

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
March 4, 2024, 5:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, March 4, 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.

Public Comment

Ron Stewart told those in attendance that a large piece of equipment that had been sitting just off Black Road for 15 months was finally removed by the company that owns it.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, February 5, 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 February 2024, was read, accepted, and approved, on a motion made by Shari Nelson, seconded by Rob Kellogg, and carried unanimously.

Correspondence

Venango County Assoc. of Township Officials – Spring Dinner – March 23, 2024
The Venango County Association of Township Officials will hold its Annual Spring Dinner on Saturday, March 23, 2024 at Sandycreek Township Volunteer Fire Department. Reservations can be made through March 12, 2024. Shari Nelson plans to attend.

Morris Knowles & Associates, Inc. – Country Acres – NPDES Permit
Morris Knowles & Associates, Inc. will submit a National Pollutant Discharge Elimination System (NPDES) permit application to the Pennsylvania Department of Environmental Protection (PA DEP) for Country Acres Personal Care Home. The application is for a permit reissuance and the applicant is requesting a reclassification of the wastewater treatment plant from "Minor Sewage Facility" to "Small Flow Treatment Facility". This is because the average daily flows are less than 2,000 gallons per day.

PennDOT – Traffic Counting on Municipality Owned Roads

The Pennsylvania Department of Transportation (PennDOT) has hired a contractor, Tri-State Traffic Data, to collect traffic data on various roads throughout the township sometime between March 4, 2024 and November 21, 2024. The data will be used to improve PennDOT's traffic data inventory, which is critical to safety management. The roads where traffic

data will be collected are Miles Road (0.25 mile north of Buxton Road), Carter Road (0.30 mile south of Petroleum Center Road), Shriner Road (0.15 mile north of State Route 27), and Shreve Road (0.15 mile north of Turkey Farm Road).

Venango County Regional Planning Commission (VCRPC) - Bridge Inspection
STV, an engineering firm, is planning to inspect the Stone Springhouse Bridge on March 6, 2024. Chrissie Kurelowech asked the Supervisors to let her know if they wish to attend the inspection, so she can coordinate with the VCRPC and STV.

Zoning

Permits

| | | | |
|-----------|---|-----------------------------|--------------------------------------|
| Z-2024-03 | Jerry and Denise Warner | 1285 Stone Springhouse Road | new home |
| Z-2024-04 | Bruce Dickson (Red Horse Environmental) | 24939 Miller Farm Road | new 40' by 60' agricultural building |
| Z-2024-05 | Doug and Shari Nelson | 415 Old Route 8 | new fence panels |

Zoning Report

Tim McGrath, Zoning Officer, reported that 3 permits were issued during the month. He gave the Supervisors an annual update and offered specifics regarding the tasks he performs as the Zoning Officer. Last year (2023), 14 zoning permits were issued and 3 Zoning Hearing Board hearings were held. When reviewing zoning permit applications, he visits each site and almost always discusses the project with the applicant. He also meets with representatives from companies, for example, Grand Valley Manufacturing, to discuss zoning in the township. He has also met with the Venango County Planning Commission. Tim McGrath said that he has met with other townships, on his personal time, to discuss solar development. He recently sent 5 enforcement letters to property owners and 4 of the issues have been resolved or are in the process of being resolved and 1 is still unsettled. He has also made several calls regarding garbage accumulation and trailers. Tim McGrath said that he charged over 100 hours (\$30.00/hour) to the township during 2023 and noted that he put in several hundred additional hours that he never charged to the township. He said that a lot of progress was made during 2023, but that he is legally bound to follow a process when enforcing zoning regulations, which takes time. Tim McGrath noted that he will work with people if they are willing to work with him. Ron Stewart said that he feels the township practices selective enforcement.

Tim McGrath reported that Chrissie Kurelowech recently completed a National Flood Insurance Program (NFIP) compliance self-assessment survey and submitted it to the Federal Emergency Management Agency (FEMA). There are 12 – 15 properties in the township that are located in a floodplain. The only permit activity that occurred in a floodplain during the past year was at 2778 State Route 8 (Shane Goodman/billboard).

Since it was recently suggested that the Cherrytree Township Planning Commission begin the process of reviewing the zoning ordinance and making amendments, specifically to allow construction on parcels that are less than 3 acres in size, Tim McGrath noted that the minimum lot size in every district is 3 acres,

with the exception of the Rural Residential (RR) district. In the RR district, construction can take place on a lot that is 1 acre or larger in size if city sewage is available to service the lot. Tim McGrath said that he feels, if the Cherrytree Township Planning Commission suggests amendments to the ordinance to allow construction on smaller parcels, that construction on a lot that is less than 3 acres should only be permitted by means of a variance or a conditional use.

Administrative Action

Chapmanville VFD – Regional Grant – Letter of Support

Chrissie Kurelowech presented a requested letter of support for a regional FEMA/Assistance to Firefighters (AFG) grant to obtain funding for new radios. Sam Firster, of the Chapmanville VFD, asked the township to provide a letter of support for Cherrytree Township VFD's participation in a regional grant application with other fire departments in the area. Venango County will soon upgrade its radio system to a P25 digital system, at a cost of approximately \$6,000,000.00, and all departments in the county are expected to upgrade as well. The approximate cost of this upgrade to Cherrytree Township VFD is \$108,000.00. The Supervisors were in favor of submitting the letter of support to Sam Firster for the regional grant application.

McGregor Excavating – Old Route 8 Pipe Replacement - Estimate

An estimate of \$4,050.00, from McGregor Excavating, to replace a pipe on Old Route 8, was presented to the Supervisors. The pipe is located near the city/county line and it should be replaced before paving takes place during the summer of 2024. Jim Waugh said that another excavating business recently asked him if they would be able to submit estimates/quotes to the township for excavation work, so he wanted to see if he could get an estimate from that business before committing to the estimate from McGregor Excavating. The Supervisors were in favor of getting another estimate and Jim Waugh said that he would make contact with the other excavating business to get one. However, since the pipe needs replaced before the paving of Old Route 8 during the summer of 2024, waiting for another regular monthly meeting to consider a second estimate could delay the paving project, which could delay seal coating. Consequently, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to approve the pipe replacement and to accept the estimate from McGregor Excavating as long as it is less expensive than an estimate received by the other excavating business, if Jim Waugh is able to obtain an estimate from the other excavating business within a reasonable amount of time.

Ron Stewart asked Lew Staub, Roadmaster, the reason behind PennDOT and the township cutting the brush back along roads. Lew Staub said that it is done to keep leaves and branches from falling into ditches and it also helps the snow and ice melt off the roads faster.

Resolution #24-41 – Destroy Tax Collector Records – 2014, 2015, 2016

On a motion made by Jim Waugh, seconded by Shari Nelson, and carried unanimously, the Supervisors voted to adopt Resolution #24-41, authorizing the destruction of tax collector records for the years of 2014, 2015, and 2016.

2024 Stone RFO – Discuss Quantities – Vote to Seek Quotes

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to seek quotes for the types and quantities of

stone listed below. Chrissie Kurelowech will send out an RFQ (Request for Quote) and have the quotes due before the next regular monthly meeting, which is scheduled for Monday, April 1, 2024, at 5:30 p.m. The Supervisors will review the quotes at that time. As a cost cutting measure, the Supervisors decided against seeking quotes for 2RC gravel to be tailgated throughout the township and they also decided against seeking quotes for AASHTO#57 Type C gravel this year.

| <i>Item</i> | <i>Tons</i> |
|-------------------------------|--------------|
| <i>ASI Antiskid</i> | <i>1,200</i> |
| <i>2RC Gravel – Stockpile</i> | <i>1,500</i> |
| <i>2A Limestone</i> | <i>150</i> |

Committee Reports

VFD

Don Deliman, VFD Trustee, reported that there were 14 calls since the last meeting. Of the 14 calls, 1 was in Crawford County and 13 were in Venango County. The call in Crawford County was a building fire. Of the calls in Venango County, 2 were building fires, 1 was EMS, 1 was an MVA with injuries, 5 were MVAs with no injuries, 1 was public service, and 3 were dispatched and canceled.

The spring shoots continue to be held on Tuesday evenings. The doors open at 5:00 p.m. and the shoots begin at 6:00 p.m.

The VFD is selling meat raffle tickets and gun raffle tickets. The annual gun raffle will be held on Saturday, June 22, 2024. The doors will open at 3:30 p.m., food will be available at 4:00 p.m., and the gun raffle will begin at 4:30 p.m.

Don Deliman also reported that the VFD is working on the closing documents to obtain a grant/loan through the United States Department of Agriculture (USDA) for a pre-owned truck.

Tim McGrath, EMA Management Coordinator, said that he will soon be attending a class on volunteerism. He noted that the minimum standards for VFD members is at an all-time high. He said that the class might help people understand how VFD members are classified (employer/employee), as discussed during the regular monthly meeting held on Monday, February 5, 2024.

EMA Office

Tim McGrath, Emergency Management Coordinator, told those in attendance that there is a new Venango County EMA Deputy Director, Patrick Servey. Tim McGrath will continue to investigate where the county and other departments stand on the need for satellite phones, as discussed during recent meetings. He noted that there was an AT&T outage recently.

Road

Lew Staub, Roadmaster, reported that, during the past month, the road crew plowed and put antiskid down once, put antiskid down (no plowing) 6 times, spent 5 days pushing limbs or trees off of roads, and spent 2 days hauling gravel and leveling with the grader. They spent 5 days scraping bad spots, fixed 1 washout, ditched spots on 3 roads, and checked the roads twice. They also spent 1 day installing road name signs, put 1 driveway pipe in, and spent 1 day cleaning pipes.

As for equipment, a tire was changed on the 2014 Dodge and 4 days were spent working on the brakes on the 2017 Massey Ferguson tractor. The nose shoe and the spreader chain were fixed on the 2002 International. The road crew spent time cleaning the equipment.

New Business

PA DEP – Water Safety Concerns

Chrissie Kurelowech reported that she contacted PA DEP regarding the water safety concerns at 4443 State Route 8 (former Dairy Queen/Orphan Angie's Ice Cream) that were discussed during the regular monthly meeting held on Monday, February 5, 2024. She said she was told by Kimberly Yeakle, PA DEP Local Government Liaison, that PA DEP staff conducted an inspection in August of 2023 (this is required every 5 years) and found that the water contained high levels of iron and manganese and, therefore, the current treatment was not acceptable. According to Kimberly Yeakle, "The property owner was instructed to submit a corrective action plan, to include submittal of a non-community water supply application, for adequate treatment of iron and manganese. After hiring a consultant, the property owner requested to suspend the approval to operate a public water system." Kimberly Yeakle also said that PA DEP does not regulate private water supplies, so if any property owner would like to get a water test, the property owner would need to hire an "accredited/certified" lab. Chrissie Kurelowech said that Kimberly Yeakle provided a list of several certified labs for any resident wishing to get a water test.

Cherrytree-Plum Line Road – Maintenance Agreement

At the regular monthly meeting held on Monday, February 5, 2024, discussion was held on approaching Plum Township Supervisors to explore the possibility of creating a maintenance agreement for Cherrytree-Plum Line Road. This is because the two townships share maintenance responsibilities and there are complaints on the condition of the road from time to time. There has never been a formal agreement. Chrissie Kurelowech reported that she reached out to Plum Township on the matter and received no response. The Supervisors were in agreement to give Plum Township more time to respond.

Old Business

2023 Municipal Audit

The Board of Auditors (Stacey Armstrong, Roger Patterson, Nick Matkozych) has finished the 2023 Municipal Audit and filed the 2023 Municipal Annual Audit and Financial Report with the Pennsylvania Department of Community and Economic Development (PA DCED). The report has also been filed with Venango County. Chrissie Kurelowech presented the Supervisors with a copy of the report. There were no findings.

2024 Liquid Fuels Tax and Turnback

Chrissie Kurelowech reported that the township recently received \$195,747.76 in Liquid Fuels Tax Revenue, which is \$1,400.17 less than last year. Additionally, \$24,240.00 was received in Liquid Fuels Turnback revenue for Dempsetown-Gresham Road.

PA DEP – Mitchell Fleming – Trout Run Road

Chrissie Kurelowech reported that she was recently contacted by Mitchell Fleming, of PA DEP, regarding the need for public sewage on Trout Run Road. He said that there are several failing on-lot systems along Trout Run Road and that he would like to discuss the possibility of running a sewer line from the City of Titusville up the road so that property owners could connect their homes to it.

Chrissie Kurelowech told the Supervisors that Mitchell Fleming requested to meet with them regarding the matter. The Supervisors were not in favor of meeting with Mitchell Fleming privately and said that they would be willing to speak to him if he attends a regular monthly meeting. They were not receptive to the idea of connecting Trout Run Road to the City of Titusville's sewage system due to the expense of such a project, the township's tight budget, and the fact that the township just financed a new grader. They also noted that the City of Titusville might not be interested in adding more homes to its system. Chrissie Kurelowech said she would contact Mitchell Fleming and ask him to attend a regular monthly meeting if he wishes to discuss the matter. Shari Nelson asked Chrissie Kurelowech to let her know if Mitchell Fleming would be on the agenda for any upcoming meeting.

VFD License Agreement

Shari Nelson told those in attendance that she recently contacted Alan Shaddinger, Solicitor, to inquire about whether Jim Waugh should have gone to Alan Shaddinger to have a License Agreement drafted, for the township and the VFD, without seeking approval by the Board of Supervisors first. The License Agreement was approved at the regular monthly meeting held on Monday, December 5, 2023. See excerpt from minutes:

“Tom Huffman, VFD Fire Chief, told the Supervisors that the VFD is in the process of obtaining a loan through the United States Department of Agriculture (USDA) to purchase a truck (used). By going through the USDA, the VFD will get a low interest rate (3.87%) and a \$20,000.00 grant towards the truck. Interest rates offered elsewhere are currently over 7.00%. The USDA is requiring proof that the new equipment will be stored inside a building for the length of the loan. Since the VFD does not own the township building, the VFD contacted Alan Shaddinger, Township Solicitor, and asked him to draft a license agreement between the VFD and the township giving the VFD permission to occupy the township building for 15 years. On a motion made by Rob Kellogg, seconded by Jim Waugh, and carried unanimously, the Supervisors voted to enter into the 15-year license agreement presented by the Cherrytree Township Volunteer Fire Department. Ron Stewart suggested that a conflict of interest existed because Jim Waugh, a member of the VFD, voted to enter into the agreement and should have abstained. Jim Waugh said that there was no conflict because he would not benefit financially from the agreement.”

Shari Nelson said that Alan Shaddinger told her that a Supervisor should not take the initiative to have the Solicitor draft an agreement without approval by the Board of Supervisors. She also said that other Supervisors did not know that Jim Waugh was having the agreement drafted and did not approve of it, noting that Dave Zdanko heard about the agreement just days before it was voted upon. Jim Waugh read the following excerpt from Section 1103 (Duties of Solicitor) from the Pennsylvania Second Class Township Code:

“The township solicitor, when directed or requested so to do, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party.”

A discussion between Jim Waugh and Doug Nelson took place regarding the letter that Jim Waugh sent to the Pennsylvania State Ethics Commission about whether or not Jim Waugh, a VFD member, could vote as a Supervisor on issues involving the VFD. Shari Nelson said her point was that Alan Shaddinger said that Jim Waugh should have had approval from the Board of Supervisors before getting an agreement between the township and the VFD drafted. She said that the township deserves Supervisors who work together as opposed to one Supervisor working on his own. Rob Kellogg said that the Supervisors had discussed the matter before. Ron Stewart said that Jim Waugh probably should have gone to the Board of Supervisors for approval before contacting Alan Shaddinger. Tim McGrath suggested that it was a procedural misstep. Jim Waugh said that everyone has to work together and that being a Supervisor is a thankless job.

Public Comment

Tim Warner voiced his concerns regarding the intentions of the new owner of a property adjacent to Tim Warner's property on Route 8 and suggested changes be made to the zoning map. The Supervisors asked him to discuss the matter after the meeting with Tim McGrath, Zoning Officer.

The meeting adjourned at 6:28 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer