

**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 4, 2022**

Present at the Meeting

Anthony Prudenti
Timothy Houser
Glenn Hummel(Phone)

Karen Wittig – Treasurer
Katie Orlick – Secretary
Mike Begis – ARRO
Paul Datte – Solicitor

I. General

A. Tony Prudenti called the meeting to order at 6:00PM with the Pledge of Allegiance & Introduction.

B. Public Comments on Agenda Items Only - None

C. Review of the Minutes – March 7th & 21st, 2022.

Chairman called for a motion to accept the meeting minutes from March 7th & 21st, 2022. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – March 2022

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 – March 2022

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

F. Solicitor’s Report – March 2022

1. Zoning Ordinance & Comprehensive Plan – Attorney Datte said he sent the revised Water Extraction Provisions to URDC. Attorney Datte asked them to incorporate them and send us the revised draft Zoning Ordinance, along with the updated zoning map so we can get this advertised and going. Attorney Datte said at this point get finished the Zoning Ordinance and we deal with the other things as they get completed. Attorney Datte hopes to have the information and the revised ordinance & map by the next Township meeting, April 18, 2022.

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 – None

III. Operations

A. Engineer’s Monthly Report – March 2022

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of March. Mike Begis said he provided the BOS a report and he would be happy to address any questions the BOS may have. Mike Begis said he sent out the intent to award the contract along with the change order for the bid for the J.E. Morgan Park. Mr. Begis supplied the BOS with the change orders for the Morgan Park bid. The contractor agreed to the change orders. Mike Begis said the contractor also reduced the costs for Mobilization & Demobilization for the contractor’s equipment.

B. Code Enforcement Monthly Report – March 2022

Mike Begis asked the BOS if they had any questions on the Code Enforcement Report or about permits issued. Chairman wanted to know the status of the Penn Drive concern. Mike Begis said the Code Enforcement Officer sent out a Notice of Violation for not having a permit to conduct a business without proper permits. Chairman asked if we can order a cease and desist until they would get a permit? Mike Begis said Shannon Darker issued a Notice of Violation for not obtaining a zoning permit to run a business in a structure that already has a business in it. Residents that filed concerns said they believe there are variances that go along with this property. Tim Houser concerns are about the access and regress from Golf Rd. However, through research the Township and the Code Enforcement Officer is conducting, no documents have been found at this time. Chairman suggested a title search on the property. Glenn Hummel questioned if the property had proper sewage with the holding tank for two businesses. Glenn Hummel also questioned driveway permits for this property. Chairman recommends if this business decides to move forward and applies to the Zoning Hearing Board, our Attorney Paul Datte should represent the Township at that Hearing. Chairman asked the Police Chief what he thought about the whole situation. Chief said there were 3 different complaints about speed on Golf Rd. and noise, which he will address with the owner of the business. Chief said it is not the position for the police department to take any action on the Zoning Situation unless ordered by the Board. Chief said he feels the driveway is a concern. Chief believes it is a shared driveway. Rose Roman said she owns most of the driveway off Golf Rd. She asked if she can have vehicles towed if cars are parking on her property. The Chief said he will get her information on how to properly post her property. Rose Roman expressed her frustrations about the business next door. The noise at all hours of the night is intolerable. Chief instructed the neighbors if there is loud noise all hours of the night then they need to call the non-emergency number at 570-668-6100. Chief said when it happens call the non-emergency number. Chief said he does not care how many time the residents call. Chairman said when they go to the Zoning Hearing Board the surrounding properties will be notified and the property will be posted. Chairman said if this business does everything they are supposed to do, there may not be any way to stop them. Attorney Datte said if the business does everything appropriately and comply with the zoning ordinance, and you feel the permit was not issued properly, it can still be appealed by the person with the concern. Attorney Datte stated you could ask the secretary to inform/notify you of any applications submitted and any actions taken by the Township for that certain property. Attorney Datte advised the citizens that were concerned about this business, they also could do research to see if they can find any variances or other information about the property of what they can or cannot do. Attorney Datte also advised that some of this will have to be on a civil level. These issues may not have anything to do with the Township, like property line issues. Attorney Datte said the Township is not going to determine property lines that is a civil issue. There may be things that evolve as a civil matter and does not involve the Township and you need to be aware of that. There are limitations that the Township can do and there are limitations of what the police can do. Glenn Hummel also questioned Fire Chief Jeff Bradford about fire inspections for businesses throughout the Township. Chairman asked the Solicitor if the Township can go in the home with the Chief of police. Attorney Datte said if it is a violation of the property maintenance ordinance and our officer is telling us that it is an emergency and it has to happen because of the sewage or whatever the case maybe. It has to be done in accordance with the Ordinance. Chairman made the motion to board up the property as soon as possible and address the sewage issue and coordinate with our property maintenance ordinance. Chairman made the motion. Glenn Hummel

seconded the motion. All in favor. The motion was carried. 3-0 Chairman called for a motion to accept the monthly engineer's and code enforcement report. Tim Houser made the motion. Glenn Hummel seconded the motion. The motion was carried. 3-0

Chairman jumped to the section of Old Business to discuss Chestnut Circle.

C. Sewage Enforcement Officer's Monthly Report – March 2022

Chairman read the sewage enforcement officer's report. The report consisted of 5 new permit application, 1 permit repair, 7 Test Probes, 6 site evaluations, 4 new permits issued, 1 malfunction inspection, 1 final inspection and 1 subdivision plan reviews. Chairman explained the situation with a malfunction on a property. The new malfunction was on Park Drive. The property owner decided that the best option was to begin the process of testing and installing a new on-lot septic system to replace the existing malfunctioning septic system. Chairman called for a motion to accept the Sewage Enforcement Officer's 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 2022

Chairman read the Road Department's Monthly report. Chairman called for a motion to hire Rich Miller as a full-time CDL Road Department Laborer. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked the Board when was a good day to schedule road inspections. Board agreed to have road inspections on Wednesday afternoon. The report consisted of General Maintenance to the Township Building & Equipment, Fixed potholes along various Township roads with cold patch, Plowing & Cindering Township Roads, Fixed Street Signs, Replaced pipes on Lime Kiln Dr., Redhill Road and Walnut Lane. Broom Cinders off intersections throughout the Township, Fixed hole on Timber Lane with millings, Cleaned up Trees & Limbs, Mowed Brush back on Twp. Roads and met with John Davis for Bituminous Seal Coat Project. Chairman read the Maintenance Report. Tim Houser asked if we have Battery Tenders here. Chairman said we do not. Tim Houser made a motion to approve the Road Master's report. Glenn Hummel seconded the Motion. All in favor. Motion was carried. 3-0

E. Police Department Report – March 2022

Chairman read the Police Report. The Police Dept. had 9,207 miles patrolled, 280 total citations & warnings, 11 motor vehicle accidents, & 113 total calls. The total fine money \$3,415.44 + Incident Reports \$105 + total impound \$3,975 - Towing Fees = total money received \$4,320.44. Chairman discussed Police Department Topics with the Board. Chairman said the Police Department would like to make an acknowledge Scott Soley for his donation of ammunition to the Police Department. The police department would also like the Board to approve Zaprazny's bid for salvaged impound vehicles. The Chairman called for a motion to accept a 1993 Chevy Trailblazer SUV for \$625, 2007 Cadillac Escalade SUV for \$875, 2012 Dodge R15 Truck for \$1455 and a 2006 Buick Rendezvous for \$625. Chief said there were two quotes. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. The motion was carried. 3-0 Chief is requesting the Board to sign MOU for Schuylkill County Drug Task Force. Chief Bonner said it is for a memorandum of understanding. Chairman called for a motion to accept the new municipal cooperative agreement for the Drug Task Force. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. The motion was carried. 3-0 Chairman called for a motion to accept the Police Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. The motion was carried. 3-0

F. Fire Company Monthly Report – March 2022

Chairman read the Fire Company’s report. 27 Total calls for the month of February. The report consisted of 3 motor vehicle accidents, 3 brush fire, 9 wire/tree down, 3 automatic fire alarm, 2 medical assist, 4 Fire Police Call & 3 Structure Fires. The department had their monthly meeting, did equipment inspections & vehicle stabilization. They had their monthly fundraisers such as the monthly Breakfast & Fire Company Cash Bingo. Chairman asked the Fire Chief if he had anything else to add to his report. The Fire Chief reported that they took delivery and put in service their new Brush Fire Truck, 2021 Dodge 5500. This truck replaced a 1985 Chevy. 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 – March 2022

Chairman read the Ambulance Report. The total dispatches for the ambulance was 26. The calls were 7 in Tamaqua & 18 in West Penn. The receiving Hospitals were St. Luke’s Lehighton and St. Luke’s Miners. The calls consisted of back pain, breathing problems, chest pain, diabetic problem, fall victim, hemorrhage, sick people, traffic accident and fainting. Glenn Hummel questioned what report was submitted because a report was not submitted last month. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

IV. Old Business

A. Opening of Mowing Proposals for West Penn Parks. Chairman opened the bids and reviewed them with the Board. Results are as follows:

**WEST PENN TOWNSHIP PARKS
MOWING PROPOSALS**

BUSINESS NAME	J.E. Morgan Park	Zion Stone Park	Both Together
Sterner’s Mulch	\$165.00	\$320.00	\$485.00
Hunter Hardscape	\$210.00	\$325.00	\$475.00
Service Team	\$300.00	\$400.00	\$650.00
Grass Kickers	\$250.00	\$325.00	\$525.00

There were a few questions that the Board wanted the Secretary to ask Hunter Hardscape if they understand what needs to be cut & trimmed. Chairman called for a motion to table the decision to award until next meeting to clarify some questions. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. The Motion was carried. 3-0

B. Morgan Park Grant Change Order – Mike Begis from ARRO Consulting said he submitted the change order to the Contractor. They did accept it. They will eliminate items #5-12 of the contract. Items 1 & 2 they reduced the cost for Mobilization & Demobilization it was \$8970 to \$4160 and Excavation/Grading was \$9750 to \$2080. After the change order the total cost \$65,461. Chairman called for a motion to

accept the change order. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. The motion was carried. 3-0 Tim Houser asked when they were going to start leveling the soccer field. Chairman said the road department has already started marking what needs to be done at the park. Tim Houser said he thinks his neighbor will donate some topsoil.

C. Atlas Park Grant Agreement – Secretary said we have the grant agreement and we can now have the property transferred into the Township’s name. We will need to have a subdivision done.

Attorney Datte will need to get a deed description done for the transfer of the property. Attorney Datte said we will need a final plan. Attorney Datte recommends the Board to authorize ARRO Consulting to prepare the Subdivision Plan so we can get the land for the park transferred in our name. Chairman called for a motion for ARRO to move forward on the Subdivision Plan for Atlas Park. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Mike Begis will include on the plan the layout of the park and consider it a subdivision/land development plan. Chairman asked Attorney Datte to reach out to Mr. DeAngelo a to let him know what is going on with the property.

D. Chestnut Circle – open sewage and garbage all over the property. This has been a problem for a long time. Chairman would like to board up the house, clean up the sewage and cap it and put a lien on the house. Attorney Datte said we can do that but we have to go in accordance with our Property Maintenance Ordinance. Attorney Datte said we should contact Bill Brior our SEO, and make sure he provides us with information to cap and clean up the sewage. Chairman said Bill Brior already instructed us on the proper procedure. Attorney Datte said before the Township boards up the house, you will need to make sure no one is in the house & board it that it is secure and no one can get in. Chairman said we have a quote for boarding up the house. The quote was from Boyle Electro Mechanical. The price is \$3,091.30, which includes 1/2 inch pressure treated plywood, excavator, labor and sewage cleanup. Chairman called for a motion to accept Boyle Electro Mechanical proposal to Board up the house and cleanup the sewage. Attorney Datte said we can as long as we follow the property maintenance procedure. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Chairman abstained from vote because the chairman works as an independent contractor for Boyle Mechanical for snow plowing. Motion was carried. 2-1 Secretary was instructed to contact Boyle Mechanical and let them know they were awarded but they have to wait for our Solicitor’s ok and they will have to coordinate with the Chief of Police.

V. New Business

A. Chairman called for a motion to accept Paul Barth’s letter stating he would like to step down from the West Penn Park Commission due to health problems. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman would like the Township to present a certificate of appreciation to Paul Barth for his 11 years of continuous service.

B. Chairman read a letter of interest from Karissa Brother. Karissa Brothers asked the Board of Supervisors if she can be a part of the Park Commission. Chairman called for a motion to appoint Karissa Brothers to the Park Commission. Tim Houser seconded the motion. All in favor. The motion was carried. 3-0

C. Chairman called for a motion to adopt Resolution #16 of 2022, West Penn Township revising the Community Development Block Grant Program for Fiscal Year 2017. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. The motion was carried. 3-0

D. Recycling Shed (\$2400)/Stipend - Fred Gimbi is the Township's Recycling Attendant. When the recycling bin is open he would sit in our Chevy Colorado in the winter with the heat on and air condition in the summer. However, we sold the Colorado and he is having a hard time using his own vehicle because his wife also works. The Road Master looked into buying a little shed/shelter which would be about \$2400. Chairman asked the Fire Chief if we can use the Fire Truck that is out of service as a shelter but he said it would have to be approved. In the meantime, the Chairman suggested to give a \$25 stipend per week for using his vehicle because of gas prices until we figure out the situation. He gets \$13/hr. Chairman made the motion. Tim Houser seconded the motion. All in favor. The motion was carried.3-0

VI. Correspondence – West Penn Pines will be going in front of the Delaware River Basin Commission amending minor permit with DEP to add an aeration process for their sewage treatment plant.

VII. Business from Anyone on the Board - NONE

VIII. Public Comments on General Items

A. Carl Greves asked why the speed shop couldn't be shut down if they don't have a permit. Attorney Datte said that business was issued a Notice of Violation at this point. Our practice has been to give the individual a notice to correct what they are doing wrong. If they do not comply we can stop them or the business can appeal and it would go in front of the zoning hearing board.

B. John Sienkiewicz – asked when is the new zoning ordinance going to be adopted and does he have any say of what his property can be. Attorney Datte recommended once we received the final zoning map, you should come to the public hearing and review the zoning ordinance along with the map and see what it says about your property. You may find that it is ok. Mr. Sienkiewicz is concerned with tax assessment. Attorney Datte said taxes cannot be raised just because we change our zoning. However, Attorney Datte said that within the next two years he feels all properties in the county will be reassessed for taxes.

Chairman read what districts that we have in the Township Right now. They are as follows:
Conservation, Agricultural, Rural Residential, Suburban Residential, Village Center, Planned Highway Commercial, Light Industrial, General Industrial, General Industrial and Extractive Industrial.

C. Residents talked about recycling.

D. Delroy Haas clarified noise ordinance and the recycling stipend.

IX. Executive Session

X. Adjournment

Chairman called for a motion to adjourn at 8:12PM. Tim Houser made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0 Glenn Hummel's call dropped.

Transcribed By:

Katie Orlick

West Penn Township Secretary