

Cherrytree Township Board of Supervisors  
Regular Monthly Meeting  
February 1, 2021  
6:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, February 1, 2021, at 6:30 p.m., at the township building. In attendance were Jim Waugh, Dave Zdarko, and Rob Kellogg, Supervisors, and Christine Kurelowech, Secretary-Treasurer.

**Call to Order**

Jim Waugh called the meeting to order.

**Pledge**

**Moment of Prayer**

Jim Waugh led those in attendance in a moment of prayer.

**Public Comment**

Jim Waugh opened the “Public Comment” section of the meeting by making a statement regarding a meeting that the Supervisors attended on December 17, 2020 (via Zoom) with Cypress Creek Renewables, Venango County, and Alan Shaddinger (township solicitor), where the Supervisors agreed to give Cypress Creek Renewables pre-approval for the Titusville Solar project on Route 8 (near Windy Hill). He said that, as a result of the meeting held on December 17, 2020, he and the other Supervisors have been accused of being unethical and violating the solar moratorium, when actually the moratorium was not violated because no permits were issued. He noted that the Supervisors had the right to meet with the township solicitor and that no permission was given to Cypress Creek Renewables during the meeting because “nothing was set in stone”. He said that he does not appreciate being called unethical and that the voters elect the Supervisors to make decisions and if voters are not happy with the decisions made by the Supervisors and/or feel that the Supervisors are unethical, they can contact the Pennsylvania Ethics Commission and they can also vote. He noted that his position will be on the ballot in the spring primary. Jamey Miller said that, by granting permission to a solar company during the meeting held on December 17, 2020, the Supervisors were conducting business outside of a public meeting, which is not permitted. Jim Waugh said that the meeting would have been a circus if the public had been involved and that the Supervisors and Alan Shaddinger were able to get the solar company to make some concessions. He told Jamey Miller to file a complaint with the Pennsylvania Ethics Commission if he is unhappy and said that, after the multiple meetings of the planning commission and the citizens committee, there are still no regulations for solar development. Jamey Miller said that the planning commission and the citizens committee are pushed back every time they make progress, noting that Jim Waugh “blew up” the meeting on January 26, 2021 with his announcement about the December 17, 2020 meeting, and that nothing was accomplished as a result. Jim Waugh told those in attendance that discussion on solar development was ending and that the Supervisors would move on to the next item on the agenda.

**Minutes/Treasurer’s Report**

The minutes, from the special meeting held on Monday, January 4, 2021, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

The minutes, from the regular monthly meeting held on Monday, January 4, 2021, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously.

The treasurer's report, for January 2021, was read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

## **Correspondence**

PSATS News Bulletin

## **Zoning**

### **Permits**

Z-2021-01 Jason Kaster 675 Breedtown Road new pavilion

### **Zoning Report**

There was no report.

## **Administrative Action**

### **Venango County Board of Elections – Use of Polling Place**

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to allow Venango County to use the township building as a polling place for the spring primary, which is scheduled for May 18, 2021.

### **Cherrytree Township VFD – Fire Police – 2021 Schedule – Vote to Approve**

On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to approve the 2021 schedule for the Cherrytree Township VFD fire police.

## **Committee Reports**

### **VFD**

Tim McGrath, VFD Fire Chief, reported that there were 6 calls since the last meeting. Of the 6 calls, 1 was a chimney fire, 1 was an outside gas explosion (gas line), 3 were EMS and 1 was a search and rescue.

The VFD will hold a gun show at the township building on Saturday, April 10, 2021 (9:00 a.m. until 4:00 p.m.) and Sunday, April 11, 2021 (9:00 a.m. until 3:00 p.m.).

The spring shoots will begin on Tuesday, February 9, 2021 and will continue to be held every Tuesday through March 30, 2021. Sign-ups begin at 5:30 p.m. and shooting begins at 6:00 p.m. The cost is \$2.50 per shot.

Tim McGrath thanked the VFD members for their efforts.

### **EMA Office**

Tim McGrath, Emergency Management Coordinator, reported that there is no training schedule out yet. First responders have been given the opportunity to get vaccinated for COVID-19 at the Titusville Airport.

### **Road**

Chrissie Kurelowech read a report submitted by Lew Staub, Roadmaster. The road crew plowed and put antiskid down 10 times and put antiskid down (no plowing) 9 times. They fixed 1 washout, spent a day cleaning pipes, spent a day throwing limbs off, and checked the roads twice.

As for equipment, a hydraulic line and a flashing light were fixed on the 2002 International, the spreader light was fixed on the 2009 International, and a headlight was fixed on the 2014 Dodge.

## **Old Business**

There was no "Old Business".

## **New Business**

### **Solar Development**

Jamey Miller asked the Supervisors for the status on a second opinion regarding the letter, dated May 8, 2019, from Ben Breniman, Zoning Officer, to Cypress Creek Renewables, stating that a solar farm would be considered an “essential service”, as far as zoning in the township is concerned. During the meeting held on January 26, 2021 with the planning commission and the citizens committee, it was suggested that the Supervisors get another opinion, in addition to the opinion of the township solicitor, on the validity of the letter in court. Jim Waugh said that he has an appointment scheduled with an attorney in Oil City, on February 4, 2021, to discuss the matter.

Tim McGrath told the Supervisors that Alan Shaddinger is not the attorney for the citizens committee, rather he is the attorney for the Supervisors. Therefore, the Supervisors are the “line of defense” for the citizens. He suggested the Supervisors ask Alan Shaddinger what the “cause of action” would be if a solar company sued the township. In other words, what law or laws would a solar company accuse the township of violating? Tim McGrath asked the Supervisors to have Alan Shaddinger contact Cypress Creek Renewables to find the “cause of action”. Jim Waugh said that Cypress Creek Renewables felt that the moratorium was delaying the project. In an effort to avoid litigation, the meeting took place on December 17, 2020. Tim McGrath said that Titusville Solar is a 40-year project and the township has to get it right. He said that he will outline areas that the citizens committee feels need addressed and pass the information to the planning commission.

An anonymous person began asking questions related to solar development. He asked Tim McGrath to identify himself, the Supervisors to identify themselves, and questions about Cypress Creek Renewables. He said he did not live in Cherrytree Township. When asked to identify himself, he said he wanted to remain anonymous. Jim Waugh told him that he would not be permitted to speak since he refused to identify himself to those in attendance.

Scott Preston asked the Supervisors if there are agricultural security areas in the township and said that he helped set up agricultural security areas in Crawford County. He said agricultural security areas would help keep the township agricultural and also prevent farmers from getting sued. Jim Waugh said that the people who are leasing their land to solar companies are not farmers, do not live in the township, and do not care whether or not the township remains agricultural.

Jamey Miller asked if the construction of a solar farm would eliminate a property from the “Clean and Green” program (reduced taxes). A short discussion took place and it was assumed that a property with a solar farm would no longer qualify for “Clean and Green” and that the solar company would be required to pay the back taxes.

Lila Preston asked if there is any reason that solar companies want to build solar farms in the township, other than the fact that a large transmission line runs through the township. Those in attendance were in agreement that the main reason is that the solar companies want to be near the large transmission line. Tim McGrath noted that, by 2030, the state would like to get 30% of its power from solar.

### **Clean-Up Weekend**

Chrissie Kurelowech asked the Supervisors if they would like to schedule Clean-Up Weekend for the first full weekend in June, as it has been for the past several years. The Supervisors were in agreement to schedule Clean-Up Weekend for Saturday, June 5, 2021 and Sunday, June 6, 2021. The dumpsters will arrive on Friday, June 4, 2021 and will be removed on Monday, June 7, 2021. Six 30-yard dumpsters will be ordered. Chrissie Kurelowech will contact Harley Richards to make sure he is available to handle metal disposal.

**Winter Road Maintenance - Thanks**

Scott Preston thanked the road crew for the exceptional road maintenance during the winter months. He noted that he often travels to Centerville early in the morning and that the roads in Cherrytree Township are always in good condition, as compared to the roads in other townships.

**Adjournments**

The meeting adjourned at 7:10 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer