

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

December 13, 2023

CALL TO ORDER:

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

PRESENT:

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

ABSENT:

N/A

MOMENT OF SILENCE FOR DAVID POLLOCK

PUBLIC COMMENT:

Sandy Palinchak, resident, and member of Zoning Hearing Board asked the status of zoning and SALDO. Sandy offered her help in any way. Robert deferred the conversation to later in the meeting when it appeared on the agenda.

Jeffrey Miller, resident – “attending this meeting as a concerned citizen with no affiliation to the township”. Mr. Miller has experienced numerous issues with his neighbors, 2278 Mahoning Drive West, causing the police to be called several times. A few months ago, Mr. Miller had to use a weapon to defend himself because there was no police coverage, and the State Police took 3 hours to respond. Mr. Miller was told by other officers within the area and other police organizations that they were instructed by the Chief of Mahoning that if someone is not dead, they do not have to respond to calls and because of this statement he is seeking the immediate removal of Chief Mertz. Mr. Miller asked why we do not have 24-hour police protection as he believes we have more than enough officers; sometimes seeing three officers patrolling in the day shift, two people on middle shift and no one on night shift. His home has been attempted to be broken into by the neighbors and Mr. Miller has also voiced concern to a supervisor regarding the condition of the neighbor’s property.

Ron Reeser replied to each of Mr. Millers concerns. Ron asked for more details in relation to the accusations against Chief Mertz as he finds it very hard to believe that the Chief would make the statement that Mr. Miller provided; Ron asked him who specifically said Chief Mertz said it but Mr. Miller stated he will not tell the Board that and so Ron said he will not address the situation with disciplinary action based on hearsay.

Ron confirmed that there is an issue with patrolling and that is being addressed. The resident stated the only time he sees a police car patrolling is when Corey Frey is on duty, Ron agreed. In relation to Mr. Miller’s neighbor, there were numerous zoning violations mentioned and all are currently being addressed by our zoning officer. Ron informed the gentleman that there will be a detailed discussion in executive after the meeting in relation to the police, but stated there will not be 24-hour coverage and there has not been for approximately 5 years. Mr. Miller feels problems are worse than ever and we do not have a police department that gets involved which encourages the criminal behavior of his neighbors. A woman staying at the neighbor’s property entered Mr. Millers back porch and was found sleeping by a friend that dropped something off. Mr. Miller called the police and told the com center that he wanted charges pressed against this woman and he still has not heard from the police officer that was on duty, he is not even aware of who the police officer was on duty as he has not been contacted. She has been warned before

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about criminal trespassing and has tried to break into his house three times. Ron suggested Mr. Miller come into the police department Thursday morning and request a report showing who responded to the call. Mr. Miller states we have a very very bad problem in the neighborhood that needs to be addressed and feels the State Police is not able to protect the residents timely. His first call, routed to State Police, took 3hours and 10minutes for them to arrive. He does not believe State Police coverage is the solution and stated it is the responsibility of the Township to protect its residents and that is why they pay taxes. Robert Slaw asked Mr. Miller to submit something to the Township, in writing, and Ron will talk to Chief Mertz.

Gaige Accardi – submitted a letter of interest for the position of Supervisor, with the recent death of David Pollock, and would like to know the process.

APPROVAL OF MINUTES:

MOTION

Myron Blahy made a motion to approve the Minutes of the November 30, 2023, Board of Supervisors Meeting. Seconded by Ronald Resser. Robert Slaw, yes; Myron Blahy, yes; Deborah McGowan, yes; Ronald Reeser, yes; 4-0 vote. Motion carried.

Myron Blahy made a motion to approve the Minutes of the November 08, 2023, Board of Supervisors Meeting. Seconded by Deborah McGowan. Robert Slaw, yes; Myron Blahy, yes; Deborah McGowan, yes, Ronald Reeser, yes 4-0 vote. Motion carried.

Myron Blahy made a motion to approve the Minutes of the October 24, 2023, Zoning and SALDO Public Hearing Meeting. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Deborah McGowan, yes, Ronald Reeser, yes 4-0 vote. Motion carried.

APPROVAL OF TRANSFERS:

MOTION

Robert Slaw made a motion to approve the following transfers:

\$17,062.20 General Checking to Payroll Checking pay date 11/09/23

\$16,603.84 General Checking to Payroll Checking pay date 11/16/23

\$16,140.42 General Checking to Payroll Checking pay date 11/22/23

\$16,026.02 General Checking to Payroll Checking pay date 11/30/23

\$17,634.70 General Checking to Payroll Checking pay date 12/07/23

\$537.97 Residential Street Light to General Checking

\$595.20 Residential Fire Hydrant to General Checking

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

APPROVAL OF TREASURER REPORT:

MOTION

Ronald Reeser made a motion to approve the Treasurer's Report for November 2023. Seconded by Deborah McGowan. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

APPROVAL OF PAYMENT OF BILLS AND PAYROLLS:

MOTION

Myron Blahy made a motion to approve the following bills and payrolls:

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Bill List #513 in the amount of \$204,981.86
General Check's #24548-#24598
State Check's #1831
Building and Land Check #1081-#1082
Subdivision Land Development Check's #1464-#1472
Fire Co Check #1041

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

APPROVAL OF REPORTS

MOTION

Deborah McGowan made a motion to accept and place file the following reports:
Mahoning Township Road Department Reports November 05, 2023 – December 09, 2023
Mahoning Township SEO Report for October 01, 2023 – December 08, 2023
Mahoning Township Equipment and Fuel Log for November 2023
Mahoning Township Zoning and Building Report for November 2023
Lehigh Canal Recreation Commission Meeting minutes October 26, 2023
Carbon County Tax Collection Committee Meeting minutes February 15, 2023
Seconded by Ronald Reeser. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

NEW BUSINESS:

Adoption of the 2024 Budget – Resolution 2023-#24

MOTION

Robert Slaw made a motion to adopt Resolution 2023-#24 of the Township of Mahoning appropriating specific sums estimated to be required for the specific purposes of the municipal government, set forth during the year 2024. The total revenues for the fiscal year 2024 be in the amount of \$3,701,873.00 and the total expenditures for the fiscal year 2024 be in the amount of \$3,701,873.00. Seconded by Myron Blahy. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

Adoption of the 2024 Tax Levy-Resolution 2023-#25

MOTION

Myron Blahy made a motion to adopt Resolution 2023-#25: A Resolution of the Township of Mahoning, fixing the tax rate for year 2024.

Tax rate for General purposes, the sum of 6 mills, for Fire Protection purposes, the sum of .5 mills, for Road Machinery purposes, the sum of .5 mills, for Building and Land purposes, the sum of .75 mills. No tax increases. Seconded by Deborah McGowan. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

Supervisor Vacancy, Letter of Interest (4)

MOTION

Deborah McGowan made a motion to extend the decision until December 27. Lack of second motion. Not carried.

MOTION

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Robert Slaw made a motion to appoint Stephen Chuckra. Seconded by Deborah McGowan. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, no; Myron Blahy, no. Motion Not carried.

MOTION

Ronald Reeser made a motion to appoint Ronald Wenrich, contingent on receipt of resignation from Zoning Hearing Board. Seconded by Myron Blahy. Robert Slaw, yes; Deborah McGowan, no; Ronald Reeser, yes; Myron Blahy, yes. Motion carried.

Due to the appointment of Ronald L Wenrich to the Board of Supervisors position (resigning from the ZHB), we will now need letters of interest for the Zoning Hearing Board. Tom Nanovic suggested maybe one of the people who were not selected and submitted letters of interest for BOS would be interested in the ZHB.

Removal of Planning Commission Member – Schedule a hearing:

Public Hearing meeting scheduled for Wednesday, January 17, 2024, at 5:30pm. Tom Nanovic will prepare for the meeting.

Mark Schwalm confirmed that his availability to be at meetings is based on weather, stating “when farming you have to make hay when the sun shines”. Stated he can do better, has things in place to be more available but does state that if the weather permits, he will put his farming first.

Lyle Stern Subdivision 90 Day Extension

MOTION

Deborah McGowan made a motion to accept the Lyle Stern Subdivision request for a 90-day extension. Seconded by Myron Blahy. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; Myron Blahy, yes. 4-0 vote. Motion carried.

First Commonwealth Federal Credit Union Waiver Request Preliminary Final

Victor Kelly, Larken Associates, owner of Carbon Plaza Shopping Center & also contract purchasers for the former Harmony Health Food Parcel. First Commonwealth has a lease signed to take over Harmony Health Food Parcel & Larken is looking for approvals to allow. Mark Bonick, Engineer – In approximately 8 months, the bank will relocate from inside the mall & the outside bank kiosk will be removed and space will return to parking.

Site plans were handed out for review. The Federal Credit Union is a single building, separate parcel, (adjacent to Starbucks); that will be occupied solely by the Credit Union. Access internally into the shopping center parking area and discussions with Penn Dot to have a direct point of access (entrance only) into the site of the Credit Union.

Representatives from First Commonwealth Credit Union were in the audience to answer any questions.

MOTION

Robert Slaw made a motion to allow the waiver request and accept the First Commonwealth Federal Credit Union desire to combine plan and preliminary final. Waiver of Section 99-6.A Separate Preliminary and Final plan submissions are required. The plans were submitted as a combined preliminary/final plan.

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

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Lighting

Received a letter from adjoining property owner that the lighting that is proposed is not adverse to their property.

MOTION

Myron Blahy made a motion to waive light. Waiver of Section 116-77.F. Lighting shall be arranged so light is reflected away from adjoining premises and public right of way. Based upon the information on the lighting plan, noting that there appears to be a light spillover across the property lines. Seconded by Ronald Reeser. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

Buffer

MOTION

Received a letter from the adjoining property owner that does not object to not having a buffer. Myron Blahy made a motion to waive the need for a buffer between owners. Waiver of Section 116-81 A planting strip of at least 20' in width must be provided along the property lines and parking areas and service drives along the adjoining properties. A letter has been submitted from the adjoining property owner approving the 20' planting strip not being provided along the property lines. Seconded by Ronald Reeser. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

First Commonwealth Credit Union plan set last revised 11/1/23 (Planning Commission granted conditional approval subject to addressing comments in 11/9/23 letter).

Per First Commonwealth Credit Union, all conditions have been agreed upon and will be completed.

MOTION

Robert Slaw made a motion to conditionally approve the preliminary final plans contingent on all aspects of LTL December 6, 2023, letter being addressed. Seconded by Ronald Reeser. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

First Commonwealth Credit Union

Need PennDOT M950AA to receive form which authorizes Benchmark to submit a HOP application for the curb and stormwater work associated with the proposed Carbon Plaza Associates II LLC project. We will provide copies of the PennDOT plans to the Township Engineer Peter Eisenbrown when we submit them to PennDOT. PennDOT requires this form to be completed since the Township is the applicant for the curb and stormwater facilities within the PennDOT right of way.

MOTION

Robert Slaw made a motion to sign Benchmarks M950AA form contingent the Township Engineer approves the plans submitted.

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

LVH Request for Escrow Release in the amount of \$700,638.28

MOTION

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Robert Slaw made a motion to release \$643,638.28 in LVH escrow. Seconded by Myron Blahy. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; and Myron Blahy, yes. 4-0 vote. Motion carried.

Final request for escrow release for the Township required improvements. The required lining has been installed on the basin spillways and grass has been established. The remaining areas that required additional grass seeding have been stabilized.

Zoning and SALDO

Will meet to discuss on Wednesday, December 27, 2023, at final meeting. Request for Pete Eisenbrown to participate in the meeting.

Bureau Veritas, Broomall PA: Building Inspector Submittal
TABLED until Reorganization meeting, January 02, 2024

OLD BUSINESS:

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, 2024.**

Dollar General Development Agreement and Stormwater O&A Agreement

MOTION

Deborah McGowan made a motion to allow the Chairman to accept and sign the Dollar General Development Agreement and Stormwater O&A Agreement. Seconded by Ronald Reeser. Robert Slaw, yes; Deborah McGowan, yes; Ronald Reeser, yes; Myron Blahy, yes. Motion carried. Tom Nanovic will notarize and pass on.

CORRESPONDENCE:

MOTION

Myron Blahy made a motion to accept and place on file the correspondence dated December 13, 2023. Seconded by Deborah McGowan. Robert Slaw, yes; Deborah McGowan, yes; Myron Blahy, yes; and Ronald Reeser, yes. 4-0 vote. Motion carried.

***CARBON COUNTY PLANNING COMMISSION, IVAN MEIXELL, PLANNER

RE: LAND DEVELOPMENT REVIEW: CARBON PLAZA STARBUCKS - FINAL

***CARBON COUNTY PLANNING AND DEVELOPMENT, JASON SKRIMCOVSKY, PROJECT COORDINATOR

RE: ACCEPTANCE OF AWARD TO RECON CONSTRUCTION SERVICES FOR MAHONING TOWNSHIP STREET IMPROVEMENTS – CENTER ROAD, MAPLE DR TO WILLARD DR. FY2019-FY2022; \$110,329.75

***KEystone CONSULTING ENGINEERS

RE: REQUEST 90-DAY EXTENSION OF TIME FOR HAMMEL AND STERN MINOR SUBDIVISION

***LTL CONSULTANTS, STEPHEN WANNER, ZONING OFFICER

RE: ZONING APPLICATION DENIAL LETTER, SHORT TERM RENTALS, AWESOME VIEW PROPERTIES

***LTL CONSULTANTS, STEPHEN WANNER, ZONING OFFICER

RE: ZONING APPLICATION DENIAL LETTER, CAMPING AND GLAMPING, AWESOME VIEW PROPERTIES

***LTL CONSULTANTS, STEPHEN WANNER, ZONING OFFICER

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RE: ZONING APPLICATION DENIAL LETTER, COMMERCIAL PARKING, AWESOME VIEW PROPERTIES

***LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, DILAPIDATED BARN, 1230 BEAVER RUN DRIVE

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, DILAPIDATED RESERVOIR HOUSE, 1230 BEAVER RUN DRIVE

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, OPEN BURNING, 910 MAHONING DRIVE WEST

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, UNSAFE STRUCTURE AND JUNK ACCUMULATION, 1081 MILL RD

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, JUNK VEHICLE & ACCUMULATION OF JUNK/RUBBISH, 286-106 LOWER NIS HOLLOW DR

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, DANGEROUS STRUCTURE & ACCUMULATION OF JUNK/RUBBISH, 286 LOT 85 LOWER NIS HOLLOW DR

*** LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: ENFORCEMENT NOTICE, TRI-AXLE TRUCKS TRAVELING IN EXCESS OF SETTLEMENT AGREEMENT, 291 BREEZEWOOD RD.

***LTL CONSULTANTS, STEPHEN WANNER, ZONING OFFICER

RE: FINDINGS NOTICE SENT FROM REVIEW REGARDING BUILDING / ZONING APPLICATION, 344 PINE HOLLOW DR.

***LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION, CONSTRUCTION WITHOUT PERMIT, 1319 ORIOLES DR.

***LTL CONSULTANTS, STEPHEN WANNER, CODE ENFORCEMENT OFFICER

RE: NOTICE OF VIOLATION – FORMAL NOTICE. UNSECURED DANGEROUS STRUCTURE, ACCUMULATION OF JUNK/RUBBISH. 1081 MILL ROAD

***LTL CONSULTANTS, PETER C EISENBROWN, PE, TOWNSHIP ENGINEER

RE: FIRST COMMONWEALTH FEDERAL CREDIT UNION REVIEW, COMMENTS AND OBSERVATIONS OF PRELIMINARY/FINAL LAND DEVELOPMENT PLAN 2ND LTL PLAN REVIEW

***LTL CONSULTANTS, PETER C EISENBROWN, PE, TOWNSHIP ENGINEER

RE: FIRST COMMONWEALTH FEDERAL CREDIT UNION PRELIMINARY/FINAL LAND DEVELOPMENT PLAN, 2nd LTL PLAN REVIEW DIRECTED TO BOARD OF SUPERVISORS LISTING OUTSTANDING ITEMS

***NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: RESPONSE LETTER IN RELATION TO CENTRAL EXECUTIVE COMMITTEE OF ODWU, INC. REGARDING RIGHT TO APPEAL NOTICE OF VIOLATIONS.

***NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: LETTER OF DIRECTION SENT TO PLANNING COMMISSION MEMBER REGARDING MEMBERSHIP STATUS; SCHWALM. –

***NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: NOTIFICATION TO THE BOARD REGARDING PLANNING COMMISSION MEMBER INTEREST TO CONTINUE MEMBERSHIP ON PC BOARD; SCHWALM

***NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: REVIEW OF AND SUGGESTIONS REGARDING THE ENFORCEMENT NOTICE SENT TO 291 BREEZEWOOD RD.

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***PA LIQUOR CONTROL BOARD, ANDREW STUFFICK, DIRECTOR BUREAU OF LICENSING
RE: NOTIFICATION OF TRANSFER OF LIQUOR LICENSE FROM HALF TIME BAR AND GRILL TO CIRCA 1898
LLC, MAHONING DRIVE WEST
***PA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SHERRY CARLO, LICENSED PROFESSIONAL
GEOLOGIST MANAGER
RE: HEATING OIL RELEASE RECOMMENDATION OF CLEAN UP, 683 CHAPEL DR
***PENNDOT LTAP TECHNICAL INFORMATION SHEET #227 FALL/2023
***PENNDOT LTAP QUARTERLY REVIEW, FALL 2023
***PLANNING COMMISSION MEMBER, SCHWALM. LETTER TO REQUEST MEETING REGARDING PC
MEMBERSHIP STATUS
***RESIDENT LETTER OF CONCERN REGARDING AWESOME VIEW PROPERTIES APPLICATION FOR RELIEF
FROM THE MAHONING TOWNSHIP ZONING ORDINANCE AND BOARD DECISION REGARDING PROPERTY
DEVELOPMENT AT THE SIERRA VISTA ESTATES
***SIANA LAW, CHRISTOPHER GERBER
RE: 2024 RATE SCHEDULE
***RESIDENT RESPONSE TO NOTICE OF VIOLATION, 286 LOWER NIS HOLLOW DR LOT 106
***LETTER OF INTEREST: BOARD OF SUPERVISORS
RE: RONALD WENRICH, 408 ASHTOWN DRIVE, LEHIGHTON
***LETTER OF INTEREST: BOARD OF SUPERVISORS
RE: STEPHEN CHUCKRA, 1596 TWIN CREST DRIVE, LEHIGHTON
***LETTER OF INTEREST: BOARD OF SUPERVISORS
RE: GAIGE ACCARDI, 286-114 LOWER NIS HOLLOW DRIVE, LEHIGHTON
***LETTER OF INTEREST: BOARD OF SUPERVISORS
RE: BRUCE STEIGERWALT, 102 MANOR LANE, LEHIGHTON
***LETTER OF INTEREST: 2024 ALTERNATE SEWAGE ENFORCEMENT OFFICER
RE: IAN FARRELL. WILL BE ADDED TO ORGANIZATION AGENDA

COMMITTEE REPORTS:

POLICE COMMITTEE:

Police Car (Taurus) is back & Corey Frey asked if he could take the Taurus to Dave Pollock's service. All were fine with that.

ROAD COMMITTEE:

N/A

OFFICIALS:

Executive meeting was requested after adjournment, will not return.

Deborah McGowan: Received an email from a resident near Teliha Dr providing pictures of water laying at the intersection. Deb instructed her to call the comm center and report it because the resident was concerned with road freezing. Deb notified Nevin and he told her he would take care of it on Thursday. Deb wanted to make the Board aware and suggested we look at this area for future weather issues.

ADJOURNMENT:

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MOTION

Robert Slaw made a motion to adjourn the meeting at 7:10PM. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; and Deborah McGowan, yes 4-0 vote. Motion carried.

Respectfully Submitted,

Natalie D. Haggerty
Secretary-Treasurer