

September 1, 2011

## **HEARING OF McKEAN TOWNSHIP SUPERVISORS**

**September 1, 2011**

### **CALL TO ORDER**

A hearing of the McKean Township Supervisors was called to order by Chairwoman Janice Dennis at 7:00 p.m. as previously advertised in accordance with the Agricultural Area Security Law as amended and took place at the McKean Township Municipal Bldg.

### **ROLL CALL**

Members present were Janice Dennis, Edward Hess, Kenneth Neuburger, and Tenderlee Little-Assistant Secretary.

### **PURPOSE OF HEARING**

The purpose of this hearing is for the consideration of the Agricultural Security Area with proposed modifications, deletions and additions, and written amendments which were proposed during the review period, and recommendations proposed by the Agricultural Security Area Advisory Committee, the McKean Township Planning Commission, and the Erie County Department of Planning.

### **ASAAC, PLANNING COMMISSION, AND ECDP REVIEWS**

The Agricultural Security Area Advisory Committee submitted recommendations to the Board after their review. The Committee recommended that the current properties be re-enrolled in the Area. The Committee recommended to add the following properties to the Area: Index Nos. 10-27-51 (James W. McLaughlin) 109.12 acres; 11-49-7 (Robert J. McLaughlin) 116.34 acres; 11-22-11.01 (Antalek Farm Family Ltd Partners) 14.104 acres; 3-7-18 (Thomas and Susan Brooks) 74 acres; 11-49-2 (Michael Rand) 24.76 acres; and 7-44-17.08 (Leon F. Wasielewski et al) 96.58 acres. The property owned by Thomas and Susan Brooks was recommended to be added contingent upon the application having all the land owners signatures applied.

The Planning Commission submitted recommendations to the Board after their review. The Committee recommended that the current properties be re-enrolled in the Area. The Committee recommended to add the following properties to the Area: Index Nos. 10-27-51 (James W. McLaughlin) 109.12 acres; 11-49-7 (Robert J. McLaughlin) 116.34 acres; 11-22-11.01 (Antalek Farm Family Ltd Partners) 14.104 acres; 3-7-18 (Thomas and Susan Brooks) 74 acres; 11-49-2 (Michael Rand) 24.76 acres; and 7-44-17.08 (Leon F. Wasielewski et al) 96.58 acres.

The Erie County Department of Planning submitted recommendations after their review. The review included re-enrollment of the current properties in the Area, adding three of the five parcels proposed parcels for inclusion in the ASA as follows: 11-49-7 (Robert J. McLaughlin) 116.34 acres; 11-22-11.01 (Antalek Farm Family Ltd Partners) 14.104 acres; and 7-44-17.08

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(Leon F. Wasielewski et al) 96.58 acres. The inclusion of the remaining two parcels Index Nos. 10-27-51 (James W. McLaughlin) 109.12 acres and 3-7-18 (Thomas and Susan Brooks) 74 acres does not appear to be consistent with the township's comprehensive plan as they appear to be located in a designated "Suburban Use Area".

### **WRITTEN COMMENTS**

James McLaughlin—request consideration to add his property to the Ag Security Area.

### **PUBLIC COMMENTS**

James McLaughlin, 8661 Baron Road

Mr. McLaughlin stated that he did not understand why zoning had anything to do with his property not being included in the Ag Security Area. His property has been an active farm for the past 140 years. With new neighbors moving into the area, he expressed concerns regarding complaints that his farming operations would be a nuisance. The Erie County Department of Planning does not know what's going on. He is just trying to avert the nuisance complaints as the farms were here first.

### **ADJOURNMENT**

With no objections, the hearing adjourned at 7:11 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary

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## **REGULAR MEETING OF McKEAN TOWNSHIP SUPERVISORS**

**September 1, 2011 7:30 p.m.**

### **CALL TO ORDER**

A regular meeting of the McKean Township Supervisors was called to order by Chairwoman 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, Edward Hess, Kenneth Neuburger, and Tenderrlee Little-Assistant Secretary.

### **CITIZEN COMMENT—AGENDA**

Mr. Richard Scaletta, Superintendent of the General McLane School District presented a power point presentation regarding demographics and growth within the School District. The main issue pertained to decreasing in school enrollment with increase in empty nesters which will lead to underfunding for high level classes, sports activities, and teaching staff. General McLane is therefore encouraging the development of retirement communities whereby allowing younger families with children to move into affordable housing. Mr. Scaletta is therefore proposing that the municipalities in the school district consider LERTA to enhance development.

### **MINUTES**

Ken Neuburger moved to approve minutes of the August 4, 2011 meeting, second by Ed Hess and passed by unanimous roll call vote.

### **TREASURER REPORT**

Ed Hess moved to approve the Treasurer Report of August 31, 2011 subject to audit and payment of bills from the Treasurer Report of August 31, 2011, second by Ken Neuburger and passed by unanimous roll call vote.

### **REPORTS OF BOARDS, COMMISSIONS, COMMITTEES**

Planning Commission minutes of August 18, 2011 meeting were noted.

Sewer Authority minutes of August 17, 2011 meeting were noted.

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## REPORTS OF OFFICERS

Ed Hess gave his Roadmaster report for the month of August and Ken Neuburger reported on recycling in Erie County. Jan Dennis thanked the road crew for the exceptional job they had done in the construction of the reeds beds at the sewage treatment plant. Also, certain township roads were going to be used as a detour for the one hour parade being held by McKean Borough for their 150 year celebration.

## CORRESPONDENCE

PADEP—Groundwork Resource, LLC Short-Term Construction Project General Permit approval

Time Warner Cable—Standard Notification

NWPA Tobacco Control Program—Young Lungs at Play

## UNFINISHED BUSINESS

Jan Dennis moved to re-enroll and add the following properties:

Victor & Alliene Lewis, Property Index No. 11-49-8, 12-49-14, 12-52-4, 11-49-9.01

William J. Pennock, Property Index No. 22-75-1

Carol Pennock, Property Index No. 18-68-5

Timothy J. Mientkiewicz, Property Index No. 7-43-2, 6-38-10, 7-43-4

Edward & Joan Hess, Property Index No. 16-60-6.04

Kathryn A. Smith, Property Index No. 2-19-1, 10-24-2

Byron Scheutz et al, Property Index No. 2-3-2, 2-4-3

Robert & Margaret Houghton, Property Index No. 18-68-11, 22-74-5

Richard Kosinski, Property Index No. 22-74-9, 18-68-9, 18-68-9.02

Darla Rae McDermott, Property Index No. 22-75-2, 22-74-7

Byron & June Schuetz, Property Index No. 2-4-4.04, 2-4-3.01

Catherine Dlugolenski, Property Index No. 15-59-9, 15-59-10.02

James R. and Sally Fiesler, Property Index No. 15-59-8.01

Marion Blount, Property Index No. 15-59-8

Stephen & William Danylko, Property Index No. 18-69-4, 18-68-13

Norma k. Haibach-Suroviec & Matthew Haibach-Suroviec, Property Index No. 16-60-2

David & Patricia Jassak, Property Index No. 17-66-7.01, 17-66-7.02

Lloyd & Janet Hess, Property Index No. 7-43-13.04

Paul Szymanowski, Property Index No. 17-66-1.02

Jason Goodwill, Property Index No. 6-38-11, 7-44-5

William L. Dillen, Property Index No. 12-49-13, 12-53-1

William M. & Teri M. Dillen, Property Index No. 11-50-4

Adam P. & Patsy J. Dzeskewicz, Property Index No. 22-74-8.05, 18-69-7

Kenneth & Shirley Flak, Property Index No. 22-74-2

James W. & Barbara A. Neuburger, Index No. 11-49-16.04, 11-49-16.02, 11-50-3, 11-50-3.02

Lee & Lisa M. Wasielewski, Property Index No. 6-38-14.01, 7-44-4

Ronald F. & Christina E. Dzeskewicz, Property Index No. 22-74-8.

Clair E. & Dorothy J. Goodban, Property Index No. 6-38-14

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William J. & Christine A. Moski, Property Index No. 18-69-5.01  
Antalek Farm Family Ltd Partners, Property Index No. 10-24-13, 11-22-11.01  
Daniel & Dolores Renick, Property Index No. 17-66-1  
Daniel L. & Sandra L. Presogna, Property Index No. 18-69-5  
James M. & Barbara A. Bentze, Property Index No. 15-59-5.01  
Colleen L. Smith, Property Index No. 2-19-1.01, 2-19-1.02  
Robert J. McLaughlin, Property Index No. 11-49-7  
Michael Rand, Property Index No. 11-49-2  
Leon F. Wasielewski, Elda Wasielewski, Lee A. Wasielewski, Property Index No. 7-44-17.08

And remove the following parcels due to the fact that they do not appear to be consistent with the township's comprehensive plan as they appear to be located in a designated "Suburban Use Growth Area":

James W. McLaughlin, Property Index No. 10-27-51  
Thomas and Susan Brooks, Property Index No. 3-7-18

Motion was second by Ken Neuburger and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1287**

**MODIFICATION TO THE AGRICULTURAL SECURITY AREA WITHIN THE TOWNSHIP OF McKEAN, ERIE COUNTY, PENNSYLVANIA**

**WHEREAS**, pursuant to Act 149 of 1988 (Public Law 1202), known as the "Agricultural Area Security Law", as amended, certain owners of real property situated in McKean Township, Erie County, Pennsylvania, have proposed additions, modifications, and deletions to the Agricultural Security Area which was previously created under Resolution No. 693 on October 25, 1990 and modified under Resolution No. 1067 on September 2, 2004.

**WHEREAS**, the McKean Township Board of Supervisors received said proposal on June 13, 2011 (due to the notification of the 30-day public comment period for the seven year review process);

**WHEREAS**, the McKean Township Board of Supervisors duly referred the said proposal to the McKean Township Planning Commission, the Agricultural Security Area Advisory Committee, and the Erie County Department of Planning for review as required by law; and

**WHEREAS**, the McKean Township Planning Commission, the Agricultural Security Area Advisory Committee, and the Erie County Department of Planning presented certain recommendations to the McKean Township Board of Supervisors with respect to the proposed additions, modifications, and deletions to the Agricultural Security Area; and

**WHEREAS**, the McKean Township Board of Supervisors received certain additions, modifications, and deletions to the Agricultural Security Area whereby certain owners of real

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property situated in McKean Township requested that their properties be added, modified, or deleted to the Agricultural Security Area; and

**WHEREAS**, pursuant to Act 149 of 1988, as amended, on September 1, 2011, the McKean Township Board of Supervisors conducted a duly advertised hearing relative to the Agricultural Security Area, the additions, modifications, and deletions thereto, and the recommendations thereto from the McKean Township Planning Commission, the Agricultural Security Area Advisory Committee, and the Erie County Department of Planning; and

**WHEREAS**, ALL PROCEDURES AND REQUIREMENTS OF Act 149 of 1988 have been met and satisfied; and

**WHEREAS**, Act 149 of 1988, as amended, grants to the McKean Township Board of Supervisors the authority to adopt or reject the said proposal or any modifications thereto that they deem appropriate;

**NOW, THEREFORE, BE IT RESOLVED AND ENACTED**, and it is hereby resolved and enacted, by the Board of Supervisors of McKean Township, Erie County, Pennsylvania that to the extent set forth below, the said proposal and modifications thereto are hereby adopted; and

**BE IT FURTHER RESOLVED AND ENACTED**, and it is hereby resolved and enacted, that the said Agricultural Security Area shall include an aggregate total of 3,126.5137 acres which is comprised of the designated properties listed and described on the attached document entitled “DESCRIPTION OF McKEAN TOWNSHIP AGRICULTURAL SECURITY AREA”, which by this reference is incorporated herein and made part of this resolution as if fully set forth;

**BE IT FURTHER RESOLVED AND ENACTED**, and it is hereby resolved and enacted, that in addition to the periodic reviews of the said Agricultural Security Area set forth in Act 149 of 1988, the said Agricultural Security Area may be reviewed in the third year thereafter, PROVIDED HOWEVER, that during the reviewing year, an owner or owners of viable agricultural land (as defined in Act 149 of 1988) submits to the McKean Township Board of Supervisors a proposal to modify the said Agricultural Security Area by the inclusion of said owner’s or owners’ land therein.

Enacted this 1<sup>st</sup> day of September, 2011  
By the Board of Supervisors

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Janice T. Dennis, Chair

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Edward L. Hess

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Kenneth C. Neuburger

ATTEST:

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Janice T. Dennis, Secretary

Motion was second by Ed Hess and passed by unanimous roll call vote.

**NEW BUSINESS**

Ed Hess moved to advertise for bids for the construction of an agricultural storage building on Peffer Road, second by Ken Neuburger and passed by unanimous roll call vote.

Ken Neuburger moved to authorize the Secretary and Treasurer to attend the ECLGSA Dinner Meeting, second by Ed Hess and passed by unanimous roll call vote.

Jan Dennis certified that the Minimum Municipal Obligation of McKean Township 2012 Pension Plan is \$32,483.

Jan Dennis moved to set the 2012 Budget Workshop to take place October 20, 2011 3:30 p.m., second by Ed Hess and passed by unanimous roll call vote.

Ed Hess moved to advertise for the sale/disposal of township property of the 1969 Oshkosh Truck, second by Jan Dennis and passed by unanimous roll call vote.

Ken Neuburger moved that McKean Township submit letters to Erie County legislators urging their introduction or support of legislation, as sponsored by ECATO and adopted as a Resolution by PSATS, regarding responsibilities for stormwater drainage facilities, second by Ed Hess and passed by unanimous roll call vote.

Jan Dennis that McKean Township Supervisors accept the letter of resignation as a voting delegate to the Erie County Tax Collection Committee effective on this date, second by Ed Hess and passed by unanimous roll call vote.

Jan Dennis moved to enact the following resolution:

**RESOLUTION NO. 1288**

**RESOLUTION APPROVING THE FY 2011 CDBG APPLICATION  
AND AUTHORIZING ITS SUBMISSION TO THE PENNSYLVANIA DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT**

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

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**WHEREAS**, such designation entitles the Township to receive an annual allocation of Community Development Block Grant 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 primarily benefits low-to-moderate income persons, and

**WHEREAS**, the Township has requested that the County of Erie, through its Department of 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 \$ **96,151** for FY 2011; and

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

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

- 1) The application for FY 2011 CDBG funding assistance is hereby in all respects approved.
- 2) The Township agrees to comply with all program requirements, federal statutes and regulations applicable to the State CDBG program.
- 3) The Erie County Department of Planning, 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 1st day of September, 2011 by the McKean Township Board of Supervisors:

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Janice T. Dennis, Chair

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Kenneth C. Neuburger

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Edward L. Hess

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ATTEST

Motion was second by Ken Neuburger and passed by unanimous roll call vote.

Jan Dennis moved that McKean Township enter into a Cooperation Agreement with the Erie County Department of Planning authorizing the County to administer the Township's FY 2001 Community Development Block Grant Program, second by Ken Neuburger and passed by unanimous roll call vote.

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## **PUBLIC PARTICIPATION**

Hubert Taylor, 4850 Schaeffer Road

Mr. Taylor requested yellow line painting on Schaeffer Road.

Jim McLaughlin, 8661 Baron Road

Mr. McLaughlin requested to hear the review comments from the Erie County Department of Planning regarding the two parcels that were not to be included in the Ag Security Area.

Rose Marie Little, Bargain Road

Ms. Little requested the township mow around the speed limit sign near her property.

Lee Wasielewski, Dunn Valley Road

Mr. Wasielewski asked if the new bridge on Reichert Road over Elk Creek would be wider.

Hubert Taylor, Schaeffer Road

Mr. Taylor asked when the Comprehensive Plan would be updated.

Brian Cooper, 5603 Buman Road

Mr. Cooper thanked Mr. Scaletta for his very information presentation.

## **ADJOURNMENT**

With no objections, the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Janice T. Dennis, Secretary