

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

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**Regular Meeting
Monday, May 3, 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.

I. General

A. Chairman called the meeting to order at 6:30PM with the Pledge of Allegiance & Introduction. Chairman announced the BOS had a 6PM executive session before the regular meeting to discuss possible litigation.

B 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 – April 5th & 19th, 2021

Chairman called for a motion to accept the meeting minutes from April 5th & 19th, 2021. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Treasurer’s Report – April 2021

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 – April 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

Chairman asked Attorney Datte if he had anything to report. Attorney Datte wanted to report that the settlement agreement between David W. Knoedler & Terri Lee Knoedler , Tower Springs, LLC and the Township was executed on April 27, 2021. Attorney Datte stated the agreement he read two weeks ago is verbatim of what was signed at the last Township Meeting. Attorney Datte read the joint statement which is as follows:

The West Penn Township Board of Supervisors, David W. & Terri Lee Knoedler, and Tower Springs, LLC have entered into a Settlement Agreement resolving all zoning concerns surrounding the use and operation of the property located at 1 Fort Franklin Road, Andreas, PA 18211 (“1 Fort Frankiln Road”) West Penn Township has withdrawn zoning enforcement notices issued in relation to the Zoning Permit issued by the Township’s Zoning Officer in 2015 for the 1 Fort Franklin Road Operation.

The decision follows lengthy reviews of the permitting process.

The conclusion of all litigation by property owners against 1 Fort Franklin Road and the Township was integral to the Parties’ decision to resolve these matters.

West Penn Township acknowledges that the Tower Springs, LLC operation complies with the Township Ordinances addressed in the Enforcement Notice, specifically the West Penn Township Zoning Ordinance as it existed at the time the approvals were granted by the Township Zoning Officer. Tower Springs has agreed to extend its commitment to support the Township's efforts to Maintain Blue Mountain Drive in the vicinity of 1 Fort Franklin Road. Attorney Datte said that the joint statement satisfies our obligation to publically read the joint statement. Chairman asked the Attorney Datte if we can give out the settlement agreement & joint statement without having them do a Right-to-Know. Attorney Datte said, "Yes."

Attorney Datte also wanted to report that he received comments back from the Hydrogeologist for the Water Extraction provisions. It was Attorney Datte's obligation to revise the water extraction provisions consistent with the comments they received from Boucher & James, the Hydrogeologist. Attorney Datte will incorporate the comments to the water portion of the Zoning Ordinance. The final water extraction provisions will be available at the May 17, 2021 morning meeting. The BOS will give the public one more opportunity to comment. Once the BOS is satisfied with the water extraction provisions then we will incorporate them into the overall Zoning Ordinance. We would like to target the June 7th meeting to advertise for the second hearing.

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- ARRO Consulting, Inc.

Chairman asked Mike Begis from ARRO Consulting, Inc. to comment on land use. Mr. Begis said the Planning Commission reviewed two plans for the month of April.

Miller & Rex (St. Peters Rd.) Subdivision. The Miller & Rex Plan proposes the subdivision of an existing 52.228 – acre lot. Tract A will contain 24.619 acres. Tract B will contain 27.609 acres. The property is located along St. Peters Rd. (T-789) in Agricultural Zoning District.

Planning Commission recommended the BOS to grant a modification to section 1019 to use steel pins instead of concrete monuments for the Miller & Rex Subdivision. Chairman called for a motion for the modification. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. Chairman called for a motion to approve the Planning Commission's recommendation to modify section 104. E. Tim Houser made the motion. Glenn Hummel seconded the modification. All in favor. Motion was carried. 3-0

Chairman called for a motion to conditionally approve the Miller & Rex Subdivision Plan and adopt Resolution # 14 of 2021, contingent upon comments being satisfied from ARRO Consulting, Inc. letter dated April 23, 2021, Bill Brior, SEO & Schuylkill Planning Commission. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Mike Begis also discussed LAM Associates Subdivision Plan. This plan proposes the subdivision of an existing 54.175 arce parcel into 5 separate single family residential parcels. The property is located along Archery Club Rd. (T-994) in the AG Zoning District. All lots proposed to utilize on-lot sanitary sewage and on-lot water supply. Chairman asked Vice Chairman to take over this part of the meeting because the Chairman is involved with LAM Associates.

Planning Commission recommended the BOS to grant a modification of section 501 and allow LAM Associates to combine their Preliminary & Final Plan for Submission. Tim Houser made the motion. Glenn Hummel (Vice-Chair) seconded the motion. All in favor. Chairman abstained. Motion was carried. 2-1

Planning Commission recommended the BOS grant a modification to section 1019 and allow steel pins instead of concrete monuments. Vice - Chairman called for a motion. Tim Houser made the motion. Glenn Hummel (Vice-Chair) seconded the motion. All in favor. Chairman abstained form vote because he is involved with the subdivision. Motion was carried. 2-1

Vice- Chairman called for a motion to adopt Resolution #15 of 2021 approving the Planning Commission's recommendation to conditionally approve the LAM Associates Subdivision Plan contingent upon all comments being satisfied for ARRO Consulting, Inc., Bill Brior – SEO, Schuylkill Planning Commission and East Brunswick Twp. Tim Houser made the motion. Glenn Hummel (Vice-Chair) seconded the motion. All in favor. Chairman abstained. Motion was carried. 2-1

III. Operations

A. Engineer's Monthly Report – April 2021

Mike Begis from ARRO Consulting, Inc. said that ARRO successfully completed and submitted the DCNR grant application for the Atlas Park Phase 1 project. Mr. Begis said ARRO attended the Planning Commission Meeting. They reviewed two subdivision plans; Miller & Rex and LAM Associates. Mr. Begis said ARRO supplied a report to the BOS & issued 21 permits for the month of April. 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 – April 2021

Mike Begis said there were several complaints for the month of April. Mr. Begis said the biggest complaint for this month would be for the smell of manure a farmer has been using. Mr. Begis said the Conservation District has been contacted to investigate the smell. Tim Houser said one issue is the one farm may be using bio solids/sludge on their fields. Mr. Houser understands the right to farm law but feels we should be receiving a report on their manure management plan & the analysis of the sludge that is coming into the Township. Mr. Houser would also like to know the number of hours a farmer has to till it under & not to just let it on the surface. Mr. Houser would like to know if each load is analyzed & what is in the content for each load. Mr. Houser said that we should have the right-to-know what is in the sludge. Mr. Begis said he will find out what they test and if the Township can get a report. Chairman called for a motion to accept the Code Enforcement 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 – April 2021

Chairman read the Sewage Enforcement Officer's Report. The SEO's report consisted of 3 New Permit Applications, 3 Test Probes, 1 perc test, 3 Site Evaluations, 3 Interim Inspections & 1 subdivision review. There were no Malfunctions for the month of April. 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 – April 2021

Chairman read a letter from road master to BOS informing them he will not be able to attend night meetings for a little while due to personal reasons. He also thanked the BOS for their understanding of one of his daughter’s recent diagnosis.

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, repaired & stoned parking lot @ the J.E. Morgan Memorial Park, hauled concrete block, received pipe from pipe bid, dugout & pumped the Annex septic system, dugout site for recycling dumpster, cleaned intersections and removed anti-skid and working on Quarry Rd. grant project. Road Master had a few questions on his report for the BOS. 1. What base to use for the recycling site? BOS agreed with his recommendation to use concrete. 2. Should he put together a bid packet for the new pole building? Yes, the road master can prepare a bid packet for a new pole building. Does Supervisor Houser have any recommendations of builders for the pole building? Tim Houser said he will look into the farmer’s almanac. Road Master would also like to know when the BOS would like to get together to negotiate the union contract. BOS instructed secretary to set something up in June. Chairman recognized Clint Schock the Road Master for his hard work and for keeping up with all the maintenance of the trucks & equipment. Chairman read the Maintenance Report. Chairman called for a motion to accept the Road Department’s Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. The motion was carried. 3-0

E. Police Department Report – April 2021

Chairman read the police report. The police report consisted of 6,487 miles patrolled, 309 total traffic & warnings and 295 total calls. Fine money received was \$4,955.94 plus total impound \$2,090 which equals to \$7,045.94. There were 20 court hearings.

The Police Dept. would like to hire Officers & set up testing date & oral interviews. 2021 Chevy Silverado is done, Chief will set up bids to remove 10-15 cars from the impound lot; police dept. submitted a grant for in-car camera system along with LPR capability (\$30K), Police Dept. would like to paint lines on highway once weather stays nice (if anyone has a location, they feel needs police attention please call the station or email contact@westpennpd.us), once the new truck is set up, Chief will set up weight checks throughout the Township and Chief will set up Frank’s Sign to make signs for the Police Station along with lettering for new truck. Glenn Hummel asked the Chief if he was going to bid the old cars out. Chief said, yes. Glenn Hummel recognized the Police Dept. for their hard work and how busy they are. 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 – April 2021

Chairman read the Fire Company’s report. 27 Total calls for the month of April. Emergency Responses included 5 brush fires, 4 Motor vehicle accidents, 10 Trees/wires down, 4 Automatic Alarms, 1 Medical Assists, 1 Chimney Fire and 1 Structure Fire. The Fire Company conducted their monthly breakfast, Marching Band drive through dinner and had their business meeting & monthly training. Glenn Hummel said the Fire Department had audits from 2015-2019. Glenn Hummel said the BOS requires the Fire Dept. to submit their audit before releasing any funds. Glenn Hummel said 2020 may be delayed because of COVID. The Fire Department did submit it but it will not be done on time. The Fire Department is requesting that the Township still releases their funding for 2021. Glenn Hummel

said with good business faith they have been meeting our requirements until now but it is promised once they receive it they will get it to the Township. Chairman said he hopes that they follow through and hopes they get their audit back before they request their funds. Tim Houser would like to see the audit in a timely manner. However, Tim Houser doesn't have a problem giving them the money. The Township implemented a way to track Taxpayer's money that is given to the Fire Company. Glenn Hummel would like to see a general audit of the Fire Department to make sure all of their money is accounted for. Glenn Hummel said we shouldn't be giving them taxpayer's money if all of their money isn't accounted for. Chairman said the Fire Chief would like to request the BOS approval to allow the Fire Police to direct traffic at the Andreas Sporting Club. Chairman called for a motion to allow the Fire Police to direct traffic at the event. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 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 - NONE

V. New Business - NONE

VI. Correspondence - NONE

VII. Business from Anyone on the Board

A. Chairman announced a reminder that the Monday, May 17, 2021 meeting will be at the Annex Building @ 10AM.

VIII. Public Comments on General Items

Amy Paules – Blue Mountain Drive –is concerned about Water Extraction. Ms. Paules wanted to know what would happen if her well goes dry because of the water extraction. Who will help them if the DRBC approves the water extractor's permit application & they start pumping more water out. Chairman said the Township will always try to help our residents but with water extraction we would not be the regulatory body. The Township has no jurisdiction when it comes to water extraction. The DRBC would become the regulatory body if they approve their application. In their application it spells out what would happen if the peoples' well goes dry in the zone of influence. Ms. Paules said her water is orange when they pump a lot. She would have never rebuilt if she knew this would be an issue. Tim Houser asked if she has a water filtration system. Amy Paules said she does not. Tim Houser asked because his well is down through shale & he had to put a water filtration system in because he had high iron in his system. Tim Houser said his shower curtain gets orange after a while. Attorney Datte wanted to answer her question directly. "If" the DRBC approves the application for this level of water withdrawal, there is a docket or which effectively becomes the permit. The permit would allow them to withdraw water. The permit will be subject to quite a few conditions. One of which would be, if there is an impact on neighboring wells, water sources, Etc. & your water source is compromised by the extraction, they are obligated to replace that for you. That will be stated specifically in the docket/permit they would receive from the DRBC. Chairman said right now we do not have a regulatory agency that is forcing them to do that. They are also obligated in periods of drought; the DRBC is permitted to declare drought or drought emergencies & they will place restrictions or place temporary suspension of their ability to withdraw water. Amy Paules asked the BOS who would enforce it. Attorney Datte said the DRBC will enforce it. The DRBC just don't impose the conditions they enforce them as well. You would have a right as a property owner to discuss it at the Twp. level with the DRBC. You can make your complaint directly to the DRBC. The DRBC would investigate & they would impose that requirement. You can also report your

well to the Twp. and they would intercede on your behalf to the DRBC. There is nothing in the settlement agreement that prevents the Twp. from intervening on behalf of any citizen. Attorney Datte stated one positive aspect on this is that now there would be a regulatory agency that will oversee this. They will be required to monitor, they will be required to submit monitoring reports to the Commission. The Commission will review and evaluate the reports. The Twp. will request they provide the Twp. with copies those reports. Attorney Datte said if you feel that your well/water source is being impaired by their activities, you can directly make a complaint to the DRBC. Attorney Datte said if and when it is issued, that would protect adjoining property owners of any negative impact from the water extractors. Attorney Datte said he can provide Ms. Paules with what the provisions would look like so she can see. Attorney Datte said he cannot give her the exact provision but he can give her provisions that are inserted in virtually every withdraw application that was made.

Attorney Datte asked Amy Paules for the record that she was one of the property owners that settled with the Water Extraction. Amy Paules said they technically settled but they didn't see anything out of it. Ms. Paules said nothing was paid or nothing was done about it. Ms. Paules said their lawyer bailed because of his costs. Attorney Datte said he will get the provisions to the secretary and she will get them to Ms. Paules. Chairman said the secretary will also provide her with the DRBC telephone number. Chairman said that we are in a tough situation. We want a regulatory body to monitor the water extraction in case something does happen. Ms. Paules said we should have said no. The Chairman said it was not proposed to this BOS. Chairman stated we inherited this, different lawyer, different engineer and different BOS. Ms. Paules said she understands that. Attorney Datte said with all due respect you had the opportunity to say no to your settlement too. Ms. Paules said she is just worried about her water. Glenn Hummel said going back to what this BOS has done. This BOS acted in the best interest of the Twp. to get this operation to a regulatory body. We are as concerned for the environments as well as you are. We had gone through this extensively. We went through our Attorney for legal advice. Our Attorney went through other legal advice from another Attorney. We hired a hydrogeologist. What we did today was the best resolution for this situation for the 2015 permit. There are a lot of rumors out there that are not true. Attorney Datte said we do not have the legal ability to do what the DRBC can do. The Township can inquire to the DRBC that they review the application important to their own regulations and impose the provisions that you typically see in dockets or permits of this type. And we can request that the Township receive the monitoring reports that they would be required to provide in conjunction with the withdrawal. Chairman said we are trying. This BOS spent close to \$70K trying to get answers and get a new Zoning Ordinance adopted. Chairman said believe it or not we are on the same side. Attorney Datte stated that two things to understand about the conditions/provisions; 1. They will be applicable and enforceable by the DRBC. 2. The Twp. made the decision to stay proactive in the sense getting those monitoring reports and having the available for the citizens who feel their well is being impaired. The DEP or the Department of Agriculture will not regulate this kind of operation. Chairman said just because we are not opposing the DRBC application that does not mean we cannot ask questions. Attorney Datte said we can only do what we are permitted to do in the jurisdiction & the ability of what we can do. We are in a position right now of being a facilitator to make sure the DRBC does what it's supposed to be doing. Glenn Hummel spoke about his personal experience with his water being discolored. Mr. Hummel built his house in 1994 and from day one he had to put his well down 325ft & about 275ft with the pump. He dealt with the orange color of water. He had to put a water filtration system in. Ms. Paules said that the water needs to be governed. She said she knows when they

pull out more water because her water becomes more orange. Ms. Paules believes someone should be governing the water withdrawals.

Jim Dean – Snowdrift Rd., former Supervisor – Mr. Dean said there has been many times that a Board had to figure out how to resolve something a previous Board put on their lap.

Whether it is water extraction or a mobile home park the Board that has the initiative to face it and try to solve it or make it better should be recognized for their efforts. Mr. Dean said he is glad to hear how this Board & Attorney Paul Datte has worked so hard trying to put Ordinances in place so we don't find the Township in this situation again.

Mr. Dean discussed ESRC topics and their members with the board. Mr. Dean & our Chairman said how important it is to have community involvement. Tim Houser said if you want to see & use nice facilities then you have to put some money into it and work together to get grants.

Leland Wilds – Troxell Valley Rd. - said about getting land donated is fine but who is to pay for the development of those properties. Mr. Wilds said he has seen it before that he feels the tax payer will be paying for it. Tim Houser said our Township does well with our finances. The BOS just reduced taxes by a ¼ mill. Chairman said we just got 26 acres donated to us and we applied for a \$175K grant. We are very proactive when applying for grants. Mr. Wilds asked where does the grant money come from? Mr. Wilds said the taxpayer will have to pay for it eventually. Chairman & Glenn Hummel stated if we don't apply for the grants someone else will. The grants help make our community better.

IX. Executive

X. Adjournment

Chairman called for a motion to adjourn @ 7:55PM. 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