

## CHERRY TOWNSHIP REGULAR MEETING

DECEMBER 6, 2022

The regular meeting of the Cherry Township Supervisors was held on December 6, 2022. Those present were Mr. Frank Fritz, Mr. David Mishler, Mr. William Smith, and Mrs. Carolyn Yeager. Attorney Michael Gallagher was also present. Nine residents were in attendance. Mr. Fritz called the meeting to order with the Pledge of Allegiance.

### PUBLIC COMMENT

Sandra Stockham presented a subdivision/lot line revision for property off of Grubb Road. The property is being sold to Ron DeFranc, her neighbor. The subdivision plan was reviewed. Mr. Mishler made a motion to accept the subdivision. Mr. Fritz seconded the motion. All three supervisors voted yes. The motion carried. The plan was signed and sealed.

Marion Township Fire Department representative, Robert Hairhoger, was present to discuss changing the 911 Emergency Management maps to allow for Marion Township to cover Moniteau and Grubb Roads. Currently, the 911 center is dispatching West Sunbury to those locations, and response times are much slower than if Marion Township were to be dispatched. A representative of Slippery Rock Fire Department was also present, asking that the Supervisors request the 911 communications center to dispatch Slippery Rock Ambulance to all calls in all of Cherry Township. Mr. Mishler made a motion to adjust the coverage area for Marion Township to include Moniteau and Grubb Roads, and to designate Slippery Rock Ambulance as the service provider for all of Cherry Township. Mr. Smith seconded the motion. All three supervisors voted yes. Attorney Gallagher suggested that Mrs. Yeager check with West Sunbury Fire Department to be sure they are in agreement with these changes, before making the request to the 911 Emergency Management Agency. Mrs. Yeager will make the calls to West Sunbury Fire and to the Emergency Management office.

Attorney Gallagher lead the next portion of Public Comment, which dealt with the ongoing complaints registered by residents of New Hope Road with regard to the loud and lengthy noise from shooting that continues to occur at the residence of John Toomey. The residents are requesting that the Supervisors do something to get the shooting under control so that their lives are not disrupted constantly, day after day. Comments were heard from Mr. John Lesar, 116 New Hope Road and from Bill and Michelle Schreckengost, 110 New Hope Road. Other residents, also concerned with the issue, were unable to attend due to work schedules. The residents request that the Supervisors do not sign an agreement that has been drafted, in which Mr. Toomey would only be permitted to shoot two days during the week and on Saturdays. They would prefer that an agreement be reached where Mr. Toomey either moves

the target area to a place further from their properties, and/or put up some form of noise barrier that will prevent the noise from echoing through the valley and constantly disrupting their lives. Attorney Gallagher stated that he feels we should not go back on what we had asked for in the original draft agreement; however the Board requested that he send a letter to Patrick Casey, attorney for Mr. Toomey, asking for the sound barrier and/or relocation of the target shooting area. The residents would still like to see the Township take Mr. Toomey to the magistrate for violation of the Township noise ordinance. At Mr. Mishler's request, Mrs. Yeager has contacted PSATS Legal Department in Harrisburg regarding the issue, asking how other Townships may have handled situations similar to this one. Mrs. Yeager was advised by the legal team at PSATS that the Township is prevented, by State Law, Title 18, to conduct any type of litigation for issues related to guns and ammunition. The PSATS legal team stated that the 2<sup>nd</sup> amendment is so broadly interpreted that Townships do not stand a chance to win cases with regard to guns and any attempt to control their use. The team stated that the Township WILL lose the case, as others in the State have. The Supervisors reiterated their request that Attorney Gallagher send a letter to Attorney Casey, requesting that the target area be moved and/or a sound barrier be constructed. Attorney Gallagher will comply with the request of the Board.

The minutes of the November meeting were reviewed. There were no additions or corrections. Mr. Mishler made a motion to approve the November minutes. Mr. Smith seconded the motion. All three supervisors voted yes. The motion carried.

The financial report as of December 6, 2022 was reviewed. Mr. Fritz made a motion to accept the financial report. Mr. Mishler seconded the motion. All three supervisors voted yes. The motion carried.

Mr. Smith gave the Road Master's report. Storm cleanup was completed on Grubb, Moniteau, Chambers, Redbrush, Coaltown, Wolford, Roenigk, Ferguson, Windy and Saniga. We had so much rain that it floated the leaves to the culverts and they plugged, which plugged up the ditches. Culverts and ditches were cleaned to open them up again. Gravel patching was done on Hungarian, Tinker, Wolford, Beaverdam, Swope, and Pry. Overlay was put down on Grubb. Trees were cleaned up on Harrisville, New Hope, Pipestem, Roenigk, Moniteau, Sunbury, and Windy.

The stop sign was replaced at Moniteau and Rt. 308. New Road signs were purchased for Tinker, Pry, Brimstone, and Swope. Mr. Fritz asked what happened to them. Mr. Smith replied that they are stolen, and he has to replace signs from time to time. A "School Bus Stop Ahead" sign was put up on Coaltown Hill at the new house built there. Mr. Fritz made a motion to accept the Road Master's Report. Mr. Mishler seconded the motion. The motion carried.

Mr. Smith gave the Equipment and Maintenance Report. The clutch was replaced on the One-Ton truck. The shifter also had three broken bolts that were replaced. Three lights were replaced on the back of the truck at Hovis, so it would pass inspection. The spreader was installed on the one-ton, as well. The hydraulic control valve for the spreader on the Volvo was not working, so that was replaced. The Cat and the Michigan Loaders were serviced to get them ready for winter loading. We had to get a new battery for the Michigan. The spreader for the GMC was serviced and adjusted. The pressure washer was repaired, as it wasn't putting out enough pressure. Six check valves were corroded and had to be cleaned and the comet pump was cleaned and adjusted. We still need to put the spreader on the Volvo. The New truck is at Super City, getting the bed put on it. Once done there, it will go to Stephenson for the hydraulics. Mr. Mishler made a motion to accept the Equipment and Maintenance Report. Mr. Fritz seconded the motion. The motion carried.

### OLD BUSINESS

Mrs. Yeager provided information about the Iron Mountain solar array project. The County Planning Commission has reviewed the preliminary plans and is requiring a few changes. Gateway Engineers has also reviewed the Stormwater Management Plan for the construction and is requiring changes to those documents, as well. Two separate plans are being submitted, as required by the State, as there are too many solar panels being installed to meet the maximum transmission requirements. There will be a north array and a south array. Mrs. Yeager presented documentation that requires signatures by the Township. The first is the Review Fee Reimbursement Agreement, providing the Township with funds from Dimension Energy that will be deposited into a special account, to be used to pay Gateway for any and all review fees with regard to the project. The fund will also cover any other costs involved with obtaining the proper permitting to construct the two array sites. The second is the Land Development permit paperwork from DEP, which the Township must approve for Dimension Energy to obtain the Chapter 102 Permits from DEP. The paperwork was signed, as required, and Mrs. Yeager will forward it on to the respective agencies. Paperwork was also signed for First National Bank, giving Mrs. Yeager permission to open the bank account which will be used for the deposit of funds from Dimension Energy, and to pay Gateway Engineering and any other expenses incurred for this project.

Mr. Mishler made a motion to adopt the proposed 2023 budget, as advertised. Mr. Smith seconded the motion. All three Supervisors voted yes. The motion carried.

### NEW BUSINESS

Mr. Mishler made a motion to adopt Resolution 22-07, implementing Act 57 of 2002. The adoption of this Resolution is mandated by the Commonwealth within 90 days of passage of the Act, which took place on October 10, 2022. The Act stipulates conditions under which a

property owner can request a waiver of fees charged for failure to pay taxes on newly obtained property for which proper notice was not received. Mr. Smith seconded the motion. All three supervisors voted yes. The motion carried. The resolution was signed and sealed. Mrs. Yeager will provide copies to all parties.

Mr. Mishler made a motion for Mrs. Yeager to close the 2022 books on December 31, 2022. Mr. Smith seconded the motion. All three supervisors voted yes. The motion carried.

Mrs. Yeager stated that the 2023 Re-Organizational meeting will be held on January 3, 2023.

Mr. Mishler made a motion to adjourn the meeting and to sign checks to pay all bills. Mr. Smith seconded the motion. All three supervisors voted yes. The motion carried. The meeting was adjourned at 9:10 p.m.