

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

April 14, 2021

**CALL TO ORDER:**

Bruce Steigerwalt called the meeting to order at 6:00 PM at the Mahoning Township Building (Public Works Building) 2685 Mahoning Drive East, Lehigh, PA 18235

**PRESENT:**

Bruce Steigerwalt, Chairman; Myron Blahy, Supervisor; David Pollock, Supervisor; Thomas Nanovic, Solicitor; Peter Eisenbrown, Township Engineer; Barbara Kester, Clerk

**ABSENT:**

Robert Slaw, Vice Chairman; Brian Reeser, Supervisor; Natalie D Haggerty, Secretary-Treasurer

Bruce Steigerwalt, Chairman presented part time Road department employees; Christopher Moses and Ron Weinrich with a gift and certificate of accommodation recognizing their outstanding services to the community. While plowing snow on Dec 16, 2020 Chris and Ron came across an unresponsive gentleman buried in the snow. Their quick response and efforts aided in saving the man's life.

**PUBLIC COMMENT:**

Rick Bjorkman addressed the Board concerning attorney and engineering fees associated to Sunny Hill Farms. Although Rick agrees that fees were previously agreed upon in the amount of 150K in 2013, he feels he was pressured and bullied to that settlement. Additional fees received have increased and are more than previously expected. Rick would like the township to work with him in understanding the remaining fees as the previous estimate differs from the current estimate in excess of 130K. Rick's main issue is receiving two estimates within a 4-month time frame from LTL that is causing this substantial increase in cost. The Board and Solicitor were under the impression that Rick was going to submit to the township a detail letter of concerns associated to the fees submitted by LTL in relation to their level of engineer costs. Rick confirmed that he did not submit those concerns to the township for review. The project originally started in 2006 and was expected to finish in 2007. Bruce Steigerwalt, Chairman stated that because of continuous extensions and the project not being completed until 2020 costs would most definitely continue to rise. Rick believes the delay in project completion was due to the unexpected disruption in economy for which he feels he had no control over. Ultimately, Rick is proposing the township split the total cost of his outstanding bills. Bruce asked for that figure, Rick did not have that available. Both Peter Eisenbrown, Township Engineer and Thomas Nanovic, Township Solicitor will gather their costs associated to this project and present to the Supervisors. Any possible negotiations will be discussed at that time.

David Wargo – Summit Hill Borough. David addressed the Board asking the township to pass a resolution in support of equality for the fair funding of Pennsylvania school districts. David shared that our schools are all underfunded causing taxpayers to be directly affected to cover the necessary costs. This proposed resolution will demand fair and full application of the Fair Funding formula to all Commonwealth School Districts. A copy of the revised resolution will be distributed to the Supervisors and Solicitor for review and discussion. The body of the resolution will be changed to be more specific to our township and action will be taken at the next meeting. If the resolution is passed David asked that if the township adopts the resolution to please send a

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letter with the copy of the resolution to the Summit Hill Borough, our Representative, Senator, Governor and Panther Valley Business Manager, Jesse Walck.

Tom Zimmerman, President and Jim Koons, Treasurer of the Mahoning Township Lions addressed the Board in regard to a letter they received from the township dated Jan 8 2021 asking them to please remove the location of the current recycling collection because of the ongoing trash accumulating around the bins. The Lions asked the township for options to keep the recycling where it is because the project is successful, and the residents of the township are familiar with where they are located. The Lions are concerned that if the location is moved people will not travel to a relocated site. Due to the pandemic they have suffered because they were not able to conduct many of the fundraisers and they cannot afford to lose this project. The recycling bin project has been ongoing for 20+ years and has provided much support to the community. Nevin Frey, Township Road Master shared issues of having to clean up around the recycling bin area several times and it seems to have gotten worse since September of last year. The Lions representatives and Nevin discussed possible options and agreed that the Lions will attach a net on half of the area to eliminate loose garbage from blowing, the Lions will pick up recycling more often and they will update the current sign to remind the residents the area is for recycling only and not every day garbage. Nevin suggested we keep the cans where they are for now and believes the changes recommend and agreed upon will eliminate the garbage issues.

MOTION

Myron Blahy made a motion to keep the recycling bins at their current location. Second by David Pollock. Bruce Steigerwalt, yes; Myron Blahy, yes; David Pollock, yes; 3-0 vote. Motion carried.

Scott Neeb – Neeb subdivision. Bruce Steigerwalt read an email he received from Scott Bieber, Sewage Enforcement Officer referencing the waiver discussion explaining why a waiver should be approved. Scott Bieber suggested Scott Neeb submit a letter to the Township stating he will not, ever, hold the township responsible for any future possible additional testing. Tom Nanovic shared concern that although we would have a letter on file, does it hold much weight if Scott is not the owner of the property. Scott Neeb asked the Board that a waiver be granted, signed by Natalie Haggerty, for the planning requirements for the residual tract of this subdivision. The continued concern for the granting of the waiver is the wording of the waiver under section Q. municipal actions stating possible financial responsibility falling onto the township. It was agreed that Scott Neeb would provide a signed statement to the township relinquishing them of any financial responsibility if in fact additional testing would be needed, which he states would not be. The letter was signed and received at this meeting.

MOTION

Bruce Steigerwalt made a motion to have Natalie Haggerty, Secretary-Treasurer sign page 10, section Q Municipal Actions / Marginal conditions Residual Tract Waiver and/or O&M options granting the waiver for the Neeb Subdivision. Second by Myron Blahy. David Pollock, yes; Bruce Steigerwalt, yes; and Myron Blahy, yes 3-0 vote. Motion carried.

Scott Neeb – Neeb subdivision made payment to the township in the amount of 400.00 for open space recreation fee. A receipt of payment will be mailed to Scott.

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**APPROVAL OF MINUTES:**

MOTION

David Pollock made a motion to approve the Minutes of the March 10, 2021 Board of Supervisors Meeting. Seconded by Myron Blahy. Bruce Steigerwalt, yes; David Pollock, yes; Myron Blahy, yes 3-0 vote. Motion carried.

Approval of Minutes of the March 31, 2021 Board of Supervisors meeting was TABLED.

**APPROVAL OF TRANSFERS:**

MOTION

David Pollock made a motion to approve the following transfers.

\$15,023.87 General Checking to Payroll Checking pay date 3/18/21

\$13,987.32 General Checking to Payroll Checking pay date 3/25/21

\$15,200.35 General Checking to Payroll Checking pay date 4/01/21

\$15,369.70 General Checking to Payroll Checking pay date 4/08/21

\$15,524.96 General Checking to Payroll Checking pay date 4/15/21

\$537.97 Residential Street Light to General Checking

Seconded by Myron Blahy. Bruce Steigerwalt, yes; Myron Blahy, yes; David Pollock, yes 3-0 vote. Motion carried.

**APPROVAL OF TREASURER REPORT:**

MOTION

Myron Blahy made a motion to approve the Treasurer's Report for March 2021. Seconded by David Pollock. Bruce Steigerwalt, yes; Myron Blahy, yes; David Pollock, yes 3-0 vote. Motion carried.

**PAYMENT OF BILLS AND PAYROLLS:**

MOTION

Bruce Steigerwalt made a motion to approve the following bills and payrolls.

Bill List #479 in the amount of \$138,622.78

General Check's #23250-#23289

State Check's #1723-#1726

Building Land Check's #1019-#1020

LVH Check's #106-#107

Subdivision Land Development Check's #1184-#1189

Seconded by Myron Blahy. Bruce Steigerwalt, yes; Myron Blahy, yes; David Pollock, yes 3-0 vote. Motion carried.

**REPORTS:**

MOTION

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Bruce Steigerwalt made a motion to accept and place on file the following reports:

Mahoning Township Building Code Official Report for March 2021

Mahoning Township Zoning Report for March 2021

Mahoning Township Road Department Reports March 8, 2021-April 9, 2021

Mahoning Township Equipment and Fuel Log March 2021

Mahoning Township Municipal Sewage Enforcement Activity Log for February 1,2021-April 8,2021

Carbon County Council of Governments Minutes for February 23, 2021 and March 23, 2021

Seconded by David Pollock. Bruce Steigerwalt, yes; Myron Blahy, yes; David Pollock, yes 3-0 vote. Motion carried.

**NEW BUSINESS:**

Ratify signing of sales agreement

**MOTION**

David Pollock made a motion to ratify the Agreement as signed, including the changes which were made to the Agreement after the Supervisors meeting March 31, 2021. Seconded by Myron Blahy. Myron Blahy, yes; and David Pollock, yes; Bruce Steigerwalt, no 2-1 vote. Motion not carried, add to next month agenda.

Breezewood Road – speed and weight limit, traffic study

Speed limit is currently 35 MPH. Resident concerns that the speed and weight limits need to be reviewed. Peter Eisenbrown, Township Engineer will provide an estimate to the township as to what it would cost to perform a speed and weight limit study. It was asked that Natalie Haggerty, Secretary-Treasurer research what is required to change the current speed limit if it is found necessary. If the speed limit is reduced, the township must adopt an ordinance to backup the reduction of the speed.

Letter of Credit for offsite improvements – S Graham Simmons III

LVH submitted cash to escrow in relation to Penn Dot improvements and is requesting to replace with a Letter of Credit and receive their cash back. Tom Nanovic, Township Solicitor will review documentation and forward to the supervisors. Once reviewed this LOC request will be placed on the agenda for the following meeting to make a motion. Add to agenda under old business for next meeting.

Weissport Canal Overflows, letter of Support

**MOTION**

Bruce Steigerwalt made a motion to have Natalie Haggerty – Secretary-Treasurer send a letter of support for the Lehigh Canal Recreation Commission’s Weissport Canal Overflows project along the Delaware and Lehigh National Heritage Corridor and D&L Trail. Second by David Pollock. Bruce Steigerwalt, yes; David Pollock, yes; Myron Blahy, yes 3-0 vote. Motion carried.

Radon Testing Quotes

Township office will reach out get formal quotes for radon testing for Diaz building

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CC Tax Collection Committee / Berkheimer 2020 Local Tax Filing Deadline.

**MOTION**

David Pollock made a motion for that the Local Tax Filing Deadline to be extended to May 17, 2021. Second by Myron Blahy. David Pollock, yes; Myron Blahy, yes; and Bruce Steigerwalt, yes 3-0 vote. Motion carried

**Detective Position**

Officer Barclay sent letter stating they would like to fill the position of detective. Contract states the Chief will fill the position after consultation with the Supervisors and the police. Myron Blahy and Bruce Steigerwalt will meet with the Chief of Police, Audie Mertz to discuss the status of detective position and his suggested person of interest to appoint to this position.

**OLD BUSINESS:**

Sierra Vista: Letter time extension request to May 31, 2021.

Sierra Vista (Planning Commission granted conditional final plan approval of Sierra Vista Phase 1A, conditions: Compliance with comments of LTL letter of 10-20-2020. No construction to take place until pre-security agreement is approved and signed, and escrow fund construction inspection and letter of credit for sewer main trench maintenance and Flagstaff Road overlay are submitted to the Township).

**MOTION**

Bruce Steigerwalt made a motion to accept the request by Jake Arner, President of Awesome View Properties to extend the 1A final plan approval to May 31, 2021. Second by Myron Blahy. David Pollock, yes; Bruce Steigerwalt, yes; and Myron Blahy, yes 3-0 vote. Motion carried

**Sierra Vista Pre-Security Agreement**

Jake Arner requested a quote from Peter Eisenhower, Township Engineer as to what the cost for inspection fee would be. Before Peter can supply that, Jake needs to submit how long it will take for his project to complete before he could give an accurate quote. It was suggested by Jake that once an estimate is received, he would request a conference call with the Township Supervisors, Engineers from both parties and Tom Nanovic, the Township Solicitor to discuss the next steps. Bruce stressed the importance of the project being completely timely so eliminate the increase from an estimate given. He asks that everyone understand if the project takes longer then expected this will result in increase in cost of original estimate.

**Diaz Building – Survey of Land**

Because the land has been previously surveyed it is the recommendation of the Board to not have it surveyed again.

Sage Meadows – No status update, keep on agenda for next meeting

Blocker Enterprises Agreement regarding sewage discharge into the Franklin Township sewer system

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Tom has not heard from Attorney Heinzle, she is going to review and make recommendations. Keep on the agenda for the next meeting

Well distance exemption, Gary Smith 1382 Packerton Dam Road.

It is the understanding of the Board that the buyer is going to move the location of the system so no action is required. Bruce talked to Scott Bieber and was under the impression this was resolved. Bruce Steigerwalt is going to reach out to Scott Bieber, Sewage Enforcement Officer, to confirm the withdrawal of the request.

**Air B&B Ordinance**

Planners recommend Board of Supervisors look to adopt such an ordinance. Tom sent a licensing ordinance for review and felt it was good but needs careful attention as it includes a lot of information. Discussions include who would monitor and enforce these short-term rentals. Possible option is hiring an outside service to administer or maybe even Carl Faust. Jake Arner, President of Awesome View Properties requested a copy of the any preliminary ordinance we may have so he can give some input and offer his suggestions. Natalie Haggerty Secretary-Treasurer will forward what we have to Mr. Arner. Keep this on the agenda

**DROP Proposed Ordinance**

Bargaining committee will set up a meeting and discuss with the police department what they want.

**American Tower – amendment to lease**

Final topic to discuss regarding the lease is the existing underground utilities are not within the easement. Peter suggested American Tower should call PA One call go out, survey and spray where the utilities are but they will not incur the expense. Access easements are not being followed. This is addressed in the lease extension and stated that all new underground utilities will be within the easement. Suggestions were to have PA One call come out and survey at our expense. Nevin also stated he will pull his documentation and research where he believes the utilities are located vs. the easement. The extension of the lease is beneficial to the township. Keep on agenda to continue discussion next meeting.

**CORRESPONDENCE:**

Bruce Steigerwalt made a motion to accept and place on file the correspondence dated April 14, 2021. Seconded by Myron Blahy. Bruce Steigerwalt, yes; Myron Blahy, yes; and David Pollock, yes 3-0 vote. Motion carried.

\*\*\*COMMONWEALTH OF PA DEPARTMENT OF ENVIRONMENTAL PROTECTION

RE: FINAL RULEMAKING – CLASS A STREAM REDESIGNATIONS

\*\*\*PA DEPARTMENT OF TRANSPORTATION LTAP TECHNICAL ASSISTANCE

\*\*\*PA DEPARTMENT OF TRANSPORTATION LTAP SERVICES OFFERED AT NO COST TO MUNICIPALITIES

\*\*\*PENNDOT LTAP TECHNICAL INFORMATION SHEET #204

\*\*\*CARBON COUNTY PLANNING & DEVELOPMENT, DAVID BODNAR, DIRECTOR

RE: INVITATION TO PARTICIPATE IN CARBON COUNTY'S HAZARD MITIGATION PLANNING PROCESS

\*\*\*STRUBINGER LAW, MATTHEW G SCHNELL, ESQUIRE

RE: MARK SCHWALM – S&L LANDSCAPING

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\*\*\* PSATS 2020 ANNUAL REPORT

\*\*\* PA DEPARTMENT OF TRANSPORTATION LTAP, QUARTERLY REPORT, SPRING 2021

\*\*\* CARBON CONSERVATION DISTRICT, LUKE GRAVER

RE: CRUM BERM PROJECT ADEQUACY REVIEW

\*\*\* LTL CONSULTANTS, LTD. PETER EISENBROWN, PE

RE: SIERRA VISTA ESTATES PHASE 1A, MAJOR SUBDIVISION, FINAL PLAN, 4<sup>TH</sup> LTL PLAN REVIEW

\*\*\* PSATS, DAVID SANKO, EXECUTIVE DIRECTOR

RE: 2021 DATE STRIP FOR PSATS MEMBERSHIP PLAQUE

\*\*\* PA DEPARTMENT OF TRANSPORTATION, STEPHEN A GAULT, P.E. PTOE, CHIEF, TSMO ARTERIALS AND PLANNING SECTION

RE: NOTIFICATION OF NEEDED MAINTENANCE AND OPERATIONS FOR TRAFFIC SIGNALS

\*\*\* PPL, MIKE BIVIANO, LEAD RIGHT OF WAY AGENT

RE: FRACKVILLE – SIEGFRIED 69KV TRANSMISSION LINE REBUILD

\*\*\* HOLLY A HEINTZELMAN, ATTORNEY AT LAW

RE: NOTIFICATION OF TIMOTHY M ECKHART TERM EXPIRATION AND REQUEST TO REAPPOINT TO A NEW FIVE- YEAR TERM

MOTION

DAVID POLLOCK MADE A MOTION TO RE-APPOINT TIMOTHY M ECKART TO MAHONING TOWNSHIP MUNICIPAL AUTHORITY FOR 5 YEAR TERM. SECOND BY MYRON BLAHY. DAVID POLLOCK, YES: MYRON BLAHY, YES: BRUCE STEIGERWALT, YES 3-0 VOTE. MOTION CARRIED.

\*\*\* CARBON CHAMBER & ECONOMIC DEVELOPMENT

RE: MEMBERSHIP INVOICE – REVIEWED AND DETERMINED WE ARE NOT INTERESTED IN MEMBERSHIP, DISREGARD FROM CORRESPONDENCE.

\*\*\* CARBON CONSERVATION DISTRICT, LUKE GRAVER

RE: KRINER HOME PROJECT ADEQUACY REVIEW

\*\*\* PA DEPARTMENT OF TRANSPORTATION, RONALD J YOUNG

RE: ACCEPTING UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP PROPOSALS UNTIL APRIL 30

\*\*\* JAKE ARNER, PRESIDENT AWESOME VIEW PROPERTIES, INC.

RE: SIERRA VISTA ESTATES, FINAL PLAN, FLAGSTAFF ROAD IN MAHONING TOWNSHIP

\*\*\* JAKE ARNER, PRESIDENT AWESOME VIEW PROPERTIES, INC.

RE: SHORT TERM RENTAL ORDINANCE

\*\*\* SUMMIT HILL BOROUGH, DAVID WARGO

RE: SUPPORT OF EQUALITY FOR THE FAIR FUNDING OF PA SCHOOL DISTRICTS

\*\*\* BERKHEIMER TAX INNOVATIONS, JIM HUNT, DIRECTOR FOR GOVERNMENTAL RELATIONS

RE: EMAIL REQUEST BY APRIL 15 WITH AUTHORIZATION TO MOVE THE LOCAL TAX FILING DUE DATE TO MATCH THE STATE FILING DUE DATE.

\*\*\* COMMONWEALTH OF PA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, DENNIS M DAVIN, SECRETARY

RE: CONTACT INFORMATION OFFERED TO DISCUSS ALTERNATIVES TO WAIVE INTEREST AND/OR PENALTIES FOR LOCAL TAX FILING AND PAYMENTS MADE PAST THE APRIL 15<sup>TH</sup> DEADLINE

\*\*\* DELAWARE & LEHIGH NATIONAL HERITAGE CORRIDOR, LIZ ROSENCRANS, TRAIL AND STEWARDSHIP MANAGER

RE: LETTER TO REQUEST SUPPORT FOR THE LCRC'S WEISSPORT CANAL OVERFLOWS PROJECT

\*\*\* NANOVIC LAW OFFICES, THOMAS NANOVIC

RE: MAHONING TOWNSHIP / 2175 BLAKESLEE BLVD. DR. W, LEHIGHTON. DIAZ BUILDING. AGREEMENT OF SALE TO PURCHASE THE DIAZ BUILDING.

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\*\*\*THOMAS NANOVIC

RE: LOC FOR OFFSITE IMPROVEMENTS

**COMMITTEE REPORTS:**

Road Committee:

Nevin Frey will be going to the Conservation District to sign contract for dirt and gravel on Breezewood.

Sweeping is almost done with our tractor, the only thing remaining is our developments which will be done through Martin Power, May 16.

Concerns mentioned by resident about Ashtown Road closure. It was advertised to be closed and apparently it is open at times which results in traffic concerns. It is noted that sometimes the closure sign is covered and was mentioned that the road may be temporarily open until culverts and pipes are received and work can be resumed.

Police Committee:

Question was brought up if we were actively looking for part time police as contractually, we are obligated to do this. Myron Blahy will discuss this with Chief, Audie Mertz.

**OFFICIALS:**

Mark Ebbert, Fire Chief addressed the Board to thank them for giving the remaining funds from a prior project to the fire house. These funds were initially being used to upgrade the firehouse bathroom to make it ADA accessible. After research it was determined it would not be feasible. The funds will now be used to install an automatic door that is ADA approved. Pictures and measurements have been taken and the project is under way.

Mahoning racetrack approached the fire company requesting their support for fire protection and rescue services for a number of races being held. Donations have been made in the past and Mark believes it is worth the services provided.

MOTION

David Pollock made a motion for the fire company to support fire protection and rescue services to the Mahoning Valley Racetrack. Second by Myron Blahy. David Pollock, yes; Myron Blahy, yes; Bruce Steigerwalt, yes 3-0 Vote. Motion carried

**ADJOURNMENT:**

MOTION

Bruce Steigerwalt made a motion to adjourn the meeting at 8:30 PM. Seconded by David Pollock. Bruce Steigerwalt, yes; David Pollock, yes; Myron Blahy, yes. 3-0 Vote. Motion carried.

Respectfully Submitted,

Barbara M Kester / Clerk