

The Potter Township Supervisors held a Business Meeting on Wednesday, February 17, 2021 at the Potter Township Municipal Building and on ZOOM. Ms. Matsco called the meeting to order at 6:01 pm and led the Pledge of Allegiance.

In attendance were:

Supervisors: Rebecca Matsco, Earl Shamp and Al Cwynar

Secretary: Linda McCoy

Visitors: Atty. Neva Stotler, Mark Summerville, Ron Robinson, Steve Saunders, Lauren Patton, Bill Winkle, Mark & Carolyn Czarnecki, and on ZOOM – Matt Book, Courtney Hunt & Ben Moebius (court stenographer for the Public Hearing)

MOTION TO APPROVE THE MINUTES OF THE REGULAR BUSINESS MEETING HELD ON FEBRUARY 10, 2021.

MOTION: Al Cwynar

SECOND: Earl Shamp

MOTION CARRIED

A PUBLIC HEARING WAS CONTINUED PRIOR TO THE BUSINESS MEETING CONCERNING THE ENACTMENT OF ORDINANCE 146, AN ORDINANCE AMENDING ORDINANCE NO. 133, CHAPTER 210, ZONING, ARTICLE II, DISTRICT REGULATIONS, SECTION 210-21, LOT AND YARD REQUIREMENTS, TO REVISE THE FRONT YARD SET BACK IN THE MIXED-USE DISTRICT AND DIRECTING THAT ALL INCONSISTENT CODE REFERENCES ARE HEREIN REVISED, AND PROVIDING FOR SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT ORDINANCES.

Atty. Stotler explained the reason for the zoning amendment was for consistent zoning with Center Township for front yard set-backs. She explained that Potter Township can return the Ordinance back after the municipal boundary resolution. There was a discussion regarding the fees for the public hearing (court reporter, advertising, legal) that Potter thought were going to be paid by Ryan Homes (a total of \$5,000). Mr. Cwynar stated that the Township acted in good faith when they issued building permits before the hearing so construction could continue. Mr. Shamp wanted the Ordinance passed contingent on receiving the fees and Ms. Stotler said you cannot have a contingency. Ms. Stotler stated that she had an email from Ryan Homes confirming they would pay the fees and Ms. McCoy asked Ms. Stotler if she could forward that email to the Township and Ms. Stotler said yes.

Ms. Matsco asked if there were any public comments on the hearing and there were none.

MOTION TO CLOSE THE PUBLIC HEARING.

MOTION: Earl Shamp

SECOND: Al Cwynar

MOTION CARRIED

MOTION TO ENACT ORDINANCE 146, AN ORDINANCE AMENDING ORDINANCE NO. 133, CHAPTER 210, ZONING, ARTICLE II, DISTRICT REGULATIONS, SECTION 210-21, LOT AND YARD REQUIREMENTS, TO REVISE THE FRONT YARD SET BACK IN THE MIXED-USE DISTRICT AND DIRECTING THAT ALL INCONSISTENT CODE REFERENCES ARE HEREIN REVISED, AND PROVIDING FOR SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT ORDINANCES.

MOTION: Al Cwynar

SECOND: Earl Shamp

MOTION CARRIED

CITIZENS: No comments

OLD BUSINESS:

Ms. Stotler explained Resolution 4-2021 and said there were still moving parts:

- 1) Attorney fees and if Rettop was responsible for payment and what was reasonable & customary – Mr. Shamp stated that previous Minutes state that Rettop would not pay any attorney fees related to the Montgomery Ridge Subdivision process & Ms. Matsco stated that it was only to expedite the approval process as Mike Jones' work would be duplicated.
- 2) Stormwater Agreement that will be recorded
- 3) Developers Agreement
- 4) Small Flow Treatment Facility Agreement that will be recorded

- 5) Escrow Agreement – Ms. Stotler had an actuary do an actuarial of system costs for the 40 year life of the septic system. Mr. Shamp asked Ms. Stotler for an executive discussion to discuss this and Ms. Stotler said the items under discussion are public knowledge, to which Mr. Shamp replied, this is contractual, and contains proprietary information. A discussion was had by Rettop & Ms. Stotler – the components have a life of their own with different warranties, no buildout for 1-4 years, annual escrow payments of \$16,000 for 40 years and the ability to draw down from escrow. Mr. Robinson tried to explain that this amount was not needed in escrow and Mr. Shamp suggested \$10,000 seed money with escrow deposits as houses come on line and take out force mains as there is usually only damage from digging – Ms. Stotler will make sure it only affects public parts and will talk to Dan Sell on the dollar amount for the force main. Mr. Cwynar stated that he just wants a balance between protecting the township and not putting an unnecessary burden on the developer.
- 6) There was a discussion regarding a performance bond for infrastructure and it was agreed that the Township would accept an Irrevocable Letter of Credit from Rettop that has 90 days from approval of the Resolution to complete the infrastructure and can ask for an extension.
- 7) It was agreed that the Planning Commission will have no more comments after this meeting.
- 8) Mr. Cwynar asked how often Mr. Sell would visit the site and Mr. Shamp stated that he has been communicating with Mr. Sell. Ms. Stotler stated that the Township Ordinance will dictate Mr. Sells inspections.
- 9) Ms. Matsco stated that the DEP will need to meet with the Board and Mr. Shamp stated that they have a draft Agreement.
- 10) Mr. Shamp stated that there is no need to escrow money for Rettop for inspections as they have been regularly paying the invoices presented to them and the Board agreed.
- 11) Ms. Stotler stated that just a memorandum can be recorded instead of the above-referenced documents that will need to be recorded.

RESOLUTION NO. 4-2021, A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF POTTER, BEAVER COUNTY, A SECOND-CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVING WITH CONDITIONS, THE FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FOR MONTGOMERY RIDGE AT YELLOW GATE ESTATES IN ACCORDANCE WITH POTTER TOWNSHIP'S SUBDIVISION & LAND DEVELOPMENT ORDINANCE AND ZONING ORDINANCE.

MOTION: Al Cwynar SECOND: Rebecca Matsco ABSTAINED: Earl Shamp MOTION CARRIED

PLANNING COMMISSION:

The Planning Commission is meeting tomorrow evening to review a recent subdivision / lot line change at 7:00 pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 7:17 PM.

MOTION: Earl Shamp SECOND: Al Cwynar MOTION CARRIED