

Connoquenessing Township Supervisors Meeting was called to order by Chairman Larry Spangler at 6:00 PM on June 5, 2024, at the Connoquenessing Township Municipal Building. Present were Chairman Larry Spangler, Vice-Chairman Rick Kradel and Supervisor Angela Fleeger. Also in attendance were Solicitor Andrew Menchyk Jr., Engineer Bill Braun, and Treasurer/Asst. Secretary Brenda Davis. Secretary Megan Hineman was present to take the minutes. Thirty-six people signed in on the public record on file. The meeting opened with the Pledge of Allegiance and a moment of silence.

**ANNOUNCE WHO IS RECORDING MEETING**

Spangler asked who was recording the meeting. Two responded: William Pitts (Butler Eagle) and Brendan Linton.

**EXECUTIVE SESSION**

At 6:03PM Spangler motioned to go to an executive session to discuss personnel. Fleeger seconded the motion, all agreed. The Supervisor Meeting resumed at 6:15 PM.

**EXECUTIVE SESSION ANNOUNCEMENTS**

The Supervisors met immediately following the May 1, 2024, Supervisor Meeting to consult with the Solicitor regarding personnel.

The Supervisors met with the Solicitor on May 9, 2024, to discuss personnel and to discuss the proposed DEP Consent Order and Agreement.

**REVIEW MINUTES**

Reviewed minutes of May 1, 2024 Supervisors Meeting. Kradel motioned to approve the May 1, 2024 Supervisors Meeting minutes. Fleeger seconded, all agreed.

**FINANCIAL REPORT**

	<b>Beginning Balance</b>	<b>Checks</b>	<b>Deposits</b>	<b>Interest</b>	<b>Ending Balance</b>
<b>General Fund</b>	\$749,449.33	\$155,186.79	\$166,357.58	-	\$760,620.12
<b>Escrow Fund</b>	\$22,222.00	\$1,356.19	\$125.00	-	\$20,990.81
<b>Liquid Fuels</b>	\$346,604.61	-	-	\$14.72	\$346,619.33
<b>Act 13 Impact Fee - Checking</b>	\$368,976.02	-	-	\$1,222.17	\$370,198.19
<b>Act 13 CD #1</b>	\$766,008.10	-	-	\$8,971.74	\$774,979.84
<b>Act 13 CD #2</b>	\$307,226.56	-	-	\$3,787.72	\$311,014.28
<b>Total Act 13 Funds</b>					\$1,456,192.31

- Fleeger motioned to accept the financial report and pay the bills. Kradel seconded, all agreed.
- Kradel motioned to ratify the online QuickBooks and payroll renewal. Fleeger seconded, all agreed.

**COMMENT PERIOD** (Three-minute limit pertaining to agenda)

Brendan Linton:

- Thanked the Township for the coordination with surrounding municipalities for the Recycling Day.
- Stated that the CTSA Meeting was cancelled because they did not post the agenda on their website, which is the third or fourth time they have done so in less than a year and he finds it unacceptable.

**BIDS**

The following are the sealed bids that were publicly opened and read aloud by Megan Hineman, for the letting of June 5, 2024:

- **Berm Paving Bids**

QTY	DESCRIPTION	Wiest	Voelker	Shields
183 TON	Asphalt Binder Course 19.0mm	\$300.00	\$116.85	\$197.00
<b>Total Cost</b>		<b>\$54,900.00</b>	<b>\$21,383.55</b>	<b>\$36,051.00</b>

Kradel motioned to award the lowest bidder, Voelker Paving. Fleegeer seconded, all agreed.

**CONNOQUENESSING VOLUNTEER FIRE COMPANY**

- Matt McConnell stated the following items are what the CVFC has going on in the next month:
  - CVFC will be selling hotdogs at the Leslie Farms yard sale event this weekend.
  - They will be assisting with the Township’s Litter Pick Up event the following weekend.
  - They have been invited to the Butler Walmart’s Touch-a-Truck event on June 22, 2024.
  - CVFC’s 5<sup>th</sup> Annual Cornhole Tournament will be held at Missing Links Brewery on June 30<sup>th</sup>
- Dave Cottington stated that radio station 93.7 (The Fan) will be having their Five Alarm Fire Fundraiser which benefits local fire companies. The fundraiser will run from tomorrow until Friday and it will be a 24-hour fundraising event, and CVFC is one of the 50 volunteer fire companies that will be receiving money from it.
- Dave Cottington stated CVFC is still working on the following:
  - USDA Grant
  - ARPA Loan
  - ARPA Grant
  - Capital Campaign that they have about \$30,000.00 coming from so far

**EMERGENCY MANAGEMENT COORDINATOR REPORT**

Angela Fleegeer stated there is nothing new at this time.

**CONNOQUENESSING TOWNSHIP SEWER AUTHORITY (CTSA)**

Chairman Bruce Steinhiser read the May CTSA monthly update. Information is on file at Township office.

**REQUEST TO BE HEARD (Three-minute limit)**

Mark Williams:

- Thanked the Road Crew for fixing the ditches that washed out during the April rains.
- Stated that the condition of the grass on the berms is a safety issue, and hopes to hear resolution to the issue later on in the meeting.

Dan Furman:

- Stated his neighbor paved 6 feet over their property line, onto his own, in the Township's Right-of-Way, and provided the Supervisors with pictures.
- Spangler stated that Supervisors will consult with the Township Engineer and Solicitor regarding his concern, to see what can be done.

Allen Mechling:

- Would like to propose a very limited burning ordinance for the Township.
- In residential areas (such as where he lives), people will light a fire for entertainment at night. When he wakes up in the morning, there is still smoke, and it continues for days.
- His suggestion for the ordinance is:
  - Fires should be put out at the end of the day and not left to smolder overnight or for days
  - Someone should be present at all times to monitor the fire
  - Possible time limits

Bill Long:

- Expressed his concern with a comment regarding legal action, made by Mr. Linton, at the previous meeting, stating that people come to meetings to be able to speak without fear of being sued, and comments like that are a problem.
- Stated that the Supervisors gave the CTSA a letter stating their attendance is no longer needed at a forum. Questioned if that decision was a violation of the Sunshine Law and questioned why the Supervisors would not want them to attend.

Brendan Linton:

- Stated that his previous Right-to-Know request was not frivolous since it was found partially favorable.
- Stated that the CTSA has had over 2 years to help resolve the sewage issue, and little to nothing has been done.

Joe Huth:

- Stated that the community advocates for new homes and businesses to bear the majority of the cost for the new sewer system, not existing households.
- Stated that preliminary engineering costs generated so far are too expensive, and that he would still like to see PAWC be a possible option.
- Mr. Huth ended with the following, *"As leaders of our community, you must respect the community's wishes and remain vigilant against panic, baseless criticism, and personal attacks. Your focus should remain steadfast on achieving the goals that best serve our community"*.

Chris Klink:

- Stated that the DEP has worked great with the CTSA, and she thanks the CTSA for all of their hard work and volunteer time.
- Ms. Klink stated the CTSA has lost several good people because of being downgraded and threatened.
- Stated that the Supervisors need to represent the community in their best capacity.
- Ms. Klink questioned why there was only one Supervisor signature on the letter to the CTSA asking them to not attend the Workshop.

Fred Hensel:

- Not present when called upon

## **OLD BUSINESS**

Act 537 Sewer Design Plan Update:

- Fleeger reviewed the following timeline of events:

### **Chronology**

- *The original 537 Official Plan for the Township is part of a document titled "Updating the Butler County Master Plan and the Community Sewage Disposal and Water Supply Plan" dated December 1970 which recommended that the Township be served by private on lot sewage disposal systems at that time.*
- *On October 30, 2007, the DEP approved a revision to the aforementioned Plan for a portion of the Township located within Winterwood Drive, an area in the northeast part of the Township near Route 422 and Eagle Mill Road, and a large portion of the areas north and south of Route 68 to be served by "BASA." Winterwood Drive was included in the five year planning period detailed in the 2007 revision.*
- *The current 537 Plan ("Current Plan") was prepared between 2015 and 2016.*
- *On March 3, 2016, there was a public meeting at the Armory where over 200 members of the public attended.*
- *Between March and April 2016, written public comments were accepted.*
- *In April 2016, the Supervisors approved the Current Plan by resolution.*
- *In June 2016, the Supervisors rescinded their approval.*
- *The Current Plan was revised as of June 2018.*
- *In August 2018, the Supervisors approved the Current Plan by resolution.*

- *On March 7, 2019, the Current Plan was approved by DEP.*
- *On October 2, 2019, the Supervisors enacted Ordinance No. 96-19 to form the Connoquenessing Township Sewer Authority (“CTSA”). The formation of CTSA was required by the Current Plan as part of the Township’s implementation of the approved Current Plan. Under the Current Plan, the purpose and intent of CTSA was to construct and operate the public sewer system required under the Plan.*
- *In February 2021, CTSA closed on a bridge loan 24 line month of credit with First Commonwealth Bank. The line of credit, which is guaranteed by the Township, was intended to fund final design prior to permitting.*
- *On October 25, 2021, the Supervisors convened a special meeting and paused the implementation of the Current Plan due to public disapproval and passed a motion to request a meeting with the DEP. The Supervisors requested that CTSA review alternatives and report back to the Township with a recommendation.*
- *On June 2, 2023, the Township received a notice of violation from the DEP concerning failure to implement the current 537 Plan.*
- *The Township’s response to the notice of violation included correspondence from the CTSA’s solicitor dated June 13, 2023 which stated, “We have targeted September 2023 for submission of a viable, affordable project scope to the CTSA— one that the Connoquenessing Township residents can afford—and ultimately seek approval from the Supervisors. ... Our tentative plan is to submit a new Act 537 Plan to the DEP by March 2024.”*
- *On April 3, 2024, the Supervisors had an executive session with the DEP and the CTSA, where the DEP stated the Supervisors would be receiving a Consent Decree that would include required actions and timelines.*
- *On April 22, 2024, the proposed Consent Decree from the DEP was addressed directly to the Supervisors. It was mailed to the Township for the Supervisors.*
- *Today, June 5, 2024, on our agenda we have included discussion and possible motion to approve the Consent Decree with the DEP.*
- Fleeeger provided the following additional comments:
  - “I think it’s getting a little lost with where we are at with the Consent Decree. It was sent directly to the Supervisors. That was not sent to other functions because it is solely the responsibility of the Supervisors to understand the Consent Decree

and to negotiate directly with the DEP. We would take their recommendations, we would make our recommendations, and we are finally up to the point now where we are able to have final discussion and make a motion on that. That's where we are at as far as the Consent Decree goes. We have not yet approved it yet, it's on the agenda tonight to approve".

- "By law, it states that all municipalities must develop and implement a comprehensive official sewage plan and address the current and future sewage needs under the Pennsylvania Sewage Facilities Act, enacted on January 24, 1966".
- "Section 750.5 of Act 537 provides legal details to which the Township is bound. It's quite comprehensive and I'm not going through all of that (tonight)".
- "The submission of an Act 537 Plan is the sole legal obligation of the Supervisors. The Supervisors do not have the legal ability to delegate the Act 537 Plan approval and submission to any other body".
- "It is important to note that the CTSA has done a good job for us. They have worked very long and hard hours, to a lot of criticism at times over the years. We appreciate everything you are doing. I want that to be known that we respect and appreciate the CTSA for that. Up until now, the CTSA has done the tasks that we have put forth for the board to do. That needs to be publicly noted".
- "I also want to add clarity to any perceived Sunshine Act violations. The Supervisors had an executive session with the CTSA immediately following the May 2024 Supervisors Meeting. That meeting had 2 purposes:
  1. To build the relationship between the two boards. We clearly know there's an opportunity, and we must have better alignment and communication.
  2. To provide the CTSA with the knowledge that we received the Consent Decree, and to update them on where we are at in the process.
 During the meeting, it was difficult to have some of the discussion because of a misunderstanding between the two boards. During the meeting, the Supervisors were questioned about violating the Sunshine Act because we 'made a decision' to negotiate and respond to the Consent Decree. To clarify, there was no Sunshine Act violation because the Consent Decree is solely the responsibility of the Supervisors. We shared that information with the CTSA to keep them up to date. To clarify, we did not invite the CTSA to attend the next meeting, as we did not want another misunderstanding with the CTSA or the community in regard to violating the Sunshine Act in some way. That does not mean we are going to shut out the CTSA, or that we are not going to resolve the issues between the boards. We took a pause on it, as we did not want to muddy the water any more than it already was".
- Fleeger asked CTSA Chairman Bruce Steinhiser if anything that she said was incorrect, to which he responded "no, you're good".

**NEW BUSINESS**

- Ratify health insurance renewal and HRA: Kradel motioned to ratify the health insurance renewal and HRA. Fleeger seconded, all agreed
- Resolution 5-24 (regarding the 457 Plan): This resolution is to change the name of the trustee from Terry Steinheiser to Larry Spangler. Kradel motioned to amend the Connoquenessing Township 457 Plan. Fleeger seconded, all agreed.
- Resolution 6-24: Kradel motioned to accept the Consent Order and Agreement with the Pennsylvania Department of Environmental Protection concerning the Township's 537 Plan. Fleeger seconded the motion, all agreed. Fleeger added that after tonight, the document can be viewed by the public, which Solicitor Menchyk confirmed.
- HRG Proposal for Engineering Services Township Sewage Facilities Plan Update (Act 537 Plan). Fleeger motioned to accept the HRG proposal. Kradel seconded, all agreed.
- ARPA funding awarded to CTSA and possible motion to petition the County to reallocate the remaining funds to the Township. Solicitor Menchyk provided background information regarding this subject; He stated that the CTSA was awarded \$664,000.00 by the county. The monies needed to be allocated by the end of last calendar year (2023). While some of the money has been utilized by the CTSA there is still a remainder that is set to be recaptured by the County if it is not spent. Mr. Menchyk stated that the County has indicated that they would possibly entertain the idea for a request to reallocate the money to the Township, so that they could use it as part of the funding available for sewage planning. The motion would authorize the request to be submitted to the county. CTSA Chairman Bruce Steinheiser stated they currently have some outstanding bills that need to be paid, and questioned if the funds would still be available for that. Mr. Menchyk stated that the County will not act overnight, so he would recommend getting the bills submitted. Fleeger questioned if the funds would still be available for the CTSA if it's needed, so as not leave them in a tough spot to pay their bills. Mr. Menchyk stated that the Township could use the money for that purpose. Kradel motioned to have the request submitted to the County. Fleeger seconded, all agreed.
- Discuss and possible motion to approve a letter to the International Union of Operating Engineers Local Union 66 regarding the security cameras: Fleeger motioned to approve sending a letter to the Local Union 66. Kradel seconded. All agreed.
- EADS Group Comprehensive Plan/ Resolution No. 2024-01: Chairman of the Planning Commission, Brendan Linton, provided information regarding the resolution. Mr. Linton stated this resolution is the "hand-off" of the Comprehensive Plan, to the Supervisors. The next step is to schedule and advertise the required Public Hearing, to solicit feedback on the Comprehensive Plan. The following step after that would be to adopt the proposed Comprehensive Plan by resolution. Fleeger motioned to advertise a hearing on the Comprehensive Plan. Kradel seconded. All agreed.

## **PLANS**

CV Development, Lot Line Revision: Bob Brennan was present to present the CV Development Plan. He stated it is just a simple lot line revision. Engineer Bill Braun recommended his approval of the plan contingent on all comments from the previous LSSE letter May 7, 2024 being met. Additionally, Mr. Braun stated he would like Solicitor Menchyk to review Mr. Brennan's Right-of-Way Agreement. Solicitor Menchyk stated he would recommend his approval, contingent on the conditions in Mr. Braun's letter being met and his review of said agreement.

- Fleeger motioned to approve waiver of articles V & VI. Kradel seconded. All agreed.
- Fleeger motioned to allow final approval, contingent on all stated requirements being met. Kradel seconded. All agreed.

## **ENGINEER REPORT**

- Discuss Lower Harmony Rd. culvert project: Engineer Bill Braun stated that the Lower Harmony Rd. project is complete. Mr. Braun recommends payment of the remaining \$106,312.77 be paid to the contractor. Additionally, Mr. Braun stated that they are retaining 5% until all close-out documents are submitted by the contractor. Kradel motioned to pay the contractor the \$106,31.77. Fleeger seconded, all agreed.
- Jake Brake study: Mr. Braun stated that he does not have any current updates at this time; PennDOT is still reviewing.

## **SOLICITOR REPORT**

- On-Lot Sewage Enforcement Ordinance: Mr. Menchyk provided a draft of the proposed ordinance. He stated the next step would be to advertise the ordinance. Additionally, Mr. Menchyk stated the motion would be to advertise the ordinance, not to adopt it at this time. Lastly, he stated that the proposed ordinance will become public information following the Supervisors Meeting. Fleeger motioned to advertise the On-Lot Sewage Enforcement Ordinance. Kradel seconded, all agreed.

## **CODE ENFORCEMENT REPORT**

- Kradel motioned to approve Sandi Cox's invoice for May in the amount of \$376.98. Fleeger seconded the motion, all agreed.

## **ROAD MASTERS REPORT**

Kradel stated in the past month they have been fixing shoulders, berms and potholes. Gravel has been put down on Crab Run Rd. The shoulders on Fassinger Rd. have also been cut, in addition to the installation of 4 catch basins on Lower Harmony Rd. Spangler asked for an update on the berm mowing; Kradel stated that our tractor was supposed to come in by mid-June, however it has been delayed again, so the Township will be renting a mower. Fleeger stated she spoke with LandPro (where the rental is coming from) and they are in the process of attempting to obtain the correct oversize load permits to deliver the mower to the Township, and that they were expecting the permits to be received in the next day or two. Once that is received, the mower will be delivered to the Township immediately.

## **BUILDING PERMIT REPORT**

Spangler stated there were six building permits applied for this month:

- 19-24: Tim Krannacker – Panther Rd. – Mobile Home Replacement – 05/02/24



- 20-24: Debbie Mallick – Upper Harmony Rd. – Barn – 05/10/24
- 21-24: Beth Reefer – Silver Oak Dr. – Shed – 05/13/24
- 22-24: Tim Hutchison – Cupps Rd. – Addition – 05/14/24
- 23-24: Mike Pospisil – Camp Fatima Rd. – Garage – 05/21/24
- 24-24: SOVA L.L.C – Whitestown Rd. – Demolition – 05/28/24

**TAX COLLECTOR REPORT (None)**

**SEO REPORT (None)**

**MOTIONS & GENERAL INFORMATION**

- Received an invoice from Connoquenessing Borough for the Recycling/Cleanup Day held on May 11, 2024. The Township's share was \$966.99, which has also been reported on the Financial Report.
- **Keep Conno Clean Trash Pickup Event:** Fleeger stated the event last month was postponed due to weather. The rescheduled event will now be held on Saturday, June 15 from 8:00 AM until 10:00 AM. The meeting location is still Ritenour's building. If you are still interested in participating, please reach out to Supervisor Angela Fleeger.

**MOTION TO ADJOURN**

At 7:18 PM, Kradel motioned to adjourn. Fleeger seconded the motion. All agreed.