

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

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Regular 7PM Monthly Meeting @ Fire Company  
November 5, 2018

Present at the Meeting

Tony Prudenti - Chairman  
Tim Houser Vice-Chairman  
Ted Bogosh III - Supervisor  
Karen Wittig - Treasurer  
Katie Orlick - Secretary

Paul Datte - Solicitor  
Jan Miller - Lehigh Engineering

I. General

**A. Call to Order**

Chairman called the meeting to order @ 7:02PM with the Pledge of Allegiance & Introductions.

Chairman did introductions and thanked the Fire Company for allowing us to hold our meeting at the Fire House. We had to change our location for this meeting because of setting up for elections.

**B. Public Comments on Agenda Items Only - None**

**C. Review of the Minutes - October 1<sup>st</sup> & 15<sup>th</sup> of 2018**

Chairman called for a motion to approve the minutes from the October 1<sup>st</sup> & 15<sup>th</sup>, 2018 meetings. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**D. Treasurer's Report - October 2018**

Chairman called for a motion to accept the Treasurer's Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Approval of Bills - October 2018**

Chairman called for a motion to pay the bills for October. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F. Solicitor's Report**

Paul Datte reported Ordinance No. 3 of 2018 Impound Lot & Resolution No. 18 of 2018 the Fee Schedule for Impound Lot was ready for the BOS to adopt if they agreed with it. Attorney Datte stated this Ordinance was established to set forth the rules & regulations of the Motor Vehicle Impound Lot. The Resolution is for the fees associated with the Impound Lot. This Ordinance has been duly advertised and the BOS had an opportunity to review it. Tim Houser would like to know when the Impound Lot will be functional. Chief Johnson is anticipating as long as the weather cooperates the Impound Lot should be functional by the end of the year. Paul Datte wanted to point out; Section 4. (a) of the Impound Lot Ordinance, fees shall be applicable to all vehicles or equipment impounded pursuant to this Article as established by Resolution of the Township BOS. If you want to change the fees you can do it by Resolution instead of by a whole new Ordinance. Chief Johnson said he would like to move forward with the Impound Lot Ordinance & Fee Resolution.

Chairman called for a motion to adopted Ordinance No. 3 of 2018. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman called for a

motion to adopt Resolution No. 18 of 2018 The Fee Schedule for the Impound Lot. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

## **II Land Use**

A. Chairman called for a motion to sign the Kate E.M. Tercha Final Minor Subdivision/Annexation Plan.

The conditions were met. Tim Houser made the motion to sign the Kate E.M. Tercha Final Minor Subdivision/Annexation Plan. Ted Bogosh III seconded the motion. Motion was carried. 3-0

## **III. Operations**

### **A. Code Enforcement Officers Monthly Report - October 2018**

Tim Houser questioned the status of the Nelson Galloway Property. Chairman said we should follow up with Bill Anders about the Galloway property. Chairman called for a motion to accept the Code Enforcement Officer's Monthly Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

### **B. Engineer's Monthly Report - October 2018**

Chairman called for a motion to accept the Engineer's Monthly Report. Tim Houser made the Motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

### **C. Sewage Enforcement Officer's Report - October 2018**

Chairman read the sewage activity report. Chairman called for a motion to approve the SEO report for October. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

### **D. Road Department Monthly Report - October 2018**

Chairman asked the BOS if they had any comments on the Road Department's Report. Ted Bogosh III wanted to make everyone aware that the hazardous tree that was on spring road was cut down. Mr. Bogosh III also wanted to thank Verizon & Blue Ridge Cable for granting our requests of lowering the lines. This was helpful, creating fewer obstructions for the tree to come down safely. Chairman appreciated and thanked Ted Bogosh III for cutting the tree down especially when we asked three other companies to cut it down. The tree was so big the other companies did not want to take on that much liability. Ted Bogosh III successfully cut the tree down, making the potential danger of that tree falling disappear. Ted Bogosh III did not charge the Township for cutting the tree down, which saved the Township money. Tim Houser wanted to thank Terry Ahner from the Times News for the publicity about the tree. We believe that helped us persuade Verizon & Blue Ridge to lower their lines. Chairman called for a motion to accept the Road Department's Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

### **E. Police Report - October 2018**

Chairman read the Police report. The Police Department patrolled 8,472 miles, 212 citations issued, 308 total traffic warnings issued and total called answered 375. The Police Department got their LPR system working. Blocks for the Impound Lot are going to start to be picked up and placed. Chairman thanked Art Sterling for volunteering his time to move the blocks for the Police Department. John K., Sgt., and Chief held an active shooter demo @ St. Peters Church. Sgt. & Chief also went to Lowes and volunteered for a Halloween Safety Demo with Gunner the dog. Chairman called for a motion to accept the Police Department's Monthly Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

### **F. Fire Company's Report - October 2018**

Chairman read the Fire Company's Monthly Report. The Fire Company responded to 18 emergency calls in the month of October. The Fire Company continues to do their monthly drills. They participated in the Halloween Parades and they continue to have many fundraisers throughout the month. Chairman encouraged residents to go out and support our fire company at their fundraising events. Ted Bogosh III also thanked the Fire Company for responding to all the trees that have been falling and for directing traffic when needed. Chairman called for a motion to accept the Fire Company's Monthly Report. Tim Houser made the Motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

#### **G. Ambulance Report - October 2018**

Chairman read the Ambulance Report. The Ambulance reported 43 calls within the Township & surrounding areas for the month of October. The calls range from sick people, breathing problems, falls, traffic accidents and other issues. Chairman called for a motion to accept the Ambulances Monthly Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

#### **IV. Old Business**

##### **A. Estimated cost to update the Comprehensive Plan from Urban Research.**

Chairman said we reached out to Urban Research which is updating our Zoning Ordinance and asked them what it would cost to update our Comprehensive Plan as well. Chairman asked the BOS if he can get the Secretary to ask some other firms what pricing they would charge to update the Comprehensive Plan. Ted Bogosh III asked if we should put an ad in the paper about the Comprehensive Plan. Chairman asked the BOS, should we advertise for the Comp. Update in the Township News Magazine? Chairman asked the Secretary to find out a cost on advertising in the Township News Magazine. Chairman asked the secretary to reach out to our Engineer and others to find out their costs as well. BOS agreed for her to do that.

Ted Bogosh III spoke about the Walking Trail in Andreas. Chairman said, Josh & Jeremy Cramer would like to donate a walking trail to the Township. The Cramer's would agree to donate the property as long as the Township would get the property appraised. The Property was appraised at \$25,000. Chairman instructed the Secretary to contact the Cramer's and give them a copy of the appraisal and asked them to review it. If the Cramer's are satisfied with the appraisal, the secretary will ask if the Township can move forward with the donation and forward everything to the Township Solicitor.

Ted Bogosh III said he believes the water problem at the Zion's Stone Church Park has been fixed. Chairman & Mr. Houser still believe the water is getting into the concession stand when there is heavy rain. Chairman said the problem may be solved by putting in another culvert or raising the concession stand floor up three inches.

##### **V. New Business - None**

#### **VI. Business from anyone on the Board**

A. Trucks Traffic at the Intersection of Blue Mountain Drive & SR309. Ted Bogosh III expressed his concerns about the Trucks making the turn on & off Blue Mountain Drive & SR309. Mr. Bogosh III is concerned with potential accidents because of trucks blocking the road while making turns. Mr. Bogosh III feels if we widen Blue Mountain Drive we can reduce that risk. Mr. Bogosh III would like the Township Engineer to find out an estimated cost and what we would be required to do in order to get PennDOT approval. Tim Houser would like to know if PennDOT has to be involved with this potential project. Attorney Datte responded; yes, you would need a HOP from PennDOT. Chairman questioned Mr. Bogosh III about land acquisition. Mr. Bogosh III said that Mr. Bailey already said we would be allowed to do it.

B. Security Window in the Office Door.

Ted Bogosh III believes that it is important to have some type of security in place at the Township. He believes that we should put a security window in the door. Chairman asked the secretary if she feels she needs extra security. Secretary responded that she never felt threatened and that is up to the Supervisors. Chairman said that the office has cameras and a panic button. Ted Bogosh III said they are all great concepts of security but he thinks there should be more to protect the office staff. Tim Houser said he understands the importance of security but he feels if we put a window in that we are just detaching ourselves from the public. Chairman asked to table the security window until next meeting.

#### VII. Correspondence

##### A. Letter from West Penn Township Lion's Club

Chairman read a letter from the WP Lion's Club to the Zion Stone Park Commission. The Lions would like to donate the funds for a new or used Stainless Steel propane cook stove from a vendor of their choice providing it meets the requirements of the 60 inch unit described that the Lions specked out at the Restaurant Store. The donation is not to exceed \$2300.00 toward the parks purchase of the propane range which will be placed in the kitchen of the main pavilion at the West Penn Twp. Park. Chairman asked the secretary to reach out to the Lions and ask if the Twp. can help in anyway. Ted Bogosh III said that this donation will be a great asset to the park & community. Tim Houser said he receives the Lancaster Farmers which there is a lot of online bidding for restaurant equipment on there. He said they should look at all options for the best deal.

#### VIII. Public Comment on General Items

A. David Pflueger - Blue Mountain Drive - inquired about the appraisal value & lot size of the Walking Trail that Josh & Jeremy Cramer would like to donate. Chairman stated that the lot size was 5.9 acres & the appraisal value was \$25,000. Chairman offered the appraisal to Mr. Pflueger for his review of the details about the parcel of land that was appraised.

B. Larry Stivel - Summer Valley Rd. - wanted to know the status of the Billboard that was supposed to be put up near the Municipal Building. Chairman said the zoning would probably have to be changed before anything can happen. Chairman said, the Township is currently trying to update the Zoning Ordinance that may include changing some areas to a different zone. Mr. Stivel wanted to know what the Township property was currently zoned. Chairman said Ag Industrial and part is Rural Residential.

C. Ted Rosen - Dogwood Lane - questioned the BOS when the letter from Attorney Yeager, Task #2 is going to be released to the public. Chairman said we got the report for Task # 2 but it needs to be reviewed by our Solicitor. The Township will not release it right now because it is subjected to Attorney Client privilege. Attorney Datte stated that we have to review & analyze it and determine what needs, if anything to be done. Ted Rosen asked who was in the review process and how long will it take to review and analyze it? Attorney Datte said the BOS, Bill Anders and I are in the process of reviewing the letter. Mr. Rosen expressed, this is a public issue and he feels it should be released to the public. Attorney Datte stated this is a process and we are not inviting the public into making decisions and conversations when the Attorney is advising their client.

Ted Rosen pointed out that there was a committee started because of the water extraction issue and he does not understand why the public or the committee can't be involved right now. Chairman stated that there was a committee started because of the water extraction

but it was formed to create a new water extraction ordinance. Chairman said that the respond for Task #2 from Yeager should not hold up the process for creating this Ordinance. Chairman said he has questions for Attorney Yeager. Attorney Datte said there are things that we need to verify and discuss with Attorney Yeager before the Township can make any determinations of the facts.

David Lapinsky & Ted Rosen - wanted to follow up on the Revisions of the Water Extraction Ordinance. He wanted to know if Attorney Yeager supplied a report that had incorporated the hydrologist report, Hancock Maine and the lists of Items the Water Resource Committee recommended to the Water Extraction Ordinance. Chairman said Mr. Yeager did not supply that kind of report.

Larry Stivel stated the reason why we have been going through all this with the water extraction is to adopt a Water Extraction Ordinance and the Water Extraction Ordinance needs to be finished.

David Lapinsky suggests that the water Resource Committee & Planning should get back together to get some answers. Chairman instructed the secretary to contact the Planning Committees and set up a meeting in December to have an open discussion with the Water Steering Committee. The discussion will be about the status of the Water Extraction Ordinance, what we need covered in the Water Extraction Ordinance based on the comments from Attorney Yeager for Task #1. This meeting will discuss any questions that need to be answered to complete the Water Extraction Ordinance. The information from the Hydrogeologist Report & Attorney Yeager's Task #1 will answer some questions so the Committees can give recommendations to the BOS & Attorney Yeager to help complete this process.

Ted Bogosh III asked Attorney Datte if this special meeting have to be advertised. Attorney Datte said, "Yes, it should be advertised."

David Lapinsky - asked the BOS about updating to the Comprehensive Plan and does it coincide with the Update to the Zoning Ordinance? Chairman said the company that is doing our Zoning Ordinance Update suggested that we update our Comprehensive Plan.

Mr. Lapinsky also wanted to know about what we have in place for the safety in our Municipal Building. Chairman stated we have a panic button & cameras.

Helene Land - questioned Task #2 and asked for some clarification from the BOS. Chairman responded, the BOS was asked to update our current Water Extraction Ordinance which is Task #1 and Task #2 was to look at all Water Extraction that is going on in the Township now. Mrs. Land asked the BOS look into the Water Extraction in what way? Chairman said to look and see if everything is being done properly and in compliance.

Jay Land - believes that there was no Task #2 that said the Township was going to hire an Attorney to do an investigation into past conforming use parcels.

Paul Datte responded, we are not looking at whether or not something was permitted 20 years ago. Primarily what we are looking at is how the facility was permitted and is it being operated in accordance with the issued permit.

Helene Land said, so the Township is saying nothing was done illegally but zoning and permitting was done different?

Paul Datte said no that is not what we are saying. What we are saying is that we are looking at whether the activity being conducted on-site is consistent with the permits that have been issued & the applications for those permits. And if they are not there is potentially an issue.

Matt Bailey - questioned the BOS about a grant to fix Bolich Rd. Chairman said we got a grant for Bolich Rd. but we may have to go for a time extension because of the weather.

Unfortunately, the weather has all the road projects backed up.

Mr. Bailey's - suggestion - was about the discussion on Blue Mountain Dr. Mr. Bailey suggested we reline 309 South & North to accommodate a turning lane going North to turn onto Blue Mountain Dr.

Can PennDOT look into relining SR309?

Chairman asked the BOS if Bill Anders can talk to PennDOT about the relining of SR309.

Delroy Haas - would like to thank the BOS for painting the lines on Zions Stone Church Rd. The BOS thanked him for making it possible because he paid for the lines to be done.

David Pflueger - asked the BOS for shale for the piece of property the BOS gave to him. The BOS said we can give him shale but he will have to get a truck to haul it and spread it.

Jamie Shellhamer - had a question for Attorney Datte. Mr. Shellhamer asked Attorney Datte who is looking at the permits in question, that have already been issued by the Township?

Attorney Datte said Mr. Anders, the BOS, Attorney Yeager and I are looking at those permits.

Mr. Shellhamer asked why we don't have an answer for them. Attorney Datte said we have to talk to Mr. Yeager and clarify some things in order for us to make specific determinations on them. The Township wants to make sure Mr. Yeager understands what the underlying facts are.

#### **IX. Executive Session**

Chairman called for a motion for an executive session @ 8:44PM.

Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried.

9:15PM Chairman called the meeting back to order. Chairman stated the executive session was for litigation & personnel matters.

Chairman reminded everyone to go out to vote.

#### **X. Adjournment**

Chairman called for a motion to adjourn at 9:30PM. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township