

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

Phone (570)386-4507

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**Regular Meeting  
Monday, May 1, 2023**

**Present at the Meeting**

Anthony Prudenti  
Timothy Houser  
Glenn Hummel

Karen Wittig – Treasurer  
Katie Orlick – Secretary  
Mike Begis – ARRO, Engineer  
Paul Datte – Solicitor

**I. General**

**A.** Tony Prudenti called the meeting to order at 6:00PM with the Pledge of Allegiance & Introduction.

Chairman called for a Moment of Silence for Larry Faust, longtime resident of the Township. He died in a farming accident not too long ago.

**B. Public Comments on Agenda Items Only - NONE**

**C. Review of the Minutes – April 3<sup>rd</sup> & 17<sup>th</sup>, 2023**

Chairman called for a motion to accept the meeting minutes from April 3<sup>rd</sup> & 17<sup>th</sup>, 2023. Glenn Hummel made the motion. Chairman seconded the motion for April 3<sup>rd</sup>. All in favor. Tim Houser abstained because he was not at the April 3<sup>rd</sup> meeting. Motion was carried. 2-1 Glenn Hummel made the motion for the April 17<sup>th</sup> meeting. Tim Houser seconded the motion for April 17<sup>th</sup>. All in favor. Motion was carried. 3-0

**D. Treasurer’s Report – April 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 – April 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

**F. Solicitor’s Report**

Attorney Datte said in general we have been working on the Peddling/Soliciting Ordinance, the International Property Maintenance Code and Zoning Amendments. Also, we have representatives from Stonehedge Gardens that would like to discuss possible upcoming events. Attorney Datte said he has been in contact with them to discuss issues that relates to the uses of the site and proposed zoning aspects for that use. Stonehedge Gardens Attorney would like to speak to the Board on behalf of Stonehedge Gardens. Attorney Peter Wertz from McNees Wallace & Nurick LLC, addressed the Board of Supervisors on behalf of Tom Moroz and Stonehedge Gardens. Mr. Wertz explained the series of events that occurred last year, up to and during the event, which Stonehedge Gardens held. Mr. Wertz believes the Township and Stonehedge Gardens can come up with some type of agreement for the bigger events. Mr. Wertz feels that having a Conditional Use would work best for this process. He feels that it is a pre-existing nonconforming use. He understands that there is a section in the Zoning Ordinance that allows for expansion and alteration for the non-conforming use. He feels coming in front of the Board

with the Conditional Use Application makes the most sense. Mr. Wertz said since the 1990 Zoning Ordinance there has been things that have been added. Mr. Wertz said they have an event coming in June that Stonehedge is eager to advertise for. They would like to ask the board for some measures so they can proceed in the same manner they did last year. It would take place from June 8<sup>th</sup> – 10<sup>th</sup>. Maximum of 125 people. Attorney Datte said the process under the Ordinance would be a Conditional Use application and a hearing before the Board of Supervisors if there was an intent to expand on an existing, preexisting non-conforming use. Attorney Datte said the Board is aware of all of the events that have gone on the property over the years and he feels this is an ideal way to address the issue. It gives the public an opportunity to comment & participate and gives the Board an opportunity to establish conditions it feels that are legally appropriate & sufficient to address. Mr. Wertz pointed out overnight stays when the festivals are going on. Mr. Wertz said that Stonehedge updated their sewage at the site. He also said they may put in a small café. They would submit a formal proposal that would be open to the public. They want the proper permitting in place to a degree would be conditioning what has already been permitted on the property. Glenn Hummel asked Paul Datte, would they have to come before the Board with every event. Attorney Datte said no, it would be for all events they have their site. Whether we limit the amount of people that can attend or the amount of events per year. Attorney Wertz said Tom Moroz, would like to keep it along the lines of smaller events. He wants to keep the spirit of the larger events limited basis like three or four times a year. Chairman said it is one thing to have 25 people at an event it is another thing to have 200 people. Whether we are talking about parking, sewage or noise by the neighbors. That would determine what conditions the Board would want in place. Attorney Wertz feels that they have proof from 1966 of pamphlets. He said arguably this is a constitutionally protected preexisting non-conforming use. Chairman questioned Attorney Wertz, if that use was ever abandoned. Attorney Wertz said he feels that it has been consistent of the type of use it is. Attorney Datte said what would happen here if the Board would approve if they would cap the amount of events and people each year. This way if there are fifty people the same conditions would be for one hundred people. Glenn Hummel said times changed since 1966. Chairman feels that Mr. Moroz does not want to keep it small. If you go on the internet Stonehedge Gardens is looking for investors, shows a plot plan of where things will be laid out. That does not seem small. Attorney Datte suggests a code of conduct they should have in place if the Board allows with conditions. Tim Houser feels the magnitude of the number of people attending these events upsets a lot of the neighbors. It was not like that before. Chairman asked Bill Varano to elaborate on how he feels about these events because he is a close neighbor to Stonehedge Gardens. Bill Varano has mixed feelings. Some events get a little loud. He would like this place to succeed but it will not succeed if it is a total nuisance. Mr. Varano recalls a Fairy Festival. He said there were like two hundred children. He said they need some type of control. Mr. Varano feels that it could possibly work if regulations and control would be in place. Chairman asked the Chief of Police if he had any comments or concerns. Chief said they had zero calls and he was treated very well when he arrived at the event last fall.

Mr. Wertz was a little concern with the anticipated June festival and if they would be in the position to go through the Conditional Hearing and make application in time for them to hold the event. He asked the Board to entertain setting some conditions for now like they did at the last event. Attorney Datte asked if the Board would consider doing that because we have to advertise for two consecutive weeks for a hearing. Tom Moroz said he would like to accommodate a 125 people. Attorney Datte said just because we may allow this next event under the last events conditions that we are not limited to them.

Attorney Wertz said absolutely, not. Chairman said just so you know, and he feels confident on speaking on behalf of the Board, every event is based on our decision of what conditions will have to be required. Attorney Datte said we meet in two weeks we can approve the preliminary conditions for the June event. Attorney Datte asked Attorney Wertz to provide us with something between now and then, send it to Attorney Datte and he will share it with the Board. Chairman said the third Monday of the month, Monday, May 15<sup>th</sup> @ 10AM. Attorney Datte asked if it would be 125 people not 125 tickets where one ticket can be for a family. Attorney Datte said 125 individuals. Tom Moroz agreed it to be individuals. Glenn Hummel gave a copy of the last list of conditions to Attorney Datte. Attorney Wertz will not be attending the May 15<sup>th</sup> meeting, however he will supply Attorney Datte and the Board a proposal for their upcoming event. Chairman called for a motion to accept the Solicitor's report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

## **II. Land Use - NONE**

## **III. Operations**

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

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of April. Mr. Begis spoke about the park pavilions. He said there is really not much happening. He said he also attached the permit report and the last of the code enforcement report, if the board has any questions. Chairman called for a motion to accept the Engineer's monthly report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

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

Chairman asked if anyone has any questions. Tim Houser asked about the property down the street. It is the property that we were waiting for the sheriff sale. Secretary will ask the former Code Enforcement Officer the status. Chairman called for a motion to accept the Code Enforcement 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 – April 2023**

Chairman read the sewage enforcement officer's report. The report consisted of 4 New Permit Applications, 5 Test Probes, 1 Perc Tests, 4 Design Reviews, 5 site evaluation, and 2 Repairs. No Malfunction Reported. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

### **D. Road Department's Monthly Report – April 2023**

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Installed basketball backboards at West Penn Park, Sweep cinders off intersections, Fixed pot holes on dirt roads with 2A Mod., Removed Trees and Debris from roads, Installed Pipes and Drainage on Rabbit Run Rd., Fixed potholes with Cold Patch, Cleaned bridge decks throughout the Township and attended the PSATs Conference. Chairman 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

### **E. Police Department Report – April 2023**

Chairman read the Police Report. The Police Dept. had 6,612 miles patrolled 112 total citations & warnings, & 4 motor vehicle accidents. 189 Total Calls as of 4/28. Chairman said we have Zaprazny Salvage quotes to approve for impounded vehicles. Chairman called to approve the salvage quotes for first 5 vehicles at \$2,187 (2001 Chevrolet IMP \$415, 2009 KIA \$442, 2002 Mazda \$465, 2001 Honda CRV

\$410 and 2013 Ford Fusion \$455.) Those vehicles total \$2,187. Chairman said we have another five vehicles totaling \$3,502. (2015 Freightliner Truck \$2020, 2002 Chevrolet TBZ \$315, 2005 Toyota CAM \$423, 2005 Jeep GCH \$523, 2006 Dodge COLT \$221.) Tim Houser asked Chief if he is reaching out to other salvage places for quotes because every time they clean out the impound lot, Zaprazny is the only quote the Board receives. Chief said they send out to three different places, Zaprazny is the only one that ever responds. Chairman asked if he reached out to the ones our insurance representative gave to us when getting a salvage quote on the 2017 Explorer. Chief was unsure. Tim Houser said some of these quotes on the salvage vehicles are on the low side. Chairman said as long as it covers the storage fee, we are good. Chairman said we need to try to get some other quotes. Attorney Datte asked if we can get a list of salvage businesses with the appropriate salvage licenses from PennDOT, approximately like a 50-mile radius from here that would be sufficient. Tim Houser made the motion to accept the Police Report. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Glenn Hummel made the motion to approve the Zaprazny Salvage Quotes for the junked vehicles. Tim Houser seconded the motion/ All in favor. Motion was carried. 3-0

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

Chairman read the Fire Company's report. 35 Total calls for the month of April. The report consisted of 4 motor vehicle accidents, 11 wire/tree down, 2 automatic fire alarms, 1 medical assist, 1 Fire Police Call, 10 brush fire, 1 Structure Fires, 1 Pole Fire and 3 Vehicle Fires. The department had their monthly meeting, pump operations, pump operations/driver training, building maintenance and ladder & truck maintenance. They did not have the monthly Breakfast because of the Easter Holiday but they did have the 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

#### **G. Ambulance Monthly Report – February & April 2023**

Chairman read the February Ambulance Monthly Report. The February monthly report is as follows: 18 Total Calls for the month of February. 61 Total Calls Year to Date. Municipalities included 1 Tamaqua and 17 West Penn Township. The receiving Hospitals included 1 Geisinger- St. Luke's, Orwigsburg, 1 LVHN Carbon, 4 LVHN Cedar Crest, 6 St. Luke's Miners. Outcome – 5 Treated transported BLS, 1 Canceled, 1 Lift Assist, 3 Patient Refusals, 1 Treated and Refused Transport and 7 Treated, Transported w/ ALS. The calls consisted of Chest Pain, Fall Victim, Breathing Problems, Hemorrhage/Laceration, Lift Assist, Medical Alarm, Sick Person, Traffic Accident, Traumatic Injury and Fainting. Chairman read the April Monthly Report. The April monthly report is as follows: 15 Total Calls for the month of April. 109 Total Calls Year to Date. Municipalities included 1 East Brunswick and 14 West Penn Township. The receiving Hospitals included 1 Geisinger – St. Lukes, 4 LVHN Carbon, 1 St. Lukes Carbon and 4 St. Lukes Miner's. Outcomes 2 Treated & Transported BLS, 1 Canceled, 2 Lift Assist, 1 No Patient Found, 1 Standby and 8 Treated & Transported by ALS. Glenn Hummel asked some members from the Ambulance Association what numbers do their year to date & their monthly reports capture? Do they capture all of the calls that Penn Mahoning Ambulance went too? Karen Sterling from Penn Mahoning said yes. That 109 is what West Penn has done. Where ever we may be called too. Glenn Hummel asked if 109 requests to West Penn Township or 109 calls Penn Mahoning answered whether they were in West Penn or the surrounding areas. Glenn Hummel said inevitably we can have more calls in West Penn Township than we are aware of. Karen Sterling said she can look into that further.

Glenn Hummel said he has reports from the COM Center. Glenn Hummel feels the Ambulance Reports are capturing all the calls coming into Penn Mahoning territory but Penn Mahoning is not responding to all the calls in Penn Mahoning territory. Glenn Hummel said something needs to be fixed quick. Karen Sterling said they have been trying and they need more staff. Glenn Hummel asked if they ever considered merging with someone else?

Chairman said the Township doesn't hand over money straight to the Ambulance. The Ambulance submits their bills that need to be paid. The Board reviews them and then makes a decision to pay them out of the money we put aside for the Ambulance. Chairman said the issue he sees is that the Ambulance is supposed to be 24hr/7days. He understands everyone is having a problem with staffing. Karen Sterling said she will look to see where the discrepancies are. Chairman's concern is we are giving Penn Mahoning Ambulance some funds and there are other Ambulance Associations responding to the calls Penn Mahoning should be responding too. That is why they have a provisional license because of staffing issues. Glenn Hummel said another issue he is finding is that, the Ambulance is supposed to submit the bills to the Township. We will not accept the bills that come directly from the vendor. The Ambulance is required to review the bills to make sure they were charged correctly and that they are indeed their bills. Glenn Hummel also spoke about the Ambulance Rig they purchased in FL. last year. That Rig was supposed to be able to be on the road right away and it is still not in service. Glenn Hummel asked what is the Township supposed to do with # 1. Can't find Manpower, 2. Your capture of finance expenses and/or income are unmanageable because we don't know what you are doing and 3. You are out of service 47% of the time. Tim Houser feels that an issue is Penn Mahoning is receiving 100% of the money we set aside for Ambulance Service and our Penn Mahoning Ambulance isn't the crew that is responding to the call for the residents of West Penn Township. Chairman said the bottom line is we need the 24/7 coverage. We need to change something. Chairman called for a motion to approve the Ambulance Reports. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

**IV. Old Business**

**A. Opening of the 2023 Mowing & Trimming Proposals for Zion Stone (West) & J.E. Morgan (East)**

Tim Houser asked since the Morgan Park is just seeded right now, what are the proposals going to cover? Chairman asked the Secretary how it was advertised. She stated we have the right to accept any or all portions of the proposal. Which in judgement is the best interest of the Township.

<b>Business</b>	<b>Zion's Stone</b>	<b>J.E. Morgan Memorial</b>	<b>Both Parks</b>
Sterner's Mulch & More	\$320/cut	\$145/cut	\$465/cut
Cee Jays Lawn Care	\$475 weekly	\$350 weekly	\$750 weekly
D&M Lawn Care	\$325/cut	\$250 Fully Grown, \$150	\$500 Fully Grown/\$400

The Secretary spoke to Mr. Sterner about what his proposal for the Morgan Park and asked what was included. He said only the baseball field. His proposal did not include the soccer field so the BOS couldn't use his proposal for the Morgan Park. Chairman feels they need to split the proposal. Glenn Hummel's concern is that none of the proposals included the weeds except CEE JAYS. Which Glenn Hummel feels that is necessary. Glenn Hummel made the motion to go with CEE JAYS for the entire J. E. Morgan Memorial Park because they are including weed whacking every time they cut. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0 Tim Houser made the motion that we hire Sterner's Mulch & More for Zion's Stone Park. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

The BOS also spoke about the development of the J. E. Morgan Memorial Park and the new future development of the Atlas Park. The parks are progressing nicely.

**B. Draft Zoning Ordinance** – No motion necessary at this time.

**C. IPMC** – Chairman called for a motion for Attorney Datte to look at the IPMC and make the changes requested and advertise for the Ordinance. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**D. Peddling Ordinance** – Chairman called for a motion for Attorney Datte to prepare and advertise the Peddling Ordinance. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

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

**A.** Chairman called for a motion to appoint Karen Wittig as the Pension Administrator. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

#### **VI. Correspondence - NONE**

#### **VII. Business from Anyone on the Board**

**A.** Location of the May 15<sup>th</sup> meeting. The Annex has been under construction. Chief said it is a mess; however, we can hold a meeting there. Chairman asked if he would see that it got cleaned before the meeting in two weeks. Chairman announced the meeting in two weeks will be at the ANNEX Building.

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

**Daniel Wagner** – his concern was a huge clear cut on Rabbit Run Rd, off of Beagle and is it going to be developed. Chairman said the clear cut was not the Township doing it. Tim Houser said he is not 100% but he believes it was purchased by a local farmer. The last he heard they were opening it up for fields.

**A resident** expressed her concerns about Zoning. She asked what Light-Industrial meant. Chairman said in Zoning, every zone has something called permitted by right, things you can do in that Zoning District. We cannot stop progress but we can try to control it. Chairman said at the workshop that was before the meeting, by the Quarry & Mountain Rd., we decided to take Light-Industrial out of that area.

Chairman said just because it is in a Zoning District doesn't mean someone cannot put an application in and get denied then they can go in front of the Zoning Hearing Board for it and maybe it would still go through or it doesn't.

Another concern she wanted to address was that she feels the Township does not preserve enough history in that area. She has a letter from 1910, from James Rex, for Lehigh & New England Railroad Company. He was selling logs to the Railroad Company. She feels we need to preserve the history or no one will know about it because the older folks are dying off. Board of Supervisors talked about the Trails that would bring in tourism.

**Ilisa Sachoff Hoppes** - asked about an update on the Penn & Mill Property. Chairman said 3/21/23 Citations were filed at the DJ office. 4/11/23 Certified Summons was issued.

**Dan Skripnek** wanted to know if there is any progress on who is stealing all the catalytic converters? Chief said we have suspects.

**Jason Oswald** – questioned his zoning district. Chairman said you have been in business for a long time and you have vested rights. As long as you keep the use the same.

**Brian McQuillen** – his point is if there is an Ordinance everyone should comply with the Ordinance. Mr. McQuillen also wanted to know about if the Township has a Property Maintenance Board. Chairman said yes we do. Mr. McQuillen said if a seat becomes available on that board he would like to submit his application to become a member of that board. Which he handed a letter of interest to the Secretary.

**Larry Stival** – thanked the Police Department for putting the Speed Reader by his house on SR895. Saturday morning the highest he seen was 81mph in the rain.

Mr. Stival said at the last meeting he asked if we would reach out to PennDOT to see if they would attend a meeting to explain why half of SR895 is 55MPH and the other part SR85 is 45MPH, what is their reasons why one part can be and the other not. Secretary at this point did not get a response back from PennDOT, whether or not they would attend the meeting.

**Dan Poncavage** – gave the Chairman a communication, from various sources for the record. He wanted to thank the Board on behalf of all that signed the petition, such quick response time. He appreciates the Board respecting local citizens and keeping their zoning the same and not changing it to Light-Industrial.

**Art Sterling** – wanted to clarify billing with the Ambulance Association. Tim Houser and the Board agreed that they salute the volunteers and we would be in major tax trouble if we didn't have them. However, Tamaqua Ambulance Association came to us and asked for some financial help because they respond to quite a few calls in West Penn Township. Glenn Hummel said Penn Mahoning has paid employees there and the amount of money the Township puts out, we are not getting it back and other Ambulances are responding to the calls. Tim Houser and the Board suggested the Ambulance Associations maybe talk and maybe merge so they can be able to have staff 24/7. Glenn Hummel said his intent is not to have Penn Mahoning close their doors. He wants them to fix the problem or merge so they can be staffed and be able to respond to calls instead of being out service so much. Art Sterling thanked all the volunteers.

Chairman said Glenn Hummel would like to discuss a presumed Agreement with Schuylkill Township. They need someone to weigh trucks on their roads. Chairman said it was a mutual aid agreement for weigh master assistance. Schuylkill Twp. requested our Chief, to go and do the weigh master's duties & teach their officers what it would take them to get certified. The Township knew about it but didn't discuss or made any decisions on it then it shows up in the newspaper. Glenn Hummel doesn't recall talking about it. Glenn Hummel said they are asking our Chief to go over to Schuylkill Twp. His concern is then we are assuming all liability. Another thing is if he gets hurt, it would be our worker's comp. and we would be without a man. Chairman said it is a negotiation, we didn't agree to anything. Tim Houser said we are not prepared to enter into something like this. Glenn Hummel said we are shorthanded here, if the Chief wants to part-time over there, let him. Chief said he was aware of it but he wasn't involved in any negotiations. He was asked if he was willing to do it. And he said, yes. Glenn Hummel is against it.

**IX. Executive Session** – Chairman called for a motion to go into executive session @ 8:30PM.

Chairman called meeting back to order @ 9:11PM. The Board had an executive session for possible litigation. No decisions were made.

#### **X. Adjournment**

Chairman called for a motion at 9:12PM to adjourn the meeting. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

**Transcribed By:** Katie Orlick

West Penn Township Secretary