

Connoquenessing Township's Supervisors Meeting was called to order by Chairman Terry Steinheiser at 6:00 p.m. on October 6, 2021 at the Connoquenessing Township Municipal Building. Present were Supervisors Terry Steinheiser, Ed Rupert and Ricky Kradel. Also attending was Solicitor Andrew Menchyk, Jr., Engineer Bill Braun, Treasurer/Asst. Secretary Lee Kradel and Secretary/Asst. Treasurer Brenda Davis to take the minutes. Fifty-three people signed in on the public sign in record on file. The meeting opened with the Pledge of Allegiance and Prayer.

REVIEW MINUTES

Reviewed minutes of September 1, 2021. Christine Klink stated a few facts in her discussion last month in reference to the SEO's testing for malfunctioning systems were misstated. Rupert motioned to accept the minutes of September 1, 2021 with Christine Klink's corrections. Kradel seconded. Roll call, yes.

FINANCIAL REPORT

Brenda Davis reported the beginning balance in the General Fund is \$194,876.80 but after deposits of \$92,747.42 and checks in the amount of \$117,958.61 are approved tonight the ending balance will be \$169,665.61. Brenda Davis stated the Escrow account beginning balance is \$53,437.00 but with deposits of \$7,286.00 and checks in the amount of \$1,532.50, the ending balance is \$59,190.50. Brenda Davis said the Highway Aide beginning balance was \$38,502.62 but with interest in the amount of \$2.57, the ending balance is \$38,505.19. Brenda Davis stated the Act 13 Impact Fee fund beginning balance is \$242,492.20 but with interest in the amount of \$39.86 the ending balance is \$242,532.06. Brenda Davis stated the Act 13 CD beginning balance remained the same at \$728,843.49 leaving a grand total of \$971,375.55. Brenda Davis stated the American Relief Plan had a beginning balance of \$203,204.13 but with interest in the amount of \$33.40, the ending balance is \$203,237.53. Kradel motioned to approve the financial report and pay the bills. Rupert seconded. Roll call, yes.

COMMENT PERIOD - Three minute limit pertaining to agenda

Mark Williams questioned the "Request to be Heard" procedure. He asked the supervisors to publicly state on the website that you have to give a 48 hour notice before the meeting to be on this list. Mark Williams stated he put in a right-to-know form requesting where this rule is stated. Secondly, Mark Williams commented on the section of "New Business" in reference to advertising for a new Sewer Authority member and requests the board to be engaged with the Sewer Authority board on getting a good applicant to help manage the \$22,000,000 project. Mr. Williams requests the supervisors direct the Sewer Authority members be open to questions from the residents instead of the "no comment" position they chose at their September 27, 2021 meeting per the advice of the solicitor. Mr. Williams told the Supervisors he hopes they will encourage transparency in government and not secrecy. Steinheiser stated that resolution #5-19 is on file at Township that states the 48 hour notice.

Mr. Bill Long read some of the Sunshine Act where it does state the supervisors can limit comment to 3 minutes but stated sometimes more time is needed and asked the supervisors for flexibility when sewer is a complex subject. Mr. Long mentioned the Sewer Authority members having a "gag order" and said all the public wants are answers. Mr. Long said it looks like they are hiding something. Rupert said if he was hiding anything he would not be sitting in the supervisor seat. Steinheiser stated the public is allowed to comment but the supervisors are not required to comment. Mr. Long said it would be better practice to answer and stated the Sunshine Act is to protect the residents, not the municipality.

Mr. Ken Dambaugh, resident at 144 Double Rd., stated he had also attended the Sewer Authority meeting and asked the supervisors if there is no hiding, why doesn't the public get answers. Steinheiser stated that was at the Sewer Authority meeting that questions weren't answered per the Solicitor's advice. Steinheiser stated the Act 537 Plan has never been hidden and several meetings were held about it at the Armory and has been discussed in meetings for years.

Mr. Bill Long said when water came through there was no problem with construction so residents didn't notice but with sewer taking 50 ft. of property people are now noticing the destruction.

James Smith, 228 Reiber Rd. stated he recently bought this residence because it had a conventional system that has worked for 25 years. Mr. Smith stated he was not on the first drawing and doesn't want sewage there since it's rural. Mr. Smith suggests keeping the sewer on Rt. 68 where it is needed.

BIDS

Brenda Davis opened the bids submitted for 1,000 tons more or less Anti-Skid (AS1) which were as follows:

Kozar Excavating
\$16.49/ton

McClymonds Supply & Transit
\$17.23/ton

Mr. Menchyk, Jr. reviewed and approved McClymonds Supply & Transit's bid bond. Kozar Excavating did not submit a bid bond. Kradel motioned to award the Anti Skid (AS1) bid to McClymonds Supply & Transit in the amount of \$17.23/ton. Rupert seconded stating McClymonds was the only qualified bidder. Roll call, yes.

REQUEST TO BE HEARD - three minute limit

Laura Mason presented maps showing where the sewer lines will go and the devastation it will cause. Mrs. Mason stated the new map was presented on August 27, 2021. This will consume about a 4-1/2 mile radius of Powdermill Creek. The soil in the area is glacial rock and quartz. Mrs. Mason said she talked to a big sewer pipe laying company and this is going to be a big operation and major cost to put this in. Mrs. Mason said in perfect soil it will cost \$100/ft. but with this rock the cost could escalate 5 times (\$500/ft.). Mrs. Mason also stated you can not bore/hammer through rock, dynamite will need used. Mrs. Mason agrees with Rt. 68 being sewerd but going into these rural areas, the cost of \$22,000,000 is going to sky rocket. Mrs. Mason stated any new project needs to look at ROI (return on investment) and this project doesn't work. Mrs. Mason does not agree with the board stating the residents have known about this since 2015. Mrs. Mason stated the drawings were put out on August 27, 2021 and the public was only given 27 days to comment. Mrs. Mason stated the previous drawings presented were called "cartoon drawings" by the engineer.

Marty Mitchell thanked the supervisors for getting together and having communication. Mr. Mitchell stated comments should be positive and facts should be presented. Mr. Mitchell told the public to listen. He stated the sewer authority has a website www.connosewer.org for information and the citizens have started a facebook page "conno sewer concerns" to read. Mr. Mitchell stated a good article was written by Steve Soley from Reiber Rd. on facebook which he feels reflects how the residents feel.

Joel Gordon, 819 Dick Rd., stated he has a problem with the sewer line coming through his property. Mr. Gordon stated his property is behind Shannon Mills and the sewer line shows taking 50 ft. by 1,000 ft. long which will destroy his trees to timber, etc. Mr. Gordon said that Shannon Mills sanitary already has problems. Mr. Gordon said when it rains hard it overflows and suggests pumping that system up to Rt. 68. Mr. Gordon said the infrastructure is already there and it won't affect the Shannon Mills residents and he won't have to be burdened with the devastation of his property. Mr. Gordon stated he previously sent a letter to Senate Engineering with his concerns.

Evelyn Hockenberry read a statement stating she owns two properties (174 & 176) Double Rd. which have already lost 2 right-of-ways. Mrs. Hockenberry stated both the sewer systems work properly. Mrs. Hockenberry stated if she is not breaking any laws and her sewage system is not causing any health or safety issues she wants no more digging on her property.

Angela Fleegeer stated she and many residents did not receive the November 11, 2020 letter and then when the Phase 2 Plan came out she feels this is why the community is in an uproar. Mrs. Fleegeer stated the letter said Senate Engineering would be requesting permission and consent to survey on her property but they never got either one from her. Mrs. Fleegeer stated they have had their property posted with no trespassing signs for years. Mrs. Fleegeer feels like this is a backroom, shady-dealing, mob-style enforcement. Mrs. Fleegeer stated her family owns a farm on Doctor Lane with no house and doesn't need sewage but the lines are planned to go right through.

Steinheiser stated letters were sent out to the areas that were going to be affected. Brenda Davis stated she has the list of addresses where they were mailed. Kradel stated he would like to see them.

Pete Monday who was not on the agenda yelled out about the cost of \$22,000,00 that the board expects residents to pay.

Gary Fleegeer presented a map of his 14 acre farm and his late brothers adjoining 11 acres and showed the devastation the sewer lines will do to their properties. Rupert asked what the other right-of-ways were on the property. Mr. Fleegeer stated a driveway and the oil & gas company right-of-way.

Samatha Clark, 154 Winterwood Dr. stated she just moved into her home and sewer coming through her area was not on the seller's disclosure. Ms. Clark stated she would not have purchased this home if she had been informed and her septic passed with flying colors. Ms. Clark stated her tree lines and her neighbors tree lines will be taken out and eliminate her privacy. Ms. Clark stated her area is called Rolling Woods for a reason. Ms. Clark also stated her son is in a hospital bed and she is not going to cover up his big window just because his nurses are tending to him. Ms. Clark said her real estate agent stated that this destruction of tree removal will kill the resale value of her home. Ms. Clark said she will be an advocate to stop this plan and no one is allowed on her property.

Bill Long, 267 Reiber Rd. asked the supervisors "what are we doing". Mr. Long stated he agrees with doing Rt. 68 but this sewer plan is getting way out of control. Mr. Long stated a group of residents had a phone conference with DEP and were told that DEP did not mandate sewage. Mr. Long stated it has been said at many meetings, "if we don't do it the DEP is going to come and do it and your not going to like it". Mr. Long stated the DEP laughed at that comment and stated they are not in the business to put sewage in. Mr. Long told the supervisors they can't destroy rural properties to subsidize sewage for the mercantile area. Mr. Long told the supervisors they need all these tap in fees to pay for this project so they are out at our farms seeing how many EDU's and \$3,800 tap in fees they can get. Mr. Long said you can't afford to put a sewage plant in for just Rt. 68. He suggested sending Rt. 68 to BASA and don't destroy the rural residents livelihood. Lastly, Mr. Long stated it has been said at meetings that the DEP will not issue repair permits for sewer. Mr. Long stated the DEP laughed at that comment. Mr. Long stated the DEP said if the supervisors are aware of a sewer problem they should have the SEO out to have them fix it, put a lien on the property or let them have a holding tank. Mr. Long asked why destroy peoples lives and properties only for a minimum amount of people who need sewage.

Dave Dreher questioned why destroy rural farms, streams and trees when sewer should just stay on the Rt. 68 corridor. Mr. Dreher said no one was notified until November 11, 2020 that this costly plan was happening and some never got the letter. Mr. Dreher asked why the tax records can't be used for addresses to contact the residents so they know what is going on. Mr. Dreher stated people put comments in about the sewer and then to see those comments you have to do a Right-to-Know form and wait 30 days. Mr. Dreher asked, "what's the big secret". Mr. Dreher asked if we need this \$22,000,000 sewer system that will put our Township in fiscal debt for generations to come. Mr. Dreher stated the supervisors and sewer authority need to get information out to the Township residents. Mr. Dreher stated he has talked to state legislators and senator and was told that the Sunshine Act protects the residents, not

the Township. Mr. Dreher stated the only way people knew about the sewer website was because of Bill Long's editorial in the Butler Eagle. Mr. Dreher asked how the supervisors can look at themselves in the mirror each day and treat your constituents fair over this sewer project. Mr. Dreher said it's not too late to amend the Act 537 Plan with DEP and scale this project back. Mr. Dreher asked the supervisors to not vote on this expensive plan and listen to the majority of the residents who oppose this system.

Charlane Rimer said no one got a letter at Shannon Mills. Mrs. Rimer said she has the last new home in Shannon Mills and she is a widow and on a fixed income and can't afford the price she is hearing. Ms. Rimer stated she talked to Brendan Linton today and he said they may consider enlarging the Shannon Mills plant to cover some of the Rt. 68 corridor. Mrs. Rimer said she is taking him for his word and asked how good peoples word is these days. Mrs. Rimer stated information needs written, known about and discussed ahead of time. She deferred the rest of her time to Angela Fleeger.

Christine Klink, 212 Reiber Rd., stated that at the Sewer Authority meeting the board said they need the supervisors guidance to expand. Mrs. Klink said they need to research alternative options for sewer systems in the Township. Secondly, the sewer board needs to be able to openly answer questions and share information where the Solicitor would allow them to answer any questions. Mrs. Klink asked the supervisors to expand the time for public comment in reference to the sewer project because only having 20 days for residents to make comments is not long enough.

Mrs. Klink stated Dave Ice in 2007, 2015, and 2016 did door-to-door surveys and over these nine years 367 houses surveyed and only 25 failed. Mrs. Klink stated this is only 6.8% which means 93.2% are working systems in the area the supervisors are planning to sewer. Mrs. Klink stated a supervisor at last meeting said the above percentages were not true that there are a lot more failed systems and the soils in this area don't allow new residential systems. Mrs. Klink stated if the supervisors know of failed systems they should be sending the SEO out to inspect. Mrs. Klink said it is much cheaper to correct the malfunctioned system than to connect to public sewer. Mrs. Klink stated petitions were signed in 2016 and 2017 not wanting this system but the supervisors moved forward and \$500,000 has already been spent and residents still don't want or need it. Mrs. Klink would like alternatives done. Mrs. Klink stated there are eight new designed septic systems the DEP approves so systems can be fixed. Mrs. Klink asked the board to think really hard before approving the Phase 2 project. Mrs. Klink asked them to think how this will hurt their neighbors, Township, change the rural community and the affect on the environment.

Angela Fleeger thanked Mrs. Rimer for her unused time and stated Shannon Mills homes are already connected to their sewer plant so she questioned why they would have to pay the estimated \$3,800 tap in fee and \$80.00/mo. charge. No comment.

Mark Scott said Mr. Wonderly wouldn't let the residents talk at the meeting but the supervisors do. Rupert stated they are a different board and the chairman of that board makes the decision.

Kay Double told the residents that not only do they have to spend the \$3,800 to connect they also have to pay to decommission their old system and wonders how low income individuals are going to afford this. Ms. Double asked the supervisors if this is Rich Lenhart's first sewer project. The board did not know.

Kradel said the board has heard everyone tonight and feels questions should be answered. Kradel hopes that moving forward the residents and Sewer Authority will get along better and questions be answered. Kradel stated Andrew Menchyk, Jr. is the legal man and if he advises the Sewer Authority to not answer they need to abide. Steinheiser said everyone needs to work together. Steinheiser stated he needed to hear the residents opinions and the board needs time to digest all the information.

Mr. Long asked if the next meeting could be held at the Armory so the residents could all come inside and sit down. Steinheiser said he would consider that.

Ken Dambaugh asked what is the next legal step the residents need to do to reverse the direction of this plan? Mr. Menchyk, Jr. stated the Act 537 was approved by the supervisors and DEP and the Sewer Authority is to execute the plan. Mr. Menchyk, Jr. stated any change would begin with the supervisors and then brought to the DEP for approval. Mr. Dambaugh asked if there is a letter from the DEP stating this plan had to be done? Mr. Steinheiser stated when he had a meeting with Tomissa Kiskadden from DEP he wanted it to be recorded but she refused.

Mr. Long stated he had a half hour long conference call with Tomissa Kiskadden and was told that the supervisors can change the Act 537 Plan.

Diana Edwards asked Mr. Menchyk, Jr. how he can compare the Act 537 plan to a ballgame. Mrs. Edwards doesn't feel the board is listening to the residents.

Kradel told the residents that there will be a sewer system in the Township and can not please everyone but he is going to ask the Sewer Authority questions on how the project can be scaled way down. Kradel stated he also talked to Tomissa Kiskadden and she said even though the residents might not want sewer that is not going to make it go away. Kradel stated he'd like to pause the Sewer Board and get some cost figures, talk to DEP and see if change is even feasible.

Pete Monday yelled about the timing of this is off because people have not worked for two years and the supervisors are asking residents to cough up this type of money. Mr. Monday said, "don't you know what the residents are going through? Steinheiser quieted him down.

Steinheiser said the supervisors will hold an executive session meeting at the close of this meeting for the purpose of discussing the Act 537.

Ken Dambaugh said we live in a democracy and asked why all residents are not included in the vote.

Mr. Tom Vesel questioned if all residents were surveyed? Rupert stated it is not feasible to contact all 4,200 residents.

Diana Edwards stated that when she moved in and connected to Brandywine she was told that she may have to connect to Connoquenessing Sewer but now the Sewer Authority is planning to put 3 lines through her property and expects her to pay \$3,800 tap fee and \$80.00/mo.

The crowd was getting loud. Steinheiser told them that the board has heard all the comments and will need to digest and thanked everyone for coming.

OLD BUSINESS

NONE

NEW BUSINESS

Rupert motioned to advertise for Sewer Authority member. Kradel seconded. Roll call, yes.

PLANS

Jonathan Garczewski was present to present the Ritenour Family Limited Partnership #2 Custom Lawn Care Annex Land Development Plan. Rupert motioned to approve the 9 foot front setback modification. Kradel seconded. Roll call, yes. Bill Braun stated his letter to Ritenour lists what all is needed. After review, Rupert

approved the Ritenour Family Limited Partnership #2 Custom Lawn Care Annex Land Development Plan for preliminary and final with the following contingencies: 1. Operations and Maintenance Agreement signed, notarized and recorded at the County, 2: signed, notarized and recorded easement (20 feet minimum) required for the proposed stormwater pipe on Parcel 120-3F47-2AAL1D 3. Surety bond in the amount of \$298,728.00, 4. Retaining tank application fee/escrow received and agreement signed and notarized and permit issued by Township SEO, Developers Agreement signed, notarized and recorded. Kradel seconded. Roll call, yes.

ENGINEER REPORT

Bill Braun stated #1 Cochran said all contingencies were met and asked for a site visit. After inspecting, Mr. Braun said the pond still needs cleaned and told the board they should retain their cash bond.

SOLICITOR REPORT

Mr. Menchyk, Jr. stated he has submitted a red-lined franchise agreement draft to Mr. Hassler at Armstrong and once he receives a final draft he will present to the supervisors for approval.

Mr. Menchyk, Jr. stated the supervisors, engineer and himself have received copies of the 4 Comprehensive Plan Packages received last month and after they are reviewed the supervisors can decide if they would like to choose one to move forward.

CODE ENFORCEMENT REPORT

Kradel motioned to approve invoice for September 2021 in the amount of \$345.22. Rupert seconded. Roll call, yes. Report in packets.

ROAD MASTERS REPORT

Kradel stated the road superintendent report for September 2021 is available and stated the road crew continues with mowing the Township.

BUILDING PERMIT REPORT

Steinheiser stated there were four building permits applied for this month.

They were:

46-21 - J & J Dev. - Shannon Mills Dr. - new home - 9/17/21

47-21 - CCK Holdings, LLC - Evans City Rd. - Alterations - 9/27/21

48-21 - Nguyen BinhXuan - Daisy Ln - Mobile Home - 9/28/21

49-21 - David Freund - Isaac Ln. - greenhouse - 10/1/21

TAX COLLECTOR REPORT

NONE

SEO REPORT

Final inspection - Mark Moore/Nichole Stadnik

EMERGENCY MANAGEMENT COORDINATOR REPORT

Connoquenessing Volunteer Fire Company representative was on the agenda but did not attend.

Rupert stated the Township received a proposed budget from Connoquenessing Valley Regional Emergency Management Agency (CVREMA) and will discuss during the budget meeting.

MOTIONS & GENERAL INFORMATION

Rupert stated the Butler County Tax Claim Bureau has received an offer of \$600.00 for each of the below 10 parcel's that are currently on the Butler County Repository unsold property list and requests the

Township to sign off on each parcel either by consenting or **not** consenting to the sale of these parcels. Below are the parcels:

120-S5-A1108 - Fox Dr.	120-S3-A285 - Rabbit Rd.
120-S6-A1191 - Spring Valley Rd.	120-S3-A232 - Connoquenessing Dr.
120-S5-A1067 - Pidgeon Dr.	120-S3-A230 - Connoquenessing Dr.
120-S5-A845 - Doe Dr.	120-S3-A27 - Pheasant Dr.
120-S3-A220 - Connoquenessing Dr.	120-S5-A899 - Robin Rd.

Rupert motioned to sign consenting the above parcels be sold for \$600.00 each. Kradel seconded. Roll call, yes.

Rupert motioned to advertise the Budget Workshop. Kradel seconded. Roll call, yes.

Steinheiser said the below, which was on the agenda, is for information:

Received letter dated September 2, 2021 from ARM Group LLC to notify the Township on behalf of PennEnergy of their intent to submit a well permit renewal application for proposed natural gas well drilling or alterations at the natural gas PER L103 Well Pad 7H in Connoquenessing Township. Information is on file at Township office.

BCATO 2021 Fall Convention has been canceled.

Connoquenessing Volunteer Fire Company will hold their Halloween Parade on Sunday, October 24, 2021 at the Connoquenessing Park. Line up is 1:30 p.m. - Parade begins at 2:00 p.m. In addition, Connoquenessing Township will hold their -Trick-or-Treat on Saturday, October 30, 2021 from 6:00 p.m.-7:00 p.m.

Representative Marci Mustello invites all veterans and one guest to a Veterans Luncheon to be held at Lyndora American Legion Post 778, 150 Legion Memorial Lane, Butler on Wednesday, Nov. 3rd from 11:30 a.m. to 1 p.m. RSVP is required by Oct. 28th. Information is posted on outside bulletin board.

Cub Scout Pack 482 is looking for new members and having a meeting on October 17th at the Connoquenessing Park between 2-3 pm. Information is posted on outside bulletin board.

MOTION TO ADJOURN

Rupert motioned to adjourn at 7:14 p.m. to an executive session to discuss litigation issues and stated the board would not return. Kradel seconded. Roll call, yes.

Mr. Long said that the supervisors need to be more specific on what they are discussing in executive session per the Sunshine Act. Mr. Menchyk, Jr. explained to Mr. Long the procedure. Mr. Long would just like a few more words explaining what is discussed in these meetings.