

The Potter Township Supervisors held a Regular Business Meeting on Wednesday, August 12, 2020 at the Potter Township Municipal Building and by ZOOM. Ms. Rebecca Matsco called the meeting to order at 6:09 pm and led the Salute to the Flag.

In attendance were:

Supervisors: Rebecca Matsco, Earl Shamp and Al Cwynar

Solicitor: Mike Jones

Engineer: Dan Sell

Secretary: Linda McCoy

Visitors: Lauren Patton, Bill Winkle, Jim Gabel, Bruce McElhane, Ron Robinson, Steve Saunders, Maggie Saunders, Tracey Friel, Matt Book, Shannon Book, Zach Saunders, Mark Summerville, Fred Brandt, Casey Harrington, Nicole Cwynar, Tim Wetzel, Dave Conti, Lennie Miller, Chris Heitman

#### **MEETINGS:**

7/21 – Mr. Shamp met with Clyde Volk from MDIA for the final inspection of the Township hall remodel

7/23 – Ms. Matsco & Mr. Shamp joined a Shell update call through Skype

7/30 – Mr. Cwynar met with Vicky Michaels & Captain Jon Hall at Rocky Bend to discuss development & enforcement of park rules

8/10 – Ms. Matsco, Mr. Shamp & Mr. Cwynar met with Neva Stotler re: litigation & personnel matters

8/11 – Ms. Matsco, Mr. Shamp & Mr. Cwynar met in Executive Session regarding personnel matters

8/12 – Ms. Matsco & Mr. Cwynar had an informational/education tour of the Montgomery Ridge property with Mr. Shamp

#### **MOTION TO APPROVE THE MINUTES OF THE REGULAR BUSINESS HELD ON JULY 8, 2020 – with corrections.**

**MOTION: Al Cwynar**

**SECOND: Earl Shamp**

**MOTION CARRIED**

#### **CITIZENS:**

Mr. Gabel recommended to the Board that they could schedule how people are able to come into the building for a meeting during the 25 mandate limit to people who have business with the Township and limiting the groups with business with the Township to two people. Mr. Jones said that it is not recommended. A short discussion followed between the Board and Mr. Gabel where suggestions were made i.e. – an individual can give the Board a heads up if they want on the Agenda or notify the Board if they have paperwork that needs to be signed. Mr. Shamp stated that everyone in a group has something to say.

#### **OLD BUSINESS:**

##### **MOTION TO RATIFY THE ACCEPTANCE OF A 60 DAY SUBDIVISION APPLICATION APPROVAL EXTENSION**

**REQUEST FOR MONTGOMERY RIDGE AT YELLOW GATE ESTATES UNTIL SEPTEMBER 27, 2020.** The Subdivision Application will be deemed denied if the extension request is not received by July 27<sup>th</sup>. The Board received it promptly.

The Motion was made by Al Cwynar and seconded by Rebecca Matsco (Mr. Shamp abstained) on July 15th.

**MOTION: Al Cwynar**

**SECOND: Rebecca Matsco**

**ABSTAIN: Earl Shamp**

**MOTION CARRIED**

##### **MOTION TO PASS RESOLUTION 6-2020, A RESOLUTION OF THE TOWNSHIP OF POTTER, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE THOMAS AND KATHY RUFF PLAN OF LOTS SUBDIVISION IN ACCORDANCE WITH POTTER TOWNSHIP'S SUBDIVISION AND LAND DEVELOPMENT**

**ORDINANCE AND ZONING ORDINANCE.** The Board explained the Zoning Hearing Board granted a variance to subdivide a parcel of less than an acre.

**MOTION: Earl Shamp**

**SECOND: Al Cwynar**

**MOTION CARRIED**

##### **MOTION TO PURCHASE A SPEED ALERT TRAILER FOR THE TOWNSHIP AT A COST OF \$9,890.00 FROM ALL**

**TRAFFIC SOLUTIONS.** The Board explained the trailer is not a rental and that it will record & store information. Mr. Jones explained that you do not need an Ordinance to only monitor. The Board discussed whether or not to purchase additional software to capture photos.

**MOTION: Al Cwynar**

**SECOND: Earl Shamp**

**MOTION CARRIED**

**MOTION TO AUTHORIZE THE SPECIAL COUNSEL TO EXECUTE THE LETTER OF INTENT WITH CENTER TOWNSHIP TO RESOLVE THE PENDING LITIGATION IN EXCHANGE FOR \$225,000 AND PROVIDING FOR AN INTERIM ARRANGEMENT PENDING THE OUTCOME OF THE BOUNDARY COMMISSION PROCEEDING.** Ms. Matsco stated that the Township will be part of this court proceeding and the Boundary Commission will decide where the line is. She said that properties around the Mall are in question. She also stated that the AJMJ Agreement with Center Township has not worked. The Board explained that Center Township is in arrears of the taxes it owes Potter Township per the AJMJ Agreement. They also stated that the boundary commission may take several months.

**MOTION: Earl Shamp**

**SECOND: Al Cwynar**

**MOTION CARRIED**

**MOTION TO APPROVE THE REQUEST FROM INDEPENDENCE CONSERVANCY FOR AN ADDITIONAL \$2,800 FOR INVASIVE PLANT SUPPRESSION THROUGH SEPTEMBER 2020.** Ms. Matsco explained this is only for Rocky Bend. She will also make a plea to Shell to control invasive plants on their bordering property. A discussion was had by Mr. Miller regarding the mulch in the silk socks from Mark West – indicating that is where the knotweed on his property originated. Ms. Matsco will ask Mr. Conti about the contents of their silk socks. Mr. Cwynar noted that on his ride with Vicky Michaels, he saw a difference with more open space. Mr. Shamp noted that the monies needed for Rocky Bend plant suppression should be decreasing soon and Ms. Matsco agreed.

**MOTION: Al Cwynar**

**SECOND: Earl Shamp**

**MOTION CARRIED**

**ROCKY BEND:**

A discussion was had by residents and the Board for possible rules for Rocky Bend:

Enjoy the Preserve from dusk to dawn	NO overnight camping
Park only in designated parking areas	NO alcohol or narcotics
Restrain your pet	NO fires
Take litter and pet waste with you to dispose	NO shooting targets or at random
Take photos – only	NO disturbing trees, plants, soil or rocks
Social distancing recommended	NO disorderly conduct

As COVID is bringing more people to Rocky Bend, the Township will be interacting with the CTPD and the Game Warden to curtail bad behaviors. The Township will need to adopt a set of rules by Ordinance which will be advertised 30 days in advance before enforcement of the rules can happen. Mr. Cwynar had a discussion with Mr. Jones regarding the duties of the CTPD & Game Warden – Mr. Jones stated that the police department will handle things if criminal penalties are involved and the Game Warden will handle fish & game. Matt Book wanted to know what restraining your pet meant – Ms. Matsco stated that there will be designated areas for leash and other areas, pet owners must have control of their animals at all times. Mr. Heitman wanted to know if portable BBQ pits are considered a fire. A discussion was had by the Board on whether a fire will be allowed and if so – where, since lately people have been using rocks & trees at Rocky Bend for their fires. Examples from the residents were given for allowing fires – designated areas, specific rules, fire rings, moving the concrete in the area to a designated fire area – Ms. Harrington mentioned that the long-term plans for Rocky Bend included designated fire areas – Mr. Shamp stated that the restrooms are in that spot now.

**MOTION TO HIRE A PARK RANGER AT \$625/WEEK THROUGH DECEMBER 30<sup>TH</sup> FOR REIMBURSEMENT FROM CARES ACT FUNDING THROUGH BEAVER COUNTY.** The Board explained that this is a part time position (approx. 20 – 30 hours a week) Thursday thru Sunday at different times each day and not a law enforcement officer. Ms. Matsco stated that the gate at Rocky Bend is locked on weekends until a system is worked out with CTPD.

**MOTION: Earl Shamp**

**SECOND: Al Cwynar**

**MOTION CARRIED**

**MOTION TO TRANSFER TWO (2) MILLION DOLLARS (\$2,000,000.00) FROM THE MONEY MARKET FUND TO A 3 MONTH CD WITH WES BANCO FOR A BETTER INTEREST RATE.** Ms. McCoy explained that all of the Township accounts suffered a lowered interest rate as a result of COVID.

**MOTION: Al Cwynar**

**SECOND: Earl Shamp**

**MOTION CARRIED**

**SOLICITOR'S REPORT:**

Mr. Jones stated that the Board needs to respond to the CTPD offer for a new contract of only one year. Although the Township wants a three-year contract, Mr. Shamp recommended a one year contract at the current rate (an extension of this year) and the Board agreed. Mr. McElhaney asked whether Rocky Bend is covered by the CTPD and Mr. Jones stated that it is Township property and all Township property is covered under the police contract. Mr. Jones stated that there needs to be an informational meeting with the Board on meeting requirements such as executive sessions.

**ENGINEER'S REPORT:**

- Mr. Sell reviewed the Thomas & Kathy Ruff Subdivision and all comments were addressed.
- Widmer Engineering provided a third review letter on 7/15/2020 for Montgomery Ridge at Yellow Gate Estates and a special exception request response on 8/5/2020.
- Mr. Sell reported that the next step in the 2020 Paving Program is to schedule a preconstruction meeting with the contractor. The Board would like to get started by the end of September and would like a daytime preconstruction meeting during the day in August on a Friday.

**DISCUSSION ON MONTGOMERY RIDGE AT YELLOW GATE ESTATES:**

Mr. Sell reported on comments 18, 19 & 21...

- 18. Road slope at intersection – Rettop revised plans on 7/25 - comment addressed
- 19. Spacing of intersections – 2 are 114' apart and do not meet the Ordinance requirement – Widmer's recommendation is 200' – comment not addressed
- 21. Maximum grade of road – Ordinance calls for 10% slope or less, plan is 12% in some locations – comment not addressed Mr. Sell has questions on a bigger issue of vertical curve site distances.

Ron Robinson commented that the Ordinance is not specific on Comment 21 – according to the Ordinance, there are two tables – a minor or local road is 12% and a cul de sac is 10% (Tanglewood Trail). Mr. Robinson questioned whether Tanglewood was a minor road or not and quoted the average daily traffic (0 – 250 for cul de sac) & (0 – 1,000 for a local road). Mr. Robinson believes the 12% should be allowed as it is a local road. Mr. Sell said he is okay with the 12% if the site distance issue is satisfied. Mr. Robinson and Mr. Brandt suggested dropping the speed limit to 15 mph to satisfy this (Widmer recommends 25 mph). Trillium Way is only 20 mph. Mr. Sell stated that if you lower the speed limit to 15 mph – people will not realistically drive 15 mph. Ms. Matsco stated that lowering the speed limit is more dangerous and lowers the site distance. Mr. Robinson suggested stop signs to satisfy this and Ms. Matsco said that doesn't make sense. There was a discussion on whether a three way stop sign would work. Mr. Brandt stated that the grading needed to fix the site distance pushes out of the limits of the property. Ms. Matsco stated she has not seen the footprint of the contours of the land and said this would help demonstrate the waiver request. Mr. Robinson suggests a lower speed limit (15 mph) and stop signs to satisfy the waiver request. Maggie Saunders said that more stop signs in that area would be better for residents with kids. Ms. Matsco asked Mr. Sell if a stop sign at Foxglove would solve this and Mr. Sell said no. Mr. Robinson also said that lighting could be added to help this issue.

Shannon Book raised the issue of the bend on Trillium and how the new plan traffic would have an effect. Mr. Shamp stated that Trillium was built to code when it was built. He also stated that a stop sign study done at Mowry and Trillium recommended a 3 way stop sign per Widmer Engineering.

Ms. Matsco asked if when Rettop submitted the major subdivision plan – does that make it a planned unit development - Mr. Jones said it does not. Ms. Matsco asked if having a HOA create a planned unit development – Mr. Jones said no. Ms. Matsco asked if it is a multi-building planned development – Mr. Jones said there is no such term in the Ordinance. Ms. Matsco said that Rettop's response to the Planning Commission had planned unit development language.

There was a discussion between the Board, Mr. Jones and Lauren Patton on granting waivers – all looked at the Ordinances - Section 185-72 – Modifications of Regulations - can be granted. Mr. Jones stated that you will see the variance language in every municipal Ordinance and it is intentionally vague. Ms. Matsco asked Mr. Robinson if there was a unique physical characteristic and Mr. Robinson said yes. Mr. McElhaney stated that the hardship is for the unique characteristics and topography.

Mr. Cwynar asked Mr. Brandt if he knew the intersection spacing had to be 200' – Mr. Brandt said he couldn't make it work.

Mr. Cwynar asked Mr. Brandt if he did this for other plans and Mr. Brandt said yes and they ask for a variance. Mr. Cwynar asked Mr. Brandt why he just didn't follow the Ordinance.

Ms. Matsco stated that she and Mr. Cwynar will meet regarding a developer's agreement at a work session next Wednesday.

Ms. Matsco encouraged Rettop to engage with its neighbors around the plan about their development. Mr. McElhaney asked if Rettop had to convince the neighbors or the Board of their need for a variance.

Mr. McElhaney asked the Board why there were variances for roads granted to Joe Hall and Rocky Bend? Ms. Matsco said that Mr. Hall had a drain and no other place to go and Rocky Bend had only one place possible for the road.

Maggie Saunders asked why there wasn't a stop sign at Trillium if there was a recommendation through a traffic study. Ms. Matsco said the Board didn't adopt Dan Sell's recommendation.

Ms. Matsco asked Mr. Brandt if she could see the limit of disturbance.

Mr. McElhaney asked Ms. Matsco why she was stopping the meeting and she responded that she was stopping a circular conversation.

A discussion was had on the Central Valley School bus issue with buses not turning around in a cul de sac – they do a three way turn instead – like on Trillium Way. Mr. Cwynar explained the new development to Sue Cole from the Central Valley bus department and she explained that the buses will not enter any plan of homes without an exit – but she will revisit this issue when the new plan is finished. Ms. McCoy stated that the buses did a turn around on the Floyd farm circular driveway when Pleasant Drive was closed. Mr. McElhaney stated that the new plan has larger cul de sacs for turning around. Maggie Saunders suggested sending a letter to the school district. Mr. Gable suggested that a one way in and a one way out shouldn't make any difference whether it's a three way turn or turning on a cul de sac. The Board said the Township will continue to advocate for residents with the school bus issue, including sending a letter.

**SHELL PIPELINE:** Dave Conti reported that he has been addressing speeding on Township roads. They are wrapping up the micro piles with approx. 85% done. Soon they will have trucks moving soil for about a week. He will look into the contents of the silk socks that they will use.

**PLANNING COMMISSION:** No report.

**FIRE DEPARTMENT:** Mr. Gabel reported that all fundraisers have been cancelled including Night at the Races and the Bourbon & BBQ event. The Department will have a food ticket for November. The Department is currently applying for a COVID-19 Firefighters Grant for their losses from fundraising. Mr. Gabel said that the Department will be available for the fireworks event in the Township this Sunday. He also thanked the Board and Linda McCoy for allowing her to do the Fire Department tax return which will be a savings to the Township.

**RECREATION BOARD:**

Nicole Cwynar reported on the past Movie in the Park and gave her expense report to the Board. She stated that there will be a limited number of snacks left over to hand out at this Sunday's event. She reminded everyone that the Bruster's Ice Cream truck will be available from 6 – 7 pm on Sunday for those 55 and older. She would like everyone to practice social distancing while at the event. Ms. Cwynar also stated that the Golden 50's Dinner and Xmas Bingo will be cancelled this year.

**ROAD DEPARTMENT:** No report.

**POLICE DEPARTMENT:** No report.

**REAL ESTATE TAX COLLECTOR:**

Vicky Leininger submitted the 2020 June & July Real Estate Tax Report to the Supervisors.

**TREASURER'S REPORT:**

- The balance in the General Fund Account is \$2,293,743.69 Bills for this account totaled \$248,978.26
- The balance in the State Liquid Fuels Account is \$26,493.61 Bills for this account totaled \$441.16
- The balance in the Capital Equipment Account is \$51,980.34 There were no bills for this account
- The balance in the Escrow Money Account is \$101,414.74 Bills for this account totaled \$118.50
- The balance in the Wage Tax Account is \$61,357.48 There were no bills for this account
- The balance in the Public Safety Account is \$1,782,352.32 Bills for this account totaled \$9,144.98
- The balance in the DCNR Grant Fund Account is \$75,002.23 There were no bills for this account
- The balance in the Money Market Fund is \$4,469,523.18 Transfers for this acct totaled \$66,530.00  
\$703,531.00 of this is MDIA permit fees
- The balance in the Recreation Board Account \$446.48 Bills for this account totaled \$199.81

A motion is needed to approve the Treasurer's Report and pay the bills for the month of August.

**MOTION: Al Cwynar**

**SECOND: Earl Shamp**

**MOTION CARRIED**

**ANNOUNCEMENTS:**

- The Rec Board has rescheduled the 'ICE CREAM & MUSIC PARTY' to Sunday, August 16th. Please bring your own chairs, snacks & beverages to the Park to enjoy Bruster's Ice Cream and Music from 7pm – 9pm with FIREWORKS following at dusk! All Township residents are invited!!!
- The Planning Commission will not meet in August.
- The Supervisors will hold a Work Session on Wednesday, August 19<sup>th</sup> at 6:00 pm in person and through ZOOM. The current maximum capacity for indoor gatherings in the Commonwealth is 25 people.
- The Supervisors will hold a Work Session on Wednesday, September 2<sup>nd</sup> at 6:00 pm in person and through ZOOM. The current maximum capacity for indoor gatherings in the Commonwealth is 25 people.
- The Township municipal office will be closed Monday, September 7<sup>th</sup> in observance of Labor Day.
- The Supervisors will hold a regular Business Meeting on Wednesday, September 23<sup>rd</sup> at 6:00 pm in person and through ZOOM. The current maximum capacity for indoor gatherings in the Commonwealth is 25 people.

**THERE BEING NO FURTHER BUSINESS THE MEETING ADJOURNED AT 9:40 PM.**

**MOTION: Earl Shamp**

**SECOND: Al Cwynar**

**MOTION CARRIED**

**Respectfully Submitted,**

**Linda McCoy, Secretary**