**West Penn Township Board of Supervisors**

**27 Municipal Road**

**New Ringgold, PA 17960**

**Phone (570)386-4507 Fax (570)386-5851**

**Regular Meeting**

**Monday, July 6, 2020**

**Present at the Meeting**

Anthony Prudenti Karen Wittig – Treasurer

Timothy Houser Katie Orlick – Secretary

Glenn Hummel Rodd White – Lehigh Eng.

Paul Datte – Solicitor

**I. General**

**A.** Tony Prudenti called the meeting to order at 6:33PM with the Pledge of Allegiance & Introduction.

**B**. Certificates of Appreciation

Chairman & the BOS recognized Jay Hollenbach Jr. & Eric Zizelmann, owners of Hollenbach Home Comfort Services, LLC, for volunteering their time to assemble playground equipment & a swing set for our J.E. Morgan Memorial Park. Their hard work, time & patience were truly appreciated.

**C. Public Comments on Agenda Items Only** – None

**D.** **Review of the Minutes** – June 1, 2020 & June 15, 2020.

Chairman called for a motion to accept the meeting minutes for June 1st & 15th, 2020. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**E. Treasurer’s Report – June 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

**F. Approval of Bills – June 2020**

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

**G. Solicitor’s Report**

**1**. Sludge – Attorney Datte asked if the BOS would like to get in a discussion about sludge. Attorney Datte said we are limited on what we can do. Chairman asked Supervisor Houser to comment on the sludge topic. Supervisor Houser said he knows some information because of the “Right to Farm” that we cannot regulate farmers from actually using sludge. Supervisor Houser asked Attorney Datte if we can regulate how they spread it on the field. Can we require them to inject it right into the ground instead of spreading it on surface? Attorney Datte said he can look into that. Attorney Datte said DEP has regulation about how you apply what they call Class A & Class B Bio Solids to the ground. Attorney Datte said he will look into sludge issue for the Township.

**2.** D’Angelo Agreement – Attorney Datte discussed with the BOS the Real Property Charitable Donation Agreement he prepared for Dennis D’Angelo, the owner of Bella Terra Farms, LLC land donation. Bella Terra Farms, LLC owns a parcel of land in West Penn Twp. and would like to donate approximately 26.41 acres for use of public park and potentially someday a campground. Mr. D’Angelo would like some provisions done on this agreement but for the most part he accepts the agreement. Chairman said one provision was that Mr. D’Angelo would like this all done within a 10 year period. Chairman also said Mr. D’Angelo requested that we did not have to name the park after him. Chairman said we will come up with a name on another date. Attorney Datte recommends we approve the agreement & authorize the Chairman to sign. The Township would like settlement by August 31, 2020. Attorney Datte said that would give us time to do the survey & the subdivision of the property. Attorney Datte said we would treat this like we did the donated Cramer Property. We would give Mr. D’Angelo the proper tax papers for his donation. The Twp. would be responsible for the appraisal. This agreement allows Mr. D’Angelo to use the donated property as a tax deduction. It also allows the Township to go on the property before settlement to do appraisal & other testing.

**a**. This portion of the property was not involved with the environmental issues from the ICI property. Chairman said the secretary contacted Mark Smith from Element Environmental which is conducting studies out in that area. Mr. Smith confirmed that the planned portion of the Bella Terra Farms is outside of the Act 2 ground water remediation boundary & will not have activity & use limitations as part of the Act 2 groundwater cleanup being performed to the south. Mr. Smith also reviewed historic site drawings, and he does not believe that the Identified area was ever developed or used for manufacturing during the former plant operations as there are no former buildings depicted near this portion of the facility.

**b**. Survey & Wetland Delineation Quotes

Chairman said we received two quotes, one from ARRO Consulting, Inc. & the other from Lehigh Engineering, LLC. Chairman said Lehigh Engineering, LLC quoted $6400 for the wetland delineation & $19,250 for the survey. ARRO Consulting, Inc. quote was $6,400 for the wetland delineation & $7,800 for the survey. Tim Houser asked the Chairman if we have the money set aside in the budget for the wetland delineation & the survey. Treasurer said we do not have it set aside but the Chairman feels that we can get it somewhere from within our budget. Chairman called for a motion to accept ARRO Consulting’s quote for the wetland delineation & the survey. Glenn Hummel made the motion. Tim Houser seconded the motion. All in Favor. Motion was carried. 3-0

Attorney Datte asked the BOS to approve the D’Angelo’s Charitable Donation & authorize the Chairman to sign. Tim Houser made the motion. Glenn Hummel seconded the motion. All in Favor. Motion was carried. 3-0

**3**. Foster’s Letter of Credit – Attorney Datte said this was to let the BOS know we received the Letter of Credit & they are ready to go. The BOS already approved the plan previously.

**II. Land Use**

**A. David& Brooke Afsah-Mohallatee/ Eugene & Lucinda London’s Sketch Plan – The Sketch Plan was Withdrawn.** Instead of the applicant developing individual cabins for relatives they decided to make one large home with multiple bedrooms to accommodate.

**III. Operations**

**A. Engineer’s Monthly Report – June 2020**

**1. Comprehensive Plan –** Rodd White said the Comprehensive Plan was pushed off because of COVID & he will have to find out the status from Nick Hazlett of Lehigh Engineering, LLC. Rodd White said he will have an update for the BOS at their next meeting. Chairman called for a motion to accept the engineer’s report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in Favor. Motion was carried. 3-0

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

Tim Houser asked Rodd White if he received a complaint about installing an in ground pool. Secretary said they applied for the pool permit.

Glenn Hummel – questioned Rodd White about Park Drive – Pallet Business. Rodd White said there are 3 NOV out against the property owner & they are schedule for July 17, 2020 for their hearing.

Glenn Hummel asked about the property on SR309 that has rental units on the property. Glenn Hummel wanted to know if he got permits. Glenn Hummel said it has been three months. Rodd White said an NOV was not issued yet, it will be.

Glenn Hummel questioned Rodd White about The property on the bottom of the Clamtown Hill. Chairman said there is a zoning hearing tonight about that property. Chairman called for a motion to accept the Code Enforcement 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 – June 2020**

Chairman read the SEO’s activity report and said there were two new permit application, two test probes, three site evaluation, one perc tests, four new permit issued & four new designs. Chairman said there were no malfunctions reported in June.

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

**D. Road Department’s Monthly Report – June 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. Submitted the final paperwork for the Fort Franklin Project to get the inspected to close the grant. They will also inspect Quarry Road & Laurel Lane for next year’s grant. The Road Dept. also serviced trucks & equipment. 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

**1**. Bid Opening – 1 Bidder – **Lehigh Asphalt Paving & Construction, Co. Inc.**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | 3,000 | Tons | Superpave WMA,  9.5 mm, PG 64S-22  Wearing Course,   1. to 0.3 million   ESAL’s, SRL-L | FOB Plant & FOB Delivered  As directed to the Twp. Paver | $55.25 | $165,750 | $61.25 | $183,750 |
| 2. | 100 | Tons | Superpave WMA,  9.5 mm, PG 64S-22  Wearing Course,  ESAL- Any SRL-Any | FOB Plant & FOB Delivered  As directed to the Twp. Paver | $54.20 | 5,420 | $60.20 | $6,020 |
| 3. | 1500 | Tons | Superpave WMA,  12.5 mm, PG 64S-22  Wearing Course,   1. to 0.3 million   ESAL’s, SRL-L | FOB Plant & FOB Delivered  As directed to the Twp. Paver | $52.00 | $78,000 | $58.00 | $87,000 |
| 4. | 750 | Tons | Superpave WMA,  19.0 mm, PG 64S-22  Wearing Course,   1. to 0.3 million   ESAL’s, SRL-L | FOB Plant & FOB Delivered  As directed to the Twp. Paver | $53.10 | $39,825 | $59.10 | $44.325 |
| 5. | 150 | Tons | Superpave WMA,  25.0 mm, PG 64S-22, Base Course   1. to 0.3 million   ESAL’s | FOB Plant & FOB Delivered  As directed to the Twp. Paver | $48.70 | $7,305 | $54.70 | $8,205 |
| 6. | 5,500 | Tons | PennDOT 2A Aggregate must come from a Limestone Source | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $10.50 | $57,750 | $14.00 | $77,000 |
| 7. | 500 | Tons | AASHTO #8 with 2.0% loss by wash | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $16.50 | $8,250.00 | $20.25 | $10,125 |
| 8. | 300 | Tons | AASHTO # 57 | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $12.50 | $3,750 | $16.25 | $4,875 |
| 9. | 300 | Tons | AASHTO #1 | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $12.50 | $3,750 | $16.75 | $4,875 |
| 10. | 750 | Tons | AASHTO #3 | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $12.50 | $9,375 | $16.25 | $12,187.50 |
| 11. | 300 | Tons | R-3 Stone | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $14.50 | $4,350 | $18.25 | $5,475 |
| 12. | 400 | Tons | R-4 Stone must come from a Limestone source | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $19.50 | $7,800 | $24.85 | $9,940 |
| 13. | 500 | Tons | R-5 Stone | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site |  |  |  |  |
| 14. | 300 | Tons | R-6 Stone | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $18.35 | $5,505 | $23.35 | $7,005 |
| 15. | 100 | Tons | R-7 | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $19.50 | $1,950 | $24.85 | $2,482 |
| 16. | 50 | Tons | Concrete Sand | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $14.75 | $737.50 | $18.50 | $925 |
| 17. | 1000 | Tons | PennDOT Anti Skid AS2, AS3, AS4 | FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site | $12.50 | $12,500 | $16.25 | $16,250 |

Chairman called for a motion to accept the bid from Lehigh Asphalt Paving & Construction, Co. Inc.

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

**2.** Backhoe & Skid Loader – Road Master provided the BOS with quotes for a new John Deere Backhoe & John Deere Skid Loader. Chairman like that the Backhoe would come with a milling head. Chairman said if we purchase both it would come out to roughly $180K. Chairman stated will be in need of a 16-wheeler soon but we will not be able to purchase that & a Backhoe & Skid Loader all at once. Glenn Hummel pointed out that with the trades the price of the Backhoe & Skid Loader would be more like $120K. Chairman said although we had issues with other equipment from AG-Industrial, he would still like a quote from them because he likes giving local businesses the opportunity take part in our decisions on where the best deal is for the Township. Tim Houser questioned some of the attachments that were include in the quote for the Backhoe & Skid Loader and if they were necessary to purchase them. Chairman called the Road Master to clarify why he feels those attachments are necessary. Glenn Hummel feels it is the right time to purchase because of the trouble the Road Dept. has been having with some of the equipment. Chairman called for a motion to purchase. Glenn Hummel made the motion. Tim Houser has reservations on all the stuff that is on the quote that they feel they are going to need. Tim Houser wanted to inventory what equipment the Road Dept. already owns before buying a duplicate piece before he made his decision to purchase or not. Chairman did not second the motion because he would like a quote from our local Ag-Industrial before he made his decision. No vote was made & will be addressed at our next meeting.

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

Chairman read the police report. The police report consisted of 6891 miles patrolled, 279 citations issued, 196 written warnings, 275 total traffic and 303 total calls. Fine money received was $4,552.97 plus total impound $5,455.00 which equals to $10,007.97. Police report stated 20 cars have been removed from the Impound Lot. The speed trailer is out being set up throughout the Twp. Chief asked the BOS if they feel there is a location they want the speed trailer to be set up, let him know.

1. Fireworks Ordinance – Chairman discussed with the Police & Fire Dept. Chairman asked BOS for recommendations on how they wanted to handle Fireworks. Tim Houser said we may be able to put a specific time & day that fireworks would be able to get set off. Attorney Datte stated that the state really has control on Fireworks but the Twp. maybe able to Tim Houser’s recommendation in place. Attorney Datte will look into what the Twp. can & cannot do.
2. Chairman called for a motion to adopt Resolution # 13 Establishing a Schedule of Fees for the Impound Lot. Attorney Datte said it is identical of the initial Impound Fee Resolution but the last two items were added. Attorney Datte said what was added was $150.00 fee for a standard tow up to 17K lbs. and anything 17K lbs. or greater it is up to the Tower. Also, was added a $25.00 gate fee. Chairman called for a motion to adopt Resolution #13 of 2020. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Chairman abstained from vote. Motion was carried. 2-1 Chief asked the BOS if he can hire Stephen Zuromski. Chairman called for a motion to hire Stephen Zuromski. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion 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 – June 2020**

Chairman read the Fire Company’s report. 19 Total calls for the month of April.

Emergency Responses included 1 Brush Fires, 5 Motor vehicle accidents, 2 Trees/wires down, 3 Automatic Alarms, 1 Carbon Monoxide Alarm & 3 Fire Police call. They did not any hall rentals due to COVID. Fundraisers included a Breakfast pick up only & a Spaghetti Dinner pick up only. The Fire Dept. also filled pools & did birthday parades. Chairman thanked the Fire Dept. for trying new things for fundraisers during this time. Chairman said we got a letter from their accountant. The Fire Dept. also did training in June. 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 – June 2020**

Chairman read the Ambulance Report. The Ambulance Report consisted of 40 calls this month & 237 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, West Brunswick & Walker Twp. Glenn Hummel asked if we received audits from the ambulance. Chairman asked the secretary to remind the ambulance that we are still waiting for their audit. 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.** Traffic Signal Maintenance Contract – Our contract with Signal Service Inc. is about to expire. Signal Service maintains our traffic signal. The contract cost for your preventative maintenance will remain the same as last year unless the Twp. adds another intersection, flashers or school signals. There will be no additional cost to renew the current contract. The contract will be for a two-year term. Tim Houser asked the Chief, how often does Signal Service come to maintenance our Traffic Signal. Chief said once a year but if something goes wrong with our Signal they will come and fix it. Chairman called for a motion to sign the two-year maintenance contract with Signal Service. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**B.** Recycling Lease – BOS discussed the Recycling Lease between West Penn & Schuylkill County. The BOS were concerned with the liability. If an incident would happen the Twp. would be liable if someone got hurt. Chairman feels that recycling is a good thing but the supervisors are responsible to make sure the Twp. is safe and watch liabilities. Chairman asked the BOS there thoughts on this situation. Glenn Hummel said where the recycling bins are located it is poorly engineered. Glenn Hummel said you have to step up on a platform in order to put your recycling in the bins. Glenn Hummel said if the County will not fix the situation and it is costing the Township money because of potential incidents that can happen, what are the Township’s options? Delroy Haas said do people really need to use those bins? Can they get their private garbage hauler to pick up recycling? Tim Houser said more than half the people does not recycle properly. Attorney Datte said the Township would have to give the County three months’ notice if they wanted to terminate the lease. Tim Houser said it is a liability. Jim Akins, resident suggested to the BOS maybe have recycling end at the end of the year. This way the Township will get feedback on the situation. Glenn Hummel asked Attorney Datte if we can put safety warning signs to hold us harmless at the recycling location. Attorney Datte said the Township can put up signs. Chairman asked the secretary to purchase signs. Chairman called for a motion to terminate the Recycling lease as of December 31, 2020 and notify the County. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to get safety signs made up stating that you can recycle at your own risk. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-

**VI. Correspondence**

**A**. Schuylkill Co. COVID Community Development Block Grant – Karen Parrish sent over an application. The grant is income based for residents but the Twp. may qualify for up to 30% of the grant to be used for activities meeting the Urgent Need to address the impact of COVID.

Chairman said maybe the Fire Dept. would qualify and request 8 hand sanitizer stations, cleaning machines & Glenn Hummel suggested Thermal Thermometers. July 17, 2020, is the deadline for the application.

1. COVID Recommendations from Schuylkill County – Reminder for everyone to social distance & continue to wear masks.

**B**. Lion’s requesting to use our building for their Drive Thru Chicken BBQ on Saturday, September 12, 2020. Attorney Datte recommends the Twp. get and Insurance Certificate & have the workers sign a COVID release. Chairman asked the secretary to contact the Lion’s.

**C.** Chairman reminded the public how important it is to participate in the 2020 Census.

**D**. Chairman spoke about CDBG funds and getting the information out to the public. Police Department & Fire Department agreed to put something on their Facebook page.

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

**A**. BOS would like to thank & recognize the West Penn Twp. Employee’s for their dedication & Service through the COVID Pandemic. COVID bonuses were approved.

**VIII. Public Comments on General Items**

**A.** Ted Rosen- What is the status of Datte/Curtin & Heefner draft of the proposed Water Ordinance? When will it be available to the public for review? – Attorney Datte said that we got comments back from Curtin & Heefner. Attorney Datte wanted some direction from the BOS. Attorney Datte suggests we follow up with the recommendations from Curtin & Heefner. The BOS agreed to have Attorney Datte follow up with Curtin & Heefners’ recommendations.

**B.** Jeff Bradford – stated the Fire Department will be having a drive thru breakfast on Sunday.

1. Jeff Bradford also commented on the equipment that the Twp. may purchase. Mr. Bradford feels that if they purchase the machine with multiple attachments it will be easier to complete a job. You will only need that piece of equipment on-site instead of multiple pieces of equipment.
2. Jeff Bradford asked if anyone can have the County’s recycling bins on their property.

**IX. Executive Session** – Chairman called for a motion to go into executive session at 8:46PM. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**X. Adjournment**

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

Transcribed By:

Katie Orlick

West Penn Township Secretary