

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

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**Regular 10AM Monthly Meeting
Monday, December 19, 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 10:05AM.

B. Chairman called for a moment of silence for our Fallen Fire Fighter Heroes, Zachary Paris & Marvin Gruber and their families. Chairman expressed how tragic the fire in Clamtown was for everyone involved. Chairman said it is amazing to see the community come together. There is a foundation called “Families Behind the Badge Children’s Foundation” which is out of the area but wanted to help. Mark O’Connor the founder, reached out to Larry Wittig who is the Foundation’s Accountant, and said they want to help these families. Although this Foundation is out of the area, Mr. O’Connor believes this tragic situation is an example of why this Foundation was established. The Foundation donated \$10K to Zachary Paris’s Family with small children and \$5K to Marvin Gruber’s Family. Chairman continued and said Jamie Barton the new elected State Representative, will be honoring them at the Capitol Building in Harrisburg. Chairman said the impact the Fire put into prospective of what our first responders do. It is amazing to him that they put their life on the line for people they don’t even know. That is an unbelievable sacrifice for him. Chairman said we thank all the Fire Departments and First Responders that helped through this horrific situation. Chief said there were over 100 Fire Fighters. We will always remember those Fire Fighters.

C. Approval of Monthly Bills

Chairman called for a motion to approve our 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 - NONE

III. Land Use

A. Chairman asked Solicitor for a status on the D’Angelo Property. Solicitor said the plans have to get signed and recorded. The owner has to sign the Plans and the DEP Planning/Non-Building Wavier for us to submit it to DEP.

Chairman also asked Attorney Datte what needs to be done yet with the Zoning Ordinance. Attorney Datte said we were waiting for the Zoning Hearing Decision about Mill Lane. Chairman said we got the decision and the ZHB Conditionally Granted allowing Agricultural Industries upon the subject property. Requirements which will need to be followed. Roasting Location, Twp. is notified when roasting will take place, soybeans get cleaned before roasting, times when roasting can happen, etc. Attorney Datte recommended we can continue this conversation when we reach this topic on the Agenda.

IV. Old Business

A. Chairman called for a motion to adopt Resolution #35 of 2022, adopting the balanced budget and fixing the tax rates for 2023. No Tax Increase. The West Penn Township Board of Supervisors adopted a balance budget for the year 2023 to be \$2,311,763.00. The mileage will remain the same at 4.50 Mills for the fiscal year 2023. Tim Houser made the motion. Glenn Hummel seconded the budget. All in favor. Motion was carried. 3-0

B. Chief Bonner wanted to make it clear that the Fire Fighters that lost their lives were from New Tripoli, Lehigh County. They came to us to help us and lost their lives. That goes to show that first responders are there for anyone that needs help.

C. Zoning Ordinance Update – Chairman continued with the conversation with the Zoning Ordinance. Chairman again said we got the decision and the ZHB Conditionally Granted allowing Agricultural Industries upon the subject property. Requirements which will need to be followed. Roasting Location, Twp. is notified when roasting will take place, soybeans get cleaned before roasting, times when roasting can happen, truck traffic, etc.

Attorney Datte referred back to an open question from Charlie Schmehl's September 30th letter. How do you want to handle Agricultural Industry in the Highway Commercial District? Chairman feels it should be a Special Exception. The BOS would also like to hear what the Engineer and the Solicitor feels about that decision. Mike Begis agrees with the Chairman. He said when you do it by Special Exception they would have to go in front of the ZHB and they there can be conditions for them to follow. Tim Houser also agrees. He feels that we need to develop on our arterial highways. Personally he is trying to protect the rural atmosphere of the Township. Tim Houser feels Ag Industry should be in Highway Commercial. Glenn Hummel also agreed to have it as a special exception. Glenn Hummel said he would also remove uses such as Plastic Manufacturing, Bulk Fluid or Gas Fuel Storage from Highway Commercial District. Chairman agreed with that as well.

Attorney Datte also asked if the Board wants to keep the actual Zoning on Mill drive.

The Chairman said at the Nov. 3rd meeting we discussed #3. **The Change from Highway Commercial along Mill Drive, including on Clearview Crossing Rd. & Medical Crossing Rd, south of Rt443 and east of Rt309.** Chairman said there was a request to change Highway Commercial zoning that currently exists to AG Agricultural along the north side of Mill Road where there are existing homes, including homes that face onto Clearview Crossing Rd. & Medical Crossing Rd. The intersection of Rt309, Clearview Crossing Rd. and Mill Drive is awkward, and Mill Dr. is not suitable for Commercial traffic. This change would not affect lots that face Rt309 & Rt443. The Board said the change would be Ok.

Attorney Datte said we have to address #2. Change from Highway Commercial south of Mill Dr. South of Rt. 443. Needs to have a conclusion. There was a request to remove the HC Highway Commercial zoning that currently exists on an area of land south of the Mill Dr. /Rt443 intersection. It is occupied by agricultural milling operation. If the zoning map change is made, the land could become part of the adjacent AG Agricultural zoning district, or be changed to VC Village Center as a transitional district. Chairman and the Board along with Attorney Datte discussed what uses are allowed in Highway Commercial & Village Center.

Jay Land asked what the definition is to Agricultural Industry. Tim Houser feels that he would like that in a district that the Zoning Hearing Board can impose conditions for someone to operate. Attorney Datte said that is why we would like to have it as a Special Exception than a use permitted by right.

Attorney Datte said we can create in the ordinance certain conditions that would be applicable to AG Industry use. Attorney Datte said any Ag Industry use that comes before the ZHB for a Special Exception would need to meet normal special exception requirements & the specific requirements that would be imposed under the Ordinance. Tim Houser said he would be in favor of something like that. Tim Houser gave an example of a Hydroponic Farm. Chairman said can we just have in the Ordinance all Ag Industry must apply for a Special Exception in the Highway Commercial District. Attorney Datte said on a case by case basis the ZHB can establish reasonable conditions. Attorney Datte said he would leave it up to the ZHB to put conditions for the Special Exception. However, the Township can participate in that as a party. The Twp. can intervene as a matter of right in any proceeding in front of the ZHB. Attorney Datte and the Board discussed the Zoning Map and what changes they want to impose around the area of Mill.

Don Hoppes a resident from the area of discussion expressed his opinion. Chairman read the uses permitted by right in Highway Commercial.

Kim McCullough asked if there is any in between Agriculture & Highway Commercial. Chairman said, Yes, Village Center. Chairman then read, uses permitted by right in Village Center.

Village Center is less intensive than Highway Commercial. Attorney Datte said we know we want to make Ag Industry a Special Exception in the Highway Commercial. Attorney Datte said keep HC the way it is in that area except eliminate it along Mill Dr. except to the extent that again there is area between Mill Dr. & SR443 where still can be Highway Commercial because of SR443 not because of Mill Dr.

V. New Business

A. Chairman said he would like to have the Township apply for a grant for a new 10-Wheeler. Chairman asked Jeremy Frable to get a quote on the truck so we can apply for the Grant.

VI. Business from Anyone on the Board

A. Chairman announced that the ReOrganization Meeting will be Tuesday, January 3, 2023 at 5:30PM, the regular meeting will follow.

B. Auditor's Meeting is Wednesday, January 4, 2023 @ 6:00PM

VII. Correspondence - NONE

VIII. Public Comment on General Items

Shawn Phillips questioned if Todd Deem is allowed to continue being Auditor since he was accused of an incident with DAT Towing. Attorney Datte will look into it. Attorney Datte said he can continue to serve until convicted or until term is up.

IX. Executive Session –

Chairman made a motion to go into executive session for personnel reasons @ 11:23AM. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0
Chairman called meeting back to order. He said the executive session was for personnel reason.

X. Anything Else from the Board - NONE

XI. Adjournment

A. Chairman called for a motion to Adjourn at 11:40AM. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 2-0 Merry Christmas Everyone!

Transcribed By:

Katie Orlick

West Penn Township Secretary

