**Waterford Township Supervisors**

**Regular Business Meeting**

**Wednesday, February 6, 2019**

The regular business meeting of the Board of Supervisors was called to order by Vice-Chairman Malinowski at 7 p.m., followed by the Pledge of Allegiance.

Vice-Chairman Malinowski presided over the meeting with supervisor Senger in attendance. Supervisor Coffin was absent. Also present were Roadmaster Kevin Cromwell, Secretary/Treasurer Sharon Risjan, Leslie Brace, Benny Hunt, Marilyn Evans, Flory Kondzielski, Larry Thompson, Bill Phillips, Steve Troyer, and Leeann Ormsbee.

**PUBLIC COMMENT**1. Leslie (Buck) Brace presented plans for the supervisors to review, as we do not have a planning commission. Joe Lichtinger is purchasing 1.9903 acres which includes a barn. It was explained that the supervisors would, within 30 days, forward the plan to Erie County Planning, along with a letter explaining that we currently have no planning board and asking them to review. Once approved by Erie County Planning, the plans would come back to the Township for approval.

2. LeeAnn Ormsbee was present to voice her reasons for resigning, and her opinion that the zoning office is ineffectual.

3. Flory Kondzielski thanked the Township for the condition of the roads this winter. Regarding the planning member resignations, they took everything seriously before they resigned. He also thanked the Board for considering him for a position on Erie County Planning for 2019.

4. Steve Troyer questioned the completion schedule for the covered bridge. He had read the meeting minutes of January 16, 2019, and still wasn’t sure of the progress. Supervisors reiterated the various discussions from the last meeting.

**APPROVAL OF MINUTES**

**Motion by Senger, seconded by Malinowski, to approve the minutes of the January 16, 2019, Regular Business Meeting, as presented. Motion carried 2/0.**

**ROADMASTER’S REPORT**

* Going well; they are busy with snow and ice.
* Had to repair the fan clutch on Truck #10.
* Had a tire go bad on the Mack.
* Getting more flashing lights on the tractors.
* Parts will be in on Thursday for the trailer.
* Has been working on a request for bridge money from the PA Historical Museum Center. They are more of an advisory board. There are matching grants available and he is trying to get the State to match.
* He has been working on getting seal coat numbers together for the group purchase. The cut off date is February 22, 2019.
* The new truck came in two weeks ago. It had a coolant leak, the heat shield was upside down, turning signal was bad. It went back to Peterbilt. They are working on it. Then it goes back to Walsh for a noisy hydraulic pump, a hose issue, a switch for the PTO to be fixed, then some adjustments. Before it comes back, he will go down there and meet with them.
* Regarding a 550, he just got another price from a Ford dealer who quoted $49,000 without a plow. The other one has a 10’ plow for $86,000
* He started pricing pickups.
* Supervisor Senger asked about the difference between going through Co-Stars and not going through them. He found a non-Co-Stars truck for $86,000. Kevin said that’s the price of the one with a 10’ plow.

**ZONING REPORT** –

Thanked Dave and Bruce publicly for reappointing her zoning officer and she was sorry Tim didn’t feel that she was worthy. Tim responded that it was nothing personal. Marilyn continued that after 20 years she can’t believe that she has done so many things wrong. She has never had a complaint, really. All these other supervisors in here nobody has ever said anything that she has done wrong. And, all of a sudden, wow, she doesn’t know what she is doing.

She has given to the solicitor to look at. If she’s allowed to do that; but she doesn’t know what else to do. She is sure that her job is – to ask questions and get legal advice before she does anything. Solicitor Burroughs indicated that, in the past, the supervisors have said that if you have need for assistance, then contact him. One of the things he said early on when he started out here was that he thinks she has a lot of authority that she should exercise rather than looking to the supervisors, and that includes sending out enforcement notices and interpreting the ordinance, rather than waiting for the supervisors. It’s always good to get input but the final decision is up to her, as the zoning officer. And, she has asked them, and they have been working with her on the enforcement notice that she sent out and will continue to do that. From that perspective, she thinks her contacting him was always authorized but he thinks that, what the comments are, is that once she gets that input, then it really you, as the zoning officer, to make the decision. If you have any hesitation, then she should reach out to the solicitor.

Supervisor Senger does not have a problem with her contacting the solicitor when she is in doubt. If you talk to other zoning officers in the region, and still not clear, then you need better clarification….. Marilyn interrupted and asked what he does, as he is a zoning officer? He responded that he does the same thing. He has to go to his solicitor, talk to him; research it; talk to neighboring townships and get their input, Mr. Groh from Millcreek Township is the zoning officer/instructor. Get a hold of him if you have a question.

Marilyn stated that she just brings it up so the supervisors are aware of what’s going on. She doesn’t feel it should be any secret. Senger responded that he doesn’t mind her bringing it up to them, but, like Mr. Burroughs stated, she is the authoritative action. You do the authority. They are the governing body that’s elected has no say over the zoning officer.

Supervisor Malinowski asked what we are doing with Mike Hall on Sharp Road. Marilyn said she hasn’t done anything; he wouldn’t apply for a variance. He said he is selling his place there. Malinowski asked if that is where it stops. Marilyn responded that he said he is selling it. Malinowski indicated that he could say that for years to come. Marilyn said neighbors have asked why she sent those letters out, that if he has licensed vehicles, he can park the whole yard full of licensed vehicles and what can we do about it. If he’s bringing his trucks in there and parking them, that’s his business; he doesn’t run his business out of there, he runs his business out of Erie, but he’s bringing his trucks to store them here and she doesn’t see what we can do about it; they are licensed and inspected. Her husband had a trucking business for 34 years and he brought his trucks home every night, and our drivers. No one said a word about it. Tim said it doesn’t make it right. Marilyn asked where he parks his truck. Malinowski responded down at Walnut and 6th Street. That’s where his employee comes to work. Malinowski takes his truck home. He doesn’t have his employee come to his home, drop their cars off, get into his company vehicle and then go to Erie and mow grass. Marilyn: Still, if those cars are licensed and everything, she doesn’t know what we can do about it. Malinowski indicated that he isn’t here to argue what he is doing is right or wrong; what happened was someone complained. Marilyn agreed, indicating that she received the complaint. Malinowski continued that she gave him a conditional use and then we found out that wasn’t the right route to go for the second or third time that we went through this.

Supervisor Malinowski asked about Rube Road and the three businesses there; indicating they have not followed the rules. Marilyn will take care of this.

Ann Hull situation: Solicitor advised that Marilyn issued the required notice of violation. Mrs. Hull is going to appeal. She has 14 days to appeal to the Zoning Hearing Board. If she does not follow through on this, then Marilyn can go to the District Justice and can assess a fee of up to $500 per day plus attorney fees. As Mrs. Hull has not appealed to the Zoning Hearing Board within the 14 days, Marilyn would be okay to go to the local district justice. He suggested Marilyn explain to Mrs. Hull that she did not file for appeal and that we will now move forward with the complaint. Solicitor will help her with the complaint.

**Motion by Senger, seconded by Malinowski, that Solicitor Burroughs and associates help Marilyn file the complaint. Motion carried 2/0**

**SOLICITOR'S REPORT**

* Armstrong Cable – Since they were here for a meeting a couple months ago, he has heard nothing. As of now, there is no agreement.
* Russell Standard Corporation – They did not supply a response to the discovery; we filed for contempt, and then we got the documents.
* Ferraro Property – The complaint was filed; no response. Judge Domitrovich has set a hearing for March 4, 2019 at 10:30 a.m. Solicitor has not heard from Mr. Ferraro directly. He suggested one of the supervisors be present to show to the judge that we are planning to follow through with this.

**OLD BUSINESS** –

* Logging Ordinance was tabled.
* Planning Board resignations. Supervisor Senger does not want to accept the resignations; would like to keep at least one or two members. No members present at this meeting were willing to continue.

**Motion by Senger, seconded by Malinowski, to accept the resignations of all members. Motion carried 2/0**

* 2RC Contract award for 2019. Proposals were opened at noon today with the following results:

ACA Sand & Gravel - $6.25 per ton

Dwyer Plumbing & Excavating - $7.50/ton

Raymond D. Showman & Sons, Inc. - $7.50/ton

Ray Showman Jr. Excavating, Inc. - $6.50/ton

 Kevin explained that ACA’s material is less expensive but it would cost $20 or more per

load to go get it.

**Motion by Senger, seconded by Malinowski, to award the 2019 2RC contract to Ray**

**Showman Jr. Excavating, Inc., on their bid price of $6.50/ton, even though ACA was**

**lower, the cost to retrieve it would be considerably higher. Motion carried 2/0**

**NEW BUSINESS** –

* **RESOLUTION 2019-01 – Municipal Records Disposal**.

**Motion by Senger, seconded by Malinowski, to adopt Resolution 2019-01 resolving to dispose of municipal records, as set forth in the Municipal Records Manual. Motion carried 2-0**

* **RESOLUTION 2019-02 – 2019 County Aid.**

**Motion by Senger, seconded by Malinowski, to adopt Resolution 2019-02 making application to the County for an allocation ($20,177.00) of County Liquid Fuels Tax Funds. Project description is 2019 winter services (wages and overtime). Motion carried 2/0**

* **HRG Time Extension Request for Part II – Final Design, for the Niemeyer Road Covered Bridge Rehabilitation.**

Discussion ensued on the need for this time extension. Supervisor Malinowski asked if we have to sign the request for additional time extension. Solicitor responded that if we don’t do this, would HRG be done with the project? Malinowski asked if this could be our way out. Solicitor again responded that he would have to look into this. Kevin stated that the engineering is done; there won’t be any more bills until they move forward and prepare the bid documents for construction. This is just to keep the engineering firm there until monies are available to finish the project.

**Motion by Senger, seconded by Malinowski, to approve the six-month extension to keep HRG services for the bridge. Motion carried 2/0**

**CORRESPONDENCE –**

ECATO Minutes

PSATS Newsletter

Pennsylvania Community Rights Network

PA Municipal Planning Education Course in Community Planning

PSATS News Bulletin

HRG Request for Authorization for additional time

**RECEIPTS**:

|  |  |  |  |
| --- | --- | --- | --- |
| 614920 | Berkheimer | Earned Income Tax | 707.81 |
| 614921 | Berkheimer | Earned Income Tax | 5194.14 |
| 614922 | Berkheimer | Earned Income Tax | 999.17 |
| 614923 | ADP | Employee Insurance Contribution | 344.83 |
| 614924 | ADP | Employee Uniform Contribution | 80.00 |
| 614925 | ADP | Employee Uniform Contribution | 80.00 |
| 614926 | ADP | Employee Insurance Contribution | 344.83 |
| 614927 | Commonwealth of PA | Niemeyer Bridge Reimbursement | 1315.40 |
| 614928 | Erie County Tax Claim Bur. | Delinquent Taxes | 648.44 |
| 614929 | ADP | Employee Insurance Contribution | 344.83 |
| 614930 | ADP | Employee Uniform Contribution | 80.00 |
| 614931 | Cass Information system | Dollar General Sewer Usage | 126.52 |
| 614932 | Commonwealth of PA | Niemeyer Bridge Reimbursement | 503.75 |
| 614933 | Berkheimer | Earned Income Tax | 3337.86 |
| 614934 | Berkheimer | Earned Income Tax | 1757.69 |
| 614935 | Berkheimer | Earned Income Tax | 3475.24 |
| 614936 | Berkheimer | Earned Income Tax | 5602.76 |
| 614937 | Berkheimer | Local Services Tax | 98.20 |
| 614938 | Berkheimer | Earned Income Tax | 14972.36 |
| 614939 |  voided |  |  |
| 614940 | Beeman Estates | Sewer Service | 63.26 |
|  |  |  |  |

**BILL PAYMENT LIST**: See attached

Payroll Period 1/12-25/2019 Check Date: 01/30/2019

 Checks & Direct Deposits: $ 10,014.32

 Payroll Taxes: $ 4,241.28

 Total: $ 14,255.60

**MOTION TO PAY BILLS**

**Motion by Senger, seconded by Malinowski, to approve payment of the bills, as submitted. Vote: 2/0 Motion carried.**

**MOTION TO ADJOURN**

**Motion by Senger, seconded by Malinowski, to adjourn the meeting at 8:20 p.m. Vote: 2/0**

Approved: Respectfully Submitted:

Tim Malinowski Date Sharon Risjan

Vice-Chairman Secretary