

West Penn Township Board of Supervisors

**27 Municipal Road
New Ringgold, PA 17960**

Phone (570)386-4507

Fax (570)386-5851

Monday, August 3, 2026

Present at the Meeting

Anthony Prudenti – Chair
Tom Ackerman - Supervisor
Kyle Kester – Vice Chair
Jeremy Frable - Road Master

Karen Wittig – Treasurer
Katie Orlick – Secretary
Paul Datte – Solicitor

I. General

A. Open Regular Meeting

Chairman opened the regular meeting @ 6:00PM, with the Pledge of Allegiance & Introductions.

B. Chairman announced that Board of Supervisors conducted an Executive Session on July 22, 2026 @ 6PM to consult with the Township Solicitor regarding possible litigation relating to the Township's mutual aid agreement with the Borough of Tamaqua.

Brian McQuillen asked if the Board could give some information about the possible litigation. Attorney Datte said there was some suggestion that the Borough of Tamaqua was going to terminate the Mutual Aid Agreement.

C. Public Comment on Agenda Items Only

1. Ernie Daubenspeck – said the VFW bought two picnic tables and dropped them down at the Atlas Park.

Chairman said we brought them back to the Township until we could put down a base for them to be on. The Board of Supervisors thanked the VFW for their kind donation.

D. Review of Minutes – July 6, 2026

Chairman called for a motion to accept the meeting minutes from July 6, 2026. Tom Ackerman made the motion to accept meeting minutes. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

E. Treasurer's Report – July 2026

Chairman called for a motion to accept the Treasurer's Report for the month of July. Tom Ackerman made the motion to accept the Treasurer's Report. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

F. Approval of Bills – July 2026

Chairman called for a motion to approve & pay the bills for July 2026. Tom Ackerman made the motion to approve and pay the bills for July. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

G. Solicitor's Report – July 2026

Solicitor Paul Datte said he is suggesting we set our Sept. 8th as the date for the public hearing on the Zoning Ordinance that would combine the Data Center/ Solar Amendments into a single Ordinance. The hearing would be at 5PM with a potential to adopt the amended ordinance at 6PM. Attorney Datte handed the Board Act 44 of 2026; it was signed into law July 20th. This is the legislation that deals with decommissioning of Solar Energy Facilities. This sets forth the ability to provide a decommissioning agreement and security for decommissioning. This will supersede any provisions in local zoning Ordinance. This will go in effect in 6 months. Our Ordinance will cross reference Act 44. Chairman called for a motion to have the Data Center/Solar Hearing on September 8th @ 5:00PM. Tom Ackerman made the motion. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

II. Land Use

A. Chairman called for a motion to accept and ratify Hole in One Solar Farm Project, LLC request for a 90-day extension. Their new action date would be October 22, 2026. Kyle Kester made the motion. Tom Ackerman seconded the motion. All in favor. Motion was carried. 3-0

III. Operations

A. Engineer's Monthly Report – July 2026 – ARRO Consulting, Inc.

Chairman read Arro Consulting, Inc. report dated July 28, 2026. Chairman explained the two plans that were reviewed by the Planning Commission, Medical Crossing Storage & Leon & Sandra Troxell Major Subdivision. Chairman called for a motion to accept Arro Consulting, Inc. report. Tom Ackerman made the motion. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

B. Hometown Municipal Services, LLC Monthly Report – July 2026

Chairman read the report. He discussed the development and the current grants of J.E. Morgan Park and Atlas Park. Chairman also stated that we submitted a request for a time extension of December 31, 2027, for the Atlas Park. Chairman called for a motion to accept Municipal Services Monthly Report. Tom Ackerman made the motion. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

C. Sewage Enforcement Officer's Monthly Report – July 2026

The Sewage Enforcement Officer's report consisted of 2 New Permit App., 1 Test Probes, 1 Perc Tests, 2 Site Evaluation, 5 Interim Inspections, and 2 Subdivision Plan Review. 3 Malfunctions Reported. 2 new wells, 2 Site Evaluations & 2 Design Reviews. Chairman gave an update on the Malfunctions. Chairman called for a motion to accept the Sewage Enforcement Officer's monthly report. Tom Ackerman made the motion to accept the Sewage Officer's monthly report for July 2026. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

D. Road Department Monthly Report – July 2026

Tom Ackerman read the Road Department's Monthly Report. It consisted of general maintenance of the Twp. Building & Equipment, Fixed Street Signs along Township Roads, Patched holes on Dirt Roads with 2A Mod., Patched holes on Twp. Roads with Cold Patch, Mowing Shoulders along Twp. Rds. Paving bad spots on Lumber Lane, Retreat Rd., Glory Rd., and Whitetail Circle, Installed sign at Atlas Park (Open Dawn to Dusk), Fixed wash out on Troxell Valle Rd. with R-4 Rip Rap, Paved bad spots in Valley Estates and Hauled 2A Mod. to stockpile. Tom Ackerman read the Maintenance and Equipment Report. Supervisor Ackerman gave an update of which Roads were paved in Valley Park Estates which included Hemlock, Evergreen, Oak Lane, Valley Road, Valley Park Rd., Lumber Lane, Retreat Rd., Whitetail Circle & Glory Rd. Roads to be paved are parts of Retreat Rd., Andreas Rd., and Winter Mtn. Rd. Jeremy Fable also noted that Andreas Rd. (Between SR895 & Quarry) materials to pave are being donated by the Quarry. We thank Lehigh Asphalt for their donation. Jeremy Fable asked the Board if he could attend Dirt & Gravel Maintenance Workshop out at Williamsport, Sept. 29 – Oct 1st, recertification for grants. Jeremy Fable said we received 2026 Line Painting quotes it was for 4-inch Yellow Double- & Single-Lines Waterborne Paint with Glass Beads for Dairy Rd., Zion Stone Church Rd., St. Peters Rd., School Rd., Pine Hill Rd., Blue Mountain Dr., Archery Club Rd., Mush Dahl Rd., Kepner Rd. and Mantzville Rd. We received three bids. The companies were D.E. Gemmill total cost of \$22,712.50, RoadSafe Traffic Systems total of \$23,337.70 and Guidemark, Inc with a total cost of \$30,820.55. Chairman said D.E. Gemmill is the most reasonable quote. Chairman called for a motion. Kyle Kester made a motion to accept the bid from D.E. Gemmill with a total cost of \$22,712.50 for Line Painting in the Township. Tom Ackerman seconded the motion. All in favor. Motion was carried. 3-0 Chairman called for a motion to send Jeremy Fable to the Dirt & Gravel Class in Williamsport. Tom Ackerman made a motion to have Jeremy Fable go to the Dirt & Gravel Class to be recertified. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0. Chairman called for a motion to accept the Road Dept. Monthly Report. Kyle Kester made the motion to accept the Road Dept. Monthly Report for July. Tom Ackerman seconded the motion. All in favor. Motion was carried. 3-0

E. Police Monthly Report – July 2026

Kyle Kester read the Police Report. He reported that the Total Miles Patrolled 5,097. Traffic Citations were 67, Traffic Warnings 15, with a total of 82. There were 9 Motor Vehicle Accidents, 1 Criminal Arrents & 79 Total Calls, for the month of July. Chairman called for a motion to accept. Tom Ackerman made a motion to accept the Police Monthly Report. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

F. Fire Company's Monthly Report – July 2026

Kyle Kester read the Fire Report. The report consisted of 23 Total Calls for the month of July. Emergency Responses included 3 Motor Vehicle Accidents, 7 Wires/Trees Down, 2 Medical Assists, 1 Automatic Fire Alarm, 2 Transformer Fires, 4 Structure Fires, 2n Brush fires and 2 Chief Calls. Their activities consisted of Hall Rental & Cash Bingo. Training included Vehicle Rescue, Driver Training, & Vehicle Fires. Chairman called for a motion to accept the Fire Dept. Monthly Report. Tom Ackerman made the motion to accept the report. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

G. Ambulance Monthly Report – July 2026

Kyle Kester read the Ambulance monthly report. The Ambulance report consisted of 59 Calls for the month of July. Unit 935 had 30 calls and Unit 937 had 29 calls. There were 19 Treated, and Transported BLS, 8 Canceled Prior to Arrival, 5 Lift Assists, 9 Refused Transport, 1 Standby, 3 Treated but not Transported and 14 Treated, Transported with ALS on board. Receiving Hospitals were 11 St. Luke's Miners, 12 Lehigh Valley – Carbon, 4 St. Luke's – Geisinger, and 3 LVHN Cedar Crest and 3 St. Luke's Carbon. The calls were 4 East Brunswick, 2 New Ringgold, 5 Tamaqua, 1 Waker Twp. & 47 in West Penn Twp. Ambulance included a Bar Graph with their report. Chairman called for a motion to accept the Ambulance Monthly Report. Tom Ackerman made the motion. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0 Karen Crosstley said the old 937 was sold to someone in Texas. Chairman spoke about the Township giving grants to the Ambulance & the Fire Dept. and in those grants if you use any of those funds to purchase equipment or vehicles that would be part of the Township. Chairman asked about the truck the Ambulance Assoc. bought in Florida. Karen Crosstley said that was gone.

IV. Old Business - NONE

V. New Business - NONE

VI. Correspondence - NONE

VII. Business from anyone on the Board

Kyle Kester said check out the Township's updated website. There is now a search bar to help navigate the website. Kyle Kester reminded the public if anyone knew anyone that would benefit from the Housing Rehabilitation Program to connect the Township Office. It is a benefit that could help low to moderate income families.

VIII. Public Comment

Jason Oswald – Summer Valley Rd. – Questioned a driveway his neighbor is using. He explained that he is being sued for blocking the driveway because of the easement. He said he spoke to PennDOT and got some information. He referenced subchapter 441, section 6, under 2F of the PA State Code. He spoke about the Township Ordinance on driveways. Mr. Oswald feels that the Township Ordinance should be enforced. Chairman said the Driveway is on a State Rd. The State supersedes local Ordinances. Attorney Datte said the issue is the application of the Township's Driveway Ordinance. Mr. Oswald is looking for some type of assistance in this whole matter. Attorney Datte said he could take a look at it. Attorney Datte said he would look at it in conjunction with the Township's Driveway Ordinance.

Craig & Trina Moyer – expressed their concerns about their neighbor shooting rounds of bullets close to their house. Their son told his parents about the neighbor shooting and said he thinks it hit their house. Mr. & Mrs. Moyer went to look around, and they found two bullet holes. They called the Police Dept. to confirm it. The neighbor did admit that him & his grandsons were shooting. The Moyer's felt that the neighbors should repair the side of the house where the bullets struck. The neighbor then denied shooting. The Moyer's spoke to Chief Lorah, and the other Officers and they said there are no Ordinances about shooting and were unsure of what they could be charged with. The Moyers asked if there is anything that the Township could do to prevent this from happening to anyone else. Attorney Datte feels that there would be state law in effect particularly the Crimes Code for reckless or trespassing. But you would have to want to press charges. Chairman asked what we could do to help. Mr. Moyer said he does not want this to happen to anyone else in the Township. Mrs. Moyer said we need more safety. She said that her son's bedroom is right there. If it would have come through the window it could have killed him. She is thankful no one was hurt but she does not want to see

this happen again. Attorney Datte said he would look into the Zoning Provisions for Target Practicing. Mrs. Moyer said if the neighbor does not have enough land they should have to go to a gun range or something. Attorney Datte said we could look into it and if there are any Township Ordinances that could provide some relief. Mr. Moyer said if something happens like this again, we should call the police immediately. Chairman feels we should do something to address this. The Moyer's main concern is this does not happen to anyone else. Attorney Datte said we will look into it and get back to you. Chairman made a motion to have our Solicitor look into the PA Hunting Laws and if the Township has any Ordinances and to get suggestions on how we could protect our citizens more. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

Ray Kinder – Superintendent of Tamaqua School District – thanked the Board of Supervisors, Road Master and Road Dept., Police, Fire and Ambulance for all their support they give to the Tamaqua Area School District. He appreciates the relationship, involvement and how they always respond to any requests that the school has faced. He thanked everyone again for everything they do and have done. Chairman thanked Mr. Kinder and his family for their support and involvement with the Township and the Tamaqua Area School District.

Glenn Hummel – Questioned the West Penn Fire Co. & East End Fire Co. leasing agreements. His concerns are the liabilities this may hold with the Township. Chairman said that the Board of Supervisors did not know about the lease until it hit the news & social media. Mr. Hummel questioned whether there has been any follow-up from the Fire Dept. with regards to risk assessment, liabilities or what the expenditures may cause for any type of leasing equipment with a substation outside of the Township. Chairman said yes after the fact the Board and the Solicitor sat down to have a meeting with Jeff Bradford, Fire Chief. Glenn Hummel expressed his concerns and feels it would better serve West Penn if those trucks & equipment were housed in West Penn Township instead of outside the municipality. Jeff Bradford response was that the last 15 years we relied on East End coming down to West Penn Township anyway. Mr. Bradford said the only thing that has changed is now they are members of West Penn Fire Co. Mr. Hummel questioned expense to the Township. He questioned who owns the East End's building, the Fire Co. or the Bar. Jeff Bradford, Fire Chief said the is zero expense to the Township and to West Penn Fire Co. Mr. Hummel questioned the Fire Relief money & the PEMA & FEMA grant money of East End Fire. Jeff Bradford said that all has been resolved already. Jeff Bradford said the Fire Relief equipment is waiting for someone to pick it up. Glenn Hummel questioned the \$18K back pay. Mr. Hummel spoke as a concerned citizen questioning having trucks & equipment in a remote location when it would be beneficial having them down in West Penn Township. Attorney Datte said we had an executive session about this. Our concerns were based on conversations Attorney Datte had with the Tamaqua Borough Solicitor about the Mutual Aid Agreement. They talked about potentially terminating the Mutual Aid Agreement. Attorney Datte said we are trying to address the issues that were brought to our attention.

Resident asked if someone could address the weeds at the Golf Course where they were planning on doing the Solar Farm. Chairman said we could have our Code Enforcement go out and take action to have them clean it up.

Erin Raymond – asked the Board of Supervisors if the Goal on Sept. 8th is to pass the Data Center Ordinance. Attorney Datte said it could happen that night. The hearing at 5PM is to receive public comment of the Ordinance. It depends on the public comment would depend on if it would be passed at the public meeting that follows the hearing. Ms. Raymonds' concerns are if the Twp. is protected right now. She asked if the draft could be uploaded on the website for people to review that cannot make it to the Township.

Logan Christine – questioned if we could declare our ordinance as subsequently invalid. Attorney Datte said the process is to declare it invalid then you have 30 days to adopt a Resolution that states what the invalidities are. Then you have 180 days to adopt the Ordinance. Then you have a certain time limit so you cannot use that process again. Ms. Christine feels that we should declare our Ordinance subsequently invalid with a partial that doesn't affect the rest of the Ordinance. Attorney Datte said there is at least three pieces of pending legislation that got through the House, but we do not know if they would get through the Senate or not. Her concern is would if a Data Center makes application and we are not protected. Attorney Datte said if we do declare the Ordinance invalid requesting a curative amendment. That

means for that 180-day period which is called a Municipal Curative Amendment, no one else could come in and request and request a curative amendment. It does not stop people from submitting plans. Attorney Datte said if we want to go through that process, we could do that. Attorney Datte said we would have to stop what we are doing. He could give the motion to declare the curative amendment and the resolution that specifies what aspects of the Ordinance need to be cured. Chairman asked what that will do for us. It means no one else could come in and request a curative amendment within the 180-day period. Logan Christine would also like to propose including all large electronic loads not just solar farms, crypto currency and data centers in the language of the ordinance. Attorney Datte said the Ordinance that we are working on came from our Planning Commission and that is what we will be going with. People will have an opportunity to comment again at our next public hearing and if the Supervisors want to revise the Ordinance again, we will do so. Ms. Christine said Conditional Use over Special Exception. Attorney Datte said that is in the new draft.

Logan Christine asked the Board how she could get a Speed Bump or a Stop Sign at the intersection where she lives? She said it is a blind spot at the top of her hill. Rabbit Run Rd. & Snow Drift Rd. Jeremy Frable said there is a stop sign at Rabbit Run Rd. & Snow Drift Rd. Ms. Christine said it is a blind turn on both sides. Kyle Kester asked when the four-wheelers were running on the road. She said dusk. She said she has it on her security cameras. Attorney Datte asked if she could send us the footage from the cameras. She said she could email them to the Secretary. They could paint a line on the road where the vehicle should stop at the stop sign. The PD will try to enforce no driving on the streets with the four-wheeler issue. Chairman recommended a stop sign ahead sign and asked for the PD to put their speed reader over on that road.

IX. Executive Session - NONE

X. Adjournment – Chairman called for a motion to adjourn the meeting at 7:40PM. Tom Ackerman made the motion. Kyle Kester seconded the motion. All in favor. Motion was carried. 3-0

Transcribed By: Katie Orlick, West Penn Township Secretary