

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

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**Regular Meeting
Monday, April 3, 2023**

Present at the Meeting

Anthony Prudenti
Timothy Houser(absent)
Glenn Hummel

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. Chairman called for a motion to amend the Agenda to discuss a Driveway on Eagles View Dr. & to include Andrew Conway to be sworn in as a Fire Police Person. Glenn Hummel made the motion. Tony Prudenti seconded the motion. All in favor. Motion was carried. 2-0

C. Chairman asked to discuss with the Board of Supervisors, the driveway on Eagles View Dr. Chairman said there is a site distance problem with the driveway they want to install on Eagles View Dr. The concern is the left sight distance for the driveway is supposed to be at 250'. The distance applied for is a distance of 207'. Chairman said if you look at where the driveway will be located at and the speed limit in that area, he feels that we would be ok. Glenn Hummel agreed. Attorney Datte said is the speed limit for sure 25MPH. Attorney Datte recommends we do an Indemnity Agreement. The Township has done it before on Evergreen Drive. Chairman asked the applicants if they are willing to sign an Indemnity Agreement that if anything happens because the driveway does not meet setbacks the Township cannot be held responsible. The Applicants are good with that. Chairman called for a motion. Glenn Hummel made the motion that we will approve the driveway as long as an indemnification Agreement is signed. Chairman seconded the motion. All in favor. Motion was carried. 2-0 Attorney Datte asked who the property owners are. The applicants are Ed and Terri Kane.

D. Public Comments on Agenda Items Only

Larry Stival – had questions about the zoning on Summer Valley Rd. Chairman said we agreed with having it as Village Center. Larry Stival's concern is the speed limit. Chairman said it is a state road so we do not set the speed limit. Chairman said they are looking into a no passing zone for the whole road. Larry Stival asked told Chief Bonner he can paint lines, sit at his barn whatever it takes to control the speed on Summer Valley Rd. Chief Bonner said to call him and give him the address and he will certainly put lines down on the road. Mr. Stival also asked about the electronic speed limit sign. Chairman recommended Larry Stival to speak with our Senator or our Legislators or write a letter to PennDOT. Mr. Stival would like PennDOT to explain why the speed limit on SR895 from New Ringgold to SR61 is 45MPH and how do they

justify that when the other half that seems to have more houses be at 55MPH. Chairman asked secretary to give Larry Stival the contact information. Larry Stival asked if we could invite PennDOT to our meeting and ask why that road is a double standard for SR895. Chairman asked the secretary to try to set up a meeting with PennDOT.

E. Review of the Minutes – March 6th & 20th, 2023.

Chairman called for a motion to accept the meeting minutes from March 6th & 20th, 2023. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

F. Treasurer’s Report – March 2023

Chairman called for a motion to accept the Treasurer’s Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

G. Approval of Bills – March 2023

Chairman called for a motion to pay the bills. Glenn Hummel would like to pull the Ambulance bills out. Glenn Hummel explained why he would like to hold that bill. Glenn Hummel said the bill was just submitted and it was from the beginning of the year. He also expressed that the Ambulance hasn’t been submitting their monthly reports. Jodi Bachert from the Ambulance said it was because they charged tax and we had to give them our tax exempt number and that is why it took so long to get it straightened out. Glenn Hummel said the problem was BK contacted us for the tax exempt. She said we gave it to them and that was the delay until they corrected it. Glenn Hummel made the motion to pay the bills. Chairman seconded the motion. All in favor. Motion was carried. 2-0

H. Solicitor’s Report

BOS will come back to Solicitor’s report.

Attorney Datte said Charlie Schmehl sent an email. He indicated in his email that he included a draft with text revisions. Attorney Datte suggests at our meeting in two weeks or we have a stand-alone workshop for the Draft Zoning Ordinance, IPMC and the Peddling Ordinance. Chairman read some of Charlie Schmehl’s comments and said that he still needs clarification for Mill Dr. Attorney Datte and the Board of Supervisors discussed the Peddling Ordinance. Attorney Datte said we cannot stop people from peddling. You can put a sign on your property using the exact titling the ordinance uses to say no soliciting is allowed. We can put limitations and guidelines on it. Chairman said the only thing that should be solicited is nonprofit businesses. Attorney Datte said you can only do what the second class township code authorizes you to do. Chairman feels if we have to have it we need to get tougher with the background checks, regulations and give limitations. We should also redo the fee schedule and adopt an application. Attorney Datte said he recommends a workshop. He said we need to make decisions. It technically is a meeting for the board but the public is welcome to attend. Attorney Datte and the Board discussed days & times. Once they figure it out the secretary will advertise the workshop of that information in the newspaper.

II. Land Use - NONE

III. Operations

A. Engineer’s Monthly Report – March 2023

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of March. Mr. Begis said the concrete pads under the park pavilions have been installed and will be completed by April 7th. Glenn Hummel said he met Mike Begis at the Zion’s Stone Park to inspect the picnic tables the contractors took out. Glenn Hummel said there are two picnic tables that are in real

bad shape. Glenn Hummel recommends we get rid of them. Chairman asked if we should talk to the park commission about that. Glenn Hummel asked who has the liability. Chairman said ultimately us. Glenn Hummel said you can tell them but his concern is someone getting hurt. Mike Begis said will continue to assist with the DCNR project. Glenn Hummel said the Morgan Park is coming along nicely. The plumber was notified to install the bathroom fixtures and the electrician was notified for the electric. Glenn Hummel is very hopeful that it will be ready for baseball. Chairman asked Mike Begis the status of the Morgan DCNR grant. He said everything is ready and will be uploaded then submitted. They are also in contact with DCNR regularly. Chairman called for a motion to accept the Engineer & Zoning monthly report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

Glenn Hummel asked the status of the bird pen application. Chairman was annoyed that the applicant was told he had to apply for the UCC permit especially for a net. Attorney Datte asked some questions. Technically it meets the definition of a structure. However, if it is an Agricultural Structure & Animal Husbandry fall into place a building permit may not be required.

B. Code Enforcement Monthly Report – March 2023 – NONE

Glenn Hummel asked if we can request Jim Dean, Code Enforcement Officer to submit a monthly report. Chairman asked the secretary to contact Jim Dean and ask to have a monthly report.

C. Sewage Enforcement Officer's Monthly Report – March 2023

Chairman read the sewage enforcement officer's report. The report consisted of 2 New Permit Applications, 2 Repairs, 2 Test Probes, 2 Perc Tests, 2 Design Reviews, 6 site evaluation, 2 Repairs and 1 Subdivision Plans. One Malfunction Reported. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

D. Road Department's Monthly Report – March 2023

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Installed walls in restrooms at JE Morgan Park, Hauled in Millings, Plowing & Cindering Township Roads, Fixed pot holes with Cold Patch, Removed Trees and Debris from roads, Continued on Rabbit Run Rd. with the Dirt & Gravel Project, 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. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

E. Police Department Report – March 2023

Chairman read the Police Report. The Police Dept. had 9,308 miles patrolled 250 total citations & warnings, & 6 motor vehicle accidents. Chairman said Cpl. John Kaczmarczyk did a great job responding and helping with the Fire on Dairy Rd. Chairman wanted to publically thank him for his service. Chairman called for a motion to accept the salvage quotes from Zaprazny totaling \$1,755. (2002 Chevy TBZ \$585, 2010 Chevy CBT \$365, 2008 Chevy MAL \$455 and 2012 Hyundai ELN \$350). Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0 Chairman called for a motion to accept the Police Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 2-0

F. Fire Company Monthly Report – March 2023

Chairman read the Fire Company's report. 25 Total calls for the month of March. The report consisted of 3 motor vehicle accidents, 5 wire/tree down, 5 automatic fire alarms, 3 medical assist, 1 Fire Police Call,

2 brush fire, 4 Structure Fires, 1 Carbon Monoxide and 1 Chief Request. The department had their monthly meeting, did equipment inspections and firefighter search drills. They had their monthly fundraisers such as the monthly Breakfast (300 people) & Fire Company Cash Bingo. They had their Monthly Meeting and Training. Fire Chief said this Friday will be their Fish Dinner (3PM-7PM) and he asked if everyone would come out to support their fundraiser. Chairman called for a motion to accept the Fire Department's Monthly Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

Chairman announced that the Board amended the Agenda at the beginning of the meeting to have Andrew Conway sworn in as a Fire Police Person. Chairman had Andrew Conway state his Oath of Office and he was sworn as a Fire Policeman for the West Penn Township Fire Company NO. 1.

G. Ambulance Monthly Report – March 2023

Chairman read the March Ambulance Monthly Report. Chairman asked about February. Val Coombe did not realize that one wasn't submitted. Ms. Coombe said she will get that one submitted. The March monthly report is as follows: 33 Total Calls for the month of March. 94 Total Calls Year to Date.

Municipalities included 1 East Brunswick, 1 New Ringgold, 5 Tamaqua and 26 West Penn Township. The receiving Hospitals included 1 Geisinger- St. Luke's, 1 LVHN Carbon, 2 LVHN Cedar Crest, 2 LVHN Schuylkill East, 1 St Luke's Allentown, 1 St. Luke's Carbon and 12 St. Luke's Miners. The calls consisted of Abdominal Pain, Breathing Problems, Chest Pains, Fall Victims, Fire, Hemorrhage/ Laceration, Lift Assist, Poison/ Overdose, Psychiatric Problems, Sick Person, Stroke, Traffic Accidents and Fainting. Chairman called for a motion to accept the March Ambulance Monthly Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

IV. Old Business

A. Opening of the 2023 Mowing & Trimming Proposals for Zion Stone (West) & J.E. Morgan (East)
Chairman said we did not receive any proposals. Chairman said we had a proposal by email after the time they were due. We cannot accept that proposal. Chairman believes we need to advertise again for the mowing proposals. Attorney Datte said advertise again and if we do not receive any proposals we can appoint whoever we want.

B. IPMC Comments will be discussed at the scheduled workshop.

C. Peddling Ordinance will also be discussed at the scheduled workshop.

V. New Business - NONE

VI. Correspondence

A. Tax Collector Hours – Chairman said the Tax Collector will have Office Hours at 625 Penn Dr. (Route SR443) Tamaqua on April 17, 19, 24, & 26, 2023 6PM-7PM and April 22 & 29, 2023 9AM-10AM. Those hours will also be posted on the website and at the Township Building.

VII. Business from Anyone on the Board

A. Chairman announced the Recycling Bin will be closed Good Friday, April 7, 2023.

VIII. Public Comments on General Items

Brian McQuillen – Asked about the date for the Zoning Workshop. Secretary said she will let everyone know as soon as she confirms the date and time.

Brian McQuillen wanted to discuss the pheasant bird pen that was discussed earlier in the meeting. He questioned needing a building permit for an Agricultural Building. Mr. McQuillen feels that is a misconception. Mr. McQuillen said would if someone ran an exposed power line. Chairman said they are exempt for the building permit. If they have electric or plumbing they will need to abide by the UCC

regulations and get the proper permit. Mr. McQuillen asked if we can reach out to PSATs to get clarification on that to see what other Townships are doing. Attorney Datte read from Section 403.1B of the PA Construction Code Act. Exclusions & Exemptions – The Act shall not apply to an Agricultural Building. The Agricultural Building shall meet the definition of an Agricultural Building per section 401.1 Definitions. The definition of an Agricultural Building is a structure utilized to store farm implements hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms agricultural or horticultural projects, the term also includes a carriage house owned & used by members of a recognized religious sector for the purpose of housing horses and storing buggies. The term includes structures that are less than a 1000 square feet in size which is utilized to process maple sap. Term shall not include habitable space or spaces in which Agricultural products are processed, treated or packaged and shall not be construed the mean of occupancy by the general public. Attorney Datte said for our purposes it is a structure used to store farm implements hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure to grow mushrooms, etc. If it any of those it is an Agricultural building and you do not need a building permit. Chairman said however you still need a Zoning Permit. Attorney Datte will look up if poultry include pheasants and if they do they will not need a building permit.

Ilisa Sachoff Hoppes – wanted to check the status and get an update of the house on corner of Mill & Penn Dr. Chairman read Shannon Darker’s response to an email the secretary sent asking for an update. Ms. Darker responded and said citations were filed on 1/12/23, the case status remains “Inactive”. The citations that were filed on 3/21/23, first class summons was issued on 3/23/23 with no further action at this time. She posted the property on 3/21/23, Officer Lilly attempted to make contact to multiple doors and had no success. She posted the NOV in various places on the structure. She left and did a drive by and a gentleman was in the doorway with the NOV in his hands and appeared to be reading it. Attorney Datte said they have time to plead to these citations. If they plead guilty, they pay the fine. If they plead not guilty then a hearing would be scheduled.

Ilisa Sachoff Hoppes also wanted to know the conclusion of a concern she submitted about Jim Dean Code Enforcement Officer’s remarks at a Zoning Hearing that she felt were anti-Semitic. Chairman said we got the transcript of the hearing from the stenographer. Attorney Datte asked Ms. Hoppes to read the transcript and asked if that is what she was referring too. Attorney Datte asked if this was what she was referring to and Ilisa Sachoff Hoppes said yes. Attorney Datte and the Board reviewed it and they didn’t feel it was derogatory. Glenn Hummel feels he was trying to use an example of a holiday that is not normally celebrated by the Federal Calendar. Ilisa Sachoff Hoppes feels he should have used different words. Attorney Datte stated in the transcript his exact words were he was being facetious. Attorney Datte said Ms. Hoppes commented on Jim Dean’s remarks which generated laughter. Ms. Hoppes said she was only trying to make light of it because she feels it was racist. Chairman said the Board did address the situation with Mr. Dean.

Michael Kistler – asked the Board if they had a chance to review any paperwork on 68 Mush Dahl Rd. The concern was filed on November 30, 2022. Chairman said it is being investigated. Chairman asked the secretary to have Jim Dean, Code Enforcement Officer. Mr. Kistler feels that it is getting out of hand at 68 Mush Dahl Rd. He said the business is operated by Michael Scott. Mr. Kistler said he knows Mike Scott and he is a hardworking guy but he feels he shouldn’t have that many trucks at that site. Mr. Kistler feels that it is a dangerous spot to have that many trucks there. He feels that all those trucks

should not be on that road. He feels that property is not grandfathered and should not be grandfathered. Mr. Krout that initially had that business, vacated it. Mr. Kistler is asking the Board to do something about it. Mr. Kistler said there were two big gas tank trucks sitting on the property as well, along with all the other trucks that were there. Mr. Kistler feels it been left to get out of control. He is asking the Board to visit what Mahoning did with Mark Schwalm. Mark Schwalm was on the Planning Commission for Mahoning Township. They reduce their trips/year from his home with his business. Michael Kistler asked how the concerns that are submitted handled. Chairman explained the process. Mr. Kistler said if it is not a Zoning issue it is definitely a safety issue. Michael Kistler wanted the minutes to reflect that it is a safety issue and the Township will have to widen Mush Dahl Rd. Mr. Kistler also brought up the Hill's driveway and how the Township was involved with that. He feels the Township needs to fix it and it is the responsibility of West Penn Township. Mr. Kistler asked the Chairman if he can ask Jeremy Frable about the driveway. Mr. Kistler asked if West Penn Township had anything to do with the driveway. Jeremy Frable said yes, we were under the direction of Soil Conservation. Attorney Datte said by law if there are drainage issues the Township is permitted to go beyond their Right-of-Way. Jeremy Frable said at the time Mr. Hill agreed to maintain it. Michael Kistler said regardless it needs to be fixed. Someone from the audience agreed with Mr. Kistler about the dump trucks. Chairman believes we should have a meeting with Mike Scott and tell him our concerns. Chairman said first he would like to have our Code Enforcement Officer contact Mr. Kistler and give him an update on his concern. In the meantime when we have a full board, the chairman would like to discuss setting up a meeting with Mike Scott to address concerns. Chairman said we will get back to him.

Carl Greves – expressed his concerns about the piles of Bio Waste across the street from him. He said the piles have been there since the middle of February. Chairman said with talking with the gentleman the ground was frozen and he couldn't plow it under. He promises he will get it tilled under. We did go to DEP they said the product is safe. Mr. Greves expressed his concerns of the bio solids sitting there for six to eight week that it is unfair that he has to deal with that.

Scott Soley gave the Board some information on the pheasant farm and no permit required.

John Cray, Director of Operations, Tamaqua EMS – he asked the Board of Supervisors if they gave any consideration of what they spoke about a few months ago, about funding for covering 911 calls. Mr. Cray would like to provide the Board with a service agreement that he would like the Board to consider. He also provided the last three months of calls for when they came into West Penn. Chairman asked Mr. Cray why he comes down to West Penn. Mer. Cray said they are coming down for two reasons, either Penn Mahoning is not in service because they are on another call or they are not in service. Penn Mahoning does come to Tamaqua second due. Mr. Cray said the whole Schuylkill County is depleted with Emergency Services. Mr. Cray said they are looking to become the Primary 911 center for West Penn. Tamaqua is providing a service for free and Penn Mahoning is providing a service for \$45K. Tamaqua would like to put more trucks in service but they don't have the funding to do so.

Val Coombe, Penn Mahoning President asked Mr. Cray what Tamaqua Borough gave to them. Tamaqua EMS may have to break the mutual agreement because they are at the point that they cannot afford to come to West Penn Township. When they are not the Primary provider they don't receive any money from the Fund Drive each ambulance Company does yearly. Constituents from his area are complaining they are not going to keep paying for a service they are not getting because Tamaqua EMS is on a call in West Penn.

Val Coombe said he can't break the Mutual Aid Agreement. The way dispatch works is they call out the closest one and just keep working out. Mr. Cray said noticing that there is an issue, they went into service with an additional unit with Leighton ALS, providing Advance Life Support. Leighton is providing an ALS Service out of Tamaqua, M-F 8AM-8PM. Mr. Cray's question how isn't there coverage when they get paid & we have to come down for free. Glenn Hummel questioned the Penn Mahoning Ambulance Report. Mr. Hummel feels the numbers are not adding up. Val Coombe explained when they come available and how they would respond. If they are on a call they don't become available until they are a mile or two from the Township.

Michael Kistler asked if West Penn has 24 hour coverage. Chairman said it is supposed to be. Mr. Kistler expressed what he feels needs to be prioritized because we are getting too big.

Attorney Datte asked Mr. Cray if what he provided to the Board is requesting Tamaqua EMS to be the Primary responder for West Penn Township excluding Penn Mahoning. John Cray said yes, and Attorney Datte said there is a lot of legal confrontations that will have to be dealt with. John Cray said yes, like Act 37. Glenn Hummel said and Attorney Datte agreed that we donate money to EMS but we are in no obligation to do so. Can we pay by the calls? Attorney Datte said we have flexibility. Attorney Datte asked the Ambulance Associations if they have ever talked about merging. Val Coombe said they did prior to John Cray being there.

Attorney Datte asked John Cray who gave him the authority on behalf of the organization to give this presentation of the Agreement? John Cray said he did as the Director of Operations. Attorney Datte asked if Tamaqua EMS Board of Directors authorize Mr. Cray to do this. Mr. Cray said, no. John Cray said the Board of Directors authorized his position as Director of Operations of the Organization. Attorney Datte said before we go any further can you give the Board of Supervisors something that indicates that he has authority to do this. John Cray said absolutely.

Brian McQuillen – said my wife and I both subscribe and donate to Penn Mahoning every year. If Penn Mahoning doesn't respond, will I get billed by the other responding Ambulance? Val Coombe said they have an agreement. Mr. McQuillen also asked why the hospitals that are getting all the business isn't donating to the Ambulance Organizations.

Val Coombe - wanted to comment on Penn Mahoning's behalf. They are running under a provisional license. She said they are aware there is a shortage of responders and not everyone has enough money to pay their employees. Val Coombe said payroll alone is over \$200K.

Larry Stival said we should stop looking in the past and look to the future. Maybe we should approach St. Luke's & Lehigh Valley and say we provide your business, can you help us.

Glenn Hummel asked Val Coombe if she would entertain approaching the hospitals for money. Val Coombe said absolutely, she does not have a problem with that. Glenn Hummel said the problems need to be fixed or the Board will have to fix it for you. Chairman believes if the Organizations will work together it will make it better for everyone. Attorney Datte said before we do anything we want to make sure all the proper authorizations have been made. Attorney Datte asked John Cray to maybe provide us with their Articles of Incorporation and their By-Laws, even minutes where all of this was authorized. A gentleman named CJ said he works with John Cray and he does the statistics for Tamaqua. He said to the Board if they need anything he is willing to give them any statistics they would need.

IX. Executive Session – None

X. Adjournment

Chairman called for a motion at 8:18PM. Glenn Hummel made the motion. Tony Prudenti seconded the motion. All in favor. Motion was carried. 2-0

Transcribed By: Katie Orlick

West Penn Township Secretary