**West Penn Township Board of Supervisors**

**27 Municipal Road**

**New Ringgold, PA 17960**

**Phone (570)386-4507 Fax (570)386-5851**

**Regular 9AM Monthly Meeting**

**Monday, July 15, 2019**

**Present at the Meeting**

**Tony Prudenti – Chairman Katie Orlick – Secretary**

**Tim Houser – Vice-Chairman Paul Datte – Solicitor**

**Ted Bogosh III – Supervisor Jan Miller – Engineer**

**Karen Wittig – Treasurer (absent)**

**I. General**

**A.** Anthony Prudenti called the meeting to order with the Pledge of Allegiance & Introductions at 9:05AM.

**B.** Approval of Monthly Bills for June/July

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

**II. Public Comment on Agenda Items**

**III. Land Use** - None

**IV. Old Business**

**A. Bartasavage**

Chairman asked the Township Solicitor Paul Datte if the Township can give back the remaining escrow from the Bartasavage’s Subdivision. Paul Datte said he will have to look into & read the Land Development Agreement. Mr. Datte suggested the Township should not wave the requirements for the detention ponds. Paul Datte asked the BOS if the escrow from this subdivision is for regular engineering fees or was it an escrow for performance of the detention ponds? Tim Houser asked the Engineer if the water detention ponds were on the original submission when the Planning Commission approved the plans. Tim Houser asked if there were any complaints about water run off since they developed the land. Jan Miller said; yes, it was on the original plans that they were to construct the basins & they didn’t which they are in violation of the development agreement. Jan Miller said she has not heard any complaints since three years ago but there is always that risk of the neighbors downstream from them having issues. Ted Bogosh III asked can we check with the neighbors downstream before we release the escrow. Jan Miller said the escrow was set up to pay for the engineer’s time or for anyone else’s time or work. The Township would not be responsible to pay for it. Paul Datte recommends holding off before making any decisions until he reviews the file. Attorney Datte said he dealt with these kinds of agreements in the past, detention basins are required on each lot & you record a document. The document we have is recorded however Attorney Datte was unsure if it speaks to the issue of the construction of the detention basins. It becomes the responsibility of whoever owns the lot at the time the construction is done to construct the basin at that time as opposed to putting basins in up front before you even develop the property. Chairman feels that it has been @ least 5 years ago since this all started & why is the Township going to follow up now? Chairman’s concern is if we send someone to inspect the property and our Attorney reviews the agreement, more money will be taken away from the escrow that we already held for five years. Ted Bogosh III suggested we have our Road Master talk with the people downstream to see they are having any issues. Tim Houser feels that we need to follow up on this issue whether it is five years old or not. Mr. Houser said if we conditionally approved the plans contingent of the work being done and the work was never done, we should have never approved it. Mr. Houser stated the Township cannot set precedence and not follow through with completion of agreements. Jan Miller questioned the BOS, if something happens down the road from now, who is responsible for it? Paul Datte stated there is an indemnification provision in the agreement, where the property owner indemnifies the Township for damages or injuries related to the approval construction or maintenance of the required improvements. Paul Datte questioned the issue whether the improvements were done or not. Paul Datte said the primary issue is why they didn’t do the improvements. The secondary issues were the basins needed. Paul Datte suggested deferring vote until next meeting. Paul Datte instructed the secretary to see what kind of financial security we required the applicant to have whether it was a bond, check or cash.

Chairman asked if the MPC call for a time limit on how quickly improvements must be made. Attorney Datte stated the agreement required the improvements to be constructed with in one year. Chairman asked how long we can keep their money. Attorney Datte said the escrow for engineering does not have a time frame. Chairman asked the secretary to talk with Karen Wittig/Treasurer and ask her to track moving forward how much money we will be spending on this particular project. Paull Datte suggested that the property be physically inspected by the Engineer & then get a written statement from the Engineer. Attorney Datte said that inspection can be deducted from the escrow. Chairman asked the BOS if they want to make a motion to have the Engineer & Lawyer look into this. Tim Houser stated he would like to know exactly what the escrow was for whether it was for professional fees or performance agreement. Mr. Houser said the inspection may take 45 minutes. Chairman asked the BOS to make their motion. Tim Houser made the motion that the Engineer inspects the property to make sure there are no issues with water runoff or erosion. If the Engineer comes back with a positive report we wave the issue of the detention ponds & release the remainder of the escrow. Attorney Datte said he suggests we get the property inspected to determine if there are basins there or not. If they are there then we need to address the maintenance of the basins unless the Engineer comes back and said the basins are not necessary then we can release the funds. Attorney Datte said their time needs to be deducted from the escrow. Ted Bogosh III asked if the motion being made includes inspecting of the downstream property.

Attorney Datte said he doesn’t think that is necessary because you will be inspecting the main property and you would see if there were any issues. Engineer agreed with Attorney Datte. Ted Bogosh III seconded the motion. Chairman opposed. 2-1

**V. New Business**

**A. ESRC – Motion to Adopt Resolution # 16 of 2019.**

Chairman reviewed the Intergovernmental Agreement of Cooperation Resolution with the BOS. Chairman stated that The Township should have one Supervisor & one member of the public as the Township’s representatives for the ESRC but right now we have 2 members of the public. Chairman said if we do agree with this agreement we should discuss our representatives in the beginning of the year so we have at least one Supervisor & one member of the public. Chairman said ESRC is asking for a $3000 donation from the Township. Chairman stated they are asking Middleport Borough $1000, Rush Township $3000, Schuylkill Township $1000, Walker Township $900, Tamaqua Borough $6000 plus payroll & accounting, and Tamaqua School District $2500. Chairman said this updated Agreement shall be effective January 1, 2020 & shall be for a length of 3 years ending December 31, 2023. Tim Houser asked how they determine the donations, population or size.

Chairman would like the Township’s Solicitor to review the Agreement. He also would rather a yearly Agreement. Tim Houser questioned when was the last time they helped us get a grant? Chairman said ESRC just helped us apply for the park east grant. Chairman said when a Township or Borough participates in an intergovernmental agreement they get “points” when applying for grants. They did help us about 10-12 years ago get a $150,000 grant. Chairman would like the Solicitor to look at it.

**VI. Business from Anyone of Board**

**A. Andreas Sewage Meeting** – August 5, 2019 @ 5:30PM followed by Regular Twp. Meeting.

**B. Improve Intersection of SR 309 & Blue Mountain Drive**

Ted Bogosh III said residents have expressed concerns about the intersection of SR309 & Blue Mountain. Drive. Mr. Bogosh III stated some time ago he suggested several options of how to help correct this intersection. Mr. Bogosh III recommends before an accident happens he feels we should do something to correct the problem. Mr. Bogosh III recommends we add two more lanes to Blue Mountain Dr. Mr. Bogosh III also recommends we talk to PennDOT to change the line painting to add a turning lane on SR 309. Mr. Bogosh III would like to find out the cost of this project. Mr. Bogosh III stated our road crew can install the road. Mr. Bogosh III said Mr. Bailey who already agreed to donate the property is one of the people concerned about the safety factor. Mr. Bogosh III asked the BOS to start the process and at least get a cost estimate. Chairman said it is his concern as well but would we have to get PennDOT involved?

Paul Datte said yes because the intersection of Blue Mountain Drive meets SR 309. Chairman would like to know the costs associated with it and how do we budget for it. Tim Houser said he feels we can move ahead and get some cost estimates. Tim Houser said he is not sure if widening the intersection will solve the problem but it may help. Jan Miller suggested maybe we should talk to PennDOT first. Chairman said he thinks Bill Anders did already and Jan Miller should follow up with him. Ted Bogosh III said Mr. Bailey agreed for us to use his land to widen the intersection but Mr. Bogosh III suggested we get it in writing. Tim Houser said we still would need PennDOT approval too. Chairman called for a motion to have Lehigh Engineering, LLC find out if PennDOT was contacted about this intersection & see what we can do from PennDOT. Mr. Bogosh III asked if Lehigh should design the intersection or can our road crew do it. Paul Datte said you will have to get approval from PennDOT because you will be working in their right-of –way. Attorney Datte stated we can design it but we would still have to get PennDOT’s approval. Attorney Datte also said we would have to get Mr. Bailey’s property surveyed to provide him what portion we may need to widen Blue Mountain Drive. Chairman called for a motion to have the Engineer get a price estimate on this project & contact whoever they need to & move this project forward. Tim Houser wants a cost estimate from the Engineer & how many hours they are going to put into the project from that aspect first before they start doing surveys & designs. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

C. Move the Road Direction Sign near SR895 St. Luke’s – Too close to the helipad.

Ted Bogosh III stated that the helipad down by St. Luke’s Urgent Care in Snyders needs to have a road directional sign moved because it is 40ft from helipad. The pilots like when there is a clearing at least a 100ft from landing site. Mr. Bogosh III would like to request we contact PennDOT and asked them to move the sign away from helipad. Chairman asked the secretary to write a letter to PennDOT requesting them to move the directional sign away from the helipad. Tim Houser suggested Ted Bogosh III to do the request.

**VII. Correspondence** - None

**VIII. Public Comment on General Items**

**Tim Houser** spoke about the sewage situation in Andreas. Mr. Houser said we discussed different options but he would like to know legally can we ask the neighbors to cooperate and have them put into their deed to have shared services because of lot size. This option would help the Township avoid extreme expense. Attorney Datte said he thinks they can enter into an agreement called a declaration. It would be a recorded document that the property owner’s successors would be bound to the agreement. This agreement would reference the properties and what each properties responsibility would be. Attorney Datte said the hardest thing would be getting the property owners to agree. Chairman invited Paul Datte to attend the sewage meeting at 5:30PM 8/5/19. Chairman asked the Attorney about a property that is malfunctioning but it went into foreclosure. Attorney Datte stated that a foreclosure does not require the same disclosures about a property as a regular realtor requires. Attorney Datte said that whoever buys a foreclosed property is responsible to find out about the property. The property will be sold as is. Tim Houser asked if the individual’s band together to buy that piece of property & level it & put a community well on it. Mr. Houser asked if the property owners can band together and create a home owner’s association rather than the Township getting involved.

**Ted Bogosh III** discussed with the BOS the intersection of SR309 & SR443. If you have a large vehicle, & you are turning left on SR309 from SR443, your vehicle may block traffic coming from SR309 to SR443. That can be a potential hazard & cause an accident. The BOS suggested Ted Bogosh III includes this concern with his letter to PennDOT about moving the directional sign away from the helipad.

Jan Miller asked the BOS if she can contact the structural engineer that Lehigh works with about Water Wheel Bridge so they can start the repair process. Tim Houser suggested we contact a company in the Lancaster area that has eye beams specifically for this purpose. Mr. Houser said they also have a structural engineer that is available to look at the bridge. They would present a plan & costs to do the work. Chairman asked who would have to approve the plan. Jan Miller stated it would have to go through PennDOT. Jan Miller said we would be replying to PennDOT because they did the bridge inspection. Mr. Houser said we would have to fix the outside eye beam. Chairman said if we are responsible for it he would like the Township engineer to come up with the plan. Clint Schock said the Lancaster Company will tell you what kind of eye beam they would use to fix it. Jan Miller said that the structural engineer that Lehigh uses will let us know the plan & costs of the plan. Ted Bogosh III asked if that company is costar approved. Chairman said we will probably have to bid it out. Paul Datte said if the beam & installation of the beam is more that approximately $20 thousand then we would have to bid it out. Chairman suggested the Twp. Engineer contact the structural engineer & the structural engineer from the Lancaster Company and she will see which one is best suited for the job.

**Chairman** wanted to talk about Solar Panels.

Chairman said we have two options, one we have to buy solar panels our self but we do not qualify for the government rebate of 30% because we are a non-profit organization. Our payout would not be for 17-18 years & the product is only good for 20 years.

Tamaqua Area School District is doing a program that they have a private investor come in & use that 30%. After the first 6 years they want you to buy the system @ 50% of the costs. This agreement is for 20 years. Their projections are based on carbon credits. Chairman is concerned with the agreement being for 20 years but if we put in this system we would be locked into 3.5 cents/kilowatt. Right now we pay about 6 cents/kilowatt. This program needs to be at least 20% involved by the end of the year or they knock the value of our credits down. Chairman said we will have to make some type of decision. Attorney Datte would have to review the agreement. Attorney wanted to know where the panels would be. Chairman said on the bank behind the municipal building. Tim Houser said he wouldn’t bank on carbon credits. Chairman wanted to know who is responsible for maintenance on the system. Chairman’s concern is maintenance, 20 years and who is liable if something goes wrong. Chairman suggested we have the company come to a meeting to discuss the program.

Clint Schock asked the BOS if he can hire seasonal help. The BOS agreed to do interviews.

**IX. Executive Session** - None

**X. Adjournment**

Chairman called for a motion to adjourn the meeting @ 10:25AM. Tim Houser made the motion. Chairman seconded the motion. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary