

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

Phone (570)386-4507

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**Regular 10AM Monthly Meeting
Monday, May 17, 2021**

Present at the Meeting

**Tony Prudenti – Chairman
Tim Houser – Vice-Chairman
Glenn Hummel – Supervisor
Karen Wittig – Treasurer**

**Katie Orlick - Secretary
Paul Datte – Solicitor
Mike Begis – ARRO Consulting, Inc.**

I. General

A. Anthony Prudenti called the meeting to order with the Pledge of Allegiance & Introductions at 10:00AM.

B. Approval of Monthly Bills

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

C. Ambulance Report

Chairman read the Ambulance Report for the month of April. There were 25 dispatches throughout the month of April. They assisted Tamaqua, East Brunswick & New Ringgold. Calls consisted of back pain, breathing problems, convulsion, diabetic, falls, sick, fainting & traffic accidents. Receiving hospitals were Miner’s Memorial, Lehigh Valley & St. Luke’s Lehigh. 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

D. Police Dept. Impound Cars & Police Vehicles – Chairman said the Police Dept. would like to remove 13 cars from the impound lot. The police department had two bidders. J.W. Zaprazny at \$510.00/car which totals \$6,630. Hazleton Scrap at \$525.00/car which totals \$6,825. The Police Chief would also like the BOS to consider scrapping 4 police cars; 2007 Ford Explorer, 2008 Ford Crown Vic., 2010 Ford Crown Vic., & a 19?? Chevy Astro Van. Chief noted the 08’ Crown Vic was \$1800 & the 2010’ was \$2500 both used and the Astro Van was donated by 2 Mike’s Auto. Considering the only vehicle that was bought new was the 2007 Ford Explorer the scrap price is a good price to get rid of them, it will bring in another \$2100. Chairman asked the BOS what they would like to do. Glenn Hummel said he would go with the highest bidder. Tim Houser agreed. Chairman asked if anyone had any comments. Clint Schock asked the Chief if we were going to strip the car of lights or cages. Karen Wittig asked the Chief to supply the office with the vehicle information so we can take them off the insurance. Tim Houser asked if the scrap price is reasonable for the 2007 Ford Explorer. Mr. Houser said he sold a small pick-up truck at one of his auctions for \$6K with an R-Title. Clint Schock asked the Chief about the transmission issues with the Explorer. Chief said yes, they had a lot of problems with it. Tim Houser agreed to scrap the Explorer especially knowing the transmission issues. Chief also asked the BOS if he can sell the K-9 cage out of the 2017 Ford Explorer to a municipality that is dealing with Kovatch. They would not have to bid the cage out if it was sold to a municipality or nonprofit, anyone else would require bids. Chief is asking \$1000 for the K-9 cage. Chairman called for a motion to sell the K-9 cage to New Port Township for \$1000. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried 3-0

Chairman called for a motion to sell the scrap cars. Glenn Hummel made the motion to sell the scrap cars to Hazleton Scrap. Tim Houser seconded the motion. All in favor. Motion was carried to sell a total of 13 cars to Hazleton Scrap for \$525/car totaling \$6825.00. 3-0 Chairman called for a motion to scrap the 4 police cars. Chief said as long as you get scrap price you would not have to bid them. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chief Johnson said after compiling the written & oral exam it was determined that James Bonner was the highest score. It is the Chief's recommendation that the BOS offers the fulltime position to James Bonner at the rate of \$24/hr. with 6-month probation. Chairman called for a motion to hire James Bonner as a Full-Time Police Officer. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

II. Public Comment on Agenda Items – None

III. Land Use - None

IV. Old Business

A. Tim Houser asked Mike Begis about the Odor Smell concerns. Tim Houser also would like to know if someone is going to be spreading sludge in the Township. Do we have the right to be notified if someone wants to spread sludge on their fields? Mike Begis said he is not sure if we can require them to get their reports without an Ordinance. Mr. Begis said he doesn't believe we can regulate them. Tim Houser said we should be informed of what is going on in the Township. Tim Houser said he believes we should have the Right-to-Know their manure management plan is, the rate they are applying it to the ground & to know the analysis of what is being put on the ground.

Delroy Haas believes there may have been an Ordinance that was passed to test 1 out of every 5 trucks that are hauling sludge. Tim Houser said he will get in touch with the County agent, Duane Miller first. Secretary said, Shannon Darker did get in touch with two other agencies and didn't get any answers. She also reached out to the Conservation District. We are waiting on their response.

B. Glenn Hummel asked Clint Shock about the status of the recycling site. Clint Schock said he got quotes for concrete. Clint Schock said we had a \$5500 quote & a \$4875 quote. Mr. Schock said the quotes are for 8 inches of concrete. Chairman called for a motion to go with the lowest bid. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Chairman said we have to do concrete, fencing and a retaining wall. Chairman asked Road Master to have an update of when he anticipates the recycling center to be up and running. Chairman said we have to get signs made for "West Penn Township Residents Only" & "Hours of Operation". We also have to contact the Fire Chief to ask if they are anticipating doing a fundraiser for permits/stickers for West Penn Township Residents to be able to use the recycling bin. Chairman asked the Secretary to contact Fred Gimbi and ask if he would watch over the recycling site for at least the first month or two until it is up and running efficiently.

V. Business from Anyone on the Board

A. Chairman asked Attorney Datte if he had anything to discuss with the BOS. Attorney Datte said at our last meeting we spoke about going through comments on the Water Extraction provisions for the amended & restated Zoning Ordinance. We received the Boucher & James letter with recommendation for our Ordinance. Attorney Datte said we should review and based on the BOS decisions, we can finalize those provisions and get them to Urban Research & Development. Urban Research can get them in the Ordinance & we can advertise.

Attorney Datte reviewed the original comments from Curtin & Heffner as well as Boucher & James. There were drafting issues. Attorney Datte found 7-8 issues that the BOS would have to make a decision on.

1. Limiting the Ordinance – Boucher & James said we can consider the Ordinance go into effect when withdraws are 1000gal/day. The Attorney Datte and the BOS discussed if we want the average household or a dairy farm to have to go through this ordinance because of that amount.

Attorney Datte & the BOS agreed the Ordinance should go into effect when withdrawals are 10,000gal/day to 100,000gal/day. Because the DRBC will takes over once it reaches 100,000gal/day.

2. Golf Courses – Curtin & Heffner felt Agricultural Uses could be justified. We do except Agricultural Uses from compliance with the Ordinance but we do have exception for Golf Courses. Curtin & Heffner is recommending we remove Golf Courses from Agriculture because it would not be legally defensible. BOS agreed to remove it.

3. There is a sentence in the Ordinance that water should be considered a “mineral” for this part of the ordinance. Curtin & Heffner said we should remove it because it creates confusion that potentially brings in the mineral extraction provisions of the ordinance. Attorney Datte also agrees to remove it. Chairman feels that water is a mineral. Attorney Datte said if we keep it in there the argument not only would they need to comply with the new water extraction provisions but they would also have to comply with mineral extraction provisions in the ordinance. Attorney Datte said he recommends we take out the sentence about water being a mineral. Attorney Datte said you can add something to the effect that water shall be considered a mineral for purposes of this ordinance however, applicants do not have to comply with the mineral extraction provisions of the ordinance. Chairman said until the state changes. Tim Houser agreed. Attorney Datte said the question is do you want the mineral extraction provisions to be applicable to the water extraction provisions. Glenn Hummel said he can go either way. Chairman asked what the BOS wants to do. The rest of the BOS agreed to remove the sentence.

4. The Ordinance right now is set up as “Special Exception”. So if someone falls within the 10,000-100,000gals/day, they file an application to the zoning hearing board for approval as a special exception. Ted Rosen suggested it should be a “Conditional Use”. The Hydrogeologist recommended and gave comments that this and the reports should be approved by the Township. Attorney Datte said right now we have it set up that it is reviewed by the Township & its consultants but we don’t have that the Township approving it in the ordinance. Chairman explained a “Special Exception” will go in front of the Zoning Hearing Board & a “Conditional Use” would go to the BOS. Chairman feels that the BOS should not be involved in the “Conditional Use” approval. They feel that Chairman feels the BOS does not have the expertise on making that kind of decision. Attorney Datte agrees. Attorney Datte’s recommendation is to keep it the way it is. BOS agreed to keep it as a Special Exception.

5. Minimum Lot Area – Attorney Datte said the minimum lot area is for any water withdrawal. The minimum lot area is the greater of 100 acres or 5 acres for each 10,000gal/day of water withdrawal. No one had any back up for the minimum lot area issue. The question is what we are relying on to establish the minimum lot area of 5 acres. The BOS agreed to 10 acres for each 10,000 gals. because it will never be more than 100,000 gals.

6. Depletion Agreement (Dispute Resolution) – what we have in the ordinance now is if the parties can’t agree, if the parties have a dispute under the depletion agreement, then they are submitted to binding arbitration. Attorney Datte suggests we limit the courts that have jurisdiction in Schuylkill County.

Attorney Datte isn't opposed of eliminating arbitration but limit the courts to Schuylkill County. BOS agreed to eliminate arbitration.

7. Boucher & James raised the prospect of limiting the amount of water that can be withdrawn to recharge area and the area under the property of where the withdrawal is going to occur. Curtin & Heffner said how you would do that. Attorney Datte said it is absolutely unenforceable.

8. The applicant determines its estimated water use rate by using water demands of the entire project not just the water withdrawals from a single source within the project.

BOS agreed with that recommendation.

VI. Correspondence

A. FEMA – Chairman read a letter from FEMA. The letter informed the Township that the revisions to the West Penn Township Floodplain Ordinance was amended April 19, 2021 brought the Ordinance in Compliance with the National Flood Insurance Program as required for Schuylkill County's updated Flood Insurance Rate Map released May 18, 2021. Efforts toward reducing future flood losses in the Township of West Penn are commendable.

VII. Public Comment on General Items – 5 Minute Time Limit

A. **David Hayes** – Mush Dahl Rd. – Mr. Hayes inquired about the speed limit on Mush Dahl. Chief Johnson said the only part that would come into play to reduce the speed limit is from SR443 into the first part of Chain Circle. Attorney Datte said we can do that by Resolution. Chief Johnson asked about signage. Chairman asked the BOS if they agree to reduce the speed. BOS agreed. Mr. Hayes also requested to speak to an officer. Chief said he will get together with Mr. Hayes and discuss his situation.

B. Tim Houser asked about DAT Towing. The secretary said she sent everything to Shannon Darker. Shannon Darker will review the Zoning Decision for DAT Towing. Tim Houser was concerned that they should have done a change in use to run that business there.

C. Glenn Hummel said grant was awarded for the J.E. Morgan Park & asked the BOS if they can move forward with getting bids for the pavilion, well, pole building & the electrical. Glenn Hummel made a motion to direct Lehigh to move forward on getting bids for the pavilion, well, pole building & electrical to complete the J.E. Morgan Park and its final phase of completion for the build. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

VIII. Executive Session - NONE

IX. Anything Else from the Board

A. The BOS recognized the Police Dept. & Road Dept. for a job well done.

X. Adjournment

Chairman called for a motion to adjourn the 11:10AM meeting. 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