

SHEFFIELD TOWNSHIP SUPERVISORS

Minutes of the Special Meeting on December 30, 2023

CALL TO ORDER – Supervisor Jeff Labesky called the meeting to order at 3pm at the Sheffield Food Pantry with the Pledge of Allegiance and the following in attendance:

- 1.1 - Attendance: Supervisors Jay Fitch and Jeff Labesky
Incoming Supervisor: Matthew Bell
Administrator/Treasurer: Kristi Kulka-Leichtenberger; Roadcrew Matt Eck and Chris Kyler
Guests: Kyle McNeal, Lorene Benjamin, Dave Winger, Mark Buck, John Buck, Richard Fergus, Renee Samuelson, Mara Johnson, Bob Johnson, Candice Kyler, Christopher Korbar, Katty Sutton, Jim McMillen, Gary Cochran, Jim Leichtenberger, Marcy Byers, Bob Korbar, Kim Holden, Rick Petruney, Ruth Belcher, Dan Haag, Jim Williams, Vicki Williams, Gary Rothrock, Rita Goldthwaite, Matt Wees, Virginia Elms, Sam Bullock, Barb Bullock, Randy Petruney, Jared Finch, Julie Finch, Glenn Weaver, Sara Flasher, Nick Cochran, Frank Blum, Marty Grove, Debbie Koza, Nathan Lindberg
- 1.2 - Supervisor, Jeff Labesky's letter of resignation reversal **ACTION Motion/Second Fitch/Lindberg and duly carried.**

2. REVIEW OF PREVIOUS MINUTES

- 2.1 Minutes of the November 30, 2023, Supervisors Meeting
- 2.2 Budget Meeting from October 30, 2023

3. BILLS FOR APPROVAL, NOVEMBER TREASURER'S REPORT AND FINAL ADOPTION OF 2024 BUDGET

- 3.1 – Bills for Approval through December 28, 2023, General Fund \$41,640.78; Light Fund \$1,885.35; Fire Fund \$2,874.27; Sinking Fund \$643.51 for a total of \$47,043.91.
- 3.2 – November Treasurer's Report
- 3.3 – 2024 Final Adoption of Budget

ACTION on all the above documents in 2 and 3 Motion/Second Fitch/Lindberg duly carried.

4. COMMUNICATIONS

4.1 EmeryCare reports that in November 2023 there were 9 calls making the year-to-date calls to be 88 total calls. A new contract with EmeryCare for 2024 provides Sheffield Township with 24-hour coverage 7 days a week for \$21,168.00 a year. Supervisor Fitch was thanked by Supervisor Labesky for his work on getting this cost down considerably from last year.

4.2 Construction Code Inspectors, Inc reported that for the month of November only one permit was issued to Jeffrey Sleeman for the demolition of a manufactured home.

5. OLD BUSINESS

5.1 Ordinance Number 173 Nuisance Ordinance Amendment is ready for adoption. The ordinance states "No person shall keep, harbor, or feed any stray dog, stray or feral cat, or other animal in the Township so as to create offensive odors, excessive noise, or unsanitary

conditions which are a menace to the health and safety of the public or which impedes or interferes with the full use and

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enjoyment of real property, or otherwise permit the commission or existence of a nuisance as defined herein. **ACTION Motion/Second Fitch/Lindberg duly carried out the adoption of Ordinance Number 173.**

6. NEW BUSINESS

6.1 Approval of Stipulation regarding Sheffield Plaintiff Residents; Gary Rothrock, Jack Byers, Marcy Byers, Patricia Blum, Kyle McNeal, Lori McNeal, Harry Griffith, Noreen Griffith, Franklin Blum, Sandra Howard, Richard Petruney, Sharon Petruney, Randy Petruney, John Buck, Linda Buck, Kimberly Holden, Dillan Holden, Michelle Grubbs, Timothy McElhaney, James Leichtenberger, Nathan Curtin, Renee Samuelson, Glenn Weaver, Gary Cochran, Londa Cochran, Eugene Casasanta, Dorothy Casasanta, Lawrence Koza, Deborah Koza, Kenneth W. Schrader, Jr., Laurie Schrader, Robin Copley, Melissa Lemay, David Lemay, Rita Goldthwaite, Corey Copley, Tara Copley, Scott Copley, Kim Copley, Mabel Munoz complaint, the Stipulations are as follows:

1. This Stipulation shall not be construed as an admission by any party of any wrongdoing or liability for the matters complained of or otherwise alleged in the suit filed at No. 532 of 2023 by Sheffield Resident Plaintiffs.

2. The actions taken to accept the resignation of Nathan E. Lindberg, effective January 1, 2024, and to appoint Jon J. Fitch to the position of Sheffield Township Supervisors in place of Nathan E. Lindberg, effective January 1, 2024, both taken at the meeting of the Sheffield Township Board of Supervisors held on November 30, 2023 is hereby are deemed void.

3. The email of November 8, 2023 from Sheffield Township Supervisor Nathan E. Lindberg to township secretary Kristi Kulka-Leichtenberger and supervisors Jeffrey M. Labesky and Jon J. Fitch identified in Exhibit A of the Complaint in this matter shall be recognized as Mr. Lindberg's "tendered" resignation as the same understood and used in Section 407 (b) of the Second Class Township Code of Pennsylvania.

4. On December 23, 2023, pursuant to Section 407 (b)(2) of the Second Class Township Code of Pennsylvania, the resignation of Nathan E. Lindberg as supervisor of the Township of Sheffield, Pennsylvania will be "deemed accepted."

5. Jon J. Fitch agrees that he will not accept appointment to the vacancy in the office of supervisor of the Township of Sheffield created by the resignation of Nathan E. Lindberg.

6. The vacancy created by the resignation of Nathan E. Lindberg shall not be acted upon by the Sheffield Township Supervisors until after the reorganizational meeting of the board of supervisors on January 2, 2024.

7. The Sheffield Residents Plaintiffs waive all claims for relief seeking summary violations against the individual supervisors and for attorney's fees and costs.

8. The Stipulation shall be submitted to the Board of Sheffield Township Supervisors for their ratification and approval at their meeting scheduled to be held on December 28, 2023.

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9. The parties further agree that this Stipulation shall be submitted to the Court for approval as an Order of Court.

10. Upon approval of this Stipulation by the Court, the Sheffield Resident Plaintiffs shall forthwith file a Praecipe to Withdraw this action.

11. This Stipulation may be executed in counterparts any by any of the parties by electronic means.

ACTION Motion/Second Fitch/Lindberg duly carried out approving the stipulations.

6.2 Columbia Gas held a meeting on December 8th at the Center Street Lot to discuss the upcoming project in our township. Their line is being moved off Route 6 and onto North Street, Hall Street, Tionesta Street and Willow Street. This is to keep their line away from the gas tanks along West Main Street.

6.3 Supervisor Jeff Labesky letter of resignation at the end of the meeting. **ACTION Motion/Second Fitch/Lindberg duly carried.**

7. PUBLIC COMMENT

Renee Samuelson questions regarding the website. Kristi informed everyone that the new website will be up and running in the new year. Sorry for any inconveniences with the old, but the new one is going to be up and running in the new year.

Debbie Koza asked what's going to happen to the cats when they aren't going to be fed anymore? Supervisor Labesky stated that this would be referred to the incoming supervisors.

Rita Goldthwaite read a statement regarding her feeling of how the township has continually gone downhill over the years and hopes that when a new supervisor takes on this job that they put their hearts into this job.

Gary Cochran questioned the process of passing an ordinance with no discussion. Supervisor Labesky stated that you have a chance to discuss it during public comment. Mr. Cochran stated but you already passed the ordinance what good is my comment now. Supervisor Labesky stated that you must of missed a couple of meetings when we were discussing it.

Rick Petruney stated that I thought Nate Lindberg resigned and you Mr. Labesky also resigned. He was confused as to how you are conducting a meeting with these resignations already in place. Supervisor Labesky stated I tried to resign. Supervisor Labesky stated that Nate's resignation is effective January 1, 2024, but Mr. Petruney and Ms. Holden both corrected Supervisor Labesky on the date of Mr. Lindberg's resignation being December 23, 2023, per the stipulation that was just approved. Sara

Flasher stated that there are legal issues that should not be discussed at this time. Supervisors Lindberg left the meeting and the meeting recessed pending conversation with township solicitor.

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The meeting reconvened 15 minutes later, and Supervisor Fitch rescinded all prior motions made by Nate Lindberg, seconded by Jeff Labesky for just this meeting to include all the above as follows: 2,3 and 5.1 and 6.3. **ACTION Motion/Second Fitch/Labesky duly carried.**
1.2 Supervisor Labesky resignation reversal and the following **ACTION Motion/Second Fitch/Labesky duly carried.**

Public Comment

Mr. Petruney asked the question that he did because he doesn't believe the supervisors anymore, he cares about this town and has been coming to these meetings for over 20 years now but what he sees now, he is done now.

Mr. Weaver asked about the materials that is down on the playground, is it recycled tire? Supervisors stated that as far as they know that yes, it is. Mr. Weaver stated that this mulch is no longer considered safety. He had information from several reputable agency stating that these websites are stating that there are so many carcinogens that the American lung association's says you shouldn't even be around it. Jay stated it was purchased from a reputable company. Kristi stated that it was purchased from a company in Erie called SiteOne and she will contact them.

8. OTHER MATTERS AND BOARD MEMBER COMMENTS – items not in the agenda but came up during the meeting:

9. ADJOURNMENT at 3:25PM **ACTION Motion/Second Fitch/Labesky and duly carried.**

New Supervisor: Matthew Bell

Outgoing Supervisors: Jeff Labesky, J. Jay Fitch and Nathan Lindberg

Administrator/Treasurer

SHEFFIELD TOWNSHIP SUPERVISORS

