**West Penn Township Board of Supervisors**

**27 Municipal Rd.**

**New Ringgold, PA 17960**

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

**Regular 7PM Monthly Meeting**

**Monday, December 2, 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 7:04PM.

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

**C**. Review of Minutes – November 4th & 18th, 2019

Chairman called a motion to adopt the minutes from November 4th & 18th 2019. Tim Houser made the motion to adopt the November 4th meeting minutes. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Ted Bogosh III made the motion to accept the November 18th meeting minutes. Chairman seconded the motion. Tim Houser abstained because he did not attend the November 18th meeting. Motion was carried. 2 -1

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

Chairman called for a motion to accept the Treasurer’s Report for November 2019. Tim Houser made the motion to accept the November Treasurer’s Report. Ted Bogosh III seconded the motion. The motion was carried. 3-0

**E**. Approval of the Bills – November 2019

Chairman asked Rodd White from Lehigh Engineering, LLC if someone went out & inspected Water Wheel Bridge. Rodd White said Penn DOT asked Lehigh to take pictures of the work done to the bridge and send the pictures to Penn DOT. Lehigh sent the pictures to Penn DOT and confirmed the work was done in accordance with the plan. Penn DOT said the Twp. can remove the temporary curb on the bridge and take off the temporary weight restriction. Chairman said he would like to add Mark Boyle’s invoice to the bills for doing the work on the Water Wheel Bridge. BOS said as long as Penn DOT gave their approval for the work done on Water Wheel Bridge they agree to pay Mark Boyle’s invoice. Chairman called for a motion to approve the bills for November 2019. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F**. Solicitor’s Report

Attorney Datte said he emailed a copy of the General Release form for Eric Barr to the secretary for signatures. Attorney Datte said he emailed John Davis about the portion of River Road that was vacated and is waiting on clarification. Attorney Datte reviewed Graver’s Storm Water Mgt. Agreement. Attorney Datte also is reviewing a Legal Description for Lot Annexation. Chairman called for a motion to accept the Solicitor’s monthly report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**II. Land Use**

**A**. Oliver Subdivision/Lot Consolidation

Rodd White said the Planning Commission met on October 22, 2019 to review the Oliver Subdivision/Lot Consolidation Plan. The Planning Commission voted to recommend conditional approval of the revised plans based on addressing comments from the County Planning Commission & Township SEO. Chairman call for a motion to give conditional approval to the Oliver Subdivision/Lot Consolidation contingent upon addressing all comments from SEO, Lehigh & the Schuylkill County Planning Commission.

Tim Houser made the motion to give conditional approval to the Oliver Subdivision/Lot Consolidation.

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

**III. Operations**

**A**. Engineer’s Monthly Report for November 2019

Rodd White reviewed his engineering report with the BOS.

Rodd White said Water Wheel Bridge is finished as discussed earlier in the meeting. The beam replacement has been completed. Based on site inspection & photo documentation by Lehigh Engineering, LLC Penn DOT has authorized the removal of the temporary weight restriction & curb. Ted Bogosh III asked Rodd White what is the official weight restriction on that bridge. Rodd White said he believes it was 18 tons but he will have to check to see the exact number. Mr. White said the weight restriction will go to whatever it was originally rated for when it was constructed. Ted Bogosh III asked Rodd White what it would take to have the weight restrictions lifted from the bridge. Rodd White said you would have to rebuild & redesign the bridge. Ted Bogosh III suggested in the future if we would have to replace the bridge he would suggest we build it so there would not have to be a weight restriction on it.

Rodd White updated the BOS on the Comprehensive Plan. Mr. White said based on the schedule outlined in Lehigh Engineering’s original proposal; the next committee meeting is on December 16th, 2019, which should be the last meeting. Any final committee comments on the draft plan presented at that meeting will be incorporated into the draft submitted to the Planning for Review.

Rodd White reviewed the other Land Development Plans with the BOS.

Oliver Subdivision & Lot Consolidation – Lehigh Engineering prepared a second review letter dated November 25th upon submission of revised plans by the applicant. The revised plan and review comments were discussed with the Planning Commission at the November 26th meeting. The Planning Commission voted to recommend conditional approval of the revised plans based on addressing comments from the County Planning Commission & the Township SEO.

Bensinger Subdivision – Planning Commission has voted to recommend conditional approval at the May Planning Commission meeting based upon the applicant adequately addressing all outstanding items in the engineer’s review letter dated May 23, 2019. All Lehigh’s comments have been satisfied. Pending execution of the sewage facilities planning module waiver, the plan should be on the agenda for the BOS in January.

Graver’s Landscape Design, LLC

The Graver’s are waiting on septic design & execution of Storm water operations & maintenance agreement.

Foster’s Land Development

Supervisors granted Conditional Final Plan Approval based on the satisfaction of comments by Lehigh Engineering on September 7, 2019. The applicant is waiting on PADEP comments on their NPDES permit submission. Chairman called for a motion to accept the Engineer’s Monthly Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**B**. Code Enforcement

Chairman thanked Rodd White for reviewing plans for the old Maggie’s Diner so quick. Mr. Zlomowitch

submitted revised stamped plans on November 11th and Mr. White reviewed them on the 13th. Mr. White gave Mr. Zlomowitch a markup of his plan & a list of items that he needs to comply with. Lehigh is waiting for him to make the changes. Chairman called for a motion to accept 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 Monthly Report

Chairman reviewed the Monthly sewage report dated 10/29/19-11/30/19 with the BOS. The SEO report consisted of 3 Percolation Test, 1 Interim Inspections, 1 Final Inspection, and 2 Subdivision Plan Review. SEO reported no malfunctions were reported or investigated during this period. Chairman called for a motion to accept the SEO’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

Chairman reviewed the Road Department’s Report with the BOS. The Road Report consisted of General Maintenance to the Twp. Building & Equipment, Mowing of Shoulders, Opened Pipes & Grates, Installed drain pipes on Fort Franklin Rd., Paving of Pipe on Skyline Dr., Patched Potholes with Cold Patch and installed spreaders & plows for winter. The BOS also reviewed the Maintenance Report of the Vehicles/Equipment. Chairman called for a motion to accept the Road Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman discussed with the BOS the low hanging limbs on Laurel Lane. Chairman feels something should be done about the limbs. Chairman also discussed the intersection of Chain Circle & Mush Dahl. Someone called him and asked if it was possible to widen that intersection. Tim Houser questioned the dimensions & exact location of where the widening of the road would be.

**E**. Police Report

Chairman reviewed the Police Report with the BOS. The Police Dept. patrolled 7,657 miles. The Police Dept. had 266 total traffic citations, and 312 total calls. The Fine money received is $6,930.94 & total Impound was $2,475. The Chief ordered his two 2020 Chevy, Silverado delivery date in February of 2020. The Dept. assisted with traffic at the Andreas parade. They patrolled the West Penn School and attended a Tamaqua Safety Committee Meeting. CODY system is projected to go live mid-December. Chairman called for a motion to accept the police report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

**F**. Fire Company Report

Chairman reviewed with the BOS the Fire Dept.’s Monthly Report. The Fire Dept. had 18 calls for November. The calls consisted of down trees, accidents, structure fire and automatic alarms. The Fire Dept. had their weekly drills. The Dept. also participates in monthly events to raise money for their dept. Ted Bogosh III reminded everyone about the Fire Company’s monthly breakfast on Sunday, December 8.

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

**G**. Ambulance Report

Chairman introduced Val Coombe the president of the Penn Mahoning Ambulance Association.

Chairman reviewed the Ambulance Report with the BOS. The report consisted of 56 total calls in the month of November. The types of calls were breathing problems, abdominal pain, back pain, falls, sick, traffic accident, fainting and unknown problems. Chairman called for a motion to accept the Ambulance Monthly Report. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0 Chairman asked Val Coombe if she had anything to add to the Ambulance Report. Ms. Coombe said the Ambulance Association is doing a clean out of their facility and she found four cases of Winter Wonderland Sweatshirts. Val Coombe suggested that she takes them to the Fire Company’s breakfast and try to see if she can get some donations for the sweatshirts. Ms. Coombe said then whatever donations they bring in on the sweatshirts it can be split up between the Volunteer Services of West Penn. Chairman suggested we talk to Tim Houser. Tim Houser suggested we save them and try to arrange a get together or a tree lighting down at the old train station for the community. Val Coombe said if we save them we should invest in some totes. Tim Houser said he can supply as many totes as needed, free of charge. Mr. Houser said to Val Coombe let him know how many she would need.

**IV. Old Business**

Chairman read a resignation letter from David Morgan. The letter was a letter notifying the BOS that David Morgan would have to resign from his position as Vice Chairman on the Planning Commission. Mr. Morgan moved out of the Township, which makes him ineligible from holding this positon. Chairman called for a motion to accept David Morgan’s letter of resignation. Tim Houser made the motion. Ted Bogosh III seconded the motion.

Chairman would like to appoint an alternate to the Planning Commission until the end of the year. Chairman stated there are a few opened seats on the Township’s committees or boards that will need to be filled at our reorganization meeting on January 6, 2020. Chairman asked if anyone is interested in Planning Commission, ZHB, and Maintenance Appeals Board or becoming an Auditor, please submit a letter of interest by Dec. 30th 2019. Chairman asked the secretary to reach out to the Auditors that had the positions before to see if they would continue to be an Auditor. Tim Houser asked Paul Datte if we need the Auditors because we have a CPA do our annual audit. Paul Datte said technically the Auditors looks at the magistrate fees that come back to the Township. Attorney Datte said the Auditors have very little function but they do have certain jobs they perform. Secretary said she reached out to PSATs and as long as the Township does not have a Supervisor as an employee earning wages the Township can get away without have Auditors. The Secretary said PSATs said the main job of the Auditors would be to set the Supervisors pay rate. Tim Houser suggested we discuss the Auditors’ positions at the ReOrganization Meeting. BOS agreed. Chairman called for a motion to nominate Tom Ackerman as the Alternate for the Planning Commission as of Dec. 2, 2019. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Ted Bogosh III asked the Chairman if we can follow up with Penn DOT about a letter he wrote to them requesting a sign to be moved. There is a sign located approximately 40 ft. from the helipad at the St. Luke’s Urgent Care Facility near the intersection of SR309 & SR895. Mr. Bogosh III requested the sign be moved down the road away from the helipad & intersection. Chairman asked the Secretary to follow up on his request with Penn DOT.

**V. New Business** – NONE

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

**A.** Chairman reviewed a letter from DCNR with the BOS. The Letter from DCNR informed West Penn Township that we didn’t qualify for funding through their grant program. Chairman stated that Lehigh Engineering is willing to apply for the grant again without charging the Township for the submission of the grant application. Tim Houser stated as long as Lehigh Engineering, LLC agrees to do it pro bono he has no issue of having them resubmit. Ted Bogosh III agrees.

Chairman asked the secretary to write a letter to Jim Zigmant of the Morgan Foundation and let him know that we did not get the grant from DCNR. The Morgan Foundation awarded the Twp. a grant for $55K to improve our park. A portion of that grant the Twp. was able to use a match for the DCNR grant. Unfortunately the Twp. did not qualify for funding through DCNR. However, Lehigh Engineering, LLC said they would submit an application again free of charge for the Twp. Chairman asked the secretary to get approval from the J.E. Morgan Foundation to use some of the grant money they awarded us as a match for the DCNR grant. Chairman also would like the secretary to give an update of what we have done at the park with the other portion of the money from the Morgan Foundation.

Ted Bogosh III suggested we ask local organizations to get involved & help with maintaining & improving the park to divert some of the costs. Tim Houser agrees that we need to get some organization involved. Ted Bogosh III suggested we need to get the organizations involved & have their commitment before we spend any more money on the park. Chairman said there are a lot of organizations that would get involved. Tim Houser said there is potential there, we just have to extend the hand & ask and let them we are ready to go. Chairman & Tim Houser suggested reaching out to Jim Akins because he is involved with the organizations that may help.

**B**. Chairman asked Paul Datte if the Twp. can appoint two Engineers. Paul Datte said a number of Municipalities have more than one Engineer. Mr. Datte said the Township would appoint each company a specific function, whether code enforcement, zoning or planning. Chairman asked Attorney Datte if we can allow the applicant to choose what Engineer they would like to work with. Attorney Datte said he wouldn’t recommend that but he would look into it to see if you can do that or if any other municipalities do it.

**C.** Complaints – Chairman asked Paul Datte what the Township can do if they are getting numerous complaints between two residents that seem to be having the Twp. in the middle of their dispute. Attorney Datte said if the complaint is a false or a nuisance then the Twp. can establish a process which can have a fee or a fine attached. Chairman asked how do you determine it is a frivolous compliant. Attorney Datte said the Twp. would in the first instance. Then you would have to go after the individual that made the false or nuisance complaint. The Complainant may be responsible for court fees, fines & any other fees associated with the complaint. Tim Houser feels the Code Enforcement Officer needs to be involved and enforce our ordinance. Tim Houser questioned a property that has been storing cars for a towing company. Mr. Houser wanted to know if they had a permit. Rodd White from Lehigh Engineering, LLC will look into that property. Tim Houser said if they don’t have a permit a cease & desist order should be issued. Attorney Datte said Twp. is frequently in the middle of disputes amongst neighbors when it can possibly be a civil issue. Chairman’s issue is we spent so much money investigating these complaints where can the Twp. draw the line. Attorney Datte said he cannot advise West Penn Twp. not to follow our policy. Attorney Datte said there is a procedure under the Municipality’s Planning Code that if someone feels that the Twp. is not actively pursuing enforcement of a zoning violation then the property owner can put the Twp. on notice that they intend to bring a civil action against the individual if the Township doesn’t take action within 30 days.

**D**. Ambulance Needs – Ted Bogosh III discussed what the Ambulance Association can do to increase their funding. The Ambulance would like to update some their equipment but they are lacking funds to do so. Mr. Bogosh III suggested the Ambulance create a form of what equipment they would like to get updated & the cost associated with it. Mr. Bogosh III said that would help when the Ambulance would solicit donations. People are more willing to donate when they know what the funds are going to be used for. Mr. Bogosh III also suggested getting local businesses involved. Mr. Bogosh III said instead of sending a later you may want to use a more personal approach and visit the businesses.

Val Coombe, president of the Ambulance, said when they send out their annual subscriptions to the residents they would send a letter to the businesses asking for donations and maybe she will try that other approach. A problem for the Ambulance is they do not have enough volunteers. Chairman said the Twp. increased the Ambulance’s Grant an additional $5K, which will give them a total of $45K in 2020. Val Coombe wanted to let everyone know they participate with Amazon’s Smile which will donate a ½% on purchases if you sign up and support their nonprofit.

**E.** Ted Bogosh III suggested to the BOS, we should make the road going up to the Police Dept. a Township Rd. Mr. Bogosh III said if we can make that road a Township Road we would be able to get funds for it. Chairman asked Mr. Bogosh III if he was suggesting making that road a Twp. Road and ending at the top into a cul-de-sac. Mr. Bogosh III said whatever would work. Mr. Bogosh III said we have an asphalt road that we pay out of our general account to maintain and if we add it to the Twp. roads we may be able to get Liquid Fuels Money to maintain it. Chairman’s concern is if we have to build the road to PennDOT‘s specs it may cost the Twp. more money than we would be receiving from Liquid Fuels. Tim Houser said if we have to pay to put in a cul-de-sac , he is not sure how often it will get used by the public especially if the County is takes away the recycling bins that are behind the police station. Mr. Houser said he is not sure how much public traffic we traveling around the police department. Mr. Houser said he thinks the cost of putting in the road would be a lot more than the money we would receive from Liquid Fuels. Mr. Houser said Liquid Fuels does not give us enough money to maintain the roads. Chairman asked the Secretary to talk to John Davis from PennDOT about adding roads to our Liquid Fuels.

**F.** Zoning Update – Ted Bogosh III addressed the BOS with his disappointment of service Urban Research has done to complete the update to our zoning ordinance. Mr. Bogosh III said they didn’t get started for at least six months after we awarded them to update our ordinance. Their contract was to have it complete within 2 years. Mr. Bogosh III is concerned because he feels at every meeting the ordinances always needs updates to it because he doesn’t make the changes suggested by the committee plus it has to go before the Planning Commission & the BOS to be approved before being adopted. The BOS are concerned with the time frame it is taking to have the Zoning Ordinance updated & the money it will cost to continue if the project doesn’t get completed on time.

**G**. Ted Bogosh III asked the Chairman why we hired another contractor to move the train when we had volunteers who would move it. Chairman said the train was too heavy to move by the volunteers. Tim Houser said it is in place and we get a lot of compliments on it, it shouldn’t be an issue.

**VII. Correspondence**

**A. Census –** Chairman read a letter from the US Census. The US Census is in the process of recruiting and hiring people to become Census Takers. It is a great way to support your community. You can apply online just visit 2020census.gov/jobs or call 1-800-562-2020.

Tim Houser commented that the Census is really important to the community. The Census data is used to conduct redistricting at the federal, state, and local levels. It provides statistical support for grants & apportions seats in the U.S. House of Representatives. It can help plan for future needs, such as, education, health care, transportation & social services.

**VIII. Public Comment on General Items**

**A.** Dave Frederick would like to talk about the intersection of Chain Circle & Mush Dahl. Mr. Frederick feels that some property owners are impeding on Township right-of-way with dirt & wood chips making it difficult to make a right turn at that intersection. Tim Houser said he will look at the intersection with Clint Schock the Township Road Master and address the situation.

**B**. Daryl Nothstein – Would like to know the status of the complaints he filed about the Home base Business. Mr. Nothstein said he hired a lawyer & his lawyer will be notifying the Township that he is filing a lawsuit against the individuals that have the so called home based business. Mr. Nothstein believes the home based business should be shut down immediately. Mr. Nothstein would like something done about the impound lot that does not have a permit. Rodd White is going to look into that complaint.

C. Chester Snyder expressed his thoughts about the property on Mill & Penn Dr. with the small lot & a lot of chickens. Mr. Snyder is not happy about the odor & how they dispose the chicken manure.

**IX. Executive Session** – NONE

**X. Adjournment**

Chairman called for a motion to adjourn at 8:40PM. Tim Houser made the motion. Ted Bogosh III seconded the motion. Motion was carried. 3-0

Transcribed by:

Katie Orlick

West Penn Township Secretary