

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
September 8, 2020
6:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Tuesday, September 8, 2020, 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

Dave Zdarko called the meeting to order.

Pledge

Moment of Prayer

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

Public Comment

The VFD truck room was filled with people, many who were opposed to solar development in the township. Scott Dawson, of Recurrent Energy, gave a short presentation on solar farms after distributing printed PowerPoint presentations to the Supervisors. He first gave those in attendance some information about Recurrent Energy and then described how solar farms are constructed and the components that they include. Recurrent Energy was founded in 2006 and has offices in many locations including California, South Carolina, Texas, and Manhattan. In 2015, Recurrent Energy was purchased by its parent company, Canadian Solar, which employs 13,000 people worldwide. The company not only manufactures components of solar farms, but it also develops projects “on the ground”. Scott Dawson did not give any specifics as to where Recurrent Energy plans to construct a solar farm(s) in the township. He made several comments on Ordinance 02-2020, a proposed curative amendment to the township’s zoning ordinance that includes regulations pertaining to solar development. He said that the salvage value of the solar farm components should be used to calculate the cost estimate of decommissioning a solar farm. Also, the ordinance should specify what kind of security is required to build a solar farm in the township (bond, money kept in an escrow account). He said that the ordinance states that a decommissioned site would have to be returned to forested habitat and, if the site was not forested before a solar farm was built, that it should not have to be a forested habitat upon decommissioning. Additionally, he was also concerned about the ordinance specifying that the panels would be considered impervious surfaces, which would affect the stormwater management requirements. He said that the panels should be considered pervious because the water falls between the panels and “breaks up the runoff”. He said that the panels do not “concentrate flows”. Another concern expressed by Scott Dawson was that the ordinance specifies 20 ft. of space between rows to allow emergency vehicle access. He said, for maximum solar production, the space between rows is typically 11 ft. – 13 ft. and that there would be no reason for an emergency vehicle to enter a solar farm. He also claimed that, according to studies all across the country, solar farms have minimum to no effect on neighboring property values and, in some cases, solar farms can increase neighboring property values. He said there is no noise, no odor, and no hazardous materials generated from solar farms.

After Scott Dawson finished his presentation, there were many questions and concerns from those in attendance. Sheila Klingensmith asked Scott Dawson and Steve Barna, both of Recurrent Energy, if they would want solar farms near their homes and if the state knows about Recurrent Energy’s intent to build a solar farm(s) in the township. The representatives said that their company has not yet applied for a permit from the township. Sheila Klingensmith also asked why the township needs solar development when oil and gas is already available. Steve Barna stated that energy companies are looking for a “diversified energy mix”.

Helen Beach asked who Recurrent Energy's donors are and the representatives said that Recurrent Energy is a public company and has no donors. She said that she feels property values will not increase from the presence of solar farms in the township. Others agreed with her.

Ron Stewart said that solar farms will not benefit the township at all and that the equipment (panels, etc.) is considered personal property and is, therefore, not taxable. He made the point that, even though a fence with barbed wire will surround each solar farm, the panels will still be visible from Route 8. Note that Recurrent Energy has not applied for a permit to construct a solar farm in the township yet, but Cypress Creek Renewables has notified the township of its intent (not submitted an application) to construct a solar farm near Route 8 between Fairview Road and Buxton Road. Ron Stewart asked if state regulations would supersede local regulations when construction of a solar farm is being considered and Scott Dawson said the state does not regulate land use.

Donna Stewart asked what effect a solar farm would have on wildlife and Steve Barna said that there would be no wildlife in a solar farm because it would be surrounded by fence.

Steve Anderson told the solar representatives that there have been several studies through major universities that have linked stray electric from solar farms to sterilization and mastitis in beef cattle. Scott Dawson said that there is a solar farm in the middle of Hearst Ranch in California where beef is raised that is sold to Trader Joe's and that the solar farm has had no adverse effects on livestock. The solar farm construction at Hearst Ranch was completed in May of 2019.

Olive Neely asked the Recurrent Energy representatives why their company is interested in using Cherrytree Township for solar development. Steve Barna said that there are "energy centers", such as Penn State University, FedEx, and Wal-Mart, that want to buy solar energy. She noted that there is little sunshine in Cherrytree Township and Steve Barna said there are solar farms in areas with little sunshine such as Ontario and New Jersey.

Glenn Nikolaison asked the Supervisors to carefully consider the impact that solar farms could have on people in the community. He said the Supervisors need to ask themselves two questions. First of all, will solar farms increase property values? Secondly, will solar farms increase the tax base? If solar development does not benefit the people in the township, then the Supervisors need to vote against it. He said that he has a pond on his property that is fed from a stream and he has serious health concerns about what could be washing onto his property and into his house.

John Neugebauer brought several concerns to the attention of the Supervisors. He said he already has runoff issues on his property and has had to install diversion ditches to prevent flooding as a result of the runoff from neighboring properties. There is vegetation on the neighboring properties right now, but he fears the runoff issues will be made worse after a solar farm is constructed. Another concern is electrical interference. He is concerned that his cell phone and cellular internet service will be interrupted by the electrical currents generated by the solar farm(s). He also brought up the issue of equipment malfunction and fire risk. The panels could overheat and cause fires and damaged panels could leak toxins and negatively affect ground water. John Neugebauer also said the herbicides used to control vegetation on a solar farm could be a health hazard. He said he is upset over the property devaluation and that, when he purchased his property in 2016, he never thought he would soon be surrounded (3 sides) by a solar farm. He told the Supervisors that they should not give in to out-of-town investors at the expense of the township residents.

Jim Waugh told those in attendance that the township cannot pass legislation to keep solar farms out and that Ordinance 02-2020 would put restrictions on what they can do. It's not a matter of voting "yes" or "no". Someone asked if it is possible for the township to stop solar development and Alan Shaddinger, Solicitor, said that the township cannot exclude reasonable use. When asked if solar development could be limited to the Commercial/Light Industrial (C/I) zone, Alan Shaddinger said it could be an option, but it "invites litigation". He said solar development is similar to oil and gas in that it is a use of land and whoever owns the land has the right to use it.

Karen McGrath said that a county in Missouri specified a maximum number of acres that could be used for solar development in the entire county. She asked Alan Shaddinger if the

township could do something similar and limit the number of acres affected and he said he did not have an answer.

Glen Nikolaison asked if the township could pass legislation against solar farms if the solar farms would have an adverse effect on the community. Alan Shaddinger said that zoning is intended to protect the health, safety, and welfare of the community. In an effort to preserve property values, regulations, like setback requirements, can be put in place.

Glen Nikolaison made a point that, the solar farms will not increase the tax base by much, but if homes were built on the acreage being considered, instead of solar farms, the tax base would increase significantly.

Scott Anderson said that he knew of someone who wanted to open a doctor's office and had to get approval from the neighbors first. He asked how a solar company would get approval. Alan Shaddinger said that the solar company would have to apply for a conditional use from the Board of Supervisors. A hearing would be scheduled. The hearing would be advertised in the newspaper and the neighbors would be notified. During the hearing, the solar company would explain what it intends to do on the property and anyone having objections would explain their concerns. The Supervisors would then vote to grant or deny the conditional use. John Neugebauer asked why he had not been notified about the solar farm(s) yet and Jim Waugh said no applications had been submitted to the township yet.

Craig Klingensmith urged the Supervisors to do whatever they can to stop solar farms from being built in the township.

Helen Beach said that her son is going through a similar situation in Pittsburgh where a 3-story nursing home is being proposed in a residential area. Jeff Nelson said that a person has control over his or her own property and cannot tell the neighbors how to use their property. Glenn Nikolaison responded by pointing out that the township can tell certain residents to stop accumulating junk and garbage on their properties.

Martha Smrekar asked if the ordinance could be so strict that it would keep the solar companies out of the township and Alan Shaddinger said that doing so invites challenges. Litigation can be expensive.

Scott Anderson was concerned about electrical interference, as mentioned by John Neugebauer earlier in the meeting, and asked the Recurrent Energy representatives if it would be a problem. Scott Dawson said solar farms do not cause electrical interference and Steve Barna said the solar companies often upgrade telecommunication equipment in areas where solar farms are located.

At this point in the meeting, Tim McGrath took the floor to bring several concerns to the attention of the Supervisors and to those in attendance. He asked people to Google "advantages of solar farms" and then to Google "disadvantages of solar farms". He said each search would yield a long list of returns and that the truth is probably somewhere between the two. He told the Supervisors that, before proceeding to allow solar farms in the township, answers to health and safety questions and answers to environmental questions are needed. He requested an independent study detailing what Cherrytree Township will go through as a community when solar farms are built and said that the Supervisors need to safeguard the community. Tim McGrath said he and his family have been in the community for 28 years and that he has been a member of the Cherrytree Township VFD for 19 years, 16 of which serving as line officer or chief. He said he has served on the Zoning Hearing Board and admitted that he was against zoning when it was first proposed in the township. He said people have been asking why solar companies would want to locate in Cherrytree Township. On average, there are only 59 days of sunshine per year in the area. He said the solar companies say they have the technology to locate in areas with little sun, but he has not found anything that says, on a sunny day, a solar farm does not produce more than 20% capacity. He showed those in attendance a map showing a large transmission upgrade project in the township. He told people that First Energy is planning to expand power lines that run through the township and the reason that the solar companies are interested in Cherrytree Township is because they want to hook into the newly expanded power lines. Tim McGrath said he read a report from Senator Hutchinson's office that said Pennsylvania has a goal to soon be producing 10% of its energy with solar. The power lines running through the township will be expanded to higher capacity lines and there is not much the

residents can do about it, but the township needs to safeguard itself. He urged the Supervisors to table the vote on Ordinance 02-2020 and asked Ben Breniman, Zoning Officer, to hold any zoning applications that are submitted. He told the Supervisors that he would step down as the township's Emergency Management Coordinator to be put back on the Zoning Hearing Board, if that would help the township. Tim McGrath noted that there is an airport in the township and that a solar company would need to submit a form to the Federal Aviation Administration (FAA) if it plans on putting a solar farm within 5 miles of an airport. If a solar company plans on putting a solar farm within 2 miles of an airport, the FAA would have to approve the project. Tim McGrath also pointed out that most people at the meeting would not be here in 30 or 40 years when the solar farms are decommissioned, but that the decisions being made today will affect the children and grandchildren of those people and that is the reason the township needs to take the time to find the truth. Karen McGrath noted that even if it takes a year, the township needs to get it right.

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to table Ordinance 02-2020, a curative amendment to the Cherrytree Township Zoning Ordinance that includes regulations pertaining to solar development.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, August 3, 2020, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously.

The treasurer's report, for August 2020, was read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously.

The minutes, from the special meeting held on Monday, August 24, 2020, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously.

Chrissie Kurelowech presented amended minutes for the regular monthly meeting held on Monday, July 6, 2020. A change was made in "Administrative Action", under "2RC Gravel – 7,200 Tons – Review Quotes". She explained to the Supervisors that, at the suggestion of a PennDOT representative, she added a sentence at the beginning of the paragraph to state the reason the Supervisors put out a second RFQ (Request For Quote) for stone during 2020. The sentence added reads, "Because the Supervisors made their decision to use salt brine instead of E-1 Prime for dust suppressant this summer after they voted to accept quotes on gravel at their meeting held on April 6, 2020, there was extra money in the budget that could be spent on gravel, which would increase the effectiveness of the salt brine, so a second RFQ (Request For Quote) was put out." The amended minutes, from the regular monthly meeting held on Monday, July 6, 2020, were read, accepted, and approved, on a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously.

Correspondence

PennDOT – 2021 Estimated Liquid Fuels Tax and Turnback Allocation

The estimated Liquid Fuels allocation for Cherrytree Township for 2021 is \$189,121.67, which is \$20,732.77 less than the amount received for 2020 (\$209,854.44). This is most likely due to a decrease in gas use during the COVID-19 pandemic. The turnback allocation for 2021 is \$24,240.00. This amount never changes and is paid to the township to cover maintenance expenses for Dempseytown-Gresham Road.

Venango Conservation District - Dirt, Gravel & Low-Volume Roads Program 2021

Venango Conservation District will be accepting applications for 2021 Dirt, Gravel & Low-Volume Roads projects until October 16, 2020.

PA Department of the Auditor General – Municipal Pension Plan Distress Score

Cherrytree Township's pension plan has received a distress score of 0 from the Pennsylvania Department of the Auditor General. To receive a distress score of 0, the funded ratio of all of a municipality's pension plans must be at least 90%. Cherrytree Township's funded ratio is 99%.

Nick Hvasta – Cherrytree Township Resident – Solar Farms

Nick Hvasta submitted a letter to the Supervisors outlining the negative aspects of solar farms being built in the township.

John Neugebauer – Cherrytree Township Resident – Solar Farms

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Zoning

Permits

Z-2020-08 Jeffery and Tracy Gibson 3862 State Route 8 Approval was granted on August 3, 2020 by the Cherrytree Township Zoning Hearing Board to operate a daycare facility on the first floor and have an apartment on the second floor.

Zoning Report

There was no report.

Administrative Action

Resolution #20-46 – 2021 County Aid Application

On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #20-46 (2021 County Aid Application). The township will apply for \$30,000.00 to be spent on paving an approximate .60 stretch of Dutch Hill Road (from township line south). The total cost of the project is estimated to be \$80,112.50.

PMRS 2021 Minimum Municipal Obligation (MMO) – Vote to Accept

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to accept the 2021 Pennsylvania Municipal Retirement System (PMRS) Minimum Municipal Obligation (MMO). The 2021 MMO, which is \$14,488.00, represents the amount of money the township will be required to contribute to PMRS (employee pension fund) by the end of 2021. This is a decrease of \$8,008.00 from the 2020 MMO. Chrissie Kurelowech explained that, each year, the township usually receives between \$8,000.00 and \$10,000.00 in state aid to put towards the MMO, but the township is required to make up the difference and must meet the MMO.

Planning Commission Member Resignation – Vote to Accept

On a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously, the Supervisors voted to accept the resignation of Jamey Miller from the Cherrytree Township Planning Commission.

Committee Reports

VFD

Jim Waugh, VFD Treasurer, reported that there were 15 calls since the last meeting. Of the 15 calls, 1 was a building fire, 1 was a vehicle fire, 7 were EMS, 4 were public service, and 2 were dispatched and cancelled.

The VFD held its annual car cruise and barbequed chicken dinner on Saturday, September 5, 2020. According to Jim Waugh, the VFD made about \$970.00 from the event.

EMA Office

Tim McGrath, Emergency Management Coordinator, reported that training for the second quarter was cancelled and he is still waiting to hear about training for the third quarter.

Road

Chrissie Kurelowech read a report submitted by Lew Staub, Roadmaster. The road crew hauled six 78in. by 20 ft. pipes from Shingledecker's Welding to the shed. They fixed spots with the grader on 3 roads, mowed the yard 3 times, met with Venango Conservation District 3 times, mowed the berms on 7 roads, and spent 5 days working on the Dirt, Gravel & Low-Volume Roads project on Pastorius Road. They also spent 1 day opening pipes with the backhoe, spent 1 day berming spots, touched up spots with 1 load of salt brine, filled deep ditches in 7 spots, and cold patched pipes on Old Route 8. The road crew also pushed 3 trees off roads and checked the roads once.

As for equipment, the control module in the 2014 Dodge was replaced and 6 new tires were put on the grader. The 2002 International was taken to Hunter Truck Sales in Eau Claire for a rear oil leak, interlocking rear-end not working, and a miss going through injector. The 2014 Dodge was taken to Shults of Warren to fix the emergency brake and to investigate a "check engine"/emission problem.

Rob Kellogg noted that there is a culvert issue on Old Route 8 near Breedtown Road.

Old Business

Fairview Culvert Repair – Eligibility Deficiency

Chrissie Kurelowech reported that a permit from the Pennsylvania Department of Environmental Protection (PaDEP) has not yet been issued for the culvert repair project on Fairview Road (0.2 mile west of Dempseytown-Gresham Road – placing concrete at the bottom of the culvert). Instead, the township has received an "eligibility deficiency" because the proposed project needs modified to better accommodate fish. Mark Corey, the township engineer, has responded to PaDEP's eligibility deficiency letter with a letter and a map outlining a plan to place rip-rap at the end of the outlet to resolve the problem. He has also informed Shingledecker's Welding of the change and it is estimated to cost the township little more, if any more, than the original estimate of \$9,621.12.

New Business

Schedule Budget 2021 Meeting

The Supervisors scheduled a public meeting, to prepare the 2021 Budget, for Friday, October 16, 2020 at 6:00 p.m. The meeting will take place at the township building.

Adjournments

The meeting adjourned at 8:25 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer