Administrative Action

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

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

Resolution #22-48 – Act 57 – Waiver on Tax Penalty – Tax Notice Not Received

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #22-48, as required by Act 57 of 2022. Due to Act 57 of 2022, a taxpayer who does not receive a tax notice within the first year of occupancy can obtain a waiver from penalties and additional costs from the tax collector. All municipalities that levy real estate taxes are required to adopt a resolution between October 10, 2022 and January 9, 2023 that requires the tax collector to follow provisions set forth by Act 57 of 2022.

Zoning Complaint – Junk Accumulation

An anonymous formal written complaint has been submitted to the township regarding junk accumulation at 1220 South Perry Street. The township has taken the property owners to District Magistrate Fish in the past, on the same issue, and has won. Former Zoning Officer, Ben Breniman, sent the property owners an enforcement letter earlier in the year, but a complaint has not been filed with District Magistrate Fish's office yet. Tim McGrath suggested that he talk to the property owners to see if the issue can be resolved without going to District Magistrate Fish. The Supervisors decided not to vote to pursue enforcement until Tim McGrath talks to the property owners.

Resolution #22-49 – Move Advertising to The Derrick

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to adopt Resolution #22-49. It was necessary to adopt Resolution #22-49 because The Titusville Herald abruptly closed on November 5, 2022, leaving the township without a newspaper for its legal notices that are necessary to meet advertising requirements. Resolution #22-49 specifies that all regular monthly meetings will be held on the first Monday of the month at 6:00 p.m. and that all schedule changes will be advertised in The Derrick. If the first Monday of the month is a legal holiday, the next meeting will be held on the next evening, Tuesday.

Committee Reports

VFD

Tom Huffman, acting VFD Fire Chief, reported that there were 12 calls since the last meeting. All 12 calls were in Venango County. Of the 12 calls, 1 was a building fire, 1 was a trash fire, 5 were EMS, 1 was an MVA with injuries, 1 was an MVA with no injuries, 2 were public service, and 1 was dispatched and canceled.

Fall shoots continue and there are only three left. Due to the election, no shoot will take place on Tuesday, November 8, 2022, but instead a shoot will take place on Thursday, November 10, 2022. The final two shoots will take place on Tuesday, November 14, 2022 and on Tuesday, November 21, 2022.

EMA

There was no report.

Road

Low Staub, Roadmaster, reported that the road crew spent 13 days mowing berms, spent 9 days stacking antiskid, mowed the yard twice, spent 8 days grading bad spots, spent 2 days fixing various signs, and put in a driveway pipe and a crossover pipe. They pushed 2 trees off, removed the mower and put the blower on, spent 9 days blowing leaves, and spent 1 day cleaning pipes.

As for equipment, the road crew changed the oil, hydraulic, air, and fuel filters in all 3 trucks, both backhoes, the tractor, and the grader.

Old Business

There was no “Old Business”.

New Business

Don Deliman – Proposed Land Transfer

In previous meetings, discussion was held on subdividing an 8.5-acre parcel owned by the township (corner of Cherrytree Road and Buxton Road) and transferring some of it to the VFD to possibly use for the construction of a new building in the future. There are two pavilions on the parcel that belong to the township and were built with money from the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) and, consequently, the entire parcel cannot be transferred without the township having to return the grant money used to build the pavilions, as long as the pavilions are less than 25 years old, which is the case. The VFD has said in the past that it cannot get grant money for a new building if it does not own the property on which it intends to build. Don Deliman, VFD Trustee, presented the Supervisors and those in attendance with copies of a survey map of the proposed subdivision of the parcel of land owned by the township. According to the survey map, the existing parcel is actually 9.02 acres and would be divided into a 2.89-acre parcel and a 6.13-acre parcel. The 6.13-acre parcel would be transferred to the VFD and the 2.89-acre parcel would be joined with a 2.34-acre parcel owned by the township to create a 5.23-acre parcel that would be retained by the township. Don Deliman told the Supervisors and those in attendance that the VFD cannot get grants for a building if it does not own the property and that the members would like to build a new fire station. Dave Zdarko asked Don Deliman if he knew how large the new building would be and Don Deliman said that the truck room would be the same size as the existing truck room and the meeting room would be large enough to make money. Additionally, Don Deliman said that the VFD would like to also use the building as a training facility and he noted that the gun raffle was moved to Chapmanville in 2022 and very few people attended because it was not held in Cherrytree. Tom Huffman, acting VFD Fire Chief, said that space would be needed for sewage, parking, and a building. It was said that the proposed building would include a 40' by 80' truck room and a 50' by 80' meeting room. According to the survey map, the building would have to be 80 feet from Buxton Road and 50 feet from Cherrytree Road. Dave Zdarko was concerned about taking property away from the township and limiting future expansion. Steve Anderson also expressed concern regarding leaving space for the township to expand and Don Deliman said that the township would have the VFD's old building. Cathy Allaman asked where the VFD will get the money to build the new building and VFD members who were present said they plan to get money from grants. Ron Stewart asked if the VFD will be completely independent from the township once it moves into a new building or if the VFD will expect the township to help cover expenses after the new building is built and Jim Waugh said that it would be nice if the township would continue to help the VFD with expenses once the VFD moves into a new building. Currently, the township pays for utilities, fuel, automobile insurance, workers compensation insurance, insurance on the building itself, supplies for the building, and part of the building maintenance expenses. Dave Zdarko also said that he was concerned about making sure the property would be turned back to the township if the VFD is dismantled, never erects a new building, etc. Jeff Nelson noted that, even though the VFD keeps saying that nothing can be done until the land belongs to the VFD, the land could be conveyed to the VFD and then it could be determined to be wetlands and unusable. Jim Waugh said he already talked to the Sewage Enforcement Officer and that the property is fine and the VFD cannot do anything until the property is conveyed to the VFD. Jeff Nelson suggested that a plan for the building be presented to the Supervisors for consideration. Jeff Nelson asked if there would be any stipulation with a grant that would require the money to be paid back if the VFD were to dismantle within a number of years after receiving the money and Dave

Zdarko was concerned that the township could possibly be responsible for a loan if the VFD defaulted on it. No decision was made.

Executive Session – October 20, 2022

It was announced that the Supervisors (Jim Waugh, Dave Zdarko, and Rob Kellogg), the Zoning Officer (Tim McGrath), and the Secretary-Treasurer (Christine Kurelowech) held an executive session with the Solicitor (Alan Shaddinger) on October 20, 2022 at 5:00 p.m. to discuss zoning issues.

Dorothy Haggerty – Cherrytree Road Issue/New Building

Dorothy Haggerty, who lives on Cherrytree Road (near PennDOT garage), told the Supervisors that the road is a mess since PennDOT put blacktop on it. She said that everything from the road washes onto her property.

Dorothy Haggerty also stated that she intends to erect a 100' by 80' building to use for her catering business. She said she will get the permit paperwork from the township, will have the plans soon, and if she cannot build it in Cherrytree Township, she will build it in Oakland Township.

Adjournments

The meeting adjourned at 7:00 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer