

Cherrytree Township Board of Supervisors  
Regular Monthly Meeting  
February 5, 2024, 5:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, February 5, 2024, at 5:30 p.m., at the township building. In attendance were Jim Waugh, Rob Kellogg, and Shari Nelson, 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.

**Old Business**

**Benson Memorial Library Access for Residents – Jessica Hilburn**

Jessica Hilburn, Benson Memorial Library Executive Director, was in attendance to provide information to the Supervisors regarding library access for Cherrytree Township residents. The topic surfaced at the regular monthly meeting/annual reorganization, held on January 2, 2024, when a resident asked the Supervisors to consider providing library cards to residents. Some municipalities in the area cover the cost of library cards for residents, but Cherrytree Township does not, so a resident must pay \$15.00/year for a library card. Jessica Hilburn presented two options. The first option is to become a contractual municipality and pay annually for the number of households within the township that have library cards. She said that there are currently 118 cardholders in the township, so it would cost the township \$1,770 per year. This will most likely change every year and she usually sends the invoices to the municipalities in the fall of each year. The contract between the township and the library would only run from year-to-year, so the township would not be required to commit to a specified number of years to participate. The second option is to become part of the library's service area and pay a fee per person, regardless of the number of library cards issued. The fee would be between \$2.00 and \$5.00 per person and is based on the economic situation of the population as a whole. Based on the current population and using the lowest rate, it would cost the township \$2,616.00 per year. However, the rate per person could be as high as \$5.00, which would cost the township \$6,540.00 per year. Jessica Hilburn recommended trying the first option to start and then possibly moving to the second option, depending upon the number of residents who choose to get library cards. No decision was made. Shari Nelson suggested tabling the item.

**2024 Clean-Up Weekend**

At the regular monthly meeting/annual reorganization that was held on January 2, 2024, the Supervisors voted to hold Clean-Up Weekend on the first full weekend of June (Saturday, June 1, 2024 and Sunday, June 2, 2024). Chrissie Kurelowech told those in attendance that, when she called Tri-County Industries to get on their schedule, she was told that they were already full for the first weekend

of June and that the township would have to choose a different weekend. Rather than change the weekend, it was suggested to her to try Virgile Iron & Steel in Oil City. Based on last year's tonnage and increased rates, it is estimated that Tri-County Industries would charge \$4,564.00 for this year's Clean-Up Weekend. Virgile Iron & Steel quoted a flat rate of \$4,000.00 for six 30-yard dumpsters and will not consider tonnage. This will save the township approximately \$564.00. Chrissie Kurelowech has asked Virgile Iron & Steel to put Cherrytree Township on their schedule for the first weekend in June. Harley Richards will still be handling scrap and has been contacted.

### **Public Comment**

Don Deliman stated that he recently heard the ice cream business (Angie's) that was located in the former Dairy Queen building (4443 State Route 8) has been shut down by the Pennsylvania Department of Environmental Protection (PA DEP) due to unsafe water. He said that he heard the water was tested and found to contain a high level of a substance that causes Alzheimer's disease. Don Deliman asked the Supervisors if the township had been contacted by PA DEP about the matter and if residents living in the area of 4443 State Route 8 should be concerned about water safety and have their wells tested. Chrissie Kurelowech said that the township had not been notified by PA DEP regarding the issue. The Supervisors were in agreement that the township should contact PA DEP to see if there is a water safety issue in the area of 4443 State Route 8. Chrissie Kurelowech will contact PA DEP and report her findings at the next meeting.

Doug Nelson thanked Jim Waugh for providing a copy of the letter from the Pennsylvania State Ethics Commission (PA EC) that was requested during the regular monthly meeting/annual reorganization that was held on January 2, 2024. The letter addressed Jim Waugh's eligibility to vote, as a Supervisor, on township issues related to the VFD. Jim Waugh requested the PA EC's guidance in anticipation of voting to transfer a parcel of land owned by the township to the VFD. Doug Nelson asked Jim Waugh if he had talked to someone at PSATS regarding the matter, as Jim Waugh stated at the regular monthly meeting/annual reorganization meeting that was held on January 2, 2024. Jim Waugh said that he did talk to someone at PSATS who gave him a legal opinion. Doug Nelson noted that the township does not subscribe to PSATS Legal Defense Partnership and Jim Waugh said that he has called PSATS on several issues in the past and has obtained legal opinions even though the township does not subscribe to PSATS Legal Defense Partnership. Doug Nelson asked Tom Huffman, VFD Fire Chief, several questions about the fire department including the number of members, if all members are eligible to go on calls, and the number of man hours per week put in by VFD members. Tom Huffman said that the VFD has about 42 members, some of the members are considered active (answer calls and participate in training) and others are considered reserve, the VFD logged just under 1,000 man hours on incidents in 2023, and that the man hours would double if considering the hours spent at meetings, training, etc. (not on incidents). Doug Nelson then asked Jim Waugh if he responds to calls for the VFD and Jim Waugh said that he answers calls and is a first responder, specifically an Emergency Medical Responder (EMR). Doug Nelson read aloud the letter that Jim Waugh sent the PA EC regarding his eligibility to vote on township issues related to the VFD, noting that the letter stated that Jim Waugh was only a member, not specifically a first responder. According to Doug Nelson, because Jim Waugh responds to VFD calls, he could be considered an "employee" as far as the PA EC is concerned, which would create a conflict of interest. Doug Nelson said that the PA EC said there was no conflict, but the decision was based on the letter that Jim Waugh sent the PA EC, which said he was a member of the VFD, not specifically a first responder. Jim Waugh asked Doug

Nelson what his problem is with the VFD and Doug Nelson said that he has to keep things in check because Jim Waugh voting, as a Supervisor, on township issues related to the VFD is a conflict of interest and has the appearance of wrongdoing. A lengthy discussion of how an “employee” is defined ensued. Many people felt that a volunteer could not be considered an employee because volunteers receive no compensation. Ron Stewart searched for the definition of “employee” and found two, one that said an employee must receive compensation and one that said an employee is simply one who performs duties for another (employer) and the employer controls how things are done. Doug Nelson said that Jim Waugh questioned the PA EC on whether or not he could vote to transfer a parcel of land from the township to the VFD, then used that decision as permission to vote on a license agreement between the township and the VFD at the regular monthly meeting held on December 4, 2023. Doug Nelson asked Jim Waugh if he is finished doing things unethically and Jim Waugh responded by saying that the law says he has not been unethical and that, as long as he does not receive a personal financial benefit from a decision, he can legally vote as a Supervisor on township issues related to the VFD. Tim McGrath noted that Rob Kellogg, Dave Zdanko, Lew Staub, and Joe Ziemba all served on the Board of Supervisors while being employed full-time by the township and voted to purchase new equipment for the township while serving. He told Doug Nelson to find out what the State considers to be legal before making accusations and to get all of the facts and be more specific. Tim McGrath said that the issue needs to be more clearly defined. Sue McDowell noted that township employees might not be able to vote on purchasing equipment in the future. Jeff Nelson said that, even though Jim Waugh has said that he spoke with lawyers regarding voting, as a Supervisor, on issues related to the VFD, Jeff himself has asked two lawyers about the same issue and one said Jim Waugh should not be voting and the other said he would have to look into it. Jeff Nelson said that he personally feels it is a conflict of interest for Jim Waugh to be voting on matters related to the VFD.

David Wilcox said that he heard Cherrytree Township has the highest taxes in Venango County. Jim Waugh said that Cherrytree Township has the highest taxes, 4.0 mills, of all of the townships in Venango County. David Wilcox said that he recently compared two similar parcels of land, one in Cherrytree Township and one in another township, and the taxes for the parcel in Cherrytree Township were \$1,400.00 and the taxes for the other parcel were \$400.00. He suggested lowering the taxes. Jim Waugh said that he was unsure if the budget could survive if the taxes were to be lowered. He questioned whether or not the Supervisors could vote to lower property taxes, based on the earlier discussion regarding conflicts of interest, because each of the Supervisors would benefit financially if taxes were lowered. Mark McDowell told those in attendance that 4 mills amounts to \$400.00 for every \$100,000.00 of assessed value and noted that the township provides a lot of services to the property owners, when considering how low the local taxes are, as compared to the higher county and school taxes. David Wilcox said that he was told that nothing can be built in the township on a lot that is smaller than 3 acres. Tim McGrath, Zoning Officer, said that, depending upon where the parcel is located, that could be true. David Wilcox asked the Board of Supervisors to repeal the zoning ordinance or at least make it less restrictive. Ron Stewart said that he feels the zoning ordinance “is a joke” and questioned the amount of money the township spends each year to enforce it. Tim McGrath said that making changes to the zoning ordinance begins with the Planning Commission and that David Wilcox will need to meet with the Planning Commission to tell them exactly what he feels needs changed in the ordinance. Chrissie Kurelowech noted that there are other small changes that should be made, so it would be beneficial to go through the entire ordinance and make several changes at once, since it is a lengthy, expensive process

involving public meetings, hearings, and advertising. Tim McGrath told David Wilcox that the township will let him know when the Planning Commission plans to meet regarding the matter.

Ron Stewart asked when it is necessary to get a permit for a new shed. Tim McGrath told those in attendance that if a shed is constructed on-site, a zoning permit is required, and if a shed is constructed off-site and delivered, a zoning permit is not required. A lengthy discussion took place regarding constructing buildings off-site and having them delivered. Someone questioned the need for a zoning permit for a mobile home and Tim McGrath clarified by saying that a residence, whether it is constructed on-site or delivered to the site, requires a zoning permit. Only non-residential buildings, such as sheds, can be constructed off-site and delivered without the property owner obtaining a zoning permit.

### **Minutes/Treasurer's Report**

The minutes, from the regular monthly meeting/annual reorganization held on Tuesday, January 2, 2024, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously.

The treasurer's report, for January 2024, was read, accepted, and approved, on a motion made by Jim Waugh, seconded by Shari Nelson, and carried unanimously.

### **Correspondence**

**Keith Klingler – PA Game Commission – Land Acquisition**

*Keith Klinger sent several pieces of correspondence to the township recently to put a spotlight on the Pennsylvania Game Commission (PA GC) buying large parcels of property throughout the state and removing the property from the tax rolls. He noted that a 71.39-acre parcel on Hamilton Corners Road was recently purchased by the PA GC for a price that was far above market value, shutting out private land owners. The parcel used to yield \$19.00/acre in taxes and will now yield just \$1.20/acre. Additionally, no new homes, businesses, etc. will ever be built on the PA GC properties, so the tax revenue will never increase. He is encouraging the Supervisors to pass "no net loss of private property" legislation in the township and said that Venango County has been working to make it part of the comprehensive plan for the county, but it has not passed yet. Jim Waugh said that he feels there is not a lot the township can do to fight it and that the PA GC will be able to continue, no matter what legislation is passed at the local level.*

**Venango County Board of Elections – 2024 Primary Election/General Election**

*The 2024 primary election will be held on April 23, 2024 and the general election will be held on November 5, 2024. The township building will be used as a polling place for residents.*

**Cherrytree Twp. VFD Relief Assoc.–Comp. Audit–1/1/2021 through 12/31/2022**

*The PA Department of the Auditor General recently conducted a compliance audit of the Cherrytree Township VFD Relief Association for the period spanning from 1/1/2021 through 12/31/2022. There were two findings, the first being "undocumented expenditures" and the second being "inadequate financial record keeping system". The first finding occurred because there were no invoices or itemized receipts for two purchases, totaling \$416.00, that were made on a VFD member's credit card. The VFD reimbursed the relief association with money from the general fund for the undocumented expenses. The second finding occurred because the VFD was unable to recover the 2021 financial records (journals, ledgers, etc.)*

*due to a software change. Additionally, 2021 bank statements were not maintained and available due to lack of internal controls. The VFD agreed with the finding and said they will take action to comply.*

PennDOT Newsletter

## **Zoning**

### **Permits**

Z-2023-14	Glen and Shannon Nikolaison	2377 Buxton Road	new 16' by 24' shed
Z-2024-01	Joseph Hollobaugh	4789 State Route 8	new 30' by 65' accessory structure
Z-2024-02	Beverly Hasty	5322 State Route 417	30' by 30' addition to existing home

### **Zoning Report**

Tim McGrath, Zoning Officer, reported that 3 permits were issued during the month. The Raven property on Route 8 is being cleaned. The owner of 1722 Breedtown Road (Zerfoss Property LLC) has partially cleaned the property. There is another dumpster coming and the owner plans to finish within the next couple of weeks. Tim McGrath talked to the owner of a property on Trout Run Road where a trailer was recently placed, with no permits, and the owner is supposed to apply for a zoning permit but has not contacted the township office yet. He also reported that he was recently contacted by a property owner who would like to build on a parcel that is too small, so he is looking into options and will discuss with the property owner.

## **Administrative Action**

### **Legal Fees – VFD License Agreement**

Chrissie Kurelowech presented an invoice (#1697) from Shaddinger Law Office to the Supervisors and noted that there were 2 charges, totaling \$150.00, related to the VFD license agreement. She asked the Supervisors if the township should pay for it, if the VFD should pay for it, or if the township and the VFD should split it. The VFD said it would pay the entire \$150.00. Shari Nelson said that she felt all of the Supervisors should have discussed, agreed upon, and voted upon contacting Alan Shaddinger to work on the VFD license agreement and that she will be looking into it.

## **Committee Reports**

### **VFD**

Tom Huffman, VFD Fire Chief, reported that there were 32 calls since the last meeting. Of the 32 calls, 5 were in Crawford County and 27 were in Venango County. Of the calls in Crawford County, 3 were building fires and 2 were dispatched and canceled. Of the calls in Venango County, 1 was a building fire, 1 was a fuel burner/boiler malfunction, 9 were EMS, 1 was an MVA with no injuries, 2 were searches for people on land, 1 was traffic control, 8 were public service, and 4 were false alarms (smoke/fire) at Cross Creek Resort.

The spring shoots will begin on Tuesday, February 6, 2024. The doors will open at 5:00 p.m. and the shoots will begin at 6:00 p.m. The kitchen will be open.

The grant/loan through the United States Department of Agriculture (USDA) for a pre-owned truck has been approved. The VFD will receive \$25,000.00 as a

grant and will finance \$130,000.00. The truck will be purchased from Bradford Township and will replace the current engine (2-21 – 2001 GMC 8500).

A grant for \$90,947.61 was awarded by the Federal Emergency Management Agency (FEMA) for new SCBAs (self-contained breathing apparatus) and the VFD is in the process of drawing down the funds from FEMA for the purchase.

The VFD will be receiving \$13,645.11 in grant funding from the Pennsylvania Office of the State Fire Commissioner.

The K-9 Search Team will soon raffle gun and cash and the VFD will soon raffle ¼ beef and a 7 cubic ft. freezer.

### **EMA Office**

Tim McGrath, Emergency Management Coordinator, told those in attendance that he found out that other departments in the county do not have satellite phones, but the Venango County Public Safety Director thinks that it is a good idea, even though he feels that the current radios would be able to “weather the storms”. There is one division of the county that has satellite phones, however. This topic will be discussed at an upcoming Venango County Fire Chiefs Association meeting (February 17, 2024). Tim McGrath reported on the topic of satellite phones because, at the regular monthly meeting/annual reorganization that took place on January 2, 2024, he had asked the Supervisors to consider purchasing a satellite phone that could be used to communicate in the event of a “black swan event” if no other forms of communication are available.

### **Road**

Lew Staub, Roadmaster, reported that, during the past month, the road crew plowed and put antiskid down 11 times, put antiskid down (no plowing) 14 times, spread gravel on 3 roads over potholes and scraped it into the holes with the grader or backhoe, spent 8 days pushing trees and limbs off of roads, and checked the roads 4 times. They replaced a missing STOP sign, cleaned the trucks twice, cleaned pipes, and spent 1 day hauling gravel to soft spots.

As for equipment, on the 2002 International, a coolant leak was fixed, 2 new dust shields were put on, and work was performed on the clutch pedal. New headlight bulbs were put on the 2014 Dodge. The road crew spent 2 days working on the brakes on the 2017 Massey Ferguson tractor. On the 2019 JCB backhoe, the fuel filter was changed and teeth were put on the back bucket. New battery terminal ends were put on the 2007 JCB backhoe.

## **New Business**

### **Cherrytree-Plum Line Road – Maintenance Agreement**

Discussion was held on approaching Plum Township Supervisors to explore the possibility of creating a maintenance agreement for Cherrytree-Plum Line Road. The two townships share maintenance responsibilities and there are complaints on the condition of the road from time to time. Lew Staub, Roadmaster, said typically Cherrytree Township grades in the spring, Plum Township grades in the fall, both townships plow, and whichever township gets to the road first in the summer mows along the road. There has never been any agreement or assignment of responsibilities in writing. Shari Nelson said that she feels something more than a handshake is needed. Chrissie Kurelowech will contact Plum Township to see if there is any interest in entering into a formal agreement.

**Recording of Township Meetings**

A lengthy discussion took place regarding the possibility of recording township meetings (audio only) and posting the recordings on the township's website. Chrissie Kurelowech said that she considered recording the meetings many years ago to use when typing minutes, but chose not to do it because any recording of a meeting is considered public information and can be requested under the Pennsylvania Right-To-Know Law. She felt that duplicating recordings for Right-To-Know requests could be technically challenging for the township and possibly expensive for the requestors. Shari Nelson said that she felt it would be good to record the meetings for people who say things and then later deny saying them. Jim Waugh and Rob Kellogg said that they felt recording meetings could cause problems. No decision was made. Shari Nelson suggested tabling the item.

**Pennsylvania Local Government Investment Trust (PLGIT) – Interest Rates**

Chrissie Kurelowech said that one of the township auditors recently suggested opening an account at PLGIT because the interest rates on savings accounts at PLGIT are paying over 5%, which is much higher than the township is seeing at the local banks. The township had a PLGIT account for Liquid Fuels money several years ago, but closed it because the local banks were paying much higher interest at the time. She said PNC recently raised the township's interest rate to over 3% on the Liquid Fuels savings account. She has reached out to PLGIT for more information and will continue to look into this.

**Grader Financing**

Chrissie Kurelowech said that one of the township auditors recently suggested refinancing the 2024 JD 670G grader that is financed through John Deere Financial. She reached out to a local bank and found that refinancing would cost the township more money than staying with John Deere Financial, so she feels it would not be a good financial decision at this time.

**Venango County Assoc. of Twp. Officials – Spring Dinner – March 23, 2024**

Chrissie Kurelowech told the Supervisors that the Venango County Association of Township Officials will hold a Spring Dinner on March 23, 2024 at the Sandycreek Township Volunteer Fire Department. Registration will begin at 5:30 p.m. and the dinner will begin at 6:00 p.m. More information will be coming from Pam Exley, the new Secretary-Treasurer.

The meeting adjourned at 6:56 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer