

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

Phone (570)386-4507

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**Regular Meeting
Monday, June 1, 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 6:33PM with the Pledge of Allegiance & Introduction.

B. CDBG Meeting

Karen Parrish attended the meeting & had our required public meeting for CDBG & housing rehabilitation. The hearing is to give the citizen the opportunity to comment on community development & housing needs of the community. The Township is eligible for approximately \$93K from the PA Small Communities Fund. These funds can be used for activities that benefit low to moderate income residents or aid with the prevention of slums & blight areas in the Township. Karen Parrish said we need to get someone to apply for housing rehab or we will lose the money from 2015. Chairman asked Karen Parrish if it would be a good idea to put something about the program in the newspaper or on our website. Chairman asked Karen Parrish when the Township loses the opportunity for using the funds. Karen Parrish said we will lose the 2015 money if we don't use it by September. Tim Houser asked Karen Parrish what the rehab money can be used for. Karen Parrish said any homeowner that needs to bring their property up to code and falls within the income limits. Glenn Hummel asked how much money was available. Karen Parrish she is not sure but will send it over to the secretary tomorrow.

Karen Parrish said they try to keep the funding at \$25K/ house.

The BOS suggested a property that may qualify for assistance. Ralph Hummel said the property that the BOS suggested may not be brought up to code. Ralph Hummel said he would go to the property with anyone to check it out. Tim Houser asked Karen Parrish about a blight property and if we can use some funds to demolish it. Chairman asked the secretary to advertise for the CDBG Housing Rehab Program. CARES Act – Karen Parrish explained that West Penn Twp. may receive a grant for \$61,540K. These funds are for addressing the COVID-19 pandemic. The funds can be used for food aid, rent / utility assistance and loans to small businesses.

Tim Houser asked if some of that money can aid first responders because they could not do fundraisers. The Community Development money cannot but maybe the County Treasury Money can. Karen Parrish said we can probably use 30% for Urgent Needs. Glenn Hummel asked if the Township can get portable thermal testing for the entrances to the building. Karen Parrish said we cannot do anything with Municipal Buildings except for ADA compliance situations. Jeff Bradford asked Karen Parrish if funds can be used at an existing park. The park is currently using a port a john for a bathroom; can we get an ADA permanent type of Port a Johns that uses holding tanks? Karen Parrish said to get some prices and she said we can look at that to see if it qualifies.

Chairman called for a motion to adopt Resolution #11 of 2020, Citizen Participation Plan. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. Public Comments on Agenda Items Only – None

Todd Deem - Summer Valley Road – asked the BOS what the May 12, 2020 meeting was about. Chairman said it was about the Impound Lot Rules & Regulations & Fees. Mr. Deem said he was unaware of the meeting. The meeting was advertised in the local newspaper. Chairman asked the secretary to supply a copy of the minutes to Mr. Deem after they are approved.

D. Review of the Minutes – May 4th, 2020 & May 12th, 2020.

Chairman called for a motion to accept the meeting minutes for May 4th & 12th, 2020. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Treasurer’s Report – May 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

F. Approval of Bills – May 2020

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

G. Solicitor’s Report

1. Motion to adopt Ordinance #1 of 2020 Amended Property Maintenance Ordinance. Attorney Datte said this Ordinance was to establish penalties for violations of the Property Maintenance Ordinance. It was properly advertised & notice was posted for this to be adopted. Chairman called for a motion to adopt Ordinance #1 2020 Amended Property Maintenance Ordinance. Ralph Hummel from Lehigh Engineering, LLC asked Attorney Datte if the BOS adopt the Ordinance tonight can he enforce it tomorrow? Attorney Datte said wait 5 days. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

2. Water Provisions – Updated Engagement Letter. Attorney Datte had several conversations with Attorney Mark Freed of Curtin & Heefner. Attorney Mark Freed is the Attorney that replaced Jordan Yeager after Attorney Yeager became a judge in Bucks Co. Attorney Mark Freed will work with Attorney Lauren Williams to review our water provisions & supply their comments. Attorney Datte asked Attorney Freed if we can have a response back for our July meeting, which he is supposed to do. Attorney Freed also suggested we update our engagement letter because of the DRBC review. The engagement letter is an agreement for Curtin & Heefner to represent West Penn Twp. in connection with reviewing the draft water extraction ordinance & assisting the Twp. in determining the best options for resolution of current and outstanding water extraction issues & reviewing the water withdrawal application D-2019-005-1, that was submitted to the DRBC. Chairman called for a motion to accept the updated engagement letter. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

3. Donation – Piece of Property

Attorney Datte said someone in the Township would like to donate 20-25 acres to the Township. Chairman explained a resident would like to donate the land because he was approach by a few people about having a park in the Clamtown area. The owner of the land said he is interested in donating land to the Township. The property borders the Schuylkill River. The land owner said to the BOS he would not like to incur any expense on this transaction. Chairman said there are a few things the Township would have to do to get the land. There will need to be a survey, subdivision & wetland delineation to be done for this land to be donated. Chairman said at last month’s meeting, we asked Lehigh Engineering, LLC & ARRO Consulting, Inc. to provide the Township with quotes for the survey & the wetland delineation. The Twp. received on quote from one company. Chairman asked the other company if they can supply the Twp. with a quote by next meeting. Chairman asked Attorney Datte if he can create some kind of agreement between the property owner & the Twp. The agreement will state the intent to donate the land to the Twp. and it would show the Twp. as an equitable owner for the survey & wetland delineation to be done. The BOS would like to ask for 26.41 acres. Attorney Datte suggested we have one final

version of the map with one line so it is less confusing. Attorney Datte said he will take care of that. Chairman asked Attorney Datte if we can have the agreement for our next meeting. Chairman is a little nervous about the wetlands in that area. He also said the Twp. will have to have the land appraised. Glenn Hummel suggested the land owner name the park. 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. Chairman asked Ralph Hummel to review his comments on land use with the BOS.

Ralph Hummel said Tyler Foster was conditionally approved Sept. 9, 2019, contingent on satisfied comments from Lehigh Engineering, LLC, Schuylkill Co. Planning & Bill Brior, SEO. Chairman called for a motion to approve Tyler Foster's Development Agreement & Storm Water Management Agreement. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Ralph Hummel said he also signed off on the Faust Subdivision. Ralph said the Driveway Agreement has to be approved. Attorney Datte said he reviewed the Agreement & addressed some minor issues. Chairman called for a motion to approve the Faust Driveway Agreement, subject to addressing minor issues to the satisfaction of the solicitor. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. ARRO Consulting, Inc. reviewed Billman's Subdivision Plan.

The Planning Commission recommended to the BOS to approve two modifications requested by the Billman's for their Subdivision.

1. Modification to Section 1019 – Concrete Monument Type being 6"x6" at the top; 8"x8" at the bottom & 30"+/- in depth. They want to place steel pins at all the new lot corners instead of concrete.

2. Modification to testing of a secondary on-lot septic system for the combined lot A+B+C is not necessary, since the acreage is over 13 acres. The soils are similar & there are no issues with the septic testing on LOT 1.

Tim Houser asked the solicitor if they combined lots A+B+C and with it being 13 acres, they decide to subdivide again will they have to do the testing for the septic. Attorney Datte said yes, they would have to do all the requirements at that time for a subdivision.

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

Chairman called for a motion to approve the recommendation of the Planning Commission to Conditionally approve the Billman's Subdivision/Annexation. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution #12 of 2020 the Conditional Approval of the Billman's Subdivision/Annexation. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

III. Operations

A. Engineer's Monthly Report – May 2020

Ralph Hummel asked the BOS if they had any questions about Lehigh Engineering's Report.

Ralph Hummel said he spoke with Dollar General and they agreed to install "Do Not Enter" signage on North facing side of the property. Dollar General also requested the release of their bond. The secretary has to confirm all invoices and the bond & escrow may be released. Chairman called for a motion to release the escrow for Dollar General. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Ralph Hummel said he gave the secretary a quote for the speed study which was requested by the BOS. Chairman asked Ralph Hummel if he heard anything about the park grant. Ralph Hummel did not hear anything about the park grant. Chairman asked Ralph Hummel when Rodd White will be returning to work. Ralph Hummel said soon. Chairman called for a motion to accept the Engineer's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

B. Code Enforcement Monthly Report – May 2020

Ralph Hummel continued with his Code Enforcement Report. Ralph Hummel said he gave information to Paul Datte in regards to Park Dr. Ralph Hummel said the owner pled not guilty to the citations he issued. Ralph Hummel said he has a hearing date of July 17, 2020. Attorney Datte said he has the complaint we talked about last month and Attorney Datte wants to speak to Ralph Hummel to make sure all the facts are straight. Attorney Datte asked if the BOS wanted to wait until the outcome of the hearing on July 17, 2020 or does the BOS want to file the equity action as soon as possible. Attorney Datte suggested we wait until we hear the outcome of the hearing. Ralph Hummel said we received an email saying that it has been quiet on Park Dr. Glenn Hummel asked Attorney Datte if we were beyond the magistrate portion because the owner of Park Dr. was out of the 30 day window of the Appeals process and it would have to go off to the Commonwealth. Attorney Datte said we spoke about filing an equity action which is independent from the process that Ralph Hummel is going through. Since they are beyond the thirty day Appeal period to the Zoning Hearing Board they really don't have a defense in front of the magistrate. The BOS agreed to wait to hear the outcome of the hearing.

Ralph Hummel spoke about another property on SR443, bottom of the Clamtown Hill. Ralph Hummel said they filed an Appeal to their notices of violations. Ralph Hummel said the violation about the equipment, when the Attorney wrote up the order; it did not state they are only allowed to have one vehicle. Ralph Hummel said it is going to be hard to enforce the number of vehicles parked there. Ralph Hummel said they may try to resolve it before the hearing. They are going to apply for a Zoning Permit for the sign. Ralph Hummel also said they were going to meet on site to discuss the driveway.

Chairman said you should discuss the mounds of dirt on the property too.

Chairman asked Ralph Hummel about a property on SR309 that overnight turned into a Rental place.

Ralph Hummel said the owner contacted Ralph Hummel to see what permits would be needed for his business. Glenn Hummel said would they need a driveway permit as well as a Zoning Permit.

Chairman asked if these properties should do a Land Development Plan. They both are Commercial & are changing uses. Ralph Hummel said the one does not have a structure. Chairman said we need to be consistent. We have a responsibility to protect the citizens of the Township. Ralph Hummel said he will follow up on these properties.

Chairman said we have a complaint about feral cats. Ralph Hummel said it is not in our ordinance and there is nothing we can enforce. Ralph Hummel said he knew of one Township that passed an ordinance to deal with feral cats. Ralph Hummel said he can get a copy of that for the BOS to review.

Chairman asked secretary about a sludge ordinance. She said she will send a message to Charlie Schmehl.

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

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

Chairman read the SEO's activity report and said there were three new permit application, four test probes, three site evaluation, and six perc tests. Chairman said there was one malfunction report done for St. Francis Animal Hospital. The Twp. had a complaint of a suspicious sewage smell over at the animal hospital. Bill Brior conducted a site inspection and everything was functioning in a consistent manner with all state & local requirements. Chairman said if there is a malfunction it should be noted on the Twp. 537 Plan.

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 – May 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, cleaned up trees on Twp. roads, replaced pipes on Fort Franklin, hauled shale & modified to lay the road. Paperwork is being finished to submit to the Conservation Office for the grant, The Road Dept. also serviced trucks & equipment. Tim Houser asked Clint Schock if he had any correspondence from the gentleman that is going to paint the buildings? Clint Schock said the painters are like six weeks out. They are anticipating around the 16th.

Chairman said last year a gentleman approached the BOS about drainage on Mush Dahl Rd. Tim Houser & Clint Schock, Road Master met with Robert Taylor to discuss the drainage situation. The Road Master got an estimate of \$3435 which excludes fuel & labor. Chairman asked the BOS what they feel should be done. Tim Houser said when the road was redone the Twp. did not acquire a full water easement, like you do for existing pipes. Tim Houser feels it is the Township's responsibility because it was our mistake. Tim Houser & the Road Master spoke to Mr. Taylor and told him the Twp. may only be able to do half of the repairs this year and half next year. It depends on the Road Master's budget because of the COVID situation & the Twp. getting EIT money. Glenn Hummel said if we caused it he feels we should fix it. Chairman said we promised Mr. Taylor we would fix it a year or so ago and we are of our word. Road Master said he would like to do the whole thing instead of half this year & the other half next year. Glenn Hummel made the motion to fix Mr. Taylor's drainage problem on Mush Dahl Rd. that previously was caused by the Twp. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman also discussed with the BOS a speed limit request the Twp. received. A resident that lives on Stony Lane in New Ringgold asked the BOS to consider putting some speed limit signs on her road. She is very concerned because people fly up & down this road every day and there are children playing. Someone may get seriously hurt if the drivers are speeding and not careful traveling this road. Tim Houser asked the Chief of Police to see if this area meets the requirements for a residential 25mph speed limit.

Chairman asked the BOS how they would like to handle the speed on Zion Stone Church Rd. BOS suggested 4 children playing signs and/or speed lines. Chief suggested using the speed reader sign. Chairman opened the bids for the 2020 Multi Municipal Bituminous Seal Coat Project. The Township received two bid proposals for the 2020 Multi Municipal Seal Coat Project. West Penn Township and Walker Twp. advertised and requested bid proposals for their Bituminous Seal Coat Project. Asphalt Maintenance Solutions, LLC & Shiffer Bituminous Service Co. submitted a bid for the 2020 Multi Municipal Seal Coat Project. Chairman read the bid proposals and Asphalt Maintenance Solutions, LLC had the lowest bid. Chairman called for a motion to award the West Penn Twp. section #1-6 of the bid to Asphalt Maintenance Solutions, LLC. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Walker Twp. will hold their meeting on Thursday, June 4, 2020 to accept their lowest bidder. The prices of the awarded bidder are as follows:

Asphalt Maintenance Solutions, LLC – 2020 Multi Municipal Bituminous Seal

Coat

Schedule of Prices

Item No.	Approx.Units Quantities		Description	Unit Price	Total
1.	24,816	SY	T-916 Shady Lane from T-902 Chain Circle to T-905 Zion Stone Church Double Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "D", ADT <100	\$2.72	\$67,499.52
2.	23,760	SY	T-902 Chain Circle from T-992 Mush Dahl to T-992 Mush Dahl Rd. Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "C", ADT <100	\$1.36	\$32,313.60
3.	2,956	SY	T-903 Stoney Lane from T-908 Kepners Rd to East Brunswick Line Single Bituminous Seal Coat using a Polymer Emulsion & #8 Stone with a 1.0% Loss by wash, Surface Category Condition "C", ADT<100	\$1.36	\$4020.16
				Subtotal	\$103,833.28

Asphalt Maintenance Solutions, LLC – 2020 Multi Municipal Bituminous Seal

Coat

Schedule of Prices

Item No.	Approx.Units Quantities		Description	Unit Price	Total
4.	1,750	SY	T-501 Tamaqua Dr. connector from SR-443 to T-773 River Rd. Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "D", ADT <100	\$1.36	\$2,380.00

5.	510	SY	T-500 Tamaqua Dr. from a dead end to T-501 Tamaqua Dr. Connector Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "C", ADT <100	\$1.36	\$693.60
6.	2,300	SY	T-500 Tamaqua Dr. from T-501 Tamaqua Dr. Connector to SR-309 Single Bituminous Seal Coat using a Polymer Emulsion & #8 Stone with a 1.0% Loss by wash, Surface Category Condition "C", ADT<100	\$1.36	\$3,128.00
				Subtotal	\$6,201.60
				Subtotal from other Attachments	\$103,833.28

Asphalt Maintenance Solutions, LLC – 2020 Multi Municipal Bituminous Seal Coat

Schedule of Prices

7.	7,164	SY	T-858 Valley Rd.(Western Portion) from T-855 Pebble Lane to T-530 Koch Lane Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "C", ADT 500-1000	\$1.36	\$9,743.04
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8.	8,395	SY	T-858 Valley Rd. (Eastern Portion) 3,596' east of T509 Wildcat Rd. east for 3,598' Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "C", ADT 500-1000	\$1.36	\$11,417.20
9.	6,138	SY	T-858 Valley Rd. (Middle Section) T-530 Koch Lane to T-515 Bridge Lane Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "C", ADT 100-500	\$1.36	\$8,347.68
10.	5,803	SY	T-523 Shady Lane from T-857 Catawissa Rd. west for 2,643' to the seam at the bridge crossing Single Bituminous Seal Coat using a Polymer Modified Emulsion & #8 Stone with a 1.0% Loss by Wash, Surface Category Condition "D", ADT 100-500	\$1.36	\$7,892.08
				Subtotal	\$37,400.00
				Subtotals from other Attachments	110,034.88
				Total Amount of Bid	\$147,434.88

E. Police Department Report – May 2020

Chairman read the police report. The police report consisted of 6051 miles patrolled, 279 citations issued, 127 written warnings, 406 total traffic and 311 total calls. Fine money received was \$3,608.01 plus total impound \$5,465 which equals to \$9,073.01. Police report stated the Leiby's intersection light is complete with work with updated motion detection cameras. The Police Dept. assisted with traffic control for the Tamaqua Graduating Class Parade at School Dr. & SR309. 10 cars were salvaged from the impound lot. The Dept. will be salvaging 10 more cars this month.

Chief reviewed the Towing Provisions with the BOS. There was a general meeting on May 12th, 2020 where the BOS discussed Towing Provisions. Chief Johnson provided the BOS the Police Dept. updated Towing Policy & Application. Chairman called for a motion to approve the updated policy & application. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Chairman Prudenti

abstained from vote. Motion was carried. 2-1 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 – May 2020

Chairman read the Fire Company's report. 10 Total calls for the month of May.

Emergency Responses included 0 Structure Fires, 2 Brush Fires, 2 Motor Vehicle Accidents, 2 Trees/wires down, 2 Automatic Alarms, 1 stand by assignments & 1 Fire Police call. They did 5 pool fills and 7 birthday parades. Chairman discussed body cams for the Fire Police with the BOS. Harvey Lehnart wanted to purchase Body Cams for the Fire Police. Chairman asked the BOS how they felt about having our Fire Police Wear Body Cams. The BOS had concerns of the Camera Footage. They felt if this is something they allowed then there would have to be a Policy in place of who had access to the Camera Footage and how it would be maintained & distributed. 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 – May 2020

Chairman read the Ambulance Report. The Ambulance Report consisted of 30 calls this month & 196 calls year to date. The types of calls were abdominal pain, assault, back pain, breathing problems, falls, and sick people. The Ambulance assisted Tamaqua & 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. Park & Pavilion Opening

BOS agreed to have the parks opened now. The groups should be no more than 25 & social distancing should be implemented. The BOS also agreed that the Pavilions should not open until PA is in the Green Phase, which would allow larger parties.

B. Chairman asked the BOS if they wanted to start having their second meeting of the month again. BOS did not hold their second meeting due to the COVID Pandemic.

The BOS agreed to have bimonthly meetings again starting June 15, 2020. Chairman asked the secretary to put it on our website that the BOS will have their Bimonthly Morning Meetings again starting June.

V. New Business - NONE

VI. Correspondence - NONE

VII. Business from Anyone on the Board

A. New Copier for the Office

Chairman asked the BOS if they would approve a purchase of a new copier for the Township Office. Chairman stated he recommends a new purchase because there are a lot of issues to be fixed with the current copier. Chairman called for a motion to purchase a new Copystar 3253ci Digital Color MFP for the office. Chairman said it is CoStar approved and will cost \$4900.00. Tim Houser made the motion. Glenn Hummel seconded the motion. Motion was carried. 3-0

VIII. Public Comments on General Items

A. Todd Deem suggested the BOS may want to review Lynn Township's Sludge Ordinance. Mr. Deem said maybe that will help us have some direction on what we can put in our Ordinance.

B. Glenn Hummel discussed with the BOS social media and employees that represent our Township. Glenn Hummel feels if you represent our Township, you should take that into consideration what you post online or how you comment on other people's post.

IX. Executive Session

X. Adjournment

Chairman called for a motion to adjourn @ 9:05PM. 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