

**CHERRY TOWNSHIP REGULAR MEETING
JULY 3, 2023**

The regular meeting of the Cherry Township Supervisors was held on July 3, 2023 at 7:00 p.m. in the Township Municipal Building. Those present were Mr. Frank Fritz, Mr. William Smith, and Mrs. Carolyn Yeager. There were three residents in attendance. Mr. Fritz opened the meeting with the Pledge of Allegiance.

A Beaverdam Road resident was present to express her concerns regarding a prior tar and chip area on the road being torn up. Between Wagner's and Pipestem Road, Beaverdam was tar and chipped again, and between Shultheith's and Snows it was also tar and chipped again. A .15 mile stretch of the road was left undone and the dust is really bad on that small portion of the road. She would like to know why this portion of the road was not done. Mr. Smith responded that the base in the road there is not good. There is a large deposit of clay laying on the top of the base. It has been done before and the road will fail if we put tar and chip over the clay. The base needs to be completely torn up and under drains put in. A project like that is quite expensive and we just don't have the funds to do it at this time. We will put down some calcium chloride the end of this week or next week that will help with the dust situation. The resident also complained that since the road was tar and chipped, people are speeding on Beaverdam and she would like to see speed signs posted. Mr. Smith stated that we have to get a speed study done before we are permitted to post speed signs. He asked that Mrs. Yeager look into getting information from PennDot regarding a speed study for the road.

The minutes of the June meeting were reviewed. There were no additions or corrections. Mr. Fritz made a motion to accept the minutes. Mr. Smith seconded the motion. The motion carried.

The financial report as of July 3 was reviewed. Mr. Smith asked if Mrs. Yeager has received the bill for the gravel for tar and chip. Mrs. Yeager has not received that bill as of today's date. Mr. Fritz made a motion to accept the financial report. Mr. Smith seconded the motion. The motion carried.

Mr. Smith gave the Road Master's Report. Grading was done on Atwell, North Grubb, the Apron at Windy and Branchton, Wolford, and Beaverdam, three times. Beaverdam kept washboarding, so we had to keep going back. Tar and chip was completed on Friday. Ditches were cut and cleaned on Atwell and the bank was cut back. Stones and rock were pulled out to widen the road at that bank. Overlay was put down on Tinker and ditches were cut and cleaned so the road was ready for tar and chip. Sweeping was done on Ferguson, Hungarian, Pry, and Tinker. Threes were down and cleaned up on Swope, Grubb, Redbrush, and Roenigk. Stop signs and posts were stolen on Redbrush and Grubb and were replaced. The post for the stop sign on Saniga was actually cut off. That was also replaced. Dust control was done on Moniteau and Grubb. For the upcoming month, we will grade Redbrush and Grubb and put down dust control on Beaverdam. An underdrain on Wolford needs replaced. Overlay will be put down on New Hope. Mr. Fritz asked if any further work is going to be done on Magill. Mr.

Smith stated that they have not been there yet. Mr. Fritz made a motion to accept the Road Master's Report. Mr. Smith seconded the motion. The motion carried.

Mr. Smith gave the Equipment and Maintenance Report. The starter on the roller burned out. It wouldn't disengage and it smoked the starter out. Hien repaired the starter and it fires up fine now. The A/C switch on the mower tractor was bad and was replaced. The hitch for the new Mack truck is on order and should be in in August. Mr. Fritz made a motion to accept the Equipment and Maintenance Report. Mr. Smith seconded the motion. The motion carried.

OLD BUSINESS

The septic issue at 210 Pipestem Road was discussed. Mrs. Yeager provided information from Attorney Gallagher, and after discussing the issue with the Board, it has been decided to go after the new owners of the property to get the failing septic system replaced. Attorney Gallagher stated that he may have enough evidence to take all concerned parties to court on the issue; however, there is a fairly good chance that the judge would dismiss all parties except the current owners. So he recommends that we just start with the current owners and they can then file against the previous two owners and the inspector they hired, as their bank required, who gave approval for them to purchase the home. Collin Fantaskey is going out to make a new report for the legal filing.

Regarding the issue of animals roaming onto other people's property in the Annandale area, Mrs. Yeager has spoken with Attorney Gallagher and he states that we should consider enacting a "Trespass Ordinance" which would give us some grounds to take people to the magistrate who do not contain their animals. In this case, the grandfathering of a current situation does not apply. The issue is a public safety issue, therefore, the resident is not protected by any type of grandfathering. We would be able to enforce the ordinance regardless of when it is adopted in relation to the origin date of the complaints. Attorney Gallagher stated that it could be the end of the year before the draft is reviewed and accepted by the Board, the advertising is done, and the ordinance is actually adopted. Mr. Smith made a motion that we begin the process of adopting the Trespass Ordinance. Mr. Fritz seconded the motion. The motion carried. Mrs. Yeager will notify Attorney Gallagher to begin the process.

Permits for the Moniteau High School rooftop solar project have not yet been approved. Mrs. Yeager will keep the Board informed as the process continues.

NEW BUSINESS

Drawings for the Final Land Development Plan for the Iron Mountain Solar Projects, (North and South Arrays) were signed at the Township Building by Gateway Engineers, Mr. Smith, and Mrs. Yeager in order to meet a June 30 deadline for the County Recorder's Office. Since the paperwork was not for

an approval of the plans, simply a review of the plans, Attorney Gallagher advised Mrs. Yeager that the signatures did not have to be done at a public meeting. However, the signatures are to be ratified at the next public meeting. Mr. Smith made a motion that the signatures on the Final Land Development Plans for the Iron Mountain Solar Projects, North and South Arrays be ratified. Mr. Fritz seconded the motion. The motion carried.

Mrs. Yeager reported that she received a call from Joel MacKay at the Butler County Planning Commission. The Commission has been reviewing the Butler County Subdivision and Land Development Ordinance, which Cherry Township adopted as the ordinance regulating these activities in our Township. Since the Iron Mountain project is the first of its type in the County, the Planning Commission has learned from the experience and is revamping the SALDO to include some changes associated with Solar Development. He asked if the Township would be in favor of the County handling the decommissioning process for this development. All Townships who adopt the County Ordinance in the future will be able to rely on the County to handle decommissioning of these projects. Since Attorney Gallagher has been concerned about the Township's liability when the time comes for decommissioning of the solar sites, Mrs. Yeager contacted him regarding the County's willingness to take over this responsibility. Attorney Gallagher is totally in favor of this option, as the cost for decommissioning and the environmental impacts the Township could face could be quite hefty, should the contractor default or abandon the sites. He completely approves of the Board giving over decommissioning responsibilities to the County. After contacting the Board members individually regarding this situation, Mrs. Yeager gave the Township's approval for the County Planning Commission to enter into decommissioning agreements with Dimension Renewable Energy and for the County to hold a bond with Dimension Renewable Energy for future costs to renovate/remove the solar facilities from the property on Atwell/Kyle Roads in Cherry Township.

Mrs. Yeager received a request from an employee of the Butler Library for information about a plane crash in Cherry Township in the mid 1960's. Mr. Fritz does remember a crash down by the Slippery Rock Creek along New Hope Road, but he does not know when it was. It was Jim Kelly's brother and he was killed in the crash. He suggested Mrs. Yeager tell the person to try talking to Sonny Coulter, as he may remember more about the incident.

There were no public comments at this time. Mr. Fritz made a motion to adjourn the meeting and to sign checks to pay all bills. Mr. Smith seconded the motion. The motion carried. The meeting was adjourned at 8:02 p.m.