

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

**Phone (570)386-4507**

**Fax (570)386-5851**

**Regular Meeting  
Monday, May 4, 2020**

**Present at the Meeting**

Anthony Prudenti  
Timothy Houser  
Glenn Hummel

Karen Wittig – Treasurer  
Katie Orlick – Secretary (phone)  
Ralph Hummel – Lehigh Eng. (phone)  
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** – April 6, 2020

Chairman called for a motion to accept the meeting minutes for April 6, 2020. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

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

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 – April 2020**

Tim Houser had a questioned a charge on Lehigh Engineering’s invoice about the school district’s solar panel.

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**

1. Does the Board want to grant any tax relief under Act 15, i.e. extending the discount period for real estate taxes to no later than August 31, 2020, or waiving penalty for taxes paid prior to Dec. 31, 2020? Attorney Datte said if the County does not grant tax relief then it makes it very difficult for the tax collector to allocate the tax payments on the bills that were already sent out. It makes it very difficult to implement tax relief at the municipal level if the county doesn’t take action at the County level. The information that Attorney Datte perceived to date is that the County does not intend to grant the tax relief under Act 15 at the County level. Attorney Datte recommended the Township don’t grant tax relief unless the County would do so. Attorney Datte said the relief that you could enact would be two fold. The Township could extend the 2% discount period until August 31, 2020 or we can waive the penalty or delinquent taxes as long as the taxes are paid by December 31, 2020.

Glenn Hummel suggested we do what the County is doing as far as what their recommendations are for the taxes during COVID-19 & not enact the tax relief under Act 15. Tim Houser agreed and feels we should follow the County’s lead on this situation and not grant tax relief. Chairman feels we should grant tax relief. Chairman called for a vote on tax relief, Act 15. Glenn Hummel made the motion to follow the County’s guidelines and not adopt Act 15. Tim Houser seconded the motion All in favor. 2-1 Chairman opposed. Motion was carried.

2. Amendment to Section 204.3 of the Property Maintenance Ordinance. Motion to have

Attorney Datte advertise the amended Ordinance, for consideration of adoption on June 1, 2020. Chairman called for a motion. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0.

3. Attorney Datte was asked to see if there could be a single tower for the impound lot. Attorney Datte reached the conclusion primarily under the Ordinance that created the Impound Lot; it anticipated a tow rotation and anticipates multiple towers. Attorney Datte said there should be a rotation with more than one tower. It is up to the BOS to establish that. Any rules & regulations for the tow rotation have to be established by the BOS. The Impound Ordinance # 3 of 2018, section 10 has to do with the tow rotation.

Glenn Hummel – asked Attorney Datte about vehicle size. Mr. Hummel’s concern was would if the tower that is in the rotation cannot accommodate a large tow? Glenn Hummel asked Attorney Datte if they can just use towers in the rotation that have the ability to tow small & large vehicles. Attorney Datte said the BOS will make the determination in the rules & regulations of the impound lot. The BOS can have a regulation that a tower needs to be able to tow small & large vehicles to be able to be in the towing rotation. Mr. Hummel wanted clarification from Paul Datte that the Township can have a regulation stating if a tower wants to be in the rotation for the impound lot they must be able to tow small & large vehicles and the other towers can take care of all other tows. Attorney Datte stated that the ordinance anticipates that there is a tow rotation with multiple towers and the BOS will establish rules & regulations for the towers and the rotations. Any towing company that does not follow these rules then they can be suspended or removed from the tow list completely. Chairman asked Attorney Datte if the Township can establish fees for towing for West Penn Township. Attorney Datte said yes whatever the BOS feels will be applicable to the towing companies.

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

## **II. Land Use**

**A.** Embrovac requested the BOS to allow them to start the construction process before they get DEP approval. Embrovac does not want to set precedent but they are asking for a COVID-19 relief because of the difficulty getting DEP to respond when their offices are closed. Embrovac is committed to do the component 2 program. Embrovac is committed to maintaining the high quality watershed. Embrovac will assure everything will be in compliance with DEP and the Township can hold their occupancy permit until everything is satisfied. Chairman asked Ralph Hummel if that is something the Township can authorize. Ralph Hummel said under UCC regulations he should not release any UCC permits until all required permits are met. Tim Houser said our sewage enforcement officer was at the site with DEP when they did the probes for the primary & secondary bed and everything came back good. DEP wants Embrovac to do the 2<sup>nd</sup> component yet. Our sewage enforcement officer said it should be a simple process and everything looks good but with DEP shutdown it can take up to 120 days to review this component from Embrovac. Embrovac is already committed for construction. Embrovac will continue to do everything that DEP is requiring but he just wants to start his construction. Ralph Hummel said he would not have a problem with them starting construction as long as there is a legal agreement that the Township & Lehigh & the Twp. Solicitor will not be liable if anything

falls through. Chairman asked Attorney Datte if he can make up some type of legal agreement. But before that happens, Mr. Houser will contact Bob Kreider from Embrovac about what we discussed at the meeting & if he agrees, he will cover the cost of our solicitor composing the legal agreement. Chairman called for a motion to have the legal agreement done as long as Embrovac covers the costs. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**B.** Dollar General requesting the release of their Improvement Bond. Jan Miller, from Lehigh Engineering, LLC wrote a letter stating that she has determined from the as-built plans provided by Colwell-Naegele Associates, Inc. dated October 25, 2020 & from the site inspection that the site improvements have been adequately completed. Ms. Miller recommends that the remainder of the bond be released after all current invoices from Lehigh Engineering, LLC are satisfied. Chairman previously asked Rodd White, from Lehigh Engineering, LLC if he would get in touch with Dollar General and ask if they would put some type of bushes or something between the properties. Chairman asked Ralph Hummel if he knew the status of if Rodd White got in touch with Dollar General. Ralph Hummel said he was waiting for a response & if Dollar General does not agree, he will reach out to St. Luke's and try to make some kind of agreement between the two.

Glenn Hummel suggested to Ralph Hummel to speak to Jan Miller of Lehigh about this situation because she was also involved as well. Chairman called for a motion to release the Improvement Bonds after all outstanding bills are satisfied. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

### **III. Operations**

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

Ralph Hummel asked the BOS if they had any questions about Lehigh Engineering's Report dated April 6, 2020. Chairman asked about the status on Park Drive the Pallet Business. Ralph Hummel said he cited the property owner for running a noncompliance business & for not having a permit to construct a fence. They also hand delivered a cease & desist. Ralph Hummel said the magistrate is running at a limited capacity because of the COVID-19 pandemic. Ralph Hummel said it is up to the magistrate to decide the fine. Ralph Hummel said it is hard to prove that they are running a business. Glenn Hummel said there are pictures of pallets being loaded & unloaded. Ralph Hummel said you don't know where the pallets are being taken too or if they are receiving money for them. Glenn Hummel asked Ralph Hummel, "How long have we been dealing with this situation?" Ralph Hummel replied about 5 months. Glenn Hummel expressed that he would start citing them every day. Glenn Hummel asked Ralph Hummel when does he expect this situation be resolved. Ralph Hummel said he cannot give a resolution date. Attorney Datte asked Ralph Hummel if 30 days has expired since the two violation notices were issued. Ralph Hummel said, yes. Attorney Datte said they had 30 days that they could have appealed the notices of violation to the Zoning Hearing Board. The Proof of trying to prove they are running a business becomes less of an issue because they didn't challenge the factual allegations. Their opportunity to challenge those notices has come & gone. The magistrate should be entering judgement in favor of the Township because they had their opportunity to appeal and they didn't. The Township has the opportunity to go into court and get a court order to stop them. Chairman said let's go to court & stop

them. Attorney Datte asked Ralph Hummel if he filed civil complaints against them. Ralph said, yes. Attorney Datte asked the BOS if they want him to make an equity action against the pallet business the BOS should take action. Chairman called for a motion. Glenn Hummel made a motion to for Attorney Datte to file an Equity Action. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Glenn Hummel asked Ralph Hummel to keep the Township informed with weekly updates on different complaints that are submitted to the Township.

**B. Code Enforcement Monthly Report – April 2020**

Chairman called for a motion to accept the Engineer’s & the Code Enforcement’s 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 – April 2020**

Chairman read the SEO’s activity report and said there were three new permit application, fourteen test probes, four site evaluation, six perc tests. Chairman said there were no malfunctions reported in April. 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 – April 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, replaced pipes on Fort Franklin, hauled shale & modified to lay the road. The Road Dept. also serviced trucks & equipment. Chairman discussed Walker Township coming in with West Penn Township on the Tar & Chip Bid. Chairman called for a motion to advertise for our road project with Walker Township. Tim Houser made the motion. Glenn seconded the motion. All in favor. Motion was carried. 3-0 Tim Houser asked the Road Master to check road signs because of the recent weather with high winds. Chairman called for a motion to accept the Road Department’s Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**E. Police Department Report – April 2020**

Chairman read the police report. The police report consisted of 6015 miles patrolled, 185 citations issued, 104 written warnings, 289 total traffic and 261 total calls. Fine money received was \$3,380 plus total impound \$1,420 which equals to \$4,800.50. Police report stated the Township was waiting for the Leiby’s intersection light to be fixed, waiting on PPL. Township received a letter from the insurance company regarding payment for the traffic light, which included payment amount for the traffic light \$38,862.72 after the \$1000 deductible. 20 cars will be removed from the impound lot to salvage. Chairman asked the chief if the traffic light was upgraded too. Chief said yes and we are just waiting on PPL. Tim Houser questioned what was wrong with the cruiser car that has been sitting down at Fritz Automotive. Chief said the front & back upper sway bars & spring coils were bad.

Chairman read Paul Vlcek’s resignation letter, he took a full time job with Allentown City. Chairman called for a motion to accept Paul’s resignation. 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. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**F. Fire Company Monthly Report – April 2020**

Chairman read the Fire Company’s report. 23 Total calls for the month of April. Emergency Responses included 2 Structure Fires, 3 Brush Fires, 3 Motor vehicle accidents, 8 Trees/wires down, 5 Automatic Alarms, 1 Carbon Monoxide Alarm & 1 Fire Police call. They did not any hall rentals, breakfast or training because of the COVID-19 pandemic. They will be having a Drive Through Mother’s

Day Flower Sale & Car Wash on May 9, 2020, 8AM – 12PM. Chairman asked the secretary to put their fundraiser information on the Township’s website & in the newspaper. Glenn Hummel wanted to recognize & thank the Fire Company for their parade of Fire Trucks for someone’s birthday during this time of COVID-19 pandemic. Tim Houser asked Fire Chief Jeff Bradford if they anticipate doing other kinds of drive up fundraiser. Mr. Bradford said there are conversations of having a pick up breakfast for June and they are considering other ideas to have fundraisers during this time. 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 – April 2020**

Chairman read the Ambulance Report. The Ambulance Report consisted of 32 calls this month & 166 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 & Walker Twp. Chairman called for a motion to accept the Ambulance Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**IV. Old Business**

**A.** Planning Commission’s recommendations from the meeting, Tuesday, April 28, 2020.

#3 from the URDC letter dated 2/21/20. Planning Commission’s second review of this provision, taking into consideration of Todd Deem’s petition. The Planning Commission still motioned to recommend that area of the south side of SR895 east of Bailey’s to Dorset Rd. be Village Center. The Planning Commission also recommended that the Bailey’s Supply parcel & Larry Stival’s Campground remains Commercial even if they sell.

Planning Commission agreed to have the properties of the Zoning Update Committee changed back to Original Zones.

The Planning Commission also recommended having the back setback for a fence in commercial zoning district as 5 ft.

Chairman called for a motion to advise the secretary to send the recommendations to Charlie Schmehl of URDC. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**B.** Park Status – Chairman recommends we open parks in two weeks with social distancing & gatherings no larger than 25 people. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman instructed the secretary to let the Park Commission know about the BOS’s recommendations.

**C.** Chairman recommends we cancel our May 18, 2020 BOS meeting. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**D.** Chairman called for a motion to adopt Resolution #10 of 2020, authorizing Glenn Hummel & Treasurer Karen Wittig as Individuals associated with the Township to conduct any business & sign any documents with Nationwide for the Police Pension. Tim Houser made the motion. Chairman Tony Prudenti seconded the motion. All in favor. Motion was carried. 3-0

**V. New Business**

**A.** Tim Houser discussed with the BOS having the backside of the building painted & having the police station painted on the west side because of peeling paint. Tim Houser had a quote from Peter’s Painting Services, they reside in the Township. Mr. Houser said two coats on siding & two coats on stucco for the police station would be \$990. Mr. Houser said to paint the back of the Township Building it would cost

\$3560. Total cost of \$ 4,550. Chairman called for a motion to have the painting done. Tim Houser made the motion to contact them to paint the police station & back side of Municipal Building. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **VI. Correspondence**

A. Chairman read a correspondence from Ted Rosen. Ted Rosen would like to know the status of the Datte/Curtin & Heefner revised draft of the water extraction ordinance. Attorney Datte said Curtin & Heefner is not done reviewing the provisions. Attorney Datte said he feel in the next two – three weeks we should have some type of response from them. Attorney Datte said he would like a response back from them by June 1, 2020. Attorney Datte said the Governor has law office as non-essential, meaning the law offices are closed, which makes it difficult. But Attorney Datte is hoping to be able to schedule advertising for another hearing at the June 1<sup>st</sup> BOS meeting. Chairman asked the secretary to respond to Mr. Rosen with this information.

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

A. Glenn Hummel gave a quick update on the JEM Park. PPL is behind but tentatively scheduled the poles at the park being in by June 1. Mr. Hummel contacted Jerome Betz who is putting in the electric. Mr. Hummel said the DCNR grant was submitted with a total project cost of \$90K. Chairman thanked Mr. Hummel for all he has done for the grant to happen. Chairman also, thanked Karen Wittig & Katie Orlick for assisting Jan Miller of Lehigh & Supervisor Glenn Hummel's in their efforts to get the grant submitted.

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

A. Darryl Nothstein Sr. – Summer Valley Rd. – questioned the appeal of the home base business of Todd Deem. How can they be still operating their business at that address if they were denied their appeal? Todd Deem said the Zoning Hearing was for having a sign on a trailer not for running a business. Daryl Nothstein feels they should not be able to operate as a home base business. Ralph Hummel said if they are operating a home base business they have to conform to the home base business regulations set forth in the zoning ordinance. Attorney Datte asked Ralph Hummel to look into Daryl Nothstein's complaint. Chairman asked secretary to forward Ralph's response to Mr. Nothstein & Mr. Deem. Chairman said this started in 8/20/19. Chairman asked Ralph Hummel to give Daryl Nothstein an answer about the home base business.

Daryl Nothstein also discussed with the BOS why he has not been called for Tows in West Penn Twp. Mr. Nothstein said he has not had an impound since February 5<sup>th</sup>. Mr. Nothstein wanted to know why he was suspended. Glenn Hummel said certain remarks Mr. Nothstein had about other towers, which goes against rules. Glenn Hummel said Mr. Nothstein had someone working for him with a suspended license. Chairman said he is back on the Tower's list. Glenn Hummel said he will be discussing the tow rotation with the BOS. Chief Johnson asked Daryl Nothstein if he read the rules & regulations for towing. Chief Johnson said Mr. Nothstein did not inform his department that one of his drivers had a suspended license, which goes against the rules & regulations of being a part of the Impound Lot tow rotation. Chief Johnson stressed that if anyone has a suspended license it is the Company's responsibility to notify the Police Dept. Chairman stated that if a driver is under an ongoing investigation, then they cannot tow for the impound lot because the BOS believes it would impede the chain of custody. The BOS would like to set up a meeting to discuss tower's rules & regulations with the police department. Chairman asked the secretary to set up the meeting and advertise it.

Todd Deem – Summer Valley Rd. – asked the BOS if the Zoning in the area of south side of SR895 east of Bailey’s to Dorset Rd. Did it go back to the original recommendation Village Center? Chairman said, yes. Todd Deem also asked where the cars are going that are being salvaged. Glenn Hummel said the salvage cars go to the highest bidder, which was Paul Warner.

**IX. Executive Session**

**X. Adjournment**

Chairman called for a motion to adjourn @ 8:56PM. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary