

**September 3, 2020**

**HEARING OF McKEAN TOWNSHIP SUPERVISORS**

**CALL TO ORDER**

A hearing of the Board of Supervisors was called to order by Chair Janice Dennis at 7:15 p.m. on September 3, 2020 as previously publicized in accordance with Act 247 as amended and took place at the McKean Township Municipal Bldg.

**ROLL CALL**

Members present were Janice Dennis, Brian Cooper, and Ronald Bole. The hearing was taped by the Board.

**PURPOSE OF HEARING**

The purpose of the hearing was to take testimony and public comment on a Conditional Use Permit application from Tom Musgrave on property owned by Stacey L. Musgrave for a Home Occupation of an electrical contractor business in the A-1 Conservation District at 10371 Edinboro Road. It was noted that the property was posted in accordance with Act 247 as amended.

**ADVERTISEMENT**

Brian Cooper moved that the legal advertised published on August 14 and August 21, 2020 with the West County News Journal be entered into these proceedings as Exhibit T1, second by Ron Bole and passed by unanimous roll call vote.

**PLANNING COMMISSION**

Ron Bole moved that the Planning Commission minutes of July 16, 2020 be entered into these proceedings as Exhibit T2, second by Brian Cooper and passed by unanimous roll call vote.

The Chair swore in those individuals giving testimony.

Stacy Musgrave noted via telephone that she, as owner of the property, gives permission for the Home Occupation.

**APPLICANT PRESENTATION**

Tom Musgrave, 10371 Edinboro Road

Mr. Musgrave stated that his home occupation is to keep materials and have deliveries by box trucks to his home. He has a turn around so the trucks will not have to back onto 99. His occupation does not create dust or noise, will not exceed 20% of the dwelling and no customers go to his home. Once in a while employees will park at his home to go to a job out of the area.

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**QUESTIONS TO APPLICANT**

Ron stated it is a terrible hill for getting in and out of the driveway and his major concern is that as long as the trucks do not have to back in and out of the driveway. Tom stated that this is a concern of his also and that is why he would like his materials taken to the accessory structure.

Jan questioned the type of business which Tom answered that he is an electrical contractor and he wanted deliveries taken to the accessory structure so he can keep his garage clean. He added that he does not want a sign and there is a turnaround for trucks to egress. The type of materials stored are non-combustible, wire, receptacles, plates, boxes of which do not take up much room.

Don Fogleboch, 10301 Edinboro Road

Mr. Fogleboch asked if the property was being rezoned which the Board answered that the zoning did not change. He stated that he had no objections to Mr. Musgrave's business.

Robert Lawson, 10441 Edinboro Road

Mr. Lawson stated that drivers making deliveries to Mr. Musgrave's home are using his driveway causing damage to his drainage pipe as well as a traffic issue.

Ron asked what Tom has at the road to identify his property for deliveries and would he object to a clear address identification.

Brian asked how many deliveries are made to the property in one week which Mr. Musgrave answered that the deliveries come in box trucks or a long van two to three times per week.

**ADJOURNMENT**

With no objections, the hearing adjourned at 7:44 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary

**September 3, 2020**

**REGULAR MEETING OF McKEAN TOWNSHIP SUPERVISORS**

**CALL TO ORDER**

A regular meeting of the Board of Supervisors was called to order on September 3, 2020 by Chair Janice Dennis at 7:45 p.m. as previously advertised and took place at the McKean Township Municipal Bldg.

**ROLL CALL**

Members present were Janice Dennis, Brian Cooper and Ronald Bole. Meeting was taped by the Board.

**CITIZEN COMMENT—AGENDA**

None

**MINUTES**

Ron Bole moved to approve minutes of the August 6, 2020 meeting and August 27, 2020 hearing, second by Brian Cooper and passed by unanimous roll call vote.

**TREASURER REPORT**

Brian Cooper moved to approve the Treasurer Report of August 31, 2020 subject to audit and approve payment of bills from the Treasurer Report of August 31, 2020, second by Ron Bole and passed by unanimous roll call vote.

**REPORTS OF BOARDS, COMMISSIONS, COMMITTEES**

None

**REPORTS OF OFFICERS**

Jan Dennis noted that McKean Township is the recipient of a grant in the amount of \$415,000 for the replacement of the sewage treatment plant at Colonial Village and thanked Brian Cooper who found the grant and Mark Corey who made application. A thank you email was also received from Ronald Smith thanking the supervisors for their work in obtaining this grant. Jan also noted that the School Board will be passing a resolution to extend the residential LERTA of which McKean Township would then pass an ordinance extending same. It was also noted that Aleah Karimi would be canvassing McKean Township from August 17 through September 7 showing educational products that enhance academics.

Brian Cooper reported that the recently chipped roads will be swept and finished some time by Tuesday or Wednesday of next week. He further added that a road culvert on Baron Road will

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be replaced using Act 13 monies with the possibility of also utilizing Low Volume monies. A road culvert on Van Camp Road will also be replaced using Low Volume funding.

**CORRESPONDENCE**

PA Department of Transportation—Intersection of State Route 832 and Millfair Road

**UNFINISHED BUSINESS**

Jan Dennis moved to approve the Conditional Permit Application for a Home Occupation at 10371 Edinboro Road subject to the following conditions: (1) The permitted occupation shall not exceed 360 square feet within the dwelling unit; (2) There shall be off-street parking only and vehicles entering and exiting shall be in a forward approach; (3) The Conditional Use Permit shall be non-transferrable; (4) There shall be no sign permitted on the premises relating to the Home Occupation; (5) There shall be no other business or commercial activity conducted on the property; (6) There shall be no exterior storage of materials associated with the home occupation on the premises; (7) The accessory structure shall not be utilized for the electrical contractor home occupation business; and (8) There shall be no tractor trailers delivering materials associated with the home occupation to the dwelling. Motion was second by Ron Bole and passed by unanimous roll call vote.

**NEW BUSINESS**

Brian Cooper moved that the township provide equipment and personnel to work at the West County Recycling facility on September 19, 2020 from 8:00 a.m. to 3:00 p.m., second by Ron Bole and passed by unanimous roll call vote.

Ron Bole moved that the Secretary, Treasurer and Administrative Assistant are authorized to attend the ECAMA Meeting, second by Brian Cooper and passed by unanimous roll call vote.

Janice Dennis, Chief Administrative Officer of the Township’s Pension Plan, certified that the Minimum Municipal Obligation of the McKean Township Pension Plan for 2021 is \$72,388.00.

Ron Bole moved to set and advertise the 2021 Budget Workshop to take place October 15, 2020 at 3:30 p.m., second by Brian Cooper and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1509**

**RESOLUTION OF THE SUPERVISORS OF McKEAN TOWNSHIP,  
ERIE COUNTY, PENNSYLVANIA (hereinafter “the municipality”)**

**WHEREAS** Section 5 of the Act of January 24, 1966, P.L. 1535, known as the “Pennsylvania Sewage Facilities Act”, as Amended, and the Rules and Regulations of the

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Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

**WHEREAS Scott A. and Miriam D. Crossman** have proposed the development of a parcel of land identified as 9711 Oliver Road and described in the Sewage Facilities Planning Module, and proposes that such subdivision be served by a new treatment facility.

**WHEREAS,** McKean Township finds that the subdivision described in the Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the Supervisors of McKean Township hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Sewage Facilities Plan” of the municipality the above referenced Sewage Facilities Planning Module.

Enacted this 3<sup>rd</sup> day of September, 2020  
By the McKean Township Supervisors

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Janice T. Dennis, Chair

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Brian P. Cooper

ATTEST:

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Ronald T. Bole

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Janice T. Dennis

Motion was second by Ron Bole and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1510**

**SMALL FLOW TREATMENT SYSTEM FOR SCOSTT A. AND MIRIAM D. CROSSMAN**

**September 3, 2020**

The McKean Township Board of Supervisors reviewed and approved the Planning Module for a Small Flow Treatment System for Scott A. and Miriam D. Crossman at 9711 Oliver Road in McKean Township.

Enacted this 3<sup>rd</sup> day of September, 2020  
By the McKean Township Supervisors

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Janice T. Dennis, Chair

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Brian P. Cooper

ATTEST:

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Ronald T. Bole

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Janice T. Dennis

Motion was second by Brian Cooper and passed by unanimous roll call vote.

Jan Denis moved to authorize execution of the Transmittal Letter for Sewage Facilities Planning Module and the Maintenance Agreement Form for the Scott A. and Miriam D. Crossman SFTF, second by Ron Bole and passed by unanimous roll call vote.

Ron Bole moved that McKean Township approve the Subdivision Waiver request of Nancy L. Gruver, whereby Tax Index Number 31-9-30-21 be reassigned to the Gruver property fronting Edinboro Road at 1.661 acres, second by Brian Cooper and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1511**

**RESOLUTION APPROVING THE FY 2020 CDBG APPLICATION  
AND AUTHORIZING ITS SUBMISSION TO THE PENNSYLVANIA DEPARTMENT  
OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**WHEREAS**, the Township of McKean has been designated a CDBG “entitlement” municipality pursuant to the provisions of PA Legislative Act 179 of 1984; and

**WHEREAS**, such designation entitles the Township to apply for and receive an annual allocation of Community Development Block Grant (CDBG) funds from the PA Department of Community and Economic Development (DCED) to undertake activities to address housing and community development needs as identified in the Three Year Plan and which will principally benefit low-to-moderate income persons, and

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**WHEREAS**, the Township has requested that the county of Erie, acting through the Erie County Department of Planning and Community Development, herein referred to as County Planning, administer the Township’s CDBG program; and

**WHEREAS**, the PA DCED has informed the Township that it is eligible to receive Community Development Block Grant monies in the amount of \$96,456 for FY 2020; and

**WHEREAS**, the Township, with the assistance of County Planning has conducted the requisite public hearings; completed the Three Year Plan; and prepared the application for CDBG funding assistance in accordance with program requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the McKean Township Board of Supervisors that:

- The application for FY 2020 CDBG funding assistance is hereby in all respects approved.
- The Township agrees to comply with all program requirements, federal statutes, and regulations applicable to the State CDBG program.
- The County Planning Department, on behalf of McKean Township, is hereby authorized to file the application for financial assistance with the PA Department of Community and Economic Development.

Enacted this 3<sup>rd</sup> day of September, 2020  
By the McKean Township Supervisors

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Janice T. Dennis, Chair

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Brian P. Cooper

ATTEST:

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Ronald T. Bole

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Janice T. Dennis

Motion second by Brian Cooper and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1512**

**RESOLUTION APPROVING A REVISION TO MCKEAN TOWNSHIP’S  
FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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**WHEREAS**, the Township of McKean is entitled to receive an annual allocation of Community Development Block Grant (CDBG) funds from the Pennsylvania Department of Community and Economic Development (PA DCED) pursuant to the provisions of PA Act 179 of 1984; and

**WHEREAS**, the Township received \$94,384.00 in FY 2019 CDBG funding and previously resolved that the monies be used for the following:

- \$84,484.00 - Single Family Housing Rehabilitation Project (Owner-Occupied & Renter Occupied)
- \$ 9,900.00 - General Program Administration; and

**WHEREAS**, through the Single Family Housing Rehabilitation Project the Township proposed to rehabilitate approximately two (2) to three (3) single family, owner occupied housing units and at least one (1) renter occupied unit in order to make them safe, decent, sanitary, and energy efficient for compliance with HUD Housing Quality Standards and DCED's Housing Rehabilitation Standards; and

**WHEREAS**, the Township has received a number of applications for single family housing rehabilitation and none for renter occupied assistance; and

**WHEREAS**, given this situation the Township desires to have all the funding under the Single Family Housing Rehabilitation Project go towards "owner occupied" rehabilitation and nothing for "rental occupied" assistance; and

**WHEREAS**, a change in a project's scope of work requires approval by the governing body and the submission of applicable documentation to the PA Department of Community and Economic Development; and

**NOW THEREFORE BE IT RESOLVED** that the McKean Township Supervisors desire to revise its FY 2019 CDBG program as follows:

- ✓ Reduce the amount of renter occupied units to be rehabilitated from at least one (1) unit to zero units and increase the approximate number of owner occupied units to be rehabilitated from approximately two (2) to three (3) units to approximately three (3) to four (4) units.

**BE IT FURTHER RESOLVED** by the McKean Township Supervisors that:

- ✓ All other terms and conditions regarding the FY 2019 CDBG program not affected by this revision shall remain in full force and effect; and
- ✓ The Erie County Department of Planning is authorized to submit all necessary documentation to the PA Department of Community and Economic Development to effectuate the program change.

Enacted this 3<sup>rd</sup> day of September, 2020  
By the McKean Township Supervisors

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Janice T. Dennis, Chair

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Brian P. Cooper

ATTEST:

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Ronald T. Bole

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Janice T. Dennis

Motion second by Ron Bole and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1513**

**RESOLUTION RE-RESTATING  
MCKEAN TOWNSHIP'S RE-USE POLICY  
OF CDBG PROGRAM INCOME MONIES GENENERATED FROM  
SINGLE FAMILY HOUSING REHABILITATION PROJECTS**

**WHEREAS**, the Township of McKean has been designated a CDBG "entitlement" municipality pursuant to the provisions of PA Legislative Act 179 of 1984; and

**WHEREAS**, such designation entitles the Township to apply for and receive an annual allocation of Community Development Block Grant (CDBG) funds from the PA Department of Community and Economic Development (DCED) to undertake activities to address housing and community development needs as identified in the Three Year Plan and which will principally benefit low-to-moderate income persons, and

**WHEREAS**, the Township has requested that the County of Erie, acting through the Erie County Department of Planning and Community Development (ECDPCD), herein referred to as County Planning, administer the Township's CDBG program; and

**WHEREAS**, the Township continues to allocate a significant amount of its CDBG funds each year to rehabilitate single family LMI owner occupied housing units for compliance with HUD Housing Quality Standards and DCED's Housing Rehabilitation Guidelines; and

**WHEREAS**, the assistance is provided as a five (5) year deferred payment loan, 20% of which is forgiven each year until a zero (0) balance is reached at the end of the fifth year, thereafter releasing the property owner of any dollar obligation; and

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**WHEREAS**, if the property owner sells, vacates or rents the house before the five-year period expires, the pro-rated balance of funds must be paid back to the County on behalf of the Township; and;

**WHEREAS**, such funds are considered “program income” monies and are to be used by McKean Township to undertake CDBG eligible and fundable activities; and

**WHEREAS**, it is the Township’s policy to reuse these monies for additional housing rehabilitation unless otherwise noted by resolution of the Township Board of Supervisors.

**NOW THEREFORE, BE IT RESOLVED** by the McKean Township Board of Supervisors that the Township hereby approves the re-statement of this CDBG Program Income Re-Use Policy which shall be in effect for all Single Family Housing Rehabilitation Projects where liens have not yet been satisfied and for all present and future Single Family Housing Rehabilitation Projects.

Enacted this 3<sup>rd</sup> day of September, 2020  
By the McKean Township Supervisors

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Janice T. Dennis, Chair

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Brian P. Cooper

ATTEST:

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Ronald T. Bole

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Janice T. Dennis

Motion was second by Brian Cooper and passed by unanimous roll call vote.

Jan Dennis moved that McKean Township enter into a Cooperation Agreement with the County for the FY 2020 CDBG Program, second by Ron Bole and passed by unanimous roll call vote.

**PUBLIC PARTICIPATION**

None

**ADJOURNMENT**

With no objections, the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary