

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

**Phone (570)386-4507**

**Fax (570)386-5851**

**Regular Meeting  
Monday, March 6, 2023**

**Present at the Meeting**

Anthony Prudenti

Timothy Houser

Glenn Hummel (phone)

Karen Wittig – Treasurer

Katie Orlick – Secretary

Mike Begis – ARRO

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 – February 6<sup>th</sup> & 20<sup>th</sup>, 2023.**

Chairman called for a motion to accept the meeting minutes from February 6<sup>th</sup> & 20<sup>th</sup>, 2023. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**D. Treasurer’s Report – February 2023**

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 – February 2023**

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

**G. Solicitor’s Report**

**1. Draft Zoning Ordinance Update –** Attorney Datte provided everyone a copy of his responses to some outstanding items. Attorney Datte said he also added some additional things to Charlie Schmehl’s memo dated September 30<sup>th</sup>. Attorney Datte said further provisions will be needed. The Board was reviewing the area of Mill Drive & SR443. Attorney Datte gave his interpretation of what he feels the Board would like to do. Attorney Datte said Medical Crossing & Clearview Crossing would remain Highway Commercial and eliminate it everywhere else on SR443 except the Tuscarora Grain and the adjoining property of Charlie Snyder. Attorney Datte also wanted to know what area the Board would like to do either 300’ or 500’. Attorney Datte said SR309 has a depth of 300’ in the area, East of Mill Drive down to Municipal Rd.

Chairman asked the public if they had any comments.

Brian McQuillen – he feels historically the Zoning maps are set up to be 500’ from the road. If the property was intersected the property owner had a choice or they would come to the Township and ask to be Zoned one way or the other. Chairman believes the Municipal Planning Code basically says that. Brian McQuillen said he thought the discussion on Clearview Crossing was never Highway Commercial. He feels the original plan was to change it to Highway Commercial. He thought because of the old bridge & the intersection with SR443 & the difficulty of pulling out onto SR309, he thought the Board was going to consider not having that Highway Commercial because it would be hard to get commercial trucks in

and out of that area. Chairman said he will have to ask the other Supervisors of what they would like to do. Chairman said we have a consultant and we have our Attorney working on it. Chairman said in his mind if we didn't take their advice, then why are we paying them? Glenn Hummel agrees with the Chairman. However Brian McQuillen feels he didn't vote for any of the consultants to make decisions for him. Brian McQuillen said he would rather the Board make the decisions because they live in the Township.

Chairman understands what he is saying, however he feels to do the best for the Municipality, we hired the best firm we thought we could for the job.

Attorney Datte said back to the area, the other parts are 300'. Glenn Hummel feels then it should be 300'. Attorney Datte & the Chairman agreed.

Attorney Datte spoke about the bridge on Clearview Crossing. Tim Houser said the problem he has with that is it is the same problem on Blue Mountain Dr., as far as water truck pulling out. Mr. Houser said we made numerous suggestions to the State's Highway Dept. and we have had absolutely no assistances.

Tim Houser wants businesses on the arterial highways and not on the back roads.

Ilisa Sackhoff Hoppes – made a suggestion to make Mill Dr. a one way.

Chairman asked Don Hoppes to come up to the front of meeting room and look at the proposed zoning map. Don Hoppes feels like it is spot zoning. Attorney Datte said it is not and explained the map to Don Hoppes. Attorney Datte said it is multiple properties around intersections which is zoning.

Chairman read a Summary Requests for Changes to the Draft West Penn Township Ordinance from URDC dated September 20, 2022. Attorney Datte said our responses to the Summary dated September 30, 2022 are in red. (See Attached)

Chairman also read the following email from URDC.

This email follows up upon previous emails about zoning text revisions. Pages of the draft ordinance are attached to respond to the comments. Major revisions are highlighted in italics.

1. We were asked to address short-term rentals of housing units. A short-term rental is a rental of a housing unit for less than 30 days. The draft already did include provisions for this topic. We took another look at the issue, and added some clarifications. The intent is that anyone can rent a bedroom of their home for overnight guests, provided there is not more than 4 total unrelated persons living in the home, and provided that a permanent resident is living in the home. A resident can rent part or all of their home while they are on vacation, but not for more than 30 days per year. If a housing unit is repeatedly rented without a permanent resident living there, then it is regulated as a hotel, and is limited to commercial districts. The goal is to allow what the average resident wishes to do, but to not have houses in non-commercial districts turned into a hotel with an absentee landlord.
2. We were asked to authorize 2 to 5 alternate members of the Zoning Hearing Board. We looked at the State Planning Code, and in Section 903(a), it limits a municipality to only appointing 1, 2 or 3 alternate members. Therefore, the current text could not be changed.
3. We were asked by the Planning Commission to limit medical marijuana dispensaries (retail sales) uses to the HC and CLI districts, which we have now done. We also clarified that the use needs to operate within an enclosed building, and that the Zoning Hearing Board can require fencing as needed. Zoning Hearing Board approval of the use would continue to be needed under the draft.
4. We were asked to look closely at the food truck provisions. There already were food truck provisions in the draft, but we took a closer look at them, considering the sample ordinance that the Township provided. We added a few draft additions and clarifications as a result, which are

shown in italics. In general, a food truck would be limited to occasional use in non-commercial districts, such as for a church festival. In the commercial districts, it could only occur in combination with an existing commercial use that is in a building, and not on a vacant lot.

I don't remember receiving a final decision from the Supervisors on how to handle Agricultural Industry property on Mill Drive and other properties along the Mill Drive corridor. We had provided a memo back in Sept. 30, 2022 that described the areas, and we did receive comments on it from the Planning Commission. I've attached another copy of that memo and the accompanying map, so you have it front of you. Once we receive a final decision, we will issue a final zoning map draft.

Brian McQuillen feels there are more things that need to be addressed from his comments he submitted.

Attorney Datte agreed that there are still things that need to be addressed. It is a work in progress.

## **II. Land Use**

**A. Susan Schneck Subdivision** – Mike Begis from ARRO Consulting, Inc. stated that the Planning Commission reviewed the Subdivision Plan. The Plan proposes the subdivision of existing 57.133-acre into separate parcels. New lot no.2 is proposed for single family residential use. The residual land 47.133 acres is proposed to remain in AG and residential use. The new parcel will be served by on lot sanitary sewage and on lot water supply. The property is located along Summer Valley Rd. Mike Begis said the plan was tabled because of waiting for additional information on access easement agreements.

However, the applicant would like to request a modification to Section 902 of the SALDOs – requirement of a Mylar. Chairman said we have a request to modify the requirement for having a recorded Mylar. Chairman said Mylars were required for many years until now because of plans being filed electronically. We plan to take that requirement out of the SALDOs when it gets updated. Chairman called for a motion to grant the Susan Schneck's request for Section 902 – the requirements for a Mylar. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

## **III. Operations**

### **A. Engineer's Monthly Report – February 2023**

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of February. Mike Begis said he provided the BOS a report and he would be happy to address any questions the BOS may have. Mike Begis also informed the Board that the park improvements for the J.E. Morgan Park are moving forward. Mike Begis said there will be a preconstruction meeting with the contractors and the Township. Chairman said he has a Notice to Proceed letter for the company that will be doing the ADA Accessibility Park Improvements. Chairman thanked Schuylkill County for approving funds to do this work. Chairman announced "Boots" Hetherington, who is the Chairman for the Commissioners of Schuylkill County, is in the audience at this meeting. Boots Hetherington said he was an auditor for 18 years in his Township. He admires and thanks the residents for coming and participating at the meetings. He appreciates their time and service to the community. Chairman thanked Boots for coming and he said for the past seven year "Boots" is the first County Commissioner to attend any of our meetings.

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

### **B. Code Enforcement Monthly Report – February 2023**

Chairman asked the Board if they had any questions or concerns with the Code Enforcement Report.

Chairman called for a motion to accept the Code Enforcement 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 – February 2023**

Chairman read the sewage enforcement officer's report. The report consisted of 5 New Permit Applications, 2 Test Probes, 2 Perc Tests, 2 Design Reviews, 5 site evaluation, 14 Final Inspections and 2 Subdivision Plans. No Malfunctions Reported. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Tim Houser made the motion. Chairman seconded the motion. All in favor. Motion was carried. 3-0

**D. Road Department's Monthly Report – February 2023**

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Hauled in Anti-Skid, Plowing & Cindering Township Roads, Hauled in Millings, Fixed pot holes on Dirt Roads with 2A Modified, Removed trees on Rabbit Run Rd. for widening of Road (Dirt & Gravel Rd. Project), Fixed Pot holes with cold patch, Fixed Street Signs and Mowed Brush Back along Twp. Roads. Chairman also read the Maintenance Report. 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

Chairman asked to keep Jeremy Frable and his family in our thoughts & prayers. His dad is battling cancer and was admitted to the hospital.

**E. Police Department Report – February 2023**

Chairman read the Police Report. The Police Dept. had 8,642 miles patrolled 138 total citations & warnings, & 6 motor vehicle accidents. Chairman said the Chief would like to request Supervisors' approval to purchase Tasers. Chairman said there are two proposals the Chief gave to the Board. Chairman asked the Chief to explain what he is looking to purchase. Chief said there are several different packages. He originally requested a price for 7 Tasers. He also got a price for 5 Tasers. The Chiefs said they are very expensive. He said right now the department has two different types of Tasers. The Chief's concerns are that they lose their power after so many years and the cartridges are not interchangeable. With the purchase of the new Tasers it all would be uniformed and we would use the same cartridges. Chairman asked the Chief if the Tasers he would be buying were the latest up to date Tasers available. Chief said he would be buying Taser 7s, which he feels are the best. He said there is a newer Taser but he doesn't recommend them because of the way they shoot. Tim Houser said his concern is the effectiveness of using a Taser. He feels a lot of times what he sees is that the Taser isn't sub doing the person that the officer is trying to arrest. Chief Bonner assured Supervisor Houser that they are indeed effective. Chairman asked what the department will do with the old Tasers. Chief said the company will buy them back. Chief Bonner said the goal is to address this every five years. Glenn Hummel asked how much they would cost. The Chairman said for the 5 Tasers it would come out to \$14,483.20. Chairman said we can pay for it over 60 Months at a price of \$2,896.60/ mth. Glenn Hummel questioned the Capital Fund which was put aside for vehicles and/or Equipment. Glenn Hummel asked if it was part of his budget this year. Chief said no, they kept their budget the same. Glenn Hummel said this will delay the purchase of a new vehicle for another year. Chairman said we can take it out of the Capital Fund or the Rainy Day Fund. Attorney Datte asked the Chief what he has coming out of the Capital expenses this year. Chief said just yearly expenses. These Tasers are the only Equipment he has asked for. Karen Wittig

said they have \$9K in there now. Glenn Hummel is strongly against it because we reduced the budget and now we want to spend money.

Chairman asked for a vote. Chairman asked Tim Houser how he feels about this purchase. Tim Houser said he wished he would have known when they were doing the budget that we were looking at buying new Tasers this year. Chairman agrees. Tim Houser understands what Glenn is saying and our fiscal responsibility. Tim Houser agrees it is more of a safety issue and that is why he feels that it is necessary. Chairman made a motion to purchase the Tasers at a cost is \$14,483.20 for 60 months and yearly cost of \$2,896.60 and we trade in our old ones to them. Tim Houser seconded the motion. All in favor. Glenn Hummel opposed. Motion was carried. 2-1

#### **F. Fire Company Monthly Report – February 2023**

Chairman read the Fire Company's report. 18 Total calls for the month of February. The report consisted of 2 motor vehicle accidents, 1 car fire, 3 wire/tree down, 3 automatic fire alarms, 3 medical assist, 1 Fire Police Call, 1 brush fire, 1 landing zone, 1 move up assignment & 2 Structure Fires. The department had their monthly meeting, did equipment inspections and firefighter search drills. They had their monthly fundraisers such as the monthly Breakfast (350people) & Fire Company Cash Bingo. 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

Chairman reminded everyone that March 12<sup>th</sup> is the Breakfast at the Fire Company and March 26<sup>th</sup> is the Bingo.

#### **G. Ambulance Monthly Report – February 2023 - None**

#### **IV. Old Business - NONE**

#### **V. New Business**

**A. Peddling and Soliciting in West Penn Township –** We have an Ordinance, however the Chairman feels there should be no peddling or solicitation in West Penn Township. Attorney Datte will look into it. Chairman said we will address it again at our next meeting.

Chief said that they have someone that wants to apply. Chief asked if we can put a freeze on issuing this type of permit. Attorney Datte said he will have to get back to him on that. Attorney Datte wants to look at the Ordinance and he will let the Chief know what we can do.

**B. Chairman called for a motion to advertise for Mowing & Trimming at the West Penn Twp. Community Parks, Zion Stone (West) & J.E. Morgan Memorial Park (East) for 2023.** Tim Houser said there has been a suggestion to possibly do it in house but he suggests we advertise. Tim Houser also wants an evaluation of the J E. Morgan soccer field. Mr. Houser said last year they bided out for the park and the soccer field was ripped up so they only had to mow half the park and we didn't get any reduction or breaks on the cost of mowing at that park. Chairman said they mulched and fenced around the trees to make it up. Tim Houser made a motion to advertise for the mowing and trimming of the Zion & J.E. Morgan Parks. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **VI. Correspondence - None**

#### **VII. Business from Anyone on the Board- None**

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

**A. Jane McQuillen –** spoke about zoning & Clearview Crossing. She spoke about the bridge located there and a sign that says "No Trucks". She was unsure if there was a weight limit on the sign. She said not even a half mile away is a major intersection. She feels that is where the trucks should be turning.

**Ms. McQuillen** also had a comment about Soliciting. She feels we need to take into consideration schools & sports teams when they need to solicit for fundraisers. Attorney Datte said that it sounds like it is already addressed in the current Ordinance.

**B. Brian McQuillen** asked the Board how many times has the police department used there Tasers. Chief said at least once this year and in 2022 four or five times.

**C. Ilisa Sachoff Hoppes** – Following up on the corner lot of Mill & Penn. Tim Houser said we are looking into the International Property Maintenance Code. Chairman said we got correspondence today from ARRO Consulting, Inc. The summons they sent was undeliverable. This made it inactive because they did not plead guilty or not guilty. With the Board’s approval, ARRO Consulting can approach this situation more aggressively and they can file citations biweekly. Ilisa Sackhoff Hoppes also said there is a big machete on their property.

She also asked about if the Board was able to review the Stenographer’s transcript yet. Secretary said the stenographer said it will take a couple of weeks.

**Delroy Haas** asked about the peddling ordinance. He asked if someone comes to peddle, can he ask to sees their permit. Chairman said absolutely.

**Jane McQuillen** wanted to make sure she was clear about Clearview Crossing to HC. She said it is a rural road and if there are no trucks aloud on it then why change it.

**IX. Executive Session** –Chairman did adjourn at 7:22 PM and then went into executive session because no decisions were being made.

**X. Adjournment**

Chairman called for a motion to adjourn and then go into executive session at 7:22PM. Tim Houser made the motion. Tony Prudenti seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By:

Katie Orlick

West Penn Township Secretary