

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

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Regular Meeting
Monday, August 7, 2023

Present at the Meeting

Anthony Prudenti

Karen Wittig – Treasurer

Timothy Houser

Katie Orlick – Secretary

Glenn Hummel

Mike Begis – ARRO

I. Conditional Use Hearing

Paul Datte – Solicitor

Stonehedge, LLC – Stenographer was present. Minutes for the Hearing would be on her transcript.

II. General

A. Tony Prudenti called the meeting to order at 7:25PM following the Conditional Use Hearing for Stonehedge, LLC with the Pledge of Allegiance & Introduction.

Chairman called for a Moment of Silence for Mark T. Boyle, businessman, good friend to the Township and to the Chairman personally. Rest In Peace Mark.

B. Public Comments on Agenda Items Only

Brian McQuillen – commented on the draft-zoning ordinance. His concern is that he has presented a number of items to the Board for review and top pass on to Charlie Schmehl (URDC). He is disappointed that almost nothing that the public commented on are included in the draft as it relates to septic chicken manure issue. Brian McQuillen said he did some research in regards to the Right-to-Farm Law. “Under limitations of Local Ordinances under the Right-to-Farm Law, Every municipality shall encourage continuity, development and viability of agricultural operations within its jurisdiction. Every Municipality that defines or prohibits a public nuisance shall exclude from the definition of such nuisance any agricultural operation conducted in accordance with normal agricultural operations as long as the agricultural operation does not have a direct adverse effect on the public health and safety. All that he is asking for us to have in our new Zoning Ordinance is some type of protection that would allow the code enforcement officer the ability to come out and be able to say if something is normal or abnormal. Chairman & Attorney Datte said they will make some kind of change in the Ordinance accordance of that.

Jane McQuillen – wanted to comment about having a guest from out of the area come to her home and question the bad smell in the area.

Shawna Usher – she stated that there is stench coming from the Embrovac Chicken Farm. She said it has been going on for a long time and she has put in several complaints over the years. She said it is unbearable and she said shamefully this environmental hazard was not disclosed to her when she purchased the property back in 2017.

Ms. Usher continues and expresses her concerns about the 161 acres of cornfields that are now up for sale and are being promoted for development. She feels that the awful smell should be

disclosed to potential buyers. For the record, she said she does communicate with Embrovac and on occasions or gatherings, she asks for them to shut the fan downs to elevate some of the stench. It is never truly gone. Embrovac also said they are trying to empty the manure warehouse more frequently.

C. Review of the Minutes – July 3rd & 17th, 2023.

Chairman called for a motion to accept the meeting minutes from July 3rd & 17th, 2023. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer’s Report – July 2023

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

E. Approval of Bills – July 2023

Chairman called for a motion to pay the bills. Tim Houser asked the Treasurer a question about what the one bill was from the fire company. She said it was for their accident policy. Glenn Hummel also address the Fire Dept. internet bill with the Fire Chief. Glenn Hummel said it needs to be straightened out. 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 we got the latest version of the draft Zoning Ordinance. It was provided to the Township & the County’s Planning Commission. The hearing has been advertised for Tuesday, September 5th at 5PM at the Township. 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

III. Land Use

A. William & Carol VanTol Subdivision – this plan proposes the subdivision of existing 183 acre lot into two separate parcels. New lot (1.5 acre) will contain the existing residential structure & appurtenances and is served by existing on-lot sanitary sewage & on lot water supply. The residual lot is proposed to remain as open space. Chairman called for a motion to accept the Planning Commission’s recommendation and to approve the VanTol Subdivision with the conditions that all comments from the ARRO letter dated July 20, 2023, Bill Brior & Schuylkill County are addressed. Motion to adopt Resolution #14 of 2023 approving the subdivision. Glenn Hummel made the motion. Chairman seconded the motion. Tim Houser abstained because a relation was advising the VanTols about their property. Motion was carried. 2-1

B. Rosso Boundary Line Adjustment – the plan proposes an annexation of two adjoining lots under the same ownership. The combined lot will contain 1.974 acre and is served by existing on-lot sanitary sewage & on-lot water supply. Chairman called for a motion to approve the applicant’s request of the modification of Section 902 the requirements of the Mylar. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to approve the Planning Commission’s recommendation with conditions that all comments from the ARRO letter dated July 20, 2023, Bill Brior & Schuylkill Planning are addressed. Motion to adopt Resolution #15 of 2023 approving the Michael & Norene Rosso Annexation Plan. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

IV. Operations

A. Engineer/Zoning's Monthly Report – July 2023

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of July. Glenn Hummel asked Attorney Datte about the deed to Atlas Park. Attorney Datte said he is working on it. Chairman called for a motion to accept the Engineer/Zoning 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 – July 2023

Chairman called for a motion to accept the code enforcement monthly report. Tim Houser said he would like to talk to the Code Officer sometime to find out the status on some of these violations. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

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

Chairman read the sewage enforcement officer's report. The report consisted of 2 New Permit Applications, 2 Interim Inspections, 7 Test Probes, 5 Perc Tests, 5 Design Reviews, 3 Site Evaluation, No Malfunction Concerns and 5 Subdivision Plans. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Road Department's Monthly Report – July 2023

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Installed French Drain on Red Hill Rd., Trimming limbs around Township Signs, Cleaned trees & debris off Township Rds., Fixed potholes with Cold Patch, Paved cross pipes on Tower Rd., Ridge Cup Rd., Shady Lane, and St. Peters rd., Paved bad section of Dairy Rd., Installed Millings on Summerview Dr., Lumber Lane, Rocky Lane, and Oak Terrace Rd., Installed Welcome to West Penn Township signs throughout the Township. Chairman also read the Maintenance Report. Chairman said we are having transmission troubles with one of the trucks and we are looking into doing something about that. Jeremy Frable said we order a new truck back into November and finally it is getting the body. We should have it in the next month or so. Glenn Hummel asked Jeremy about fixing Dogwood Lane. Jeremy said they moved the equipment down there and are getting ready to fix it. Chairman called for a motion to accept the Road Department's Monthly Report. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

E. Police Department Report – July 2023

Chairman asked the public to pray for the Chief of Police because he is going for a heart catheterization tomorrow morning. Chairman read the Police Report. The Police Dept. had 7,404 miles patrolled 333 total citations & warnings as of 7/31, & 4 motor vehicle accidents as of 7/31. Total calls 223. Tim Houser would like to schedule a meeting with the Chief to schedule personnel. Chairman called for a motion to accept the Police Report. Tim Houser made the motion to accept the Police Report. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman read a letter from the police, thanking Soley & Staff for providing food to the West Penn Twp. Police Dept. during late hours of August 2nd while performing duties regarding the tragic loss of one of our residents.

F. Fire Company Monthly Report – July 2023

Chairman read the Fire Company's report. 26 Total calls for the month of June. The report consisted of 2 Motor Vehicle accidents, 13 Wire/Trees Down, 4 Automatic Fire Alarms, 1 Fire Police Call, 2 Transformer Fire, 0 Structure Fires, 1 Carbon Monoxide, 1 Brush Fire and 1 Chief Request. The department had their monthly meeting. They had their monthly fundraisers such as the monthly Breakfast (325 people) & Fire

Company Cash Bingo. They did training with how to use portable pumps/hose lines, hand tools, chain saws, ladders, radio communications & truck maintenance. 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 Fire Chief announced breakfast is on Sunday.

G. Ambulance Monthly Report – July 2023

Chairman read the July Ambulance Monthly Report. The July monthly report is as follows: 40 Total Calls for the month of July. 213 Total Calls Year to Date. Municipalities included 2 New Ringgold, 1 in East Brunswick., 9 Tamaqua and 23 West Penn Township. The receiving Hospitals included 1 Geisinger- St. Luke's, 7 LVHN Carbon, 3 LVHN Cedar Crest, 1 St. Lukes - Carbon and 11 St. Luke's Miners. The calls consisted of Abdominal Pain, Breathing Problems, Chest Pains, Convulsions, Fall Victims, Fire Stand by, Hemorrhage/ Laceration, Lift Assist, Poison/ Overdose, Stab/Gun Shot Wound, Sick Person, Traffic Accidents, Fainting, and Patient Evaluation. Chairman called for a motion to accept the June Ambulance Monthly Report. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

V. Old Business - None

VI. New Business

A. Keyless Entry Fobs – Chairman explained that we have too many keys distributed out for our Township Building. The Fobs will be designated to an individual and we will be able to know who has access to our building and when they are using it. We got a quote from Matt Hoats for \$3500. This will include 4 door control system, keyless entry fob window based software for managing users. Glenn Hummel asked the Treasurer if the Capital Fund could be used for purchases like this. Glenn Hummel feels it should come out of the Capital Fund. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chairman asked the Secretary to contact Matt Hoatts to let him know we approved the Keyless Entry.

B. Blue Ridge Communications Support Letter – Chairman feels that this letter if we desire to approve will help get Capital Funds to a project that will help improve Internet Service. This project will serve 23 homes on Dairy Road. Glenn Hummel questioned who services Dairy Rd. currently and would it effect the Franchise Agreement. Chairman read the letter. Glenn Hummel has still concerns about franchise agreements with Blue Ridge & Service Electric. He questioned going Fiber to the home does it violate the franchise agreement because that franchise agreement is written on copper. Can they eliminate the Franchise Agreement? Attorney Datte said he would have to look at the Franchise Agreement. Chairman set the letter aside until Attorney Datte reviews. Attorney Datte said it does not bind us to anything. Glenn Hummel made the motion to approve the support letter. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0

C. Chairman called for a motion to adopt the Fair Housing Resolution #16 of 2023. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Participation in the Schuylkill County Mitigation Plan update project. This is letter will authorize us to participate in the County's Hazard Mitigation Plan. It will be a joint effort to come up with the updated plans and we would have to be committed to helping out and be an active participant through this process. Chairman wanted to abstain from vote because he is already a part of the Hazard Mitigation Committee. Tim Houser made the motion. Glenn Hummel seconded the motion All in favor. Chairman abstained from vote. Motion was carried. 2-1

E. Chairman called for a motion to adopt Resolution # 17 of 2023 – Waiving Member Contributions to the Police Pension Plan for the calendar year of 2023. Tim Houser made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

VII. Correspondence

A. Tony Kuhn, has achieved Boy Scouting’s highest rank, that of an Eagle Scout. In honor of this achievement, they have scheduled an Eagle Scout of Honor for Saturday, October 14, 2023 at noon, at his family farm. They request or consider attending the court of honor to present Tony with a letter or certificate of his achievement. Chairman asked Secretary to remind the Board. Tim Houser said he was unable to make that day.

B. Lynn Township is requesting Fire Police help with parking & traffic control 9-16-23 for “Guns & Cash Bash”. Chairman asked the Secretary to forward to Jeff Bradford Fire Chief. Tabled.

C. Tax Collector Office Hours – Chairman announced her office hours, flyers are on the table by the Agendas and they are posted on our website.

VIII. Business from Anyone on the Board - None

IX. Public Comments on General Items

Val Coombe – President of Penn Mahoning Ambulance asked the Board if they are interested on having a workshop with the Ambulance. Chairman asked the Board when is a good time to set something up. They are looking at Wednesday after the Lions Basketball dedication at the Township.

Val Coombe also asked if Tamaqua Ambulance Association has to do the same as Penn Mahoning. Do they have to submit a report and do they have to submit financial as they do. Glenn Hummel said yes, same agreement went to them. No Worker’s Comp, No ALS Reimbursement, No Wages.

Tom Williams – he asked for a representative from the Police Dept. that can answer questions. Chairman said we have an officer here but we do not have the Chief here to answer questions. Tom Williams said he has many questions about the police dept. and their personnel but he would like to have him go first.

John Ross – said his concerns are about the reckless and unprofessional behavior of the West Penn Police Department. He feels they are very aggressive with their policing. Mr. Ross wanted to know who the Police dept. is accountable or have to answer to. Chairman said the Board of Supervisors. He is uncomfortable with Police Dept. and would like to propose a Citizens Accountability Board. Mr. Ross feels instead of them serving and protecting us they harass and extort us. Attorney Datte asked Mr. Ross to define extort for us. Mr. Ross said traffic tickets. Attorney Datte asked Mr. Ross if he feels they are taking bribes for not reporting. Mr. Ross said he is not saying they are taking bribes. Attorney Datte said you are calling issuing ticket Extortion? Attorney Datte said we want to know it makes a big difference. Tom Williams feels that tax someone for a victimless crime is extortion. Glenn Hummel asked Mr. Williams if he does not believe that the Municipal Powers Act of PA has jurisdiction. Mr. Williams said he believes they do not act in the best interest of the people. Chairman said no one gets pulled over without something being wrong. Chairman spoke about the LPR readers. Officer Lilly explained the law and the process of what he does. Mr. Williams stated for himself that he does have his automobile inspected or registered with the government because it his private property. He said he is aware of the impound lot. He said he travels as a free man in private. He said he does not register or inspect his vehicle with the government because he feels he is not required to as a traveler. He is not a driver that

operates in the commerce he travels in private and will continue to do that. He wanted the Police Department to know. He agrees with John Ross. Mr. Williams was told to be careful of the West Penn Township Police. He was told, If they pull him over they will take him away and steal his property because he doesn't have it registered with the government. Mr. Williams stated "he will assure you that he will use any force as necessary and proper to protect myself." Chairman said thank you, your time is up. Attorney Datte said it was in his best interest to stop right now.

Resident – Thanked the Road Master for taking care of Rocky Lane.

Shawna Usher - handed the Board two concerns of hers. She spoke about the 160 acres of Golf Rd. for sale again. Her concern is that the acres are being promoted to outside developers. She believes it may have been previously approved by the Township for housing units. She spoke about the Zoning of this area. She explained what she felt happened when the landowner purchased the property in 2017. She feels the landowner is abusive to his neighbors & community. She explained everything that happened to the land after they purchased it. She feels it devalues her property, which is the Mahoning Valley's last intact Gristmill from 1831. She is concerned that the property is going to be changed to a different zoning district. Chairman said the property is not changing to Village Center, however part of that property is zoned Suburban Residential. That is where the townhouses were proposed when there was a golf course up and operating. She is asking that we do not help this property owner to continue to ruin the Valley.

Doug Houser – wishes the Board would consider getting a microphone system.

Mr. Houser said he has a farm in this Township for five generations. The farmers in this Township are not getting rich off the land. He feels that no one should be able to tell anyone how to use his or her land.

X. Executive Session – Chairman called for a motion to go into executive session for personnel. Glenn Hummel made the motion. Tim Houser seconded the motion. All in favor. Motion was carried. 3-0
Chairman called the meeting back to order. In executive session personnel was discussed.

XI. Adjournment

Chairman called for a motion at 9:04PM. Glenn Hummel made the motion. Tony Prudenti seconded the motion. All in favor. Motion was carried. -0

Transcribed By: Katie Orlick

West Penn Township Secretary