

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

Phone (570)386-4507

Fax (570)386-5851

**Regular Meeting - Annex
Monday, November 7, 2022**

Present at the Meeting

**Anthony Prudenti
Timothy Houser
Glenn Hummel**

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

I. General

A. Tony Prudenti called the meeting to order at 6:07PM with the Pledge of Allegiance & Introduction.

B. Public Comments on Agenda Items Only - NONE

C. Review of the Minutes – October 3rd & 17th, 2022.

Chairman called for a motion to accept the meeting minutes from October 3rd & 17th, 2022. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – October 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 – October 2022

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

F. Solicitor’s Report – October 2022

Attorney Datte spoke about the update on the proposed zoning ordinance. Attorney Datte said he needs some direction from the Board of Supervisors. URDC gave a summary of what they feel would work in our new Zoning Ordinance. Some of their explanations & recommendations require a decision. Chairman feels that we pay for a consultant we should listen to what our consultant recommends. Just like we pay for our Solicitor. They recommend things because it is in the best interests of the Township. Chairman said if we don’t go with our consultant’s opinion then shame on us because we are paying for their professional opinion. Glenn Hummel agrees with the Chairman.

Request to delete Agricultural Industry in Highway Commercial or change from HC south of Mill Dr., South of SR443.

Attorney Datte said he gave us options in regards to AG Industry and the Highway Commercial. The two options are either we remove the AG Industrial completely from the Highway Commercial or permit it by a Special Exception. Attorney Datte said if you made it possible as a special exception you would have to create additional conditions to put in the Zoning Ordinance for applicants to comply with in order to get the Special Exception. Tim Houser asked Attorney Datte if the Zoning Hearing Board can add additional requirement. The Zoning Hearing Board does have the ability to place reasonable restrictions on the Use. The Zoning Ordinance itself can establish conditions that would need to be met in order for the applicant to be able to get the Special Exception. Chairman asked Mike Begis if he would have any

recommendations. Mike Begis said he feels the same way the Board does and put restrictions on noise, smoke, lot size and setbacks.

Brian McQuillen – Penn Dr. – expressed his concerns about Special Exception. He did some research and said that the PA Planning Commission set 3 different Criteria for Special Exception.

1. A Special Exception is not a deviation from Zoning, it is actually a permitted use with Special Exceptions.
2. The Applicant complies with the Special Exception the Township's hand are tied.
3. The Special Exception Use must be appropriate for the district you are putting it in.

Mr. McQuillen feels it should be in the Industrial District because he feels it is an Industrial Use.

Chairman feels on this specific issues, we should wait until after the Zoning Hearing next week.

Attorney Datte said a third option may be just changing the Zoning from the stretch of Mill Dr. from Highway Commercial to either Agriculture or Village Center. There is also a request to change Highway Commercial Zoning that currently exists to Agriculture along the North side of Mill where there are existing homes.

Brian McQuillen said at a previous meeting Chester Snyder did not want his property to change and he wants it to remain Highway Commercial. Chairman said there were also comments that the Highway Commercial district is too permissive in allowing industrial uses. If a decision is made to keep the grain mill property on Mill Drive in the Highway Commercial District, then it would be advisable to remove certain uses from the HC district, such as Plastics Manufacturing and Bulk Liquid or Gas Fuel storage. Chairman said that makes sense. Chairman's recommendation is to let Paul, Mike and Charlie come up with the recommendation for that because the Chairman feels they are all good options. Tim Houser agrees and said he feels we need a list of what will be developed in a Highway Commercial. Chairman feels no matter what district we put in Agricultural Industrial it should be by Special Exception.

The Board discussed other requests that were raised at the public hearing are as follows:

Change from Highway Commercial along Mill Dr., including on Clearview Crossing Rd. and Medical Crossing Rd., south of SR443 and east of SR309.

There was a request to change HC zoning that currently exists to AG along the north side of Mill Dr. where there are existing homes, including homes that face onto Clearview Crossing Rd. & Medical Crossing Rd. The intersection of SR309, Clearview Crossing & Mill is awkward & Mill is not suitable for Commercial Traffic. This change would not affect lots that face onto SR309 or SR443. The Board said the change would be ok.

Request to make the entire lot of west of Fort Franklin Rd. & South of Blue Mtn. Drive into Agricultural. Board agrees with that request.

Request to add HC to 1557 West Penn Pike/SR309

URDC said this would be a reasonable change.

Request to Change to HC on SR895 west of SR309

URDC did not agree with this change. URDC feels it should be Village Center which allows a mix of homes & commercial businesses, but would not allow the most intensive types of businesses such as vehicle repair, gas stations & vehicle sales. SR895 would not be able to be easily widened because of the presence of a floodplain, wetlands and steep slopes in many areas, as well as existing buildings that are close to the road. URDC believes the most intensive types of commercial businesses and HC zoning belongs along SR309 & SR443, not along SR895.

Depth of HC zoning along SR309

URDC believes increasing the depth would make it extremely difficult to have a 600 feet commercial depth along SR309 because of the steep slopes along SR309.

Medical Marijuana Grower/Processor

This use is proposed to need special exception approval from the Zoning Hearing Board and includes additional setbacks. The Planning Commission recommended that this use be further limited to the HC and CI districts. We agree with this suggestion. The draft ordinance would require that the use must occur within a completely enclosed building and that the security measures need approval from the Zoning Hearing Board. The Planning Commission has suggested requiring a 6ft minimum height security fence with barbed wire on top that is tilted outward. The fencing requirement can be included.

Chairman said feels this use should also be a Special Exception as well.

Attorney Datte said he will get with Charlie Schmehl from URDC and Mike Begis and get back to the Board. Mike Begis said we are eventually going to see someone wanting to do a commercial solar farm. We may want to consider adding that to our Zoning Ordinance.

Todd Deem questioned #6 & 7 on the URDC Summary. Attorney Datte said #6 URDC is against making that area HC. #7 URDC does not recommend increasing the depth.

Attorney Datte said he did prepare the Resolution # 34 of 2022 for the Agricultural Security Area for Dunn & Jones. 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 – October 2022

Mike Begis discussed his report with the Board of Supervisors. Mike Begis said they successfully submitted the DCNR grant for Phase II of the J.E. Morgan Park. The grant amount was for \$216,592.76 with a 20% match. He asked the Board if they had any questions. 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 – October 2022

Mike Begis from ARRO Consulting said he submitted the Code Enforcement Report to the Board for review. He asked the Board if they had any questions. Attorney Datte said they will be filing a civil complaint for the Penn Dr. Property. The Board asked Attorney Datte to look into the Tax Sale for the Property on West Penn Pike. Chairman called for a motion to accept the Code Enforcement Officer's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

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

Chairman read the sewage enforcement officer's report. The report consisted of 2 New Permit Application, 1 Test Probe, 1 Percolation Test, 2 Site Evaluations, 1 Design Reviews, and 3 Interim Inspections, and 1 Malfunction Inspection. Chairman said we have 2 malfunction reports that are still being investigated. 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 – October 2022

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Trimmed back trees at intersection of Mill Dr. & SR443, Mowed brush back on Twp. Roads, Installed Speed Limit Signs on Fort Franklin, Leveled Top Soil, seeded and Mulched soccer field at J.E. Morgan Park, Backed up asphalt with 2A Modified on Mantzville Rd., Fixed potholes with Cold Patch and Jason, Sal and Richie attended a Flaggers Course in Tamaqua. Chairman read the Maintenance Report.

Chairman asked Road Master if we were done the Soccer field at the JE Morgan Park. He said they were done until spring then he will see if anything needs to be fixed because of the ground settling. The gates will be closed at the Morgan Park because someone ran through the fields in a vehicle ripping it all up. Tim Houser said the Road Department is looking into purchasing a new dump truck. Tim Houser said the Bid Submission is opened from November 11th to November 17th. There is a six day window to order this truck. CoStars quote for a 2023 Ford F550 is \$121,773. Jeremy Frable said our other little dump truck is working. This purchase would be to replace the pick-up truck. Chairman asked the Road Master how we are going to pay for it. Jeremy Frable said he has a good carry over in the State Fund this year. Tim Houser asked if we decide to cancel this purchase are we out anything? Jeremy Frable said the Township would be out \$500. Tim Houser said we should submit the order. Chairman said it comes at the worst possible time. Budgets are coming up and we are not raising taxes. Tim Houser said let's examine why the Road Dept. has money this year. He explained the Road Crew was unable to get out to do paving because of the weather, the plant being shut down and all the in kind service they did at the J.E. Morgan Park. The bulk of the road work will be pushed back until next year. Chairman called for a motion to amend the Agenda to order the dump truck. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to buy the dump truck. Tim Houser made the motion. Chairman seconded the motion. All in favor. Motion was carried. 3-0 Jeremy Frable said DCNR would like the Morgan Park Pavilion's bird proof. DCNR suggested wire mesh or soffit. Jeremy Frable said wire mesh would cost \$500/pavilion and the soffit would be \$1500/pavilion. The Board agreed to go with the wired mesh.

Chairman called for a motion to accept the Road Department's Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

E. Police Department Report – October 2022

Chairman read the Police Report. The Police Dept. had 8,240 miles patrolled 148 total citations & warnings, 10 motor vehicle accidents and 190 total calls. Chairman read the Police Dept. Topics for the month. Chairman called for a motion to approve the salvage impound quotes from Zaprazny's. Salvage List Quotes consisted of 2004 Hyundai Sonata \$385, 2012 Nissan Sen \$370, 2007 Mercedes Benz \$560 and 2018 Chevy Cruz \$445. Glenn Hummel made the motion to accept the Salvage Quotes. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman discussed the replacement or repair of the bottom front door of the Annex Building. Chairman asked the Secretary to see if CDBG funds would be available to make the door in compliance with ADA regulations. If we do not qualify for CDBG funds for this project, Chief Bonner said to bring in a general contractor to see what can be done. Glenn Hummel said the police Dept. should not be responsible for the maintenance of the Annex Building. Chairman also asked the police dept. if someone cleans the Annex. Chief Bonner said it gets cleaned and then left a mess again. Chief Bonner wanted to discuss with the Board sign replacement on the Annex. He said that Zaprazny would like to donate a sign to the Police Department. The Police Dept.

would like to put the sign where it says ANNEX on front of the building with an Arrow pointing towards the Police Dept. The Dept. would also have another sign by the roadway. Chairman clarified where the Police Dept. was anticipating putting the sign. Carla Fritz from the Police Dept. said she had a guy come out & gave us options of where we can put the sign. Chairman recommends if we do change the ANNEX sign it should read ANNEX/Police Department with an arrow. But we should still leave it that it is the ANNEX. Glenn Hummel suggests we get a sign made for the big rock by the road.

Next item for discussion was the Police Dept.'s request to have an ANNEX Room to secure documents. They also said that they will be painting the Annex and asked if items can be removed from the wall. Glenn Hummel said Carla Fritz would like to paint the ANNEX and asked if we can get the Lions to remove the items on the wall so she can paint and then have them put up whatever they are going to put back up. Glenn Hummel questioned if anyone uses the kitchen in the ANNEX building. Chairman said he believes the Lions use the Kitchen. Glenn Hummel said there are times where there is garbage and food left in there. Glenn Hummel said if it is not being used then he would like to request that room to be a secure location for the Police Dept. files. Chairman recommends we talk to the Lions Bob Neumoyer. Chief Bonner said he has to keep records for 75 years depending on the case and he needs somewhere to secure them. Attorney Datte recommends digitizing the records. Chief Bonner said we could, however physical evidence is physical evidence. Glenn Hummel suggested, sealing off the women's bathroom and making a unisex on that everyone could use. Then what was the women's bathroom and making it the secure file location. Tim Houser suggested the Township speak to the Lion's club. Chairman asked the secretary to get a meeting with the Lion's Club, Chief Bonner and the Chairman.

Tina Dougherty – Pigeon Lane – spoke and said she is a Lion's member and they do use the Kitchen, 3rd Wednesday of every month. Glenn Hummel said if the Lion's do use it please ask them to take their garbage with them. Tina said they usually do have a garbage can out.

Donny Hoppes – Mill Dr. said the Board should change the broken Air Conditioner as well.

Chairman said we need a new server for the Police Dept. The quote for the server is \$9,150. Chief Bonner said it is a 10 Year projection for the Police Dept. Chairman called for a motion to amend the Agenda. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to purchase the server. Glenn Hummel made the motion. Tim Houser asked if the Police Dept. has the money. Glenn Hummel said yes. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to accept the Police Dept.'s 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 – October 2022

Chairman read the Fire Company's report. 19 Total calls for the month of October. The report consisted of 4 motor vehicle accidents, 2 wire/tree down, 2 automatic fire alarm, 1 medical assist, 2 vehicle fire, 1 landing zones, and 3 Fire Police. The department had their monthly meeting breakfast & bingo & Halloween Parade Kitchen. The Department had Pumping Training, Pump Operations, Truck & Building Maintenance and their monthly meeting. 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

Chairman announced November 13th is the next Fire Company Breakfast and November 20th Cheesesteak Sale. Connor Evans Asst. Fire Chief said the Dept. will also be selling Christmas trees this year as well. The tree sale will start Black Friday.

G. Ambulance Monthly Report – October 2022

Chairman read the Ambulance Report. The report consisted of 20 Call for the Month of October, and 243 Year to Date. The calls included Breathing Problems, Chest Pains, Falls, Sick, Stroke, Traffic Accident, lift assist, Hemorrhage, poison/laceration and fainting. The calls were from 7 Tamaqua, 2 East Brunswick and 11 West Penn. There were 4 BLS Transports, 5 Canceled, 8 Treated, 1 lift assist, 2 Refused. Receiving Hospitals were Lehigh Valley Carbon & Cedar Crest, St. Luke’s Miners, and Geisinger St. Luke’s. Truck 935 had 11 calls and truck 937 had 9 calls. Chairman spoke to Valerie Coombe about a new/used Ambulance. Chairman said we give the Ambulance \$45K / Yr. as a grant. They spent \$11,090.80 which leaves them with \$33,909.20. The Ambulance would like to use the remaining funds for the used truck that is in Florida. Ms. Coombe said next year’s money they would like to use that for money down on the new truck. Attorney Datte asked if they can finance the purchase of the new truck. Don Hoppes said what they were looking to do was use \$30K for the Truck Pmt. And the \$15K for other bills the Ambulance may have. Attorney Datte said have a meeting with the bank and come back to the BOS. Tim Houser since we are giving them a grant are they required to get quotes from other companies because eof being over the threshold? Attorney Datte said no because we are giving them the money to cover the bill not purchasing it for them. Chairman called for a motion to accept the Ambulance Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

IV. Old Business

A. Chairman announced the AG Security Board. The AG Board consists of one Supervisor, 3 Farmers and 1 Non-Farmer. Tim Houser, Supervisor, James Dunn, Farmer, Ronald Troxell, Farmer, Brian Ruch Farmer and Michael Warivonchik, Non Farmer are the current Board Members. Chairman called for a motion to adopt Resolution # 34 of 2022. The Resolution is for Modification of the Agricultural Security Area. One area of modification is for James D. Dunn & Tammie L. Dunn, with respect to the property being Schuylkill Co. UPI Nos. 37-19-0033.000, 37-19-0035.000, 37-19-0036.000 & 37-19-0036.005. The other area for modification is for Donald E. Jones & Andrew P. Jones with respect to the property being Schuylkill County UPI Nos. 37-11-0063.000, 37-11-0063.001, 37-11-0065.000, 37-11-0064.000 & 37-11-0062.000. Total acreage proposed to be added to the Area consists of 125.50 acres, more or less. Chairman called for a motion to adopt Resolution # 34 of 2022. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

B. Tim Houser inquired about the status of the recycling bin.

C. Chairman asked about a dead tree by the bus stop on Laurel Lane.

V. New Business:

A. Chairman called for a motion to change the Capital Blue Health Plan. Chairman said our insurance rates if we kept the same insurance we have now it would be an increase of 12.4%. If we change the insurance plan will only increase 2.8%. The Board met with the Union and they agreed to change it. Chairman called for a motion to switch the insurance plan. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

B. Chairman called for a motion to have the West Penn Twp. Police & Fire Police assist with Traffic Control for the West Penn Elementary 2022 Holiday Tree Lighting. Chairman asked the Police Chief and the Asst. Fire Chief to let the Secretary know so she can let the West Penn PTO know. Tim Houser made

the motion to allow the Police Dept. and the Fire Dept. assist as long as their schedules permit. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

VI. Correspondence: NONE

VII. Business from Anyone on the Board

- A. Chairman said election is tomorrow, Please Vote!
- B. Chairman gave a reminder that there is a budget workshop will be on November 21, 2022.

VIII. Public Comments on General Items - NONE

IX. Executive Session - NONE

X. Adjournment

Chairman called for a motion to adjourn at 7:44PM. 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