

The regular monthly meeting of the Board of Supervisors of Independence Township was held on Wednesday, April 8, 2020 by teleconference. A number was posted at the regular meeting site, township office and township web site for any individual that wished to participate in the meeting. The meeting was held in this manner due to the COVID-19 restrictions put in place by the Governor. The meeting was called to order at 4:03 pm by Chairman Daniel McLaughlin and we had no pledge of allegiance due to the meeting being conducted by teleconference.

#### **ROLL CALL**

Present on the call were Supervisors Daniel McLaughlin and Wayne Potts; Solicitor J. Julius Bolock; Police Chief, Lance Malobabich and Secretary Debra Shaffer. Supervisor John Fratangeli was excused.

#### **PUBLIC HEARING – ORDINANCE #2-2020 - ZONING ORDINANCE AMENDMENT PROVIDING FOR THE DEVELOPMENT AND OPERATION OF SOLAR ENERGY FACILITIES PERMITTED USES IN ZONING DISTRICTS.**

Chairman D. McLaughlin called the duly advertised public hearing to order for Ordinance #2-2020, amending the Independence Township Zoning Ordinance, Chapter 200 § 1-82 to address the definitions of solar energy facility providing for the development and operation of solar energy facilities and permitted uses in zoning districts.

The Chairman called for public comment on the proposed ordinance:

Terrie Baumgardner, the Clean Air Council Field Organizer of Beaver County had e-mailed written testimony and sample standards from the City of Philadelphia to the township office 10 minutes prior to the start of the meeting. Supervisor McLaughlin noted that we received them but asked her to briefly touch upon them so that everyone on the call would be able to hear the testimony. Terrie began by requesting that the Board delay any action on this amendment for 60 – 90 days because of the COVID 19 situation. She also stated that there was currently a Bill in the House of Representatives that had not been approved yet to hold these meetings via teleconference and she didn't believe that the meeting was legal. The Township Solicitor, J. Julius Bolock, spoke and informed Ms. Baumgardner that he contacted the Office of Open Records and per their direction was told that in fact we were urged to hold the meetings and we could do so via teleconference, videoconference, webinar or any other method of 2-way communication. Chairman McLaughlin stated that perhaps the Board could table a decision for 30 days until the May meeting. John M. Soininen, Director of Development, Lendlease Energy Development LLC spoke and stated that they have a project that they wanted to begin and they had a chance to review the ordinance and make suggestions, the Beaver County Planning Commission reviewed the proposed ordinance along with the Independence Township Planning Commission, Township Engineer and Township Solicitor. He felt that there was no point in delaying the adoption of this proposed ordinance. Terrie Baumgardner started reading the testimony from the document that she had e-mailed and stated that her question is why the township is setting up setback and construction standards and permitting requirements for solar, while not advancing those same type of standards for petrochemical development and wanted to know if we would take another look at that ordinance. Supervisor Wayne Potts spoke and informed Ms. Baumgardner that they would not be addressing an ordinance that they adopted two years ago. This meeting was in regarding solar energy facilities and that is what she needed to focus her comments on. Ms. Baumgardner proceeded to state what changes they would like to

see with respect to the solar energy ordinance. They believed the minimum lot area requirement was too small, the view shed impact analysis would be too expensive. The mature trees would be too expensive for a company to build a public solar energy facility in our township. Chairman McLaughlin spoke and stated that maybe some of these things that she mentioned could be revised at a later time for other developers, but that LendLease has no issues with them and believed them to be reasonable and appropriate. Laura Ludwig of HRG, the township's engineer, spoke and stated that the landscape buffer was needed and that the trees need not be mature when the project was constructed, but to grow over time and that they had reviewed and made revision suggestion several times with respect to this ordinance and that the ordinance was well written and in alignment with what they believed the township wanted and required. Terrie Baumgardner said that she wanted assurance from the Supervisors that they would look into some of the requirements for future development so that more solar energy facilities would move into the township. At that time Pierce Richardson, the attorney for LendLease Energy spoke and informed the Board that the ordinance was in line with company standards and paralleled surrounding township ordinances. He stated that the proposed ordinance as written would not prohibit any solar energy development company to construct in Independence Township. He believed the township spent a great deal of time and did a good job drafting it and having it reviewed and revisions made and respectfully requested that the Board adopt the ordinance as written. Ashlee Caul of 1275 E. Hookstown Grade Road spoke and asked about the chain link fence requirement. She stated that chain link is so ugly and asked if there could be other fencing material options. Pierce Richardson stated that the chain link was a National Electric Code requirement to keep people away from the electrical portions of the facility. Solicitor Bolock stated that we modelled the ordinance after other surrounding townships, that we believed it was reasonable, thought out, thoroughly reviewed and well-written and we could not account for a bunch of hypotheticals at this point in time. Supervisor Potts stated that the Clean Air Council want to make it easier on the solar companies to build, but that the solar company on the call had no problems with the ordinance. Bob Smeltzer, a Borough Official from South Heights, spoke and said that he also was under the impression that these hearings held by teleconference were illegal. Solicitor Bolock told him he believed they were being held in accordance with the law at this time.

There being no other public comment the Chairman closed the hearing.

#### **PUBLIC COMMENT ON AGENDA ITEMS**

There was no public comment on Agenda items.

#### **MINUTES**

The Minutes of March 11, 2020 Meeting were approved with a motion by W. Potts and second by D. McLaughlin. Motion carried.

#### **TREASURER'S REPORT**

The Treasurer's report, including payment of bills and payroll, was approved with a motion by W. Potts and second by D. McLaughlin. Motion carried.

#### **DEPARTMENT REPORTS**

The Police, Fire and Road Department monthly reports were accepted with a motion by W. Potts and second by D. McLaughlin. Motion carried.

**UNFINISHED BUSINESS****ORDINANCE 2 OF 2020 - ZONING ORDINANCE AMENDMENT PROVIDING FOR THE DEVELOPMENT AND OPERATION OF SOLAR ENERGY FACILITIES PERMITTED USES IN ZONING DISTRICTS.**

W. Potts made the motion to adopt Ordinance #2-2020, the Zoning Ordinance Amendment providing for the Development and Operation of Solar Energy Facilities permitted uses in Zoning Districts which is a revision to the zoning ordinance adding private solar energy facilities as a use by right in all zoning districts and a public solar energy facility as a conditional use with public hearing and Board approval, D. McLaughlin second the motion.

Motion carried.

**NEW BUSINESS****RATIFY THE DECLARATION OF DISASTER EMERGENCY**

D. McLaughlin made the motion to ratify the Declaration of Disaster Emergency dated March 19, 2020 and executed by the Board with respect to the COVID 19 pandemic, W. Potts seconded the motion.

Motion carried.

**RATIFY BERKHEIMER VOTE TO EXTEND EIT TAX RETURN DUE DATE TO JULY 15, 2020**

W. Potts made a motion to ratify the approval the Township gave to Berkheimer, the township's earned income tax collects, to extend the deadline to file earned income tax returns to July 15, 2020. D. McLaughlin stated that since that approval was given, Governor Wolf extended the same for all Pennsylvanians. W. Potts second the motion.

Motion carried.

**RATIFY BEAVER COUNTY MUTUAL AID AGREEMENT FOR POLICE SERVICES DURING THE COVID19 DISASTER EMERGENCY**

W. Potts made a motion to ratify the Agreement for police departments to provide mutual aid during the COVID19 pandemic. D. McLaughlin second the motion.

Motion carried.

**ANNOUNCEMENTS**

The following public announcements were made:

- Recycle Weekend Friday, May 1<sup>st</sup> and Saturday, May 2<sup>nd</sup>
- Next Regular Supervisors Meeting – Wednesday May 13, 2020
- Office Closed – Good Friday, April 10, 2020
- Easter Breakfast and Egg Hunt – Canceled due to COVID19
- Great American Clean Up/Tire Collection Day – Tire Collection Postponed and Clean Up will be week-long effort

**PUBLIC COMMENT**

Following are the people who spoke and the subject of their comments:

Resident Ashlee Caul wanted to make sure everyone knew that the Tire Collection Event is just postponed, not cancelled and she hoped the Board would be okay with having it in the Fall and Chairman McLaughlin said that they absolutely were and looking forward to hosting it.

Chairman McLaughlin stated that we were going to try to have a week long clean up effort that would not require any congregations of people but rather residents could come to Community Center and pick up supplied at any point during the week and clean up the road they lived on, leaving the bags of trash on the sides of the roads and the Road Department would go around and collect that trash the following week.

**ADJOURN**

The meeting adjourned at 4:45 pm with a motion by W. Potts and second by D. McLaughlin.  
Motion carried.

Respectfully submitted,

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Debra J. Shaffer, Secretary/Treasurer