

Cherrytree Township Board of Supervisors
Regular Monthly Meeting
July 6, 2021

6:30 p.m. (delayed until 7:30 p.m. due to hearing on Ordinance #01-2021 (Solar))

This meeting was not adjourned on Tuesday, July 6, 2021 and was continued at 6:00 p.m. on Monday, July 12, 2021

A regular monthly meeting of the Cherrytree Township Board of Supervisors was held on Tuesday, July 6, 2021, at 6:30 p.m., at the township building, and was continued at the same location on Monday, July 12, 2021, at 6:00 p.m. On Tuesday, July 6, 2021, Supervisors Jim Waugh and Rob Kellogg were in attendance, along with Christine Kurelowech, Secretary-Treasurer, and Alan Shaddinger, Solicitor. Due to the public hearing regarding Ordinance #01-2021 (Solar), the meeting on July 6, 2021 did not begin until 7:30 p.m. On Monday, July 12, 2021, Supervisors Jim Waugh, Dave Zdarko, and Rob Kellogg were in attendance, along with Christine Kurelowech, Secretary-Treasurer, and Alan Shaddinger, Solicitor.

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

There was no public comment.

Minutes/Treasurer's Report

The minutes, from the regular monthly meeting held on Monday, June 7, 2021, were read, accepted, and approved, on a motion made by Jim Waugh and seconded by Rob Kellogg.

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

Correspondence

OWS Acquisition Co. – Windy Hills GP5 Permit Renewal Notification

OWS Acquisition Company (formerly EnerVest Operating) is in the process of renewing a facilities permit for a small natural gas compression facility off Route 8, across from Boyer RV Center. This is currently permitted by the Pennsylvania Department of Environmental Protection (PA DEP) under GP5-61-196B.

BCJM Controls, Inc. – GP5 Permit Change Application – Change of Ownership

OWS Energy LLC has notified the township of its intent to change ownership of a General Air Permit (PA DEP GP5-61-194C), for the existing Toonerville Compressor Station, from Range Resources to OWS Energy LLC.

Kimley-Horn and Assoc. – Titusville Solar – NPDES – Permit Application

Kimley-Horn has notified the township of its intent to submit a National Pollutant Discharge Elimination System (NPDES) permit application to the PA DEP for Titusville Solar Project, LLC.

PSATS News Bulletin

Zoning

Permits

Z-2021-08 Jay and Paula Donovan 24988 Miller Farm Road addition to repair existing garage
Z-2021-09 James and Cecile Stelter 1771 Breedtown Road new 30' by 80' barn

Zoning Report

There was no report.

Administrative Action

Ordinance #01-2021 (Solar)–Vote to Pass

On a motion made by Jim Waugh and seconded by Rob Kellogg, the Supervisors voted to table the vote on Ordinance #01-2021 (Solar) with the intention of continuing the meeting on Monday, July 12, 2021, at 6:00 p.m., and voting on it at that time.

Ordinance #02-2021 (COT Publicly Owned Treatment Works Ord.) – Vote to Pass

On a motion made by Jim Waugh and seconded by Rob Kellogg, the Supervisors voted to pass Ordinance #02-2021. Ordinance #02-2021 adopts the publicly owned treatment works ordinances of the City of Titusville for residents of Cherrytree Township connected to the Titusville municipal sewer system. By passing Ordinance #02-2021, Cherrytree Township will be in compliance with the Clean Water Act, which is a requirement of the United States Environmental Protection Agency.

Committee Reports

VFD

Jim Waugh, VFD Treasurer, reported that there were 23 calls since the last meeting. Of the 23 calls, 2 were building fires, 1 was a brush fire, 5 were EMS, 7 were public service, 2 were dispatched and cancelled, 2 were smoke detector activations, 2 were heat detector activations, 1 was a storm, and 1 was a vehicle fire.

EMA Office

There was no report.

Road

Lew Staub, Roadmaster, reported that the road crew graded and brined 18 roads, mowed the yard twice, and spent 9 days berming roads. Dutch Hill Road (approximately 0.60-mile) was paved by Lindy Paving. The road crew scarfired 2 oil spots and hauled gravel to cover. They also cleaned the garage and spent part of 5 days pushing trees off of roads.

As for equipment, the 2014 Dodge and the 2002 International were both inspected and the fan belt was changed on the old JCB backhoe.

Old Business

There was no “Old Business”.

New Business

There was no “New Business”.

Executive Session

The planned executive session did not take place.

Adjournments

The meeting was not adjourned, but instead continued at 6:00 p.m. on Monday, July 12, 2021. The bills were reviewed by the Board of Supervisors.

Monday, July 12, 2021

Continuation of the Regular Monthly Meeting Held on July 6, 2021

Jim Waugh began the evening by apologizing for not controlling the first half of the meeting (Tuesday, July 6, 2021) well and for showing anger towards Carl Hazen during the “Public Comment” section of the meeting held on June 7, 2021.

Regarding Ordinance #01-2021, Jim Waugh told those in attendance that, no matter what the Supervisors do, someone will be upset. He read part of the Pennsylvania Second Class Township Code (Section 607 - Duties of Supervisors), “*The Board of Supervisors shall: (1) Be charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the township*”. He stressed “*health, safety and welfare of the citizens of the township*” and said that solar is a new technology and there is a lot we do not know about it and how it could affect the human body. He said that we are a nation of laws and that the government puts limits on people all the time, noting that the people who say there should be no limits are the first to complain about other people and ask the government to put limits on others. He said that he felt it would be reasonable for the Supervisors to table the vote on Ordinance #01-2021 to allow them the time to make minor adjustments. With that being said, several people provided comment on the ordinance.

Public Comment

Tambra Sabatini said that solar energy is almost a completely taxpayer subsidized industry and that investment companies have a history of following subsidized industries and declaring bankruptcy on a huge number of wind and solar projects as funds are redirected. She said that the United States, along with other nations, is littered with abandoned solar farms that were built in much sunnier locations than Northwestern Pennsylvania. Tambra Sabatini also said that she read an article reporting that Cypress Creek Renewables was recently purchased by EQT, a Swedish investment firm. She urged the Supervisors and those in attendance to stay focused on the township’s long-term protections and encouraged people to use Firefox and Duck Duck Go (not Google because the solar companies pay to advertise and be promoted on Google) to search for information on abandoned solar farms, noting that there are a significant number of devastated and abandoned solar farm properties that were built without protections for communities in place. She said that the draft ordinance was designed to allow landowners to install, utilize, and even sell a percentage of solar energy to the grid and that it is also designed to allow landowners to lease their properties to solar companies for solar farms that are appropriate when considering the size of our tiny township. Tambra Sabatini stated that the draft ordinance creates a standard of protection for the community, protecting not only owners of properties that neighbor solar farms, but also landowners seeking economic benefit from leasing to solar companies. She warned that, if the township does not protect ALL landowners, there will be a high price to pay 5, 10, or 20 years down the road when the solar companies leave the township to pursue other forms of energy. The solar companies will not be around to clean up the toxic and costly mess left behind. She stressed that many in the community want to enjoy a quick economic influx, but even if the leased properties are not protected, there could be long-term consequences and the owners of the leased properties might be left facing the high cost of cleanup. She said that the ordinance is a “hedge of protection” for all landowners long-term and that it is important for the community to maximize its protections for the long haul.

Ken Humanic thanked the Supervisors for deciding to table the vote on Ordinance #01-2021 and said that the ordinance is detrimental to his private use of land. He said that if private individuals want to utilize solar, they should have the right to operate off the grid. Jim Waugh said that the ordinance does not prevent people from operating off the grid. Ken Humanic told those in attendance that a few people drafted the ordinance and handed it to the Supervisors and Jim Waugh said that the people who drafted the ordinance were volunteers who worked together and spent many hours doing research and drafting the ordinance. Ken Humanic said that the Supervisors need to research what a “handful of people” did because the ordinance drastically affects him and Jim Waugh said that the Supervisors will look at it and noted that many people complain, but few get involved. Jim Waugh noted that he represents the citizens of the township, not the landowners. Ken Humanic said that he moved out of Pittsburgh 25 years ago to get away from the same land use restrictions that Cherrytree Township is now imposing. He told the Supervisors that the township is going to get sued. Jim Waugh responded by saying that the Supervisors will work on the ordinance.

At the beginning of the meeting, Jim Waugh asked that only citizens of the township speak during “Public Comment”, but Ken Humanic asked if Donna Appel, who works for him, would be able to speak and the Supervisors allowed her to do so. Donna Appel told the Supervisors that she read the draft of Ordinance #01-2021 and there are a lot of good things in it. However, she said that it steps over the boundaries of other agencies and puts the township “on the hook” for things that are not the township’s responsibility. She noted that the section that contains specifics on tree cutting needs reworded. She also said that, in the ordinance, there are limitations on how “Prime Farmland” and Soils of Statewide Importance” can be used, but that the Department of Agriculture, on its website, does not specify how the land should be used. Jim Waugh said that the township can limit access to such land as part of its solar regulations.

Jamey Miller told those in attendance that he has lived in the township for 20 years and believes people should be able to use their properties as they wish, but that a solar farm is a commercial entity. Originally, he wanted solar development to only be permitted in commercial zones. He said that the township has to find a way to limit solar development. He asked those in attendance if they had read the Cherrytree Township Comprehensive Plan or the Cherrytree Township Zoning Ordinance, noting that both documents focus on agriculture/farmland and the goal of keeping the township agricultural.

Bruce Dickson, a Senior Ecologist with a Ph.D. from the University of Illinois, said that he does a lot of environmental planning and, as a resident, he reviewed the ordinance and said it is a very basic ordinance of land use controls and that it is less restrictive than development restrictions he has worked with. Bruce Dickson also said that the setbacks and restrictions in the ordinance are reasonable. He noted that the Cherrytree Township Comprehensive Plan and the Cherrytree Township Zoning Ordinance contain no protections from large-scale development and that there are other large-scale uses, such as a landfill and chemical waste, that could present problems for the township in the future if there are no protections in place.

Derrick Dixon, who is a landowner and resident representing the Berry Family, told those in attendance that the ordinance is not obsessive and that it is reasonable and fair. He said that he and the Berry Family endorse the draft ordinance as proposed, noting that a restriction can be relaxed if necessary, but that the township cannot put weak restrictions in the ordinance and then impose stronger restrictions after it is passed. He asked the Supervisors to pass the ordinance “As-Is”.

Jim Waugh said that the Supervisors considered passing the ordinance and then making adjustments later, but that both Cypress Creek Renewables and Recurrent Energy have agreed to wait while adjustments are being made. He said that he feels that the ordinance, as a whole, is good. Karen McGrath said that the moratorium was lifted on July 5, 2021 and that there are several other companies, other than the two mentioned by Jim Waugh, that are interested in development in the township and that she feels the township needs to pass the ordinance to have a starting place (a structure). Jim Waugh said that the solar companies can wait and that the

Supervisors will vote on the ordinance at the regular monthly meeting scheduled for Monday, August 2, 2021. He said if people don't like it, then they can vote him out as Supervisor in the November election. He also said that the majority of comments he has received from residents favor passing the draft ordinance as it is. Jim Waugh told those in attendance that the Supervisors will make some adjustments, possibly hold another public meeting, and that the new draft will be available to the public before the next regular monthly meeting.

Kelly Ripoli stated that she and her husband have enjoyed raising their family in the township and enjoy hunting, fishing, farmland, and the community. Her children are interested in moving back to the area since they now are able to work remotely. She thanked the Supervisors for their efforts and said that she and her family do not want the landscape of Cherrytree Township to be solar panels. She feels that the industry must be contained and that careful thought must go into the ordinance.

Administrative Action

Ordinance #01-2021 (Solar)–Vote to Pass

On a motion made by Jim Waugh, seconded by Rob Kellogg, and carried unanimously, the Supervisors voted to table the vote on Ordinance #01-2021 (Solar) with the intention of voting on it at the regular monthly meeting scheduled for Monday, August 2, 2021.

Road Worker Pay Raise

On a motion made by Jim Waugh, seconded by Dave Zdarko, and carried unanimously, the Supervisors voted to increase Steve Anderson's (road worker) hourly rate to \$16.50 per hour.

Executive Session

The planned executive session did not take place.

Adjournments

The meeting adjourned at 7:45 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer