

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

Phone (570)386-4507

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**Regular Meeting
Monday, August 1, 2022**

Present at the Meeting

**Anthony Prudenti
Timothy Houser
Glenn Hummel**

**Karen Wittig – Treasurer
Katie Orlick – Secretary
Bill McMullen – ARRO Consulting
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 – July 5th & 18th, 2022.

Chairman called for a motion to accept the meeting minutes from July 5th & 18th, 2022. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – July 2022

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 – July 2022

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

F. Solicitor’s Report – July 2022

1. Attorney Datte said with the Board’s consideration, we have Ordinance 1 of 2022, establishing personnel policy regarding Anti-Nepotism in hiring. Attorney Datte said it was properly advertised and posted. It is in a position for the Board’s consideration. Chairman called for a motion to adopt Ordinance 1 of 2022 establishing a personnel policy regarding anti-nepotism in hiring; and providing for a repealer, provisions regarding validity and the effective date of the ordinance. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

2. Attorney Datte said we did receive the revised proposed draft zoning ordinance. We are in a position to reschedule the Hearing for the Zoning Ordinance. Attorney Datte recommends we schedule for September 6, 2022 at 5 or 5:30PM. Attorney Datte confirmed that Charlie Schmehl did send it to the Schuylkill Planning Commission for review. Chairman called for a motion to schedule & authorize Attorney Datte to advertise for September 6, 2022 at 5PM for the Hearing of the Zoning Ordinance. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

II. Land Use

1. Bella Terra Farms LLC Subdivision

Bill McMullen said the Planning Commission reviewed the Plan on July 26, 2022. The plan proposed a subdivision of 103.2 acres into two parcels. Lot. 1 (26.40 acres) and the residual lot (76.8 acres). The applicant is asking for a modification on Section 1019, to modify the requirements of the concrete Monuments. The Planning Commission recommendation was to approve the applicants request for modification. Chairman called for a modification to Section 1019 of the SALDOs. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Bill McMullen said the Planning Commission recommends Conditional Approval of the Bella Terra Farms, LLC Subdivision Plan. Chairman called for a motion to give Conditional Approval of the Bella terra Farm, LLC subdivision contingent upon all comments being satisfied from ARRO Consulting, Inc., Bill Brior and the Schuylkill Planning Commission and adopt Resolution #21 of 2022 Conditional Approval. 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 – July 2022

Bill McMullen said that Mike Begis submitted his report to the BOS. The report consisted of payment request in the amount of \$65,461.00 to Dutchman Contracting, Inc. for their work for the Bathroom and Pole Building done at the J.E. Morgan Memorial Park. Chairman asked for a motion to amend the Agenda to approve the final payment for construction done at the J.E. Morgan Park. 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 pay the final payment of \$65,461, for the construction of the bathroom and the pole building at the J.E. Morgan Park to Dutchman Constructing, Inc. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to accept the Engineer's Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Code Enforcement Monthly Report – July 2022

Chairman discussed with the BOS, a situation about a property number sign. Someone submitted a concern about a property that didn't have a 911 address number displayed. Chairman suggested instead of sending a notice of violation, can we give them a call or send them a soft letter before a notice of violation. Bill McMullen said that ARRO Consulting, Inc. could certainly do that before a Notice of Violation is given.

Chairman asked Attorney Datte about the Nelson Galloway Property on West Penn Pike. Attorney Datte said the owner is deceased and no estate was raised for the property. Someone has been paying the taxes on the property. The property has been condemned. The Township may be in the position to have it taken down. Attorney Datte said, we can put a lien on the property for demo costs. Tim Houser asked Attorney Datte if we can find out who is paying the taxes and tell them they have to do something about the property's condition. The Board agreed that this has been going on long enough. Attorney Datte asked the secretary to see if she could find out who is paying the taxes on the property. Glenn Hummel asked if we really need to do that knowing this property is condemned. Attorney Datte said if they are paying the taxes maybe they have an interest in the property. Attorney Datte said there is still a mortgage on the property. The Board feels it has gone on long enough. Chairman asked if Attorney Datte feels the mortgage company is paying the taxes. He said they may be paying them, it is possible.

Chairman called for a motion to accept the Code Enforcement Officer’s 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 – July 2022

Chairman read the sewage enforcement officer’s report. The report consisted of 1 new permit application, 1 site evaluations, 5 new permits issued, and 5 design reviews and 7 Interim Inspections. 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 – July 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, Trimmed grass around Twp. Bridges, Scratch paved Winter Mt. Rd. for Bituminous Seal Coat, Installed conduit for electric at Annex Building for sign and J.E. Morgan park restroom & pavilion, Worked on Mantzville Rd. (Dirt & Gravel Road Project), Mowed shoulders along Twp. Rds., Fixed Signs along various Twp. roads and Installed stop ahead signs on Pinehill Rd & Mush Dahl Rd. Chairman said the Road Dept. measured Mill Lane on the truck concern form last meeting. The Road Master said the entrance off Mill Dr. is 30’ wide and Mill Lane is 14’ wide. Chairman read the Maintenance Report. Chairman said we took possession of the new Tract Loader.

Chairman asked the Road master about prices for the Pole Building the Road Department is interested in buying. Jeremy Fable said he got price from Gordian. Jeremy Fable said the prices are through the roof right now. Just the Pole Building without the electric or without rain spout/gutters and snow guards would cost \$221,933.88. Jeremy Fable said with those included it would be \$255,776.81. Chairman said we have \$100,000 in a Capital Fund for this building. Chairman recommends we table this whole project until next year. We can look at the budget and may be put more money towards it. Tim Houser & Glenn Hummel agreed.

Chairman opened Material Bids. He asked if Lehigh Asphalt was the only bid packet submitted. Secretary said, yes.

Chairman read the bid and it is as follows:

1. Bid Opening – 1 Bidder – Lehigh Asphalt Paving & Construction, Co. Inc.

1.	3,000	Tons	Superpave WMA, 9.5 mm, PG 64S-22 Wearing Course, 0.0 to 0.3 million ESAL’s, SRL-L	FOB Plant & FOB Delivered As directed to the Twp. Paver	\$80.70	\$242,100	\$88.70	\$266,100
2.	100	Tons	Superpave WMA, 9.5 mm, PG 64S-22 Wearing Course,	FOB Plant & FOB Delivered	\$80.70	\$8,070	\$88.70	\$8,870

			ESAL- Any SRL- Any	As directed to the Twp. Paver				
3.	1500	Tons	Superpave WMA, 12.5 mm, PG 64S-22 Wearing Course, 0.0 to 0.3 million ESAL's, SRL-L	FOB Plant & FOB Delivered As directed to the Twp. Paver	\$72.75	\$109,125	\$80.75	\$121,125
4.	750	Tons	Superpave WMA, 19.0 mm, PG 64S-22 Wearing Course, 0.0 to 0.3 million ESAL's, SRL-L	FOB Plant & FOB Delivered As directed to the Twp. Paver	\$72.75	\$54,562.50	\$80.75	\$60,562.50
5.	150	Tons	Superpave WMA, 25.0 mm, PG 64S-22, Base Course 0.0 to 0.3 million ESAL's	FOB Plant & FOB Delivered As directed to the Twp. Paver	\$65.25	\$9,787.50	\$73.25	\$10,987.50
6.	5,500	Tons	PennDOT 2A Aggregate must come from a Limestone Source	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$12.40	\$68,200	\$18.40	\$101,200
7.	500	Tons	AASHTO #8 with 2.0% loss by wash	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$21.00	\$10,500	\$27.00	\$13,500

8.	300	Tons	AASHTO # 57	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$15.30	\$4,590	\$21.30	\$6,390
9.	300	Tons	AASHTO #1	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$15.05	\$4,515	\$21.05	\$6,315
10.	750	Tons	AASHTO #3	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$15.05	\$11,287.50	\$21.05	\$15,787.50
11.	300	Tons	R-3 Stone	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$16.75	\$5,025	\$22.75	\$6,825
12.	400	Tons	R-4 Stone must come from a Limestone source	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$21.75	\$8,700	\$27.75	\$11,100

13.	500	Tons	R-5 Stone	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site				
14.	300	Tons	R-6 Stone	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$20.60	\$6,180	\$26.60	\$7,980
15.	100	Tons	R-7	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$21.75	\$2,175	\$28.75	\$2,875
16.	50	Tons	Concrete Sand	FOB Plant & FOB Delivered as directed to the Twp. garage or a stock pile @ job site	\$17.00	\$850	\$23.00	\$1,150
17.	1000	Tons	PennDOT Anti Skid AS2, AS3, AS4	FOB Plant & FOB Delivered as directed to the Twp. garage	\$14.50	\$14,500	\$20.50	\$20,500

Chairman asked Jeremy Frable if there was a clause in the bid packet for escalating price. Jeremy Frable said yes, we adopted it in the beginning of the year. Attorney Datte reviewed the bid packet and checked the bond. Glenn Hummel made the motion to accept the bid. Tim Houser second the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution #22 of 2022 to lease the 2005 Deere 655 II Crawler. 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 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 – July 2022

Chairman read the Police Report. The Police Dept. had 7,837 miles patrolled 292 total citations & warnings, 2 motor vehicle accidents & 215 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 \$700.00. The Salvage consisted of 1997 Motorcycle for \$210 and 2002 Van for \$490. Chairman asked the Chief if he got other quotes for the Impounds. He said, yes and handed the Chairman a paper with Zaprazny, Harry's You Pull It and Stepps and Son's Auto Recycling. Zaprazny was the only one to give a quote. Glenn Hummel made the motion to accept Zaprazny's quote. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman said on the Agenda there was a Motion to hire Richard Clink as a PT Officer, the decision for that will be deferred until after the Executive Session. 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 – July 2022

Chairman read the Fire Company's report. 17 Total calls for the month of July. The report consisted of 3 motor vehicle accidents, 3 wire/tree down, 5 automatic fire alarm, 2 medical assist, 1 Fire Police and 2 Chief Requests. The department had their monthly meeting and Breakfast. The Department had Pumping Training, Pump Operations, Truck & Building Maintenance and Forcible Entry & Brush Training. Chairman said The August Breakfast was canceled. Chairman said a member of the community donated \$500, to assist with the loss of revenue from not having the breakfast. 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 – June 2022

Chairman read the Ambulance Report. The report consisted of 26 Call for the Month of June, and 171 Year to Date. The calls included Breathing Problems, Cardiac Arrest, Falls, Poison/Overdose, Sick, Stroke, Traffic Accident and Fainting. The calls were from 1 East Brunswick, 1 McAdoo, 6 Tamaqua and 21 West Penn. There were 8 BLS Transports, 4 Canceled, 7 Refusals, and 11 ALS Transports. Receiving Hospitals were Lehigh Valley Carbon & Cedar Crest, St. Luke's Miners, Geisinger St. Luke's and St. Luke's Carbon & Lehigh. Glenn Hummel questioned the report and why Samantha Parker didn't sign off on it. Karen Sterling from the Ambulance attended the meeting and she signed off on the report. Ms. Sterling also stated there were 30 calls for the month of June. Truck 935 had 26 calls and truck 937 had 4 calls. Chairman called for a motion to accept the Ambulance Report. Glenn Hummel made the motion to accept the signed report. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman said the Ambulance Association is in need of a new Ambulance. Karen Sterling, a representative for the Ambulance Association, said they are looking at new and used vehicles. The one they were looking at was close to \$200K. Chairman said what we talked about in the past was setting up a Capital Fund Account for whatever money the Ambulance Association doesn't use from the allotment the Township provides, earmarking that money for a new Ambulance. Tim Houser said, is this like what we did for the Fire Company? Chairman said, yes. Glenn Hummel's concern is the longevity of holding the funds more than five years because of the change in Supervisors over the next couple years. Karen Sterling from the Ambulance Association said we would like to anticipate getting a new vehicle in year.

Attorney Datte said once you lease the Ambulance and it gets paid off with the allotment of monies from the Twp. the agreement with the Township and the Capital Fund would end. Chairman said the Township's Budget is not etched in stone. It depends on people paying their taxes. There are other situations that can change what money comes into the Township. Would if the State goes bankrupt and we don't have Liquid Fuels money coming in. We do not have guaranteed income so we cannot guarantee the Ambulance's allotment each year. Whatever money we do allot to the Ambulance and they don't use all the money for their bills then it can go into the Capital Fund. Chairman said we are willing to help the Ambulance, however it is not a guaranteed amount that is allotted to the Ambulance.

IV. Old Business

A. Chairman said, Boyle Electro Mechanical withdrew their proposal for the well at the J. E. Morgan Memorial Park. Chairman spoke to Mr. Boyle and he felt his proposal was a combination proposal and to bring his equipment down for one of the jobs wouldn't be feasible. However, we reached out to the second lowest business that gave a proposal and he will hold his proposal quote the same until the Board decides at the meeting. Chairman called for a motion to approve the withdrawal for the Boyle Mechanical proposal. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Glenn Hummel made the motion to award the well proposal to Hayman Water Systems. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Recycling Proposals – Chairman said we got some proposals for another recycling bin. Chairman said at our last meeting we approved the purchase of another recycling bin, not to exceed \$8000.

Valley Enterprise Container, LLC - \$8,565

Tamaqua Truck & Trailer - \$16,600

Mark T. Boyle Welding, LLC - \$7,975

Chairman called for a motion to award the recycling bin proposal to Mark T. Boyle Welding, LLC for \$7,975, for a fabricated recycling roll off container to the same dimensions and specs of the existing container. Tim Houser made the motion to award Mark T. Boyle Welding, LLC. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman said we need 50% down and 50% at the time of delivery.

Tim Houser reminded the road master that we have to widen the pad up at the recycling bin to get the second bin in.

V. New Business - NONE

VI. Correspondence - NONE

VII. Business from Anyone on the Board – NONE

VIII. Public Comments on General Items

Brian McQuillen – Penn Dr. – Mr. McQuillen asked about the status of his concern he submitted and he would also like a written response for his concern. Chairman asked the Secretary if she had an update. Secretary said she spoke to Shannon Darker, Code Enforcement Officer and she did a site visit and she believes it is a farm use with the Silos. Secretary said she will request from Shannon Darker a written response to Mr. McQuillen's concern. Mr. McQuillen said he did a little research himself. Mr. McQuillen said we discussed the farm business last time. Mr. McQuillen said he believes Attorney Datte said the farm possibly could be a continuation of the use that was there before. Mr. McQuillen believes the use has not been in use or continuing in use at the farm. Mr. McQuillen said a new outfit came in and they should have had to get permits for their use even if it was a continuation of a similar use. Mr. McQuillen believes that the way he reads the Ordinance and the State Ordinance is that you cannot mess with the

farming entity if they have been in business longer than a year. Meaning if you have an existing farm the residence cannot complain about the odors that come from the farm. Mr. McQuillen's contention is that his opinion is that because they haven't been in business for a year that they really should have gotten permits for whatever the use is now. Mr. McQuillen feels that we have Ordinances, 501 & 504, 801 & 802 that deals with the effects of adjoining property owners that he feels should be addressed. Bill McMullen said he will have Shannon Darker formulate a response to Mr. McQuillen. Attorney Datte said Shannon Darker can contact him as well to discuss this situation. Tim Houser said he feels there is a whole different group of Regulations because of the Right-to-Farm. Tim Houser said in regards to what they are roasting at the farm, because they are organic it wouldn't have roundup in it. Tim Houser said as far as manure. We may be able to require them to tarp it. But they do not have to till it under. Tim Houser feels because it is Agriculture he does not know how much our Ordinances will apply to them. Mr. McQuillen said he agrees to a point but in the Municipal Planning Code give Township, Boroughs the right to regulate Planning, Zoning and how things are done. Chairman reviewed the previous meeting's minutes from July 18, 2022 with Mr. McQuillen. Mr. McQuillen said he still feels that in our Ordinance which he interprets as an adjoin property owner cannot affect the quality of life of the next person. He feels if the Township wanted to they can use those as a little bit of a hammer to go to some of these new farm. He feels that the Board has some of the tools to enforce it to protect the citizens. That is what he is looking for. Tim Houser said he feels that there is a difference between a family farmer and the Agra Business. We are trying to collect as much information as we can about what is going on. Chairman said until something is in "your" backyard it is something you probably wouldn't be concerned with. Whether this Board gets a phone call or a concern that someone submitted it, no matter what this Board tries very hard to investigate it and figure out what can be done or how to resolve it. There were concerns about burning, we are looking into our burning ordinance. We pay our professionals, Attorney, Engineer, money to look into our concerns. Attorney Datte said there are State regulations that may prohibit the Township from stopping certain things.

Mr. McQuillen said it is his personal belief that the Township of West Penn, had a Zoning Officer in the Township, they should be handling it and he shouldn't have to be here. He feels the Zoning Officer should be enforcing the rules not just when a concern form has been submitted. He feels that the Zoning Officer should be enforcing the rules on a daily, weekly and monthly basis and go around the Twp.

Chairman said it has been discussed and will be reviewed when we do our budget. Mr. McQuillen's last point, he wanted to know the status of the Job Johnny Business at the bottom of the Ridge Cup.

Chairman said there was a hearing and he appealed the decision with the Court of Common Pleas.

Ilisa Sacknoff Hoppes – Thanked the Board. She said she feels that they are hearing her. She doesn't want it to be left go. She is not happy about the human waste and other things being dumped. She feels that this Company has been doing things they are not supposed to but feels that they started to change now that they know we are looking at them. Ms. Hoppes is concerned about trucks and speeding on Mill. Ms. Hoppes said the trucks are going really fast. She asked if we can put the machine that reads speed over there because she said she almost got hit. Chief asked what the speed limit is posted at over there. It is posted at 25mph. Ms. Hoppes feels they were going way past that speed limit. Chief asked if there was a secure spot that he would be able to put the trailer. Mr. Hoppes said put it on his property.

Deroy Haas – suggested we advertise the Township Meetings on our new Digital Sign.

David Tyson – West Penn Pike – Expressed his concern about Laurel Lane being oiled and chipped. He also has a concern about a where the Twp. put a pipe in at the end of Laurel Lane and now there is a big tree that is dead that he feels it should be taken down. Attorney Datte said we may be able to take it down if it is on our Right-of-way but we would have to offer the wood back to the property owner. Chairman will have the Twp. check into it.

Mr. Tyson also questioned why the roads weren't prepped before being oiled and chipped. Jeremy Fable said the awarded contractor is responsible for everything to make sure the job gets done properly. Tim Houser said the Road Dept. is doing a great job! Glenn Hummel agreed. Chairman agreed as well and recognized how many grants the road dept. does for our Township. The Board agrees for the amount of guys, roads and projects the road dept. is involved in they are doing a fantastic job! Chairman said to Mr. Tyson if he is so knowledgeable and thinks things can be done better make a list for the dept. and they will look into his recommendations.

Terri Knoedler – spoke about burning trash and the time of day you can burn. She also spoke about certain things that can and cannot be burned. Chairman said call the Fire Dept. and see if the person in question is burning legally or not. If they are burning illegally then call the police dept. Chief said she can call the Police Dept. and they will notify the Fire Dept.

IX. Executive Session – Chairman called for a motion to have an executive session for possible litigation & personnel at 8:47PM. 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 9:05PM. Chairman said we will table the hiring of part time police officer Richard Clink and we will address it at our next meeting.

X. Adjournment

Chairman called for a motion to adjourn at 9:07PM. 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