

**West Penn Township Board of Supervisors**

**27 Municipal Road**

**New Ringgold, PA 17960**

**Phone (570)386-4507**

**Fax (570)386-5851**

**Regular 10AM Monthly Meeting**

**Monday, February 17, 2020**

**Present at the Meeting**

**Tony Prudenti – Chairman**

**Katie Orlick - Secretary**

**Tim Houser – Vice-Chairman**

**Paul Datte – Solicitor**

**Glenn Hummel – 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 10:00AM.

**B.** Approval of Monthly Bills

Chairman called for a motion to approve the monthly bills. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

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

**III. Land Use**

Chairman asked Rodd White from Lehigh Engineering if he had anything to discuss with the BOS about Land Use. Rodd White did not have anything to discuss.

Mr. Joseph Hoherchak was in attendance at the morning meeting. Mr. Hoherchak is an owner of 18 acres in the Agricultural District in the Township. He would like to put up a pavilion with a little storage shed to hold his tractor on his property. Mr. Hoherchak applied for a zoning permit and was denied because the proposed zoning permit application describes an accessory structure. In our Ordinance you cannot have an accessory structure without having a primary structure or main use. Chairman said he feels it should be permitted by right. But our Ordinance says if you are denied for your permit, you will have to go in front of the ZHB for a Variance. Chairman said we are currently redoing our zoning ordinance. Chairman asked the Secretary to get in contact with Charlie Schmehl and mention to him that the BOS would like to see if someone wants to put up a pavilion in any district they should be permitted by right as a main use not as a secondary use.

Chairman wanted to address the complaints in the Township. Chairman said the Township got a lot of complaints about a property on Park Drive. Chairman asked Rodd White the status of that property. Rodd White said they drafted an NOV on February 10 and it was hand deliver on February 11<sup>th</sup>. Property owner said he was going to clean everything up. Mr. White said he has a two week window to do so. Glenn Hummel asked after he cleans it up, he should not be permitted to still conduct business. Attorney Datte said he would have to apply for a zoning permit for change of use. The application would be evaluated to whether or not it is a permitted use in that zoning district. If it is not a permitted use the permit will be denied. If the applicant continues the zoning officer can send out another NOV.

Chairman said it is getting tougher to enforce these regulations.

The Township has another situation where a gentleman is living out of a car on his property. His house was condemned. The Township questioned his sewage & water availability. The Township was told by the Code Enforcement Officer that there is nothing in the Ordinance that would give us the authority to

kick him off his property. Rodd White said he had DEP out to the site and they were not willing to pursue anything.

Colleen Kucirka – Mantz Hill Lane – asked the BOS if there are other properties in the Township with no running water or sewage. How would you know unless you got a complaint?

Chairman said the Code Enforcement Officer spoke to him & Supervisor Hummel and felt the Township should implement some of the International Property Maintenance Code.

Karen Moyer gave her view on the Property Maintenance.

#### **IV. Old Business**

##### **A. Letter of Interest for Zoning Hearing Board.**

Chairman asked Secretary to advertise in the paper that we are accepting letters of interest for the Zoning Hearing Board.

##### **B. Transmittal Letter for Mr. Schleicher**

Chairman asked Attorney Datte to write a transmittal letter for Mr. Schleicher, in regards that in the future the Township may want to evaluate the idea of being able to hook up to his sewage treatment plant. Chairman instructed Attorney Datte that Mr. Schleicher is on a deadline for the end of February to receive the letter. Attorney Datte clarified what the letter should state. Chairman called for a motion to authorize Attorney Datte to deliver the transmittal letter. Tim Houser made the motion that we submit the transmittal letter to Mr. Schleicher & that we are possibly looking into his facility, number of EDUs and construction costs to be forthcoming. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

##### **C. International Property Maintenance Code – Spoke about in the beginning of the meeting.**

##### **D. Dissolve Temporary Committees – Effective March 1, 2020.**

1. Sewage Committee
2. Water Resource & Planning Steering Committee
3. Zoning Update Steering Committee
4. Comprehensive Plan Advisory Committee

Attorney Datte said you can always bring these committees back as needed but it brings finality to these Committees. Tim Houser asked Attorney Datte if it was a good idea to resolve the Water Resource Committee now because of the Committee's involvement with the provisions of the water withdrawal ordinance. Attorney Datte said the Water Resource Committee should be encouraged to attend the upcoming zoning meetings and give their input but they do not have to meet again as a committee. Chairman called for a motion to dissolve the temporary committees. Tim Houser made a motion to dissolve the temporary committees effective March 1, 2020, which would be the Sewage Committee, Water Resource & Planning Steering Committee, Zoning Update Steering Committee & the Comprehensive Plan Advisory Committee. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **V. New Business**

##### **A. West Penn Township Park Commission – Zion's Stone**

Daryl Fritz representing West Penn Township Park Commission (Zion Stone) came to the BOS meeting to request the use of the Township's trucks to bring in a load screening material & gravel to the park. Mr. Fritz said they are going to run a new water line from the well to the bathrooms & the lower pavilion. The screening material would be used for the bedding of the pipe & the gravel would be used to fix the areas that had to be dug up. Mr. Fritz also wanted to thank Dave Tyson for letting them use his backhoe at no charge, Willy Bernheisel & Randy Clemson for helping them find the leaks. Mr. Fritz said the Park Commission will be paying for the materials. Chairman called for a motion. Glenn Hummel made the

motion to have the Township's equipment haul the materials requested for the Zion Stone Park. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Daryl Fritz also acknowledged that the Township will be advertising for the mowing proposals soon and if the BOS needs any information from the Park Commission to let him know. Chairman called for a motion to advertise for the mowing proposals for West Penn Park Zion Stone & J.E. Morgan Memorial Park. Tim Houser made the motion to advertise for the mowing maintenance for the West Penn Parks, Zion Stone (West) & J.E. Morgan Memorial Park (East). Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Daryl Fritz thanked the BOS for their support.

**B. Lion's 50/50 Grant Opportunity for the Parks**

Chairman said a Lion's member approached him about a grant they are offering for the parks. It is a 50/50 grant opportunity that would have to be used on something new for the park. The grant cannot be used to maintain the park.

**C. Field Maintenance for the Park.**

Chairman addressed field maintenance for the J.E. Morgan Memorial Park. Daryl Fritz said they have volunteers to maintain the Zion Stone fields. Clint Schock, Road master suggested reaching out to the different organizations that would like to use the field. If those organizations want to use it, they can help maintain it. Chairman said we have to make sure that we let all organizations know the field is available not just a certain group. Chairman recommends we establish proper communication between West Penn Twp. Organizations & Tamaqua Organizations to avoid confusion of who is using the field. Chairman also suggested we inform Brian Johnson who is the Chairman of the J.E. Morgan Memorial Park about the scheduling.

**D. Motion to adopt Resolution #6 of 2020 Price Adjustment of Bituminous Materials for Small Quantities.** Tim Houser made the motion to adopt Resolution #6 of 2020 Price Adjustment of Bituminous Materials for Small Quantities. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**E. Chairman called for a motion to appoint Glenn Hummel & Karen Wittig as Chief Administrators of the Police Pension Plan.** Chairman made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

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

**A. Road Master – Signs**

Chairman & the BOS discussed signage concerns at the Red Oak Hill Rd. Bridge. The Road Master has concerns when Blue Mountain Drive gets closed the traffic gets diverted. When the traffic gets diverted big Tractor Trailers will travel our small bridge on Red Oak Hill and takes out the sign & guide rails. The Road Master suggested we adopt an Ordinance that would not allow truck traffic over a certain weight on Red Oak Hill Rd and have it posted at both ends of the road before they would come upon the bridge. Attorney Datte asked if we have an Ordinance that establishes the weight limit on the Bridge. Road Master was not sure if there is an Ordinance. Attorney Datte suggested we have to have some kind of Engineering or study to establish the 5-ton weight limit. Chairman asked the Secretary to look into if there is an Ordinance. Road Master said Snowdrift is another concern. Chairman suggested we put up local deliveries only signs.

Ted Bogosh said trucks on Twp. roads have always been a problem. Mr. Bogosh suggested putting up signs at the start of the roads. Mr. Bogosh said something has to be done to keep trucks out. Attorney Datte said a report has to be done to enforce it. Attorney Datte said we need something from our Engineer as to weight or as to road configuration that would limit the length of trucks.

Attorney Datte said then we can have proper signage.

Jamie Schellhammer gave his opinion about road studies & weight limits. Road Master said he just wants to resolve an ongoing problem that he is faced as Road Master. Attorney Datte said we first need to see if and what is already in place before we start any kind of study.

**B.** Chairman asked Attorney Datte the status of the water provisions of our zoning ordinance. Attorney Datte said the water provisions are prepared and will go to the BOS for review. Attorney Datte said we are working within the draft of the existing zoning ordinance that came from Charlie Schmehl. Attorney Datte said in the Ordinance under 602.A, there is a subsection 31 that deals with ground water or spring water withdrawal of more than 10,000 gals/day/offsite uses. Attorney Datte said this was the section that needed some changes & editing. The changes/editing for this section came from the input of the BOS, Water Resource & Planning Steering Committee, citizens, Attorney Yeager & Attorney Datte and the Hydrogeologist. Attorney Datte said it is broken down in two sections. 1. General Requirements – Hydrogeological Comments for ground water & spring water withdrawal of more than 10,000 gals/day regardless of use. 2. More specific provisions that deals with offsite use. Attorney Datte said we will have to have a public meeting on that section of the Ordinance.

Attorney Datte said the BOS will review & comment on the provisions then it will be a public document. Attorney Datte said after the BOS review & comment then there will be a public meeting with the planning commission & the public to review & comment. Attorney Datte will edit and make changes if they are legally enforceable & then it will go to the Yeager firm to review & tell us if our Ordinance will hold up in court.

Larry Stival asked if the BOS can email the draft of the water provisions. Chairman instructed the Secretary to release the provisions when instructed.

Ted Rosen - when is the public going to see the provisions. Attorney Datte said by the Planning Commission Meeting on Tuesday, February 25, 2020. Chairman said the Secretary can put it on the website if she gets it by the end of the week.

**VII. Correspondence** – NONE

Chairman asked Rodd White if he had a chance to look at the fee schedule. Mr. White responded not yet.

**VIII. Executive Session**

Chairman made a motion to go into executive session at 11:42AM for personnel & litigation. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Chairman called the meeting back to order @ 11:56AM

**IX. Public Comment on General Items** - NONE

**X. Anything Else from the Board** - NONE

**XI. Adjournment**

Chairman called for a motion to adjourn the 12:05PM meeting. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary

