

June 14, 2021

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The North Annville Township Board of Supervisors met at the Water Works Fire Hall at 7:30 p.m. on June 14, 2021 for the purpose of a regular monthly meeting. All members were present. Also present was: see attached attendance sheet in minute book.

Randy Leisure, Chairman, called the meeting to order at 7:30 p.m. Randy stated that the supervisors will convene an Executive Session immediately following the conclusion of the regular meeting. Clyde Meyer, Vice-Chairman, made a motion to approve the May 10, 2021 meeting minutes as presented in printed form. Randy 2nd the motion, motion carried. Randy then made a motion to adopt the May 10 Treasurer's Report as presented in printed form. Clyde 2nd the motion, motion carried. Adam Wolfe, Secretary-Treasurer, read all the bills for the month. Adam made a motion to pay all bills as read. Clyde 2nd the motion, motion carried.

Next, Randy announced that the solar farm conditional use public hearing for Lebanon Solar I, LLC will be held on Thursday June 24, 2021 at 6:30 p.m. at the Union Water Works Fire Hall. Randy went on to state that the solar farm conditional use public hearing for Kurt Yordy will be held on Tuesday June 29, 2021 at 6:30 p.m. at the Union Water Works Fire Hall. As both hearings will be public hearings, any North Annville Township resident or property owner can comment at the hearings, without the need to submit comments in writing.

For the next item of business, Randy read aloud a letter from the Bellegrove Fire Company, which is dated June 8, 2021 and pertains to the Bellegrove Fire Company's role in responding to emergency incidents involving solar panels and solar farms. Please see the attached copy of the letter for further details. Randy then stated that the supervisors appreciate the fact that North Annville Township has active and responsive volunteer firefighters.

Next on the agenda, Randy stated that the Municipalities Planning Code allows for public comments regarding a proposed conditional use to be deferred until the conditional use hearing; however, the supervisors will receive approximately fifteen minutes of public comments pertaining to the proposed solar farms. Randy went on to state the supervisors cannot comment on anything as per the advice of counsel. Larry Buffenmeyer stated that his concerns are not necessarily directed at the supervisors or the farmers, but rather at Lebanon Solar. John Shaver stated that he does not believe the statement that property values will not go down as a result of the proposed Lebanon Solar project. Sue Forney stated that Lebanon Solar did not answer/address resident's concerns at the June Planning Commission meeting. Paul Bametzreider, Township Solicitor, stated that questions will be answered at the conditional use hearing and stated that the purpose of the hearing is to receive comments from the public. The supervisors cannot respond to questions prior to the conditional use hearing since the supervisors are serving in a quasi-judicial role. Grady Summers questioned whether or not the public will be permitted to cross examine and ask questions of representatives of Lebanon Solar at the conditional use hearing, to which Paul replied that the public will have that ability. Grady then questioned the purpose of the Executive Session to be held at the conclusion of the regular meeting, to which Paul replied that the purpose of the Executive Session is to discuss legal issues. Glenn Forney questioned whether or not the supervisors have the right to repeal the solar farm ordinance at the next meeting, to which Paul replied "no" because notices must be given. Wayne Tshudy questioned whether the goal is to do what is best for Lebanon Solar or what is best for North Annville Township. Paul stated that under the Municipalities Planning Code, which governs zoning matters, the Township must provide for every possible legal land use. If

the Township does not provide for solar farms, then landowners can bring a case and the court will order that solar farms can be constructed. In response to a question about property values, Paul stated that property values are one of many factors to be considered during the conditional use hearing. Paul explained that an application for special exception would be heard by the Zoning Hearing Board, while applications for conditional use are heard by the Board of Supervisors. Brian Tshudy questioned whether the Planning Commission and supervisors are responsible for wildlife and other types of permits, to which Paul replied that would be part of the land development process, which is reviewed by the Lebanon County Planning Department and Lebanon County Engineer. Brian then questioned what will happen if the proposed Lebanon Solar Farm changes North Annville Township's status as being exempt from MS4. Sarah Blessing questioned whether or not residents would have to pay a stormwater tax. Randy stated that the MS4 stands for Municipal Separate Storm Sewer System, and the criteria are based on the population density in the urbanized area of a given municipality. North Annville Township's existing exemption from the MS4 requirements is in effect until the year 2025. Grady Summers questioned what residents can appeal to since there is no general criteria for conditional use in North Annville's solar farm ordinance, to which Paul replied Chapter 9 of the Municipalities Planning Code. Aaron Miller stated that there are no general conditions to protect the residents. Dalinda Bohr questioned the ability of Lebanon Solar to request a conditional use hearing, to which Paul replied that they must hold either a deed, lease or agreement to purchase for all of the subject properties. Glenn Forney questioned whether or not he could get an opinion on the feeling of the supervisors, to which Paul replied that he cannot. An unidentified individual asked who would have to file the petition for a conditional use hearing, to which Paul replied that whomever is filing the petition must be able to demonstrate an interest in the land. The unidentified individual then inquired regarding the procedure if a person sitting on the Board of Supervisors has a conflict of interest involving the conditional use application. Paul replied that under general ethics laws, that supervisor would abstain from voting unless there is a tie vote, at which point the supervisor with a conflict of interest would state his/her conflict and then cast the tie-breaking vote. Ben Bow stated that he, as a Planning Commission member, was involved in the drafting of the solar farm ordinance. He went on to state that the Planning Commission was approached by one farmer who expressed interest in a solar farm installation and the solar farm ordinance was then drafted with the understanding that it would only apply to that one farmer. He then stated that he knows there's something that can be done about the magnitude of the proposed Lebanon Solar project. John Shaver stated that two of the properties that are part of the proposed Lebanon Solar project do not meet the 50 acre minimum lot size requirement. Brandon Silks stated that since the area comprising the proposed Lebanon Solar project was zoned agricultural, he would like to know if there is a way to have it remain as agricultural.

In reference to the storage and spreading of biosolids in North Annville Township, Paul stated that the threshold question is the fact that landowners have to get permits from DEP. As such, Paul wants to make certain that compliance with the permit regulations is being achieved. Randy stated that DEP is currently in the process of changing the biosolids regulations.

For the road report, Randy stated that Yordy's Bridge has reopened to traffic then went on to state that the supervisors have not received any completion date projection for the Route 934 culvert replacement project, other than the initial 3-4 month estimated time frame.

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For the Planning Commission report, Ben Bow stated that the June meeting consisted of a presentation from Lebanon Solar as well as public comment about the proposed Lebanon Solar project. The Commission also reviewed preliminary plans for the Meyer Poultry Farm project on Thompson Avenue.

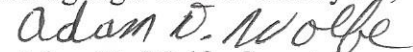
No business was presented for the fire company report.

For the police report, Chief Farneski stated that the Cleona Police Department handled 50 calls in North Annville Township during the month of May. They have been dealing with traffic issues on the Route 934 detour routes, including picking up broken guardrail. The radar speed sign has also been utilized on the Route 934 detour routes. Larry Buffenmeyer asked if the Cleona police can conduct speed enforcement on Route 934, to which the Chief replied that they must comply with conducting speed enforcement certain distances away from an area of speed limit change.

No business was presented for the Zoning Hearing Board report.

For the final public comment period, Paul responded to a question about distinguishing between residential-scale solar and utility-scale solar by stating that an ordinance for residential and net-metering style solar systems is currently in draft form and in front of the Planning Commission. In response to a question regarding legal requirements for public notices, Paul stated that the requirements are dictated by the Municipalities Planning Code. Paul went on to say that an individual can submit a written request to the Township, stating that he/she desires to be notified of any pending ordinance changes. An unidentified resident stated that he feels as though the supervisors have done a poor job in keeping residents informed about what is taking place in the Township. Paul stated that all Planning Commission and supervisor's meetings are open to the public and that the public has a right to attend those meetings. Ben Bow emphatically reiterated Paul's statement by stating that the best way to stay informed is by attending meetings. Tonya Nagle stated that it seems as though the Lebanon Solar project has been and continues to be slipped under the rug. Larry Buffenmeyer stated that large companies are coming into North Annville Township and offering large sums of money to hurting farmers. Sarah Blessing stated that there are places other than North Annville which are better suited for solar farms. Deb Carpenter stated that she is a realtor and can attest to the fact that the proposed Lebanon Solar project will have a negative effect on surrounding property values. She went on to state that this project should be put somewhere else and that everyone should have received a letter about the proposed project. In response to Dalinda Bohr's concerns about biosolids, the suggestion was made to write letters to state legislators, since the application of biosolids is permitted and regulated at the state level. Randy stated that biosolids from New York City are being mixed with coal ash in Schuylkill County and then applied to farmland in North Annville. Randy then read a list of metals that the biosolids are tested for; however, no testing for pharmaceuticals and PFAs is taking place. Ruth Rittel thanked the supervisors for the job they do and said that it is often a thankless job. She also stated that it is the responsibility of residents to attend meetings in order to stay informed.

There being no further business, Clyde made a motion at 8:35 p.m. to adjourn the regular meeting and convene an Executive Session for the purpose of discussing legal issues. Randy 2nd, motion carried.


Adam D. Wolfe, Secretary

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Treasurer's Report:

Balance in State Fund May 10, 2021		\$537,050.71
Receipts: Fulton Bank (FB) MMA Interest	\$13.27	
FB GIC Interest	0.31	
PLGIT Interest	0.03	
PLGIT Reserve Interest	<u>0.12</u>	<u>\$13.73</u>
Balance after receipts:		\$537,064.44
Disbursements: none		
Balance in State Fund June 14, 2021		\$537,064.44

Balance in General Fund May 10, 2021		\$614,851.74
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Receipts: Recorder of Deeds	\$779.10	
State Police Fines	744.28	
Cleona Borough	171.91	
Cleona Borough	225.09	
Timothy Gruber	2,500.00	
Stock & Leader	400.00	
Kurt Yordy	400.00	
Conseco Fair Fund Administrator	50.00	
Lebanon Co. Probation Services	65.44	
District Court	35.42	
District Court	485.42	
FB MMA Interest	12.12	
FB GIC Interest	8.18	
PLGIT Interest	0.15	
PLGIT Reserve Interest	0.03	
Keystone Municipal Collections	<u>24,947.88</u>	<u>\$30,825.02</u>
Balance after receipts:		\$645,676.76

Disbursements:

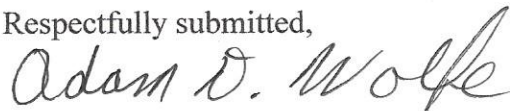
CK#: 5648	Leffler Energy	\$49.17
5649	Leffler Energy	283.81
5650	MediaOnePA	127.44
5651	PA American Water	39.38
5652	South Annville Township	63.03
5653	Daniel B. Krieg	45.00
5654	PSATS	240.00
5655	ISM Construction	1,000.00
5656	Union Water Works Auxiliary	35.00
5657	Reilly, Wolfson Law Offices	2,499.00
5658	Borough of Cleona	6,129.53
5659	Lebanon Co. Conservation Dist.	679.00
5660	Randall Leisure	43.93
5661	Clyde Meyer	43.93

5662 Adam Wolfe	1,239.58	
5663 Starner Excavating	1,086.50	
EFT Met-Ed	43.39	
EFT Comcast Cable	129.67	
EFT IRS	<u>430.72</u>	<u>\$14,208.08</u>
Balance in General Fund June 14, 2021		\$631,468.68
Balance in Public Sewer Fund May 10, 2021		\$21,886.77
Receipts: Hill Farm Estate	\$1,289.54	
FB SMIC Interest	<u>0.20</u>	<u>\$1,289.74</u>
Balance after receipts:		\$23,176.51
Disbursements:		
CK#: 168 Annville Township Authority	<u>\$3,405.53</u>	<u>\$3,405.53</u>
Balance in Public Sewer Fund June 14, 2021		\$19,770.98

Summary:

State Fund	\$537,064.44
General Fund	631,468.68
Escrow Acct.	3,402.65
Public Sewer Fund	<u>19,770.98</u>
Total all Funds:	\$1,191,706.75

Respectfully submitted,



Adam D. Wolfe, Treasurer

Station

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Bellegrove Fire Company

1743 Blacks Bridge Road Annville, PA 17003
717-867-1915, bfcfire6@comcast.net

Station

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via electronic delivery

June 8, 2021

To whom it may concern,

The Bellegrove Fire Company has received numerous questions and concerns regarding our role in responding to emergency incidents at the proposed Solar Farm in North Annville Township.

Our members are currently trained by the State Fire Academy in Solar Panel Emergency Preparedness. We are currently seeking expert advice on emergency response tactics, safety concerns and further training needed to respond to emergency situations at a facility of this type.

Our goal is to provide the best fire and emergency response and protection to the citizens in North Annville Township and surrounding communities, while prioritizing the health and safety of our volunteer responders.

Any further questions can be addressed to Bellegrove Fire Company at bfcfire6@comcast.net.

Thank you,

The Officers & Members of Bellegrove Fire Company