

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

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**Regular Meeting
Tuesday, July 5, 2022**

Present at the Meeting

**Anthony Prudenti
Timothy Houser
Glenn Hummel**

**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 – June 6th & 20th, 2022.

Chairman called for a motion to accept the meeting minutes from June 6th & 20th, 2022. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – June 2022

Chairman asked the Treasurer when the Township will receive the next distribution of the ARP funding. Treasurer said they are looking at some time in July.

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

E. Approval of Bills – June 2022

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

F. Solicitor’s Report – June 2022

Paul Datte said he worked on Right-to-Knows, reviewed Ordinances, and Policies and collected information on the possible litigations the Twp. is facing. Attorney Datte said he would address the litigation in the executive session. 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

Chairman asked Mike Begis from ARRO Consulting about Land Use. Mr. Begis said the Planning Commission review one plan on June 28, 2022 for Michael Savlik 1 Lot Subdivision. Mike Begis said the plan proposes the subdivision of 111.8 acre parcel into two separate parcels. Lot No. 1 (33.380 acres) and the residual lot (78.497 acres). The applicant requested modification from section 1006.B. The Planning Commission recommends conditional approval contingent on the solicitor’s review of Section 1006.B, ARRO Consulting, Inc., Bill Brior, SEO and the Schuylkill Planning Comments being satisfied. Attorney Datte did provide an opinion about the property and Section 1006. B, which is as follows, the critical point is that the road (Airstrip Lane) has existed and served as access to both the Savlik and Scheibel properties and has been maintained for well over 21 years, so Savlik has acquired prescriptive

rights which legally permit him & his transferees to use the portion of Airstrip Lane through the Fritz property.

Paul Datte's perspective under the foregoing circumstances, I do not see the private road as any kind of a limiting factor nor do I see any requirement for a maintenance agreement. Tim Houser wanted to know if the roadway would be addressed on the property plan. Glenn Hummel made a motion to accept the modification request for section 1006. B. Tim Houser seconded the motion with the condition of if a new building goes up they will be required to have a recorded easement for roadway. All in favor. Motion was carried. 3-0 Chairman called for a motion to adopt Resolution # 19 of 2022 Conditional Approval of the Michael Savlik 1 Lot Subdivision Plan contingent on Solicitor's review, ARRO Consulting, Inc., Bill Brior and Schuylkill Planning comments being satisfied. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

III. Operations

A. Engineer's Monthly Report – June 2022

Mike Begis asked the Board if they had any questions about his Engineer's Report. Mike Begis updated the Board about the progress at the J. E. Morgan Memorial Park. Mr. Begis stated the contractor will have the Pavilion & the Bathroom erected by the end of the week and we are in the process of getting quotes for the holding tank & well. Chairman called for a motion to accept the Engineer's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried.

3-0

B. Code Enforcement Monthly Report – June 2022

Chairman asked the Board if they had any questions about the Code Enforcement Report. Tim Houser asked about the status of Chestnut Circle. Rachel Keer the neighbor of the property in violation stated nothing has been done for at least a month. Glenn Hummel made a motion to accept the Code Enforcement Report. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

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

Chairman read the sewage enforcement officer's report. The report consisted of 2 new permit application, 2 Test Probes, 1 Percolation Test, 4 site evaluations, 4 new permits issued, and 5 design reviews. Chairman read a sewage complaint. Bill Brior did an on-site investigation and the complaint was unfounded. No sewage discharge pipe to the creek was found. The basement and the cesspool were inspected and the on-lot septic system appears to be functioning properly. 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 – June 2022

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Fixed potholes along various Township roads with cold patch, Installed Watch Children Signs on Fort Franklin Rd., Hauled shale for Soccer Field at J.E. Morgan Park, Worked on Mantzville Rd. (Dirt & Gravel Road Project), Mowed shoulders along Twp. Rds., Fixed Signs and Fixed Guiderails on Valley Park Rd. Chairman read the Maintenance Report. Glenn Hummel complimented the Road Department on the great job they did on the field at the J. E. Morgan Park. 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. Motion was carried. 3-0

E. Police Department Report – June 2022

Chairman read the Police Report. The Police Dept. had 8,005 miles patrolled 303 total citations & warnings, 4 motor vehicle accidents & 101 total calls. Chairman called for a motion to approve a quote for impounded Vehicles ready for Salvage. The quote is from JW Zaprazny for a total of \$1700.00. The Salvage consisted of 2008 Chrysler for \$635, 2004 Honda Van for \$605 and a 2002 Honda Sedan for \$460. Glenn Hummel made the motion. Chairman asked the Chief if he got any other quotes. Chief said yes, at least three and no response or no follow through. Chairman asked the Chief if we can talk about the LPRs later in the meeting. Chief agreed. Chairman called for a motion to accept the police report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

F. Fire Company Monthly Report – June 2022

Chairman read the Fire Company's report. 18 Total calls for the month of June. The report consisted of 4 motor vehicle accidents, 5 wire/tree down, 4 automatic fire alarm, 1 medical assist, 1 Fire Police and 3 Chief Requests. Chairman asked the Fire Chief what were the Fire Chief Requests. Fire Chief Jeff Bradford said two were smoke in the area and a smoke alarm malfunction. The department had their monthly meeting, Breakfast, Cash Bingo and attended a Truck Parade. The Department had Vehicle Rescue Class, Pump Operations, did Truck & Building Maintenance. Chairman said to Fire Chief Jeff Bradford that it came to his attention that the Department had a business meeting and the Department is going to allow the Township to go another 4ft wider towards the Township for another recycling bin. Chairman thank the Department for allowing the Twp. to expand the recycling site. Also, we spoke about lights & cameras at the recycling site. Scott Soley donated lights. Chairman wanted to speak about the camera system up at the Fire Department. Chairman said the Township was unable to add a camera to the Fire Dept. existing camera system. Chairman asked the Fire Chief if the dept. can turn one of their cameras towards the recycling center or do we need to look at a whole new system. Fire Chief said he will ask at the next meeting. Chairman clarified that the discussion about the camera system would not hold the Twp. up in expansion of the recycling site. Fire Chief said he doesn't think so. Glenn Hummel asked the Fire Chief if and when he does pumping training with his Dept. Can he make a point to spray water from hoses onto the field at the J. E. Morgan Park especially after we plant seed? Glenn Hummel said not to deluge or straight stream it but you can do it with a wide fog sprinkle just to put the water out there. Fire Chief said yes. Chairman thanked the Fire Chief and his Dept. for everything. 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

G. Ambulance Monthly Report – May 2022

Chairman said we have asked the Ambulance to update the Township with their monthly reports. Chairman also asked the audience if anyone was representing the Ambulance at the meeting. Chairman continued to read the May Ambulance Report. The report consisted of 23 Call for the Month of May, and 137 Year to Date. The calls included Breathing Problems, Cardiac Arrest, Falls, Poison/Overdose, Sick, Stroke, Traffic Accident and Fainting. There were 6 BLS Transports, 3 Canceled, 2 Dead at the Scene, 1 Lift Assist, 2 Refusals, 8 ALS Transports and 1 Air Medical. Receiving Hospitals were St. Luke's Miners, LVH Cedar Crest, Geisinger St. Luke's and St. Luke's Carbon. The Board would like to see the Origination of the calls on the report. Chairman asked the Secretary to reach out to the Ambulance Association and ask if they would change their reports to include the origination of the calls. Chairman called for a motion to accept the Ambulance Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. 3-0

IV. Old Business

A. Tim Houser asked the Secretary about Municibid and if we listed the trailer. Secretary stated we did not list it yet. Tim Houser said we should because it is the season people are looking for those items.

B. Chairman would like to make a motion to buy another Recycling Bin not to exceed \$8K. The first Bin we purchased was around \$6000. Glenn Hummel seconded the motion and stated the second recycling bin will be used when the first one is full and goes to be emptied. Chairman said this way we would not have to close when the bin is full. Tim Houser recommends to get bids from Tamaqua Truck & Trailer and Mark Boyle's Welding. All in favor. Motion was carried 3-0

Chairman asked the Secretary to let the Road Master know that he will need to widen the site.

V. New Business

A. Suggestion/Concern Forms – Chairman stated the Township runs on Concern Forms. If someone has a Concern, they fill out the form and submits it to the Township. The Township will review it and give it to the appropriate department to look into the concern. Chairman said it was brought to his attention that we should follow up with the submitted concerns when the check off the box on the form that requests a response for their concern. Chairman asked the Board to allow the Secretary to reach out to the Department that the concern form went to and get a status and see if the concern has been resolved. Then the secretary can give a response to the person submitting the form. Board agreed to allow the Secretary to reach out to the department of which the concern was submitted.

B. Chairman asked the Secretary if we were going to discuss the holding tanks and the quotes for J.E. Morgan Park. Secretary said if the Board is ready to make the decision they can review the quotes and then award. Glenn Hummel feels we should buy the Holding Tanks for the park and get the Road Dept. to install them. Glenn Hummel said we can hire a local plumber to hook them up. Tim Houser agreed. Chairman called for a motion to buy Holding Tanks. Glenn Hummel made the motion to buy the Holding Tanks form Ringtown Concrete for \$3,031.32. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked the Board if they would also want to make a decision on the well for the park. Glenn Hummel asked if we can postpone that decision until our next. Meeting. Chairman asked the secretary if that would be ok. Secretary stated the quotes are usually only good for thirty days, however she will call to ask the bidders if their price will hold until the next public meeting. Chairman asked for the Secretary to put this topic on the next Agenda.

VI. Correspondence - NONE

VII. Business from Anyone on the Board

A. Tim Houser said he spoke to Mr. Neumoyer from the Lion's Club. Mr. Neumoyer asked Supervisor Houser if there was any funding to help create another walkway for wheelchairs to get over to the Handicap Swing that they will be installing. Tim Houser suggests we do something like that at the J.E. Morgan Park as well. Chairman asked Secretary to look into CDBG Funding for the Zion Stone Park to assist with their ADA Project. Chairman said the Treasurer informed him that there are still some funds in an account designated for parks or open spaces. That may be used. Chairman explained if someone applies for a subdivision and there are more than three lots it would be consider a major subdivision. A major subdivision would require the applicant to submit \$300/lot in lieu of the land for parks or open spaces. The funds would have to be used within three years or the money goes back to the applicant/developer. The Treasurer said we currently have \$1502 available to use.

VIII. Public Comments on General Items

Ann Schadler - Expressed her concerns about the speed limit on Municipal Rd. Ms. Schadler said she had an incident by her house and called the police. The Officer on Duty said that the speed limit is technically 55MPH on an unposted Rd. Ms. Schadler said vehicles go way to fast on Municipal Rd. She stated that by her house there is a ninety degree curve in the road and vehicles cannot make that turn going that speed. She witnessed almost head on crashes because of speed around that curve. Ms. Schadler questioned how can SR309 be 55MPH and Municipal Rd. be the same. It doesn't make sense to her. Chairman said it is a State Rule that if the road isn't posted it is 55MPH. Chairman asked Ms. Schadler what she would suggest the Township to do about the issue. She feels it should be posted at 25MPH. Chairman said we may have to do a speed study to change the speed limit. Chairman asked the Chief to measure between the homes to see if we would need a speed study. Attorney Datte said it looks like it we may be able to be considered that road residential and reduce the speed limit by Resolution. We will discuss it further.

Todd A. Deem – commented about the Solicitor's Parking Spot. Mr. Deem feels if the Solicitor doesn't want to use it then the Township should take it down or assign it to someone else.

Ilisa Sacknoff-Hoppes – expressed her concerns about 37 Mill Drive, she believes it is a grain company, owned by Tuscarora Land Co. She doesn't know if they are following the rules or not, however, she does have a lot of issues. First of all, she believes they are spreading chicken manure anytime of the year even in the winter. She believes you are not supposed to be spreading manure in the winter. Tim Houser, who is a farmer, said under the right to farm law, you cannot prevent a farmer from spreading manure. Tim Houser believes they are supposed to till it under in so many hours. Ilisa Sacknoff- Hoppes' other concern is they are just dumping the manure. She is afraid it will get into her water system. Ms. Hoppes said it is all over the road. Tim Houser said he would have to talk to the County about manure management to see what you have the right to do with manure. Randy Miller a farmer in the audience said ever since the no till law passed you do not have to till the manure under anymore. Randy Miller said he believes you can only spread so much. Chairman recommends the Secretary to get in touch with the Department of Agriculture, Soil Conservation and the Code Enforcement Officer about these concerns. Ms. Hoppes' concerned with it getting into her water. Tim Houser said the problem came from the nitrates. Mr. Houser said that is why manure management plans are required and you are only allowed to spread so much per acre. Ms. Hoppes said it is a Quality of Life issue. She cannot do what she used to and sit out on her deck. She also stated that 18 wheeler trucks go up and down the road. They are cause havoc to our roads. She said they run all hours of the night. Chairman said maybe Code Enforcement can look at hours of operation. Ms. Hoppes' third issue is she believes they are burning oats. She has asthma and has difficulty breathing when they are doing that. There are many concerns that go with burning oats she looked them up. Mike Kistler said he has a similar situation by his house. Trucks moving through at 2-3 in the morning. Farms cannot be grandfathered because things will get worse and the Township will end up being sued. Glenn Hummel said the police chief went up to the farm on a call about the smoke. The farmer said he is not burning oats he is roasting soybeans. Ms. Hoppes believes regardless it is still harmful. Tim Houser said the best the Board can do. Ms. Hoppes said they are commercial not Agriculture. Tim Houser said but they are still farming and protected under the Right to Farm Law. Tim Houser said he can get in contact with Duane Miller, Soil Conservation and

see what we can do. Chairman said we will be contacting the different agency and see if anything be done. Chairman suggested maybe have a meeting with the agencies and the residents and the farmer.

Carl Greves – Mr. Greves said there is a farm on School Drive that uses that human feces stuff. Mr. Greves said they pile up huge amounts of it and they do not till it under. Mr. Greves' concern is breathing that in for weeks. Mr. Greves said why we should have to smell that for six weeks.

Attorney Datte said we will look into it. Smoke is a different issue and odor is a different issue. It is preempted by the Agriculture Act & the Right to Farm. There are a lot of parts to these issues. The proper course of action would be to talk to the Conservation District and the FSA and see what they think. Attorney Datte said we will look at our own Ordinances to see if anything be done with the concerns submitted. Tim Houser said that he wanted the Ordinance for Bio Solids. That if a farmer was going to use them they have to come up to the Township and get a permit but the Township gets superseded by the State regulations and DEP.

Brian McQuillen – addressed the Board about the same issues except in a different way. Mr. McQuillen said on the 4th of July he woke up to a terrible odor of smoke. Mr. McQuillen went to the farm and asked the farmer what he was burning. Mr. McQuillen said the farmer said he wasn't burning anything that he was roasting oats. Mr. McQuillen asked if he had a permit for that. The Farmer said he doesn't need one because it is Agricultural. Mr. McQuillen disagrees that he doesn't need a permit. Mr. McQuillen says he believes we have Ordinances and he should be required to get a permit. Mr. McQuillen believes because Agriculture is a permitted use it is no different from any other permitted use. Mr. McQuillen asked the Board, why the Township doesn't require permits for this stuff under our Ordinances. Mr. McQuillen referred to Section 314 of the Ordinance for the use an AG Industrial and Commercial Crop Storage, both require additional requirements. He also refers to Section 508 which says the health & safety of the community. Mr. McQuillen wanted to know if 37 Mill Lane submitted a permit for this work. Mr. McQuillen feels this property was a mill or a farm years ago, which he would consider an abandoned use. Mr. McQuillen would like to know if there were any permits filed for this property. Chairman said that Mr. McQuillen is very knowledgeable when it comes to Zoning & Planning. Chairman said he should know when it comes to farming they have different rules. Mr. McQuillen feels they don't and it is a misconception. Chairman said if a farmer wants to put up a barn, the only permit he would need is a zoning permit. Mike Begis from ARRO Consulting, Inc. agrees and said farmers are exempt from the UCC. Mr. McQuillen doesn't agree with using a concern form to enforce Zoning issues. Chairman stated that West Penn Township is the largest Township and at \$85/hr. we cannot afford to have our Zoning Officer drive around the Township. Mr. McQuillen said he can do it for less. Mr. McQuillen believes the Board has the power to at least require permits to help protect the health & welfare of the community. Attorney Datte said we will look to see if any permits have been issued. Attorney Datte said you do need a permit to change the use. However, if it is still considered Agriculture they may not need a permit because technically it is not a change of use. Mr. McQuillen said that if the property hasn't been used in so long it is an abandoned use. Attorney Datte said it would be an abandoned use only if it was a nonconforming use. Attorney Datte said even if they apply for a permit in Agriculture they would probably get it. Mr. McQuillen believes that because of the Ordinance in Section 314 additional requirements for Agricultural Industrial. The farmer would have to have 50% of your product being grown in the Township. Under grain storage it has to not affect the health or welfare. Mr. McQuillen said he did research on oat roasting and one major concern of his glyphosate. When you roast the oats the smoke may contain this and it would go into the air. Mr. McQuillen did express his views about the

concern forms. He believes that you need a local presence in order to enforce Zoning Issues in the Township. Mr. McQuillen also added if the Township is looking for something to do with the recreation funds, he suggested a paved walking path at a park for older people to enjoy. The Board said it may be shortly in the future.

Ilisa Sacknoff-Hoppes asked the Board about what kind of time frame are we looking at to get these issues resolved? Chairman said we will look into these concerns and hopefully have some answers by the next meeting. Chairman also said that Ms. Hoppes is welcome to reach out to the different Agencies as well about these concerns and that she doesn't have to wait for the Township. Attorney Datte said he will also look into the different concerns that have been brought up. Attorney Datte said we really can't do much. First we have to send the Code Enforcement Officer out to the site to start the investigation.

Scott Soley believes School Drive is the same farmer as Mill Lane.

Rachel Keer – asked about the status of Chestnut Circle. She expressed her concerns that nothing is being done to clean up the property at this point. Rachel Keer asked the Board who owns the property in front of her house. Rachel Keer asked if the Township could have the dilapidated camper and the rest of the junk removed from the property. Secretary said June 28, 2022 another violation was sent in regards to the rubbish & chimney.

Michael Kistler believes the State owns that lot. Mr. Kistler believes that we should have someone patrolling the Township that is local in regards to Zoning Issues. Mr. Kistler gave examples of his experiences with the previous Zoning Officer and said it could have been resolved if we had someone local. Mr. Kistler said one of the Zoning Issues he was sent a Zoning Notice for had to deal with was putting curbing in on SR309, in front of one of his properties. Mr. Kistler said he believes that property should have been grandfathered. The Board feels that Zoning Notice was justifiable for Public Safety reasons.

Attorney Datte said his observation he cannot think off the top of his head any municipality that has a 24 hr. Zoning Officer on duty. Attorney Datte said you respond to concerns that people raise.

Randy Miller, a local farmer, expressed his views about the concerns that the Board is faced with especially with farming. Mr. Miller feels that a lot of people moved into the area because they liked the view of a farm outside their window. However, they didn't like the "smells" that come with the farming. Mr. Miller said that a lot of the farmers are getting older and when they leave farming our area will have a lot of different problems.

Mike Kistler believes the Township is in direct violation of the nepotism clause as it pertains to the Police dept. and the Secretary. Mr. Kistler said he was informed that we do have a nepotism clause in the Township. Attorney Datte said we interpreted the policy as the police secretary was already employed before they got married. The Police Secretary stepped up and said my name is Carla and I do not want my marriage discussed at a public meeting. Chief stood up and said, my name is Jim Bonner and I am married to Carla and I do not want my marriage or my wedding discussed at a public meeting. Mr. Kistler said he is a taxpayer and he is here to ask. Chief Bonner said he owns property as well. Attorney Datte said we reviewed the issue and we are satisfied that we are not in violation. Attorney Datte said the policy was to address those kinds of relations at the time of hire. Attorney Datte said we will clarify the Ordinance so there will be no questions. Attorney Datte's recommendation to the Board is we clarify the Policy. Mr. Kistler feels that it just doesn't work.

Delroy Haas – feels property owners should apply for permits and there would be any issues. Mr. Haas suggested we get a sharp curve ahead sign on Municipal Rd. and he thanked the Road Crew for cutting the brush back by the intersection of Zion Stone & SR309.

IX. Executive Session – Chairman called for a motion to have an executive session for possible litigation & personnel at 8:04PM. 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 8:35PM.

X. Adjournment

Chairman called for a motion to adjourn at 8:37PM. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary