

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

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

Tim McGrath read a prepared statement regarding the Titusville Solar LLC project and the recent decision made by the Zoning Hearing Board to allow the project to move forward without being required to follow regulations in the current zoning ordinance. He began by thanking the Supervisors for their “commitment to defend the township residents” regarding the solar ordinance. He also thanked Tracy Zdarko, a Zoning Hearing Board member for “having the courage to stand strong in defense of the law and her neighbors”. He then said he wanted to share some thoughts and corrections that he feels should be addressed.

Tim McGrath told those in attendance that Cypress Creek Renewables falsified Federal Aviation Administration (FAA) documents that were used as proof to the township that the company had FAA approval for the Titusville Solar LLC project. He said that Attorney Michael Hooper, who represented Cypress Creek Renewables during the hearing, said that “numbers don’t matter”. However, if an airplane flying into Titusville Airport used the coordinates that Cypress Creek Renewables submitted to the FAA, it would end up in the North Atlantic Ocean, near the tip of Africa (near Ghana and Liberia). He also noted that the site elevation provided by Cypress Creek Renewables for Titusville Airport was 559 feet when the actual elevation for the airport is between 1585 feet and 1606 feet. Additionally, the structure height provided by Cypress Creek Renewables is 2 feet.

Tim McGrath noted several inconsistencies with the application. He said that the township should know exactly who permission to build a solar farm is being given to, Cypress Creek Renewables, Titusville Solar LLC, or an unnamed developer, as listed in the application. He also said that the amount of land actually being developed is unknown, with acreage amounts of 110, 120, and 250 all being listed as the amount of property being utilized.

Tim McGrath also told those in attendance that, during public meetings, the new ordinance was criticized for being too restrictive and that “latecomers” to the process asked what and who exactly needed protected. He gave several examples of “what and who needed protection from outside companies seeking their own good and not the overall good of the community that they are trying to enter”. First of all, cadmium is an extremely toxic chemical that is used in some solar panels and could kill residents surrounding a solar farm if it leaks from the panels or if the panels catch fire and it vaporizes. Pete Bruno, of Cypress Creek Renewables, was asked if the panels used for the Titusville Solar LLC project would contain cadmium and he gave his word that Cypress Creek Renewables would not use panels containing cadmium for the Titusville Solar LLC project. Now, there is no mention of Cypress Creek Renewables honoring its promise. Another protection that has been removed is the bonding of the roadways, primarily Sopher Road and Fairview Road, which will most likely be heavily damaged during the

construction of the solar farm. Tim McGrath said that 80,000 lb. – 100,000 lb. truck loads will be delivered on roads that can only handle 20,000 lb. loads, all during a 3 – 6 month period. He said there is no guarantee that Cypress Creek Renewables will repair the damaged roads and, if they fail to, the township will be stuck with the bill. Another protection that has been removed is water well protection. There will be 8,450 posts driven 8 feet – 12 feet into the ground with no initial well water testing being required to serve as a baseline in case wells are damaged or water is contaminated. Tim McGrath noted that Cypress Creek Renewables has “balked” at the request to classify solar panels as impervious, regarding stormwater, and that residents will be subjected to potential flooding because, if the solar panels are considered pervious, they will not be used in the formula to calculate stormwater runoff. However, if a township resident wishes to erect a gazebo, shed, etc., the structure would be considered an impervious surface and would therefore be used in the formula to calculate stormwater runoff, possibly creating extra expenses for the property owner. He said if the solar panels are classified as pervious, another protection has been removed. Tim McGrath also mentioned the “decommissioning bond”, which he said is another protection that has been removed. The solar ordinance requires a bond of 20% of the cost of the project to cover the removal of the equipment and the restoration of the property, should the solar company abandon the project and leave equipment behind due to the high cost of removing it. He said future generations are at risk of having to remove potentially hazardous components and could be faced with the cost of property restoration.

Tim McGrath concluded by telling those in attendance that “Future residents will judge the actions of the 2 members of the Zoning Hearing Board and the potential risks that they subjected them to...Risks that were intended to be covered by the solar ordinance as ‘protections’ for the current and future residents...these were ‘restrictions’ put in place to protect our community, not flash in the pan, momentary, profiteering companies”.

### **Minutes/Treasurer’s Report**

The minutes, from the regular monthly meeting held on Monday, November 1, 2021, were read, accepted, and approved, on a motion made by Jim Waugh and seconded by Rob Kellogg.

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

### **Correspondence**

STV Inc. – Bridge Inspection Report – Fairview Bridge – October 7, 2021

*Fairview Bridge was recently inspected by STV Inc. There were no critical (0), high priority (1), or priority (2) findings. However, there were several schedule (3), program (4), and routine (5) findings.*

PennDOT Newsletter

### **Zoning**

#### **Permits**

Z-2021-12 William and Nevada Mong 3776 State Route 8 replacing existing gazebo

#### **Zoning Report**

Ben Breniman, Zoning Officer, reported that he investigated the construction at 3776 State Route 8 and found that the property owners were using the pile of bricks for a patio. They did, however, plan to replace their gazebo, so they obtained a zoning permit for that.

A hearing before the Zoning Hearing Board will take place on Thursday, December 9, 2021, at 6:00 p.m., regarding a special exception requested by the American Legion Post 368 to erect a pavilion for family picnics and raffles at 1624 Breedtown Road, which is located in an R/R (Rural Residential) zoning district. According to the zoning ordinance, clubs, lodges, and fraternal organizations are only permitted in Commercial/Light Industrial (C/L) districts.

Ben Breniman said that he was recently contacted by David Weightman, of Cypress Creek Renewables, regarding the process to obtain a zoning permit and a stormwater permit, and that the permitting processes can take place concurrently.

## **Administrative Action**

### **Resolution #21-50 – 2022 Budget – Vote to Adopt**

On a motion made by Rob Kellogg and seconded by Jim Waugh, the Supervisors voted to adopt Resolution #21-50 (2022 Budget). Anticipated income for 2022 is \$761,697.79 and anticipated expenses total \$758,169.00.

### **Health Insurance Renewal**

Chrissie Kurelowech reported that the township's current health insurance plan will see a 23.7% premium increase when it renews on January 1, 2022. She said that the renewal numbers and options came out soon after the regular monthly meeting held on Monday, November 1, 2021, and that the Supervisors had been given the information several weeks ago. According to Frank Riley, of Loesel-Schaaf Insurance Agency, plans from companies other than UPMC are far more expensive than UPMC plans because Cherrytree Township has "grandmothered plan options" with UPMC and therefore is not required to purchase an Affordable Care Act (ACA) compliant plan. However, every UPMC plan presented as an option for 2022 is more expensive than the current plan, with increases spanning from 13.2% to 23.7%. On a motion made by Jim Waugh and seconded by Rob Kellogg, the Supervisors voted to renew the current health insurance plan (UPMC Inside Advantage PPO \$1,250/\$2,500 \$20/\$40) for 2022. Employees will be expected to pay 10% of their premiums through payroll deductions.

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

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

### **Open Escrow Account – Stormwater Review**

Chrissie Kurelowech said that an escrow account will need to be opened for stormwater review expenses related to the Titusville Solar LLC (Cypress Creek Renewables) project. On a motion made by Jim Waugh and seconded by Rob Kellogg, the Supervisors voted (Waugh-YES/Kellogg-YES) to open a non-interest bearing account for Cherrytree Township (EIN #25-XXXXXXX), titled "escrow", at Farmer's National Bank, to hold money for Cypress Creek Renewables for the Titusville Solar LLC project stormwater review, as specified in the Cherrytree Township Stormwater Management Ordinance, with signers listed as: Christine C. Kurelowech, James S. Waugh, David J. Zdanko, and Robert J. Kellogg.

## **Committee Reports**

### **VFD**

Tom Huffman, VFD 1st Assistant Chief, reported that there were 16 calls since the last meeting. Of the 16 calls, 1 was a building fire, 1 was a medical assist, 6 were EMS, 1 was an MVA with injuries, 2 were MVAs with no injuries, 1 was a power line down, 3 were public service, and 1 was dispatched and canceled.

The VFD is in the process of applying for a FEMA grant for air packs. Due to an email address change, the VFD's System for Awards Management (SAM) account must be changed and synced to the FEMA system, which is taking longer than expected. Hopefully the change goes through in time for the application to be submitted before the deadline.

Tim McGrath, VFD Fire Chief, told those in attendance that the VFD elections for 2022 will soon occur and that he will not be taking the position of Fire Chief in 2022, but will remain a member of the VFD.

### **EMA Office**

Tim McGrath reported that he will not serve as Emergency Management Coordinator for 2022. The township will need to find someone to fill the vacancy.

### **Road**

Lew Staub reported that the road crew spent 9 days stacking antiskid, spent 6 days putting salt in the shed, spent 7 days blowing leaves, put signs on Shreve Road near guide rails, and spent 1 day grading bad spots. They spent 2 days opening pipes and tail ditches with a backhoe, mowed the yard once, cut 2 trees up, put antiskid on the blacktops 4 times, put antiskid on the dirt roads 3 times, plowed the blacktops twice, and checked the roads twice.

As for equipment, the road crew cleaned the trucks twice and changed the oil and filter in the grader.

The township has been contacted by Shingledecker's Welding regarding the project to repair Fairview Road Culvert #1 (0.2 mile west of Dempseytown-Gresham Road). The project was scheduled for the summer of 2020, but due to a delay in the issuing of a permit by Pennsylvania Department of Environmental Protection (PA DEP), it did not occur in 2020. It was then scheduled to occur in the early spring of 2021, but due to personnel issues and other projects, Shingledecker's Welding has not been able to perform the work and will not be able to perform the work by the end of 2021. However, Shingledecker's Welding told Lew Staub that the project is first on the schedule for the spring of 2022 and that the price in the original quote, \$9,621.12, will still be honored.

### **Old Business**

There was no "Old Business".

### **New Business**

Chrissie Kurelowech told the Supervisors that she has contacted the township auditors and feels that there are at least two of them who will be able to perform the 2021 township audit. At this point in time, it looks like the township will not need to hire a CPA for the job.

### **Executive Session**

The Supervisors went into an executive session at 6:50 p.m. and returned at 6:55 p.m. The reason for the executive session was to discuss recent legal advice given to them by Alan Shaddinger, Township Solicitor.

### **Adjournments**

The meeting adjourned at 6:55 p.m.

The bills were reviewed by the Board of Supervisors.

Respectfully submitted,

Christine C. Kurelowech, Secretary-Treasurer