

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

Phone (570)386-4507

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**Regular Meeting
Monday, April 5, 2021**

Present at the Meeting

Anthony Prudenti
Timothy Houser
Glenn Hummel

Karen Wittig – Treasurer
Katie Orlick – Secretary
Paul Datte – Solicitor
Dave Walasavage & Lori Koury
ARRO Consulting, Inc.

I. General

A. Chairman called the meeting to order at 6:30PM with the Pledge of Allegiance & Introduction.

B. Certificate of Appreciation to Joe Fritz – Chairman & the BOS awarded Joe Fritz with a Certificate of Appreciation for his 17 years + and for his hard work & dedication.

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

D. Review of the Minutes – March 1st & 15th, 2021

Chairman called for a motion to accept the meeting minutes from March 1st & 15th, 2021. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

E. Treasurer’s Report – March 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

F. Approval of Bills – March 2021

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

G. Solicitor’s Report

Attorney Datte had nothing to report at this time. Tim Houser asked Attorney Datte about the Galloway Property on West Penn Pike. Attorney Datte said he has been in touch with the Bank’s Attorney. Attorney Datte asked the BOS for permission to get our Building Code Officer to make an official determination of the property. Attorney Datte said if they can make a determination that the property uninhabitable & put a placard on the property. Chairman called for a motion to have Lehigh Engineering, Llc. to inspect the property. Tim Houser made the motion to have Lehigh inspect the property to see if it is uninhabitable and if it is, post it and report it to Attorney Datte. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

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

III. Operations

A. Engineer’s Monthly Report – March 2021

Dave Walasavage from ARRO Consulting, Inc., reporting on behalf of Mike Begis.

Mr. Walasavage reported that ARRO Consulting, Inc. supplied the BOS with their report. Mr. Walasavage asked if the BOS had any questions on any of the permits they issued for the month. The BOS did not have any questions. There were no plans reviewed with the Planning Commission this month. ARRO Consulting is working on completing a phased site Development exhibit & the Phase I exhibit for the DCNR Grant Application. Mr. Walasavage said that if you have questions about the grant Lori Koury is on the call as well.

B. Code Enforcement Monthly Report – March 2021

Mr. Walasavage reported that there were no enforcements or complaints for the month of March. Chairman called for a motion to accept the Engineer's Report & 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 – March 2021

Chairman read the Sewage Enforcement Officer's Report. The SEO's report consisted of 2 New Permit Applications, 10 Test Probes, 11 Perc Tests, 22 Site Evaluations, & 2 Design Reviews. There were no Malfunctions reported for the month of 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 2021 - NONE

E. Police Department Report – March 2021

Chairman read the police report. The police report consisted of 6,968 miles patrolled, 149 citations issued, 58 written warnings, 207 total traffic and 252 total calls. Fine money received was \$3,074.73 plus total impound \$3,170 which equals to \$6,244.73. There were 16 court hearings.

The Police Dept. would like to hire Officers & set up testing date. (Test by the PA Chiefs). The Police took delivery of a 2021 Chevy Silverado \$33K and it will be up fitted at Kovatch for \$13K. Chief Johnson explained his new updated hiring process and would like the BOS to consider hiring a Full-Time Police Officer. Chief Johnson gave the BOS a budget of what he feels it would cost to hire a FT Police Officer. Glenn Hummel stated that the Department implemented having 5 PT Officers and 1(Chief) FT Officer; however it has been hard hiring and maintaining PT Officers. Glenn Hummel recommends the Board to approve hiring a FT Officer and reduce one of the 5 PT Officers. This will help relieve Chief Johnson of some of the extra hours he has been putting in to cover shifts. Tim Houser questioned benefits & if there would be a carry over for next year in the Police Department's budget. Chief Johnson talked about the current contract that Officer Lorah had but no longer with the Department. Chief Johnson feels that contract should be done. Glenn Hummel asked Attorney Datte if we would have to collapse the current contract. Attorney Datte said he would have to look at the current contract. Glenn Hummel asked if they can move forward with the hiring process. Glenn Hummel made the motion to move forward with the hiring process for anyone they would consider hiring. Glenn Hummel said they will have to go through a background check, testing and the verbal interview before they are hired. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Glenn Hummel made a motion to hire a Full-Time Officer under the new hiring procedures. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to accept the Police Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

F. Fire Company Monthly Report – March 2021

Chairman read the Fire Company's report. 39 Total calls for the month of March.

Emergency Responses included 4 brush fires, 4 Motor vehicle accidents, 20 Trees/wires down, 2 Automatic Alarms, 1 Medical Assists, 2 Fire Police calls, 2 Carbon Monoxide Alarms, 1 Medical Assist, 1 Utilities Investigation, 1 Move-up Assignment (when a neighboring dept. is on a major incident of their own & their Twp. is empty they call us be at their station in case a call comes in) and 1 Structure Fire. The Fire Company conducted their monthly breakfast, a cheesesteak/wing sale, and a spaghetti dinner for Ear Pratt and had their business meeting & Monthly training. The Fire Company anticipates having their regular sit – down breakfast this coming month instead of the drive through. Jeff Bradford asked Attorney Datte what the Fire Company would be considered a restaurant or a venue. They would like to know that because of what COVID restriction they should follow. Attorney Datte said he feels like they should be able to go under the restaurant restrictions. Tim Houser asked about the future site of the Recycling Program. Jeff Bradford said he believes it is on the Road Master’s schedule this week. 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

IV. Old Business

A. Chairman called for a motion to appoint John Sienkiewicz & Randy Clemson to be Alternates of the Zoning Hearing Board for the maximum term assigned. Glenn Hummel made the motion to appoint both. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Atlas Park at West Penn Township – Chairman called for a motion to adopt Resolution # 12 of 2021 requesting a grant amount of \$242,985.00 from DCNR to be used for the development of Atlas Park at West Penn Township. Tim Houser asked about the details of the soccer field. Lori Koury clarified that it is for just the clearing & grubbing of the land. If there is money left you will be able to put topsoil &/or seed on the field. Lori Koury stated that one requirement of the gentleman that donated the land was to make sure there would be a Tot Lot at the park within the first phase of development. Lori Koury said we will need to make sure what we proposed in the scope of the work gets complete before we add anything else. Any monies left may be used for the development of the park as long as what was proposed in the grant is complete. Attorney Datte asked Lori Koury, in order to use the value of the land as a match; we would have to include the acquisition of the land as part of the project. We deferred accepting title to the property until we found out where we stood with DCNR. Does that need to be stated in the grant application? Lori Koury said the acquisition of the land would have to take place after the grant is awarded. That is stated in the grant application.

Chairman stated he is pleased with the grant application that Lori Koury from ARRO Consulting prepared for us and thanked her for doing such a great job. Chairman called for a motion to adopt Resolution #12 of 2021. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

C. Supervisor Hummel addresses a concern about one of the Township’s towers. Glenn Hummel said he appreciates the fact that it was brought to our attention but it was a clerical error on the State’s part. Todd Deem had another concern about the tower in question and Supervisor Hummel stated he will look into it and address it at next meeting. Supervisor Hummel also requested that if someone has a concern; allow the BOS a chance to look into it before another entity gets involved. Supervisor Hummel also discussed the Rules & Regulations of the Impound Lot & the issue the Department had with the Chain of Custody. That was the reason for the two tower scenario. Glenn Hummel feels that the Police Department’s Impound Policy is good and he feels it shouldn’t be changed. Tim Houser agreed.

V. New Business

A. Mowing Proposals

Chairman stated the Township received three proposals for mowing & trimming of the parks.

Companies	Sterner Mulch & More	Hunter K. Hardscape	Boyle Electro Mechanical
Zion Stone Park	\$165.00/cut	\$275.00/cut	\$470.00/cut
J.E. Morgan Memorial	\$115.00/cut	\$165.00/cut	\$390.00/cut
Both Parks Together	\$280.00/cut	\$395.00/cut	\$800.00/cut

Chairman called for a motion to award the lowest bidder, which was Sterner Mulch & More. Glenn Hummel made the motion to go with Sterner Mulch & More for both parks. Chairman seconded the motion. All in favor. Motion was carried. 3-0

B. Amendment to SALDOs

West Penn Township asked ARRO Consulting, Inc., Urban Research & Development & Lehigh Engineering, LLC for a quote to make some amendments to our SALDOs. Lehigh Engineering, LLC did not submit a quote.

ARRO Consulting, Inc. was \$1200.00 – work would include reviewing the Township BOS & PC suggestions/requests, reviewing our notes pertaining to suggested changes & subsequently providing revised verbiage & section numbers to the Solicitor. This is assuming Paul would be writing the Ordinance.

Urban Research & Development is \$2200.00 – will complete the Proposed Scope of Services to prepare an amendment to the Subdivision & Land Development Ordinance.

Chairman asked Attorney Datte what he would charge to make amendments to the SALDOs. Attorney Datte said if he is drafting it just based on the provisions provided it would cost the Twp. more than another \$1000.

Chairman called for a motion. Tim Houser made the motion to go with Urban Research & Development to amend our SALDOs. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

C. PA Tourism Signing Trust for Noble Beast Winehouse (Change the face of the signs of Blue Lizard Winery) – Chairman said Blue Lizard Winery was sold and the new owners would like to change the faces of the Blue Lizard’s Signs to their Winery Signs. Chairman said a part of the new Winery’s State requirements is to have the Township sign off on allowing the name changed on those signs. Tim Houser asked Attorney Datte about wineries and said they are more like Venues these days not wineries. Mr. Houser wanted to know how that fits in with our Zoning Ordinance. Attorney Datte said that aspect of it would have to be investigated under the Zoning Ordinance. Attorney Datte said he will make a note to see how it is treated under the new Zoning Ordinance. Attorney Datte said what is before the BOS today is about signage. Chairman called for a motion to sign the PA Tourism Signing Trust. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

VI. Correspondence - NONE

VII. Business from Anyone on the Board - NONE

VIII. Public Comments on General Items

A. Brian McQuillen – 789 Penn Drive, Tamaqua. Mr. McQuillen owns two lots, one has his primary residence on it and the other is a vacant lot. Mr. McQuillen would like to put a garage on the vacant lot. The current Zoning Ordinance would not allow an accessory structure on a vacant lot; however the Township is currently revising its current Zoning Ordinance. If the revised Zoning Ordinance gets adopted an accessory structure would be allowed on a vacant lot. Mr. McQuillen would like to request the BOS to allow Mr. McMullen of ARRO Consulting, Inc. to issue a temporary permit and allow him to put the accessory structure up. Chairman asked Mr. McQuillen if for some reason our new Zoning Ordinance does not get adopted or the accessory structure would not be allowed on a vacant lot would he be willing to take it down. Mr. McQuillen said, absolutely. Mr. McQuillen said he feels if the new Zoning Ordinance gets passed then his temporary permit would roll over to be a regular permit and nothing further would have to be done on his side because then an accessory structure would be allowed on a vacant lot. Mr. McQuillen said if the New Zoning Ordinance did not get adopted or it changed not to allow accessory structure on a vacant lot then he would remove his garage off the vacant lot or he would do a lot consolidation that would combined his lots and then his primary would be on the same lot as his accessory.

Chairman questioned Mr. McQuillen's lot being zoned Highway Commercial, which may then need a Land Development. Chairman also stated that if the residential garage would change use then a Land Development Plan would be required. Tim Houser said he doesn't have a problem of Mr. McQuillen but if you would change the use, a land development would be required. Mr. Houser feels that Mr. McQuillen's permit should state what he may have to do if the Ordinance does not pass. Chairman stated the ultimate decision comes down to Mr. McMullen issuing the permit. Attorney Datte stated that the BOS can say they are not opposed of it but it would still have to comply with the Ordinance. Dave Walasavage from ARRO Engineering, Inc. asked if the garage is accessible from SR443 or would he be accessing it from his driveway? Mr. McQuillen said he can access either way. There will be garage doors on each end of the structure.

B. Ted Rosen – Would like to know the status of water extraction & the pending litigation, which was reference at the March 1st meeting. Attorney Datte said that the BOS will be going into executive session and after that we will address that issue.

IX. Executive Session – Chairman called for a motion to go into executive session for possible litigation @ 7:40PM. Chairman called the meeting back to order at 8:10PM. Chairman turned the meeting over to Attorney Paul Datte for Comments. Attorney Datte said there have been discussions regarding settlement with the Fort Franklin Facility, Tower Springs, LLC and David & Terri Lee Knoedler with respect to Zoning Enforcement Notices. That has been previously issued by the Township. There have been numerous investigations by the Township of the issues in the Enforcement Notices. The parties have reached a Settlement Agreement. Attorney Datte stated one of the Provisions in the Settlement Agreement is an understanding that there would be no communications about the settlement agreement unless it is approved by all parties of the settlement agreement. It is anticipated that there will be a joint statement by the Township and the other parties involved in the agreement. The joint statement will not be issued this evening. Unfortunately, we cannot comment on the agreement until the joint statement is issued. Attorney Datte said the BOS can make a motion to approve the settlement agreement with the condition on receipt of the signed agreement with the other parties to the agreement. Chairman called for a motion to adopt the settlement agreement with the condition we

receive the signed agreement from the other parties to the agreement. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Ted Rosen asked if there would be public comment for this agreement. Attorney Datte said the settlement agreement will be made available to the public assuming the agreement will be signed by all parties. Attorney Datte said there will not be any change to the settlement agreement. Attorney Datte stated the BOS settled the pending litigation involving the enforcement notices with those parties. Ted Rosen asked if the agreement addressed the amount of water that would be allowed to be drawn from those wells or does the impact of the two DRBC applications to increase the flow through. Attorney Datte said the settlement agreement includes a provision where the Township will not be opposing the current applications that are before the DRBC. Ted Rosen questioned the amount of water being withdrawn from the Fort Franklin & Kepner Rd. sites and why the Township would not oppose the DRBC Applications. Jay Land said the DRBC applications are science based not theoretic philosophy. Mr. Land said there are DRBC copies available for anyone to review.

Ted Rosen said the BOS hired an outside law firm & a hydrogeologist. Mr. Rosen feels we haven't seen any information about what impact the DRBC Application for Tower Springs or Fort Franklin would be on the community. Attorney Datte said that Mr. Rosen is welcome to participate in the DRBC hearings & the docket if he chooses to do so. Attorney Datte said we understand your comment, is there anything else? Ted Rosen asked if the agreement had any provisions for drought management. Attorney Datte said no, there were not any provisions in the agreement about drought management, but that was not the issue that was before the BOS. Attorney Datte stated that there were a number of things that went into consideration of this agreement. One of them being settlement by property owners in the vicinity of Fort Franklin Springs of a litigation which they initiated against the owners & operators of Fort Franklin Springs and that weighed heavily on the decision of the Supervisors to get this matter settled and get it behind the Township.

X. Adjournment

Chairman called for a motion to adjourn @ 8:20PM. 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