

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

Phone (570)386-4507

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Regular 7PM Monthly Meeting
Monday, May 6, 2019

Present at the Meeting

Anthony Prudenti - Chairman (absent)
Timothy Houser - Vice-Chairman
Theodore Bogosh III - Supervisor
LLC
Karen Wittig - Treasurer (absent)

Katie Orlick - Secretary
Paul Datte - Solicitor
Jan Miller - Lehigh Engineering,
LLC

I. General

A. Call to Order

Tim Houser opened the Regular Monthly meeting @ 7:15PM with Pledge of Allegiance & Introductions.

B. Public Comment on Agenda Items - None

C. Review of Meeting Minutes - April 1st & 15th 2019

Tim Houser called for a motion to accept the meeting minutes. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

D. Treasurer's Report - April 2019

Tim Houser called for a motion to accept the Treasurer's report for April 2019. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

E. Approval of Bills for April 2019

Tim Houser & Ted Bogosh III questioned two bills and which account the bills would be paid from.

Ted Bogosh III suggested the BOS approve all the bills for the month with the exception of the two bills in question pending the Treasurer's comment. Tim Houser called for a motion to approve the bills with the exception of the two bills in question. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

F. Solicitor's Report

Paul Datte stated he didn't have anything to report except he will be meeting with Bill Anders about water extraction after Mr. Anders returns from vacation. Tim Houser called for a motion to accept the Solicitor's Report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

II. Land Use

A. Planning Commission recommended to the BOS to accept Central Spring's modification request to submit their plan as Preliminary/ Final. Tim Houser called for a motion to accept Central Spring's modification request. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

B. Planning Commission also recommends the BOS conditionally approves the Central Springs Preliminary/ Final Land Development Plan contingent upon comments being satisfied from Lehigh Engineering, LLC. Jan Miller from Lehigh Engineering, LLC did review the plan and said all comments were met as of 5/6/19. Ted Bogosh III made the motion to approve the Central Spring's Preliminary/Final Plan instead of conditionally approving it because the Engineer

already confirmed that all comments were met. Tim Houser seconded the motion. Motion was carried. 2-0

C. Tim Houser called for a motion to adopt Resolution No. 11 Conditionally Approving the Tite Properties, LLC Central Spring Service Land Development. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

III. Operations

A. Engineer's Monthly Report - April 2019

Jan Miller gave a brief update on Lehigh Engineering, LLC's letter dated 4/29/19 on pending Tasks.

Task #5 - as of 4/1/19 Mr. Anders is working with the Roadmaster to acquire bids on generator costs & installation to submit for approval from FEMA Hazard Mitigation Grant Program. Jan Miller submitted a grant through DCNR to rehabilitate West Penn Park East on 4/5/19.

Task #8 - Dollar General Land Development Plan & Breiner's Subdivision - The applicant recorded the plans 4/5/19.

Task #8 - Gholami Plan - as of 4/26/19 the applicant contacted Lehigh Engineering, LLC regarding requirements to modify the conditionally approved plans. To date no revised plans have been submitted.

Task #13 - Subdivision Improvement Inspections - Lime Kiln II Subdivision - Bruce Rader requested his letter of credit of \$6000 to be released. Mr. Anders conducted an onsite inspection of the pump house on 2/14/19. Mr. Anders recommended to the BOS to release the letter of credit because Mr. Rader is in conformance with the items that needed to be taken care of. The letter of credit was released on 4/1/19. That concludes Jan Miller's updates for the Engineer's report.

Ted Bogosh III asked Jan Miller if she had any information from Bill Anders about West Penn Park East. Bill Anders & Ted Bogosh III spoke about what the Township could do to prevent flooding onto the baseball field at the park. Jan Miller said Bill Anders recommends putting a levee on the westward side, by the cross pipe of the stream to the end of the property to help prevent flooding onto the baseball field. Tim Houser's concerned with the wetlands down at the park. Mr. Houser suggested we avoid doing anything near the wetlands. Ted Bogosh III stated the location that Mr. Anders is recommending is not near the wetlands. Mr. Bogosh III said Mr. Anders would address the BOS at the next meeting.

Tim Houser called for a motion to accept the Engineer's Report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

B. Code Enforcement Officers Monthly Report - April 2019

Tim Houser reviewed his Code Enforcement Report with the BOS. Mr. Houser questioned Paul Datte on the Nelson Galloway Property. Mr. Houser asked Attorney Datte if he had any updates about listing the property for Judicial Sale. Mr. Houser stated that the Township met with CDBG and there may be grant funds for demolition if the Township would acquire the property. Paul Datte stated he needed to follow up with the County about the Judicial Sale.

Tim Houser called for a motion to accept the Code Enforcement Officer's monthly report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

C. Sewage Enforcement Officer's Report - April 2019

Tim Houser reviewed the Sewage Enforcement Report with the BOS. The activities consisted of design reviews, and permits issued, test probes and malfunction inspections. Tim Houser called for a motion to accept to Sewage Enforcement Officer's monthly report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

D. Road Department's Monthly Report - April 2019

Tim Houser reviewed the monthly report with the BOS. The road department maintenance the Township building, equipment, cindered roads, had salt, Anti-Skid & #8 Stone hauled in, opened pipes & grates, mowed brush along Township roads, cut trees & low limbs. Tim Houser asked the Road Master to if he has anything to add to his report. Sing Harvey asked the BOS if they wanted to get the extended warranty on the Back Hoe. Mr. Harvey also informed the BOS that the Road Dept. was in contact with DEP to fix two pipes on Andreas Rd. Mr. Harvey said they will take care of the pipes after school lets out for the summer. Tim Houser asked if we would need permits from DEP for this project. Road Master stated we already have them. Ted Bogosh III asked where are the pipes are located that need to be fixed. Road Master said there are two four foot pipes that need replacing on Wertman Hollow Rd.

Ted Bogosh III asked the Road Master if he is in the process of obtaining the spotted lantern fly permit. The Road Dept. is in the process and they will be certified. Chester Snyder asked Ted Bogosh III who is in charge of enforcing the permits for the spotted lantern fly. Mr. Bogosh III responded that it his understanding the DEP is enforcing it. Mr. Bogosh III stated he believes it is \$200 for the first offense & \$20K for the second offense, from what he understands.

Tim Houser referred to a complaint he had received about Bolich Rd. Mr. Houser asked the Road Master if he added any additional pipe to Bolich Rd. Road Master stated he did not put additional pipe in on Bolich Rd. The property owner who made the complaint said he was getting a lot of water on his property & wanted to know if we can add pipe to help with his water issue. Mr. Houser reminded the residents that it has been a very wet start of the season and we are not putting any additional pipes in. The Township will be cleaning out inlets & replacing pipes only if they are broken.

Tim Houser also addressed a water problem at the Zion Stone West Penn Park. The Township got a grant to put in a walking trail at the park. Unfortunately, by doing so it created an issue with heavy rain water flooding the concession stand. Mr. Houser stated the Township got two estimates of \$1500 each to put a three inch additional layer of cement on the concession stand floor to help prevent the flooding. Mr. Houser expressed that he feels the Township is obligated to help with this situation because the issue became a problem after to walking path was installed. Tim Houser called for a motion to allow the Township to spend \$1500 to lay an additional 3 inches of cement on the concession stand floor. Ted Bogosh III made the motion to raise the concession stand floor at a cost of \$1500. Tim Houser seconded the motion. Motion was carried. 2-0 Tim Houser called for a motion to accept the Road Dept.'s monthly report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

E. Police Monthly Report - April 2019

Tim Houser read the police report for April. The report states that the police patrolled 8,938 miles, 280 total traffic, 341 total calls and \$5,642.00 fine money received. The Police Dept. is working on the impound lot. The Sgt. & The Cpl. held a DARE Challenge program with 5th grade at the West Penn Elementary. The Police Dept. had other involvements throughout the month doing daily security checks at the West Penn Elementary, setting up the ENRADD system on the back roads for speed reinforcement & having meetings with officers to update them on Act 79 & the new Jnet changes. Tim Houser also wanted to remind residents, they are not allowed to blow grass clippings on the roads. Blowing grass on the roads will create a slick roadway for motor vehicles especially motorcycles. If you are caught blowing the grass on the road it could cost you up to a \$300 fine. Tim Houser called for a motion to accept the Police Report for April. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

F. Fire Company's Monthly Report -March & April

Tim Houser reviewed the Fire Reports for March & April.

In March the Fire Company responded to 12 emergency calls & in April they responded to 22 emergency calls. Mr. Houser reminded everyone how important it is to support the volunteer fire company. Mr. Houser said one way you can support the volunteer fire company is by attending their monthly breakfast. Tim Houser called for a motion to accept the Fire Company's monthly support. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried.2-0

G. Ambulance Monthly Report - April 2019

BOS reviewed the Monthly Ambulance Report. The Ambulance had 31 calls and 124 calls year to date. The calls consist of breathing problems, abdominal pain, heart problems, traffic accidents and being sick.

Tim Houser called for a motion to accept the ambulance report. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

IV. Old Business

A. PennDOT's response to our request of lowering the speed limit to 45mph along SR895/ Summer Valley Rd. & eliminating the passing zone along SR895/Summer Valley Rd. to Dorset. The Township received a correspondence from PennDOT addressing the letter the secretary sent dated April 10, 2019. The letter stated their department will conduct a traffic & engineering study of this roadway within the next 4-6 weeks. Once the study is complete, they will notify us on their findings.

Tim Houser instructed the secretary to contact PennDOT and let them know there is a 55mph sign missing on SR309 near Patriot Gutters.

B. Bridge Inter-Municipal Cooperation Agreement

Tim Houser said the County is requesting the Township's help in maintaining the County's Bridges that are in West Penn Township. The County would like us to sign an Intermunicipal Cooperation Agreement if we decide to help maintain those bridges. The County Bridges include Bridge 51 - St. Peter's Rd (T-930); County Bridge 54 Ridge Rd (T-983); County Bridge 55 - Ash Circle (T-814); & County Bridge 56 - Andreas Rd. (T-960). Mr. Houser said the terms of service would be:

- Grass cutting/weed whacking & pruning - along the guiderail & 3-4' behind the guiderail, & 3-4' along the abutment slope.
- Trim brush/limbs overhanging the bridge that could affect vehicle travel & around all signs to keep visible
- Cleaning & sweeping of deck, drain opening & cleaning
- Remove fallen trees or debris in stream channel underneath bridge & 50' upstream & downstream of bridge. If tree or debris is too large to remove with typical hand tools, notify the county.
- Minor pothole patching, sealing, concrete patch & minor erosion issues
- Install/remove or change signs associated with the bridge, such as hazard panels, weight posting & advance warning signs - County can provide or Township can invoice by supplying the supporting receipts
- Notify county of any issues with the bridge

Tim Houser said the compensation from the county for performing the above duties would be at a rate of \$50/hour per Township employee. The Township will invoice the County on a monthly basis, noting the bridge location, hours worked, & Township employee. Payment may

be submitted for supplies associated with pothole patching or concrete repairs and signs, upon providing invoice & location where used.

Tim Houser asked the Road Master to go out and inspect the bridges to see how much work would need to be done. Mr. Houser also wanted to know from the Road Master if the Township had the time & was capable of maintaining these bridges. Tim Houser asked the Road Master elaborate on the bridge situation. The Road Master stated that his crew is capable of doing the work but his concern is if they would have time to do the work. Tim Houser asked Ted Bogosh III how he feels about the Intermunicipal

Bridge Agreement. Ted Bogosh III believes the Township has participated in this agreement before. Paul Datte stated that we reviewed this agreement last year. The secretary said yes, we didn't act on it because we had questioned if we would be compensated for the materials we use to maintain those bridges. The secretary said she believe the agreement in front of the BOS is the revised agreement that says about compensation of materials. Paul Datte stated this agreement does state about reimbursement of out of pocket expenses plus \$50/hr each employee. Tim Houser asked Ted Bogosh III what he thinks we should do. Ted Bogosh III said first we need to get the fire company to clean off all our bridges. Ted Bogosh III said that the Township contracts out the weed spraying for bridges & signs, so the road crew will not have to worry about that part of the maintenance. However, Paul Datte suggested we talk to the County and ask if we contract certain maintenance for the bridges out will the County going to cover those costs. Tim Houser made the motion to accept the Intermunicipal Agreement with the County for the Maintenance of the County Bridges. Ted Bogosh III seconded the motion. Motion was carried. 2-0

V. New Business

A. Tim Houser announced the BOS for Monday, May 20, 2019, @ 7PM will be held at the West Penn Twp. Fire Company, instead of the Municipal Building because of Election set up.

B. Tim Houser called for a motion to adopt Resolution No. 12 of 2019 Schuylkill County Hazard Mitigation Updates. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

VI. Business from Anyone on the Board

A. Plans for behind the Police Station. Tim Houser stated that there have been some ideas on what the property behind the police station should be used for. Mr. Houser said the ideas include solar panels or a heliport. Tim Houser said we should figure it out after we are done with the roads. Mr. Houser believes that once the roads are done we will know how much land we have to use. Ted Bogosh III agreed and no decisions have been made about the property behind the police station.

B. Stop Sign Resolution

Tim Houser asked Paul Datte what we would need to do in order to change a stop sign. Paul Datte stated the Township has an ordinance on Stop Signs. If the Township would want to change, move or add a stop sign a Resolution would have to be passed. Attorney Datte said he would need the road & "T" number and the road it intersects & that "T" number. Chester Snyder suggested the side roads should have the Stop Signs not the Main Roads. Paul Datte will set up a Resolution for the stop signs to adopt at the next Township meeting.

C. PSATs

Ted Bogosh III spoke about the PSATs conference & the benefits of going to the Conference. Mr. Bogosh III also said PSATs has an office in Harrisburg to support Townships. PSATs supported and voted on along with other Supervisors that attended the PSATs Conference of increasing the wages of the Supervisors. Ted Bogosh III voted against that vote. Mr. Bogosh III believes

the Township should be run by the business people who live in the Township, who got a business sense about them. Mr. Bogosh III stated working in the Township & running the Township should be a privilege and our wages help offset the costs that we incur.

Mr. Bogosh III also said another topic that PSATs addresses is if we do anything does do anything behind the police station the Township can charge fees but we cannot make a profit.

D. Bridges

Ted Bogosh III took a class about bridges at the PSATs conference. Mr. Bogosh III stated one thing we have to do is get the fire company to go out and wash the decks and get the salt off the bridges. Ted Bogosh III also suggested we contract out to local masons to do some mason repairs to the bridges to give them a longer life. Mr. Bogosh III discussed the weight limit on the Water Wheel Bridge. When the BOS & Road Master went on the road inspection for the year they looked at the Water Wheel Bridge to determine what repairs need to be done. Mr. Bogosh III wanted to speak to the engineer and ask him why there is a weight restriction on the bridge. Mr. Bogosh III also wanted to know if the Township made the proper repairs can the weight restriction be eliminated. Paul Datte said typically we would have adopted an ordinance establishing the weight limit on the bridge. Ted Bogosh III stated that if a bridge has a weight restriction then it would have to get inspected every year. The secretary said she got a phone call and they inspector stated the weight limit needs to be reduced to 14 tons until repairs are made. The Bridge is currently at 18 tons. Tim Houser is concerned with the costs repairs of the five bridges at an estimated cost of \$330K. Some of the repairs our road crew can do but we are going to have to start to budget repairs into the budget before they get into a critical state. The BOS did inform the residents that our bridges our safe but they do need yearly maintenance to last.

E. Liquor License

Ted Bogosh III questioned how the EZ Market has a Liquor License after the fact we denied them a Liquor License previously. Ted Bogosh III asked Paul Datte to inform every one of the situation. Attorney Datte stated the Liquor License that the EZ Mart obtained was not the License the Township denied.

Attorney Datte stated the Liquor License that the Market got was already a license that was in our Township. Attorney Datte also stated you do not need the approval of the BOS if the License is already in the Township. The only time you would need the BOS approval if you would transfer the License from another Borough or Municipality into the Township. Ted Bogosh III stated one of the reasons for not allowing the transfer to happen was because of the daycare being in the close proximity. The applicant would have to comply with the LCB regulations. As far our zoning ordinance our engineer would have to find out if the Liquor License violates or requires any relief under our zoning ordinance.

F. J.E. Morgan Memorial Park East - Discussed previously in meeting.

G. Spotted Lantern Fly - Road Department is working on getting their vehicles permitted. Ted Bogosh III said Penn State has free online classes that deal with the Spotted Lantern Fly. Tim Houser said if you have sumac trees or tree of heaven on your property cut them down the Lantern Fly is attracted to those trees.

H. Ted Bogosh III added information about the Tamaqua Animal Rescue. They are having a Dog Walk Fundraiser. If anyone is interested in giving a pledge you can call 570-617-1706.

VII. Correspondence - None

Tim Houser said that he received some correspondence in the form of complaints. Residents are concerned with potholes. The complaints get put on a list and the Township will get to them when they can. The Township is in the process of doing different road projects that have

deadlines. If the Township does not meet those deadlines they can lose funding. Mr. Houser stressed that we have to prioritize and the weather conditions have to be right. The Township is asking for the residents to be patient.

VIII. Public Comment on General Items

Ted Rosen - Dogwood Lane - Mr. Rosen wanted an update on Water Extraction. There will be a meeting between Bill Anders & himself to discuss the Ordinance. Mr. Rosen asked about "Task B". The Water Extraction Attorney is handling "Task B" and is trying to find more information. Attorney Datte stated we need to draw the line and aske the Attorney for his conclusion on the topic.

Dave Pflueger - Blue Mountain Drive - Ask Paul Datte about Railroad Right-of-Ways. Mr. Pflueger asked why the railroad does not go back to the property owner after they are done with the Right-of-Way.

Paul Datte said it depends how the Railroad acquired the land and how the Right-of-Way was established.

Mr. Bailey wanted to know PennDOT's response to the request of lowering the speed limit on Summer Valley Rd. PennDOT stated they would do a road study in the next 4-6 weeks. PennDOT will notify the Township of their results.

Clint Schock stated the West Penn Athletic Assoc. wanted to thank the BOS for fixing the concession stand floor at Zion Stone West Penn Park.

Chester Snyder- concern is spreading chicken manure on fields close to resident's home. Tim Houser asked Attorney Datte if we need to get Soil Conservation involved to find out if there is a manure management plan and if the farmer is following the ratios. Paul Datte stated that he believes it is a DEP issue. Tim Houser stated we have to get Bill Anders involved and if we have an ordinance to see if we have anything about regulations of spreading manure. The issue to enforce our ordinance, we may run into is "The Right to Farm". Mr. Houser advised Mr.Snyder to file a complaint form in the Township so we can address the issue.

Mr. Snyder asked the BOS how to address water runoff coming from someone's property. The BOS instructed Mr. Snyder to fill out a formal complaint so the Township can act on it.

IX. Executive Session - None

X. Adjournment

Tim Houser called for a motion to adjourn the meeting @ 8:38PM. Ted Bogosh III made the motion. Tim Houser seconded the motion. Motion was carried. 2-0

Transcribed By:

Katie Orlick

West Penn Township Secretary

