

West Penn Township Board of Supervisors

27 Municipal Road

New Ringgold, PA 17960

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Regular 10AM Monthly Meeting

Monday, January 15, 2024

Present at the Meeting

Tony Prudenti – Chairman

James Akins – Supervisor

Glenn Hummel – Vice Chairman

Karen Wittig – Treasurer

Jeremy Frable – Road Master

Katie Orlick - Secretary

Paul Datte – Solicitor

Mike Begis – ARRO Consulting

Jim Bonner – Chief of Police

I. General

A. Tony Prudenti, Chairman, opened the meeting with the Pledge of Allegiance and Introductions at 10:03AM.

B. Public Comment on Agenda Items Only - NONE

C. Chairman said we have an addition to our ReOrganization Appointments. Chairman called for a motion to reappoint Richton Penn, as a Part-Time Police Officer for West Penn Township. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

D. Chairman announced at this time we are not going to do the Oath of Office with the Police Department. Chairman said we are going to set it up for our next meeting, which will be our night meeting. Jim Akins said for the record Mr. Chairman we had some scheduling conflicts so we asked to put it off. It will be in two weeks.

E. ** Open Hearing for the Fegley Mini Mart Inc., Intermunicipal Transfer of Liquor License**

Attorney Datte said this was the time and place for the hearing required under the State Liquor Code, for the purpose of receiving comments & recommendations of interested individuals residing within the Township concerning the desire of Fegley Mini Mart, Inc. to transfer the Restaurant Liquor License R2457 currently held in safekeeping from Anna Donorio t/a Alanna's 313 New Castle St., Minersville, Schuylkill County, into West Penn Township at Fegley Mini Mart, Inc., 551 West Penn Pike, Tamaqua (West Penn Township) Schuylkill County. The applicant is present and is represented by council.

Attorney Datte asked the Council to make a brief presentation and then we will open the floor up for any comments or recommendations from the Township citizens.

Fegley's Attorney introduced himself as Attorney David Berger of Norris & McLaughlin; he represents the applicant Fegley Mini Mart, Inc. They Property is an existing gas station on SR309, in a Commercial Area in the Township. The purpose of the Liquor License Transfer is that his client looking to provide additional offerings of beer and possible wine sales at the existing convenient store. This is the third store that his client is licensing. The have one licensed in Tamaqua, almost licensed in the McAdoo Store and then the West Penn Store. The reason for the intermunicipal request is that we looked into other licenses within the Township but there are only 5 restaurant licenses and they are all active and not for sale. There are 10 total licenses in the Township. There are 5 licenses, which are the restaurant licenses, 2 club licenses and 2 winery licenses and 1 distributor's license.

PA Liquor Control Board requires convenient stores to purchase eating-place licenses or restaurant licenses. The eating-place license only allows for the sale of beer, while Restaurant allow the sale of

beer, & wine to go. They are allowed to sell hard alcohol with the restaurant license but they will not be. They will only be selling takeout beer and wine. They are not putting a bar in their convenient store. The footprint of the building will not change. There will only be an interior reconfiguration. The applicant has to comply with certain regulations in the Liquor Code. There will also be seating for 30 put within the store, which is required by the Liquor Control Board.

The hours of operation currently is 24hrs/day 7days a week. The Liquor Board does not allow 24/7 and they will not be selling those hours. The applicant is only allowed to sell alcohol Monday – Saturday from 7AM-2AM and on Sundays 9AM-2AM. When they are not allowed to sell alcohol the alcohol will be locked away, they will not be able to make any sales and they will not be able to ring anything through the register. Currently, there are 41 security cameras on the premises. 23 cameras inside and 18 cameras outside. All alcohol sales would be monitored via the interior security cameras. The person who will be handling the alcohol sales will be trained with a responsible alcohol management program and anyone operating those cash registers to be at least 18 years old and will know how to spot a visibly intoxicated person and refuse sales to those people. Lastly, with the on premise consumption, the Liquor Code does not allow someone to prevent onsite consumption but it does allow them to limit One beer on premises. Dave Barron representing Fegley Mini Mart, Inc. was also in attendance at the meeting, he could answer any questions the BOS may have and for the record he can verify everything the Attorney said was correct about what the applicant wants to do.

Supervisor Jim Akins asked the Attorney if he knows the percentage of the increase in business selling alcohol that the other two sites have been generating. Jim Akins rephrased and asked about an increase in foot traffic. Mr. Akins' concern is that we manage traffic in that area. If there would be an increase in traffic in that area, the Township may have to up our game to pay attention to that area with the police department and patrolling. Dave Barron said they seem like they are seeing the same traffic. The only thing they see different is the customers are grabbing their beer before the distributors open. It is more of a one-stop shop now. Glenn Hummel asked if prior to the application if they always sold food. Dave Barron said yes, like hotdogs & pizza. Chairman asked if anyone had any comments or questions about the liquor license transfer. No one commented. Attorney Datte closed the hearing.

Chairman called for a motion to approve the Liquor License Application for Fegley Mini Mart, Inc. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

Chairman called for a motion to adopt Resolution # 6 of 2024, approving the Liquor License. Jim Akins made the motion to adopt Resolution #6 of 2024 to accept the Liquor License for Fegley Mini Mart, Inc. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

F. Chairman called for a motion to approve the Treasurer's Report. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

G. Chairman called for a motion to pay the monthly bills. Jim Akins wanted to clarify a bill that was questioned about the financing and the annual bill they pay for the MOCK system in the police vehicles. Supervisor Akins said it was for 2 PCs, phones and their vehicles. It is necessary to keep the ones we have. Glenn Hummel made a motion to approve the monthly bills. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

II. Land Use – NONE

III. Old Business

A. Chairman said we have an addition to our ReOrganization Appointments. Chairman called for a motion to appoint Brian McQuillen as an Alternate of the Zoning Hearing Board. He will replace Alternate, Earl Pratt. Earl Pratt filled James Akins seat on the Board. Brian McQuillen will serve Earl

Pratt's Alternate term expiring December 31, 2026. Glenn Hummel will make a motion to approve Brian McQuillen. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

B. Chairman called for a motion to appoint an Engineer for West Penn Township. Glenn Hummel made a motion to appoint ARRO Consulting, Inc. as the Engineer. Jim Akins seconded the motion to appoint ARRO Consulting, Inc. as the Engineer for West Penn Township. All in favor. Motion was carried. 3-0

C. Chairman called for a motion to appoint a Zoning Officer for West Penn Township. Glenn Hummel made the motion to appoint ARRO Consulting, Inc. as the Zoning Officer for West Penn Township. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

D. Chairman called for a motion to adopt Resolution #1 of 2024, Appointment of the Building Code Official to inspect & Enforce the Uniform Construction Code & applicable regulations & adopt the fee schedule for those services. Chairman said we are looking to appoint ARRO Consulting, Inc. and Lehigh Engineering, LLC. Glenn Hummel made a motion to adopt the Resolution # 1 of 2024. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0 Supervisor asked the Engineer what version of the Building Code we follow now. Mike Begis said he is not sure what year they use now. Mike Begis said he would find out and get back to Supervisor Akins.

IV. New Business – NONE

V. Business from anyone on the Board – NONE

VI. Correspondence

A. Chairman said PA DEP Radon Division in cooperation with the American Lung Association is offering an opportunity to residents to receive valuable health related information and a free radon kit. Chairman said there is a limited supply. If anyone is interested, please contact the secretary.

VII. Public Comment on General Items

A. Tammy Sienkiewicz – co-founder of Safer Streets for Tamaqua's Little Feet. They help people get into rehabs and try to keep them in recovery as well. They were approved to be a distribution for Narcan and drug testing strips. There is no charge for it. Currently, West Penn Police Dept. does not carry Narcan. Tammy Sienkiewicz is asking the Board to approve the Police Department to carry Narcan. Ms. Sienkiewicz said people could not go to rehab if they do not have a pulse. Tammy Sienkiewicz did bring State Laws with her and said you cannot be sued for having to use Narcan on someone. Chairman's concern is about Liability. He wants to check with our insurance carrier and our Attorney is good with it. Glenn Hummel feels it is a good idea for first response and in case of cross contamination. Attorney Datte said there is a law called Good Samaritan Immunity and said we should be ok. He will look further into it. Jim Akins asked if there would be training for the Officers for administration/ application of Narcan. Tammy Sienkiewicz said yes, her husband John could do the training. Tammy Sienkiewicz showed an example of what Narcan looks like. Jim Akins said to the Chairman that the Police Chief said he was trained and most of his Officers are trained as well. Attorney Datte asked if Narcan was also called Naloxone. Tammy Sienkiewicz said yes. Jim Akins asked what the shelf life is. It is two years. Chairman asked how you administer it. Ms. Sienkiewicz said you do a hard sternum rub and if there is no reaction, you tilt their head back, put the Narcan bottle in their nostril and spray. Jim Akins recommends to the Board we take possession if she is offering. Attorney Datte feels the Board could take possession today conditioned on getting clearance from our insurance carrier. Jim Akins feels we should have it in our possession and in the police cars. Glenn Hummel agrees and wants an active supply at the building. Chairman called for a motion. Glenn Hummel made the motion to approve the usage of Narcan. Jim Akins seconded the motion. All in favor. Motion was carried. Chairman asked for that motion to be rescinded.

Glenn Hummel made the motion to rescind the last motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to amend the Agenda. Glenn Hummel made the motion to amend the Agenda to include and address Narcan. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to take and distribute the Narcan to the Police Vehicles and for the building for ready use contingent upon there are no issues with Liability from the insurance carrier. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0 Chairman and the Board thank Tammy Sienkiewicz for doing what she is doing for the community.

Chief Bonner asked if Narcan freezes. Ms. Sienkiewicz said yes you do have to watch the temperature but you could still use after it thaws.

Attorney Datte asked if Tammy S. could provide something to the Chief that explains all that. She said yes. Jim Akins said to the Chairman if he did not mind if the Police Chief would write up a two to three bullet point procedure & policy for Narcan for storage & application. Chief Bonner said he would have to do a SOP.

B. Delroy Haas expressed his concerns about not being able to hear what is going on in the meeting. He asked the Board if they could get a sound system or speak up.

Mr. Haas also let the Board know that there was an Auditor's meeting, on January 3rd, 2024 and maintained the salary for the Supervisors at \$20/hr.

C. Val Coombe – wanted to let everyone know that the Ambulance Yearly subscription was mailed out. She also told the secretary that someone would be stopping at the Township to drop off some subscriptions. Glenn Hummel asked Val Coombe to explain the subscription. Val Coombe explained what the subscription covers.

D. Mike Begis said ARRO Consulting is using the 2018 Code. Jim Akins asked we were planning to upgrade to the 2021 Code.

Attorney Datte said he thinks that you would use the current version. Attorney Datte said he would like to take a look at the Ordinance. Attorney Datte said he is almost sure it is not like the IPMC that you have to adopt a specific version. Attorney Datte believe you just usually go with the most recent version.

E. Chairman asked if Katie Orlick & Karen Wittig could look into getting a sound system for the meeting room. Glenn recommends first checking our old audio system out first.

F. Jim Bonner asked to meet with the Supervisors and Attorney Datte after the meeting. He said it was something he needed to address. He said it is not a personnel issue or anything else.

VIII. Executive Session – NONE

IV. Adjournment.

A. Chairman called for a motion to adjourn the meeting at 10:40AM. Jim Akins made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0