

December 1, 2022

REGULAR MEETING OF McKEAN TOWNSHIP SUPERVISORS

CALL TO ORDER

A regular meeting of the Board of Supervisors was called to order on December 1, 2022 by Chair Janice Dennis at 7:30 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.

CITIZEN COMMENT—AGENDA

None

MINUTES

Ron Bole moved to approve minutes of the November 3, 2022 meeting, second by Brian Cooper and passed by unanimous roll call vote.

TREASURER REPORT

Brian Cooper moved to approve the Treasurer Report of November 30, 2022 subject to audit and approve payment of bills from the Treasurer Report of November 30, 2022, second by Ron Bole and passed by unanimous roll call vote.

REPORTS OF BOARDS, COMMISSIONS, COMMITTEES

Recreation Authority—Treasurer Report as of November 1, 2022

REPORTS OF OFFICERS

Brian stated that the township would contact the PA State Police regarding vehicles going through the stop signs at the intersection of Oliver and South Hill Roads.

CORRESPONDENCE

Derek Bone—Act 14, 67, and 68 Notification for issuance of an NPDES Permit

Karen Zeiser—Intersection of South Hill and Oliver Road

UNFINISHED BUSINESS

Brian Cooper moved to enact the following resolution:

RESOLUTION NO. 1583

A **RESOLUTION** of the Township of McKean in the County of Erie, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, herein after set forth, during the year 2023.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania that for the expenditures and expenses for the fiscal year 2023 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 2023 for the specific purposes set forth as follows:

<u>Revenues</u>	General Fund	Highway Aid Fund	Proprietary Funds
Taxes	\$ 940,500		
Licenses and Permits	\$ 31,000		
Fines and Forfeits	\$ 1,000		\$ 1,000
Interest Earnings	\$ 7,075	\$ 100	\$ 320
Rents and Royalties	\$ 2,100		
State Shared Rev.& Entitlement	\$ 105,750	\$279,341	
Capital & Operating Grants	\$ 18,000		
General Government	\$ 2,300		
Public Safety	\$ 7,850		
Sanitation			\$460,911
TOTALS	\$1,115,575	\$279,441	\$462,231
<u>Expenditures</u>	General Fund	Highway Aid Fund	Proprietary Funds
General Government	\$ 301,325		
Public Safety	\$ 73,600		
Sanitation			\$324,481
Highways, Roads and Streets	\$ 467,000	\$279,441	
Culture-Recreation	\$ 6,750		
Employer Paid Benefits	\$ 100,500		
Group Insurance Benefits	\$ 167,400		
Debt Service			\$137,750
TOTALS	\$1,115,575	\$279,441	\$462,231

TOTAL BUDGET: \$1,857,247

Debt Statement:

The Township of McKean is a Guarantor for a loan from the Pennsylvania Infrastructure Investment Authority in the original amount of Two Million Four Hundred Seventy Thousand Eight Hundred Ninety-six Dollars (\$2,470,896) for the McKean Township Sewer Authority in

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accordance with the payment schedule on file in the Secretary's Office of the Township Municipal Building.

Enacted this 1ST day of December, 2022
By the McKean Township Supervisors

Janice T. Dennis, Chair

Brian P. Cooper, Supervisor

Ronald T. Bole, Supervisor

ATTEST:

Janice T. Dennis, Supervisor

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

NEW BUSINESS

Brian Cooper moved to ratify the action of McKean Township Supervisors for the submission of a letter of support to McKean Borough for an ECGRA grant to provide soccer field development for the MSA Premier Sports Erie McKean Soccer Complex at 5220 West Road on lands in McKean Township and McKean Borough, second by Ron Bole and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

RESOLUTION NO. 1584

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 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

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WHEREAS Ryan Ziegler has proposed the development of a parcel of land identified as 8660 Baron Road and described in the Sewage Facilities Planning Module, and proposes that such subdivision be served by a Small Flow 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 1st day of December, 2022
By the McKean Township Supervisors

Janice T. Dennis, Chair

Brian P. Cooper, Supervisor

Ronald T. Bole, Supervisor

ATTEST:

Janice T. Dennis

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

Brian Cooper moved to enact the following resolution:

RESOLUTION NO. 1585

SMALL FLOW TREATMENT SYSTEM FOR RYAN ZIEGLER

The McKean Township Board of Supervisors reviewed and approved the Planning Module for a Small Flow Treatment System for Ryan Ziegler at 8660 Baron Road in McKean Township.

Enacted this 1st day of December, 2022
By the McKean Township Supervisors

Janice T. Dennis, Chair

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Brian P. Cooper, Supervisor

Ronald T. Bole, Supervisor

ATTEST:

Janice T. Dennis

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

Jan Dennis moved to authorize execution of the Transmittal Letter for Sewage Facilities Planning Module and the Maintenance Agreement Form for the Ryan Ziegler SFTF, second by Brian Cooper and passed by unanimous roll call vote.

Ron Bole moved approve the Sewer Authority 2021 Budget at \$9,000 and authorize the appropriate monies deposited in the Sewer Authority's account to bring the balance to \$9,000 for FY 2023, second by Brian Cooper and passed by unanimous roll call vote.

Ron Bole moved to enact the following resolution:

RESOLUTION NO. 1586

A RESOLUTION of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, fixing the tax rate for the year 2023.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania:

That the tax be and the same is hereby levied on all real property within the township of McKean subject to taxation for the fiscal year 2023 as follows:

Tax rate for general purposes, the sum of .95 mills on each dollar of assessed valuation.

That any resolution or part of resolution, conflicting with this resolution be and same is hereby repealed insofar as the same affects this resolution.

Enacted this 1st day of December, 2022
By the McKean Township Board of Supervisors

Janice T. Dennis, Chair

Brian P. Cooper, Supervisor

Ronald T. Bole, Supervisor

ATTEST:

Janice T. Dennis, Secretary

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

Jan Dennis moved to enact the following resolution:

RESOLUTION NO. 1587

OF

TOWNSHIP OF McKEAN, ERIE COUNTY, PENNSYLVANIA

A Resolution Authorizing the Execution and Filing of a Declaration of Taking and Proceeding in Accordance with the Applicable Provisions of the Eminent Domain Code of Pennsylvania

WHEREAS, the Township of McKean Supervisors desires to replace the existing Colonial Village Subdivision, Sewage Treatment Plant (“STP”) located in McKean Township, Erie County, Pennsylvania, and

WHEREAS, the construction of the STP requires the acquisition of a relatively small (150’ x 75”) parcel of land located within the Township (“Parcel”);

WHEREAS, the existing STP is in critically poor condition and it has been deemed to be structurally deficient; and

WHEREAS, a replacement of the STP is necessary to provide for the proper disposal of human waste within the Township; and

WHEREAS, the owners of the parcel in question have previously negotiated terms with the Township for the sale of the property so that the replacement of the STP could occur; and

WHEREAS, the Township requires ownership of the parcel, currently owned by Randy Hotchkiss and Jane Elma Hotchkiss and Identified

WHEREAS, any further delay in the commencement of this project risks allowing the Township to dispose of human waste improperly; and

WHEREAS, the Township believes eminent domain is necessary to acquire the property needed for the replacement of the STP; and

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WHEREAS, the Township has attempted to purchase the property needed from the Hotchkiss's for the replacement of the STP which purchase will immediately benefit the public, but the current owners have steadfastly refused, and are continuing to refuse, to honor the negotiated terms when reduced to writing;

WHEREAS, despite its repeated efforts to do so, the Township has been unable to purchase the Parcel; and

WHEREAS, the Township requires a Complaint in condemnation to acquire possession of the Parcel so that the Township can make the necessary public improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Township of McKean as follows:

1. The Township shall file an eminent domain action under the Eminent Domain Code of 2006, 26 Pa. C.S. A. Section 101 et seq., against the Hotchkiss Property Owners to acquire possession and ownership of the portion of the Hotchkiss Property as depicted in the Surveying and Engineering legal description attached hereto as Exhibit "A" for replacement of the Colonial Subdivision STP;

2. The Township will pay all costs associated with the taking and acquisition of the property;

3. The Township Solicitor is authorized and directed to file on behalf of the Township a Declaration of Taking for the acquisition of the properties as described in "Exhibit A";

4. That the Township Solicitor is hereby authorized on behalf of the Township to execute, file and record any other documents, which in the opinion of the Township's Solicitor, may be necessary to proceed in accordance with the Eminent Domain Code or other provisions of law;

5. Any Resolution or part of a Resolution conflicting with the provisions of this Resolution shall be and the same is hereby repealed to the extent of such conflict.

6. This Resolution shall take effect immediately upon passage and approved in the manner prescribed by law.

WE, THE UNDERSIGNED, do hereby certify that the above Ordinance was passed by the Board of Supervisors of the Township of McKean, Erie County, Pennsylvania on this the 1st day of December, 2022.

**McKEAN TOWNSHIP
BOARD OF SUPERVISORS**

Janice T. Dennis, Chair

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Brian P. Cooper, Supervisor

Ronald T. Bole, Supervisor

ATTEST:

Tenderrlee Little, Assistant Secretary

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

Brian Cooper moved to authorize the payment of bills through December 31, 2022, second by Ron Bole and passed by unanimous roll call vote.

Brian Cooper moved to set and advertise the Organization Meeting and Regular Meeting for 2023 to take place January 3, 2023 at 7:30 p.m., second by Ron Bole and passed by unanimous roll call vote.

Brian Cooper moved to appoint the law offices of Gery T. Nietupski, Esq LLC as solicitor for McKean Township for fiscal year 2023 at an hourly rate of \$110, second by Ron Bole and passed by unanimous roll call vote.

Ron Bole moved to cancel the December 31, 2022 meeting unless business comes before the Board to necessitate the meeting, second by Brian Cooper and passed by unanimous roll call vote.

PUBLIC PARTICIPATION

None

ADJOURNMENT

With no objections, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary