

West Penn Township Board of Supervisors

27 Municipal Road

New Ringgold, PA 17960

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Regular 10AM Monthly Meeting

Monday, July 17, 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

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. Susan Schenck Minor Subdivision – Chairman said that he was in contact with the Sheltons about the driveway agreement. They said that they have been trying to reach Colonial but having a hard time getting a response to their messages. Chairman would like to table the plan again to give them time to agree. Glenn Hummel moved to table the plan. Tim Houser seconded the motion. All in favor. Motion was carried. The Board has until August 21, 2023, to make a decision.

IV. Old Business

A. Draft Zoning Ordinance Update – Attorney Datte said Charlie Schmehl from URDC acknowledged our request for the final draft. Charlie Schmehl needed clarification on a property on SR895, Summer Valley Rd. Chairman said there is a resident that has a business on SR895 and requested his property be Highway Commercial. Chairman said he is grandfathered. He will be able to continue that same use. We cannot change his property to Highway Commercial because that would be spot zoning. However, we can change it to Village Center. We will request that the properties in that area be Village Center. Glenn Hummel asked Attorney Datte once we get the draft ordinance, that will be the one for the hearing next month. Glenn Hummel asked if changes can still be made prior to the hearing next month. Attorney Datte said that is the final draft before the hearing. If someone once a change now, it will have to wait until the hearing to be brought to the boards attention. The public's last opportunity to comment will be at the hearing. Attorney Datte said the final draft has to go back to the County Planning Commission & the WP Planning Commission, which they have 30 days to comment. Attorney Datte said the hearing will not be at least until September.

V. New Business - NONE

VI. Business from anyone on the Board

A. Glenn Hummel wanted to discussed the Penn Mahoning Ambulance with the Board of Supervisors. Glenn Hummel said the Ambulance at the last meeting wanted to have a workshop with the Board of Supervisors. Glenn Hummel asked the Chairman if he had any requests to set up the workshop. Chairman said, no. Chairman asked the Secretary if anyone from the Ambulance reached out to the

Township to set the workshop up. Secretary said, no, not yet. Glenn Hummel said again something was asked and then it wasn't followed through. Glenn Hummel said now we have Penn Mahoning as the Primary and Tamaqua as the Secondary to do the coverage. He said he believes it is time to talk about the finances now. Glenn Hummel said what we paid Penn Mahoning Year to Date is final on what we are going to give unless something changes or something gets better. The same is he believes we should provide something to Tamaqua to help them out. Glenn Hummel provided the Board a public notice about East Allen Township in the same situation we are dealing with the last two years. Mr. Hummel said year-to-date he feels we are in \$105K to Penn Mahoning within the last two years. Glenn Hummel expressed that we asked a number of times for information and did not receive it. Penn Mahoning asked for a workshop and absolutely we would have got together to go over it but again nothing was followed through. Glenn Hummel said financially he is done giving money. Don Hoppes asked where the \$105K coming from. Glenn Hummel said we gave Penn \$45K each year and \$15K this year so far. That is \$105k in the last 2 ½ years. Chairman is with Glenn Hummel up until the financial part. Chairman said if we give money to Tamaqua it should be on calls. Glenn Hummel said he feels that Penn Mahoning's \$15K should be final payment this year. Chairman said not necessarily. It would be depending on how they move forward. Glenn Hummel agreed and said depending on how they move forward and correct their issues. Glenn Hummel said they do not have the call volume to financially attain themselves. It will be in their best interest to merge with an outside organization to try and split the amount of calls and do it. Secondly, why don't you have a secondary provider behind you so you can be on call 8-10hrs/day, so you can financially sustain and leave the other 10 hours to the other provider. Glenn Hummel feels we should move forward to address the financials. Glenn Hummel said out of the budget that was proposed we will give \$15K. Glenn Hummel said now we can move forward to pay how we want to pay. We will not be obligated to pay anything at this point. Chairman said he feels comfortable because we took care of the coverage part and that we have coverage 24/7. Chairman still believes funding should be based on the number of calls. Chairman feels it shouldn't be just between Tamaqua & Penn Mahoning but whichever Ambulance Association is helping cover our Township. Glenn Hummel said that is mutual aid they have to do that. Glenn Hummel said we are designating our Ambulance Association as a Primary and Secondary care provider. Glenn Hummel said Penn Mahoning right now is depending on us for financial sustainability. That shouldn't be. Glenn Hummel believes they should be a business that can sustain themselves financially and anything the Township gives them should be gratis to help them out. Tim Houser said he doesn't feel we are throwing \$45K down the toilet however, #1. We didn't receive the information we wanted and #2. Tamaqua did not cover some of their own expenses for their own Ambulance Association. The money we put in our budget for the Ambulance Associations need to be split somehow in a fair way because both Associations are covering West Penn Twp. What bothers Tim Houser the most is somewhere down the line these Ambulance Associations will have to make the decision because of financial liability on how they are going to continue to survive. They are not giving us a plan for a long term solution to the money problem. Tim Houser said he feels we should start cutting the finances of what we gave them so far until they make a decision on how they want to survive in the future. Mr. Houser said \$45K a year cannot be their survival. Glenn Hummel said their business plan was to hire more people to cover 24/7. However, that is more expense. How are they going to cover that more expense? Why would you not want to merge to gain financial sustainability. Glenn Hummel is a firm believer that we stop at \$15K this year for now until something changes. They need to provide the business plans, provide what they are doing to start what they are doing for income to become financially sustainability. Glenn Hummel asked if they go for grants? Don Hoppes said yes but he doesn't know any of that information. He said Val Coombe had information last meeting and he is

unsure why she didn't give it to them. Tim Houser doesn't understand why we cannot get any information. Tim Houser said any money we give the Ambulance Association; we are responsible for that because it is the taxpayer's money. We need the trail of how and where it is being spent. Chairman said we do track money not only for the Ambulance but for all the taxpayers' money. Deroy Haas asked what is the plan if they close Penn Mahoning. Glenn Hummel said EMS Council has that plan with mutual aid. Glenn Hummel asked if he needed a motion to stop funding to Penn Mahoning as of now at \$15K. Attorney Datte said you would need to have a motion to amend the Agenda. He said for clarification purposes make a motion the remaining money budgeted of the \$45K is available for Ambulance Service in general to be determined by the Supervisors. Then the Board can independently make a motion to stop funding at this time to Penn Mahoning. Glenn Hummel made a motion to amend the Agenda. Tim Houser seconded the motion for the Ambulance. All in favor. Motion was carried. 3-0. Glenn Hummel made a motion to redesignate the proposed budget for 2023 from Penn Mahoning Ambulance to EMS Ambulance Services to be divided up independently as the Board sees fit throughout the year. Tom Houser said the remaining amount and he will second the motion. All in favor. Chairman opposed. Motion was carried. 2-1

VII. Correspondence

A. Chairman read a correspondence from the West Penn Twp. Lions Club. The Lions are celebrating their 75th Anniversary in Lionism. They asked the Board to attend their celebration. They need a head count. Tim Houser said he will have to check his schedule. Glenn Hummel said he probably could not make it. Chairman asked the Board to check their calendars and let the secretary know.

B. Lions Club called for request for attendance at the Lions Club Basketball Dedication Community Hero Check Presentation that will be held at the West Penn Community Park (Zion Stone) August 16th at 6PM.

C. Chairman said there is an ineligible license plate event at Cabela's in Hamburg, Thursday, August 10th 3PM-6PM. It is for damaged or unreadable license plates.

D. Chairman read a note from a citizen in the Township. The note was thanking the road department for repairs on a road.

VIII. Public Comment on General Items

A. Brian McQuillen – concerning the draft zoning ordinance – he had concerns on the language in the draft ordinance and he would like to be able to review it before the hearing. Chairman said once we get the final draft, it will be available for the public to review before the hearing. Attorney Datte said the Board cannot do anything until the 30-day comment period from the Planning Commissions expire. Attorney Datte said we are targeting September 5th at 5 PM for the draft zoning hearing as long as we get the draft on time. Mr. McQuillen asked if we can email him the draft. Attorney Datte said, yes.

B. Ilisa Sackhoff Hoppes – questioned the hearing for the Mill Lane property. She said it has been sold and changed names. She asked how does it affect the agreement that we had. Chairman said it doesn't. Chairman said it goes by the use. If you get a Variance, it goes with the land. The use of the land doesn't have anything to do with ownership.

C. Brian McQuillen – question the end of that agreement it states the name. Mr. McQuillen asked if Attorney Datte can check to make sure it doesn't change any of the legality of the agreement. Attorney Datte said it is not an agreement necessarily it becomes part of the zoning decision itself. The relief that was granted is subjected to the conditions of that agreement part of the zoning ordinance. It would be applicable to the successors of that property.

D. Delroy Haas – there are a number of places that bushes are out on the right-of-ways. When the guys are out mowing can they whack them off as long as they are Township Roads.

E. Shelly DeHoff from the Lancaster Conservation District in the Agricultural Ombudsman Program

spoke to the Board about Agricultural Rules and Regulations. Tim Houser said one of the biggest problems in the year is in the early spring we have farmers in our area purchasing their chicken manure and other stuff and dumping it in their fields. We understand the right to farm but if they receive the manure when the ground is frozen and doesn't tarp it or till it right away the surrounding residents are concerned about the horrible smell. What requirements can we require the farmer to do to help alleviate the smell until they apply it to the fields. Tim Houser said years ago the farmers were required to till it in the ground in a certain amount of time. Tim Houser said now with the practice of no till farming they don't have too. Ms. DeHoff said her role in the PA Agricultural Ombudsman Program is public relations, education and conflict management related to Agriculture. She is not anyone's consultant, lawyer or speaking on anyone's behalf, she is just trying to answer some questions, she can generally explain what she knows about the statewide Nutrient Management Act or the Statewide Manure Management Act. General information about manure can be tricky especially if you are importing or bringing in chicken litter and you don't generate it. Which you can certainly do by our state rules and regulations. Our Statewide Nutrient Management Act says you can pile manure of different kinds for up to 120 days and leave it uncovered. If it exceeds that technically you should have a tarp on it or covered it. At 120 days it should have a tarp on it or treated. Chairman asked how long can they leave it there, forever? Shelly Dehoff said yeah, she guessed. Glenn Hummel asked if they need some kind of catch basin? It should be on an improved surface. It doesn't have to be on a concrete pad or anything. A place in an area that is not next to a stream. It should be on a flat area and not on a slope.

Chairman asked about Manure Management. There is a Statewide Nutrient Management Act which states if you have a certain density of animals compared to the ground you own or you have control of that you can spread manure then if you have greater than two animal units per acre of which you can spread the manure then you are required to have a Nutrient Management Plan written by a Certified Specialist approved by the County Conservation District subject to annual inspections by the Conservation District. The farmer has to turn in their Nutrient Management Plan and it is considered public records and could be required to be looked at. If the farmer doesn't fall under those numbers with that certain density per acre, then you are still required to have a Manure Management Plan. That is a different act & enforcement entity than a Nutrient Management Plan. But it says you need to account for their manure and the animals that generate it and address any environmental concerns that go along with it. The farmer can write it themselves however they can hire a consultant to do it. That is not considered public record. It is not approved by anyone. You cannot request it but the farmer can volunteer to show it to you. It is not something you can request like a State Nutrient Plan. They are not subject to annual inspections as well. Glenn Hummel said hypothetically, can a farmer with multiple parcels/fields throughout the Township stock pile manure in one location to cover all those acres of farm land or do they have to stock pile in each location? She believes the farmer can do that. Kevin Hoppes asked would if the farmer has no animals differ from that situation? Shelly DeHoff said they would have to have Nutrient Balance Sheets from what Manure you are importing because you are not generating it. Brian McQuillen asked what relief does the residents have with the manure and having to deal with the smells. How can they enjoy life having to deal with the smell of new manure/fertilizer that comes in? Do residents have any rights? Carl Greves expressed his discuss about having to deal with the horrible manure smells. He said the farmer by his residence dumps the manure and leaves it there for days upon days. He said the farmer doesn't care because he lives 20 miles away and doesn't have to deal with it.

Carl Greves said someone that writes the laws should realize the consequences of what the other side has to deal with.

Tim Houser said we asked Shelly Dehoff to come in to explain regulations about manure because the Board of Supervisors are not specialist in Manure. Tim Houser said there are many things that get past at the state level and we the Supervisors have to deal with because the state regulates them. The Township do not have any control over State rules and regulations.

Brian McQuillen said he was in contact with DEP and they told him to file a complaint because there are odor regulations. He asked Shelly DeHoff who would call her for her services. Ms. DeHoff said she runs a lot of middleman ground. It is sometimes neighbor to farmer issues, farmer to farmer issues, or municipality to farmer issues. Bottom line is it has to deal with Agriculture. Shelly Dehoff said she looks at Ordinances from a non-legal standpoint. She looks at the common sense of what are you thinking standpoint and do you understand the implications or ramifications of the future of Agriculture in general not for anyone in particular. She would look at it for any farmer that would be in the Township that would want to expand, change, or grow. In general, she would be the advocate for the future of Agriculture and the ability to change and adapt and be able to feed a whole lot more people on a lot less land than there used to be. Shelly DeHoff said she will look at our draft ordinance. She will look at it and say if you do this you might be subject to a law suit by a farmer that knows the Right-to-Farm Act & Ag Security Laws there are certain protections. She can offer comments

Brian McQuillen's concern is she sounds like she is representing Agriculture. He wants to know who represents the people. Glenn Hummel stated that in our defense we approached each of the associations and the jurisdictions of the associations that we could for advise on how we can help. Mr. McQuillen feels that there should be something out there that should have answers for rights of the residents and not just the farmer. Glenn Hummel said we went to different Associations and were transferred to other people for information only to get the same answers. Glenn Hummel believes that having Shelly DeHoff come in shows we have been reaching out, we are looking at multiple avenues to try to understand what rights we have. We do take concerns seriously. Tim Houser said there is a big difference between the family farmer and the Agra businesses. We are trying to find ways to resolve problems but still keep farming a way of life for our family farmers.

Kevin Hoppes – feels that there are ways to resolve certain things. Embrovac didn't have to do anything legally however they are a conscientious company that choose to put something in place to relieve some concerns of the surrounding neighbors.

Attorney Datte asked Shelly DeHoff if she ever dealt with municipal ordinances that have attempted to address issues like odor and storage, and asked in her experience would they be enforceable. Attorney Datte asked her because he wanted everyone to hear it that it is very difficult for a municipality to try to develop ordinances that are legally enforceable or would sustain a legal challenge because of these state laws which have priority and supersede municipal ordinances. Shelly DeHoff said Attorney Datte is correct because they run against the ACRE Law that gives the farmer the right to take that ordinance to the State Attorney General's office and have it looked at for how it lines up against the Nutrient Management Act and the Right-to-Farm, etc. Chairman asked Shelly DeHoff about piling manure and asked about is that the same for BioSolids. Ms. DeHoff said that is a whole different Act, & that is a whole different set of rules and regulations.

Shelly DeHoff expressed that what she seen work is sitting down with an invited controlled group of people. One or two people from the municipality, the farmer or two and maybe a consultant or someone from the conservation district and have a few folks from the community to talk about

agriculture that can talk and listen reasonably and exchange a lot of information. Shelly DeHoff would be there as the moderator. She seen that work more effectively.

IX. Executive Session - NONE

X. Anything Else from the Board

Chairman invited everyone to come outside for the dedication of a Hometown Hero Flag in honor of Willard F. Eberts, sponsored by Bob Doerr and Diane Hartung. Bob Doerr thanked the Board for their support in making this happen.

XI. Adjournment

A. Chairman called for a motion to Adjourn at 11:20AM. 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