Tuesday, March 9, 2021

The Penn Township Board of Supervisors held a virtual meeting this evening at 5:45 p.m. with the Chairman, Samuel M. Ward presiding. Also present were Supervisors, Douglas A. Roth and Wilbert J. Mowry, Jr., Township Manager, Linda D. Zerfoss, Land Use Administrator, Clinton A. Bonetti, and 5 Township residents and visitors.

**Minutes – 02/09/21**

Supervisor Ward made a motion and Supervisor Mowry seconded the motion that there being no additions or corrections to the minutes of the meeting held Tuesday, February 9, 2021, they be approved as presented. The motion carried.

**Ike Kelly – Butler County Airport** – Provided an update on the proposed traffic signal upgrade at Route 8 and Airport Road. He stated that PennDot District 10 is supporting this project.

**Richard Goldinger - Butler County District Attorney** – Stated he is a resident of Penn Township and is running for Judge of Common Pleas in the May 18, 2021, primary election.

**Correspondence**

**Ashley Rowe – Berkheimer** – Mrs. Zerfoss read an email from Ms. Rowe that the impacts to collections resulting from the COVID restrictions have been better than previously projected. After their 3rd Quarter collections, EIT revenues in most areas are trending in the right direction. For Penn Township while the 2020 2nd Quarter payments showed a change of 7.68% compared to the 2nd Quarter of 2019, the 3rd Quarter 2020 realized a change of 2.32%. This is a swing of 10.00%. Overall, total collections in 2020 changed by -1.77% compared to 2019.

**Eastern Gas Transmission and Storage** – Notice that as of November 1, 2020, Berkshire Hathaway Energy has completed its acquisition of Dominion Energy’s Gas Transmission and Storage business in the eastern region. The new BHE GT&S unit is now a standalone subsidiary of Berkshire Hathaway Energy’s Pipeline Group, with Eastern Gas Transmission and Storage (EGTS) as the operator in our area.

**PennDot** – Letter advising the Liquid Fuels Tax Fund payment of $236,468.14 will be paid on March 1, 2021, and the Road Turnback Annual Maintenance payment of $41,080.00 will also be paid on March 1, 2021.

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**Correspondence - Continued**

**Pennsylvania Compensation Rating Bureau** -Letter Pennsylvania’s General Assembly enacted legislation, Senate Bill 94, amending the Workers’ Compensation Act by expanding on the definition of “employee” to include certain persons associated with volunteer fire departments, volunteer ambulance corps, and select other organizations engaged in rescue, emergency response, and similar activities. This legislation was signed into law as Act 108 of 2020 by Governor Wolf on November 3, 2020.

**PA Department of Environmental Protection (Brennen)** – They reviewed the proposed Official Plan revision consisting of the construction of a single residence sewage treatment plant to replace a malfunctioning on-lot sewage disposal system. The proposed development is located at 208 Dodds Road and will generate 400 gallons of sewage per day. The Brennen SRSTP plan revision is approved.

**PA Department of Environmental Protection (Rezzetano)** – They reviewed the proposed Official Plan revision consisting of the construction of a single residence sewage treatment plant to replace a malfunctioning on-lot sewage disposal system. The proposed development is located at 171 Powell Road and will generate 500 gallons of sewage per day. An easement has been granted by Penn Township for the proposed discharge line. The Rezzetano SRSTP plan revision is approved.

**Purvis Brothers** – Letter with their annual downstream notification.

**South Butler Community Library** – Minutes of the Library Board of Trustees meeting on February 10, 2021. The meeting was held via Zoom. They also submitted their annual fund drive 2020 final report. They further advised that the Penn Township Library Board appointee position has been vacant, and they are looking for any possible candidates for the 3-year term that began 1/1/2021.

**Sherry Soles-Butler County** – Reported Butler County’s self-response rate in 2010 was 73.8% and we finished the 2020 census at 76.3% ranked #7 in the entire state of Pennsylvania. Penn Township’s self-response rate in 2020 was 80.5% and 76.8% in 2010.

**Stormwater Study** – Provided a follow-up to their February 17 meeting where HRG was asked to fine-tune the draft report to show exactly what each municipality is being asked to do as well as clearly articulate the projects the group is willing to support. They hope to have a draft report at their March 10 meeting and then each municipality will then advance the report to their respective governing bodies along with the draft resolution. It is hoped the report and resolutions can be acted upon through the balance of March and April.

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**Correspondence – Continued**

**The Honorable Kim Geyer** – Copy of letter sent to Governor Thomas Wolf regarding him signing into law Act 34 of 2020. Act 34 was signed into law allowing for alternate sewer systems on sites of proposed land development. Act 34 of 2020 adhered to the environmental standards and mission of DEP to protect the quality of waterways such as rivers, streams, and farmland. The intent was to streamline the processes, permitting, and efficiencies of using new and proven technologies associated with alternative septic systems while being inclusive of the conventional septic systems. Two weeks ago, on February 23rd, 2021, eight months later from Act 34’s signing, the Pennsylvania Department of Environmental Protection is now stating that because Act 34 did not contain the “general site suitability criteria” … that the existing regulations contained in Act 26 of 2017 are to be implemented. In a March 2nd letter to the Sewage Enforcement Officers throughout Pennsylvania's municipalities, it was noted by Mr. Brian Schauderaff, Environmental Group Manager that the DEP understands what was to be the intent of Act 34's recent amendments to the Sewage Facilities Act was to expand and permit the use of alternate systems for the development of lots that are currently unavailable for new land development. The letter went onto conveying that the DEP is working to address specific items associated with Act 34's amendments to the Sewage Facilities Act, but, in the meantime, mandates that if a municipality receives a sewage planning proposal for a subdivision or private property owner's lot for building residential or commercial, in which the site investigation was completed and attested by the Sewage Enforcement Officer fall between September 18, 2017, and February 23, 2021, they must adhere to the regulations contacted in Act 26 of 2017 which is the draft planning guidance. The March 2 letter proceeds that any new land development parcel or subdivision using the site investigation that is completed between September 18, 2017, and February 23, 2021, must be submitted to the municipality by June 1, 2021. It goes on to say that any plan submitted after June 1, 2021, must adhere to the Sewage Facilities Act as amended by Act 34 of 2020 as with any sewage planning proposal with site investigation and attestation by SEO's submitted after February 23, 20201. NO fair warning to the general public or municipalities, the DEP has changed their policy to contradict a law that went through the regulatory review process and was signed into law by the Governor. For someone who just bought a tract of land with the hopes of building a house or business now being told they cannot develop due to not being able to implement an alternate sewage system, yet, being stuck with the finances of an undeveloped parcel that has no acceptable resolution for sewage means they are stuck with a parcel of land that they can neither develop nor sell to another buyer. Implementation of DEP's mandates will greatly reduce and completely halt new permitting, new construction, and new development STATEWIDE. The timing of this could not be worse. We are at the commencement of the Spring construction season with developers and builders filing permits, we are coming out

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**Correspondence – Honorable Kim Geyer – Continued**

of a pandemic where people are looking to get back to work to earn money, we have federal and state governments trying to stimulate the economy through millions and a $1.9 trillion in funding, people trying to capitalize on low-interest rates despite the doubling of prices in gas and construction materials, and a DEP who is now choosing to SHUT DOWN local economies statewide in new construction and development.

**Mike Corle – Penn Township Sewage Enforcement Officer** – Recent implementation of new DEP guidance has affected the use of “alternate technology” septic systems with regards to testing, planning & permitting. This guidance would seem to be contrary to current state regulations and debate has begun as to its enforceability, but until such time as we hear something different, we are required to abide by this decision.

These systems have been introduced over the past 10-15 years and previously were authorized by DEP as viable sites. That changed on Feb 23, 2021. Alternate technology sites are no longer considered acceptable – even as the “backup” site – when it comes to Planning (subdivisions). This will severely limit the number of acceptable lots with Penn Township and most townships throughout the State. The new guidance also disallows the use of alternate technology sites with regards for permitting even for an existing lot for which no Planning is required. The DEP has now delegated these alternate technology systems for use as a Repair of a malfunctioning system ONLY. This will also affect the building of new homes, even on existing lots where no subdivision is taking place.

Our Ordinance #107 requires backup site testing & suitability for all lots in the Township, whether as part of a subdivision or on existing lots where no planning is required. I think the Ordinance is well worded and protects the Township in that we always know that if a system malfunctions that there is a suitable location on the site to repair that system. I think it may be wise to incorporate the following wording in Section 4.4.4 (permitting stage) under a new “D”

…”on existing lots, where the only backup site available would require the installation of an alternate technology system, that would not constitute denial of a permit.” As DEP is still allowing alternate technology systems as repairs then it would seem logical that a backup site identified as suitable only for alternate technology would meet their requirements as its ultimate purpose is to repair a future malfunction

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**Seminars**

 Energy Codes and Sustainability

Supervisor Mowry made the motion and Supervisor Ward seconded the motion that all involved be authorized to attend. The motion carried.

**Treasurer’s Report**

Mrs. Zerfoss read the list of invoices paid since the last report was read on February 9, 2021. Township Fund: $198,085.83, Fire Tax Fund: $4,018.76, Act 13: $10,816.35, Municipal Pension: $849.03, Police Pension Fund: $240.09. Deposits into the various Township Funds totaled $465,664.91. Balances were read as follows: Township Fund: $129,726.93, Fire Tax Fund: $55,213.84, Capital Savings Fund: $311,99243, Act 13 Impact Fund: $520,543.62, Municipal Pension Fund: $520,543.62, Police Pension Fund: $1,510,499.47, State Fund: $314,418.89. Supervisor Roth made the motion and Supervisor Ward seconded the motion that the Treasurer’s Report is approved as presented. The motion carried.

**Zoning Department**

Mr. Bonetti presented his Zoning report for February 2021. The following have been issued: 2 Building Permits, 2 Zoning Permits, 2 Traffic Impact Fees were filed, 3 Highway Occupancy Permits, 8 Lien Letters. Total Zoning fees for February 2021 were $11,657.18.

**Resolution #530 – New Land Development Planning Module – Charles Doughty** – Mrs. Zerfoss read Resolution #530 – New Land Development Planning Module for Charles Doughty. Supervisor Ward made the motion and Supervisor Mowry seconded the motion that Resolution #530 – New Land Development Planning Module – Charles Doughty be approved. The motion carried.

Mr. Bonetti presented the subdivision for Charles Doughty on Anderson Road for approval. Supervisor Mowry made the motion and Supervisor Roth seconded the motion that the Charles Doughty Subdivision on Anderson Road be approved with the condition they receive DEP approval. The motion carried.

Mr. Bonetti presented the Jeremy Scruggs subdivision on Route 8 for approval. Supervisor Roth made the motion and Supervisor Ward seconded the motion that the Jeremy Scruggs subdivision on Route 8 is approved. The motion carried.

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**Zoning Department - Hernandez**

Mr. Bonetti reported in December 2020 he sent a letter to Mr.& Mrs. Hernandez regarding a zoning violation. He stated he has not received any communication from them regarding the matter. In February he sent them a Notice of Violation. Mr. Bonetti stated in December he noticed that their garage had been taken down and now they are building a new garage. Under our Zoning Ordinance any construction, reconstruction, move, altering, erecting, or enlarging of any structure or building needs a permit. He stated he did not issue any violation of the Floodplain Ordinance as he thought this would be an easy fix. He advised on the surface it appears that it's a "remodel" as Mrs. Hernandez claims, but there are none of the original walls, roof, or foundation left. Mrs. Hernandez states they are not constructing an occupiable structure on their property. They are not developing the land by any means or imposing any hazards that would impose greater restrictions on their property. This unoccupied utility shed commenced well before any acts, ordinances, or variances were ever considered or required to obtain within the village. Only remodeling what has been allotted to our deed.

Mrs. Zerfoss stated that she sent Mrs. Hernandez an invitation to attend tonight’s meeting but just received a message from Mrs. Hernandez that she cannot attend as she just got home and didn’t realize the meeting started at 6:00 pm. Mrs. Hernandez said she appreciates the time and effort to include her in the meeting and hopes to get a written reply to her consideration from the gentleman ruling the law meetings on her actual remodel venture. Supervisor Ward requested Mrs. Zerfoss to schedule a Zoom meeting between Solicitor Lope, Mr. Bonetti, Supervisor Ward, and Township Manager Zerfoss.

**Police Department**

Mrs. Zerfoss read the Police Report for February 2021.

**Road Department**

Supervisor Roth reported on Truck #6 that wasn’t running properly. He took it to Hunters Truck, and they feel it is directly related to having gas in the diesel tank. Supervisor Ward requested that Solicitor Lope forward the repair invoice to Glassmere Fuel.

Supervisor Roth said they are busy cleaning up after the winter. He stated the John Deere tractor has been fixed and will be back Friday.

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**Recycling Report**

Mrs. Zerfoss reported that Penn Township hosted a recycling event on Saturday, June 5th at the Municipal Building from 9 am to 1 pm. Reservations can be made by contacting ECS&R.

**Parks and Recreation Department**

Mrs. Zerfoss reported the Butler County Conservation District Newsletter has been received.

Supervisor Roth reported the grant was to have been submitted and he went to sign the documents and took some pictures along to include with the application and then heard from DCNR not to send anything as things have changed. The new deadline to file the grant is April 16, 2021. HRG is on top of things and will get the application submitted.

**Public Relations Department**

No report.

**Old Business**

**Honorable Kimberly Geyer** – Submitted updated information regarding the airport water line expansion.

Construction is to begin in late April or early May. Anticipate a nine-month construction period.

Received favorable bids with JR Contracting of Bentleyville winning at $3.5M among 25 bidders.

Permits are almost all secured and all but a few right of way issues have been addressed.

The waterline will be extended to at least Airquest and possibly to the end of the airport access road to support future expansion.

There will be multiple hydrants along Route 8 and extending to the airport.

MWAAT plans to take the waterline 3000 feet North of Airport Road to Larchwood Drive

The airport will be provided with the project timeline and updates as appropriate during the construction.

Discussed keeping the two Townships informed throughout the project’s progress.

MWAAT will be making an application to the County's Infrastructure Bank Program (Fiduciary Timeline already sent to both Townships)

Mrs. Zerfoss reported the signed Community Development Block Grant-CV Program Subrecipient Agreement between Butler County and PA 2-1-1 Southwest has been received.

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**New Business**

Mrs. Zerfoss stated Corporal Crawford would like to utilize the Penn Township meeting room for the Cub Scouts Thursday night for a one-time event. The Board stated no problem and to caution them that no food or drinks are allowed in the room.

Mrs. Zerfoss also reported she had been contacted by the Manager of Port-O-Call who wants to put streetlights through the park. They will assume all costs involved and will pay the monthly bills. He requested I contact West Penn Power to find out what he needs to do. Mrs. Zerfoss said she contacted them and told them what Port-O-Call wants to do and further that Penn Township would not be involved in paying for anything. West Penn Power said that the Manager of Port-O-Call would have to call them to get this started.

Mrs. Zerfoss reported a letter was received from the PA Department of Environmental Protection regarding Act 34 of 2020.

Mrs. Zerfoss stated the Workers Compensation audit has been completed.

Mrs. Zerfoss also reported the Auditor General’s Office just completed an audit on the Liquid Fuels Account for the year 2019.

Mrs. Zerfoss submitted a certified copy of uncollected real estate taxes.

Mrs. Zerfoss asked since the roof was just replaced could she be authorized to get proposals to have the air ducts and vents cleaned as they have never been done since the building was built. Supervisor Ward made the motion and Supervisor Mowry seconded the motion that Mrs. Zerfoss be authorized to obtain proposals and report at the next meeting.

Mrs. Zerfoss said she is getting a quote to obtain Short term disability policy for the employees. The company tentatively said it would be approximately $700 to $800 a month, but that is strictly a guess. They were going to try and get an exact quote before the meeting, but it hasn’t arrived. Supervisor Ward made the motion and Supervisor Mowry seconded the motion to table the Short-Term Disability Policy until the next meeting. The motion carried.

**Act 537 – Saxonburg Authority**

Supervisor Roth reported at the last meeting they discussed the Tower Road project.

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**Audience Participation**

**Will Burns** – Said he had no comments.

**Erma Mowry** – Said she read in the Butler Eagle a report from Berkheimer and she asked Mrs. Zerfoss if delinquent taxes are being paid. Mrs. Zerfoss said yes, delinquent taxes are being collected and paid to municipalities.

**Executive Session** – At this point seeing no further audience participation, Supervisor Ward announced we will be adjourning and entering into an Executive Session for personnel issues. He stated afterwards no further business will be done and after the Executive Session, the Board will adjourn the meeting.

At approximately 7:09 the Board ended the Executive Session.

**Adjournment**

Supervisor Mowry made a motion and Supervisor Roth seconded the motion to adjourn the meeting. The motion carried.

The meeting adjourned at approximately 7:10 p.m.

Approved: Respectfully Submitted:

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Samuel M. Ward Linda D. Zerfoss

Chairman Township Manager

Board of Supervisors Penn Township