

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

January 12, 2022

CALL TO ORDER:

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

PRESENT:

Robert Slaw, Chairman; Brian Reeser, Supervisor; Ronald Reeser, Supervisor; Deborah McGowan, Supervisor; Thomas Nanovic, Solicitor and Natalie Haggerty, Secretary-Treasurer.

PUBLIC COMMENT:

Timothy Eckhart 225 Breezewood Road: Questions regarding Schwalm Agreement. Why is there an agreement being drawn up if he applied for a zoning variance? Why are the supervisors stepping in? Attorney Nanovic shared it started with an enforcement notice from our zoning officer and then they filed an appeal to the Zoning Hearing Board for various reasons. If it is in front of the zoning hearing board why are the supervisors getting involved? Advised its the boards discretion to reach a settlement agreement. Can you legally get involved if they filed a variance? Tom replied yes. The Board authorized the memorandum of understanding between township and Mr. Schwalm to see if it would be acceptable. Which should have been approved at the December 8th meeting, but that meeting was canceled. I heard back from at least three supervisors that they were ok with the memorandum. So, I then prepared a settlement agreement. This was sent to the board, and they agreed to it. In the December 29th executive session, I asked if anybody had a problem? There were no issues with it, everything that was done was all approved by supervisors and we always had majority.

Resident of Washington Road had concerns about speed on Route 902 and Washington. Advised it is a state road and to contact PennDOT.

Richard Beltzner 1507 Mahoning Drive West: Is this something that has already been adopted by the supervisors or is it open for discussion and is adoption tonight? Is it open for public comment? Was this pending litigation and this a settlement of that between the enforcement officer and townships response to it and Mr. Schwalm's position? Yes, this is a compromise. I would like to hear the terms and conditions of the agreement.

Broke for an executive session to discuss the Settlement Agreement 6:15PM. Returned for business at 6:37PM.

Pam Wuest 554 County Line Drive: There is a piece of property that was sold that is bordering my property, abutting Route 443. A camper is on this land and the land has been excavated. The land is in wetlands. There is a black corrugated drainpipe coming out underneath that camper, and he is discharging into the swamp. My question is was it approved by zoning? What does he have coming out of those pipes which adjoins to my horse pasture? Robert Slaw advised we can send our zoning officer down there and if it is wetlands and was filled in, we can report that to the Carbon County Conservation District.

Schwalm Settlement Agreement

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Tom Nanovic shared some points that are in the agreement: Schwalm will locate all triaxle trucks which he either owns or leases, or which any entity in which he has ownership interest either owns or leases to property outside Mahoning Township. The drivers of the triaxles will report to work and return from work where the triaxle trucks are located outside the geographical limits of Mahoning Township and not at the premises. Schwalm will not permit or allow any other person or entity to locate triaxle trucks on premises. The triaxle trucks will go west on Breezewood Drive intersection continue westward on Breezewood Drive to Laurel Road. In any calendar year there shall be no more than eighty trips by triaxles to the premises for maintenance or repairs. To minimize maintenance traffic, Mr. Schwalm will try to coordinate the times with his normal agricultural operations. Any and all triaxles which are brought to the premises for maintenance and repair must be owned by Schwalm or business in which he has a 25% interest. Except on such occasions when they are on the premises to perform normal agricultural operations or are there for maintenance. Trucks will not be fueled on premises. Landscaping vehicles or equipment shall not be stored on the premises, or brought to the premises, other than those landscaping vehicles or equipment used in normal agricultural operations on the premises during the duration of normal agricultural operations or while landscaping on the premises this does not prevent Mr. Schwalm to drive pickup trucks that may have S&L Landscaping on the side. No stockpiling of materials on the premises including millings, stones, etc. is permitted other than materials to be used on the premise as normal agricultural operation, or use for landscaping, maintenance, property improvements on the premises or placed on the premises in compliance with Mr. Schwalm's DEP E&S Control Plan for future property improvements. Not allowed to store things there other than what will be used on premises. Mahoning Township shall have the right to request the number of trips to be made by the triaxles for maintenance up to once a month during a year. The township will not fine Mr. Schwalm and within two days of execution of agreement Mr. Schwalm will move his trucks. This agreement accomplishes what the original concern was that there was a trucking business on the property and Mr. Schwalm will move his trucking business. Mr. Schwalm has a farm and has the right to conduct normal agricultural activity. I thought we cannot shut him down completely saying no triaxles but at least limit the concerns, people coming in and out, fueling and those things. I believe it is a good compromise.

Question: How many triaxles involved? Nine

Does that include the triaxles that have a 25% ownership. Mr. Schwalm would have to answer that. Mr. Schwalm: I own everything. Question: What about lease trucks?

Barry and Ruth Gaal 44 Breezewood Road shared, my family have owned this property for 62 years. This entire process started back in May and then has been postponed numerous times. I am the most impacted by this situation and have two attorneys preparing this agreement. There are fifty plus trucks going up and down, the dust, the noise 6:00AM to 11:00PM two shifts. I cannot sit out on the deck. What type of enforcement? Zoning violation under the NPC. I did tell you we were working on an agreement. I never saw the agreement. Question: Does it state anywhere the hours of operation within the agreement? No. Mr. Schwalm: What would it affect you if my truck went up the road at 11:00PM. Bernard Mieczkowski: I am still stuck on that it must be industrial property. Mr. Schwalm: If anything I tried to help and have asked my neighbors if they needed help. The Vandack farm was vacant for years and no activity. Now I move in and have four girls and we are up and down there.

Mr. Gaal, you moved there and ignored the zoning laws and had several businesses in there. My

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family have had paid taxes for 62 years.

Eighty trips for ag operations.

Question: Are you going to keep a log? Schwalm: I keep a maintenance log on all my trucks.

If my trucks do something wrong or you have a problem, let me know.

Tyler Schledt: twice I was ran off the road by your trucks and those heavy trucks are tearing that road up.

Settlement Agreement (Mahoning Township/Appeal Mark Schwalm)

MOTION

Robert Slaw made a motion to conditionally approve the agreement between Mahoning Township and Mark Schwalm conditioned on the change of route. Seconded by Ronald Reeser. Robert Slaw, yes; Brian Reeser, yes; Ronald Reeser, yes and Deborah McGowan, yes 4-0 vote. Motion carried.

APPROVAL OF MINUTES:

MOTION

Robert Slaw made a motion to approve the Minutes of the December 29, 2021, Board of Supervisors Meeting. Seconded by Brian Reeser. Robert Slaw, yes; Brian Reeser, yes; Ronald Reeser, yes and Deborah McGowan, yes 4-0 vote. Motion carried.

MOTION

Robert Slaw made a motion to approve the Minutes of the January 3, 2022, Board of Supervisors Reorganization Meeting. Seconded by Brian Reeser. Robert Slaw, abstain; Brian Reeser, yes; Ronald Reeser, yes and Deborah McGowan, yes 3-0 vote. Motion carried.

APPROVAL OF TRANSFERS:

MOTION

Brian Reeser made a motion to approve the following transfers.

\$16,522.52 General Checking to Payroll Checking pay date 1/6/22

\$537.97 Residential Street Light to General Checking

\$595.20 Residential Fire Hydrant to General Checking

Seconded by Ronald Reeser. Robert Slaw, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

APPROVAL OF TREASURER REPORT:

MOTION

Brian Reeser made a motion to approve the Treasurer's Report for December 2021. Seconded by Ronald. Robert Slaw, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

PAYMENT OF BILLS AND PAYROLLS:

MOTION

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

Bill List #489 in the amount of 107,394.31

General Check's #23622-#23653

Fire Company Check #1033

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Subdivision Land Development Check #1246-#1251

LVH Check #125

Seconded by Deborah McGowan. Robert Slaw, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

REPORTS

MOTION

Brian Reeser made a motion to accept and place on file the following reports:

Mahoning Township Road Department Reports 12/26/21-12/31/21

Mahoning Township Equipment and Fuel Log December 2021

Mahoning Township Building and Zoning Report for December 2021

Mahoning Township Board of Auditors Meeting minutes for January 4, 2022

Seconded by Ronald Reeser. Robert Slaw, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

NEW BUSINESS:

Board of Supervisor Vacancy

Robert shared we have three candidates. Timothy Eckhart asked to speak. Patricia Snyder should not be put on as supervisor for simple fact of liens for not paying sewage bill. That is public record.

MOTION

Deborah McGowan made a motion to appoint Myron Blahy as township supervisor. Seconded by Brian Reeser. Robert Slaw, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

Thomas Nanovic swore in Myron Blahy

Nomination of Vice-Chairman

MOTION

Deborah McGowan made a motion to appoint Myron Blahy as vice chairman. Seconded by Brian Reeser. Robert Slaw, yes; Brian Reeser, yes; Myron Blahy, abstain; Deborah McGowan, yes; and Ronald Reeser, yes 4-0 vote. Motion carried.

Appointment of Engineer

MOTION

Robert Slaw made a motion to keep LTL as township engineer. Failed for lack of second.

MOTION

Deborah McGowan made a motion to appoint Carbon Engineering. Failed for lack of second

Robert shared Peter has hours invested in SALDO rewrite and Natalie shared a lot of time invested in CDBG project.

MOTION

Robert Slaw made a motion to appoint LTL as township engineer. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Appointment of Supervisors to the Police Committee

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MOTION

Robert Slaw made a motion to appoint Myron Blahy and Brian Reeser to police committee. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Appointment of Supervisors to the Road Committee

MOTION

Myron Blahy made a motion to appoint Brian Reeser and Ronald Reeser to road committee. Seconded by Robert Slaw. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Appointment of Zoning Officer

MOTION

Robert Slaw made a motion for Carl Faust to remain as our zoning officer. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Appointment of a Building Code Official

MOTION

Ronald Reeser made a motion to appoint LVIS as BCO. Seconded by Brian Reeser. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Planning Commission Vacancy

MOTION

Robert Slaw made a motion to appoint Mark Schwalm as member of the Planning Commission. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

ADOPTION OF RESOLUTION #2022-1 THE FEE SCHEDULE PERTAINING TO THE BUILDING PERMITS:

MOTION

Robert Slaw made a motion to table fee schedule pertaining to building permits. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

ADOPTION OF RESOLUTION #2022-3 THE FEE SCHEDULE PERTAINING TO THE PLANNING COMMISSION:

MOTION

Robert Slaw made a motion to adopt Resolution #2022-3 fee schedule pertaining to the planning commission. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Letters of Interest to Farm Diaz Land

MOTION

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Deborah McGowan made a motion to continue to allow Adam Ziegler to lease the Diaz Property. Seconded by Ronald Reeser. Robert Slaw, no; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 4-1 vote. Motion carried.

Sample Computer Policies

MOTION

Robert Slaw made a motion to table computer policies. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Request for Heart & Lung – Amie Barclay (Need to discuss in executive session)

OLD BUSINESS:

Ordinance 2022-1 Regarding Church Road Amending Section 10 of Chapter 112 (Section 112-21-One-way streets), Section 21 of Chapter 112-21-Parking Prohibited at all times)

MOTION

Robert Slaw made a motion to adopt Ordinance 2022-1 Church Road Amending Section 10 of Chapter 112 (Section 112-21-one way streets), Section 21 of Chapter 112-21-Parking Prohibited at all times). Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Settlement Agreement (Mahoning Township/Appeal Mark Schwalm)

Discussed earlier on agenda.

LVH PennDOT LOC Release

MOTION

Robert Slaw made a motion to table LVH PennDOT LOC release. Seconded by Deborah McGowan. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Wendy's Professional Fees Escrow and Letter of Credit Release

MOTION

Robert Slaw made a motion to table Wendy's Professional Fees Escrow and Letter of Credit Release. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Firework Ordinance: TABLE schedule workshop

Air B&B Ordinance: TABLE schedule workshop

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). **RECEIVED EXTENSION LETTER TO March 31, 2022**

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Sierra Vista Pre-Security Agreement
TABLE

CORRESPONDENCE:

MOTION

Brian Reeser made a motion to accept and place on file the correspondence dated January 12, 2022. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

***MYRON BLAHY, 243 PINE HOLLOW DRIVE
RE: LETTER OF INTEREST TO FILL SUPERVISOR VACANCY

***FRANK REPYNECK, 398 CENTER ROAD
RE: EMAIL OF INTEREST TO FILL ANY VACANT POSITIONS

***JOHN WIECZOREK, 659 MAHONING DRIVE WEST
RE: LETTER OF INTEREST TO FILL SUPERVISOR VACANCY

*** ADAM ZEIGLER, 245 ZION STONE CHURCH ROAD
RE: INTEREST IN CONTINUING TO FARM THE DIAZ PROPERTY

***NEVIN & DENSISE FREY, 445 STEWART CREEK ROAD
RE: INTEREST IN FARMING THE DIAZ PROPERTY

***CARBON COUNTY CONSERVATION DISTRICT, LUKE GRAVER
RE: ADEQUACY REVIEW LETTER, WHITE HOME PROJECT RENEWAL

***NANOVIC LAW OFFICE, THOMAS NANOVIC
RE: LVH/SPECIAL WARRANTY DEED

***PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
RE: MOVING FORWARD QUARTERLY REVIEW

***CARBON COUNTY EMA
RE: EMERGENCY SERVICES TRAINING

***PSATS
RE: PSATS YOUTH AWARDS

***JONATHAN THURMAN, 204 E BROAD STREET PALMYRA
RE: MAHONING VALLEY DRIVE IN- PLEA FOR OVERNIGHT PASS FOR PATRONS

***JIM CANNATELI, 203 BASSETT AVENUE NEW CASTLE DE
RE: MAHONING VALLEY DRIVE IN- PLEA FOR OVERNIGHT PASS FOR PATRONS

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***GENE BARLETTA

RE: MAHONING VALLEY DRIVE IN- PLEA FOR OVERNIGHT PASS FOR PATRONS

***MEGHAN POGUE, 2625 WOODSVIEW DR BENSALEM

RE: MAHONING VALLEY DRIVE IN- PLEA FOR OVERNIGHT PASS FOR PATRONS

COMMITTEE REPORTS:

Police Committee: No report

Road Committee: No report

OFFICIALS:

Brian Reeser: Discuss in executive session.

Ronald Reeser: Speed limit study on Brezewood Road, I would like to move forward.

MOTION

Ronald Reeser made a motion to engage our Chief of Police and Roadmaster in working on a speed limit study for Brezewood Road. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes; and Ronald Reeser, yes 5-0 vote. Motion carried.

Thomas Nanovic: we will be breaking for personnel and litigation matter.

Request for Heart & Lung – Amie Barclay

Matter was discussed in executive session, returned to session and matter tabled.

ADJOURNMENT:

MOTION

Robert Slaw made a motion to adjourn the meeting at 8:55 PM. Seconded by Brian Reeser.

Robert Slaw, yes; Myron Blahy, yes; Brian Reeser, yes; Deborah McGowan, yes and Ronald Reeser, yes 5-0 vote. Motion carried.

Respectfully Submitted,

Natalie D. Haggerty,
Secretary-Treasurer