

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

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, March 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**

Jamey Miller gave an update on where the planning commission and the citizens committee are at in the process of developing new regulations for solar farms in the township. He first asked the Supervisors if Ben Breniman, Zoning Officer, has considered sending Cypress Creek Renewables a letter stating that his previous determination, that a solar farm could be considered an “essential service”, was incorrect. (letter dated May 8, 2019). Jim Waugh said that he talked to Ben Breniman and Ben Breniman said he would send a second later, but later reconsidered. Alan Shaddinger, Solicitor, said that he did not have a problem with it, but that a second letter would not change anything. At this time, a letter reversing the determination has not been sent.

Jamey Miller noted that the Supervisors recently adopted the Venango County Natural Heritage Inventory (VCNHI) in an effort to preserve the natural features, such as waterways and wildlife, within the township. He said that the planning commission and citizens group have developed overlays to the township’s existing zoning map, based on the VCNHI. Mike Henderson, of the citizens committee, used a projector to display several maps for those in attendance to view. Tim McGrath said that the maps show different areas where caution must be taken when building. It was noted that nothing could be built within 330 feet from the center of streams, creeks, etc., to comply with VCNHI. It is the intention of the planning commission and the citizens group to add a section to the zoning ordinance that is specific to the VCNHI overlay areas.

According to Jamey Miller, the planning commission and citizens group are meeting regularly to address several concerns regarding solar development including a revised application, emergency access specifications, fencing details, defining a commercial solar district, decommissioning, bonding, soil and well sampling, site plans, training, and requirements for permit approval. The planning commission should have an ordinance to the Supervisors in time for the regular monthly meeting scheduled for Monday, May 3, 2021. This will allow time for the Supervisors to review the ordinance and hold the public meetings necessary to be able to pass it. Tim McGrath asked the Supervisors if they would like to receive the regulations in pieces, as the group of volunteers completes them, or if they would prefer to receive the entire ordinance at once. Jim Waugh told Tim McGrath to submit the regulations piece by piece to Chrissie Kurelowech and she will send them to Alan Shaddinger for review. Jim Waugh noted that he recently spoke with David Weightman, of Cypress Creek Renewables, who said batteries will not be used for Titusville Solar, but Tim McGrath said that the issue still needs addressed in the ordinance. Jim Waugh said that Cypress Creek Renewables is putting pressure on the township to get the project moving and that he will not be pressured. He said the company wants the township to write a letter of approval and that will not happen until the ordinance is in place

and Cypress Creek Renewables meets the requirements set forth in it. Don Deliman noted that he should be receiving a battery ordinance from Ripley, New York soon and that he will pass it along to the township.

### **Minutes/Treasurer's Report**

The minutes, from the regular monthly meeting held on Monday, February 1, 2021, were read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

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

### **Correspondence**

Venango County Tax Claim Bureau – Petition for Judicial Sale

*Two properties in the township will be up for judicial tax sale in June of 2021. A hearing will be held on April 22, 2021, at which time a sale date will be set.*

GCI Water Solutions, LLC – Clean Brine Available

*A package of information about free salt brine offered by GCI Water Solutions, LLC was sent to the township for consideration. The salt brine itself would be free, but the township would have to pay to have it put down on the roads. The literature compares the free brine offered by GCI Water Solutions, LLC to LS-25 brine that is sold by Seneca Mineral. However, a table showing chemical characteristics of the free brine compared to chemical characteristics of LS-25 brine shows that LS-25 brine contains significantly more calcium, sodium, and magnesium. The township purchased LS-25 brine from Seneca Mineral last year and E-1 Prime oil from various companies in the previous years.*

City of Titusville – Ordinance No. 3277 – Modification to Sewage Services

*The township has received notification that the City of Titusville recently passed Ordinance No. 3277, which modifies the city's rules and regulations governing sewage services. Chrissie Kurelowech said that the city provided a list of properties in the township that are served by the city's water and/or sewage. Of the eight properties on the list, only two receive the city's sewage service (202 Museum Lane (Drake Well Museum) and 765 Drake Well Road). Chrissie Kurelowech noted that there are fines and surcharges that the township would need to pay if limits on certain pollutants were reached, but that residential properties are exempt from the limits. If, in the future, commercial businesses request approval from the township to connect to the city's sewage system, the pollutant limits are something that need considered before granting approval.*

Cypress Creek Renewables – Titusville Solar

*Chrissie Kurelowech presented a statement from Cypress Creek Renewables, regarding Titusville Solar, that a representative from Cypress Creek Renewables asked her to read at the meeting. The statement was published in The Titusville Herald on Saturday, February 27, 2021. The Supervisors were in agreement that, since the statement was lengthy, it would not be read during the meeting and anyone wishing to read it after the meeting could do so.*

### **Zoning**

#### **Permits**

Z-2021-02 William James 1705 Dempseytown-Gresham Road new 36' by 36' barn

#### **Zoning Report**

There was no report.

## **Administrative Action**

### **Resignation from Planning Commission – Ron Stewart – Vote to Accept**

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to accept the resignation of Ron Stewart from the planning commission, effective February 12, 2021.

### **Breedtown Baptist Church Holding Tank Agreement – Vote to Execute**

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to execute a holding tank agreement between the township and the Breedtown Baptist Church. This will allow the church to install a holding tank for sewage as opposed to replacing an existing septic system that is malfunctioning. Ron Stewart asked how it is determined that a holding tank is an option for a property owner and how the size of the tank is determined. A representative from Breedtown Baptist Church said that the township's Sewage Enforcement Officer, Todd Fantaskey, deemed the church eligible to install a tank and that the tank size (1,500 gallons) was based on the number of people using the facility.

### **Resolution #21-42 – 2021 Paving – Dutch Hill Road – Combine with City of Titusville**

Chrissie Kurelowech told the Supervisors that Troy Cyphert, PennDOT Municipal Services Representative, recently suggested that the township add Dutch Hill Road to the City of Titusville's paving contract this year in an effort to get a lower price. Just off Route 8, the City of Titusville has a small section of Dutch Hill Road that is paved. The township plans to pave .60-mile of Dutch Hill Road from the city line south. Since the sections of pavement adjoin each other, both the township and the city would most likely benefit by putting the projects out for bid together. Chrissie Kurelowech said that the township could add other roads to the city's bid packet, if it wanted to do so, but that Lew Staub, Roadmaster, had indicated that the road most in need of new pavement is Old Route 8, but several pipes would need replaced by a contractor before paving could happen. She said that Troy Cyphert said if the township decided later in the year to put more paving out for bid on other roads, it could do so, regardless of whether the township agreed to put Dutch Hill Road out for bid with the City of Titusville. When the Supervisors applied for 2021 County Liquid Fuels Aid in the fall of 2020, they committed to paving the .60-mile stretch of Dutch Hill Road, if the county awarded the money, which it did. The project is estimated to cost \$80,112.50 and \$25,000.00 in 2021 County Liquid Fuels Aid will be put towards it, while the township will be responsible for the remainder. Chrissie Kurelowech also said that the Supervisors would need to select a delegate and an alternate delegate to attend a Titusville City Council meeting where bids for paving will be opened. The delegate or alternate delegate will need to accept or reject the price to pave the .60-mile stretch of Dutch Hill Road that is in the township. On a motion made by Dave Zdarko, seconded by Jim Waugh, and carried unanimously, the Supervisors adopted Resolution #21-42, which grants approval for the township to add .60-mile of Dutch Hill Road to the City of Titusville's 2021 paving contract and appoints Christine Kurelowech as a delegate and Jim Waugh as an alternate delegate to accept or reject bids to pave the stretch of road. Chrissie Kurelowech said that the city will handle the bid documents and that the township will receive a copy of the contract. Material tickets and an invoice for the township's portion of Dutch Hill Road will be sent directly to the township.

**2021 Stone RFQ – Discuss Quantities – Vote to Seek Quotes**

The Supervisors discussed the amount of stone that the township should purchase during 2021, specifically 2RC gravel (tailgate delivery). Early in 2020, the Supervisors put 7,200 tons of 2RC gravel (tailgate delivery) out for bid. Later, after they made the decision to use LS-25 brine for dust suppressant, as opposed to E-1 Prime oil, more money became available in the budget. Consequently, they put out an additional 7,200 tons of 2RC gravel (tailgate delivery) out for bid and purchased it. The Supervisors asked Lew Staub, Roadmaster, how much gravel he felt would be needed to get the roads in good shape and he said that an extra 7,200 tons could be purchased for the next three years in an effort to catch up and get the roads in better condition. He said the roads most in need of gravel at this time are Tarr Road, Hamilton Corners Road, and Stone Springhouse Road. He also told the Supervisors that they need to make a decision on whether or not to tear up the oil on Trout Run Road. The Supervisors asked Lew Staub for his opinion and he said he feels it needs torn up. On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to seek quotes for the types and quantities of stone listed below. Chrissie Kurelowech will send out an RFQ (Request for Quote) and have the quotes due before the next regular monthly meeting, which is scheduled for Monday, April 5, 2021, at 6:30 p.m. The Supervisors will review the quotes at that time.

<i>Item</i>	<i>Tons</i>
<i>AS1 Antiskid</i>	<i>2,300</i>
<i>2RC Gravel – Tailgate Delivery</i>	<i>14,400</i>
<i>2RC Gravel – Stockpile</i>	<i>500</i>
<i>AASHTO#57 Type C</i>	<i>600</i>
<i>2A Limestone</i>	<i>150</i>

**Committee Reports**

**VFD**

Tim McGrath, VFD Fire Chief, reported that there were 14 calls since the last meeting. Of the 14 calls, 1 was a building fire, 2 were chimney fires, 3 were EMS, 1 was an MVA with injuries, 4 were MVAs with no injuries, 1 was smoke investigation, 1 was public service, and 1 was dispatched and cancelled.

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 began 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. Jim Waugh said that they had 10 shoots the first week, 6 shoots the second week, and 7 shoots the third week.

**EMA Office**

Tim McGrath, Emergency Management Coordinator, reported that there is still no training schedule out yet. Extra COVID-19 supplies will be made available and he will check with Bob Reed to determine which supplies are needed.

**Road**

Lew Staub reported that the road crew plowed and put antiskid down 13 times and put antiskid down (no plowing) 8 times. They also fixed a STOP sign.

As for equipment, work was performed on a tie rod end on the old JCB backhoe. A spreader bearing on the 2002 International was changed.

## **Old Business**

There was no “Old Business”.

## **New Business**

### **Salt Brine as Liquid Fuels Expense – PennDOT vs. PA Dept. of the Auditor General**

Chrissie Kurelowech reported to the Supervisors that she was recently informed by PennDOT representatives that the Pennsylvania Department of the Auditor General (Auditor General’s office) is at odds with PennDOT over whether or not salt brine is an allowable liquid fuels expense. For many years, municipalities have been using liquid fuels money to pay for salt brine. Both PennDOT and the Auditor General’s office have allowed it. Recently, however, someone in the Auditor General’s office has made the claim that salt brine is not an allowable liquid fuels expense. Consequently, municipalities that used liquid fuels money for salt brine have faced audit findings by the Auditor General’s office, even if the salt brine was purchased at a time when both PennDOT and the Auditor General’s office were in agreement that it was an allowable liquid fuels expense. Right now, PennDOT is trying to convince the Auditor General’s office to drop audit findings for salt brine that was purchased with liquid fuels money before the controversy erupted. Additionally, PennDOT is working to convince the Auditor General’s office that salt brine should be considered an allowable liquid fuels expense. PennDOT has warned municipalities against using liquid fuels money for salt brine for the time being. Chrissie Kurelowech told the Supervisors that the township used liquid fuels money to purchase salt brine in 2020, after being told by PennDOT, in May of 2020, that it was an allowable expense. If the Auditor General’s office continues to issue audit findings for years prior to 2021, this could result in an audit finding for the township.

## **Adjournments**

The meeting adjourned at 7:12 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer