

West Penn Township Board of Supervisors

27 Municipal Road

New Ringgold, PA 17960

Phone (570)386-4507

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Regular 10AM Monthly Meeting

Monday, March 16, 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. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman said due to the COVID-19 Pandemic he would like a motion to approve & pay bills with two of the three Supervisors just in case the Township would be unable to hold their public meeting. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

II. Public Comment on Agenda Items

A. Todd Deem questioned the BOS about his petition for the Draft Zoning Ordinance Recommendations and asked if his petition was taken into consideration. Chairman said we will be talking about that later in the meeting.

III. Land Use

A. Embrovac

Chairman asked Rodd White from Lehigh Engineering if he had anything to discuss with the BOS regarding Land Use. Rodd White wanted to discuss the Embrovac Plans. Mr. White said the Planning Commission received a modification request from Embrovac to allow them to modify the normal land development process for the expansion of their facility.

Rodd White said Embrovac wants to demo one of their chicken houses and expand the office/processing area. Mr. White stated essentially the area that is being taken down will be replaced essentially in the same area and it would be essentially the same use. Lehigh Engineering, LLC agreed with the Planning Commission to grant modification contingent upon Conservation E&S approval, Bill Brior's approval of the upgrades to the sewage system & that they show grading for the storm water of the new building. Rodd White said Lehigh Engineering, LLC did issue their Zoning Permit. Tim Houser asked if Embrovac can start prepping the ground for construction. Mr. White said by law they should have an E&S Plan in place. Chairman said because this company makes vaccines and because of the Pandemic & the Township reach out to the Conservation District & Bill Brior to see if we can speed this process up so Embrovac can start construction.

B. Chairman called for a motion to grant modification of Land Development to Embrovac. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. Chairman called for a motion to conditionally approve Embrovac's Plans contingent upon Lehigh Engineering's LLC comments being satisfied. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Paul Datte recommended the BOS grant & approve time extensions of plan approvals as long as there is any ban on public meetings. Chairman called for a motion to grant time extensions in case we get shut down by the government because of the pandemic. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Draft Zoning Ordinance Recommendations

Chairman said Urban Research & Development provided a list of issues on a letter dated February 21, 2020 that needed to be addressed by the Planning Commission & the BOS.

1. URDC wanted to know the status of the Water Provisions for the draft Zoning Ordinance. The draft water provisions were sent to the Yeager Firm for comments.
2. 2 Lots by Fort Franklin Road & Blue Mountain Drive
The Planning Commission recommended there should be no change and the lots should remain Conservation District. Glenn Hummel made the motion for the two lots to stay in the Conservation District. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0
3. There were comments requesting commercial zoning along the south side of SR895 east of Bailey's Building Supply. That area was recommended to be added to the Village Center, which allows a variety of less intensive types of commercial businesses.
Planning Commission recommends to the BOS that it should be added to Village Center. Tim Houser made the motion to add that area to Village Center. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0
4. Request to connect two areas of RR zoning along Mush Dahl Rd. I the vicinity of Chain Circle, so RR zoning is continuous along the road. Dave Frederick who is a property owner in that particular area does not want it changed to RR. He wants it to stay Agricultural because his farm is in Clean & Green. Planning Commission recommends the zoning in the vicinity of Chain Circle remains Agricultural. Glenn Hummel made a motion for the area in the vicinity of Chain Circle remain Agricultural. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0
5. Request to provide Village Center zoning district along Municipal Drive east to Robin Hill Lane. The current commercial zoning along Municipal Rd. stops at the Township Building. Planning Commission recommends that along Municipal Rd. east to Robin Hill Lane remains Rural Residential. Tim Houser made the motion to keep that area RR. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0
6. Golf Courses – Planning Commission recommended that Golf Courses are an allowed use and that they are permitted by right in all zoning districts. The Planning Commission also recommends that a 20-acre minimum lot size apply in Conservation, Agricultural, Agricultural Conservation & Rural Residential. Glenn Hummel made the motion to go with the recommendations of the Planning Commission. Tim Houser seconded the motion. All in Favor. Motion was carried. 3-0
7. It was requested by the Township that would be to allow customary accessory building without needing a principal building on the lot. It is also recommended the definition of Accessory Use be added. The Planning Commission recommended we allow customary accessory building without needing a principal building on lot. They also recommended the Accessory Use definition be added as a definition. Tim Houser made the motion to allow Customary Accessory Building without needing a Principal Building on the lot & add the Accessory Use definition. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

8. Planning Commission recommended that we change the side setback of the property line for a fence in Highway Commercial to 5 ft. Glenn Hummel made the motion to go with the Planning Commission's recommendation. Chairman seconded the motion. All in Favor. Motion was carried. 3-0

Chairman wanted to discuss the Zoning Map with the BOS. Chairman of the BOS said it was discussed at the last Planning Commission Meeting, that the Chairman of the Zoning Update Committee stated he recommended a change that if any of the members of the Zoning Update Committee had their property changed it would be changed back to what it was originally. Secretary reached out to URDC and asked if any of those changes were made. Charlie Schmehl said no he was not told to do that but would like clarification and direction if changes need to be made. Chairman of the BOS said he thinks the BOS should go with the recommendation from the Ted Bogosh III, Chair of the Zoning Update Committee, and have those properties revert back to what they were originally. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman of the BOS said we one more issue to discuss about zoning and that is the vicinity of Todd Deem's property. Todd Deem brought in a petition that said he would like to see the property on SR 895, SR309 to Dorset Rd. zoned Highway Commercial. Mr. Deem said he got property owners that are within that vicinity to sign in agreement with the change of the district to Highway Commercial. Chairman of the BOS does not want to rescind the motion for #3 – which the BOS motioned to approve the recommendations of the Planning Commission for the south side of SR895, east of Bailey Building Supply as Village Center. The BOS recommended to send recommendation #3. back to the Planning Commission & include Todd Deem's petition about having that area changed into Highway Commercial. They also discussed what business can & cannot be in Highway Commercial & Village Center.

IV. Old Business

A. Motion to adopt Resolution #8 of 2020, authorizing the Incurrence of Lease Obligations for the two new police trucks effective March 2, 2020. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

B. Walking Trail

Chairman said the Road Master spoke to the union. The Union did not have an issue with volunteers clearing the rail bed of the walking trail as long as they did not use Township Equipment. The Township does have a wood cutting/general release form for the volunteers to sign before clearing the path. Chairman said as long as the volunteers fill out the form & the volunteers don't use Township Equipment we are good to go.

V. New Business

A. West Penn Township's Mowing & Trimming Proposals

West Penn Township received 3 bids for mowing & trimming Zion Stone Church Rd. Park & J.E. Memorial Park.

Company	Park West Zion Stone	Park East J.E. Morgan Memorial Park	Mowing Both Parks
Hunter Hardscape, Steven Kuhns 4375 Little Gap Rd. Kunkletown, PA 18058	\$275.00/cut	\$165.00/cut	\$395.00/cut
Boyle Electro Mechanical, Nick Boyle 145 Grouse Ridge Rd. Tamaqua, PA 18252	\$147.36/cut	\$147.36/cut	\$286.44/cut
Sterner's Mulch & More, Ethan Sterner 15 Tulip Lane Tamaqua, PA 18252	\$165.00/cut	\$115.00/cut	\$280.00/cut

Chairman abstain himself from voting on the bids because he is an independent contractor for one of the Companies in the winter time for plowing snow.

Tim Houser made the motion that Boyle Electro Mechanical, Nick Boyle gets awarded the bid for the Zion Stone Park @ \$147.36/cut & Sterner Mulch & More gets awarded the J.E. Memorial Park @\$115.00/cut.

Glenn Hummel seconded the motion. All in favor. Chairman abstained form vote. Motion was carried. 2-1

B. Payoff Backhoe & Freightliner – payoff for both would be \$81,520.22.

Chairman recommends we pay them off today. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Treasurer Karen Wittig was instructed to get the backhoe & freightliner paid off.

VI. Business from Anyone on the Board

Tim Houser asked Attorney Datte if the Galloway Property is on the next Judicial Sale. Attorney Datte said it should be but he is not certain when the next sale will take place.

Chairman and Tim Houser asked Rodd White the status on the people that were working on pallets at their home on Park Drive in Clamtown. Mr. Houser noticed they constructed a pallet fence around the pallets. Rodd White said the property owners were notified that they needed a permit to construct a fence. The property owner said he will go to the Township and apply for a permit but he never did. Lehigh Engineering, LLC issued a notice of violation. Tim Houser questioned how they can run a business out of their home without the proper permits. Rodd White said the issue is that he has no evidence that they are running a business because the owner said it is a hobby. Tim Houser asked Paul Datte if the Township can demand them to give us information on what they are actually doing with the pallets. Tim Houser wanted to know what kind of legal action do we can have. Paul Datte said he will talk with Rodd White to discuss this issue.

Chairman asked Kenny Dunkleberger the Township's IT representative to join our meeting and discuss options of remote meetings. Chairman is concerned with the pandemic and would like to know what we can do if we shut down. Kenny Dunkleberger said we can have Zoom Meetings, Go-to-Meeting, Face Time, FaceBook Live or have a conference call. Kenny Dunkleberger suggested if we allow public comment, the person that would like to give a comment needs to be able to go onto video so we can see who we are talking with. Kenny Dunkleberger said if the Township decides to do this he will make sure everyone is instructed and knows how to run the meeting. Kenny Dunkleberger will look into these options and come up with the best one he feels would work best for the Township.

Attorney Paul Datte said because of the pandemic that is happening he recommends we make a motion that in the event of any ban on public meetings or necessary action between public meetings, the Township take such actions as may be necessary to conduct business of the Township in the normal course or as may be necessary or recommended in relation to the Coronavirus pandemic by the Federal, State or County government in consultation with the Township Emergency Management Coordinator upon authorization of at least two Supervisors and as may be permitted by applicable law.

Glenn Hummel made the motion to follow Attorney Datte's recommendations. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Glenn Hummel asked the BOS if they would consider meeting with an insurance broker about MRM Trust. Glenn Hummel asked if our MRM Trust participates in dividends. Secretary said she believes they do but we did not receive any dividends to date. Chairman asked the Secretary to talk to our current provider about the dividends and get more information on how they work.

VII. Correspondence

A. Jerry Knowles – responded to the complaints we submitted about water extraction with suggestions of what other Townships have done. His letter also said that various municipalities in Bucks County that have passed ordinances to prevent excessive groundwater extracting and had positive results. These include Buckingham Twp., Tinicum Twp., and Doylestown.

Representative Knowles' letter dated March 2, 2020,

B. Crime Watch Meeting will be April 16, 2020 @ 7PM at the Municipal Building

C. Census – The BOS stressed how important it is to participate in the Census. The BOS also said if you have any problems to contact the Township and we will help you through it. Tim Houser said the Census helps allocate funding for the Township so it is important to have accurate numbers.

Chairman said we are having a problem with the Backhoe – Clint Schock said we are having issues with the backhoe and he would like to look into trading it in. Tim Houser said to Clint Schock to do some research on how much we can possibly get for trading it in & explore what type & size of a skid loader/backhoe and what would benefit the Township the most. Chairman suggested we write John Deere a letter about the Township wanting to purchase a machine and if they can help in anyway with the price.

VIII. Executive Session

IX. Public Comment on General Items - NONE

X. Anything Else from the Board - NONE

XI. Adjournment

Chairman called for a motion to adjourn the 11:40AM 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

