**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, October 21, 2019**

**Present at the Meeting**

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

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

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

**Karen Wittig – Treasurer**

**I. General**

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

**B.** Approval of Monthly Bills

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

C. Chairman called for a motion to approve the meeting minutes from October 7, 2019. Tim Houser made the motion. Chairman seconded the motion. Ted Bogosh III abstained from motion because he wanted to finish reviewing the minutes from October 7, 2019. Motion was carried. 2-1

**II. Public Comment on Agenda Items – None**

**III. Land Use** – None

**IV. Old Business**

Chairman questioned the Secretary, Katie Orlick about a letter Jan Miller from Lehigh Engineering, LLC sent to her. Chairman instructed the secretary to read the letter that Jan Miller from Lehigh Engineering, LLC provided. The letter was in regards to a Multimodal Transportation Fund Grant the Township is applying for through the PA Dept. of Transportation. Our plan is to use the grant funds to repair Water Wheel Bridge. The total project cost is $146,224. The township is requesting $102,196.The Township will have to commit to $44,028 as a match for the grant. The grant funds will be applied to cover costs for engineering, design, construction inspection & construction cost to repair the deteriorated beam.

Chairman acknowledges an estimate from Mark Boyle to do the repairs of the Water Wheel Bridge. Ted Bogosh III submitted the estimate from Mark Boyle, for the BOS to review. Chairman asked Mr. Bogosh III to explain the estimate to the BOS. Mr. Bogosh III said Mark Boyle looked at the bridge and gave us a quote to do the work. BOS questioned the cost difference between Lehigh Engineering, LLC of $146,224 and Mark Boyle’s quote of $15,500. Tim Houser asked Rodd White if we need to submit our plan to Penn DOT for approval before we do anything. Rodd White said yes it has to get approved by Penn DOT.

Chairman suggested we have Rodd White have Penn DOT review Mark Boyle’s quote to see if they would approve it. Rodd White said we have to make sure that Penn DOT approves the repairs that Mark Boyle has proposed. Chairman asked the secretary when the deadline to submit the grant is. Secretary said the grant will have to be submitted by the beginning of November. Chairman asked if the BOS can make a motion that if Penn DOT does not approve Mark Boyle’s Quote then we continue with the grant process. Attorney Datte said yes but if they do approve Mark Boyle’s quote, we will need one more quote to be in compliance with the 2nd Class Twp. Code.

The 2nd Class Twp. Code states anything over $11,100, you will need three written or telephone quotes from qualified & responsible contractors. Rodd White said he already has some inquiries out for another quote so he will follow up with those. Chairman called for a motion, if this estimate from Mark Boyle does not get approved by Penn DOT, then we would like to go forward with the Multimodal Transportation Grant opportunity. Ted Bogosh III asked if we can also motion if Mark Boyle’s quote gets approved can we take action & have him do it. Attorney Datte suggested we wait on that part until we get all three quotes. Tim Houser made the motion that we submit Mark Boyle’s quote to Penn DOT for approval and if that is not approved that we continue the process of applying for the grant. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**V. New Business - NONE**

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

**A. Water Wheel –** spoke about previously in the meeting.

**VII. Correspondence**

**A.** **Walking Trail Grants**

Rodd White said the BOS wanted to know if there are any grants to help with clearing the old railroad bed that was donated to us for a walking trail. Rodd White said the time & the money that would be spent for a grant submission will cost the Twp. more than the project itself. Rodd White suggested we see if someone would clear it and in return let them have the wood chips, then it would be no cost to the Township. Chairman suggested he contact someone he knows that may be interested in doing the clearing. Ted Bogosh III suggested we may be able to contact Jeremy Yeakley to clear the railroad bed.

Chairman asked Ted Bogosh III to contact him and ask if he would be interested in clearing the walking trail. Ted Bogosh III asked the Chairman what is it specifically that we would want him to clear. Chairman said we would like him to clear the railroad bed we got from Cramer. Tim Houser asked which portion of the Right-of-Way we want to have cleared. Tim Houser asked are we going to have them clear 100’ which would make it more economical for the person doing the clearing. Rodd White said we may need a permit from the conservation district. Tim Houser suggested we have the property marked that we know what exactly what property is ours to cut. Chairman asked Rodd White if he can get a cost estimate to have the property surveyed. Chairman said once it is surveyed we will contact a couple of people for an estimate of clearing the trail. Chairman wants to find out what East Penn did about clearing their side of the trail and have it the same on our side.

**VIII. Public Comment on General Items**

**Walter Zlomsowitch** – new owner of Maggie’s Kitchen on SR443/Penn Dr. which he purchased in June/July. Mr. Zlomsowitch said he applied for an occupancy permit to open the diner back up.

Once Mr. Zlomsowitch received his occupancy permit he started to check things out inside the diner. Mr. Zlomsowitch said as he inspected the diner he found that the diner needed more repairs than he anticipated. Mr. Zlomsowitch felt he could not open the diner in the state it was in. He needed to make the diner safer, healthier & better for West Penn Twp. Mr. Zlomsowitch said he had a lot of positive feedback about having a diner there again. Mr. Zlomsowitch said one morning around 9AM a car stopped by, it was Ralph Hummel, Code Enforcement Officer for West Penn Twp. Mr. Hummel asked if Mr. Zlomsowitch if he had a permit for the work he is doing. Mr. Zlomsowitch said had an occupancy permit. Mr. Hummel said he stopped by because he issued a demolition permit for this property prior but when he drove by he seen new windows. Mr. Zlomsowitch said that Mr. Hummel knew he got occupancy permit for the property because he initialed it. Mr. Hummel asked Mr. Zlomsowitch if he can check out what he was doing within the diner. Mr. Zlomsowitch was not going to let him in but Mr. Hummel said he will issue a cease & desist if he did not cooperate. Mr. Zlomsowitch let Mr. Hummel in and Mr. Hummel stated that Mr. Zlomsowitch had to get a UCC permit in order to continue the repairs on the diner. Mr. Hummel said to Mr. Zlomsowitch that he can stop him from working but he will not hold him up. Mr. Hummel said that Mr. Zlomsowitch has to understand if anything is out of code he will have to remove & fix it. Mr. Zlomsowitch said he is not changing the structure; he is adding to the integrity of the building. Mr. Zlomsowitch called in an Engineer he knew and she didn’t find anything he was doing wrong just adding to the integrity of the structure. Mr. Zlomsowitch wanted to make sure everything was up to code & right before he would open. Mr. Zlomsowitch continued to work but did not seal or cover up anything so it could be properly inspected. Mr. Zlomsowitch had his engineer finish his drawing & he submitted his UCC application to the Township. The secretary said to Mr. Zlomsowitch the BOS is very supportive about his efforts of reopening the diner. The BOS instructed Rodd White from Lehigh Engineering, LLC to help Mr. Zlomsowitch get through the permit process so he can continue to get the diner ready. The secretary submitted Mr. Zlomsowitch UCC permit application to Rodd White. Mr. Zlomsowitch’s electrician asked if he can get a state inspector in to inspect the work. Mr. Zlomsowitch asked his electrician to contact Lehigh Engineering, LLC and ask that question if he could have a state inspector look at the work. Mr. Zlomsowitch’s electrician left a message for Lehigh Engineering, LLC. Mr. Zlomsowitch said there must have been some kind of misunderstanding because his electrician got a returned message from Lehigh stating that the work should not be done and they could have ordered a cease & desist. Mr. Zlomsowitch said that Mr. Hummel did not tell him to stop but to understand if something is not in code that he would have to rip it out and do it again properly. Mr. Hummel called Mr. Zlomsowitch and told him his application was incomplete. Mr. Hummel said to Mr. Zlomsowitch the plans did not include his heating system and they are not stamped by an Engineer. Mr. Zlomsowitch expressed to the BOS that he is very frustrated and he is going to stop his plans for right now. Mr. Zlomsowitch thanked the BOS for their support but he feels he is being targeted for some reason. Mr. Zlomsowitch recommended to the BOS that they should replace Lehigh or at least Ralph Hummel from coming out and doing enforcement. Mr. Zlomsowitch understands that there are rules that need to be followed but he is asking that he is not targeted to be strictly enforced while doing his project.

Chairman expressed that he is a little annoyed that someone from Lehigh just stopped by someone’s property without having a complaint. Chairman stated our Township works on complaints. The Code Enforcement Officer cannot just stop at different properties to see if they are in compliance. The Township pays every time the code enforcement officer goes out. If the code enforcement officer goes out whenever he wants it would be very costly to the Township.

Chairman asked Rodd White what are his thoughts on this whole process. Rodd White stated that under the UCC code we cannot just come in and inspect and say it’s good. Mr. White said there needs to be a plan, the plan needs to be approved and then the work can be done & inspected. Ted Bogosh III asked Rodd White how would you incorporate a design if you do not know what problems exist in the building. Rodd White said you can always add or edit your submitted plan. Rodd White said one of the biggest things from Mr. Zlomsowitch’s submission of the plan is that the plan was not stamped by an engineer. Rodd White suggested to Mr. Zlomsowitch to come to his office and discuss what needs to be done to complete the application. Mr. White said that Mr. Zlomsowitch’s application is not that far off of being complete. The BOS asked Mr. Zlomsowitch if he would consider having a meeting with Lehigh to complete his application. Mr. Zlomsowitch agreed to try this one last time. Chairmen asked Rodd White if he can assure the BOS that he would personally sit down with Mr. Zlomsowitch and get this taken care of. Rodd White assured the BOS that he will make sure he gets Mr. Zlomsowitch through this process. Attorney Datte suggested that Mr. Zlomsowitch brings his Engineer to the meeting & for her to bring her seal so the plan can be stamped after all editing has been done. Mr. Zlomsowitch thanked the BOS for their support & helping him through the process.

**Larry Stival** – wanted to thank the road crew for taking down the tree by the burial vault.

Mr. Stival also brought to the BOS attention, when you are exiting the Dollar General & you look south; you will see the back of two state signs. The signs block your view to see vehicles coming down the mountain. Mr. Stival said it is a hazard & he asked the BOS to look into his concern. Chairman asked Clint Schock the Road Master to take a look at the site. If there is an issue, the BOS may have the secretary write a letter stating the concern to Penn DOT.

Daryl Nothstein asked the BOS if anything was acted upon 3494 & 3488 Summer Valley Rd. Chairman had a NOV dated October 10, 2019 that he allowed Mr. Nothstein to read.

**Shawn Phillips** – said on St. Peter’s Road, there is a spillway that goes from SR443, underneath the road & comes down to the creek. Someone dumped shale & blocked the spillway. Mr. Phillips said now the water is coming out onto St. Peter’s road and going onto his property. Mr. Phillips does not know who dumped the shale. Chairman said he does not think it is on our Right-of-Way. Attorney Datte stated the Township can go on someone’s property if there is a drainage issue regardless if it is not on our Right-of-Way. The BOS recommended to the Road Master to contact the property owner & discuss the situation. Mr. Phillips said his biggest concern is in the winter if water lays on St. Peter’s Rd., it will freeze and can cause a bad accident.

Chairman said he believes there is another issue at that same site. Mr. Phillips said the last Road Master that was in charge of the Township was asked to put in a drain for the water that goes onto St. Peter’s Rd. The drain would divert the water to the waterway and away from the property located at this site. Ted Bogosh III said to the new Road Master Clint Schock, in that particular area the water drains off our road onto the property in that area and washes it out. Ted Bogosh III said there was consideration in that area to put a drain in & a pipe under the road to divert the water to the creek. Ted Bogosh III asked the Road Master to look at it. Road Master said he will talk to the property owners.

Clint Schock said he got a trade in amount for Truck # 10 of $11,000 from New Holland Ford.

Chairman called for a motion to include the trade for the purchase of the little dump truck. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**Daryl Nothstein** did not understand how 3494 Summer Valley Rd. got a permit for a home business when the property owner does not live there. Mr. Nothstein believes the permit should be revoked because Todd Deem doesn’t live there. Attorney Datte said we have to review the ordinance to see how it is defined in the ordinance.

**Karen Wittig** asked the BOS to rescind a vote for the police department to purchase Dodge Trucks because the Chief would like to purchase Chevy Trucks instead. The Chief said the price did not change but they will get more for their money if they go with Chevy. Attorney Datte said he would make two motions, one to rescind the vote to purchase the Dodges & the other motion to purchase the Chevy Trucks. Ted Bogosh III made a motion to rescind the motion to purchase the two Dodge Trucks. Tim Houser seconded the motion. Motion was carried. 3-0 Ted Bogosh III made a motion to purchase two Chevy Trucks. Tim Houser seconded the motion. Motion was carried. 3-0

**IX. Executive Session** – Chairman dismissed for an executive session @ 10:00AM.

Chairman called the meeting back to order @ 10:11AM. The executive session was to discuss possible litigation.

**X. Adjournment**

Chairman called for a motion to adjourn the 10:17AM meeting. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary