

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

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Regular Meeting & Hearing for Ordinance Vacating a Portion of Rabbit Run Rd.

Tuesday, September 3, 2024

Present at the Meeting

Anthony Prudenti – Chair

Karen Wittig – Treasurer

Glenn Hummel – Vice Chair

Katie Orlick – Secretary

James Akins – Supervisor (Absent)

Jeremy Frable – Road Master

Jim Bonner – Chief of Police (Absent)

Mike Begis – ARRO

Paul Datte – Solicitor

I. Hearing – Ordinance for Vacating a Portion of Rabbit Run Rd.

Chairman opened the Public Hearing with the Pledge of Allegiance & Introductions at 5:33PM

Chairman asked Jeremy Frable, Road Master to explain why we are considering vacating a portion of Rabbit Run Rd. Jeremy Frable explained and said the portion of Rabbit Run Rd. going from Walnut Lane to SR 895. The repairs for this portion is beyond what the Township could afford. The road is in really bad shape and it is becoming a liability to the Township to keep maintaining it.

Attorney Datte said the Hearing this evening is required through the Second Class Township Code. It was advertised in the Times News, on Friday, August 23rd and was posted at the building and on our website.

Pursuant to the Code, notice went out to the adjoining property owners that adjoin the portion of Rabbit Run Rd. that is proposed to be vacated. The UPI numbers that received the notice are 37-15-0083, 37-15-0081, 37-15-0080, 37-15-0089, and 37-15-0078.002. All the prerequisite were met.

Attorney Datte said after the hearing, it would be on the Agenda for consideration of adopting Ordinance 1 of 2024, vacation a portion of Rabbit Run Rd. by the Board of Supervisors. Attorney Datte said the Chairman could open up the hearing for Public Comment. Attorney Datte said please identify your name and address.

Betty Bitterman, Chestnut St., PA – she said she owns an Orchard on that Road. She said there are four owners of the Orchard on the deed. She asked if they would still have the right to access the Orchard from Rabbit Run Rd. She would like a written easement from the Township. She said if later this would cause their property to decrease in value than what it is and they decide to sell it. Would the new property owners still have access? Attorney Datte explained, that in these cases the title to the road, 33ft wide Right-of-Way. Once it is vacated, 16 ½ ft. on either side title would go to the adjoining property owner. You would gain title for 16 ½ ft. running immediately adjacent to your property. All of the property owners will retain a private Right- of- Easement over the road. Attorney Datte said she would still have the right to use the full 33 ft. wide width of the road, including whatever portion is improved now. That point forward the Township would not be maintaining it but the property owners would still have the right to use it. If you sell the property, that right goes along with the property. It is a perpetual right to you, your successors, and your assigns anyone that takes title of the property would have those rights. The Ordinance will be recorded, at the Recorder of Deeds office. We will provide a copy of the recorded Ordinance to everyone. Mrs. Bitterman asked who is responsible for maintaining the road. Attorney Datte said the property owners might choose to maintain it. They do not have too.

You are not legally obligated to fix the road. Attorney Datte said you might want to talk with the other property owners and work out a deal with the other property owners for maintenance of the road and snowplowing. Once the Ordinance is adopted, the Township is no longer going to maintain the road. Mrs. Bitterman asked would if people still use the road but now they do not have the right once the Ordinance is passed. Attorney Datte said that would happen. Attorney Datte again said you might want to get with the other property owners and put a gate across it. Jeremy Frable suggested they could even put a sign up that says "Private Lane". Mrs. Bitterman asked if they had a right to put a whole fence around the Orchard. Attorney Datte said you could not block the 33 ft. Right-of-Way but could put a fence as long as you could meet the setbacks. Mrs. Bitterman asked when the Township got the grant for this road, how long does it have to go to stay in effect. Jeremy Frable said the Dirt & Gravel grant you would have to maintain it for five years. Chairman asked if there are any more comments or concerns about the Ordinance vacating the portion of Rabbit Run Rd. from Walnut Lane to SR895. Glenn Hummel made a motion to adjourn the Hearing at 5:57PM. Chairman seconded the motion. All in favor. Motion was carried. 2-0

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 – August 5th & 20th, 2024.

Chairman called for a motion to accept the meeting minutes from August 5th & 20th, 2024. Glenn Hummel made the motion to accept the minutes from August 5th & 20th, 2024. Chairman seconded the motion. All in favor. Motion was carried. 2-0

D. Treasurer's Report – August 2024 – Chairman said the Treasurer's Report for August would be available at the September 17th 10AM BOS Meeting

E. Approval of Bills – August 2024

Chairman called for a motion to approve and pay the bills for August. Chairman made the motion to approve and pay the bills. Glenn Hummel seconded the motion. All in favor. Motion was carried. 2-0

F. Solicitor's Report

Attorney Datte said we just had the hearing for Ordinance 1 of 2024 Vacating a portion of Rabbit Run Rd. It would be appropriate at this point to take action on that Ordinance.

1. Chairman said the Ordinance is for Vacating a portion of Township Road T-930 (Rabbit Run Rd.) between its intersection with State Route 895 (Lizard Creek Rd.) and its intersection with Township Road T-948 (Walnut Lane) within West Penn Township, Schuylkill Co., PA and providing for a repealer, provisions regarding validity and the effective date of the Ordinance. Glenn Hummel made the motion to adopt Ordinance #1 of 2024 Vacating a portion of Rabbit Run Rd. Chairman seconded the motion. All in favor. Motion was carried. 2-0

2. Amendments to the Zoning Ordinance – Attorney Datte said he spoke with Charlie Schmehl and told him nothing needs to be address for the Tiny Homes and Food Truck issues. Data Centers we would like restricted to the EI District by Special Exception. He asked Charlie Schmehl to define Data Centers for the Ordinance and draft specific performance criteria. Glamping will be incorporated with camping or campground but he feels it would be a good idea to define Glamping.

III. Land Use

Mike Begis said the Planning Commission reviewed two separate plans in August.

A. Billman 2-Lot Subdivision along Blue Mountain Rd. and Timber Lane.

WP Planning Commission recommended to the Board of Supervisors to grant the applicant's modification request of Section 1019 Concrete Monuments. They request to use steel pins instead.

Chairman called for a motion to grant the modification request. Glenn Hummel made the motion.

Chairman seconded the motion. All in favor. Motion was carried. 2-0

PC recommended conditional approval of the Billman 2-Lot Subdivision, Chairman called for a motion to adopt Resolution # 24 of 2024, conditionally approving the Billman 2-Lot subdivision contingent on comments being satisfied from ARRO's letter dated August 23rd, 2024, Bill Brior/DEP and Schuylkill Planning Commission. Glenn Hummel made the motion to adopt Resolution #24, 2024. Chairman seconded the motion. All in favor. Motion was carried. 2-0

B. Dietrich – South side Zion's Church Rd. – The plan proposes the subdivision of existing 21-acre parcel into two separate parcels to be annexed to adjoining parcels. PC recommended to the Board of Supervisors to give conditional approval of the Dietrich Lot Line Adjustment. Chairman called for motion to adopt Resolution# 25 of 2024 conditionally approving the Dietrich Lot Line Adjustment contingent on comments being satisfied from ARRO's letter dated August 23, 2024, Bill Brior/DEP and Schuylkill Planning. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

IV. Operations

A. Engineer/Zoning Monthly Report – August 2024

Chairman asked Mike Begis from ARRO Consulting, Inc. if he had anything to report for the month of August. Mike Begis said he provided the BOS a report and he would be happy to address any questions the BOS may have. Chairman called for a motion to accept the Engineer's monthly report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

B. Code Enforcement Monthly Report – August 2024

Chairman called for a motion to accept the Code Enforcement Officer's monthly report for August 2024. Glenn Hummel made the motion to accept the code report. Chairman seconded the motion. All in favor. Motion was carried. 2-0

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

Chairman read the sewage enforcement officer's report. The report consisted of 1 New Permit App., 2 Test Probes, 4 Interim Inspections, 2 General Field Inspections, and 1 Subdivision Plan Review. Well Report there were 1 new well permit, 1 Design Review and 1 Site Evaluation. No Malfunctions were reported. Chairman called for a motion to accept the Sewage Enforcement Officer's Report. Glenn Hummel made the motion to accept the Sewage Enforcement Report for August 2024. Chairman seconded the motion. All in favor. Motion was carried. 2-0

D. Road Department's Monthly Report – August 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, Installed pipes on Arrow Rd. (Dirt and Gravel), Cleaned up trees and limbs along Township roads, Installed Shale on Arrow Rd. (Dirt & Gravel Grant Project), Mowed grass along Township Roads, Removed hanging tree on Pine Hill Rd., Cut low hanging limbs in Valley Park Estates. The Road Dept. also removed Campers from the Galloway

Property. Chairman also read the Maintenance Report. Glenn Hummel made the motion to accept the Road Dept.'s monthly report. Chairman seconded the motion. All in favor. Motion was carried. 2-0

E. Police Department Report – August 2024

Chairman read the Police Report. The Police Dept. had 4,630 miles patrolled 111 total citations & warnings, 4 motor vehicle accidents and 172 Total calls. Chairman said there were 4 Criminal arrests. Chairman called for a motion to accept the Police Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

F. Fire Company Monthly Report – August 2024 - NONE

G. Ambulance Monthly Report – August 2024

Chairman read the Ambulance Monthly Report. The Ambulance Report consisted of 313 calls year to date. August had 51 total calls. 37 West Penn, 9 Tamaqua, 3 New Ringgold and 3 Walker Twp. The outcomes of the calls were 19 Treated and Transported BLS, 10 Cancelled, 1 Lift Assists, 2 Refused Treatment, 2 Standby, 3 Treated but not Transported, 2 Treated & Transferred to Air Medical, and 12 Treated, Transported, with ALS. Receiving Hospitals were 15 St. Luke's Miners, 5 St. Luke's Carbon, 5 Lehigh Valley Carbon, 2 LVHN-Cedar Crest & 4 St. Luke's Geisinger. The calls consisted of assault, Abdominal pain, breathing problems, chest pain, falls, fire, traffic accidents, stroke, lift assists, sick, diabetic problem, headache, heart problem, laceration, traumatic injury, fainting and psychiatric problems. Chairman said two calls in WPT were answered by Mahoning Valley Ambulance because PMAA was busy on other calls. Karen Crostley said they did not miss any calls because of being out of service. The BOS thanked the Ambulance Association for their Service. Karen Crostley and Valerie Coombe also noted that they have passed their inspection and they are waiting to hear if they got full status yet. Chairman called for a motion to accept the Ambulance Report. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

V. Old Business - NONE

VI. New Business - NONE

VII. Correspondence

A. 2024 Fall Clean Up – Chairman read the Fall Clean Up site locations for drop offs. Glenn Hummel asked why West Penn Twp. is not listed as a site. Chairman said he thinks we would need to register but he is not sure.

VIII. Business from Anyone on the Board

A. Chairman gave a reminder to the department heads that Budget Meetings begin September 17, 2024, following the Board of Supervisors Morning Meeting.

IX. Public Comments on General Items

A. Valerie Coombe – she said that the Ambulance just got their Licensure approved. They are looking for donations. They would like to put up a digital sign. The secretary is working on gathering some information for them so they could start the application process.

B. Shawn Phillips said Chief Bonner spoke about doing a Grant for a New Police Car. Would the BOS give him permission to apply for that grant or does he just do it on his own. Chairman said that both depending on if there is a match because that would have to be put in our budget. If the grant application is complex we may have to get our Engineer involved. Chairman said Supervisor Hummel and the BOS decided to start a fund that would allocate money towards different pieces of equipment. We put \$20K a year into this fund for Police Cars. So every 3 Years we should be able to pay cash for a new police vehicle. Mr. Phillips said if they could get a grant that would change it. The BOS agreed grants are

welcome, free is free. Sgt. John Kaczmarczyk said that right now there are no grants available for Police vehicles. There are grants out there for hiring and technology but not for vehicles. However, DCED does offer low interested loans for police vehicles. Sgt. Kaczmarczyk said there are no grants for vehicles and he knows because he personally looked into that.

C. Gary Steigerwalt – asked when Ridge Cup Road is going to be fixed. Jeremy Fable said that right now they are wrapping up some grant project that have a deadline and needs to be done. He will go out and look at the road when he gets the chance.

D. Tom Moroz, Stonehedge on Dairy Rd. – thanked the Board for lowering the speed limit on Dairy Rd.

E. Ronald Wehr – Thanked the BOS for lowering the Speed Limit on Dairy Rd. He asked how the speed limit on the roads gets determined. Chairman said you would have to do a road study unless you could prove a section of the road qualifies for a residential district and if so the speed limit could be reduced to 25mph. If you do a road study, it could be reduced accordingly to whatever the road qualifies for. However, road studies are very expensive. It is easier to reduce speed limits to 25mph if the residential district could be established by a certain footage between homes. Ronald Wehr would like to see a 25MPH posted from Larry Faust to Pine Hill Rd. Mr. Wehr's concern is that people drive excessively fast on that road. Ronald Wehr said we have to start somewhere. Chairman asked the Road Master to look at it. Ronald Wehr said we have to start somewhere. Chairman said again road studies are expensive. Even if you have a road study done, we would need to enforce the speed limit. We are currently looking for more officers for our department. Police Departments are having a hard time recruiting officers everywhere. Someone asked why our Police Officers could not work overtime. Chairman said if our Part Time officers continue to work OT, they would technically have to be considered Full Time. Then we have to pay health benefits and pension and that would be way out of our budget. Ronald Wehr said you have to start somewhere. He said if the rural road is not posted with the speed limit, then it is automatically 55mph. That is too fast for these roads.

Ronald Wehr also spoke about the J.E. Morgan Park. He feels there should be a shaded area where the playground equipment is located. The play equipment gets too hot in the sun. He asked the Board to consider doing something about that. Ronald Wehr said maybe you could use grant money to do a new roof over the equipment of something like that.

F. Jackie Selitto – she is concerned with the staffing of our Police Department. She feels we do not have 24/7 coverage and what are we going to do about it. Are we offering competitive wages to entice officers to want to work here? What are we doing to get people here and keep them here? She expressed her feeling about when her children are in school and there are no officers on duty. Chairman said we are normally staffed when during that time of the day. He said we are trying to set up some type of incentives. We are talking about sign on bonuses or sending someone for schooling to become an officer. If we did that, the officer we put through school would have to be with us a certain amount of years or they would have to pay the schooling back to the Township. We are advertising. All the surrounding communities are having a tough time finding police officers. Glenn Hummel said we raised the wages twice last year to get our officers to get a comparable rate. The surrounding areas are doing the something. Jim Bonner manages the Police Department. He has to maintain his budget. Sometimes he gets lost on that and needs to be pulled back in. We funded the budget for a Full Time Police Officer to cross cover Part Timers but we just do not have the people. Jackie Selitto asked if we currently have a Full Time Position available right now. Glenn Hummel said, yes we have it advertised for a Full Timer and for Part Timers. She asked if we have any of our current people wanted to become Full Time. Glenn

Hummel said no one came forward to inquire about the Full Time position. Chairman said we have two applications. Secretary said she received two inquires. One sent in his resume and the other on the return of his application.

Jackie Selitto asked about raising the taxes to pre-covid mills and decided not to. She said people would not want to move in our community if we do not have good Police coverage. Which in turn would not increase our intake of the EIT money. She said keep in mind while doing the budget this year so we could give our Police Dept. what they need to maintain competitive rates. She asked the Board to do whatever they need to maintain a good Police Dept. Glenn Hummel said our neighboring community pay their PD well and they are not be fully staffed. Everyone is struggling getting Police Officers. Glenn Hummel said Mahoning, Leighton, Palmerton and Tamaqua all put on the PSP because they are having problems with staffing. Chairman said we are doing the best we could. If anyone has any suggestion on hiring or having police officers come here to work, we would love to hear from you. Technically, we are all in it together, whether or not you want to believe it. Chairman thanked everyone for attending the meeting and being the supportive of their community.

Attorney Datte said that he was recently involved in a collective bargaining agreement and the wages rage were anywhere from \$74K up to \$87K. The point is that we will have to give a financial commitment sooner than later.

G. Lynn Barron – her concern is if there was a crisis, like an active shooter. She asked the Board is it true that the Ambulance cannot help someone unless a police officer is there. Chairman asked the Ambulance if that was true. Chairman said if there was a crisis like that regardless if there was not an officer on duty, Sgt. Kaczmarczyk and Cpl. Lorah would be on scene. These people are dedicated for the people. Valerie Coombe, Ambulance President, said dispatch would tell them if the scene is secure or not. They may go close to the scene until the scene gets clear, and then they will be in full response.

H. Bill Welks – asked if the Board has, any control of Water Extraction on Blue Mountain Dr. Chairman said he believes the Delaware River Basin Commission monitors Water Extraction. Attorney Datte said they have a docket that states what they are allowed to pull on a daily/monthly basis. Attorney Datte said we do not control output. However, we did amend our Zoning Ordinance to introduce a lot of new Zoning Controls. Attorney Datte said there are only so much we could do as a municipality. It is determined by the Delaware River Basin Commission. Mr. Welks is concerned that the water extraction company is pulling more than they are allowed too. He said there is a stream that is gone. He feels if they keep extracting over the limit there will be well going dry too. Chairman said we could get some phone # for him for the Delaware River Basin and DEP.

I. Carl Greves – the Board thanked him for the article he sent in regards to sludge.

J. Ronald Wehr - asked if Chicken manure would be included in that category. The Board said no.

K. Delroy Haas – he is concerned with how they “clean the sludge” especially when people are on medicines like Chemotherapy. He does not understands why the state allows farmers to use it. Delroy Haas also asked why Police Officer come then they leave. Chairman said they usually leave for more money or a Full Time position.

L. Valerie Coombe - expressed that she understands what it is like to be shorthanded and now the Board knows too. Sometime the Ambulance, Police Department or the Fire Company have to rely on mutual aid.

X. Executive Session –Chairman called for a motion to go into executive session at 7:05PM for civil litigation and personnel matters. Glenn Hummel made the motion. Chairman seconded the motion. All in favor. Motion was carried. 2-0

Chairman brought the meeting back in order at 7:25PM. He said we discussed personnel matters.

XI. Adjournment

Chairman called for a motion to adjourn at 7:27PM. Chairman made the motion to adjourn. Glenn Hummel seconded the motion. All in favor. Motion was carried. 2-0

Transcribed By:

Katie Orlick - West Penn Township Secretary