

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

July 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; Robert Slaw, Vice Chairman; Myron Blahy, Supervisor; David Pollock, Supervisor; Brian Reeser, Supervisor; Thomas Nanovic, Solicitor and Natalie Haggerty, Secretary-Treasurer.

PUBLIC COMMENT:

Keith Drummond 125 Gilberts Hill Road: Present with regards to the racetrack and the letter that was sent out. They applied for an appeal to the Zoning Hearing Board. So, they can operate as they have been until then. Questioned when the Zoning Hearing Board meets. Everyone knows something is being done but nothing can be done about it until multiple people talk about it. I do not understand why it is not the other way around. Advised that we live in the United States and there is due process and the right to be heard. You may think it wrong, but they do not think it is wrong. There will be a hearing to decide that. They are not in violation of anything until the Zoning Hearing Board finds they are in violation. They disagree with Carl's assessment.

Terry Abrachinsky 2420 Blakeslee Blvd Drive East: Question regarding permits. I called Carl Faust many times and I have the record to prove it. I got one phone call back from his wife and she asked what is it about? I said, I would rather keep it confidential because of the nature and threats were made to myself. Then I said, it has to do with the racetrack. I called multiple times again and no response. So, there you have it there is just one complaint. Was the actual construction of that was that ok, did they get permits? Carl Faust, no and that was part of the actual violation that went out to the owner. Bruce Steigerwalt, the question he has the violation letter that Carl sent that is a matter of public record, so if they file a right to know they can get a copy of the letter and within that letter addresses the issues of not having permits for certain things and violations. You have the right to request that information. The appeal to the zoning officer violation letter you can get a copy of that.

Cathy Abrachinsky 2420 Blakeslee Blvd Drive East: It is not right, we all have to pay taxes, they should have to pay taxes on the little track inside and the racetrack outside. Amusement Tax the Board will enforce. Terry Abrachinsky: At one time I represented the company that leased the racetrack out. I personally certified it and there is no check and balance anymore, so you do have to trust them.

Trina Steigerwalt 2372 Blakeslee Blvd Drive East: Was all our names that we gave to you as potential witnesses given to the Zoning Hearing Board? I been recording every day and every time they been practicing. They have been out numerous times, tonight they started practice at 7oclock, let us see what time they end. Or 4th of July weekend on Friday of the middle of the afternoon, we must yell to one another to hear because there are cars on the racetrack, or they are out on the little tracks from 12:00 to 8:30 on July 3rd. July 5th, they were out there all afternoon. This is all stuff that is concerning. I am not trying to be an ass; but this is absolutely ridiculous. Bruce Steigerwalt advised there will be a public notice in the newspaper of when the public

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hearing is, and all adjoining property owners will be sent notices. It will be up to you to know to see when that meeting is and come and offer testimony as to what you witness, hear, or see. Trina: I get that, but we already gave our information, should that be already handed over to the Zoning Hearing Board. The Zoning Hearing Board will not be getting those things beforehand but if at the time of the hearing if I'm at the hearing representing Carl, I will be calling on certain witnesses and asking to put that evidence in and if not, Carl will do that or you will be permitted to do so but one way or another the Zoning Hearing Board cannot have the information ahead of time. And again, why I got all those phone numbers if I am going to be at that hearing, I will be in touch with those I think would be witnesses. Bruce Steigerwalt shared and anybody that would attend that meeting you will all be testifying under oath.

APPROVAL OF MINUTES:

MOTION

Myron Blahy made a motion to approve the Minutes of the June 9, 2021, Board of Supervisors Meeting. Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, yes; David Pollock, yes; Myron Blahy, yes and Brian Reeser, yes 5-0 vote. Motion carried.

MOTION

David Pollock made a motion to approve the Minutes of the July 30, 2021, Board of Supervisors Meeting. Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, abstain; David Pollock, yes; Myron Blahy, yes and Brian Reeser, yes 4-0 vote. Motion carried.

APPROVAL OF TRANSFERS:

MOTION

Myron Blahy made a motion to approve the following transfers.

\$29,519.50 General Checking to Payroll Checking pay date 6/17/21

\$15,144.02 General Checking to Payroll Checking pay date 6/24/21

\$15,126.60 General Checking to Payroll Checking pay date 7/1/21

\$15,145.42 General Checking to Payroll Checking pay date 7/8/21

\$17,620.25 General Checking to Payroll Checking pay date 7/15/21

\$537.97 Residential Street Light to General Checking

\$595.20 Residential Fire Hydrant to General Checking

Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

APPROVAL OF TREASURER REPORT:

MOTION

David Pollock made a motion to approve the Treasurer's Report for June 2021. Seconded by Myron Blahy. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

PAYMENT OF BILLS AND PAYROLLS:

MOTION

Brian Reeser made a motion to approve the following bills and payrolls:

Bill List #482 in the amount of \$220,260.63

General Check's #23366-#23414

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State Check's #1733-#1735

Walmart Check # 1005

Building Land Check's #1026-#1027

Subdivision Land Development Check's #1205-#1212

LVH Check's #112-#113

Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

REPORTS

MOTION

Myron Blahy made a motion to accept and place on file the following reports:

Mahoning Township Road Department Reports June 7, 2021-July 9, 2021

Mahoning Township Equipment and Fuel Log June 2021

Mahoning Township Zoning Permit Report for June 2021

Mahoning Township Building Permit Report for June 2021

Mahoning Township Municipal Authority Minutes for April 21, 2021

Mahoning Township Zoning Hearing Board Meeting Minutes for June 1, 2021, and July 6, 2021

Mahoning Township SEO Report for May 7, 2021 – July 13, 2021

Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

NEW BUSINESS:

LVH:

Walmart Mahoning Township -ROW and Conveyances (Applicants Authorization for Agent to Apply for Highway Occupancy Permit)

Graham Simmons, Attorney LVH and Terry Purcell and Attorney O'Neil (by phone)

Attorney Simmons recapped his last time before the Board. We talked about the necessary right of ways needed for this project. PennDOT was also looking to us to correct a prior issue regarding the right of way previously conveyed when the Walmart was developed. Part of that conveyance came from the Beck property and other conveyance came from Walmart's property. PennDOT's solution was to do a correction deed from the township to PennDOT to resolve a drafting error. Since that time, the Board was able to approve subject to the solicitor's review. So, we have a correction deed that has been blessed by PennDOT and blessed by the LVH and Attorney O'Neil (Attorney on behalf of Walmart) so we would like to get executed. Mr. Nanovic requested an opinion of title which we agreed to provide, and I sent drafts. Tom reviewed the deed and is satisfied with it and wanted to make sure Walmart is ok with this because we do not want the hospital and Walmart working cross purposes and my understanding is Attorney O'Neil can address that Walmart is on board. Bruce's question is if it is a deed from Walmart to PennDOT and a deed from the Becks to PennDOT why we are even involved. The Becks gave a little sliver of land to the township, and so did Walmart and the township conveyed both of those little slivers to PennDOT, which they did not accept. So, PennDOT requested a correction deed from the township. We have been working on this for about fifteen years. Attorney O'Neil hears our frustration.

MOTION

David Pollock made a motion to sign the correction deed subject to Attorney Nanovic's review

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of opinion of title Seconded Myron Blahy. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

MOTION

Brian Reeser made a motion authorizing the Chairman to sign the applicant's authorization for agents for the occupant to apply for HOP this provides Newton Engineering to make the application. Seconded by Myron Blahy. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

Traffic Signal Easement: (TABLE)

Drue and Jan Haydt Minor Subdivision Request for a Time Extension (90 day)

MOTION

Bruce Steigerwalt made a motion to grant 90-day time extension to Drue and Jan Haydt Minor Subdivision. Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes; and Brian Reeser 5-0 vote. Motion carried.

Sierra Vista Extension Request August 31, 2021

MOTION

Brian Reeser made a motion to approve the thirty-day extension request for Sierra Vista subject to receiving a letter to extend to December 31, 2021. Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; David Pollock, yes; Myron Blahy, yes and Brian Reeser, yes 5-0 vote. Motion carried.

Kenneth Breiner 100 Meadowbrook Road: Well Distance Exemption Request

MOTION

David Pollock made a motion to grant well distance exemption request to Kenneth Breiner 100 Meadowbrook Road. Seconded by Brian Reeser. Bruce Steigerwalt, yes; David Pollock, yes; Myron Blahy, yes; Robert Slaw, yes and Brian Reeser, yes 5-0 vote. Motion carried.

American Recovery Act Funds \$221,846.40

MOTION

Bruce Steigerwalt made a motion to set up an account for the American Recovery Act funds. Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

OLD BUSINESS:

Diaz Building: Due diligence ends on July 16, 2021: Discussion took place. Myron Blahy shared purchase price is \$375,000 and it was assessed at \$600,595. There is fourteen acres. The mold issue is not in every room, it is mostly downstairs due to the building being sealed up for four years and the gutters are clogged with leaves and water is flowing down along the wall and has created mold. We have not decided at this point what will happen to our current building. Dave Pollock shared he will be meeting with Seitz on site tomorrow.

MOTION

Myron Blahy made a motion to arrange for settlement. Seconded by Brian Reeser. Bruce Steigerwalt, no; Robert Slaw, no; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 3-

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2 vote. Motion carried.

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 for construction inspection and letter of credit for sewer main trench maintenance and Flagstaff Road overlay are submitted to the Township). TABLE

Sierra Vista Pre-Security Agreement: TABLE

Sunny Hill Farms: TABLE

Sage Meadows: TABLE

Blocker Enterprises Agreement Regarding Sewage Discharge into the Franklin Township Sewer System

MOTION

Myron Blahy made a motion to approve the addendum to discharge sewage into the Franklin Township Sewer System. Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

Air B&B Ordinance (Planners recommend Board of Supervisors look to adopt such an ordinance): TABLE

DROP Proposed Ordinance

MOTION

Brian Reeser made a motion to send a letter to confirm the police departments request saying as per your direction we will negotiate the terms of the DROP Program in the next contract talks and at this time you do not wish for the township to adopt the ordinance. If you change your mind, we be happy to sit down and discuss this with you. Seconded by Myron Blahy. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

CORRESPONDENCE:

MOTION

David Pollock made a motion to accept and place on file the correspondence dated July 14, 2021, Seconded by Brian Reeser. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser 5-0 vote. Motion carried.

***SCOTT BIEBER, SEWAGE ENFORCEMENT OFFICER

RE: WELL DISTANCE EXEMPTION REQUEST, KENNETH BREINER

***MAHONING VALLEY VOLUNTEER FIRE CO, JAY MICHALIK, ASST CHIEF

RE: NOTIFICATION OF MILL ROAD AND SPRINGHOUSE ROAD CLOSURE FOR ANNUAL CELEBRATION OF COMMUNITY EVENT SEPT 18, 2021

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MOTION

Brian Reeser made a motion to allow road closure from Mill Road to Springhouse Road on September 18, 2021. Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser 5-0 vote. Motion carried.

***SILBERLINE, MARYKATE THOMAS, HEALTH, SAFETY & ENVIRONMENTAL MANAGER
RE: DOWNSTREAM NOTIFICATION, SILBERLINE MFG. CO., TIDEWOOD FACILITY

***SILBERLINE, MARYKATE THOMAS, HEALTH, SAFETY & ENVIRONMENTAL MANAGER
RE: DOWNSTREAM NOTIFICATION, SILBERLINE MFG CO., TAMAQUA FACILITY

***PA DEPT OF TRANSPORTATION
RE: REIMBURSEMENT NOTIFICATION 2019/2020 WINTER SERVICES

***TOM NANOVIC
RE: PA MOTOR VEHICLE CODE IN RELATION TO NO PARKING AREAS

***TOM NANOVIC
RE: PENNDOT DEED REVIEW AND CONCERNS REGARDING LVH – CARBON COUNTY

***TOM NANOVIC
RE: SHORT TERM RENTAL LICENSING DISCUSSIONS ON REGULATIONS OF CAMPS, CAMPING AND CAMPGROUNDS

***NANOVIC LAW OFFICES, THOMAS NANOVIC
RE: NOTIFICATION OF RESCHEDULED DATE FOR S&L LANDSCAPING TIL AUG 10, 2021

***STRUBINGER LAW, MATTHEW G SCHNELL, ESQUIRE
RE: CONFIRMATION OF MEETING DATES IN RELATION TO S&L LANDSCAPING (JULY 12 & AUG 10)

***PA DEPART OF TRANSPORTATION, LTAP, VIRTUAL TRAINING DATES

***DRUE E & JAN E HAYDT
RE: REQUEST OF TIME EXTENSION FOR HAYDT MINOR SUBDIVISION

***CARBON CONSERVATION DISTRICT, LUKE GRAVER, CONSERVATION DISTRICT TECHNICIAN
RE: SCHWALM STOCKPILE/FILL PROJECT AREA ADEQUACY REVIEW

***CARBON CONSERVATION DISTRICT, LUKE GRAVER, CONSERVATION DISTRICT TECHNICIAN
RE: GAVIN HOME PROJECT ADEQUACY REVIEW

***DENNIS PEARSON
RE: NOTIFICATION OF CCOG AUCTION SEPT 18, 2021

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*** PSATS INVITATION TO BUSINESS MEETING OCT 15 & CENTENNIAL CELEBRATION RECEPTION & DINNER OCT 14 AT HERSHEY

*** CARBON COUNTY PLANNING COMMISSION, IVAN MEIXELL, PLANNER
RE: HAYDT PRELIMINARY/FINAL SUBDIVISION REVIEW

*** LETTER FROM WALLACE PUTKOWSKI ADDRESSING BLIGHT AREAS IN TOWNSHIP

*** COMMONWEALTH OF PA OFFICE OF GOVERNOR
RE: NOTICE OF AMERICAN RESCUE PLAN ACT ALLOCATION OF FUNDS TO THE TOWNSHIP

*** FOSTER & FOSTER, RANDEE W. SEKOL, CONSULTING ACTURARY
RE: LARRY BRISMAN ACCEPTED ANOTHER POSITION, LEAVING BEYER BARBER NOW FOSTER & FOSTER

*** NANOVIC LAW OFFICES, THOMAS NANOVIC
RE: NO PARKING ORDINANCE

Provide to Nevin Frey

*** TEDD FRANKIE
RE: EMAIL RECEIVED REGARDING THE MAHONING DRIVE IN THEATRE

*** DENNIS PEARSON
RE: COUNTY WIDE MUNICIPAL AUCTION SEPTEMBER 18, 2021, 7:30AM-12:00PM

*** PSATS
RE: ANNUAL BUSINESS MEETING AND CENTENNIAL CELEBRATION DINNER IN HERSHEY OCTOBER 14 AND 15, 2021

*** EMAIL FROM A CONCERNED CITIZEN REGARDING SPEED LIMIT ON COUNTY LINE DRIVE (CURRENT 35MPH)

*** CARBON CONSERVATION DISTRICT, CHRIS STORM, DISTRICT MANAGER
RE: INSPECTION OF HOME CONSTRUCTION SITE

*** JAKE ARNER
RE: SIERRA VISTA EXTENSION REQUEST AUGUST 31, 2021

COMMITTEE REPORTS:

Police Committee:

MOTION

Myron Blahy made a motion in Chief Mertz absence to appoint Jeffrey Frace as Officer in Charge from August 12 to August 22, 2021. Officer Frace will work Chief Mertz hours and receive same rate of pay as Chief Mertz. Seconded by Brian Reeser. Bruce Steigerwalt, yes;

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Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser 5-0 vote. Motion carried.

Road Committee:

Met with road crew to talk contract negotiations. Will discuss in executive session.

OFFICIALS:

Robert Slaw: Questioned the Mahoning Valley Drive In

Thomas Nanovic: Executive session for contract negotiation and legal

Mark Ebbert: First item is the brush truck is almost finished and we will be requesting funds from fire account. Second item is requesting permission for payment for preventative maintenance on two pieces of apparatus.

MOTION

Brian Reeser made a motion to have engine 615 and tanker 631 have preventative maintenance. Seconded by Myron Blahy. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser 5-0 vote. Motion carried.

Bruce Steigerwalt: Shipwash email regarding fireworks. Should we investigate adopting fireworks ordinance? Natalie will reach out to our neighbors that have adopted said ordinances. Executive session at conclusion of meeting for contract discussion and legal.

Public Comment:

Walter Zlomsovitch 1257 Municipal Road commended Officer Frace for an incident that occurred. Stated Officer Frace was caring and professional.

ADJOURNMENT:

MOTION

Myron Blahy made a motion to adjourn the meeting at 7:40 PM. Seconded by David Pollock. Bruce Steigerwalt, yes; Robert Slaw, yes; Myron Blahy, yes; David Pollock, yes and Brian Reeser, yes 5-0 vote. Motion carried.

Respectfully Submitted,

Natalie D. Haggerty,
Secretary-Treasurer