**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, August 5, 2019**

**Present at the Meeting**

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

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

**Theodore Bogosh III – Supervisor Jan Miller – Lehigh Engineering, LLC**

**Karen Wittig – Treasurer**

**I. General**

**A. Call to Order**

Chairman opened the Regular Monthly meeting @ 7:10PM with Pledge of Allegiance & Introductions.

**B. Greenworks – Doug Neidich – Solar Panels**

Chairman introduced Doug Neidich, a representative from Greenworks Solar Panel Company. Chairman said the Township was looking into going “Green” for electricity. The Township has been exploring the option of Solar Energy for the Municipal Building, Fire Company, Police Station & the Ambulance. There are two ways we can set up this program. We can sign an agreement with a 20 year term @ 3.5 cents/kilowatt hour or 3.5 cents/kilowatt hour for 6 years then buy the system, it will fluctuate the kilowatt hours based on carbon credits. If the Township would go ahead with this project the solar panels would be located on the bank behind the municipal building. The Governor signed a bill that Pennsylvania will not accept outside carbon credits from other states. This will help Pennsylvania’s

Carbon Credits increase in value. Greenworks is the Company that Tamaqua Area School District may take part in for their Solar Panels. Chairman stated that this program has private investors & the government will pay them 30% of the project’s price. That will change next year to 20% then the following year to 10%, so if we were planning to do this program we would have to have 20% started by the end of this year to be eligible for the 30% credits.

Doug Neidich wanted to add the way solar sits right now there is a 30% Federal Tax Credit if you get the project started this year. If you spend/start $100,000 on your project this year that 30% tax credit will be $30,000 tax credit towards that $100,000 project. The Township is not a taxable entity so we do not have federal tax liability. Chairman asked Mr. Neidich if there is a guarantee on the solar credits. Mr. Neidich said there is no guarantee on solar credits. Chairman asked Mr. Neidich would if PA opens up borders again & outside states can take our credits again. Mr. Neidich said initially PA mismanaged their Solar Program; they came along way and now have it under control. Mr. Neidich said he does not see PA opening its borders again. Chairman feels a 20 year agreement is a long time and he is not sure if he wants to make that kind of commitment. Chairman asked if the Township can stay in the program even if they do not buy the system in 6 years and get the 3.5 cents kilowatt hour rate. Mr. Neidich said you can stay in the program but it is more beneficial if you buy the system as soon as you can.

Mr. Neidich said it makes more sense to buy out the system because you can 100% finance it and basically save because you bought the system & after you buy the system you have more cash flow coming in. Ted Bogosh III asked who locks in the rate. Mr. Neidich said who locks in your rate of your own generation? It is the value of saving your own electricity & the value of credits and we do a net effective solar rate. It is a calculated rate that is the result of the costs you will save & the money you will bring in. Tim Houser asked if they evaluate what the kilowatt/ hour will cost the Township each year or do we lock into a five year period? Mr. Neidich said once you lock in, you will be locked into terms of your energy savings and then you will benefit based on the value of the credits so the actual net effect solar cost of electricity will vary depending how much current electricity goes up & based on the value of the certificates. Chairman asked if this is the same agreement as the Tamaqua Area School District. Mr. Neidich said, yes and it comes with power production warranty, and we use only tier one panel suppliers which gives you a 30 year warranty on the output of each panel. If each panel over a 30 year period does not produce at least 80% of electricity that was guaranteed initially they will replace panel @ no cost. There is a 20 year warranty on the inverters of the system and we have our own production warranty. Chairman asked Mr. Neidich how much would our system cost. Mr. Neidich said he thinks it is about a $100,000 system. Paul Datte asked Mr. Neidich if this program is set up that we do not have to decide to buy for 5 years. Mr. Neidich said yes, and it is set up if you don’t buy at 5 years then you can buy at 10 years and so on. Attorney Datte asked Brian Miller of the Tamaqua Scholl District, how did the School District determine to proceed on this? Is it the way Mr. Neidich provided this information to us? Mr. Miller said it is very similar but the School District is a much larger scale. Attorney Datte asked how the School District was going to finance it. Mr. Miller said that was not yet determined. Mr. Neidich said it can be 100% financed or do contract service payments. The United States Department of Agriculture has a solar loan program for 34 years @ 3.5% fixed financing. Attorney Datte asked if there is an engineer that would certify the 40 year estimated useful life of the solar ray for us. Mr. Neidich said yes & even the USDA will certify it because they would give you a 34 year loan. Attorney Datte said we can put it in place and after the first five years we can elect to purchase the system. Then every five years we can make that same election if we didn’t decide to purchase in the first five years. Mr. Neidich told Attorney Datte that he will send him a draft agreement to review. Ted Bogosh III asked after five years and the BOS decide to do another contract than buyout is there going to be a significant increase in that. Mr. Neidich said no, it is a 25 years contract, not a new contract every five years; it is the same contract that you have an option every five years to buy the system or get out of the contract. Attorney Datte said so we can either buyout every five years or terminate the contract/ Mr. Neidich said there are provisions if you terminate & penalties. Chairman asked the people in the audience there feelings about the Township getting Solar Panels.

Tim Houser wanted to know if there are any upfront costs to the Township. Chairman said there are no upfront costs. Carl Greve, a resident, was suspicious of someone trying to sell something he doesn’t quite understand. Mr. Greve believes that the Township should hire an expert that has nothing to do

with the Solar Panel Company to explore this option and explain Solar Energy to the Township. Mr. Greve said he hears a lot of “ifs” in the Solar Panel Proposal & believes we should make sure this is a good benefit for the Township from an expert not a salesman. Mr. Greve said all he is hearing is house the Township can save & make money, how does the salesman make money. Chairman asked Mr. Neidich how the Solar Panel Company makes money with this program. Mr. Neidich said there is a development fee, which is 15% gross development fee. Mr. Neidich said solar is not a technology business, it has been since 1954. Solar is not a technology business it is a tax & finance Business. It is all about how you structure the tax arrangement of the deal & all about how you structure the financing of the deal.

Mr. Neidich said it makes sense for the Township to do it but it is time sensitive because of the 30% federal tax credit that is involved which ends at the end of the year. Chairman wanted a show of hands in the audience to see who thinks the Township should proceed with this project. Tim Houser asked the audience if anyone has Solar Panels & is familiar with it. Larry Stival has solar panels. He said two years

ago if you sold ten recs of solar panels you couldn’t even pay for a case of beer with it & now if you sold that you can get several cases of beer. Mr. Stival said it all depends if the sun shines. Mr. Stival said to him it makes sense to do the solar panels. Attorney Datte asked about the O&M. Mr. Neidich basically said they would come out & check the system once a year. Greenworks provides automatic monitoring & every 15 minutes the system will check itself & if there is a problem the company will let us know before the Township would let them know.

Glenn Hummel asked about the upfront cost to the Township. It was his understanding that there would be zero dollars upfront from the Township up until 5 years if we decide to purchase the system or renew the lease. Attorney Datte said no, it would be at least $8000/year for the first five years. Mr. Neidich said for the first 5 years you would have to pay the contract’s service payment. Mr.Neidich says it makes more sense to buyout after year five. Jay Land asked where the Township was going to get the land to put the solar panels on. Chairman stated we already own the land & it’s behind the municipal building.

Matt Bailey understands that right now we are looking at the tax credits & return the Township may get but he is concerned with how quickly upgrades & enhancements are made on different products each year. Mr. Bailey believes that if we purchase a system & we are locked in for 25 years and a new, more efficient system comes along, what are the Township’s options then? Mr. Bailey feels we shouldn’t be pressured to make a decision right now based on tax credit. Curtis Bailey Sr. questioned how the private investor can take advantage of the 30% tax credit but the non-profit municipality cannot get some kind of rebate from the federal government for the solar panels. Chairman asked Mr. Neidich if he can give our Attorney the agreement/contract to review. Ted Bogosh III asked why the maintenance agreement is $8000. Mr. Neidich said it is not necessarily a maintenance fee. The $8000 is a service payment for the private investors to get a return. Tim Houser said the $8000 is high and he has solar panels for 15 years and had zero maintenance on them. Mr. Neidich said the $8000 is more for the investors not the maintenance. Chairman said Doug Neidich will send everything about the Solar Panels to our Attorney for review.

**C. Public Comment on Agenda Items**

Larry Stival asked Doug Neidich from Greenworks Solar Panels how he chooses the size of the system. Why didn’t you choose a larger system that would give more benefit to generate more electric. Chairman said PPL said we can only use 10% over our usage.

**D. Review of Meeting Minutes** – July 1st & 15th, 2019

Chairman called for a motion to accept the minutes from July 1st & 15th, 2019. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Treasurer‘s Report** – July 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

**F. Approval of Bills** for July 2019

Chairman called for a motion to pay the bills. Ted Bogosh III questioned the charge for copying the Comprehensive Plan on Lehigh Engineering, LLC bill. Chairman instructed the Treasurer to pay the bill but apply it to the Lehigh Engineering, LLC’s Comprehensive Plan Proposal. Jan Miller from Lehigh Engineering, LLC said she will have the charge for the copies removed from our bill. Tim Houser made a motion to approve the bills for July of 2019. Ted Bogosh III seconded the motion. Motion was carried.3-0

**G. Solicitor’s Report**

Paul Datte said he is still working on the Water Extraction Ordinance. Tim Houser asked Paul Datte when he can get the Galloway Property on the Judicial Sale. Attorney Datte said he will work on that. Chairman called for a motion to approve the Solicitor’s report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**II. Land Use**

**A.** Chairman asked Jan Miller to discuss the Land Use for Graver’s Land Development Plan & Patrick’s Subdivision Annexation Plan.

West Penn Township Planning Commission recommends to the BOS to accept/approve 3 modification requests from the Applicants of the Graver Land Development Plan.

Article 6 Section 602 Submission of Plan as Preliminary/Final.

Article 5 Section 503.B.3 drafting standards

Article 8 Section 804 Performance Guarantee: The project is proposing Small Infiltration Trench (22’X22’X2’). The trench is small & a bond will be only in the range of $2500. Instead of the bond of $2500 the applicant would ask the Township to hold the occupancy permit until the infiltration trench is installed. Chairman questioned Article 8 Section 804 Performance Guarantee. Attorney Datte said this is a reasonable request to hold the occupancy permit until the trench is put in & inspected. Chairman called for a motion to approve the modifications for the Graver Land Development. Tim Houser made the Motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**B**. Chairman called for a motion to conditionally approve & adopt Resolution No. 16 Graver’s Land Development Plan contingent upon Lehigh Engineering, LLC, County & Bill Brior’s Comments being met. The Approval is also contingent upon the applicant getting approved for their variance for open space. 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 Patrick Minor Subdivision of Annexation Plan & adopt Resolution No. 17 of 2019. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**III. Operations**

**A. Engineer’s Monthly Report – July** 2019

Jan Miller reviewed the Engineer’s monthly report with the BOS. Jan Miller referred to Task # 1 Plan Review of Graver Landscape Design, LLC – The applicant has submitted an application for a zoning variance. Their hearing is scheduled for August 12, 2019.

Task #3 Jan Miller said Lehigh conducted an inspection of stormwater facilities in order to recommend that the balance of the escrow be released. Chairman called for a motion to release the escrow for Bartasavage. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried.3-0

Chairman addressed the issue of the transition with Bill Anders moving to Florida and communications with who our contact person is through Lehigh. Lehigh Engineering, LLC recommends we adopt a Resolution or appoint Ralph Hummel as an alternate Zoning/Code Enforcement Officer. Chairman asked Attorney Datte if we can appoint an alternate. Ted Bogosh III asked about if we would pay both of them. Solicitor said we would pay who does the work at the same rate as Bill Anders gets now. Chairman called for a motion to appoint Ralph Hummel as Zoning/Code Enforcement Alternate as long as we do not pay any more than what we pay now for the services. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Jan Miller recommended to the BOS that she would like to have a regular meeting between herself & Township representatives for the purpose of getting updates & informing her of all activities / circumstances in the Twp. Chairman asked the Road Master if he would meet with Jan with any issues. Road Master said he could meet but will meet with her at the Township on an as needed basis.

Jan Miller asked the BOS if they want to coordinate a meeting with Penn DOT to discuss the intersections of SR309 & Blue Mountain Road. Ms. Miller said the meeting will be necessary to prepare an accurate cost estimate for the Township. Chairman asked if Mr. Bailey can be a part of the meeting with Penn DOT because he owns some property the Township may have to use to make this intersection work. Mr. Bailey agreed to be part of that meeting.

Task #6 Ms. Miller said the next meeting for the Comprehensive Plan is scheduled for August 19, 2019.

Task #8 Ms. Miller provided a revised Deed of Annexation/ Consolidation of the Billetz- Reppert Plan. She forwarded to Paul Datte. Attorney Datte said he will get to her the language to have in it and he will get back to him.

**B. Code Enforcement Officers Monthly Report – July** 2019

Chairman asked Jan Miller from Lehigh Engineering, LLC if she had any comments about the Code Enforcement Monthly Report. Ms. Miller updated the BOS on complaints that were filed in the Township. The most recent complaints included 605 Ridge Road – NOV was sent 7/16/19 for installing fence without a permit & having more horses than allowed. Property on 1090 Clamtown Rd. was issued a NOV for excess amount of cats on 7/22/19 and 3074 Summer Valley Rd. on 7/26/169 the property was posted as an unsafe structure because of fire damage. Chairman asked if the owners had fire insurance. The Township received a letter from the property owner’s insurance company. Treasurer Karen Wittig followed up and forwarded everything to Lehigh Engineering, LLC. Karen Wittig also followed up with the Helen Zeigler the tax collector to make sure the taxes are paid. The Township will get a percentage of the fire insurance to hold until repairs are made. Lehigh Engineering, LLC will inspect and let us know when we can release the escrow. Ms. Miller had no additional comments. Ted Bogosh III questioned the EZ Market’s Liquor License and if it was a zoning violation. Ms. Miller said the LCB has a restriction for the sales of alcohol within 300ft from schools & playgrounds. Ms. Miller could not find anything within our zoning ordinance. Attorney Datte said the LCB would supersede our zoning ordinance if we had anything about selling liquor by schools & playgrounds. The BOS had no additional questions or concerns. Chairman called for a motion to accept the Engineer’s monthly report & the Code Enforcement Officer’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** – **July** 2019

Chairman reviewed the Sewage Enforcement Report with the BOS. The activities consisted of 1 design reviews, and 1 new permit issued, 4 test probes, 2 percolation tests, 6 site evaluations, 6 interim inspections and 0 malfunction inspections. Chairman called for a motion to accept to Sewage Enforcement Officer’s monthly report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**D. Road Department’s Monthly Report** – **July** 2019

Chairman reviewed the Road Department’s monthly report with the BOS. The Road Report for July 2019 consisted of:

1. General maintenance to the Township’s building & equipment.

2. Mowing shoulders along Township Roads.

3. Trimming of trees on Twp. Rds.

4. Paving of Township Rds.

5. Opened pipes & grates along Township Roads.

6. Tar & Chip twp. Rds.

7. Cutting & grading shoulders on Twp. Rds.

8. Cleaned branches & limbs along Township Roads.

9. Replaced 3 Pipes on School Rd before it was Tarred & Chipped

10. Bolich Rd. grant was turned in & money was received.

11. Fixed bathroom doors in Annex Building

12. Swept several Twp. Rds. from storms to pave.

Chairman asked the Road Master if he had anything to add to his report. Clint Schock the Road Master said we are still looking for a seasonal worker. Chairman said that the Road Master & Supervisor Houser should do interviews. Supervisor Houser addressed the current complaints. Supervisor Houser asked if the Road Dept. was done with the road projects. Clint Schock said for the most part the road projects are done but he may do a little patching yet. Chairman also reviewed the July Road Maintenance Report with the BOS. Ted Bogosh III said the Road Dept. gave him an idea on what it is going to cost to widen Blue Mtn. Dr. 20’ wide & 125’ long. Mr. Bogosh III said I would be approximately $10500 + the use of the Road Dept. & Equipment. Chairman said you would also have to include the Engineer + Penn DOT’s Review of it + a deed if Mr. Bailey donates the land. Chairman said there are a lot of factors that are involved. Road Master said that quote was for their time, labor & materials. Road Master said it’s about $21,600. Chairman asked Jay Land if he would be willing to be willing to pay for this project. Mr. Land response was he would be willing to work something out with the Township to accomplish something positive. Chairman thanked Mr. Land. Chairman called for a motion to accept the road dept. monthly reports. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**E. Police Department’s Monthly Report – July 2019**

Chairman read the police report for July. The report states that the police patrolled 6,392 miles, 275 total traffic citations, 372 total traffic, 305 total calls and $4,222.67 fine money received. The Police Report consists of animal complaints, civil complaints, traffic complaints, theft, and search warrants. The Chief said hopefully by the end of August the Impound lot will be up & running. The Chief/ Police Department will be meeting with towing services to go over impound lot policies. Chief Johnson requested an executive session with the BOS to discuss personnel. Chief asked if Penn DOT would consider the single lane on SR309 by Blue Mtn. Dr. Ted Bogosh III said we didn’t get a response yet. Chief would like to be involved with the meeting with Penn DOT. Chairman called for a motion to accept the police dept. July Reports. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F. Fire Company’s Monthly Report** –**July 2019**

Chairman reviewed the Fire Department’s monthly report with the BOS. The Fire Department responded 17 times in the month of July. Calls consisted of trees down, accidents, automatic alarms and wires down. The Fire Department continues to do their weekly drills, have their monthly breakfast and their hall rental. Tim Houser said the Township got an audit back about the Fire Relief Money and everything was fine with the audit. Chairman called for a motion to accept the Fire Company’s July Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**G. Ambulance Monthly Report** – **July 2019 - None**

**IV. Old Business**

**A.** Bartasavage – BOS motioned to release the escrow earlier in the meeting.

**B**. Chairman called for a motion to adopt Resolution No. 18 approving the modification of the 2015 & 2016 CDBG Program. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**V. New Business – None**

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

**A. DRBC – Phone # 609-883-9500 – Fort Franklin - Tony**

Chairman said it has been brought to our attention that the Fort Franklin Water Site applied to the DRBC. Chairman thanked Mr. Land for applying to the DRBC. The Chairman stated now that site will be monitored by the DRBC & if there is a problem there is an authority involved and the problem should be taken care of. Mr. Land provided a copy of the Fort Franklin application to DRBC. Chairman asked Mr. Land if the public can review his application. Mr. Land said, yes. Chairman said if anyone would like to review the application you can come to the Township building to review during regular business hours. Attorney Datte recommends anyone that would like to review it should fill out a Right-to-Know request.

**B. Light in Vestibule & Locks @ the Annex – Ted**

Ted Bogosh III recommends changing the locks on the Annex’s doors & putting the switch for the light on the wall. Chairman asked the Road Master to meet with Supervisor Bogosh III to see what repairs he would like done.

**VII. Correspondence**

**A.** 3 requests for Fire Police Assistance.

1. Benefit for Warrior Austin Klein on August 24, 2019 starting at 10AM.

2. Tamaqua Fire Convention August 24, 2019 @ 10AM.

3. Lynn Twp. Guns & Cash Bash September 28, 2019 @ 2PM

Chairman asked the Secretary to forward to the Fire Company.

**VIII. Public Comment on General Items**

**Matt Bailey – Bolich Rd.** Mr. Bailey thanked Chief Johnson for the request of the single lane going up the mountain on SR 309 by Blue Mtn. Dr.

Mr. Bailey expressed his concern about the exiting at the EZ Market especially with Dollar General opening. Mr. Bailey referenced the exit in front of the diesel pumps. He would like to propose that should be an “enter only” not an exit. The exits can be at either end. Chairman agreed with Mr. Bailey’s recommendation. Chief asked how would you prevent that? Chairman suggested signage. Chairman said we would have to get PennDOT’s approval and then the Township would have to put up the signs.

Mr. Bailey also inquired about our plans for Blue Mtn. Dr. & SR309. Chairman stated we are trying to make that intersection safer. Chairman invited Matt Bailey to attend the meeting with Penn DOT.

**John Garber – Speed on Zion Stone Rd.**

Mr. Garber is concerned with speeders on the Road. He is concerned there is going to be a serious accident. Chairman asked Mr. Garber what he recommends the Township to do. Mr. Garber said speed limit signs are not going to help. Chief is going to personally talk to the trucking company to slow down.

Mr. Garber asked for inlet markers at some of the pipes.

Larry Stival – the tree by the burial vault is dead and if it would fall on someone traveling it could result in a serious accident. Chairman asked the Road Master to look at the tree and see if it is on our Right-of-Way. Road Master said the bucket truck would have to be able to go up 80ft. to 90ft.

**IX. Executive Session**

Chairman called for a motion to go into an executive session for personnel & possible litigation at 9:03PM. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Chairman resumed the meeting at 9:15PM. Chairman called for a motion to allow Chief Johnson to hire Stan Madero as a part time police officer. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0. Chairman called for a motion to hire a clerk for the police dept. Tim Houser made the motion for the chief to interview & come back with a recommendation to hire a clerk. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman called for a motion to have our Chief & Attorney look into the possibility of shared services with Walker Twp. for the police dept. Tim Houser made the motion to look into the exploratory possibility of having shared services for the police in Walker Twp. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**X. Adjournment**

Chairman called for motion to adjourn the meeting. Tim Houser made the motion to adjourn the meeting @ 9:06PM. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary