

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
April 5, 2021
6:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, April 5, 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, planning commission member, presented the Supervisors with a copy of a new ordinance containing regulations pertaining to solar development. The ordinance will serve as a curative amendment to the existing zoning ordinance. The planning commission, along with a citizens group, spent many months doing research and writing the new ordinance. Jamey Miller told the Supervisors that the ordinance needs some edits and should probably be reviewed by the township solicitor before the process to pass it begins. The Supervisors were very appreciative and thanked the planning commission and the citizens group for their efforts.

Ernie McCain, of Pioneer Road, asked the Supervisors if they plan to widen Pioneer Road this summer. He and several other Pioneer Road residents attended regular monthly meetings during the summer of 2020 to ask the Supervisors to consider widening the road because it is so narrow that 2 cars cannot safely pass on it. When it rains, parts of the road wash away and there is a dangerous blind curve on the road. He asked the Supervisors not to forget about the road and the Supervisors said they had not forgotten and that they would look into fixing it as soon as they can.

Bruce Dickson said that he owns a parcel of land on Miller Farm Road that is currently used for farming and that he is interested in having his property entered into a farm preservation program, but that farm preservation programs are driven at the county level and, to his knowledge, Venango County does not participate. He asked the Supervisors if they knew of a way to enter land in Venango County into a farm preservation program. Chrissie Kurelowech suggested that he contact Scott Preston, who attended a township meeting recently and had a lot of knowledge regarding farm preservation programs. It was also suggested that he contact the Penn State Extension located at the Venango County Fairgrounds. Tim McGrath noted that the township's comprehensive plan shows 13 different agricultural security areas in the township.

Minutes/Treasurer's Report

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

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

Correspondence

PSATS News Bulletin
PSATS Annual Report
PennDOT Newsletter

Zoning

Permits

Z-2021-03 Robert and Bambi Reed 1597 Fairview Road new 24' by 16' lean-to

Zoning Report

There was no report.

Administrative Action

Turnback Agreement – Oakland Township – Vote to Execute

On a motion made by Rob Kellogg, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to execute a turnback agreement with Oakland Township, Venango County, for a .12-mile portion of Tarr Road. Oakland Township will maintain the stretch of road, located in Cherrytree Township, and, in turn, Cherrytree Township will pay Oakland Township liquid fuels money yearly. The amount paid will be calculated each year based on the amount of money received from the state and the mileage (.12). This year, the amount owed to Oakland Township will be \$420.04.

Shared Equipment – Oil Creek Township, Crawford - Vote to Sell Air Compressor

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to give permission to Oil Creek Township, Crawford County, to sell an air compressor (Schramm Tag Along S# 114996) that is owned by both townships. The air compressor is old and the townships are no longer using it.

Salt Brine – Vote to Seek Bids

Chrissie Kurelowech gave a short financial report before the Supervisors started discussing summer road projects. She said that the township spent about \$271,957.47 on summer road maintenance in 2020 which included doubling the amount of 2RC gravel that had been purchased in recent years, salt brine, and some culvert repairs. No paving or seal coating was performed during 2020. For 2021, she estimated the cost of salt brine, paving on Dutch Hill Road (County Aid project - 0.60-mile), and gravel to be about \$261,236.00. Keeping the financial situation in mind, the Supervisors considered summer maintenance projects. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to put 150,000 gallons of salt brine (PA DEP approved) out for bid. Bids will be opened and reviewed at the next regular monthly meeting, which is scheduled for 6:30 p.m. on Monday, May 3, 2021.

Seal Coating – Discuss Possible Projects

The Supervisors discussed seal coating Dutch Hill Road (township line south – 0.60 mile) and part of Cherrytree Road (Buxton Road to Fairview Road – 1.29 mile). Since Dutch Hill Road will get new pavement in early summer, the Supervisors wanted to seal coat the road during the same year to prevent it from being slippery. They also discussed the need to seal coat Cherrytree Road between Buxton Road and Fairview Road. Due to financial constraints, they decided to seek bids to seal coat Dutch Hill Road and add an option to the bid documents to seal coat Cherrytree Road as well. On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to seek bids to seal coat Dutch Hill Road (township line south – 0.60 mile) and Cherrytree Road (Buxton Road to Fairview Road – 1.29 mile). Cherrytree Road will be an option so the Supervisors will be able to choose to seal coat Dutch Hill Road or both Dutch Hill Road and Cherrytree Road. Bids will be opened and reviewed at the next regular monthly meeting, which is scheduled for 6:30 p.m. on Monday, May 3, 2021.

2021 Stone RFQ – Review Quotes - Vote

Quotes for stone from Allegheny Aggregates, Inc., Allegheny Mineral Corporation, Hillside Stone LLC, Hasbrouck Sand & Gravel, Glenn O. Hawbaker, Inc., and IA Construction Corporation were reviewed by the Supervisors. On a motion made by Dave

Zdarko, seconded by Jim Waugh, and carried unanimously, the Supervisors voted to award Item #1, Item #2, Item #3, and Item #4 to the lowest bidder, Hasbrouck Sand & Gravel, and Item #5 to the lowest bidder, Allegheny Mineral Corporation. The total for all of the gravel is \$161,636.00. Quantities and prices are listed below. The full bid results are attached.

<i>Item #</i>	<i>Item Description</i>	<i>Tons</i>	<i>Cost Per Ton</i>	<i>Total Cost</i>
1	AS1 Antiskid	2,300	\$7.94	\$18,262.00
2	2RC Gravel – Tailgate Delivery	14,400	\$8.90	\$128,160.00
3	2RC Gravel – Stockpile	500	\$8.90	\$4,450.00
4	AASHTO#57 Type C	600	\$12.49	\$7,494.00
5	2A Limestone	150	\$21.80	\$3,270.00

Shingledecker’s Welding – Culvert Replacement Quotes – Lamey/Shreve/Breedtown

Lew Staub, Roadmaster, recently met with Shingledecker’s Welding to discuss three culvert replacement projects in the township. The first is on Lamey Road and is estimated to cost \$44,057.70, the second is on Breedtown Road (near Breedtown Cemetery) and is estimated to cost \$33,347.20, and the third is on Shreve Road (between Turkey Farm Road and Black Road) and is estimated to cost \$33,650.00. Chrissie Kurelowech said that Mark Corey, Township Engineer, recently visited the culverts and said that he feels the culvert on Shreve Road is the most urgent of the three. She noted that there will be an additional \$4,000.00 per culvert for engineering fees and if the township chooses to fix only one or two culverts at this time, the engineering fee will be \$5,000.00 per culvert. Shingledecker’s Welding provided estimates, but if the township chooses to replace any of the culverts, formal bidding will be required. No decision was made. The Supervisors agreed to wait to see how high the bids are for salt brine, paving, and seal coating before making a decision on culvert replacements. Chrissie Kurelowech will put it on the agenda for the next meeting.

Committee Reports

VFD

Tim McGrath, VFD Fire Chief, reported that there were 22 calls since the last meeting. Of the 22 calls, 7 were public service, 2 were structure fires, 5 were brush fires, 4 were MVAs, 2 were to assist the sheriff, and 2 were dispatched and cancelled.

The VFD will hold a special money shoot on Tuesday, April 6, 2021. Sign-ups begin at 5:30 p.m. and shooting begins at 6:00 p.m. This will be the final shoot until fall.

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.). There is a \$5.00 admission fee.

EMA Office

Tim McGrath, Emergency Management Coordinator, reported that the VFD has received extra PPE (masks, gloves, and hand sanitizer) from the county. He thanked Don Deliman for his efforts in obtaining the supplies.

Road

Lew Staub, Roadmaster, reported that the road crew restacked antiskid, checked the roads 3 times, put antiskid down twice, spent 1 day hauling 2B gravel to soft spots, and painted Dutch Hill Road in preparation for paving. They cleaned the garage and met with Shingledecker’s Welding to discuss culvert replacement projects. The road crew also fixed ditches in 3 spots, fixed a hole on Shreve Road, ran the grader on 4 roads, and spent 2 days brooming off intersections. They also spent a day pushing trees off and a day opening pipes and tail ditches.

As for equipment, a spreader sprocket was fixed, a headlight was fixed, and the backup alarm was replaced on the 2014 Dodge. The wings were removed from the 2002

International and the 2009 International. The chains were removed from the grader. The road crew also put a new fuel pump and line inside the building, worked on the chainsaws, and changed the oil and filters on the tractor. Stephenson Equipment performed warranty work on the 2019 JCB backhoe.

In 2020, the township purchased 350 tons of shale and used it to fill deep ditches. Lew Staub asked the Supervisors if they wished to do the same thing again this year. The Supervisors decided to wait on buying shale until they determine the amount of money that will be spent on salt brine, paving, and seal coating.

Old Business

Cypress Creek Renewables – Pete Bruno

Pete Bruno, a representative of Cypress Creek Renewables, was in attendance to discuss Titusville Solar LLC (proposed solar farm along Route 8), answer questions, and address concerns related to the project. He said that he has worked on projects in North Carolina, South Carolina, Virginia, and, most recently, in Pennsylvania. However, David Weightman is the primary developer for the company's project in the township. Pete Bruno provided pamphlets related to solar development and Cypress Creek Renewables to those in attendance.

Ron Stewart asked Pete Bruno if the township will benefit financially from the solar farm and Pete Bruno responded by saying that currently the taxes on the property are \$10,000.00 per year and, once the solar farm is constructed, will increase to 7 or 8 times the current level. Jim Waugh asked Pete Bruno how he arrived at those numbers and Pete Bruno said they came from the Venango County Assessment Office and that the property will, most likely, be reassessed as "commercial" once the solar farm is constructed. Jim Waugh said that he was told by the Venango County Assessment Office that most of the solar farm will be considered "personal property" and, therefore, the assessed value of the property will not increase and the township will not see an increase in revenue. Pete Bruno said that he would contact the Venango County Assessment Office and get back to the Supervisors and the township residents regarding the question.

Tim McGrath asked Pete Bruno if he was familiar with a letter that was recently published in The Titusville Herald, by Cypress Creek Renewables, regarding the Titusville Solar project and Pete Bruno said he was. Tim McGrath asked Pete Bruno to tell David Weightman that the letter is misleading and Cypress Creek Renewables has not been honest with the people in the community. Furthermore, he said that Cypress Creek Renewables is trying to get people in the community to put pressure on the Supervisors to allow solar development in the township. Tim McGrath proceeded to go through the letter and point out several false and/or misleading statements. It said Titusville Solar will power 3,300 homes per year, but no homes in Cherrytree Township will receive the power. It said that 40 local construction jobs will be created once the solar farm is operational. Tim McGrath noted that the only construction jobs created will be for people building the solar farm and those people will not spend any money in the township. The letter says that the project will generate \$70,000.00 in tax revenue and, as discussed earlier in the meeting, the township was told by the Venango County Assessment Office that there will be little to no tax revenue increase because the equipment is considered "personal property". Tim McGrath also pointed out that the letter says Cypress Creek Renewables has set aside money to donate "around Cherrytree", but that, as of yet, Cypress Creek Renewables has not approached the township regarding making donations. The letter also says that Cypress Creek Renewables has "gone beyond the requirements in the township's zoning ordinance", but Tim McGrath noted that there are no solar regulations in the zoning ordinance, at this point, and that the township does not have a solar ordinance. Another point made by Tim McGrath was that the letter states, "We have also done the work to ensure that neither the local wildlife nor the land the project is sited on will be adversely affected by the project", but that Karen McGrath contacted Pennsylvania Department of Environmental Protection (PA DEP), the Pennsylvania Game Commission, the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Fish

and Boat Commission, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service, and none of the agencies have record of being contacted by Cypress Creek Renewables. Instead, they directed her to visit a website. Pete Bruno said that Cypress Creek Renewables has used Pennsylvania Natural Diversity Inventory (PNDI) and has hired a third-party contractor to handle environmental reviews. Furthermore, he said the process is ongoing. Tim McGrath also noted that the letter said there were no objections raised by the public regarding the Titusville Solar project, which is false. He said when the citizens group took a petition against solar development around to residents, they obtained 187 signatures and approximately 150 were from residents who knew nothing about a proposed solar farm until the citizens group came to the door, including owners of property bordering the parcels that have been leased for the solar farm. He said Cypress Creek Renewables has made no effort to inform the residents and, if the company wants to partner with the township, it needs to keep the welfare of the citizens in mind. Tim McGrath also said that he does not agree with a solar farm being considered an “essential service” and feels that the zoning ordinance was misinterpreted. He told Pete Bruno that he feels the letter was very deceptive and misleading and was used to gain support from the community. Additionally, Cypress Creek Renewables is “skirting” around the township by applying pressure to other people who will, in turn, put pressure on the township. He thanked Pete Bruno for coming to the meeting and Pete Bruno apologized and said that it was not the intent of Cypress Creek Renewables to pressure anyone.

Pete Bruno was asked when construction on the Titusville Solar project will begin and he said the company plans to begin in the spring of 2022.

Bruce Dickson asked Pete Bruno how often Cypress Creek Renewables has worked with municipalities, throughout the Carolinas, that have ordinances regulating solar development and Pete Bruno said, in his experience in North Carolina, he has worked with the counties. Bruce Dickson also asked how many of the Cypress Creek Renewables projects power the communities where they are located and Pete Bruno said that the power is injected into the grid and does not power the communities where the power is generated. Bruce Dickson also asked if the local communities ever receive discounts on power and Pete Bruno said no discounts are given. Bruce Dickson asked who the applicant is for permits related to the construction of a solar farm, the property owner or Cypress Creek Renewables? Pete Bruno said that the applicant is Titusville Solar LLC and that a Limited Liability Company (LLC) is formed by Cypress Creek Renewables for each solar project. This is done for financing purposes. Bruce Dickson said that a Wal-Mart store was built in the area and, as a result, a trout stream was ruined. Wal-Mart could not be sued because it did not own the land the store was sitting on. He said this is a common practice and that companies shield themselves from responsibilities. Pete Bruno said that Titusville Solar LLC will be responsible. Jeff Nelson said the fact that Cypress Creek Renewables sets up an LLC for each project should be a “red flag” that the company is trying to protect itself from being sued. Bruce Dickson then asked if any of the LLCs owned by Cypress Creek Renewables are currently in litigation and Pete Bruno said he did not know. Nancy Pieper noted that there is no entity at the address of Titusville Solar LLC.

Jim Waugh asked Pete Bruno to explain the reason behind Cypress Creek Renewables never going through the township, but going to the county instead, on issues such as stormwater management, noting that the township had a stormwater management ordinance in place long before Cypress Creek Renewables proposed building a solar farm in the township. Furthermore, he said that Cypress Creek Renewables has said it will bring in special soils to put under the panels, but the special soils are not going to be enough to meet the requirements of the stormwater management ordinance. The Titusville Solar project will need to have its stormwater management plan reviewed by the township engineer and must meet all requirements set forth in the ordinance, including the construction of ponds if necessary. Jim Waugh asked Pete Bruno if all of Cypress Creek Renewables’ projects are still operational and he said that they are.

Pete Bruno told those in attendance that the solar panels are made of glass, aluminum, silicon, and conduit material and that they are not toxic. He said the solar farm will be

monitored remotely and any equipment that breaks will be repaired or replaced immediately. Karen McGrath asked if the panels are American made and Pete Bruno said he did not know. She also asked if the panels contain cadmium, which is highly toxic. Pete Bruno said cadmium is used in some solar panels, but that the solar panels used for the Titusville Solar project will not contain cadmium. He noted that Cypress Creek Renewables has used solar panels that contain cadmium for other projects. Ron Stewart asked Pete Bruno to bring a solar panel to the next meeting. Pete Bruno said the solar panels measure about 6 ft. by 2 ft. and Jamey Miller made the point that, even though each panel is somewhat small, many panels connect to form large arrays.

Ron Stewart asked how long it will take to construct the solar farm and Pete Bruno said it typically takes 6 – 10 months, with most of the activity taking place within a 3 – 4 month period. Tim McGrath expressed concern, regarding pile driving during the construction of the solar farm, and that it could ruin water wells in the area. He said most solar farms are built in areas where there is city water, but that is not the case in Cherrytree Township. He said that the poles will need to be drilled and put in concrete and that the proposed ordinance addresses the issue.

Pete Bruno was asked what the “exit strategy” is when a solar farm is no longer operational. He said that Cypress Creek Renewables will remove all of its equipment from leased land within 6 – 12 months. Additionally, the company will remove all equipment from land that it owns if a solar farm is no longer operational.

Pete Bruno read a list of commitments that Cypress Creek Renewables is willing to make to the township in an effort to move forward with the solar farm. The list included having the township engineer review the stormwater plan, adding additional plants along Route 8, coordinating with emergency services, adhering to setback requirements, decommissioning the solar farm if it is not operational for 12 months, installing a 7-ft. security fence, developing a traffic plan, no long-term increase in traffic, and no lights. Tim McGrath asked Pete Bruno if Cypress Creek Renewables will commit to the requirements specified in the new ordinance and Pete Bruno responded by saying that the company cannot commit to something it has not seen. Tim McGrath noted that if a person wants to drive a car, he or she must commit to getting a driver’s license, registering a vehicle, etc. before being able to drive the car.

Lew Staub asked Pete Bruno to avoid using pine trees for screening along Sopher Road because pine trees make winter road maintenance more difficult.

New Business

Dutch Hill Road Paving - Update

Chrissie Kurelowech reported that she recently attended a meeting with Troy Cyphert, PennDOT Municipal Services Representative, and representatives from the City of Titusville regarding the joint paving project between Cherrytree Township and the City of Titusville. The Supervisors recently decided to 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 0.60-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 paving will take place sometime between June 1, 2021 and July 30, 2021 and that no work will take place on Dutch Hill Road on a Friday, Saturday, Sunday, or on Monday, July 5, 2021. She will attend a bid opening on Friday, April 16, 2021, at 1:00 p.m., where she will accept or reject the lowest bid on behalf of the township, based on a quote obtained during 2021. Titusville City Council will officially vote on the contract at its meeting scheduled for Tuesday, April 20, 2021 at 7:00 p.m. Material tickets and an invoice for Dutch Hill Road will be sent directly to the township. All bid documentation will be provided to the township by the City of Titusville (Norm Thomas). 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.

American Rescue Plan

Chrissie Kurelowech reported that she recently attended two webinars through the Pennsylvania Association of Township Supervisors (PSATS) regarding the American Rescue Plan. She noted that regulations have not yet been released, so a lot of information is still unknown. Cherrytree Township will be receiving \$138,811.00 in two payments. The first half will arrive in June of 2021 and the second half in June of 2022. The money will be distributed by the state and must be spent by the end of 2024. The township can use the money for:

- lost revenue replacement (revenue lost since 2019 - including loss in liquid fuels),
- water, sewage, and broadband
- premium pay for employees (up to \$13.00/hour on top of current rate – up to \$25,000.00 per employee – can pay bonus – this money is not pension eligible)
- transfer to a business or non-profit

Chrissie Kurelowech said that accounting standards, audit requirements, and reporting requirements are still unknown. The township is not required to take the money. There are still many questions about how the money can be spent and how closely the expenses must be linked to COVID-19. For example, if the money is used to replace lost liquid fuels revenue or transferred to other entities, it is unknown as to whether the money must be spent on COVID-19 related expenses through liquid fuels or by the other entities. PSATS is stressing that the regulations are still evolving and that it is better to wait and spend the money correctly than to spend it quickly and then be required to pay it back.

4-H Silver Spurs – Use of Township Building

Chrissie Kurelowech said that Walter Huff, of the 4-H Silver Spurs, recently asked if the group would be able to use the township building (meeting room) for monthly meetings. The Supervisors were in agreement to allow the 4-H Silver Spurs to use the meeting room in the township building for meetings. Chrissie Kurelowech will give a key to the building to Walter Huff.

Adjournments

The meeting adjourned at 8:10 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer