**Waterford Township Supervisors**

**Regular Business Meeting**

**Wednesday, August 7, 2019**

The regular business meeting of the Board of Supervisors was called to order by Chairman Coffin at 7 p.m., followed by the Pledge to the American flag.

Chairman Coffin presided over the meeting with supervisors Malinowski and Senger in attendance. Also present was Roadmaster Kevin Cromwell, Secretary/Treasurer Sharon Risjan, Larry Thompson, Marilyn Evans, Adam Alexander and Shawn Beqaj from Armstrong, Flory Kondzielski, Jim Welka, Brady Marks (Amity Twp), Mike Wokulich and Noah Swan.

**PUBLIC COMMENT**

* Flory Kondzielski (Seroka Rd) – thanked the Township for tar and chipping Seroka Road. It really means a lot.
* Brady Marks (Amity Twp) – He owns property in Waterford Township. Whoever put up the signs on Old Wattsburg Road for the bridge repair did a great job. Work started on August 1. He asked how long it will be before Juva Valley Road would be paved. Bruce indicated that he does not know what is next on the list, but when we started this program, the aim was to get the most people out of the mud as we could. The #1 priority was the number of houses on a road. Secondly, if we do a project where Conservation is giving us grant money the following year, we will tar and chip that road. A few years ago we had some roads that were cemented and there were problems, so we did them. Kevin Cromwell would be able to update the project audit and the supervisors would make the final decision and let you know. Mr. Marks asked Kevin when the road would be paved. Kevin asked when Amity will start their part. Mr. Marks said there is not very much in Amity Township, and asked if Waterford can do their part without Amity doing theirs. He stated he will take care of Amity. He just wants to know. Kevin said there are a lot of roads that have issues that need work. Probably get to Juva Valley within the next couple of years. Mr. Marks also asked the road sign at Juva and Old Wattsburg Road will be replaced. Kevin will get it up as soon as possible. Mr. Marks asked where the Township fits in with liability if a car was in an accident. Bruce responded that the Township would have some responsibility to fix the road but the driver must have their vehicle under control at all times, according to the conditions of the road.
* Mike Wokulich, 12414 Trask Road, asked what the Township is doing on Cronin Road; it’s terrible. Bruce said that if you’ve look around the Township over the past few years, you can see we are rebuilding roads and getting them ready for tar and chip. Cronin needed a lot of ditching, tiling, new pipes, etc. They are hauling base material right now so it will be rough. Then, 8” of 2RC will be put on it to smooth it, which will make it better.

**APPROVAL OF MINUTES**

**Motion by Malinowski, seconded by Senger, to approve the minutes of the July 17, 2019, Regular Business Meeting, as presented. Motion carried 3/0**

**ROADMASTER REPORT** –

* Cronin Rd has the base on it. Today they hauled 2RC. Goal is to put a thin layer on the whole thing to smooth it up.
* Tar and Chip program was finished. We had a few damage problems and sent letters to those people. One has been repaired and the other said someone else did the damage so we sent a letter to them.
* The numbers look good for the Suit-Kote contract, and if the supervisors see no problem, he will sign the Final Completion Certificate so Suit-Kote can be paid.
* Tuesday he was at Paul Burrough’s office for the Russell Standard suit depositions.
* Today Cody gave his two-week notice. Kevin asked him to stay to the end of the month. Before that, he talked to Bruce Proper (recommended by Ray Proctor) and he was planning to start him out next Monday, driving truck. If it doesn’t work out, he would not be coming back next spring.
* Truck #9 had a bad radiator that needed replaced. Waiting for a gasket.
* Moved 5-6,000 yards out of Phil Spotts’ gravel pit. It’s all on the road now.
* If the weather stays dry, they will go to Strong Road and go back to Cronin with 2RC on rainy days.
* Malinowski asked which roads we are preparing for tar and chip next year. Kevin responded Cronin (6,300’) and Strong (10,000’). Strong and Cronin had nothing so we had to start from scratch.
* Malinowski asked what material we got from Troyer. Kevin stated it was 1B material for tile drainage.

**ZONING REPORT** –

* Marilyn advised that the Board has a copy of her report. She had some complaints. She sent letters to two individuals, visited one property and checked it out and talked to the owner, and measured the building on the property which was not too close to the other property owner’s line. She has not heard from other individuals who received letters.

**PLANNING COMMISSION RECOMMENDATIONS** –

* **Clarkson subdivision at Swailles/Old State –** They plan to divide a parcel off for their son. Road frontages are good. Recommended approval of the subdivision.

**Motion by Senger, seconded by Malinowski, to accept the Clarkson subdivision upon the recommendation of the Planning Commission. Vote: 3/0**

* **Reichert subdivision at Peach St/Elk Creek Rd –** Maps show 236.62’ of road frontage after the division of 1.6037 acres. Well and septic have already been approved. All buildings will be far enough away from property lines. Shed can be moved if needed. Recommended approval of the subdivision.

**Motion by Senger, seconded by Malinowski, to approve the Reichert subdivision upon recommendation of the Planning Commission. Vote: 3/0**

**Motion by Senger, seconded by Malinowski, to approve the Sewage Facilities Planning Module for the Reichert subdivision. Vote: 3/0**

**SOLICITOR’S REPORT** –

* **Russell Standard –** Solicitor explained that the depositions were taken on August 6, 2019, and Kevin and Paul Traut were the only two anticipated. The other attorney realized after that she had not asked for any documentation from us. There will probably be something coming from her about that.
* **Rube Road –**Solicitor advised that he had provided a letter to the supervisors dated July 23, 2019, explaining his review. Except for one permit issued to Summit Township, there are no inconsistencies with the permits issued for the zoning in that area. If there were inconsistencies, and information comes to the Township about it, the Township statute tells the procedure to do that. He noted that the pattern of knowledge could be problematic. As a side note, he saw a reference to a 1972 zoning ordinance that may have been replaced by the 1991 ordinance, but there is nothing in the 1991 ordinance that repeals the 1972 ordinance. If you have inconsistencies between the two ordinances, there could be problems. He suggested we repeal the 1972 ordinance, or compare them to make sure there are no issues that might come up. He would do this when we have something else to hold a hearing on.

**OLD BUSINESS** –

* **Armstrong –** Adam Alexander and Shawn Beqaj were present mainly to discuss the $20/foot fee for using Waterford Township rights-of-ways. Mr. Beqaj apologized for what happened to this point between the Township and Armstrong, explaining a little bit about the company, and what they had planned for Waterford Township. They want no mistrust by the Township, so will answer any and all questions there may be. They want to build their line in Waterford Township, but the $20/foot fee for being in the right-of-way, if it stands, would make them stop construction and look for other alternatives. They will be paying the Township 5% of their gross receipts, and they paid the Township’s legal fees which they have never done in the past. He asked what the Township’s concerns are. They cannot build it at $20/foot, and he spoke of the FCC passing August 1, 2019, a document regarding ancillary fees. Chairman stated he personally has nothing against Armstrong. They started work in the Township ROW and, as his dad was a past supervisors, he knew about the ROW’s, and asked Kevin Cromwell if they had filled out anything or got a permit. There was nothing. Kevin then proceeded to tell Armstrong they had to stop so they filled it back in, improperly. That is the issue. We have had problems with utilities running in or near our cartways to where we couldn’t ditch and maintain our roads. Thus, we would hit their lines when we ditched and it cost the taxpayers to pay the fines. So, we decided that, #1 – We do not encourage lines in the ROW; we encourage you to use poles already in place, or #2 – run on private property just outside the ROW. They may let you do it for nothing or charge a little fee. If not, we don’t want to stop you from running your lines so you could go by that property. The fees we charge were investigated from easements, phone lines, etc. We want to be in line with them. Shawn indicated that when they are in the public ROW, 90% is aerial and 10% is in the ground. They are mostly attaching to utility poles. Coffin indicated that any place where they would have to be putting in poles, working in the right-of-way, is where the fee comes in. Shawn now understands that if they are using other utility poles, there would be no fees by the Township. Adam indicated that the last guess is that there are three miles of underground which would be about $60,000, and this is excessive for them. Shawn explained what they do and the depth they generally have is 24”. He is unaware of anyone that charges a price per foot. Malinowski asked if they are going to supply Waterford Township with service. Adam stated that it would just be along the route they are taking. This is just their initial build and they may expand at a later date. They would be open to having a discussion of this being an initial broadband project and possibly more in the future. Malinowski explained that people in the Township feel we are holding Armstrong back from getting the service which they will probably not get. Shawn further explained. Coffin wants to see Armstrong in the Township; we don’t want to stand in the way of progress. Asked if they have talked to any of the property owners. Shawn advised that they do not set their own poles so they use existing utility poles. In the area where it would be costly, suggestion was again made to do a survey and find out if they would have a problem with putting poles out of the right-of-way. Malinowski asked where they would like to be for a cost. Shawn explained that there are municipalities who pay those costs themselves. Coffin again mentioned property owners who might allow them to use their property for the line. Shawn stated that their options would be to find another route to get to Wattsburg and into New York. Coffin asked if they were aware that the federal government has fiber optic running through Waterford, Washington and Green townships? There are four or five conduits that were put in and some are abandoned. They are 5’ deep. Shawn was unaware of this, but interested. Solicitor explained that the reason for having the structure we have is to prevent or fund problems. They might consider an alternative such as a certificate of insurance or a bond. Shawn explained that the Township does have a bond from Armstrong. When asked if we were to hit one of their lines, is there coverage for it, Shawn replied, yes, but it has to do with the act. If you have someone who didn’t call PA One Call, it could be a problem. Solicitor advised that we could also have an indemnification agreement. Coffin feels we should have the solicitor work on this. Shawn explained that they would be doing pole work now; there is no drilling going on.

**Motion by Senger, second by Malinowski, to have the solicitor look into this and possibly amend the ROW ordinance. Vote: 3/0**

* Kevin explained that he would like authorization to pay Suit-Kote for the tar and chip program, having reviewed all the numbers.

**Motion by Senger, seconded by Malinowski, to pay Suit-Kote their contract amount of $476,022.56 for the 2019 tar and chip program. Vote: 3/0**

* **Motion by Coffin, seconded by Malinowski, to sign the HRG authorization for an additional six months from 8/16/19 to 2/16/20. Vote: 3/0**

**NEW BUSINESS –**

* **Excavator Rental** – Coffin opened discussion about renting an excavator to load trucks. We had an offer from Showman to rent us their excavator for the same price but not the same contract. In the contract they say they take care of any engine and hydraulic issues, and we pay for everything else. Cooley’s pay all maintenance. When he looked into this, he found that Malinowski and Senger authorized it. He talked to Senger and he said he did not authorize it; only the contract. Also, we could purchase the used machine for $44,000. He asked Kevin to get the # of the machine and he went on to Ritchie Brothers and the purchase of $44,000 was $20,000 to $24,000 more than machines sold by Ritchie Brothers. And, if something happens to it, we would have to pay for it. How are we going to get back in line? Is there a way to approve these things on the fly to get things done? He would like to get back into this. He doesn’t want to put the Township at risk. Malinowski indicated that he did not know about possibly renting the excavator from Cooley’s. The supervisors need to be informed when these things are done. We don’t get a contract from Cooley’s; at least we get one with Showman. Coffin feels we should follow a procedure so we don’t put the Township at risk. Malinowski asked Solicitor Burroughs, when we are renting equipment, can we call around and get prices and tell them what we are getting numbers from others? Solicitor stated he does not see a problem. It is not a bid process; it is a rental. Malinowski feels we should own the machine; all the money we pay for rent goes toward the purchase of the machine. He feels Showman takes very good care of their equipment. Coffin respectfully disagrees that we should purchase a machine for $44,000 with 8,000 hours on it. Discussion ensued. Malinowski feels that the problem is that the supervisors let things happen in this township. Coffin feels Kevin should call each of the supervisors and find out where we are. Perhaps we should have a resolution of what they would allow; phone bids or proposals, and approval of bid or proposal. Anything under $20,000, as long as he has all the paperwork and then they can make the decision. Kevin explained that the supervisors expect results and in order to get results, he has to get things going. He will try to do better. Malinowski stated that Cooley’s equipment breaks down all the time. Coffin would like to get something in writing so everyone knows what is going on.

* **Incidents of Improper Use of Authority –** Coffin opened discussion, stating that this pertains to Dave Senger. A few months ago, he got a call from Mrs. Dillsworth, mother of the family who lived on Old State Road, indicating that Senger threatened her for being on his property, saying he was a Waterford Township Supervisor, and that he also told Marilyn to go measure the house on Mike Wokulich’s property, and measure a building on the property line. Coffin is concerned that this might be harassment. Years ago, we never had anyone come in and sign complaints, so, he asked Marilyn to deal with complaints if they come in and sign a complaint form. He is concerned that Senger is using Marilyn as a harasser. He was also informed that someone was building a porch and Senger wanted Marilyn to measure the porch so that they are not changing the size. He does not feel we should be going out and measuring. Senger responded that anything he has asked Marilyn to measure came from her zoning reports, and on one zoning report was the porch being built by Mr. Tom Coffin, and he referenced that she could measure that; she has the authority to measure to see it is being done properly. He was trying to help Marilyn. As far as Dillsworth, Senger stated nothing to them as a supervisor, that he was not even a supervisor when that all started. He told Marilyn to pick anyone and go and measure what their zoning permit covered. As a zoning officer, it is her job to make sure they are doing things right. Senger asked Solicitor Burroughs if this was correct. Solicitor responded that the zoning officer does have that function. Senger feels he was not over-stepping his boundaries as a public official.
* Malinowski stated that we have been paying for equipment from our general funds instead of our equipment fund. Kevin explained that the funds are accumulating interest at a higher rate. It was available in the general fund so we paid it. We could take it out and put it back in the general fund. Coffin feels we should reflect it out of the equipment fund. Kevin asked if the supervisors want us to take the money and put it in the general fund. Senger said we need to show that we are using that fund somewhere in our paperwork. We have this lawsuit with Russell Standard and the budget does not show where the funds would come from.
* Kevin asked if it is okay to hire Bruce Proper? He has used triaxles, semis, and hauled logs on a semi. Coffin indicated that we need to fill the positions with Cody giving his notice. Should we advertise for applications? Is it possible to not fill the positions? If you need someone, interview and get someone in here. If he is not a fit, he will not stay.

**All supervisors agreed to hire Bruce Proper on a part-time basis at a rate of $16.50/hr.**

**Motion by Coffin, seconded by Senger to advertise for full time employee to replace Cody McClellan. Vote: 3/0**

**CORRESPONDENCE**

* DOT – Tom Alcorn’s replacement – Greg Lindsay, P.E. Local Bridge Program Coord.
* ECATO – Minutes of Special Meeting
* Bayfront Glass – glass only bottle and jar collection at 953 E. 12th St, Erie, PA.
* Charter Communications – Price reduction on equipment.

**RECEIPTS**:

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| --- | --- | --- | --- |
| 486483 | ADP | Employee Insurance Contribution | 376.15 |
| 486484 | ADP | Employee Uniform Contribution | 80.00 |
| 486485 | Wtfd Municipal Authority | 2Q2019 Sewer Fees | 1904.93 |
| 486486 | Berkheimer | Earned Income Tax | 5204.90 |
| 486487 | Berkheimer | Earned Income Tax | 2734.23 |
| 486488 | Berkheimer | Earned Income Tax | 2352.51 |
| 486489 | Berkheimer | Earned Income Tax | 2055.43 |
| 486490 | Berkheimer | Earned Income Tax | 8026.48 |
| 486491 | Berkheimer | Local Services Tax | 79.71 |
| 486492 | Marilyn Evans | Zoning Permits – July 2019 | 261.54 |
| 486493 | ADP | Employee Insurance Contribution | 376.15 |
| 486494 | ADP | Employee Uniform Contribution | 80.00 |
| 486495 | Cass Information | Sewer Usage | 63.26 |
| 486496 | Tax Claim Bureau | Delinquent Taxes | 3361.52 |
| 486497 | Cass Information | Sewer Usage | 63.26 |

**BILL PAYMENT LIST**: See attached

Payroll Period 7/13/19-7/26/19 Ck Date: 7/31/19. Cash Req. $ 15,536.27 ADP Fee: $89.96

M**otion by Malinowski, seconded by Senger, to approve payment of the bills, as submitted. Vote: 3/0 Motion carried.**

**Motion by Senger, seconded by Malinowski, to adjourn the meeting at 8:50 p.m. Vote: 3/0**

Approved: Respectfully Submitted:

Bruce Coffin Date Sharon Risjan

Chairman Secretary