

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

Phone (570)386-4507

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**Regular 10AM Monthly Meeting  
Monday, February 20, 2023**

**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 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**

Chairman asked Mike Begis from ARRO Consulting, Inc. how are we doing with grants. Mike Begis said he spoke to DCNR and either project that we discussed last meeting are graded the same, so it is up to the BOS of what you want done first. Mike Begis said we have to decide if we want to apply for the bleachers, dugouts, picnic tables & benches or the playground equipment upgrades. Glenn Hummel feels we should get the picnic tables & the playground first. Mike Begis said if we do that you are looking at a \$138K. The match would be 50%. Mr. Begis said anything over than \$30K is a 50% match. The Board discussed prices of picnic tables. The Board agrees to take that out of the grant because we may be able to get cheaper ones than the ones proposed. Chairman said we may be able to see if we can get a discount on the picnic tables. Glenn Hummel said, he knows we have to put a sign out at the park of the DCNR name. When does that have to be done? Mike Begis said it will need to be out there by final inspection. Glenn Hummel feels we are on schedule to get the park done. Glenn Hummel feels that the only outstanding thing that we didn't do were the bleachers and dugouts. Glenn Hummel said we may be able to eliminate them. Mike Begis said the accessible paths through CDBG should be good. We are trying to get it that it goes all the way around. The state doesn't like the entire loop. The county however has an argument because the other side has trees for shade and people with disabilities should be able to get to the shady side. Glenn Hummel said Little League uses a 210 feet fence anymore. It used to be 200 feet fence. We are pushing 190. If we would put the ADA Access Trail all the way around will take away from that field even more. Glenn Hummel said we are better just doing an "L" shape. Chairman feels a "U" shape would be better. And our argument could be what if you have a disabled coach. Mike Begis said he will email the county of what the BOS feels will work with the trail.

**IV. Old Business**

**A.** Chairman wanted to discuss Stonehenge Gardens because their season for events will be coming up. Chairman asked the BOS if we can have Paul Datte reach out to Stonehenge's Attorney before any events are planned.

## **V. New Business**

**A.** Chairman called for a motion to advertise for the 2023 Pipe Material Bid. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried.3-0

## **VI. Business from anyone on the Board**

**A.** Chairman asked Paul Datte the status of the Zoning Ordinance. He needs to get with Charlie Schmehl, primarily on one area he was going to suggest some additional conditions in the ordinance and needs to get with us independently on the Mill Rd. for clarification. Attorney Datte said by next meeting we should have a more definitive report. Tim Houser recommends we take Paul Datte to the road that is in question so there can be more clarification.

**B.** Walking Trail – Paul Datte reviewed the deed by Refractory Sand (The Quarry). Attorney Datte said they do show as a source of title of deed from the railroad. They were supposed to send the survey as well. It is hard for Attorney to plot the deed without the survey. The secretary will followed up with the Quarry and ask for the Survey. Attorney Datte will pull the deed that they got from the New England Railroad. Attorney Datte said from the assessment stand point the entire trail is ours. However, you cannot go by that. More to follow. We got a quick Claim Deed when it was donated. Chairman said if we don't own it maybe we can lease it for 40 years.

**C.** International Property Maintenance Code – Tim Houser discussed with the Board about properties that need to be cleaned up. He feels that we cannot get anywhere with the current Township's Property Maintenance Ordinance. Mr. Houser said he was informed by Paul Datte & our Code Enforcement Officer that if we adopt the International Property Maintenance Code it would be much easier to have the property cleaned up. Tim Houser reviewed the International Property Maintenance Code and is skeptical on adopting it because we have a rural agricultural area. He feels that this code is more for suburban type & housing developments. Tim Houser asked Attorney Datte if he could put some type of provision in there to protect Agriculture. Mr. Houser's greatest fear is that this code would be used to weaponize against a neighbor that you don't like. Attorney Datte has a few comments about how we can modify this code. Attorney Datte said he reviewed this code and he feels the principal concern in Agriculture Areas are the weed and plant growth provisions. (Section 302.4) When/If you adopt the International Property Maintenance Code, you incorporate what you want as far as the strict construction of the IPMC. Attorney Datte said he would add some exemptions to the IPMC Section 302.4. the exemptions are as follows:

1. Cultivation of plants or cover crops for Agricultural purposes including pastures;
2. Those portions of properties lying 40 feet or more from the boundary lines or public rights-of-way on tracts of land containing a minimum of one acre; and
3. Those properties under current active damage claims from a licensed insurance carrier or properties sustaining immediate damage caused as a result of catastrophic weather, fire or natural disaster events.

Attorney Datte said another thing that should be recognized is properties currently enrolled in the Agricultural Security Area has certain statutory exemptions from these kind of Ordinances as well.

Attorney Datte said he has a couple of additional provisions he suggests we may want to consider. The additional provisions that may want to be considered are as follows:

Lots, tracts, and parcels of land within the city shall be maintained and action is to be taken by the city according to subsections (A) and (B) below. (A.) *House Trailers*, It shall be unlawful for any person to park, locate or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary and building provisions applicable to stationary structures and the proposed location

conform to the zoning provisions of the city and unless a permit therefore shall have been first duly issued by the City Recorder.

(B.) *Storage*, It is further violation of this section to allow the storage of items on or adjacent to, any property or in any public roadway or alleyway, such as, but not limited to: dilapidated furniture; appliances; cleaning products; unused landscaping materials; paint and chemical products; machinery; equipment; building materials; construction materials and/or tools; automobile parts; tires; or any other item(s) which are in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, which are not completely enclosed within a building, dwelling or opaque fencing or screening, and as such are not visible to the general public from a common public roadway, residence, parking lot, empty lot, school, city park and/or gathering area, and such items are stored as to not endanger or cause injury to the residents or occupants of nearby properties. Glenn Hummel asked what we can do if the properties have the junk on them now. Attorney Datte said they would argue they are grandfathered. Attorney Datte said however technically if we adopt the IPMC this would apply to them. Another thing we can do on the front yard distance is take a look at what the front yard setback is now in the zoning ordinance in the AG District. If it is less than 40ft use that because in theory the property owner can develop beyond that. Tim Houser prefers that. Paul Datte said everyone should take a look at it and mark it up of what the Board feels is applicable or not. Attorney Datte said he would prepare an ordinance that incorporates it with whatever changes. Then that would get advertised & then adopt.

#### **VII. Correspondence**

A. Notice of Intent to Award Letter – The County will be awarding Bertolet Construction, LLC for the West Penn Township ADA Accessibility Park Improvements. Mike Begis said it has to be complete by April 15<sup>th</sup>.

#### **VIII. Public Comment on General Items**

A. **Robert Terleski** – Blue Mountain Rd. – He said he got a letter from ARRO Consulting Inc., wanting him to prove that he has a proof of zoning permit. He doesn't have proof now. He said he has been there for 22yrs. He said he had applied but couldn't find anything other than his electric was inspected for it. ARRO Consulting then suggested he apply for a home related business. He did and he was denied. He said he is a sole proprietor, doesn't have any employees, been there for 22Yrs. And never had an incident. Chairman said the appeals process is that you can put in an application to the Zoning Hearing Board. Attorney Datte asked if he started the business in 2001 or acquire the business. Mr. Terleski said he was in Bethlehem before that. Attorney Datte asked it was his recollection at the time that he came to the Township and got your permits. Mr. Terleski said yes. Chairman asked, do you know who was in at the time. Mr. Terleski said Suzanne. Chairman said Borzak. Mr. Terleski said she took care of everything. He called the bank to see if the bank had canceled checks but they only go back 7yrs. Attorney Datte said we can't find anything here but that doesn't mean it didn't happen. Attorney Datte said the only aspect is that doesn't apply from his recollection is the size. There is a limitation on how many square feet the business can occupy in relation to your home. Mr. Terleski said he feels they had the footage wrong. He said he uses part of the garage to park his truck overnight. He does work out of it. Chairman said you had mentioned when we couldn't find any permits in the Township. When our current secretary came along she started filing differently. A lot of the files were under people's name. Properties change owners so that doesn't always work, now the files are in addresses. Chairman said that his address had changed. Mr. Terleski said originally it was RR1 then it was changed. The secretary could not recall an RR file. Attorney Datte said you have 30days to file with the ZHB. Attorney Datte said you are not being targeted. If you can demonstrate that you had permits at the time the issue is resolved. Attorney Datte said maybe we can find out who was the inspector back then. Karen Wittig said

maybe we can find out who was the inspector was through old minutes. Attorney Datte also said he would look at the statute of limitations too. Chairman said watch the clock for the 30 days just in case you have to go to the ZHB. But we will look more into it.

Glenn Hummel asked the status of Atlas Park. Secretary said we are still waiting on DEP comments. Once we get their comments we can get the plan recorded and the property can be transferred.

**Ilisa Sachnoff Hoppes** – submitted some concerns. Chairman said we are looking into it. We requested the stenographer's transcripts. Ms. Hoppes isn't sure that the stenographer would have it in the transcripts because it was at the end of the meeting. She also asked about 752 Penn Dr. There is garbage all over and it is a mess. Non traffic citations were filed. The status of the summons is awaiting plea. Two summons were sent and one was sent certified. Attorney Datte said we should wait before we get more aggressive with the citations until we get through the first hearing. Attorney Datte said let's see how the property owner responds.

**Larry Stival** – Summer Valley Rd. – He is concerned with the speed on Summer Valley Rd. SR895. He said that people are passing on double yellow lines. Mr. Stival said he contacted the police department because he thought they can put up the electronic sign and didn't get a response from the. Mr. Stival offered places for the police to sit by & on his property for speed enforcement. Mr. Stival said when the Quarry opens the big trucks speed to and from. Chairman asked what time of the day because our township is so big and we can't have a police officer just sit there. Glenn Hummel said he knows the police patrol that area. Larry Stival asked the BOS if we can contact PennDOT and ask for no passing zone signs. Chairman asked if we can find out what the speed limit is on SR895. Mr. Stival said since we may be changing the Zoning in that area can we see if it is a possibility to have the speed reduced? Mr. Stival also expressed his concerns about the big truck parking outside of the Easy Markets' parking lot. We did have the owner put up signs. Mr. Stival said trucks still park there when they run into the store. Mr. Stival called the police station about a tractor trailer truck parked there and he was told to call the 911 call center by the secretary. Previously, he was told to call the police department. Mr. Stival said it is dangerous when a tractor trailer is parked there. Glenn Hummel wondered maybe because of the dispatch times and abilities that's the reason why they asked you to call there. Mr. Stival asked where he is supposed to call. Mr. Hummel said for emergencies call the 911 center, for a Non-emergency call them. Shawn Phillips said you can also call the Non-Emergency number 570-668-6100. Mr. Phillips said then it is on record. Chairman said our Department has a non-emergency cell phones, which are not public but can be reached by someone at the department. Mr. Stival said he usually takes a picture of the sign & the truck and sends it to their company. Chairman said send it to us, we can give tickets through the mail. Glenn Hummel said as long as you are willing to testify.

**Delroy Haas** – when you call the police station does it go directly to 911? Mr. Hummel said he thinks only when no one is on duty or in the office. Glenn Hummel said this is a better idea because you're guaranteed to get someone.

**Carl Greve** – asked about the second recycling bin. Chairman called the gentleman that was making the bin and found out that his wife was just diagnosed with ovarian cancer. It may take a little while longer than anticipated.

**Glenn Hummel** said the train lights were found.

Tim Houser said our digital sign has a glitch to call the sign company to get it resolved.

Chairman said thank you to Jeremy Frable and road department for the all the work they do for the roads & for the new lunch room they made. Glenn Hummel said about the second door in Jeremy's office and the drop of 20 ft. down. The insurance carrier said you have to have two exits in case of a fire. Glenn Hummel feels it is two exits from the building not the office. Glenn Hummel said as far as Risk

Assessment he feels that door should be closed off. Jeremy Frable said he would ask the insurance company before we do anything. He said when they built that office as long as we had a ladder by the opening. Karen Wittig will call the insurance company to ask them about the door. Glenn Hummel also asked Jeremy Frable to put some stone up by the train so when he puts the lights back up they would be resting on the stone.

Delroy Haas asked about the road by John Garber's. Jeremy said he is waiting for the asphalt plant to open.

**IX. Executive Session - None**

**X. Anything Else from the Board - NONE**

**XI. Adjournment**

A. Chairman called for a motion to Adjourn at 11:32AM. 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