

**West Penn Township Board of Supervisors  
27 Municipal Road  
New Ringgold, PA 17960**

**Phone (570)386-4507**

**Fax (570)386-5851**

**Regular Meeting  
Monday, March 2, 2020**

**Present at the Meeting**

Anthony Prudenti  
Timothy Houser  
Glenn Hummel

Karen Wittig – Treasurer  
Katie Orlick – Secretary  
Rodd White – Lehigh Engineering, LLC  
Paul Datte - Solicitor

**I. General**

**A.** Tony Prudenti called the meeting to order at 6:30PM with the Pledge of Allegiance & Introduction.

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

**C. Review of the Minutes** – February 3<sup>rd</sup> & 17<sup>th</sup>, 2020

Chairman called for a motion to accept the meeting minutes for February 3<sup>rd</sup> & 17<sup>th</sup>, 2020. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**D. Treasurer’s Report – February 2020**

Chairman called for a motion to accept the Treasurer’s Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**E. Approval of Bills – February 2020**

Chairman had a question on the bill from Lehigh Engineering, LLC. Chairman said he would like to pay the bills except for Lehigh’s bill until the BOS gets clarification.

Chairman called for a motion to pay the bills. Tim Houser made the motion to pay the bills except for Lehigh’s until they provide clarification on the charges. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**F. Solicitor’s Report** – Attorney Datte said he attended a planning meeting on February 25, 2020 in regards to the Water Provisions & Zoning Provisions. Attorney Datte said he also responded to a RTK Appeal to Office of Open Records. Chairman called for a motion to accept the Solicitor’s report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**II. Land Use**

**A. Graver’s Storm Water Management Agreement & Declaration of Easement**

Chairman called for a motion to approve the Graver’s Storm Water Management Agreement & Declaration of Easement. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. The motion was carried. 3-0

**B.** Chairman called for a motion to conditionally approve the Sharpless Final Minor Subdivision contingent upon Lehigh Engineering, LLC, County Planning Comments & Bill Brior comments. Tim Houser was concerned with the shared driveway of the two parcels. Rodd White said there will be a legal agreement established before they would be able to get their plans recorded. Tim Houser also questioned if it was a flag lot. Rodd White said it was not a flag lot & the plans will note that this would be the last minor subdivision the property can have. If they plan to subdivide again it will have to be a major subdivision. Tim Houser made the motion to adopt Resolution #7 of 2020 which is the conditional

approval of the Sharpless Final Minor Subdivision. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

### **III. Operations**

#### **A. Engineer's Monthly Report – February 2020**

Chairman asked Rodd White to review his report with the BOS. Rodd White referred to his report dated February 28, 2020. Rodd White said it was discussed at last meeting that there are some Township roads that aren't suitable for truck traffic. Lehigh is waiting for a list of said roads in order to perform an engineering analysis in support of an Ordinance for possible restrictions. Rodd White also said that if the Township had any bridge repairs under consideration for this year? Rodd White asked the Supervisor if they are considering repairs on particular bridge let him know for potential grant opportunity. Rodd White said that the Comprehensive Plan Draft should be ready for the Planning Commission to review at their April Meeting. Rodd White said Task 8 Plan Review, Sharpless, Graver & Faust are finishing up & getting their plans ready for recording. Chairman called for a motion to approve the Engineer's report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

#### **B. Code Enforcement Monthly Report – February 2020**

Rodd White gave an update on permits issued. Mr. White stated for the month of February there were 5 UCC permits, 8 Zoning permits & 0 driveway permit issued. Supervisor Glenn Hummel asked if Lehigh Engineering, LLC was applying again for a grant to help develop the J.E. Morgan Memorial Park. Rodd White said yes, they are getting paperwork together. Chairman called for a motion to accept the Code Enforcement Officer's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked Rodd White the status of the Maggie's Kitchen Project. Rodd White said nothing has changed. There was no information received either way. Chairman asked Rodd White to reach out to Maggie's Kitchen to see if we can help them in anyway. Rodd White said he would reach out to them.

#### **C. Sewage Enforcement Officer's Monthly Report – February 2020**

Chairman read the activity report and said there were one new permit application, one test probe, one Percolation, one site evaluation, one design review, one new well permit issued & two subdivision plans reviewed. Chairman said there were no malfunctions reported in February.

Chairman called for a motion to accept the Sewage Enforcement Officer's monthly report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **D. Road Department's Monthly Report – February 2020**

Chairman read the Road Department Report. The Road Department Report consisted of general maintenance to the Twp. building & equipment, salt & cinder for ice & snow storm, cleaned up & organized twp. building, cold patched potholes, trim & chip trees, fixed driveway by the Annex & removed 2 large rocks, fixed drain pipes in floor of garage & started street sign inspection. The Concern of the Road Department is the large amount of culvert/pipe markers they need & the costs. A case of 50 is \$1124.50. Chairman called for a motion to have the road master buy a case of culvert/pipe markers for \$1124.50. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 The road department also would like to advertise for a part time seasonal worker. The Road Department also did maintenance on the trucks, equipment & police cars. Supervisor Glenn Hummel asked the road master if the bucket truck would have to be recertified by Altech? Road Master

said that we are good until next inspection because we didn't change anything structural. Glenn Hummel asked if they scheduled training for the bucket truck yet. Road Master said no, but he will reach out to them again tomorrow. Chairman called for a motion to accept the road department report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

#### **E. Police Department Report – February 2020**

Chairman read the police report. The police report consisted of 6,915 miles patrolled, 116 citations issued, 55 written warnings, 171 total traffic and 268 total calls. Fine money received was \$4,219.39 plus total impound \$1,155.00 which equals to \$5,374.39. Police Department 2- 2020 Chevy Silverado Trucks are in, patrolled West Penn Elementary, and would like to sell 2007 & 2010 Crown Vic & the Chevy Van. Chairman asked how the chief would like to proceed with selling the vehicles; two options are Muncibid or advertise in the newspaper. Chairman called for a motion to sell the 2007, 2010 Crown Vics and the Chevy Van. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to accept the Police Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **F. Fire Company Monthly Report – February 2020**

Chairman read the Fire Company's report. 21 Total calls for the month of February. The report consisted of emergency responses for 1 accident, 2 fire police calls, 1 chimney fire & 2 trees down. The department had monthly drills & had their monthly fundraisers such as the monthly Breakfast & Wing Sale, Forestry Training & Boy Scout Fudge Sale. Chairman called for a motion to accept the Fire Department's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **G. Ambulance Monthly Report – February 2020**

Chairman read the Ambulance Report. The Ambulance Report consisted of 36 calls this month & 96 calls year to date. The types of calls were abdominal pain, assault, back pain, breathing problems, falls, and sick people. The Ambulance assisted Tamaqua & Rush. Chairman called for a motion to accept the Ambulance Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

### **IV. Old Business**

#### **A. Water Provisions**

Chairman asked Paul Datte to elaborate on the water provisions. Attorney Datte stated he met with the Planning Commission on February 25, 2020 to review and receive verbal & written comments for the water provisions of the draft zoning ordinance. Attorney Datte asked on behalf of the Supervisors, if anyone else present at the meeting has any questions or comments on the draft on water withdrawal or extraction provisions of the zoning ordinance. Chairman asked if anyone had any new comments. Ted Rosen – Dogwood Lane – He would like to make an edit to his written comments he submitted at the Planning Commission Meeting February 25, 2019.

Mr. Rosen would like to insert greater sphere of influence as an additional term under watershed primary, secondary, recharge areas, geological sphere of influence. Greater Sphere of Influence would be reaching out to the homeowners. Attorney Datte asked Mr. Rosen if it was in his email from February 27, 2020. Mr. Rosen said yes. Attorney Datte said that will be included when he sends everything to Curtin & Heefner, LLP. Mr. Rosen also commented that he believes the draft ordinance does not define what constitutes a drought. Attorney Datte stated that was addressed in your (Mr. Rosen's) written

comments. Mr. Rosen also suggested we get the Hydrogeologist involved in determining drought situations. Tim Houser asked Paul Datte who was responsible for monitoring streams? Attorney Datte said it is the applicant's responsibility to monitor wells & streams.

Karen Moyer – Pine Hill Rd. – questioned the BOS & Attorney Datte if there is any information in the draft ordinance about who is going to monitor the wells, like a zone of influence. Attorney Datte said there are suggestions on how to do that. The way it is drafted right now is the Hydrogeologist will determine what the sphere of influence would be & the Township will engage their expert to review that report. Karen Moyer said someone came to her from Trout Unlimited, Schuylkill Haven and told her that the eggs that hatch were very low due to the water table of the stream. Karen Moyer asked him to give her a report of their findings.

Bob from Retreat Village – agreed with Karen Moyer. He said the Fish & Boat Commission needs to know when a creek or a stream is going down or is going dry because they monitor any aquatic life that would be affected by that situation.

Chairman called for a motion to send all the information of the water provisions to Attorney Yeager's Office for them to review. The Township would like them to give their legal opinion on what can stand up in court. Tim Houser made the motion. Glenn Hummel seconded the motion. Supervisor Hummel also suggested we include all the notes from the public. Attorney Datte said everything will be included. All in favor. Motion was carried. 3-0

**B. Chairman asked Rodd White if he got a chance to revise the fee schedule.**

Rodd White asked the Chairman to clarify what fees he was supposed to look into.

Chairman said it was for the Property Maintenance Appeals, SEO fees, & Solar Panels. Chairman said basically it was for you to take a look over the whole fee schedule. Rodd White thought it was for the Property Maintenance Appeal. Mr. White said his suggestion for that would be to handle it like a Zoning Hearing and apply the same fees. Rodd White said he needs to revisit it.

## **V. New Business**

### **A. Energy Renewal**

Chairman stated that the Agreement with Entrust Energy is going to expire. Currently, we are paying \$0.0736/kWh. Schuylkill Chamber's Energy Consultant, Loren Martello said the Township can get a fixed rate of 24 months for \$0.0623/kWh from TRIEAGLE Energy., which is less than what we are paying now. Chairman called for a motion for the Township to choose an Energy Company. Glenn Hummel made a motion to enter into an Agreement with TRIEAGLE Energy with a fixed rate of \$0.0623/kWh for 24 months. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

### **B. PPL Right-of-Way for the J.E. Morgan Memorial Park**

Chairman said we have to grant PPL a Right-of-Way to cross the Park Property to set two poles.

Glenn Hummel said it for the line extension to put power back to the pavilion at the J.E. Morgan Memorial Park. Glenn Hummel made the motion to grant Right-of-Way and he is comfortable with the exhibit that PPL proposed for the Right-of-Way. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**C. Chairman called for a motion to enter into a finance lease with Mauch Chunk Trust for (2) 2020 Chevy Silverado Police Trucks & authorizes Chairman to sign all associated documents. Tim Houser asked the**

Chairman about the Lease. Chairman said it was for 5 years & at the end of 5 years the Township can buy the vehicles for a \$1/truck. The Township will have a yearly payment just around \$18,200K & 2.80%. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

## **VI. Correspondence**

### **A. Walking Trail – Ted Bogosh**

Ted Bogosh asked the BOS to grant permission to get volunteers & equipment and clear the walking trail. Tim Houser reminded the BOS that they have to ask the Union before they do anything. Chairman suggested that the Road Master talk to the Union to see if they would have a problem with volunteers clearing the Andreas Walking Trail. Ted Rosen suggested West Penn Township get in contact with East Penn Township and ask how they cleared their side of the trail. Paul Datte recommended West Penn Township confirms the location of the railroad bed before they start clearing the trail. Clint Schock was asked to contact East Penn to see what equipment they used to clear their side of the walking trail. Clint Schock will also talk the Road Crew/Union workers to see how they feel about volunteers clearing the walking trail. Glenn Hummel asked the BOS who is responsible for liability. Attorney Datte stated we would have to check with our insurance carrier. Secretary said our insurance carrier recommends we have the volunteers sign a waiver stating that the Township would not be liable if something would happen to the volunteers while they were clearing the trail. Rodd White said he can go onto parcel locator to figure out where the railroad bed is and he won't charge the Township. Chairman said he will get back to Ted Bogosh III in two weeks about clearing the trail. Glenn Hummel asked if he can be involved with talking to the union about clearing the walking trail.

**B. Ted Rosen's \$100 donation –** Chairman thanked Ted Rosen for his \$100 donation for the cost of the West Penn Township SEO services.

## **VII. Business from Anyone on the Board**

### **A. Complaint Forms – Suggestion / Concern Form**

Chairman said he had people approach him about filing a complaint form. Chairman said some our residents do not feel like a complaint form is the appropriate name for the form. The residents feel if they are letting our Township know of a "concern" it is not really a complaint. Chairman asked the BOS if they would consider making the form a suggestion/concern form. Tim Houser made the motion to rename the "complaint form" to suggestion/concern form. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

### **B. Speed Limit on Zion Stone Church Road**

Chairman said John Garber asked what can be done about the speed limit on Zion Stone Church Rd. Chairman said he spoke to the Chief of Police to see what the Township can do to control the speed on Zion Stone Church Rd. The Chief of Police said in order to change the speed limit we would have to do a study. We would have to see if that road would be a resident district. Chairman asked the BOS to send the Chief of Police out to see if that road meets the criteria for a residential district to change the speed limit to 25mph on that road. Rodd White said it would cost about \$500 to do a speed study on that road. Rodd White said it is an Engineer's judgement on what a safe speed limit is on that road. Chairman said another resident was concerned about that road and said he would even donate signs. Chairman said he will get in contact with him to see if he would also recommend a speed study on that road.

### **VIII. Public Comments on General Items**

**Delroy Haas-** questioned electric providers for the Township. Mr. Haas did not hear the reason for changing it and if the Township was going to save by changing it. Chairman stated that our agreement was expiring with the previous provider & we are going to save with this new provider.

The Township will save about a penny / kilowatt. It is not a lot but we are saving and it is the best rate. Attorney Datte said it is about a 15% savings.

Resident asked if Poplar Drive is on the list to be resurfaced this year? The Road Master said it is on the list to be resurfaced this year. The resident also asked about a pipe that goes underneath Poplar & Blue Mountain Dr. The BOS recommended the Road Master put a marker by the pipe.

**Gary Steigerwalt** – questioned if the Township would qualify for funding for alternative power. Tim Houser said he doesn't believe the Township would qualify for government funding. Chairman said there may be new funding coming out that the Township would qualify for the funding

**Jamie Schellhammer** – wanted to know what buildings would benefit for the use of the solar panels if the Township was going to do it. Chairman said the municipal building, annex, & fire department. Chairman said anything within 2 miles; the ambulance may also be able to have solar energy.

**Jeff Bradford** – spoke about speed on Zion Stone Church Rd. & having it a residential district. Mr. Bradford said he believes if it the speed limit would change; the property owners would be responsible to pay for the new speed limit signs.

**IX. Executive Session** – Chairman called for a motion for an executive session at 7:42PM for Personnel and Possible Litigation. Tim Houser made the motion Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Chairman called the meeting back in session @ 8:10PM.

### **X. Adjournment**

Chairman called for a motion to adjourn at 8:15PM. 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