

West Penn Township Board of Supervisors
27 Municipal Road
New Ringgold, PA 17960

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Special Meeting 8:30AM Monthly Meeting
Monday, March 25, 2024

Present at the Meeting

Tony Prudenti – Chairman

Katie Orlick - Secretary

James Akins – Supervisor

Paul Datte – Solicitor

Glenn Hummel – Vice Chairman

Mike Begis – ARRO Consulting

Karen Wittig – Treasurer

Herb Woodring – Asst. to Board

I. General

A. Tony Prudenti, Chairman, opened the meeting with the Pledge of Allegiance and Introductions at 8:35AM. Chairman said the reason for this meeting is that we are being inundated with Solar Farm Applications. Chairman thought we might be able to do a municipal curative amendment to our Zoning Ordinance.

II. Public Comment on Agenda Items Only – 5 Minute Time Limit - NONE

III. Old Business

IV. New Business

Chairman said there are a few Solar Farms being proposed in the Township currently. He has concerns about decommissioning of the Solar Farm. Chairman said it is hard to get rid of the Solar Panels because of the heavy metals. What would the expense be to get rid of these panels? Would we need to establish an irrevocable letter of credit or have them bonded? Chairman asked about public safety and the welfare of our community. Would if the Panels catch on fire? Glenn Hummel said he is not as concerned with public safety because PPL and the electrical commission would require the public safety being such with transformation stations and substations. Glenn Hummel said in case of a fire, he feels they would have a control agent to shut the power down before the fire department would charge in. Glenn Hummel said he would hope there would the owner or engineer would have standards that they would have to follow. Chairman feels there would have to be clear access for emergency vehicles as well. Chairman feels we need to bring the Planning Commission up to speed about Solar and our concerns. Herb Woodring has been working on a Solar Ordinance very diligently.

Attorney Datte said the problem with a curative amendment process is the Board of Supervisors would have to declare the Ordinance invalid for a specific reason. We do have a provision in our Ordinance for Solar; we just do not have all of the specific conditions we would like to see attached to a Solar Farm. We are not sure if that would make our Ordinance invalid. The significance is, you could declare the Ordinance invalid today, adopt a Resolution within 30 days, which further establishes the invalidity and then you have 6 months to cure the invalidity. In the meantime, no one could file anything. We feel the Ordinance is invalid because it does not contain the proper safeguards conditions sufficient to protect the health, safety and welfare of the Township residents. We have the issue we would like to have additional conditions on the Solar Farms. If we do file the Ordinance invalid I do not believe it would affect the ones that are filed today. It would only have an impact for the future applicants. Attorney Datte said we could also look at the SALDOs Ordinance. We may be able to impose something like decommissioning and security for decommissioning in the SALDOs under the general provisions to

provide for the health, safety and welfare for the Township residents without having to amend either Ordinance.

Attorney Datte feels the Applicants for Solar are looking for a Zoning Permit, which basically says the use is permitted in the district in which it is being proposed and the plan that was submitted meet all of the bulk requirements of the Zoning Ordinance. (Such as setbacks) and any other conditions the Ordinance may oppose on the use.

Chairman feels it is invalid because we do not have the safe guards put in and that the Solar does not specify residential or commercial.

Attorney Datte said from a Legislative standpoint you could differentiate between residential and commercial, rooftop or ground mounts solar rays based on megawatts.

Attorney Datte said there is some pending State Legislation on this issue. Glenn Hummel asked could we attach a clause for the decommissioning of the units and add that as a requirement. Glenn Hummel feels that he is not sure if we need to define residential verses commercial because PPL has a shut off point of what could be produced.

Attorney Datte at this point does not feel we could declare our Ordinance invalid.

Attorney Datte recommends we do the SALDOs amendments before there are plans submitted to Land Development. Attorney Datte said we could put conditions under the general provisions such as decommissioning, storm water, and bonding.

The Board spoke about wildlife fencing as a requirement. Jim Akins asked the Solicitor & Mike Begis from ARRO if they are seeing a lot of Solar Project happening around the area. They both said, yes. Schuylkill Planning Commission is reviewing how to handle solar farms especially in the content that they are using prime farmlands. Attorney Datte likes the idea of moving forward to put conditions in place to apply to future arrays. He asked if we spoke to them about adding a decommissioning agreement or having financial security in place. Mike Begis said that was one of his comments for the Solar Farm on Ridge Rd. DEP has guidelines for these kinds of projects as well.

Jim Akins agrees that we need to get something established quickly to deal with Solar, whether it is regulations on how much electricity could be produced or decommissioning agreements.

Brian McQuillen – spoke about the cost per panel. He feels if the applicant does not want to cooperate with an agreement or financial security then use the fee schedule as a negotiation tool. Attorney Datte spoke about the Fee Schedule and how he interprets it. He feels they would be identified as a structure, any ascertainable thing on the ground. A structure is any manmade object having a stationary location on, below, in land or on water whether or not affixed to the land. Attorney Datte said he would have no problem arguing taking the square footage of each panel, multiply it by the number of panels and applying that fee.

Chairman asked Attorney Datte what is our plan and what do we need to do now. Attorney Datte is suggesting we go through the normal process of amending the zoning ordinance to add the provisions the Board of Supervisors recommend. Attorney Datte would also like to look at the SALDOs to see what we could impose any of those things we would be putting into our Ordinance now. Under the health, welfare and safety provision of the SALDOs. Attorney Datte spoke about zoning fees and said the Zoning permit fee needs to cover the costs to the Township and administrator of the permit. Attorney Datte recommends we regulate the Zoning fee in accordance with Section 6. Attorney Datte suggested we sit down with the Solar Applicants to discuss the fees. Attorney Datte said lets calculate the fee. Attorney Datte feels each panel is a structure.

Jim Akins made a motion to have our Solicitor and Mike Begis from ARRO Consulting to review our Ordinance on behalf of the health, safety and welfare of our Township. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Jim Akins asked if we were going to adjust our Zoning fee schedule. Chairman recommends we adjust our whole Zoning fee schedule. Attorney Datte said the key thing on any fee schedule is something that is reasonably designed to cover the Township's cost and administration. Attorney Datte said we should look at the Engineer's fee schedule to make sure we are covered on that as well. Attorney Datte said he would look at Herb Woodring's draft and see what is in it. Herb Woodring asked if we could require them to have an area for parking while they are in the construction period, so they do not park on our Township roads. Attorney Datte said, yes. Mike Begis said that is part of the E&S Plan. Herb Woodring also asked could we do anything about our roads, with all the heavy construction equipment that they will be bringing in. Attorney Datte said you could establish a weight limit on the road but that is a process to do so. Herb Woodring asked about distance between rows in case an emergency vehicle need to get through. Attorney Datte will review all the information provided and establish an amendment.

V. Business from anyone on the Board - NONE

VI. Public Comment on General Items

Brian McQuillen – asked if there are any openings on the Planning Commission. Chairman said not at this time.

Don Hoppes - asked what is it going to do to the value of the homes close to these Solar Farms.

Chairman said we do not know that.

Chairman expressed that he would like to have Attorney Datte and Mike Begis look at our Zoning fee Schedule.

VII. Executive Session – NONE

VIII. Adjournment.

A. Chairman called for a motion to adjourn the meeting at 9:35AM. Jim Akins made the motion.

Chairman seconded the motion. All in favor. Motion was carried. 2-0 Glenn Hummel left the meeting before the last vote.

Transcribed by:

Katie Orlick

West Penn Township Secretary