

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

Phone (570)386-4507

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**Regular Meeting  
Monday, March 1, 2021**

**Present at the Meeting**

Anthony Prudenti  
Timothy Houser  
Glenn Hummel

Karen Wittig – Treasurer  
Katie Orlick – Secretary  
Paul Datte – Solicitor  
Mike Begis – ARRO Consulting, Inc.  
(phone)

**I. General**

**A.** Chairman called the meeting to order at 6:30PM with the Pledge of Allegiance & Introduction. Chairman stated the BOS had an executive session before the meeting for possible litigation. Chairman stated before the meeting @ 5:30PM the BOS had a Conditional Use Hearing for Mark T. Boyle, 723(725) Penn Drive in West Penn Township.

**B. Public Comments on Agenda Items Only (5 Minutes Time Limit)** – Chairman asked if there are any public comments on Agenda Items Only. - None

**C. Review of the Minutes** – February 3<sup>rd</sup> & 15<sup>th</sup>, 2021

Chairman called for a motion to accept the meeting minutes from February 3<sup>rd</sup> & 15<sup>th</sup>, 2021. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**D. Treasurer’s Report – February 2021**

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 – February 2021**

Chairman called for a motion to approve & pay the bills. Tim Houser questioned Impound Lot. Tim Houser said we had a bill from an additional tower; it was his understanding that we appointed two specific towers to tow for our Impound Lot. Supervisor Hummel said it was a mistake for a new officer. The new officer was reminded of the procedures in place. Tim Houser made the motion to approve & pay the bills. Glenn Hummel seconded the motion. All in favor. The motion was carried. 3-0

**F. Solicitor’s Report**

Attorney Datte had nothing to report at this time.

**II. Land Use- ARRO Consulting, Inc. - NONE**

**III. Operations**

**A. Engineer’s Monthly Report – February 2021**

Chairman asked Mike Begis, ARRO Consulting, Inc. if he had anything to report. Mike Begis said he has provided the BOS a report for February. ARRO Consulting is working on a grant application for Atlas Park at West Penn Township & the drawings that go with it. Mr. Begis said he has a draft for review and would like to meet with the BOS to discuss the layout or any changes that we would want to make.

Mike Begis said he will get the information to the Secretary to distribute & schedule the meeting. Mike Begis also stated that they did not review any Plans this month for Land Use. Mr. Begis said they did have 6 permit applications 3 were approved & 3 were denied. Chairman called for a motion to accept the Engineer's Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**B. Code Enforcement Monthly Report – February 2021**

Mike Begis said there were no code enforcement issues for the month of February.

Chairman called for a motion to accept the Code Enforcement Officer's monthly 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 – February 2021**

Chairman read the Sewage Enforcement Officer's Report. The SEO's report consisted of 1 New Permit Applications, 1 Test Probes, 1 Site Evaluations, & 2 Design Reviews. There was one Malfunction for the month of February. Chairman read the Malfunction Report. Bill Brior is waiting for DEP to respond before any action is taken. Chairman called for a motion to accept the Sewage Enforcement Officer's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in Favor.

Motion was carried. 3-0

**D. Road Department's Monthly Report – February 2021**

Chairman read the Road Report. The report consisted of general maintenance to the Twp. Building & Equipment, Patching Potholes on Dirt & Paved Roads, Clean & Dug Out Pipes, Clean trees & garbage off roads, mowed shoulders, trimmed & chipped trees, graded shoulders, & did winter maintenance on trucks. The Road Dept. plowed & cindered the snow & ice storm, hauled anti-skid from quarry and put salt in salt shed. Road master was unable to attend the meeting for personal reasons however, he would like to ask the BOS if the Road Department would be allowed to attend a Flagger Training Course in Orwigsburg. It is \$50/person. Glenn Hummel stated he thinks the Flagger Course is a good class to take and it is important for the workers to know line of site & site values. The BOS agree to send the road crew. Chairman called for a motion to allow the road crew to attend the Flagger Course. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked the secretary to tell the Road Master as soon as possible. Chairman read the Maintenance Report. Tim Houser said two residents complained to Mr. Houser about the intersection of SR 309 & Ridge Cup Rd. Mr. Houser said the pipe that crosses the highway, is collapsing and the Road Master checked it out. Road Master said it was a Penn DOT pipe. Chairman asked the secretary to contact Penn DOT to see if they would fix it. 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. The motion was carried. 3-0

**E. Police Department Report – February 2021**

Chairman read the police report. The police report consisted of 7,244 miles patrolled, 120 citations issued, 35 written warnings, 155 total traffic and 23 total calls. Fine money received was \$4,078.74 plus total impound \$1,500.00 which equals to \$5,578.74. There were 14 court hearings.

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

**F. Fire Company Monthly Report – February 2021**

Chairman read the Fire Company's report. 12 Total calls for the month of February.

Emergency Responses included 2 Motor vehicle accidents, 3 Trees/wires down, 2 Automatic Alarms, 1 Medical Assists, 4 Fire Police calls. Fire Company had no Hall Rentals due to COVID-19. Events the Fire

Company had were monthly business meeting, breakfast (pick up only) and a Valentine's Day Flower Fundraiser. Fire Chief Jeff Bradford said they will be doing a cheesesteak & chicken wing fundraiser on Saturday. Fire Chief said they applied for a grant and were approved for it. Mr. Bradford said they will replace old firehoses. 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

#### **IV. Old Business**

A. Draft Comprehensive Plan – Chairman asked the secretary the status of the draft Comprehensive Plan. Secretary said we got the draft back from Lehigh Engineering, LLC and it will be in front of the Planning Commission on March 23, 2021 for their review.

#### **V. New Business**

A. Chairman called for a motion to adopt Resolution # 9 of 2021, West Penn Township applying for a DCNR grant for The Atlas Park at West Penn Township Project. Chairman read the Resolution. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Volunteers for a Park Commission at the Atlas Park – Chairman asked the secretary to advertise for volunteers for the Park Commission in the Times News.

C. Short Term Dwelling – Camper for 6mths – Summer Valley Rd. Chairman asked Attorney Datte to look into if someone would be able to do that.

#### **VI. Correspondence**

A. Chairman said he received an email from Todd Zimmerman in regards to a Right-to-Know. Chairman asked Attorney Datte to respond. Attorney Datte said he will respond to his email directly. Todd Zimmerman asked why he can't ask his question out loud. Chairman said you can ask anything out loud. Todd Zimmerman said his request is regarding litigation against any or all of water extraction operations in the Township. Attorney Datte asked Mr. Zimmerman what he was referring to. Mr. Zimmerman referred back to a Right-to-Know Hearing on August 2<sup>nd</sup>. Mr. Zimmerman said, at the hearing that in order to release "Task 2 or B" of his initial request the Township would need at least two months because of possible litigation or pending legal action. Attorney Datte said he disagrees with Mr. Zimmerman's representation of what happened at that hearing. Attorney Datte said the Township raised several arguments at that hearing. The decision from the judge states in the last paragraph; "Under the circumstances and light of the information contained in the memorandum it is found that West Penn Township met its burden of proving (Heaven v. PA. Department of Environmental Protection, 65 A.3d 1069 (Pa.Commwth. 2013) that the document is protected from disclosure as constituting privileged attorney-work product, rendering it a nonpublic record under the Right-to-Know Law. As a result, it is not necessary to address the balance of West Penn's other objections to the release of the document. Accordingly, West Penn's appeal from the determination of OOR will be sustained." The court denied your appeal based on the fact the document you were seeking is subject to the Attorney work product privilege. Attorney Datte said the three arguments he raised was;

1. Attorney Work Product Privilege
2. Confidentiality Attorney Client Privilege
3. Document was part of an ongoing investigation.

Todd Zimmerman asked has West Penn Township taken any action against any Water Extractors.

Attorney Datte said, yes. Attorney Datte asked Mr. Zimmerman if the past conversation was satisfactory, then Attorney Datte would not have to respond to his email. Mr. Zimmerman said that is fine.

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

A. Chairman stated he would like to move forward with the Zoning Ordinance. Chairman is aware that we are waiting for the Water Extraction Portion of the Zoning Ordinance. Attorney Datte said there is a new individual working on this from the Hydrogeological Firm. The Township is waiting for him to get back to us with his comments.

**VIII. Public Comments on General Items**

A. Gary Steigerwalt – said he just wants to add that he spoke to Officer Bonner about the hole by Ridge Cup Rd. and he said he would contact Penn DOT as well.

B. Justin Carlucci – asked the BOS about the recycling program & a time frame on that. Chairman said the new recycling bin was ordered and we are waiting for that to come in. It will be at the Fire Department. We have to put up a fence & pave it. The Fire Company will have some type of fundraiser for stickers or permits for the West Penn Twp. Residents only to use this facility. Attorney Datte asked if this was design to satisfy the County Ordinance. Chairman said that is part of it but we had a lot of residents come forward and request that we have some type of recycling program in the Township. Attorney Datte said for the benefit of the residents that don't want to see their rates change maybe we should notify Gary Bender at the Court House and let him know our intent but a little delayed and let the haulers know that so we can avoid the increase.

**IX. Executive Session** – Took Place before the Meeting

**X. Adjournment**

Chairman called for a motion to adjourn @ 7:17PM. 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