

**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, March 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

A. Chairman called for a motion to adopt Resolution # 8 of 2023, a Resolution to apply for a DCNR grant for J.E. Morgan Memorial Park- Phase II Project. This grant is for the purpose of carrying out this project and understanding the Terms & Conditions of the grant. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. Chairman called for a motion to adopt Resolution # 9 of 2023, A Resolution to request a grant in the amount of \$111,945.34 with the total project amount \$141,945.34 and to designate Chairman Anthony Prudenti or Vice Chairman Glenn Hummel to execute all documents & agreements between West Penn Twp. & DCNR. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

IV. Old Business

A. 2023 Pipe Bid Opening – Chairman opened bids as they were received.

Chemung Supply Corporation

****Plain end smooth bore Polyethylene Thermo Plastic Pipe, N-12 or Equivalent Type-S (Pipe sections shall be 20LF in Length)****

200	LF	15" Pipe	FOB Delivered to Twp Bldg	\$13.97	\$2,794.00
2000	LF	18" Pipe	FOB Delivered to Twp. Bldg	\$18.98	\$41,756.00 (\$37,960.00)
100	LF	24" Pipe	FOB Delivered to Twp. Bldg	\$30.73	\$3,073.00
40	LF	30" Pipe	FOB Delivered to Twp. Bldg	\$45.77	\$1,830.80

****N-12 or Equivalent Thermo Plastic Pipe Band Connector****

5	Each	15" Pipe	FOB Delivered to Twp Bldg	\$15.70	\$157.00 (\$78.50)
75	Each	18" Pipe	FOB Delivered to Twp Bldg.	\$24.58	\$2,703.80 (\$1,843.50)
3	Each	24" Pipe	FOB Delivered to Twp. Bldg	\$33.45	\$167.25 (\$100.35)
1	Each	30" Pipe	FOB Delivered to Twp. Bldg	\$105.63	\$211.26 (\$105.63)
			Total Project		\$52,693.11 (\$47,785.78)

L/B Water Service, Inc.

****Plain end smooth bore Polyethylene Thermo Plastic Pipe, N-12 or Equivalent Type-S (Pipe sections shall be 20LF in Length)****

200	LF	15" Pipe	FOB Delivered to Twp Bldg	\$14.71	\$2,942.00
2000	LF	18" Pipe	FOB Delivered to Twp. Bldg	\$19.98	\$43,956.00 (\$39,960.00)
100	LF	24" Pipe	FOB Delivered to Twp. Bldg	\$32.35	\$3,235.00
40	LF	30" Pipe	FOB Delivered to Twp. Bldg	\$48.69	\$1,947.60

****N-12 or Equivalent Thermo Plastic Pipe Band Connector****

5	Each	15" Pipe	FOB Delivered to Twp Bldg	\$16.72	\$83.60
75	Each	18" Pipe	FOB Delivered to Twp Bldg.	\$26.17	\$1962.75
3	Each	24" Pipe	FOB Delivered to Twp. Bldg	\$35.63	\$106.89
1	Each	30" Pipe	FOB Delivered to Twp. Bldg	\$112.37	\$112.37
				Total Project	\$54,346.21 (\$50,350.21)

Fry's Plastic

****Plain end smooth bore Polyethylene Thermo Plastic Pipe, N-12 or Equivalent Type-S (Pipe sections shall be 20LF in Length)****

200	LF	15" Pipe	FOB Delivered to Twp Bldg	\$13.76	\$2,752.00
2000	LF	18" Pipe	FOB Delivered to Twp. Bldg	\$18.69	\$37,380.00
100	LF	24" Pipe	FOB Delivered to Twp. Bldg	\$30.20	\$3,020.00
40	LF	30" Pipe	FOB Delivered to Twp. Bldg	\$45.10	\$1,804.00

****N-12 or Equivalent Thermo Plastic Pipe Band Connector****

5	Each	15" Pipe	FOB Delivered to Twp Bldg	\$15.62	\$78.10
75	Each	18" Pipe	FOB Delivered to Twp Bldg.	\$24.45	\$1,833.75
3	Each	24" Pipe	FOB Delivered to Twp. Bldg	\$33.27	\$99.81
1	Each	30" Pipe	FOB Delivered to Twp. Bldg	\$102.08	\$102.08
				Total Project	\$47,069.74

The above figures are what each company provided to the Township. However, Chemung & L/B Water Service calculated their figures incorrectly. The red figures are calculated wrong and the black is correct. Attorney Datte said that L/B Water was low on the 200LF 15" Pipe. Chairman asked if we can split up the bids for whatever price pipe was the lowest. Attorney Datte said yes we can do that. Glenn Hummel asked what the total package from each of the companies. Chairman announces that Chemung Supply was at \$52,693.11, L/B Water \$54,346.21 and Fry Plastic \$47,069.74. Fry Plastic was the lowest total bid and they had a check & performance bond in the amount of \$4,706.97. Jeremy Frable said they have 30 days to deliver the materials. Glenn Hummel made the motion to award Fry Plastics with the pipe bid for all the materials. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

B. IPMC Comments – Attorney Datte said he prepared the Ordinance that would be advertised and potentially adopted by the Township. Attorney Datte said he incorporated revisions to the 2021 IPMC dealing with the exceptions to the section that dealt with grass cutting. Attorney Datte also incorporated the fine section and brought that up-to-date. Attorney Datte asked the Board if they had any additional comments. Chairman said he had some comments. Chairman said **section 302.4** about the height of grass. Attorney Datte suggested 12". Chairman said Appendix B talks about the Board of Appeals. Can we take the Property Maintenance Appeals Board and appoint them to the IPMC Appeals Board. Attorney Datte said yes. Chairman said **page 1-1, under Part 1 – Scope & Application. 101.2**

Scope “The provisions of this code shall apply to all existing residential & nonresidential structures and all existing premises.” Chairman is unsure about “existing”, he feels that they would be grandfathered in? Attorney Datte said no because you wouldn’t be able to enforce it. **105.2 Inspections** – The approval comes from the appointing authority which is the Board of Supervisors. The Code Official would come to the BOS before he engages in a third party to conduct an inspection. Chairman wanted to review **Section 111.6 Transfer of Ownership** – If a property has a violation or a compliance order and would like to sell their property, the new owner would still be responsible without conditions to make corrections or repairs required by such compliance order or violation. The new owners would have to give a signed and notarized statement that they know about the violations and they know they have to correct them. **Chapter 3 General Requirements – Section 302.4 Weeds** – Chairman feels it should exempt farmers. Tim Houser was concerned with farms that were the krebs program. Jim Dean, Code Enforcement Officer is understanding that they have to mow at least twice a year. Attorney Datte said the second exception are those portions of properties lying forty feet or more from the boundary lines or public rights-of-way on tracks of land containing a minimum of 1 acre. We are only talking about the first forty feet of these regulations that would come into play. This would require the first forty feet to be no more than 12”, anything beyond that is not subject to this provision. **Section 304.2 Protective Treatment** – Chairman is concerned that adopting the IPMC, someone can use it as a weapon against their neighbor. Chairman feels this section be removed all together from this IPMC. Tim Houser agrees. Glenn Hummel feels if they are not structurally related take them out of Section 304. Chairman agrees. Attorney Datte said you need to tell him what to take out or change. Tim Houser feels he would like to review it some more. Chairman asked the Board to have comments in regards to Section 304 for next meeting. **Section 305.3 – Interiors Surfaces** – Chairman said we should not have the right to judge on what is inside someone’s home especially if it is not structural. Jim Dean, Code Official said what about a renter? Attorney Datte said some of these regulations are designed for rental properties. Glenn Hummel asked if we have a renter ordinance. The Board said no. Glenn Hummel agreed if it is structurally sound then we shouldn’t have the right to go inside. Attorney Datte said the bottom line is that the board has to go through this IPMC and take out what they don’t want. Attorney Datte instructed the Board to look at what is unsafe verse unpleasing. **Section 705 Carbon Monoxide Alarms & Detection** – Chairman said that mainly refers to new construction.

C. Peddling & Soliciting Ordinance – Chairman said it is time to review it. The Township adopted this Ordinance in 1993. Attorney Datte said he can give the BOS some samples of Soliciting Ordinances. Attorney Datte said the second class Township code says you cannot prevent peddling & soliciting in the Township but you can regulate it. Attorney Datte said there is a difference between soliciting and peddling. The main thing in the current Ordinance it is administered by the Chief. The Police Chief will conduct a background check on each of these outfits. It is not the outfit that gets the license it is each individual that is doing the soliciting or peddling not the company. Chairman asked the Chief if he has a copy of the Soliciting Ordinance. Chief said yes he does.

Glenn Hummel said we cannot stop peddling we can only regulate it. Attorney Datte said yes. Chairman asked if we can increase the fee. Attorney Datte said the fee is to cover administration fees. Attorney Datte said he was going to get some examples of more recent Soliciting Ordinances for the Board to review. Chairman asked the Secretary to forward them to the Board for next meeting.

D. Draft Zoning Ordinance Update – Attorney Datte said that everything is over to Charlie Schmehl except for the zoning in the area of Mill Dr. and SR443. Chairman said another thing that was brought to the Board’s attention was URDC said we have too many alternates on our Zoning Hearing Board. It is allowed up to 3 alternates. Currently we have appointed 5. We need to remove two of the Alternates to

be in compliance. Attorney Datte said URDC is correct in saying that. Chairman called for a motion to remove 2 of the 3 recently added Alternates of the Zoning Hearing Board. (As per URDC we cannot have more than 3 Alternates on the ZHB) Brian McQuillen and Terri Knoedler. Glenn Hummel asked if we have a spot that opens up can we appoint the ones that we have to take off now to fill the empty spot? Attorney Datte's suggestion is to remove the two latest in time of the Alternates with the understanding that their names will remain on file, if the individual is still willing to serve. Brian McQuillen asked who the current Alternates are. Secretary said Randy Clemson, Earl Pratt and Robert Coccio.

Tim Houser had one more comment on the Draft Zoning Ordinance. Tim Houser said by Clearview Crossing, if someone wants to come in and develop one of those Highway Commercial Properties and the Bridge wasn't wide enough for truck traffic or the site distance wasn't clear, can we have in our Ordinance for them to do a road improvement for a safety issue? Attorney Datte said you are combining different ordinances at that point. You would need an Engineering study for the Bridge in question to see the weight limited of the bridge. If there is a weight limited there are other thing that an applicant can do. If they are coming on to SR443 they would have to get a Highway Occupancy Permit from PennDot and a driveway permit from us to make sure they have proper site distance. Depending what is being put on the property they would probably need a Land Development as well that would address those issues.

Glenn Hummel asked about the Draft Zoning Ordinance. He clarified that it is still in the discovery stage. Attorney Datte said Charlie Schmehl from URDC will get us back an updated draft of the ordinance and the map. It is up to the Board if they want another voluntary public hearing before the main public hearing. Chairman said once we get the draft back, it should go in front of the Planning Commission again. After the Planning Commission gives there comments then it goes to the Board of Supervisors then a Public Hearing would be scheduled. Attorney Datte said you have to have an Advertised Public Hearing in accordance with the municipality's planning code. You have to send a copy to the County Planning Commission and back to the Township Planning Commission both Planning Commissions have a thirty day opportunity to comment. Typically you schedule your hearing out 45 days when each Planning Commission receives their copy of the Ordinance. After the last Public Hearing we can adopt the Ordinance. If there are revisions to the Ordinance based on the comments received from the Commissions or the comments we get at the public hearing and the revisions would be substantial, then you would have to go back through the same process. Attorney Datte said we went beyond the call of duty with this ordinance. We had committees, numerous meetings & input that went into creating this Ordinance. We also agreed with a lot of URDC's recommendations that should be in our Ordinance. Glenn Hummel feels there has been some concern that some of the materials that have been communicated were missed. Attorney Datte said we come this far, once we get the current draft back, we should have one more informal hearing to give one last shot for the public to provide comment on what we think is the final draft. Glenn Hummel said there was a communication and he didn't have chance to check it. Chairman questioned where the communication came from. Chairman asked if it was from a resident and if it was only sent to him. Glenn Hummel said yes and he is going to make sure everyone will get it. Attorney Datte said we will get Charlie Schmehl's redraft and we will have to come up with a conclusion about the zoning by Clearview.

V. New Business

A. Chairman said there has been people coming in to do a Pheasant Farms. They need a letter from the Township stating we do not have a problem letting them do that, for their state application. We sent their permit application over to ARRO because it was a Zoning Issue. ARRO came back to them and said

they needed to submit a building permit application. Chairman said it is just a net. Glenn Hummel said isn't it the right to farm? Attorney Datte said we have to find out specifically what they are doing.

We had two applications to raise and sell pheasants. Glenn Hummel and Tim Houser said they would normally sell them to the game commission or to a private hunting club. Attorney Datte said he is not sure what the issue is. If they need to have a permit, issue a permit. The issue is that they need a building permit when all it is netting so the birds don't fly out or the hawks don't come in and grab the birds. Attorney Datte asked if it is going to be a structure or a building? Whatever it is it is not up to the Board if they need a permit or not. That is for the building code official to determine. Attorney Datte said the use isn't the issue. Chairman asked if we can write them a letter basically saying we don't have a problem with this, however they still must conform to Township, State & Federal ordinances. The Board agreed that they are good with that. Attorney Datte was confused what the Board was asking. Chairman said they need a letter for their state license. Tim Houser wasn't happy about a bird net needing a UCC permit application. Attorney Datte asked the Secretary to send over the application for the bird net application. Attorney Datte needs to look into it.

B. Chairman said the Fire Department and the road crew would like to make a deal. There is a vein of Shale that is on the Fire Department's Property. We would like to get the Shale for our road projects in return for millings in their lot to keep everything stable and cut their lawn. Chairman said he is good with cutting the lawn for as long as the road department is receiving the shale out. Attorney Datte needs to take a look at it. There are other things that may come into play here. It should be in writing and approved by the Supervisors.

C. Chairman called for a motion to amend the Agenda to address the situation with the Police Dept. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Chairman said one of our Police Cars got in an accident and we need to replace the vehicle. Chairman said the Police Dept.'s Capital Reserve is \$9,133.46 the 2023 Allocation is \$17K (had \$20K but took \$3K out for Tasers). We will get \$13K from the Insurance Company which will give us \$39,133.46. We need a little over \$61K. Chairman suggested we leave the allocation to the Police Dept. Glenn Hummel believes this is what the reserve fund was for. Glenn Hummel said what we wanted to establish was buying a vehicle every four years. We bought three vehicles in the last 3 years. Now we are getting the fourth vehicle which will tack on 4 years to today's date. Glenn Hummel feels we should take it out of the reserve to pay for it. And take the dept.'s new vehicle allocation in the capital going forward until that money is repaid. He is just about \$23K shy, so your talking this year's allocation, next year's allocation and \$3K the year after that. Then he will be back on track. The money we take out of the allocation will go back in the reserve to refund the reserve. Chief Bonner said it is fine, he wasn't planning on purchasing a new vehicle anytime soon unless another emergency like this. Glenn Hummel made a motion to purchase the vehicle and equipment for \$62,323.60 and remove from the reserve the deficits that we need to zero him out and in going forward with the caveat that his capital reserve for future vehicles will be deducted and put back into the reserve. Glenn Hummel rescind his motion. Chairman made a motion to purchase the CoStars vehicle at our member's price of \$46,985.00 + \$15,338.60 for a total of \$62,323.60. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Glenn Hummel made a motion of what he just rescinded. Glenn Hummel made a motion to purchase the vehicle and equipment for \$62,323.60 and remove from the reserve the deficits that we need to zero him out and in going forward with the caveat that his capital reserve for future vehicles will be deducted and put back into the reserve. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

VI. Business from anyone on the Board

A. Tim Houser asked about the Status of the recycling bin. Currently, still on hold due to health issues. Tim Houser said if he has the supplies and needs some manpower maybe he can get someone to volunteer to weld it.

B. Tim Houser had concerns with permitting of Stonehedge Gardens and their Big Events.

How can we regulate it? Chairman read some of the events that are being advertised. Attorney Datte asked if they were paid events. Chairman said, yes. Attorney Datte suggested we look at the Zoning Ordinances to see what they can and cannot do.

VII. Correspondence

1. PennDOT – Chairman read an emailed response from PennDOT with concerns about Summer Valley Rd. & SR443.

Dear Katie Orlick,

Thank you for submitting concern number [20230228-CPGKNM](#) dated 02/28/2023.

Your concern has been addressed with the following information from PennDOT...

Dear Katie, Thank you for your Customer Care Concern dated February 23, 2023, regarding your concerns on State Route 895 in West Penn Township, Schuylkill County. A study has recently been completed in 2019 for the speed limit on State Route 895; the posted speed limit of 55 MPH is appropriate for the above mentioned roadway and the Department is not in favor of any alterations. While the Department understands your concerns, we are not an enforcement agency, it is also recommended that you contact the Local Police Department to express any concerns with speeding vehicles on the State Route mentioned above. A Passing Zone Study is being started for your concern to add Do Not Pass Signs where there are double yellow lines towards the intersection of State Route 895 and 309. If warranted, signs will be installed. Note, that passing on the left is defined in the Vehicle Code. This section of the vehicular code is copied below for reference. Please feel free to contact me if you have any questions or would like to discuss. Pennsylvania Code Title 75 - VEHICLES Chapter 33 3307 - No-passing zones. § 3307. No-passing zones. (a) Establishment and marking.--The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone. (b) Compliance by drivers.--Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length. (c) Application of section.--This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway). Cross References. Section 3307 is referred to in sections 1535, 1603, 3326, 3327, 6109 of this title.

Should you require any additional information, please contact Angela Cooper at angelcoope@pa.gov or at 610-871-4135.

Sincerely,

Customer Care Center

Pennsylvania Department of Transportation

Glenn Hummel said he feels that the email says if the department and the local authorities determine those portions of any highway are hazardous they will consider changing them. Board agrees to contact PennDOT again and ask them to consider making that whole road a NO Passing Zone.

2. Chairman announced there will be an Easter Egg Hunt for West Penn Twp. Residents – Ages 0-12 on April 2 @ 1:30PM at the Andreas Sporting Club – sponsored by the WP Lions, Andreas Sporting Club, West Penn Fire Co. & the VFW.

3. Correspondence from 33 Mill Lane – Tuscarora Grain Co. reached out and said as of 3/10/23 they did not roast any soybeans in the last 8 months. Also they wanted to let us know that we will be

spreading spent mushroom compost starting March 18th. They will travel SR443 with spreader. Then they will be spreading chicken manure. They will try to incorporate the manure as fast as possible to reduce odor/neighbor relations and it will also help with nutrient retention.

VIII. Public Comment on General Items

Brian McQuillen – He asked if the Board they would reconsider the 12” grass height. He asked to change it to at least 6” for the forty feet of any property.

Mr. McQuillen also asked to reconsider the fee for the Maintenance Appeals.

Zoning Update – Mr. McQuillen does not know if his comments from October 17th got to Charlie Schmehl. He is concerned with definitions he feels should be part of the Zoning Ordinance. 67 Uses in the Township that have additional requirements. He asked to have definitions for commercial crop storage, manure and soybean roasting. Glenn Hummel asked if his email was dated the October 17th. Glenn Hummel said it was emailed on October 18th.

Mr. McQuillen spoke about Stonehedge Gardens and gave some suggestions on how to regulate them. Attorney Datte feels this may be a change of use for Stonehedge Gardens. We have to investigate to see if it is a change of use.

Delroy Haas – thanked the road crew for fixing Zion Stone. Delroy has been hearing complaints about the recycling center being closed. He asked the board if they can put a light or something to show from the road when it is closed or opened so residents won’t have to go up the hill and turn around if it is closed.

Chairman likes the idea.

IX. Executive Session - None

X. Anything Else from the Board

1. Chairman called for a motion to amend the prior action to adopt Resolution #10 of 2023 to take the money for the Police Truck out of the Operating Reserve Fund. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

XI. Adjournment

A. Chairman called for a motion to Adjourn at 12:06PM. 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