

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

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**Regular 10AM Monthly Meeting
Monday, June 20, 2022**

Present at the Meeting

Tony Prudenti – Chairman

Katie Orlick - Secretary

Tim Houser – Supervisor

Paul Datte – Solicitor

Glenn Hummel – Vice Chairman

Mike Begis – ARRO Consulting, Inc.

Karen Wittig – Treasurer

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 the monthly bills. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

II. Public Comment on Agenda Items

Chairman asked for Public Comment on General Items first.

Michael Kistler, Fratz Lane – wanted to express his concerns to the Board of Supervisors.

Mr. Kistler resides and owns property in the Township. Mr. Kistler interacts with a lot of people in the Township. Mr. Kistler said he has a lot of respect for what the Supervisors do for the Township. Mr. Kistler said he cares what goes on in the Township. He teaches his kids if they cannot lead then sit down and follow. Mr. Kistler stated he is a supporter of the FOP, he “Backs the Blue” and don’t mess with cops on his watch. Mr. Kistler came to the meeting to address a situation that has occurred. He came to the meeting more as an Employer than a father. Mr. Kistler said his son is 21 years old. Mr. Kistler said he does not have anything personal against Chief Bonner or the witness in the situation. Mr. Kistler explained what he felt happened. His son was in a Rebs Pallet Tractor Trailer driving west on SR443. His son passed another vehicle by Mantzville Rd. where the Vascar was set up. Mr. Kistler said it happened Thursday, June 9, 2022, he believes. His son pulled out to pass a car driven by a female. His son determined she was driving about 45MPH – 50MPH. Mr. Kistler said he was not there so he doesn’t know. Mr. Kistler said he is not necessarily taking his word for it but he is just explaining to the Board what he was told by his son. Mr. Kistler’s son passed and ended up that he was not able to get back over before the passing zone ended. Mr. Kistler said that maybe true but he doesn’t know. He wasn’t there. Mr. Kistler explained that his son said she followed him down SR443, aggressively until they got on SR309, where she motioned him to pull over. Mr. Kistler said his son pulled over across from St. Francis Animal Hospital and the witness pulled into St. Francis. Mr. Kistler said he understands the witness was somewhat verbally abusive. Mr. Kistler said he was not there so he does not know how bad it was and that the witness was making a Citizen’s Arrest and that you (the son) passed her on a double yellow line. Chief Bonner interrupted and said this is “inaccurate.” Attorney Datte said let Mr. Kistler finish. Mr. Kistler said the witness was on the phone with Chief Bonner. Mr. Kistler said Chief Bonner did not call his wife back after six hours but went to his business in Mahoning Twp. to get his son’s number. Mr. Kistler said Chief Bonner did not know it was his son because he had four trucks on that road that day. Mr. Kistler said Chief Bonner got his son’s number from his employees, which is against their

company policy. Chief Bonner called the son and asked him what happened and told him that he may or may not receive a citation. Mr. Kistler's son did receive a citation for \$192. Mr. Kistler said he was not there. Mr. Kistler said that passing in a no passing zone is not like pulling someone over when they have been drinking and you can see they are drunk or pulling someone over for stealing and they have something in their possession that does not belong to them. Mr. Kistler said it was said my son was going 75MPH. The trucks are governed at 68MPH.

Mr. Kistler said he spoke to 4 State Cops, which said that you have to allow a car in a passing zone room to get back over to a no passing zone. Mr. Kistler asked Chief Bonner if he asked the witness if she sped up to make it harder on him to pass. Chief Bonner said yes, and no, she did not. Mr. Kistler said it is her word and you are taking her word for it. Mr. Kistler asked how can a truck be governed at 68MPH be going 75MPH. Chief Bonner said the questions will be handled at a hearing.

Mr. Kistler asked if our Twp. Police Officer could enter another Township to do police work without notifying that Township. Attorney Datte said under certain circumstances. Mr. Kistler feels a police officer cannot go to another Township, and go into a business and tell the employees what the violation is and ask for a phone number. Mr. Kistler said that is an invasion of privacy. Mr. Kistler feels he should have been notified as the Employer. Mr. Kistler gave an example of a Barney Fife Show of how they handled a situation when the police officer was not present at the incident. Mr. Kistler said instead of teaching his kid a valuable lesson he learned to lie and never trust a police officer in West Penn Township because of the way this situation was handled. Mr. Kistler said he was told the ticket that his son received is a very general ticket. Mr. Kistler showed the Board the ticket.

Mr. Kistler will take it to the magistrate office. Mr. Kistler asked who is going to pay for his lost wages. Mr. Kistler feels it is wrong for someone to pull someone over and make a citizen's arrest for a traffic violation.

Mr. Kistler asked the Board if they have a Nepotism Clause in the Township. Chairman said he believes we did but he believes it was rescinded. Mr. Kistler asked the Secretary if we do have a Nepotism Clause. The Secretary said she researched it because of the Right-to Know submitted. She found with Nepotism that it was rescinded but put back in place. Chairman said so we do have a policy. Mr. Kistler asked his wife how she found out who the witness was. Kristen Kistler said she came the next day and confronted the Chief, asked him how it was possible that someone could be pulled over by listening on the phone. Mrs. Kistler said the Chief responded, let me put it this way; she has no reason to lie because she is my wife. Mr. Kistler asked, Chief Bonner if that was true and did he say that. The Chief said yes, absolutely. Mr. Kistler expressed how he felt about Nepotism and having family in the same Company and said it never works. Mr. Kistler gave an example about Air Products and Nepotism. Glenn Hummel clarified that today Air Products has husbands and wives working together, brothers and sisters working together. Mr. Hummel also stated that if they were not married and got married while employed by Air Products the Company could not do anything about it. Glenn Hummel said in the defense of the Chief, she was not his wife when she was hired. Kristen Kistler said in a normal case, she could not call the police and say someone just passed me. Glenn Hummel said you can. Mrs. Kistler said yeah but nothing would have been done about it. Attorney Datte said to take it to the magistrate and the issues will be addressed at that time. Attorney Datte said he believes what he is conveying to the Board of Supervisors is there may be a Nepotism issue and things in that nature that the Board can take into consideration but we are not in a position to do anything today in relation to the citation. Attorney Datte said Mr. Kistler has a concern with the relationships that are involved here and what led to the citation being issued, whether it was your son or anyone else. Mr. Kistler gave more examples of situations that happened through the years when he had to deal with the Police Department. Mr. Kistler also gave an example of a situation

with the former Road Master. The BOS asked Mr. Kistler why he did not report it when it happened. Mr. Kistler said he just let it go. Chairman stated that if you do not tell us, how are we supposed to fix it. Mr. Kistler understands what should have been done but now he said things continue to happen. Mr. Kistler said when the Chief said you may or may not receive a citation. Kristen Kistler said the Chief said something about points too. Chief said he extended a courtesy and gave him a citation that does not get points because of the way his son handled himself.

Chief said with all due respect Mr. Kistler; I did go to the business looking for the owner. You were not there. One of your employees gave me your son's number. Chief said he did not ask for it. Chief said he was doing his job and it would be handled the same. Chief said to Mr. Kistler that he should take responsibility for his tractor-trailer that was driving in an erratic manner. Chief said he does not hear an apology from his standpoint. Mr. Kistler said it is not about the ticket it is about the Chief not being there and his son being cited. Glenn Hummel stated his daughter and her husband are State Troopers. The State Troopers that spoke to Mr. Kistler misled him. Mr. Hummel said they could issue citations on behalf of an individual as long as the individual comes to court and testifies for the Police Department. Attorney Datte said they can file on information received but they cannot testify. The witness would have to be present to testify. Tim Houser said he understands Mr. Kistler is unhappy with the Police. We are making adjustments, transitioning of what the previous police department did, and what our present police department is doing. Attorney Datte is right you are taking the right path and having a hearing. Mr. Houser said it is not going to be resolved here; it will have to be in a hearing.

Glenn Hummel said since this Chief has taken over, we will be getting certified by the State with PLEAC and CALEA. Once we are certified, we would be doing Risk Management by the State's standards and by State Law to reduce our liabilities for making mistakes.

Chairman thanked Mr. Kistler for coming and expressing his concerns. Chairman instructed the Secretary to get the Nepotism Policy to all the Supervisors and to Attorney Datte. Chairman said we will look into Nepotism and we will look into all the certifications and Citizen's Arrest and how that all plays into this situation. Mr. Kistler stated that it is not right. If his son loses at the magistrate, he will sue the Township for lost wages. Mr. Kistler feels there was a personal issue and if there wasn't it would have been handled differently. He feels the Officer would have said he wasn't there so let us talk to him. Mr. Kistler said Nepotism never works. Mr. Kistler asked Glenn Hummel how could you go to the Chief of Police and find that the Chief's wife is working at the Police Department. Glenn Hummel does not have a problem with that.

Todd A. Deem said to the Board of Supervisors, now that he know the Nepotism Policy is back in place. He said the Board set a precedence back when his father was on the Board of Supervisors. Mr. Deem said he was appointed as a Township Official prior of his dad being elected and upon his dad taking office Mr. Deem was removed by the Board. Mr. Deem said there needs to be action by the Board to remove Mrs. Bonner as an employee of the Township. Mr. Deem said he was in an unpaid position. Mr. Deem refused to resign and the Board voted to remove him. Chairman asked Mr. Deem what was his position. Mr. Deem replied, Emergency Management. Attorney Datte asked when was that in the mid-nineties. Attorney Datte said a Nepotism Policy was put in over twenty years ago. Attorney Datte said we will address what we need to. Mr. Deem stated if the actions are not the same, there may be some legal issues. Mr. Deem said the Board had the ability not to remove and say Mr. Deem was appointed previously of his father taking office but they did not. Chairman said things change from 30 years ago to today. Chairman thanked Mr. Deem for bringing it up and said we will be looking into things.

Delroy Haas – said one of the Companies he worked for made it a point to tell us the most constant thing is change.

Mr. Haas also had a concern about high weeds by DP Fence by the intersection of Zion Stone Church Rd. and SR309. Jeremy Frable said the Township is out mowing. He will look into it.

Tim Foster – sent an email to the Township around the 9th of June. Mr. Foster feels he should get full reimbursement for a billboard permit application he submitted. Mr. Foster feels it cost him \$500 to ask questions and be denied for the billboard permit. The Township did reimburse Mr. Foster \$235.50. Chairman asked Mr. Foster what he feels he is due back. Mr. Foster feels he was charged for just asking questions. Attorney Datte said he does not mean to be disrespectful but if \$500 is the fee then that is the fee. Mr. Foster submitted the fee of \$500 to the Township. The Township did reimburse him for their portion of administration service but used the other part of the fee for what ARRO Consulting, Inc. charged the Township for their service.

Todd A. Deem – asked Attorney Datte if he reached out to his Attorney for a meeting with the Board of Supervisors. Attorney Datte stated we received another Attorney Letter. Todd A. Deem stated that was for another case. Todd A. Deem said there is some confusion. Todd A. Deem is the sole owner of DAT Towing and Todd A. Deem II is a resident that also sent an Attorney letter. Attorney Datte stated we sent both letters to our insurance carrier. It will be the advice of our insurance carrier.

III. Land Use – NONE

IV. Old Business

A. Chairman gave a reminder that the July Board of Supervisors' Meeting will be on Tuesday, July 5, 2022 @ 6PM. The Zoning Hearing for the Zoning Ordinance is rescheduled for August 1, 2022 @ 5:30PM with the meeting to follow.

B. Speed Signs for Zion Stone Church Rd. – Decision to Purchase.

Chairman called for a motion to order the speed limit signs for Zion Stone Church Rd. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

V. New Business

A. Track Loader – Jeremy Frable said he found one in New Holland, 2005 John Deere 655II for \$52K. Jeremy Frable looked at quite a few. Chairman asked if this price is from CoStars. Jeremy Frable said no. The Board said we would have to bid out the purchase of a Track (Crawler) Loader. We would have to advertise.

Chairman called for a motion to advertise for the Crawler. Tim Houser made the motion. Chairman seconded the motion. All in favor. Motion was carried. 3-0

B. Salvage Quotes – Chairman called for a motion to accept the salvage quote for four impound vehicles of \$1903.00. Tim Houser asked if we only received one quote. Chief said no, we received several quotes but they did not provide us with the proper licensing as requested. Tim Houser asked in the future to provide the Board with who they called and what they quoted. So we can document. Subaru IMP 2004 Station Wagon \$416, Chevy Blazer 1998 SUV \$505, Honda Civic 2017 Sedan \$370 and Ford Explorer 2006 SUV \$612 for a total \$1903. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

IX. Executive Session – Chairman called for a motion to go into Executive Session to discuss Personnel Issues and Possible Litigation at 11:20AM. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Chairman called the meeting back to order at 11:44AM. The Board discussed Personnel Issues & Potential Lawsuits.

Chairman said the police department would like to purchase Stop Sticks for high pursuit chases. The cost is \$485/Stick. Chief is requesting 4, which would be \$2000. Chairman is recommending we get two. Chief agrees. Chief said he has it in the budget and there is a five-year replacement for the spikes. Tim Houser

asked how they work. Chief explained how they work. Delroy Haas asked if our Township cooperates with other municipalities around the area. In addition, if so and we use them for another municipality's chase will they replace them? Chief Bonner said there is a five-year warranty on them and the spikes would be replaced. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

X. Anything Else from the Board

XI. Adjournment

A. Chairman called for a motion to Adjourn at 11:48AM. 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