

**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 6, 2024**

Present at the Meeting

Anthony Prudenti – Chair
Glenn Hummel – Vice Chair
James Akins – Supervisor
Jim Bonner – Chief of Police

Karen Wittig – Treasurer
Katie Orlick – Secretary
Jeremy Frable – Road Master
Mike Begis – ARRO
Paul Datte – Solicitor

I. Zoning & Fee Schedule Amendment Workshop

Chairman opened up the workshop. He said for the record there were two audience members, which were Herb Woodring and Tom Ackerman, Vice Chairman of the Planning Commission. Shannon Darker from ARRO Consulting provided the Board of Supervisors with a list of recommendations to add to the Zoning Ordinance since we were amending the Ordinance for Solar anyway. Chairman asked if anyone had anything they wanted to discuss about the proposed Solar section of the Ordinance. Glenn Hummel asked about a solar array on the ground and solar array on the roof. Glenn Hummel said it states that if it is roof mounted it has to be put on the primary residence of the property. He asked would if they had a barn or garage they wanted to put solar on that roof. Attorney Datte said it could be located on primary or accessory building. The barn would be an accessory building, which would be allowable. Glenn Hummel asked if he had two properties under the same name, the house is on one property and the barn is on the other but considering them one property. Would they still be allowed to put solar on the barn? Attorney Datte said that is a different issue. Chairman said Shannon Darker brought up that same question. Chairman read what Shannon Darker listed about Accessory Use. Mike Begis from ARRO Consulting also spoke about another point Shannon Darker listed and that was Accessory setback requirements. ARRO Consulting asked Charlie Schmehl from URDC about what setbacks would you used for an accessory structure on a parcel owned by the same owner. He said use the Accessory Structure setbacks. Mike Begis's concern is that if down the road one of the properties was sold to a different owner the setback may be an issue because the structure would be too close to the property line. Attorney Datte spoke about the term and definition of the word Agrivoltaics. Attorney Datte said it is a defined term however; it is not used in our Ordinance. Attorney Datte said there are provision in other ordinances, which deals with this concept. Attorney Datte asked if the Board was interested in having that term in their ordinance if not he will just strike it out. Herb Woodring said if you look in the Agricultural designations, Solar is a conditional use. Herb Woodring feels it would be wise to include Agrivoltaics. James Akins agreed. Chairman agreed but he feels instead of it being a Conditional Use, he would rather see it as a Special Exception and have it go in front of the Zoning Hearing Board. Herb Woodring would also recommend it not being in the Conservation District except for residential. Chairman asked why he feels it should not be in the Conservation District. Attorney Datte said he has question marks next to Conservation and AG Conservation. Attorney Datte agreed with what Herb Woodring had in the proposed Ordinance. Attorney Datte said he believes the Accessory Solar Energy System would be permitted in every zoning

district. Herb Woodring said yes, that is basically for homeowners. Glenn Hummel asked about pg.7 C (2), the total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 15%of the lot area. Attorney Datte clarified the definition of an array, which is a group of panels. Chairman discussed Conditional Use and Special Exception. Chairman likes the thought of solar going as a Special Exception in front of the Zoning Hearing Board. Attorney Datte said the Board of Supervisors could be partied to the hearing and present their position. The Board of Supervisors agreed to have it as a Special Exception. Attorney Datte also provided the Board with a Solar Energy Model Ordinance from Cumberland Co. Mike Begis questioned HC District as the principal. Attorney Datte said you have a 5-acre minimum lot size to begin with. Mike Begis also questioned pg. 12, Security for the fence height that you were considering. The Board agreed with 8 feet for the fence. Attorney Datte will clean up the Solar amendment part of the ordinance and have it read for the Board to review at their next meeting. They also spoke about updating the fee schedule on the Township side. The Board continued with Shannon Darker’s recommendations that may be able to be added within the Zoning amendments. Mike Begis reviewed her points.

801. B Number of Principal Uses and Principal Buildings Per Lot

Mike Begis said it makes sense to have the total combined uses. This way they could be subdivided correctly down the road if need be. Attorney Datte said the concept is both lots need to meet the bulk requirements & the use in the Ordinance.

302. B Construction Company or Tradesperson’s Headquarters – definition of tradesperson should be looked at and define it more clear or remove the “but not limited to” in the current definition.

Attorney Datte and the Board agrees to leave it the way it is.

Accessory Use and 603.B Accessory Setbacks – What setbacks should be used when the accessory structure is on the adjoining lot and is a main building. Attorney Datte said we might want to add a 603.B.1 about adjoining lot with the same owner setbacks or strike out the less restrictive wording in section603.B.

Data/Technology Centers/Services

Tiny/Mini Homes

Glamping

The Board agrees to have Mike Begis from ARRO Consulting and Attorney Datte discuss the proposed amendments to the Zoning Ordinance. Chairman called for a motion to adjourn the workshop.at 5:58PM. Jim Akins made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

II. General

A. Tony Prudenti called the meeting to order at 6:03PM with the Pledge of Allegiance & Introduction.

B. Public Comments on Agenda Items Only - NONE

C. Review of the Minutes – April 1st & 16th, 2024.

Chairman called for a motion to accept the meeting minutes from April 1st & 16th, 2024. Jim Akins made the motion to accept the minutes on the April 1st & 16th, 2024. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Treasurer's Report – April 2024

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

E. Approval of Bills – April 2024

Chairman called for a motion to approve and pay the bills for April. Glenn Hummel made the motion to approve the bills for April. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

F. Solicitor's Report

1. Attorney Datte said we discussed amending the Township's Zoning Ordinance for Solar Energy Systems in our workshop session at 5PM. There are provisions to be made and we will revisit the issue at our meeting on May 21st. Then we could schedule the hearing and authorize advertisement. There will be other provisions added besides solar.

2. Driveway Indemnification Agreement for 728 Pine Hill Rd. Cory Zrinski submitted an application to install a driveway at 728 Pine Hill Rd. Attorney Datte wanted to make note that in Shannon Darker's letter to the applicant there were other things to do besides the Indemnity Agreement. The Indemnification Agreement is for site distance. The applicant would still have to address section 4.E & 4.H of the letter from ARRO Consulting dated 3-29-24, even if the Board approves the Indemnity Agreement. Chairman called for a motion to approve the Driveway Indemnity Agreement for 728 Pine Hill Rd. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

III. Land Use

A. Duschak Land Development Plan for Solar, located along Ash Circle & Ridge Rd. in the AG Zoning District. Mike Begis said the Planning Commission recommended conditional approval of the Preliminary Land Development Plan contingent on comments being satisfied from ARRO's letter dated April 23, 2024, Bill Brior and the Schuylkill Co. Planning. Sam Wisner was in attendance to represent Bollinger Solar. The comment he would like to address is #6. Decommissioning. He said they provided the Planning Commission and the Board with the lease for Mr. Duschak. The lease does have decommissioning requirements in it. A note to the plan could be added for the decommissioning requirements. The landowner as well as the Township would have the ability to effectuate that decommissioning requirement.

Chairman the removal of system upon termination that is in the lease, what happen if you go bankrupt? The lender will have security interest in those panels. If for some reason the developer goes bankrupt the lender will try to extract as much value as they can out of that site and selling the panels. Attorney Datte said your financing would probably be paid off by the time of the useful life of the panels. Attorney Datte said he thinks the only concern is the security for not removing the panels. Currently we do not have anything about financial security in our Ordinance. Attorney Datte asked if anything could be offered in that regard. Mr. Wisner said yes, that condition could be part of the Land Development Plan would effectuate that and incorporate that lease provision into the Land Development Plan. Chairman asked if the Township could go after the Land Owner? Mr. Wise said that is correct because the Land Development Plan is as to the land itself and if the developer does not fulfil his obligations then ultimately the Land Owner is responsible. Attorney Datte said our Rights are to the Land Owner not the Solar Developer. The Township would be able to put a lien on the real estate, if we had to incur the cost.

Chairman said that the way he reads this in the lease is that it sounds like it is the Developers responsibility not the landowner. Mr. Wisner said it is our responsibility under the lease to remove the system. He said that at the end of the day it would still be the lessors' property. Attorney Datte said he would suggest when we put the note on the plan, we be very clear to indicate who is ultimately responsible. Chairman asked if they were ok with that. Mr. Wisner said sure. Chairman asked if it would be Bollinger & the landowner. Mr. Wisner said, yes. Chairman said ok he is good with that. Chairman called for a motion for conditional approval of the Duschak Preliminary Solar Land Development Plan contingent on satisfying comments from ARRO's letter dated April 23, 2024, Bill Brior and Schuylkill Planning being satisfied and address the decommissioning issue by drafting a mutually accepted note to be put on the plan. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

IV. Operations

A. Engineer/Zoning Monthly Report – April 2024

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of April. Mike Begis said he provided the BOS a report and he would be happy to address any questions the BOS may have. Mike Begis said that the County awarded the CDBG walking path contract to J. Phillips Excavating & Hauling. Once they get the required documents and signed agreement, they will issue a notice to proceed and schedule the preconstruction meeting. The work will need to be completed by the end of June. Chairman called for a motion to accept the Engineer's monthly report. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

B. Code Enforcement Monthly Report – April 2024

Chairman asked the BOS if they had any questions about the Code Enforcement Report. Chairman called for a motion to accept the Code Enforcement Officer's monthly report for April. Glenn Hummel made the motion. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

C. Sewage Enforcement Officer's Monthly Report – April 2024

Chairman read the sewage enforcement officer's report. The report consisted of 1 New Permit Applications, 3 Test Probes, 1 Perc Tests, 5 Design Reviews, 2 Interim Inspections, 1 Final Inspections, 2 Site Evaluation, and 3 Design Reviews. 3 Well Designs. 1 Malfunction was reported. Strouse Brothers Septic Service corrected malfunction. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Jim Akins made the motion. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

D. Road Department's Monthly Report – April 2024

Chairman read the Road Department's Monthly report. The report consisted of General Maintenance to the Township Building & Equipment, Patched holes with cold patch, Patched holes with 2A Modified on Dirt Rds., Cleaned up trees & limbs along Twp. rds., Hauled shale to Morgan Park for Parking Lot, Removed trees at Morgan Park for parking and Opened pipes & grates throughout the Twp. Township received pipes from Chemung Supply for Road Projects and Jeremy Fable attended the PSATs Conference in Hershey. Chairman also read the Maintenance Report. Glenn Hummel wanted to bring Walnut Lane where it was milled last year to Jeremy's attention. Glenn Hummel said the road is all broken up. Jeremy Fable said his guys took care of it today. Chairman asked Jeremy Fable about the PSATs Convention. Chairman called for a motion to accept the Road Department's Monthly Report. Glenn Hummel made the motion to accept the Road Department's monthly report for March. Jim Akins

seconded the motion. All in Favor. Motion was carried. 3-0 Jim Akins said to Jeremy Fable that the Park looks great and thank you for taking care of Water Wheel.

E. Police Department Report – April 2024

Chairman read the Police Report. The Police Dept. had 5,552 miles patrolled 204 total citations & warnings, 5 motor vehicle accidents and 137 Total calls. Chairman asked the Chief for a breakdown of the Truck inspection report. Chairman has been getting a lot of calls about it. Chairman said there were 112 total violations cited, 67 total citations issued and 14 warnings. Chief Bonner said there are so many out of service trucks on the road it is outrageous. Glenn Hummel asked what does out of service drivers mean. Chief Bonner said they are drivers that do not have their medical cards up-to-date or they have their driver's license suspended. Chairman discussed police fines. Chairman said the Chief provided the Board with a frequency type report showing some different data. Glenn Hummel made the motion to accept the Police Report. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

F. Fire Company Monthly Report – April 2024

Chairman read the April Fire Report. The report consisted of 27 Total calls. 1 MVA, 6 Wires/Trees Down, 1 Automatic Fire Alarms, 4 Medical Assists, 3 Fire Police, 4 Structure Fires, 3 Vehicle Fires, 1 Landing Zone, 1 Pump Detail and 3 Brush Fire. The Fire Department had their Monthly Meeting, Breakfast and Cash Bingo. They also had Essentials of Fire Fighting Training
Chairman called for a motion to accept the April Fire Reports. Jim Akins made the motion to accept the reports. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

G. Ambulance Monthly Report – April 2024

Chairman read the Ambulance Monthly Report. The Ambulance Report consisted of 155 calls year to date. April had 41 total calls. 32 West Penn, 5 Tamaqua, and 4 in East Brunswick Twp. The outcomes of the calls were 11 Treated and Transported BLS, 3 Cancelled, 1 Lift Assists, 2 No Patient Found, 1 No Treatment Required, 1 Refused Treatment, 3 Stand-By with Public Safety, 2 Standby, 1 Treated but not Transported and 15 Treated, Transported, with ALS. Receiving Hospitals were 10 St. Luke's Miners, 6 St. Luke's Carbon, 7 Lehigh Valley Carbon, 1 Cedar Crest LVHN & 2 St. Luke's Geisinger. The calls consisted of back pain, breathing problems, chest pain, choking, seizure, falls, fire, traffic accidents, stroke, lift assists, medical alarms and 1 patient evaluation. Glenn Hummel asked were the 41 calls all covered by Penn Mahoning? Karen Crostley said we might have to call off one or two times. Jim Akins applauded their efforts. Jim Akins also wanted to applaud the Chief of Police for the D.A.R.E Challenge. Chairman called for a motion to accept the Ambulance Report. Glenn Hummel made the motion to accept the Ambulance Report for April 2024. Jim Akins seconded the motion. All in favor. Motion was carried. 3-0

V. Old Business

A. Speed limit on Dairy Rd. – Chief Bonner said his recommendation is to change the speed limit sign to 25mph up until Embrovac. Attorney Datte asked if he thinks it qualifies for a residential district. Chief Bonner said it does in that particular section. Attorney Datte asked for a beginning and an end. The beginning would be at SR309 to Wash Creek. The Board of Supervisors discussed back and forth where they wanted the 25MPH to end. The Board agreed to take the speed limit all the way to Strauss Valley Rd. Chairman said we have recommendation from our Chief of Police; would we like to take action on it? Jim Akins made a motion to take action and adopt Resolution # 16 of 2024 to lower the speed limit to 25MPH on Dairy Rd. from SR309 to Strauss Valley Rd. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0 Chief Bonner & Jeremy Fable asked the Board where the money for the speed limit signs are going to come from. Chairman feels the residents should be responsible because the

residents had to pay for the speed limit signs when they changed it on Archery Club Rd. Jeremy Frable said there needs to be two signs one on each side for every half mile. It is about 5 miles. You are looking at about \$3000. Chairman asked the Chief to go to the businesses on the road and ask if they would help with the costs of the signs. Chief Bonner said sure, he will get a cost analysis for the signs. Glenn Hummel asked if we should send a letter to the residents and ask if they would be interested in helping defer the cost of the signs. Chairman said let us do both.

B. Jake Brake Ordinance

If the Township would like to consider a Jake Brake Ordinance, they would have to get permission from the state even on local roads. Jim Akins said the municipality requests authorization in writing to enact an Engine Brake Retarder Prohibition. Jim Akins asked the Chairman if we could have the Secretary to reach out to PennDOT with our request. Jim Akins said we should ask for Dairy Rd., Pine Hill Rd., and part of SR 309. Glenn Hummel stated the reasoning for Jake Brakes. It is for safety to slow the heavy trucks down. Jim Akins made a motion for the Township to follow up with PennDOT to do a road study on specific roadways. Chairman seconded the motion. All in favor. Motion was carried. 3-0

VI. New Business

A. Salvage Quotes – Chairman read the bid quotes. Chairman said we had three companies that gave us bids.

The Company & Total Bids for six vehicles are as follows:

Zaprazny - \$3,632.00

Paul Warner - \$1,800.00

Harry's-U Pull It - \$11,800.00

The Vehicles that were for Salvage were 2001 Grand Cherokee, 2012 Honda Accord, 2005 Toyota Sienna, 2014 Ford Edge, 2013 Honda Accord and 2003 Saturn 200.

Jim Akins made a motion to accept Harry-U Pull It's bid for \$11,800.00. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

VII. Correspondence

A. Response from PennDOT for Larry Stival's Concern – PennDOT responded and said our sign team is in the process of ordering the signs. They should be placed in four to six weeks. They will also schedule for tree brush clearing by the Dollar General. Chairman asked the Secretary to give a copy of this correspondence to Larry Stival.

VIII. Business from Anyone on the Board - NONE

IV. Public Comments on General Items

A. Kevin Hoppes – asked if the Secretary received his concern that he dropped in the mailbox. Secretary said she did receive his concern and forwarded to Shannon Darker from ARRO. Secretary said there were citations issued again on 4/23/2024. He said the lawn is not cut, garbage all over and animals. He feels the property owner is not taking care of this at all. What does the Township need to do legally to have this property owner maintain his property? Mr. Hoppes said him and his neighbor's property are having issues with mice because of all the garbage. Jim Akins said site inspections were performed and citations have been issued. Chairman said they got another citation on the 22nd of April.

B. Rebecca Easterday – she is here about Lot#12 that is next to her property. She said on the deed it is part of the Paul Goettner Subdivision plan. She said on the plan it states that individual Lot owners for that particular lot shall obtain a Highway Occupancy permit from PennDOT and would require a driveway permit from PennDOT if they were developed. Rebecca Easterday said a driveway permit was

issued to them from the Township, not from PennDOT. She said they put a driveway between her residence and her neighbor's residence that she feels is as wide as SR443. She questioned why the permit was approved when the subdivision says that Lot needs PennDOT approval & a PennDOT permit. Mr. Easterday said they sent the Township a certified letter about the situation and wanted notification if anything happened on this lot. Chairman asked the secretary if we received the letter. Secretary said we did receive a letter however, she did not remember if it was certified. Attorney Datte asked to see the note on the plan. Attorney Datte said they are only required to get an HOP permit from PennDOT if they were accessing SR443. Attorney Datte said the Lot fronts on SR443 but they also look like they could access the property off Medical Crossing Rd. Rebecca Easterday said if that Lot is developed, they have to get their driveway permit from PennDOT. Attorney Datte said PennDOT does not have jurisdiction of the HOP off a Township Rd. Rebecca Easterday said but it says if it is developed, they have to go off of SR443. She said the property owner said they were not paying \$17K to put that driveway in off SR443. Rebecca Easterday said she heard they were putting Storage Sheds on that land. Attorney Datte said they may need a Land Development Plan but right now, we are not sure what they are doing. Mike Begis said if they were disturbing greater than 5000 sq. ft. they would also need an E&S plan for Conservation District. Attorney Datte said at this time nothing was submitted to determine whether or not it is a house or a business. Attorney Datte said if they were building something other than a home then a Land Development maybe required. Rebecca Easterday asked if they were building something other than a home would they then be required to get the HOP Permit from SR443. Attorney Datte said he does not know what their point of access is. They would have to submit a Land Development for a Storage Facility. Attorney Datte said the way he would interpret it is that if they put in a Storage Facility they would have to access it from SR443. Attorney Datte said if the Land Development comes in they may have to have the 443 access but the Plan does not say they cannot have access off Medical Crossing. Rebecca Easterday said she wanted to make everyone aware of this. Attorney Datte said at this point we do not know what is going in there until a plan would be submitted.

Attorney Datte said that until they submit something or do something other than a home we could not do anything. When they come back in to submit we may be able to take the position they have to come off SR443 and be required to a HOP Permit however, the plan does not say they cannot access on Medical Crossing too. There may not be anything we could do. We will have to cross that bridge when it comes to it. Attorney Datte made a suggestion Rebecca Easterday may want to contact the Schuylkill Conservation and see if they have a record if anyone made application with this property. Rebecca Easterday asked if she could get a copy of the driveway permit. Attorney Datte said make a Right-to-Know request and ask for a copy of the application and the permit. There was a question if a home is allowed on a Commercial Property. Chairman read from the Zoning Ordinance that a single family dwelling is permitted in the Highway Commercial District. Jim Akins said on the Subdivision Plan it says it was deemed Commercial would they have to go through Zoning Hearing to get that changed?

C. Dan Skripnek – said the road dept. should take care of the pothole on Archery Club Rd.

D. Jason Oswald – questioned where DAT has their truck storage on Lizard Creek Rd. if they could they run their business out of there? Chairman asked Shannon Darker to look into it.

E. Jamie Shelton – asked if you need a permit to timber harvest. He questioned if his neighbor needs a permit for all the timbering he is doing. Secretary said there are requirements of what you could do without a permit. It used to be 10 or more acres you would need a permit. In our new Ordinance, it is

less but I am not sure what it is. Chairman said there are provisions in the Ordinance about Timbering and it says it is three acres or more in a calendar year. It is Section 602 A.28

Chairman asked for Shannon Darker to look into it.

Valerie Coombe – said EMS week is May 19th – 25th. It is the 50th Anniversary of EMS week. It is also Penn Mahoning's 25th Anniversary. Board of Supervisors congratulated Penn Mahoning on their service to the Township.

X. Executive Session - NONE

XI. Adjournment

Chairman called for a motion to adjourn at 7:34PM. Jim Akins made the motion to adjourn. Glenn Hummel seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By:

Katie Orlick - West Penn Township Secretary