**West Penn Township Board of Supervisors**

**27 Municipal Road**

**New Ringgold, PA 17960**

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

**Regular 7PM Monthly Meeting**

**Monday, October 7, 2019**

**Present at the Meeting**

**Anthony Prudenti – Chairman Katie Orlick - Secretary**

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

**Theodore Bogosh III – Supervisor Rodd White – Lehigh Engineering, LLC**

**Karen Wittig** – **Treasurer**

**I. General**

**A**. Open Meeting/ Pledge / Introductions

Chairman opened the meeting with the Pledge of Allegiance & Introductions at 7PM.

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

**C**. Review of the Minutes – September 9th & 16th, 2019

Chairman called for a motion to accept the meeting minutes for September 9th & 16th.

Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**D**. Treasurer’s Report – September 2019

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 – September 2019

Chairman called for a motion to approve three bills from the September 16, 2019, meeting. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Chairman called for a motion to approve all of the September bills. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F. Solicitor’s Report**

* Cramer Property – Solicitor Paul Datte said the Cramer Property was dedicated to the Township for the Rails of Trails. He attended an exemption hearing along with Chairman Prudenti before the Board of Assessment Appeals. Solicitor Datte said the exemption was granted.

Tim Houser mentioned to the BOS that he looked at the trail and he said in regards to the Act 537 this trail runs about 1.7miles / 1.8 miles from East Penn to Andreas. Mr. Houser suggested we establish exactly where the Rail Road Bed is and start clearing it. Chairman said that we acquired the land to connect to the Walking Trail of East Penn. We will be looking for a grant funds to assist us with the clearing & developing expenses. This Rail Bed may also be used to help connect our sewage system which will not impact our Walking Trail at all.

* Attorney Datte also said in his report he prepared a Resolution to transfer the last of the annuity contracts of former employees. This Resolution would be transferring ownership of the John Hancock Annuity Contract directly to Tim. M. Houser, which is the beneficiary.

This annuity contract dates back to when Mr. Houser was employed by the Twp. Chairman made a motion to adopt Resolution No. 24 of 2019. Ted Bogosh III seconded the motion. Tim Houser abstained because it was for his benefit. Motion carried. 2-0, 1 abstained. Chairman called for a motion to adopt the Solicitor’s Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**II. Land Use** – None

**III. Operations**

**A**. Engineer’s Report – September 2019

Rodd White reviewed the Engineering Report with the BOS. Mr. White said he had received cost estimates/proposals, dated October 4, 2019 from Providence Engineering Corp & Bill Anskis Company, Inc. Proposals are based on repairs as recommended by Witman Engineers & Consultants, LLC, dated September 13, 2019. Lehigh Engineering had to move on from Witman due to lack of responsiveness. Providence proposal is design & construction management in the amount of $14K. Anskis proposal is for construction in the amount of $79,778. Lehigh will use these estimates for Penn DOT Intermodal grant application. The Intermodal grants have projects staring at $100K. The estimates will have some more added cost for paving and there will be some other adjustments which will at least be 100K or more. Lehigh is starting the grant application. Chairman asked the BOS if it is ok that Lehigh proceeds with the grant application. Tim Houser said he agrees with applying for the grant because the costs came in substantially higher than anticipated.

Rodd White wanted to update the BOS about SR309 & Blue Mountain Dr. The BOS expressed concerns of the intersection on SR309 & Blue Mtn. Dr. and trucks turning into traffic onto SR309. Lehigh is preparing costs estimates for the work required to improve the intersection. They also are preparing a legal description for Attorney Datte to use for the deed of dedication for the additional right-of-way to the Township to widen the gravel shoulder area.

Chairman questioned Task #5 of the Engineer’s report regarding alternate funding sources. Mr. White said he misspoke; the alternate funding was to look for other funding for generators.

Chairman said he feels that we do not need to proceed with generator funding.

Mr. White said in regards to the Comprehensives Plan, they will have two more committee meeting, prior to submitting a draft to the Planning Commission. The next Comp. Plan meeting is October 21, 2019. Additionally, Lehigh will attend the Zoning Update meeting October 14, 2019 to ensure the Ordinance changes & comprehensive plan is in alignment.

Chairman asked the BOS for a motion to accept the Engineer’s Report.

Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-02

**B. Code Enforcement**

Zoning – 21 permits were issued, 4 were denied, and no driveway permits issued. Chairman asked Rodd White if there is any way to get out of the Uniform Construction Code Business. Mr. White said I don’t believe there is. Attorney Datte asked in what respect. Chairman said he does not want to subject our residents to the Uniform Construction Code. Attorney Datte said you can OPT out of enforcing the code and the state will inspect but not the Code itself. Chairman called for a motion to accept the Code Enforcement Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**C. Sewage Enforcement Report**

Chairman reviewed the SEO report with the BOS. The SEO’s report consisted of 1 repair permit, 1 site evaluation, 1 design review and 3 interim inspections. The activity report – 2 new permit applications, 2 site evaluation, 2 design reviews and 2 new permits issued.

There were no malfunctions reported or investigated during this period.

Chairman called for a motion to accept the Sewage Enforcement Officer’s Monthly Report. Tim Houser made the motion to accept the SEO’s monthly report. Ted Bogosh III seconded the motion. Motion was carried.

**D. Road Department’s Monthly Report**

Chairman reviewed the monthly Road Report with the BOS. The Road Report consisted

Of general maintenance to Township building & equipment, mowing shoulders, paved drain pipes on Ash Circle. Paving done on Andreas & Ridge Rds. Patch pothole with cold patch, cleaned up branches, cleaned & dug out pipe at Retreat Village, line painting is complete, finished mowing in Tamaqua, installed Morgan Park sign, cut & removed tree on Dorset, met with liability insurance agent and took delivery of new jumping jack tamper.

Chairman said the Road Department is looking to buy a new dump truck with a plow.

The Road Department had four quotes. Kovatch Ford was $82,697.90 for a Ford F550 the truck wouldn’t

be ready until January of 2020. Hondru said they have a 2018 Dodge Leftover for $88864.00 and a Ford

F550 for $86,999.00 which had a build time of 3-4 months. The Road Master met with a salesman on

September 4, 2019 but he never got back to us with a quote, for a Chevy 5500. Chairman asked if the

vehicle’s specs are the same. The Road Master said yes they have the same body & plow; the difference

would be the chassis. Chairman said the cheapest is from New Holland Auto Group at a price quote of

$82,419. Chairman asked the Road Master if he got a trade in price for the truck we already have. Road

Master said we have to take pictures & send photos to New Holland and they will give us a quote on our

trade in. The other dealers were not interested in our trade in, they said Municibid would be our best

option. Road Master said the vehicle from New Holland is already put together. All the quotes are

through the CoStars Program. Ted Bogosh III asked if the warranty on the New Holland Truck can be

taken to any Ford Dealer for service? Road Master said yes, you can take any Ford to a Ford dealership.

Road Master Clint Schock said the only time you have to go back to the original dealer is when we

would need something done to the body of the truck. Tim Houser had the same concern. Chairman

asked Karen Wittig our Township Treasurer about financing for the truck. Chairman asked the Treasurer

if we can afford the truck. Treasurer said we are good that we may even pay one of our vehicles off early

because the Road Master said there is money left over in their budget now. Chairman said the police

department would like to buy two new vehicles as well. Chairman said right now the Township is

working on figuring out the budget for next year and he will not raise taxes because of vehicles. Road

Master said that if we don’t get the truck that is ready and we order a different one, we will not have it

for this snow season. Road Master also said we will then have to put more

money in the truck we have now. Tim Houser asked the Road Master what he feels we would get for the

truck we currently have. Road Master said about $10K. Tim Houser made the motion we buy the truck.

Ted Bogosh III seconded the motion. All in favor. The motion was carried. 3-0 Chairman continued with

the Maintenance Report for September.

Chairman called for a motion to accept the Road Departments Monthly Report. Tim Houser made the

motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Police Report**

Chairman reviewed the police report with the BOS. The police department reported that they patrolled

6,834 miles, issued 247 traffic citations, issued 79 warnings, which totaled 326 total traffic citations &

warnings, and answered 345 calls. The total fine money received is 6,538.92 and they received $4,450

from Impound fees, totaling $10,988.92. The calls consisted of animal complaints, EMS assists, assisted

other departments, bad check complaint, accidents, harassment, criminal mischief & domestic

complaints. The police department also attended magistrate hearings & county hearing. They police

department reviewed vehicle pricing, attended school safety committee & officers attended a joint

school training at Tamaqua High School. Chairman asked Chief Johnson when he would be retiring our

K9. Chief Johnson he plans to retire our K9 unit in 2020. Tim Houser asked Chief Johnson if he heard

anything back from Walker Twp. Attorney Datte said he heard from Walker Twp. Attorney Datte said

Walker asked if West Penn would give a breakdown of the $38.50. Chief Johnson has it broke down by

hour, insurance, wear & tear of vehicles and liability. Chairman called for a motion to accept the

monthly police report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was

carried. 3-0 Chairman continued to discuss the Chief’s request to purchase two new 2020 vehicles. Chief

would like to purchase two new 2020 RAM 1500 Classic SSVs. New Hollands price is $40,456 fully equip.

Two other quotes the Chief got was $48,889.21 from Kovatch for a Ford Pick-up fully equip. Kovatch

gave another quote of 45,520.72 for a Ford Explorer fully equip. Ted Bogosh III said the Chief assures

him that we would be able to afford the two police cars within the Police Department’s budget.

Chairman asked the police chief if we order them when would they be available. Chief said it would be

at least fourteen weeks until he would be able to get them which will be by next year. Chairman asked

the Chief how will he get them painted. Chief said they will be all black with the ghost lettering. Ted

Bogosh III called for a motion that we purchase the two Dodges that are listed by the Chief. Tim Houser

seconded the motion. Motion was carried. 3-0 Chairman asked the Chief what are we going to do with

the Crown Vic and the old 2008 Ford Explorer? The Chief said there maybe someone that is interested in

both vehicles. This person has a vehicle in the impound that is not worth what it will cost him to get it

out of the Impound.

**F. Fire Company’s Monthly Report**

Chairman reviewed the Fire Company’s Report for August of 2019. The Report consisted of 18 total calls. The calls consisted of accident with entrapment, medical assists, brush fire, 4 trees down and one automatic alarm. The fire company rented out their hall, had monthly breakfast and had a Hunter’s Safety Course. They also did weekly drills & prepared for the Fire Convention.

Chairman reviewed the September Report with the BOS. There were 21 calls for the month of September. The report consisted of vehicle accidents, medical assists, down trees & down pole. The Fire Company performed monthly drills & did dry hydrant pumping. They also had their hall rented and had their monthly breakfast. The Fire Company’s upcoming events Cancer Bingo, Breakfast, Halloween Parade for Andreas & Tamaqua. Chairman asked the BOS if they had any questions. Chairman called for a motion to accept the Fire Company’s Reports for August & September. Tim Houser made the motion to accept the Fire Company’s Reports for August & September of 2019. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**G. Ambulance Report**

Chairman reviewed the Ambulance Report with the BOS. The report consisted of 37 total calls for the month. The Ambulance responded to 34 calls in West Penn, 2 in Tamaqua & 1 in East Brunswick. Types of calls consisted of adominal pain, breathing problems, life assists, traffic accidents, diabetic problems & patient evaluations. Chairman called for a motion to accept the ambulance report for September of 2019.

Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**IV. Old Business** – NONE

**V. New Business**

**A**. Motion to order vehicles – Motions were made previously in the meeting.

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

**A**. The BOS meeting for November 4, 2019 will be held at the Annex building @ 7PM because of Election Set Up.

**B**. Intermodal/Multimodal Grant – was discussed previously under Engineer’s Report.

Chairman asked the BOS if they would like Rodd White of Lehigh Engineering, LLC to look into a grant for the Walking Trail. Chairman & Tim Houser agreed to have Lehigh find out what grants are available for our Walking Trail.

**C.** Chairman said the BOS were asked to attend a meeting with the Fire Department. It is an informational meeting on Wednesday, October 9th @ 7PM. Chairman asked Attorney Paul Datte if we had to advertise. Attorney Datte said you do not have to advertise if you are not deliberating or taking action. Chairman is assuming it is open to the public.

**VII. Correspondence**

**A.** Andreas Parade is on Wednesday, October 16, 2019 @ 7PM.

**B**. West Penn Township’s Trick-or-Treat is on Saturday, October 26, 2019, 5:30PM-7:30PM

**C.** The BOS would like to invite the Planning Commission, Zoning Hearing Board & public to attend a Zoning Update Committee meeting on November 11, 2019, 7PM @ the Annex Building to review the draft of the updated Zoning Ordinance.

**D.** Chairman received a letter from the Tamaqua Area School District requesting West Penn Township to release the $16K we budgeted for improving the Security at our West Penn Elementary. Chairman said we did donate this $16K to help with security measures at West Penn Elementary but we will not be able to budget that amount every year. Chief said we will continue to patrol and help with the security of the school regardless of funds being donated. Ted Bogosh III said when we did put that money aside we asked if the Chief could review the security plans to make sure the money would be used for the West Penn Elementary. Chairman agreed to have the Chief of Police involved with the security measures of West Penn Elementary. Tim Houser said the school district will improve the School’s entrance, which he agrees with. Tim Houser said he would like to make sure those funds are used for West Penn Elementary. Attorney Datte suggested we tie it to reimbursement of expenditures that they actually make at the building that fall in the category of updating their security at the WP Elementary. BOS agreed to have the Chief review & overlook the plans the Tamaqua Area School District is proposing for security at West Penn Elementary. The BOS asked the secretary to write Tamaqua Area School District a letter in response to their letter. The letter is to accept their request to release the $16K for the security measures. The letter will also state West Penn Twp. would like their Police Chief involved in the whole process & have him review the security plans. Once the Police Chief approves the plans he will inform the Treasurer that she can release funds and reimburse the expenditures for security at West Penn Elem up to $16K to Tamaqua School District. Chairman called for a motion to reimburse the funds of $16K to Tamaqua Area School District after Chief Johnson review & acceptance of the security plan for West Penn Elementary. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman asked the Chief to put on his report his patrols to the school to reflect our involvement with the security process at the West Penn Elementary.

**E**. Intersection of Blue Mountain Drive & SR309. The BOS received cost estimate from Road Master. Chairman said the price comes in about $8600. Chairman said he spoke to someone that would like to like to anonymously donate $10K to help the Township with cost of the improvements of that intersection.

Chairman said we should do this project as soon as possible. Attorney Datte said he will get the deed ready. Rodd White said we need additional Right-of Way so a deed is necessary. Road Master said he can get it done this year. Tim Houser made a motion to move forward with the project on Blue Mountain Drive. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F.** Karen Parish sent a letter to attend a meeting about a CDBG meeting. Chairman asked Rodd White if he will be attending this meeting for other municipalities. Chairman gave him Karen Parish’s letter.

**G**. September 19, 2019 the BOS received a letter from Brian Boyer, which is a Penn DOT representative. He said he will send crew members out to measure site distance on Clamtown Road to see if school bus signs are necessary. Chairman asked the secretary to follow up with him to see what they decided.

**H.** Tim Houser asked Attorney Datte about the Galloway property. Attorney Datte said he will get a confirmation stating that it will be on the next Judicial Sale.

**I**. Chairman asked Attorney Datte to give us a status of where he is in regards to Water Extraction for our Zoning Ordinance. Attorney Datte said we are probably going to have to amend more than one ordinance in this process. Attorney Datte said he will focus on the Water Extraction part for our Zoning Ordinance. He recommends he finishes that part because we are coming to a conclusion with the updates to our Zoning Ordinance.

He will let the BOS & Committee review the Water Extraction part then pass it onto the Water Extraction Attorneys. Chairman suggested the Solicitor attend the Zoning Update Meeting November 11, 2019, BOS agreed.

**VIII. Public Comment on General Items**

**A**. Daryl Nothstein questioned the BOS about complaints that were filed for 3494 Summer Valley Rd. of operating a business in a residential area. Rodd White said the Zoning Application was approved based on meeting all the requirements home base occupation. Mr. White said if they are in violation of certain guidelines then they will receive a notice of violation. Mr. Nothstein stated that the address is 3494. The father may have signed the loan for that property but does not live there his son does. Mr. Nothstein said he is in violation because the business is in the father’s name but the father does not live at that address so it should be a home base business. Chairman asked Mr. Nothstein fill out another complaint to have our code enforcement officer investigate the situation. Rodd White said a letter was posted on the property Sept. 5, 2019. A letter was sent to Todd, at 3488 Summer Valley Rd. regarding 3494 Summer Valley Rd.

That required the application a zoning permit. They applied for the zoning permit and it was approved but needed to be in strict compliance with section 317.7 of home related businesses. Mr. Nothstein said he should have to go for a variance. Mr. Nothstein asked if they would go to get a variance, do the neighbors get notified. Chairman said, yes. Attorney Datte asked Mr. Nothstein if he seen the permit that was issued. Mr. Nothstein said, no. Mr. Nothstein said they didn’t get a sign permit. Attorney Datte suggested, Mr. Nothstein fill out a Right-to-Know request for the permit issued, to see what was actually issued. Chairman said you need to fill out a written complaint and the Township will investigate. Mr. Nothstein said he would like for Chief Johnson to run their DOT tags. Chief Johnson advised Mr. Nothstein the State Police would have to do that.

**B**. Mr. Taylor - drainage on Mush Dahl. Ted Bogosh III said years ago the Township put in French mattresses to address the natural springs. Last year Mr. Taylor came to the BOS requesting something be done because he cannot farm his fields because they are getting too much water. The Twp. said they were going to look at his property and figure something out. Tim Houser asked Mr. Taylor to show him where the water is coming through and going onto his field. Chairman asked the Road Master Clint Schock & Supervisor Tim Houser to meet with Mr. Taylor and come up with a solution to fix to try to fix the drainage issue.

**C.** Ted Bogosh III wanted a status from Rodd White about Maggies Dinner on SR 443. Mr. White said we are working with him and he will have to fill out a UCC permit.

**IX. Executive Session** – None

**X. Adjournment**

Chairman called for a motion to adjourn the meeting at 8:41PM. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary