

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

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**Regular Meeting
Monday, April 6, 2020**

Present at the Meeting

Anthony Prudenti
Timothy Houser
Glenn Hummel

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

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 – March 2nd & 16th, 2020

Chairman called for a motion to accept the meeting minutes for March 2nd & 16th, 2020. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – March 2020

Tim Houser asked the Treasurer, Karen Wittig to monitor EIT money coming in because people are not working during this pandemic. Chairman said our Treasurer, Karen Wittig does a cost analysis, starting in March after every meeting. Karen Wittig said she also give the Road Master & the Chief a budget comparison. Karen Wittig said it shows income & expenses.

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

E. Approval of Bills – March 2020

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

F. Solicitor’s Report – Attorney Datte stated he is working on the following items:

He is working on Right-to-Know requests. Attorney Datte said the Right-to-Know office extended everything for the duration of the Disaster Declaration. He is working on a subpoena the Township received for a previous employee. Attorney Datte also said the Galloway Property is scheduled for Judicial Sale with the County. Paul Datte said he gave the opinion letter to Mauch Chunk Bank, which they requested for the financing of the two new police vehicles. Lastly, he said he will be following up with Curtin & Heefner on the status of the water provisions for the zoning ordinance. Chairman asked Attorney Datte how the Township can implement a fine amount in the Property Maintenance Ordinance for anyone that violates the Ordinance. Attorney Datte said you would have to amend the Ordinance. Attorney Datte said you can adopt the International Property Maintenance Code & make whatever provisions you want to make. If the Township adopt the International Property Maintenance Code, the Township would be able to pick up their fine & enforcement structure.

Chairman asked the BOS if they would like Attorney Datte to amend the Ordinance or consider adopting the International Property Maintenance Code. Tim Houser said he feels to satisfy some of the problems the Township is dealing with, we should amend the Ordinance we already have. Tim Houser made the

motion to amend the Township's Property Maintenance Ordinance to include an appropriate fee schedule. Glenn Hummel seconded the motion. All in favor. Motion carried. 3-0 Chairman asked Attorney Datte to connect with Rodd White of Lehigh Engineering, LLC to discuss and come up with appropriate fines. Rodd White said he has some selective language for the Ordinance. Attorney Datte said he would do that and he asked the BOS if he should advertise it as soon as it is ready. Chairman and the BOS agreed to advertise as soon as possible. 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. Embrovac – Rodd White, Lehigh Engineering, LLC said Embrovac satisfied their conditions, & they are good to go to construction. Chairman asked Rodd White if he issued a building permit. Rodd White said he believes the building permit was issued contingent upon having all comments satisfied from their land development plan.

III. Operations

A. Engineer's Monthly Report – March 2020

Rodd White, Lehigh Engineering, LLC reviewed his report with the BOS. Mr. White said there was discussion about vehicle restrictions on certain roads. Mr. White said they are working on the DCNR grant for the Township. Chairman said DCNR did not extend the grant deadline of April 22, 2020. Mr. White said there are a few outstanding issues that they are working on. Chairman said we asked for Lehigh Engineering, LLC to have it done earlier than the due date so our DCNR representative can review it before final submission. Karen Wittig stated that we asked to have it done by March 31, 2020 in case there were corrections that had to be made.

Rodd White continued and said they held off on presenting the Comprehensive Plan because under the circumstance & the COVID-19 pandemic they felt they should not have a large meeting at this time.

B. Code Enforcement Monthly Report – March 2020

Rodd White discussed the property with the pallet issues. Ralph Hummel issued an additional citation for failure to comply with a previous NOV for not having a permit for the fence. That was an additional citation from operating a business out of their home.

Glenn Hummel asked Rodd White about a Dollar General issue that was recently brought to the BOS's attention. Mr. Hummel asked Rodd White if there was supposed to be any type of barrier or fencing between the two commercial properties, St. Luke's & Dollar General. Rodd White said he will have to look at the plans. Mr. White does not recall that but they are scheduled to do a final inspection for Dollar General. Mr. Hummel said someone drove through from St. Luke's to Dollar General. Mr. Hummel said something should be there for safety purposes. Rodd White said he will double check. Tim Houser asked if that was the best solution because of the train station being there. Chairman said it would be on Dollar General's property. Chairman said if there is nothing on the plan we would like to ask them to do that. Chairman called for a motion to accept the Engineer's report & the Code Enforcement report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. Sewage Enforcement Officer's Monthly Report – March 2020

Chairman read the SEO's activity report and said there were two new permit application, four site evaluation, two design review, one new well permit issued & three subdivision plans reviewed.

Chairman said there were no malfunctions reported in March.

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 – March 2020

Chairman read the Road Department Report. The Road Department Report consisted of general maintenance to the Twp. building & equipment, patching pot holes, cleaned dirt out of pipes, completed street sign inventory, cleaned up trees on Twp. roads, cleaned up the rails to trail path from Dairy Rd. to Tamaqua and for the Fort Franklin Project they replaced pipes, hauled 2027.02 tons of 2A modified, 179.61 tons of R4 stone, removed turn & filled in with shale from the Annex, and dug out water ways & fixed drainage issues. The Road Dept. also serviced trucks & equipment. Chairman called for a motion to accept the Road Department's Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman discussed pipe bids. Chairman called on Clint Schock Road Master to explain. Clint Schock received quotes for pipe for the 2020 road projects. Chemung \$16,154.37, Fehr \$17,816.57, Ferguson \$18,466.42 & Central Clay \$16,480.80. Glenn Hummel made a motion to go with the lowest bid which is Chemung at \$16,154.37. Tim Houser seconded the motion. All in Favor. Motion was carried. 3-0

Chairman said the Road Department budgeted for a new mower. They budgeted \$8300. They are trading in the TC18 Mower, which the trade- in price was \$2500. The final price of the new 3-point mower is \$5790. Chairman called for a motion. Glen Hummel made the motion to make the purchase of the mower. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Police Department Report – March 2020

Chairman read the police report. The police report consisted of 7,106 miles patrolled, 154 citations issued, 61 written warnings, 215 total traffic and 281 total calls. Fine money received was \$2,837.16 plus total impound \$865 which equals to \$3,712.16. New Chevy Trucks are in service (Unit 195 & 199), the police dept. patrolled West Penn Elem. when it was open, the Dept. held off on putting the Ford Crown Vics on Municibid and they may want to get rid of the 2007 Ford Explorer as well. The Dept. is waiting for a quote for the Leiby's Intersection Traffic Light Accident to submit to our insurance company. The police dept. wanted to thank everyone that has been supportive with donating masks, water and other supplies to the Twp. The Chief wanted to discuss Towing issue with the BOS. The Chief said he would like to have just one tower for their impounds for security & evidence purposes. Chief is concerned with securing the evidence & the chain of custody. Chief said it is hard to keep track when there are multiple towers in & out of the impound lot. Chief said we can have multiple towers for regular accidents but he would like one tower for impounds. BOS questioned how he would choose which tower to use for the impounds. The BOS asked Paul Datte if they can choose one tower for impounds. Attorney Datte needs to look into that question so the BOS tabled it. 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
Chairman said the estimate for the traffic light at the Leiby's intersection was \$39,863.

F. Fire Company Monthly Report – March 2020

Chairman read the Fire Company's report. 22 Total calls for the month of March.

The department had monthly drills & had their monthly fundraisers such as the monthly Breakfast, Forestry Training & Brush Truck Training & New Operator Certification. They did not have any other training or events after March 15, 2020 because of the COVID-19 pandemic. Chairman called for a motion to accept the Fire Department's Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

G. Ambulance Monthly Report – March 2020

Chairman read the Ambulance Report. The Ambulance Report consisted of 36 calls this month & 134 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 - NONE

V. New Business

A. Disaster of Declaration – Chairman called for a motion to ratify the BOS decision to declare an Emergency of Disaster during COVID-19 pandemic. Attorney Datte said the Declaration of Disaster is only good for seven days. Instead of submitting the Declaration every seven days Attorney Datte suggested that the Twp. change the ending of the Declaration to state that it shall take effect immediately until the expiration of the Governor's Declaration of Disaster. Glenn Hummel made the motion that the Declaration of Disaster takes effect immediately until the expiration of the Governor's Declaration of Disaster & deems COVID-19 no longer a Disaster Emergency. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Hours for workers during COVID-19 –Chief of Police has taken steps to help the Police Dept. during the COVID-19 Pandemic.

The Road Master asked the BOS how they want the Dept. to work during the COVID-19 Pandemic. Glenn Hummel feels they are essential personnel and they should stay working. Mr. Hummel said if someone becomes sick then that is a whole different subject & that person would have to be quarantined. Chairman feels that it should be voluntary, if they want to work or not work. Chairman feels if they voluntarily want to take off work and use their days off like vacation & sick days they may do so. Chairman asked the Road Master if he feels he has the work to keep the Road guys working. Clint Schock said he is working on Fort Franklin and it will be more than a week before it is done. Mr. Schock also stated that he has other grant projects to do and they have to be done in a certain time frame. Chairman asked the Road Master what he suggested his crew should do. Tim Houser feels as long as there is work let them work. If they feel that personally they do not feel safe to work because of the pandemic then they should have to use their personal vacation & sick paid time off.

Chairman asked Attorney Datte his opinion about the workers. Attorney Datte said if it is voluntary that is fine. If you have a layoff it is supposed to be by seniority. The person with the least amount of time/experience gets the layoff first. Glenn Hummel asked if they take a voluntary layoff, can they be forced to take their personal paid time off & use their vacation/sick days first? Attorney Datte said he will have to look at the contract in light of the legislation that just came out. Attorney Datte does not believe that is in the contract. Chairman asked Attorney Datte to look into layoffs & paid time off. If the

employee does not want to come in because he doesn't feel safe and the rest of the crew is working, then he will have to use his personal paid time. BOS agreed to have the road department keep working. Scott Soley said he got letters stating that if he kept his employees working instead of giving them a layoff the government will reimburse him 60%. Chairman said we are government & we are exempt from a lot of help that other businesses qualify for.

C. Emergency Funding for the Ambulance.

Valerie Coombe, president of the Ambulance, asked the BOS for money. Ms. Coombe asked the BOS if they can release the money the Township give to the Ambulance for the year now. Chairman & Treasurer said they cannot because they did not get all the revenue in for the year. Valerie Coombe said the Ambulance Association just had to drop \$10K into one of their trucks. Chairman asked Valerie Coombe about the Ambulance's Audit? Ms. Coombe said that with the Pandemic going on, who is going to want to take the Ambulance receipts and do an audit. Chairman said the second class twp. code states that the Township should not release funds to anyone until we get an audit from the previous year. Tim Houser said he wants to see an audit before he releases the funds. Glenn Hummel asked Valerie Coombe if the Ambulance does a 1099 at the end of the year. Ms. Coombe said we do everything we are supposed to do. Ms. Coombe said Lucy Murphy's office does it for them. Glenn Hummel said we can use Lucy Murphy's tax receipt. Glenn Hummel said he would like to see whoever you get to audit the books, their report & the tax return. Chairman said next year the budget may have to be cut because of this pandemic. Chairman asked Valerie Coombe how much money does she really need? Valerie Coombe asked for \$10K. Chairman asked if Ms. Coombe can give us the bills for the truck and we will pay them up to \$10K. This way we have accountability of what the money was used for. The BOS still agree they will not release any more money until they get an audit. Chairman called for a motion to pay \$10K worth of bill for them. Tim Houser made the motion. Glenn Hummel seconded the motion. Treasurer Karen Wittig asked if the Township was going to pay the company. Valerie Coombe said no, we paid the bills we are asking to get reimbursed. Chairman asked the BOS how they wanted to handle this. Glenn Hummel said he would reimburse for the physical bills/repairs for the truck. Tim Houser & Glenn Hummel rescinded their first motion. Chairman called for a motion to pay receipts up to \$10K for the repairs of the truck, which will reimburse the Ambulance Association for those costs. Glenn Hummel made the motion and added with the contingency the Township receives the Audit before any other money is released. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

D. Chairman called for a Motion to adopt Resolution #9 of 2020 DCNR Grant. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Chairman read a letter of interest from James Akins to be considered for a seat on the Zoning Hearing Board. Chairman said Larry Stival approached him with interest to become a member of the ZHB. Chairman asked the Secretary if she received any other letters of interest. Secretary said she did not receive any other letters. Chairman called for a Motion to appoint Jim Akins to the Zoning Hearing Board. Glenn Hummel made the motion to appoint James Akins to the ZHB. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked the Secretary to reach out to Larry Stival and ask him if he would consider being an alternate for the ZHB.

VI. Correspondence

A. Chairman read a letter from the Lion's Club.

The Secretary wrote the West Penn Twp. Lions a letter and asked if they would consider us for their 50/50 grant opportunity. The Lion's approved West Penn Township's request to be considered for their grant. The Lion's asked if the Township to write a letter expressing what the Township feels will help complete the park. The Lion's would like to know specifically what the Township would like to request, whether it is dugouts or a bathroom. Chairman asked Glenn Hummel & Chief Brian Johnson to work with the secretary to get prices and come up with something specific that the Lions can help fund. Chairman said the BOS will have to look at the budget to see what kind of funds are available to match the grant before we make any decisions.

B. Chairman discussed a FEMA survey that was issued if the Township wanted to be considered for any reimbursement because of COVID-19. Chairman asked Secretary & Chief Johnson to take a look at the survey.

C. Jeff Bradford, Chief of the Fire Department asked the BOS if they can release the Fire Company's annual funds early because of COVID-19. Mr. Bradford said that last year the BOS released about \$42K for a payment of the new fire truck, however the Township budgeted \$55K. Chairman said this is like the same scenario as the Ambulance. The Township is required to get audits showing where the Taxpayer's money was applied. Jeff Bradford said the person that is doing their taxes, is working on it as we speak. Chairman asked Mr. Bradford if he is asking for the other \$13K. Jeff Bradford said that is correct, whatever the balance was last year. Chairman said we usually allocate \$55K a year and we pay their worker's comp. which is another \$20K. Karen Wittig said they also get Fire Relief Money.

Glenn Hummel said he does not have a problem paying the Truck payment but the Township should not give any more money to the Fire Company unless they provide us with an audit. Tim Houser agrees. The BOS said the audit is required. We need the audit to have accountability for what the funds were used for. Glenn Hummel asked Jeff Bradford what he needs the money for. Jeff Bradford said general bills. The Fire Company is unable to have fundraisers due to COVID-19 and they are short on funds. Jeff Bradford said they have a grant coming & he would like to apply that and the Township's money to some small loans the Fire Company has. Glenn Hummel said he will help with bills now but if we don't get the audits, and the truck payment is coming due, we will be deducting the money we already paid on the bills, from that from the payment of \$42K truck payment. Jeff Bradford wanted to clarify that if the Township helps with the bills now & the Fire Company produces the audits then the Twp. will pay the \$42K truck payment & will allow the Fire Company to receive the rest of the \$55K budgeted. If the Fire Company does not produce the audits, then the money that was paid for the bills now will be deducted from the money the Twp. gives for the truck payment and the Fire Company will have to come up with that. Tim Houser said the Twp. is not just going to give money directly to the Fire Company. Mr. Houser asked the Fire Company to give us the bills to be paid. Tim Houser said it is tax money and we need a trail. Mr. Bradford had no problem with that request. Chairman called for a motion. Glenn Hummel made the motion to release the balance of what was budgeted for the Fire Company's annual allotment to pay bills they provide to the Township for payment. That amount will be held out of the truck payment in June if the Audits are not provided to the Township. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

VII. Business from Anyone on the Board

A. Fee Schedule – Chairman question Rodd White, Lehigh Engineering, LLC about the fee schedule. Rodd White said he was working on changing some fees and he asked the BOS if he can discuss it with Paul Datte when they are making changes to the Property Maintenance Ordinance. Chairman asked the BOS to table the fee schedule until Attorney Datte & Rodd White had a chance to look at it. Chairman noted to Rodd White that the fee schedule is very important.

B. Chairman asked the BOS if we should have two meetings a month during this pandemic. Chairman said the only reason he would see having a second two meetings a month is if we keep accepting plans for review & to accept appeals to the Zoning Hearing Board. Chairman said if we put those on hold we wouldn't have to have two meetings. Attorney Datte said we cannot put a hold on accepting plans. We can ask for time extensions once we receive them. Attorney Datte said ZHB are statutory. They have to be filed within 30 days. Attorney Datte said to the best of his knowledge no time periods have been suspended by law.

Valerie Coombe said can you do a zoom meeting? Attorney Datte said he does not recommend Zoom because of the horror stories he heard about Zoom Meetings & being "Zoom Boomed." Karen Wittig suggested suspending the morning meeting unless we had something that needed to be voted on. Attorney Datte suggested we cancel this month's morning meeting & play next month's by ear. Chairman called for a motion to cancel the second meeting in April & we will reevaluate next month. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

C. Chairman asked the BOS if the Township should close the parks during this pandemic. Chairman asked Attorney Datte his opinion on closing the parks. Attorney Datte suggested to close the parks. Chairman called for a motion to close the parks. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Secretary asked the BOS who would be responsible for posting the parks closed. Attorney date said that Township should post the parks. Chairman asked the Secretary to notify Zion Stone Park Committee & Fred Gimbi. Glenn Hummel suggested Dawn's Vinyl to make the signs. Chairman instructed the secretary to order 10 park closed signs due to COVID-19 pandemic. Chairman called for a motion to get the signs made up. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Chairman question about permitting. Secretary said someone had a question for public comment. They wanted to know if the Township was still issuing permits & if so can the contractors do the work during this pandemic without it being an emergency. Attorney Datte said that is two separate issue. Attorney Datte if someone applies for a zoning application, we have to act on that application. Whether or not the contractor does the work is not our issue.

VIII. Public Comments on General Items

A. Ted Rosen sent an email and asked “when will the revised Yeager/Datte draft of the water extraction ordinance be available, how will it be distributed for public comment and what is the time table for going forward enacting it?” Attorney Datte responded that legal services were considered non-essential by the Governor. Their office is closed; his office is closed. Attorneys are working from home. The short answer is Attorney Datte will try to get some type of indication from Curtin & Heefner, to when we can expect to get comments back on this. It will get publically distributed, it will go back to the Planning Commission, there will be a public notice & hearing, it will publically go in front of the BOS. There will be ample time for the public to comment. Chairman aske Secretary to relay that message to Ted Rosen.

B. Jeff Bradford – thanked the Township for working with the Fire Company.

C. Tim Houser expressed how important the Census is to the Township. He would like to encourage everyone to participate it.

IX. Executive Session

X. Adjournment

Chairman called for a motion to adjourn @ 8:40PM. 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