

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
May 3, 2021
6:30 p.m.

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Monday, May 3, 2021, at 6:30 p.m., at the township building. In attendance were Jim Waugh, Dave Zdanko, 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

Ron Stewart asked the Supervisors for a copy of the draft ordinance (solar) that Jamey Miller, planning commission member, presented to the Supervisors during the meeting held on Monday, April 5, 2021. The ordinance will serve as a curative amendment to the existing zoning ordinance and is currently being reviewed by the solicitor. The planning commission, along with a citizens group, spent many months doing research and writing the new ordinance. Ron Stewart said that he asked the township secretary for a copy and was told that it is considered pending legislation and is exempt under the PA Right-To-Know Law. He said he considers it to be “correspondence” and that the public should be able to view copies. He also said that he feels the Supervisors do not want the solar companies getting a copy of the ordinance. The Supervisors were in agreement that the ordinance will be released to the public when the township’s intent to adopt is advertised in the newspaper. Once the intent to adopt has been advertised, a public hearing will be held where the Supervisors will listen to public comment on the ordinance before voting on it. Ron Stewart asked Tim McGrath for a copy of the draft, since Tim McGrath was part of the citizens group that developed it, and Tim McGrath said he would share what he had with Ron Stewart after the meeting.

Ron Stewart said that he heard that the solar companies have reached out to Tim McGrath, Jamey Miller, and Jim Waugh and that none of them will respond. Jim Waugh said that he stopped talking to the solar companies because his words have been twisted when he has talked to them in the past. Tim McGrath said that he has been in contact with David Weightman, of Cypress Creek Renewables, regarding setting up a meeting, but because Tim is often out of town working and David Weightman is in the area very little, they have not been able to meet as of yet. He said that he even asked David Weightman to stop and meet him in another town in a different part of the state when Tim was working there, but David Weightman’s schedule did not allow him to do it at that time. Tim McGrath made it clear that, although he has not been able to meet with David Weightman, he has responded to him and has tried.

Ron Stewart said he felt there were “too many secrets” surrounding the development of the new ordinance. Tim McGrath said that the citizens group, along with a planning commission member, spent many months turning the original ordinance from a 12-page document to a 30-page document. He said that the process started 10 months ago when several citizens went door-to-door to get signatures on a petition asking the Supervisors to wait to put solar regulations in place until more research could be done and a better ordinance could be developed. He said they had 187 signatures. Lannie Staub said the township is listening to only 187 people out of 1500 and Lew Staub said 187 people cannot speak for the whole township. Tim McGrath said the

members of the citizens group were the only people willing to stick with it until the end. Ads were placed in the paper and on FaceBook. He said there were 100 people who attended a public meeting regarding solar development and he does not know how much more the township could have done to get people to participate. Lannie Staub and Bruce Dickson volunteered to serve on the planning commission. Bruce Dickson said that he owns property in the township, but is not a resident. Chrissie Kurelowech said she would look into whether or not he would be eligible to serve.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, April 5, 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 April 2021, was read, accepted, and approved, on a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously.

Correspondence

PSATS News Bulletin

PennDOT Newsletter

Venango County Commissioners – Council of Governments Meeting – May 20, 2021

The Venango County Commissioners have invited all municipalities in the county to attend the COG (Council of Governments) meeting at 7:00 p.m. on Thursday, May 20, 2021 at the Clintonville Fire Department. Information about the American Rescue Plan will be presented. 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.

Zoning

Permits

Z-2021-04	Scott Southwick	4677 State Route 8	new auto detailing business
Z-2021-05	Daniel and Corinne Montini	969 Buxton Road	new detached 24' x 30' garage
Z-2021-06	Victor DiGeronimo Jr.	243 Pond City Lane	new livestock barn to replace existing barn that burned

Zoning Report

There was no report.

Administrative Action

Resolution #21-43 – Appoint New Planning Commission Members

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #21-43, appointing Karen McGrath and Melody Staub to the Cherrytree Township Planning Commission.

Resolution #21-44 – Venango County 2020 Hazard Mitigation Plan

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to adopt Resolution #21-44, the Venango County 2020 Hazard Mitigation Plan. Any municipality in the county wishing to be eligible for FEMA

funding in the event of a disaster is required to adopt the Venango County 2020 Hazard Mitigation Plan.

Dutch Hill Road – Paving Update

Chrissie Kurelowech reported that she attended a bid opening on April 16, 2021 at Titusville City Hall to review bids for the joint paving project between Cherrytree Township and the City of Titusville. The Supervisors recently decided to add Dutch Hill Road to the city's paving contract this year in an effort to get a lower price. Just off Route 8, the city 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 will 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. Lindy Paving won the contract, with the city's portion being \$185,208.10 (includes all of Titusville's core work for the year) and the township's portion being \$63,070.00 (Dutch Hill Road only). The township will be using \$25,000.00 in 2021 County Liquid Fuels Aid to put towards the project, leaving a balance of \$38,070.00. Chrissie Kurelowech noted that the lowest bidder for the city (Lindy Paving) was not the lowest bidder for the township (IA Construction Corporation). There was a difference of \$2,210.00. However, since the township agreed to enter into the joint paving project with the city, Lindy Paving was awarded the contract. 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 (Norm Thomas). Full bid results are attached.

Salt Brine – 150,000 Gallons – Open and Review Bids

One bid was received for approximately 150,000 gallons of PA DEP approved salt brine to be applied to various roads as directed by the township. Seneca Mineral Company bid \$.33/gallon for a total of \$49,500.00. On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to award the contract for approximately 150,000 gallons of salt brine to the only bidder, Seneca Mineral Company, at a cost of \$.33/gallon, totaling \$49,500.00. Full bid results are attached.

Seal Coating – Dutch Hill Road and Cherrytree Road – Open and Review Bids

Four bids (Suit-Kote Corporation, Russell Standard Corporation, Midland Asphalt, and Jefferson Paving) were received to seal coat 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. The bids were broken down into two options. Option 1A included both Dutch Hill Road and Cherrytree Road (approximately 19,620 square yards – single asphalt seal coat – polymer modified) and Option 1B included Dutch Hill Road only (approximately 6,000 square yards – single asphalt seal coat – polymer modified). On a motion made by Dave Zdarko, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to award the contract for Option 1A (both Dutch Hill Road and Cherrytree Road – approximately 19,620 square yards – single asphalt seal coat – polymer modified) to the lowest bidder, Suit-Kote Corporation, at a cost of \$1.369 per square yard, totaling \$26,869.78. The work will take place sometime between August 2, 2021 and September 15, 2021 and will not occur on a Friday, Saturday, Sunday, or on Labor Day. Full bid results are attached.

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

The Supervisors considered quotes for three culvert replacements in the township that were also reviewed during the regular monthly meeting held on Monday, April 5, 2021, at which time the Supervisors were in agreement to wait to receive bids for other summer projects before making a decision on the culvert replacements. The three quotes came from Shingledecker's Welding. The first culvert is on Lamey Road (0.20 mile west of State Route 8) and is estimated to cost \$44,057.70, the second is on Breedtown Road (0.10 mile west of Cherrytree Road - near Breedtown Cemetery) and is estimated to cost \$33,347.20, and the third is on Shreve Road (0.90 mile south of Black 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. Bruce Dickson questioned the need for three permits and said he has been involved with similar projects where multiple culverts were replaced under one permit. Lew Staub noted that the three culverts needing replaced carry three different tributaries and that could possibly be the reason for three separate permits. The Supervisors discussed the township's financial situation and whether or not the township could afford to replace the culverts this year. Even though the township will receive about \$138,811.00 from the American Rescue Plan, the money cannot be used for road maintenance. However, Marlay Shollenberger suggested that a culvert replacement might fall under "stormwater" and be considered an eligible expenditure. Chrissie Kurelowech will look into it. Shingledecker's Welding provided estimates, but if the township chooses to replace any of the culverts, formal bidding will be required. On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to put the culvert replacement projects out for bid.

Committee Reports

VFD

Tim McGrath, VFD Fire Chief, reported that there were 17 calls since the last meeting. Of the 17 calls, 4 were public service, 2 were forest/woods fires, 5 were building fires, 4 were EMS, and 2 were false alarms.

Venango County will be asking the VFD to provide updates on personnel information (active members, officers, etc.).

Jim Waugh reported that the VFD held a gun show at the township building on Saturday, April 10, 2021 and Sunday, April 11, 2021 and made about \$500.00. Approximately 300 people attended. He also reported that the VFD will soon receive money from the Betty Ford Estate.

Tickets are available for the VFD's annual gun raffle, which will take place on Saturday, June 26, 2021. The doors open at noon and the gun raffle starts at 1:00 p.m. Tickets can be purchased for \$10.00 from any VFD member or at the township office. Donations for the Chinese auction are being accepted.

EMA Office

Tim McGrath, Emergency Management Coordinator, said that there was nothing to report from the EMA Office.

Road

Lew Staub, Roadmaster, reported that the road crew pulled ditches and hauled away on 6 roads for 14 days (14 miles of ditching on 7 miles of road). They fixed spots on 2

roads, mowed the yard twice, and checked the roads once. Hasbrouck Sand & Gravel started tailgating gravel on Tarr Road.

As for equipment, batteries were put in the 2002 International. The 2009 International was inspected, and the fan belts were changed in the grader.

Old Business

Pioneer Road – Narrow Curve Issue

Dave Zdanko said that the Supervisors need to meet with property owners on Pioneer Road to discuss changes that need to be made to make a narrow curve safer for motorists. Property owners have been asking the Supervisors to widen the curve since last summer. Rob Kellogg said he has been to Pioneer Road and talked to some of the residents and the curve needs knocked out, the ditches need cleaned out, and the road needs sloped into the bank. Dave Zdanko and Jim Waugh said they would try to meet with the property owners to formulate a plan to resolve the problem.

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 told those in attendance that David Weightman plans to attend future township meetings and was in the area recently and met with several property owners who are located in the vicinity of the proposed solar farm.

Pete Bruno wanted to provide some answers to questions that were asked during the regular monthly meeting held on Monday, April 5, 2021. He said that he contacted the Venango County Assessment Office and was told that they cannot make hypothetical assessments. Cross Creek Resort, however, could be considered an equivalent commercial property and, consequently, it is predicted that Titusville Solar LLC will generate \$65,468.00 in tax revenue (school, county, and local) once it is up and running. The school portion will be \$42,879.00, the county portion will be \$13,035.00, and the local portion will be \$9,554.00. Jim Waugh said that the assessed value is based on structures on the property and that Cross Creek Resort cannot be compared to a solar farm. Furthermore, he said that it is deceitful of Cypress Creek Renewables to make that comparison and mislead people. Pete Bruno said that the solar panels are considered “personal property”, as Jim Waugh stated in previous meetings, but that the use of the property will change from agricultural to commercial, which will increase the assessed value and tax revenue. Tom Willis asked Pete Bruno why the Electralloy building on Petroleum Center Road had not been used as a comparison instead of Cross Creek Resort and Pete Bruno said that Cross Creek Resort was located closer to the proposed solar farm. Lew Staub said that he did not feel Pete Bruno was deliberately being deceitful. Pete Bruno noted that, since the properties involved in Titusville Solar LLC will no longer be in the “Clean and Green” program, Cypress Creek Renewables will be paying the difference in taxes for 7 years back, which will also increase revenue for the school, county, and township.

Pete Bruno said that pile driving should not damage water wells in the area. He said the steel poles are coated with zinc and will be driven 6 – 12 feet below ground, which is above the water table and above bedrock. He also said that Cypress Creek Renewables has not seen problems with water wells result from any other projects

Someone in attendance asked if the ambient temperature will increase once the solar farm is constructed and in production. Pete Bruno said that he did not know but would find out.

Pete Bruno showed those in attendance several simulated photographs showing what the solar farm will look like when first constructed and 5 – 7 years after construction.

New Business**Ordinance #01-2021 – Planning Commission Public Meeting**

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to begin the process to pass Ordinance #01-2021 (curative amendment to the Cherrytree Township Zoning Ordinance to provide for the regulation of Solar Energy Systems) by releasing the draft ordinance (Ordinance #01-2021) to the Cherrytree Township Planning Commission so that it can hold a public meeting and receive public comment on it. Once the Cherrytree Township Planning Commission receives public comment and votes to recommend the draft to the Board of Supervisors, the Board of Supervisors will advertise the township's intent to adopt Ordinance #01-2021 and will hold a public hearing before voting on the ordinance at a public meeting.

Adjournments

The meeting adjourned at 7:40 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer