

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 1 of 6

Chairwoman Tressa Heffron called the meeting to order at 6:00 PM.

Present were Supervisors – Tressa Heffron, Bonnie Petruschak and Ronald Reagan; Matthew Moore was unable to attend. Superintendent of Public Works Garret Stocks, Secretary Meagan Carling and Solicitor John Thompson were also in attendance. Tressa led everyone in the Pledge of Allegiance.

Commencement of the Conditional Use Hearing – Continuation & Decision:

Solicitor John Thompson presented the continuation of the GreenKey Solar Development conditional use hearing stating GreenKey has met the burden but proposing the Board of Supervisors grant with the following conditions:

- a) Applicant must submit an appropriate Land Development Plan (“Plan”) compliant with the Athens Township Sub-division and Land Development Ordinance (“SALDO”) with adherence to all relevant provisions contained therein, and have the Plan approved by the Township Planning Commission;
- b) The proposed site shall have fencing of not less than eight (8) feet in height surrounding the perimeter. In addition, Applicant shall plant evergreen trees or arborvitae at a minimum height of four (4) feet, in such proximity as to provide, within five (5) years, a fully grown evergreen hedge sufficient to screen the solar operation from the view of the adjacent property owners;
- c) The Applicant, and any successor in interest, will comply absolutely with the provisions of the Athens Township Floodplain Ordinance;
- d) During construction and thereafter, Applicant and any successor in interest shall ensure that no mud, dirt, sand, or other remnants from the project site will be deposited onto or left on Bensley Street or Ellistown Road;
- e) Consistent with the requirements of any Federal, State, or local rules or statutory provisions, Applicant shall conduct such noise and glare studies on the property as may be necessary to ensure that the project shall not create undue negative impacts on the health, safety, or welfare of adjacent landowners and Applicant shall pay for the cost of any review by the Township review engineers;
- f) Applicant shall utilize and align all equipment, including the requisite inverters, as to minimize and dampen the noise generated, to the maximum extent practicable;
- g) Applicant, and any successor in interest, shall place and maintain conspicuous signage, at regular intervals, to provide clearly visible warnings as to the existence and potential dangers associated with the site;
- h) Applicant, and any successor in interest, will provide and maintain emergency contact information to Athens Township for local entities, sufficient to ensure that safety issues will be promptly addressed;

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 2 of 6

- i) Consistent with Applicant’s testimony, and the Plan presented, no batteries shall be utilized for commercial electrical storage at this site;
- j) Applicant, and any successor in interest, shall maintain the vegetation under all solar collectors in an orderly and healthy condition and in such manner as to minimize erosion and provide for sedimentation control. Appropriate maintenance shall prevent overgrowth of any weeds, trees, brush, and/or invasive vegetation. To the maximum extent possible, Applicant, or any successor in interest, shall utilize wild flowers and other natural vegetation and will minimize the use of pesticides at this site.
- k) All onsite utility and transmission lines shall be placed underground to the maximum extent practicable.
- l) Applicant, and any successor in interest, shall be required to request approval from the Athens Township Zoning Hearing Board and/or the Athens Township Board of Supervisors for any future zoning variance or modifications to the Plan, as presented.
- m) All solar collectors and arrays shall be properly maintained in good working order and, in the event that damage occurs to any of the equipment, solar collector and/or array by way of natural occurrence or otherwise, the applicant, or any successor in interest, shall within sixty (60) days complete any repair and/or maintenance of said equipment, collector and/or array and further shall make certain that any appropriate environmental testing and cleanup has been completed. No damaged array or other equipment shall be stored onsite.
- n) The applicant shall provide a copy of the project summary and a site emergency response plan to all Athens Township emergency response providers, including the Athens Township Volunteer Fire Department, the Litchfield Volunteer Fire Company, and the Athens Township Police Department and shall be receptive to any reasonable recommendations or suggestions provided, as a result thereof.
- o) The grant of this conditional use for the commercial solar operation shall be subject to the right of the Township to revoke said permit if applicant/operator, or any successor in interest, fails to follow any Township, County, State and/or Federal Rule, Law and/or Regulation, including any condition as set forth by the Board of Supervisors. Enforcement shall be before a Court of competent jurisdiction and the Township shall be permitted to address a violation through any means permitted by Law, Rule and/or ordinance.
- p) Applicant, and/or any successor in interest, shall secure and maintain a Decommissioning Bond in an amount determined to be sufficient by the Athens Township Planning Commission. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are in an acceptable form to the Township. These funds must be posted to the Township as a condition for Preliminary Land Development Approval.

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 3 of 6

- q) Applicant, and/or any successor in interest, shall secure the services of an independent and certified Professional Engineer to be retained by the Owner or Operator, at its cost, to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment (“Gross Decommissioning Costs”), and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). The solar project Owner or Operator shall provide financial security in the amount of 110% of the Decommissioning Cost Estimate. The estimate may include an estimated salvage and re-sale value, discounted by a factor of 10%.
 - i. The decommissioning cost estimate formula shall be as follows:
 - 1. Gross Cost of Decommissioning Activities
 - 2. -90% credit of salvage and re-sale value
 - 3. = the Decommissioning Cost Estimate
 - ii. After the first year of operation and every fifth year thereafter the decommissioning bond shall be updated to reflect any increase in the anticipated costs of decommissioning.
- r) During construction, the Applicant shall restrict the operation of commercial vehicles so as to minimize the opportunity for said vehicles to encounter school buses traveling along Ellistown Road.
- s) Applicant shall enter into a Road Use Maintenance Agreement (RUMA) with Athens Township to ensure that any damage to Ellistown Road that occurs as the result of the construction of the solar project shall be repaired by the Applicant, at its cost.
- t) The Applicant and any successor in interest, will comply absolutely with all Federal and State laws, local ordinances and all other regulations governing the operation of commercial solar operations. Additionally, Applicant and any successor in interest will adhere absolutely to the Application and the Plans submitted to the Athens Township Board of Supervisors and the Athens Township Planning Commission.

On motion of Ronald, seconded by Tressa; motion passed with votes Heffron – yes, Petruschak – yes, Reagan – yes, Moore – absent, to grant the conditional use to GreenKey Solar Development subject to the conditions outlined by the Solicitor. An executed copy of the decision will be sent to GreenKey Solar Development.

Commencement of the Regular Meeting at 6:11pm:

Bid Results – Moore Road Bridge Strengthening Project (6 bids received):

#1)	CriLon Corp.	Sommerst PA 15501	\$374,273.77
#2)	Rylind Construction	Mount Wolf PA 17347	\$527,636.25
#3)	Twin Tier Constructors	Scottsville NY 14546	\$363,990.00
#4)	Minichi Inc	Dupont PA 18641	\$341,000.00
#5)	R. DeVincentis Construction	Binghamton NY 13901	\$389,000.00
#6)	The L.C. Whitford Co.	Wellsville NY 14895	\$334,664.28

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 4 of 6

On motion of Tressa, seconded by Ronald; motion passed to accept the bid from The L.C. Whitford Co. pending review of the bid packet documents and recommendation of Larson Design Group.

Voice of the Residents: none

Athens Twp. Planning Commission

No representative in attendance; no report as they did not have a meeting.

Athens Twp. Volunteer Fire Co.

Austyn Merrill, newly appointed Fire Chief, was in attendance to introduce himself and present the December report / new sign update.

Athens Twp. Parks Commission

No representative in attendance; report received.

On motion of Bonnie, seconded by Ronald; motion passed to approve payment to Clare Printing for the Parks Dept. brochures in the amount of \$243.16 from the Parks Advertising fund (454.340) – noting a discount, “thank you”.

Parks & Rec. Commission vacancies may have two filled, leaving just one open; hoping to have letters of intent in by the next meeting to appoint.

Athens Twp. Public Works Dept.

Superintendent of Public Works Garret Stocks was in attendance to represent the department.

Moore Road Bridge Strengthening Project Update: awarded bid will be reviewed and LDG will provide feedback. Once contractor is officially set – an updated schedule for timeline will be provided; project was posted for bid with a completion date of 6/30/25.

On motion by Ronald, seconded by Bonnie; motion passed to approve the purchase order for shaker-deck (mobile screen plant) rental from C.H.E.R. in the amount of \$2750.00 from General Fund – highway maintenance rental (438.380).

On motion of Tressa, seconded by Bonnie; motion passed to ratify authorization for Ronald Reagan to be the signatory for documents for the 2024 Dodge Ram 2500 purchase from Sand’s Auto Group.

On motion of Ronald, seconded by Tressa; motion passed to clarify correct fund assigned to the 2024 Dodge Ram 2500 budgeted truck purchase (\$54,866) and fees (\$830.37) as from Capital Reserve (430.701).

Garret reviewed staff’s operation of the yard equipment; performances used to get a baseline for training needs. The Supervisors need the form adjusted to include date and signatures for both employee and Superintendent of Public Works.

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 5 of 6

Public Works Staff to be discussed in Executive Session.

Athens Twp. Police Dept.

No representative in attendance; report received.

On motion of Tressa, seconded by Bonnie; motion passed to approve the corrected purchase order for tires from Bastian Tire in the amount of \$2838.74 from General Fund (410.347).

On motion of Bonnie, seconded by Tressa; motion passed to accept the monthly reports. Building Permits and Police Dept. annual reports received, both noted.

On motion of Ronald, seconded by Bonnie; motion passed to pay the monthly bills as presented.

On motion of Tressa, seconded by Ronald; motion passed to approve the Board of Supervisors regular meeting minutes from 12/18/2024.

On motion of Tressa, seconded by Bonnie; motion passed to approve the Board of Supervisors regular meeting minutes from 1/8/2025.

On motion of Tressa, seconded by Ronald; motion passed to approve the Board of Supervisors special meeting minutes from 1/23/2025.

Consider / Discuss

On motion of Ronald, seconded by Tressa; motion passed to appoint Lauren Hotaling as Township Treasurer, subject to bonding and satisfactory background / credit checks, at a rate of \$25/hr and 35hr work weeks.

Bond – Secretary / Treasurer, new hire; TABLED until next meeting (2/12/25) to have more information about transition process for Treasurer position.

On motion of Tressa, seconded by Ronald; motion passed to appoint Michele Browning to the Vacancy Board.

Appointing a Supervisor to the Board to fill the vacancy; TABLED until next meeting (2/12/25).

Appointing members to the Parks & Recreation Commission vacancies; TABLED, need letters of intent for next meeting (2/12/25).

Appointing a third Township Auditor; TABLED – no letters in intent / interest received.

Utility easement request will be reviewed by the Solicitor John Thompson; the property referenced does not appear to be Athens Township property but part of Queen Esther Estate's original parcel. The Solicitor will contact the resident with the findings.

Zoning issue will be discussed in Executive Session.

ATHENS TOWNSHIP SUPERVISORS

January 29, 2025 6:00 PM

Conditional Use Hearing Decision – GreenKey Solar Development & Regular Meeting

Page 6 of 6

Zoning vehicle inspection quote; TABLED until next meeting (2/12/25) – quote was reviewed, vehicle will be looked over in-house for a second option on work/price proposed in the quote.

Cell phone issues - Cindy; TABLED – first look into switching to an available TWP cell phone, not currently in use.

Email migration; TABLED until next meeting (2/12/25).

Yard / building perimeter lights quote update – new quote from J&S Electrical to review; TABLED until next meeting (2/12/25) – contact Triple V & Jeff Paul for an additional quote or two since one was not received from Mountain Lake Electric.

Rally Point Resources / Halo Land Management; oil & gas lease process update – Solicitor John Thompson heard back from DCNR, they requested copies of these leases and will relay back to John T. once they have been reviewed. Noted.

On motion of Ronald, seconded by Tressa; motion passed to approve and sign the contract presented by Baker Tilly, CPA's.

Personnel to be discussed in Executive Session.

Correspondence / Information

Floodplain Management Activities Annual Report, received / reviewed. Noted.

Township Auditors Organizational Meeting Minutes, received / reviewed. Noted.

PA Broadband Authority – BEAD Program update, received. Noted.

Ethics forms distribution / deadline. Noted.

Chairwoman Tressa took the board into executive session at 7:36 PM,
for personnel – Treasurer, Public Works, Supervisor and litigation - enforcement.

The meeting reconvened at 8:57 PM.

On motion of Tressa, seconded by Ronald; motion passed to place an advertisement in the Daily Review newspaper for a Machine / Equipment Operator open position, noting CDL requirement and deadline to apply as 2/7/25; post on the Township Facebook page and website as well.

There being no further business, on motion of Tressa, second by Bonnie;
it was unanimous to adjourn the meeting at 8:12 PM.

Respectfully submitted,
Meagan Carling
Athens Township Secretary