

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

July 12, 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; Ronald Reeser, Supervisor; Deborah McGowan, Supervisor, David Pollock (sworn in), Supervisor, Thomas Nanovic, Solicitor and Natalie D. Haggerty, Secretary-Treasurer.

ABSENT:

Myron Blahy, Vice-Chairman (available by phone)

PUBLIC COMMENT:

Donna Crum – here to “face the music” to deal with having an event (Rockin’ Rescue) without proper permits. Fire Co. helped with the event and Rockin’ Rescue will be giving them a donation. On a second topic, Donna informed the Board that she will be going to each municipality to encourage enforceable rules and regulations to be put in place in relation to pets. Donna stated there is an epidemic of cats and dogs and the rescue facilities cannot manage the quantities. She is hoping if we are not going to implement pet-controlled rules, we at least have information available to the residents, so they know where to go for help in dealing with concerns. Robert Slaw asked Donna to forward to the Board important information she would like distributed, and that information will be made available to the residents and add it to the township website.

Georgia Young, Meadow Crest, attended June 14, 2023, meeting with water run off concerns at her property attended this evening as a follow up. She was informed that Peter Eisenbrown, Township Engineer, reviewed the area of concern and offered his recommendations. Robert shared with Georgia those recommendations and told her once they were reviewed and decisions are made, she would be made aware.

APPROVAL OF MINUTES:

MOTION

Robert Slaw made a motion to approve the Minutes of the June 14, 2023, Board of Supervisors Meeting. Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Myron Blahy, yes; Deborah McGowan, yes, 4-0 vote. Motion carried.

APPROVAL OF TRANSFERS:

MOTION

Ronald Reeser made a motion to approve the following transfers:

\$33,120.06 General Checking to Payroll Checking pay date 6/15/23

\$14,877.48 General Checking to Payroll Checking pay date 6/22/23

\$14,932.10 General Checking to Payroll Checking pay date 6/29/23

\$14,933.05 General Checking to Payroll Checking pay date 7/06/23

\$537.97 Residential Street Light to General Checking

Seconded by Deborah McGowan. Robert Slaw, yes; Ronald Reeser, yes Deborah McGowan,

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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 June 2023. Seconded by Robert Slaw. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; and Myron Blahy, 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 #508 in the amount of \$175,138.12

General Check's #24352-#24392

State Check's #1806-#1809

Building and Land Check #1074

Subdivision Land Development Check's #1400-#1405

Special Equipment Check #1011

Lowe's Traffic Signal Check #1003

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

REPORTS

MOTION

Deborah McGowan made a motion to accept and place file the following reports:

Mahoning Township Road Department Reports June 11, 2023-July 08, 2023

Mahoning Township Equipment and Fuel Log May and June 2023

Mahoning Township Financial Statements December 31, 2022

Mahoning Township Municipal Authority minutes for May 17, 2023

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

NEW BUSINESS:

Letter of interest from David Pollock to serve as Supervisor.

MOTION

Ronald Reeser made a motion to appoint David Pollock as Supervisor and fulfill responsibilities until the next municipal election. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes and Deborah McGowan, yes. 4-0 vote. Motion carried.

David Pollock was sworn-in, which allowed him to participate in the rest of the meeting.

Agreement by and between Township of Mahoning and Mahoning Township Police Department Broke later in meeting (6:48pm) for Executive Session to discuss.

Road Closure request by PennDOT for Mahoning Valley Volunteer Fire Company #1.

MOTION

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Ronald Reeser made a motion to approve the request by the Mahoning Valley Volunteer Fire Co. #1 to close the road between Mill Rd and Springhouse Rd for annual community festival.

Seconded by Deborah McGowan. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes, Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Ashtown Drive Street Light. There is concern with the visibility at night in that area since the new road construction. After discussion it was decided a letter will be drawn up and mailed to the residents that will be affected financially by the annual tax associated with the streetlight in their vicinity. A reply will be requested, and a no reply will be accepted as a Yes of interest for the light to be installed and financial responsibility will appear on their tax bill.

Extension of Time Request by Behavioral Health to October 18, 2023.

MOTION

Ronald Reeser made a motion to accept the Extension of Time request by Behavioral Health until October 18, 2023. Seconded by Deborah McGowan. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Minor Subdivision plan of Upper Nis Hollow for William S. Zellner & Jeanette V. Zellner with two waiver requests. June 16th letter from LTL, besides signatures everything has been addressed.

Recommended by Planning Commission.

Section 99-11(A)(1) Requiring Road improvements along private and public streets. A waiver request was recommended, including indemnification for any road improvements for the future.

MOTION

Robert Slaw made a motion to grant a waiver for Section 99-11(A)(1) requiring road improvements. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Recommended by Planning Commission

Section 99-10. F. Requiring a stormwater management plan, a stormwater management plan for Lot 2 will still be required to be provided to the township zoning officer at the time of any zoning permit application.

MOTION

Robert Slaw made a motion to grant a waiver for Section 99-10.F. Requiring a stormwater deferment until a building permit is issued, based on plan note. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried

Recommended by Planning Commission

Conditional approval of Zellner Minor Subdivision Plan conditioned upon LTL review letter dated June 16th, 2023, comments are complied with.

MOTION

Robert Slaw made a motion to grant conditional approval provided all notes from the June 16th letter are complied with, signatures and receive a flash drive with the plans along with printed

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copies. Seconded by David Pollock. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Dollar General made additional waiver requests to the Planning Commission.

Section 99-7 Separate preliminary and final plan submissions are required. This waiver request was recommended by the Planning Commission

MOTION

Robert Slaw made a motion to grant the waiver request Section 99-7, preliminary and final plans. Seconded by David Pollock. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Section 99-10.D(1) Drainage easement needs to be provided to the Township. The minimum width is 10 feet from each side of the drainage facility and existing nature drainage way; however, the township may require a greater easement when necessary. Noting that a blanket easement over the entire property is being provided. PC recommended a waiver request if the entire note is acceptable to the township.

MOTION

Robert Slaw made a motion to grant the waiver request Section 99-10.D(1). Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 4-0 vote. Motion carried.

Section 99-10.F(4)(c){5}[f]. The depth of water within the basins. Non issue, corrected

90-day Extension Request (October 19, 2023)

MOTION

Robert Slaw made a motion to grant the extension of time to complete improvements until October 19, 2023. Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 4-0 vote. Motion carried.

Generator – Mahoning Township Rehabilitation Project

Robert Slaw reached out to Billitier to discuss generator options. They will meet at the new building on Thursday, July 13, 2023, at 9am to review possible options. Initial submission is 200kw, Robert is hoping 50kw will be sufficient for the entire building.

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 June 30, 2023 (MOTION GRANTED EARLIER ON AGENDA TO DECEMBER 31, 2023)**

Continuing to work diligently per Jake Ahner.

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Ralph Herbst, 1820 Mahoning Drive East, exemption from real property taxes approved by Pennsylvania State Veterans Commission.

MOTION

Robert Slaw made a motion to grant the request for an exemption from real property taxes.

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

Broney's Hotel Designated Historic

Will prepare a historic overlay after the Zoning and SALDO are adopted.

SALDO Zoning Ordinance

Public meeting scheduled for Wednesday, August 23, 2023, at 6pm for review of SALDO and set to adopt the SALDO at the monthly BOS meeting, September 13, 2023

CORRESPONDENCE:

MOTION

Ronald Reeser made a motion to accept and place on file the correspondence dated July 12, 2023. Seconded by Deborah McGowan. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 4-0 vote. Motion carried.

***CARBON CONSERVATION DISTRICT, BRIANA FULMER, DISTRICT TECHNICIAN

RE: HOME PROJECT ADEQUACY REVIEW BEAVER RUN ESTATES, BOYKO DRIVE LOT #22

***CARBON CONSERVATION DISTRICT, BRIANA FULMER, DISTRICT TECHNICIAN

RE: HOME PROJECT ADEQUACY REVIEW SPRINGHOUSE ROAD

***CARBON ENGINEERING, JOSEPH ZUCOFSKI

RE: LAND DEVELOPMENT PLAN FOR BEHAVIORAL HEALTH ASSOCIATES

***JLM REAL ESTATE INVESTMENTS, LLC, COLE BOYER P.E. PROJECT ENGINEER

RE: PRELIMINARY/FINAL LAND DEVELOPMENT PLANS, DOLLAR GENERAL

***JLM REAL ESTATE INVESTMENTS, LLC, COLE BOYER, P.E. PROJECT MANAGER

RE: PRELIMINARY/FINAL LAND DEVELOPMENT PLAN WAIVER REQUEST, LEHIGHTON DOLLAR GENERAL

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

RE: PRELIMINARY / FINAL LAND DEVELOPMENT PLANT – 1ST LTL PLAN REVIEW WITH WAIVER REQUESTED INCLUDED, YENSER'S TREE FARM (WENTZ)

***LTL CONSULTANTS, LTD. MICHAEL R SCHWENK, BCO

RE: PERMIT REVIEW WITH COMMENTS/CONCERNS, 2186 MAHONING DRIVE WEST.

***LTL CONSULTANTS, LTD. STEPHEN WANNER, MAHONING TOWNSHIP ZONING OFFICER

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RE: BUILDING PERMIT DENIAL, KEYTE, 2530 HEMLOCK DRIVE, LEHIGHTON

***LTL CONSULTANTS, LTD. STEPHEN WANNER, MAHONING TOWNSHIP ZONING OFFICER

RE: USE PERMIT DENIAL. BLUE MOUNTAIN ANIMAL RESCUE, 1375 OAK GROVE DRIVE, LEHIGHTON

***NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: MAHONING TOWNSHIP POTENTIAL HISTORIC DISTRICT DISCUSSIONS. TOWAMENSING TOWNSHIP ZONING ORDINANCE 08-05 ATTACHED

***MAHONING TOWNSHIP SUPERVISOR LETTER OF INTEREST, DAVID POLLOCK

***PA DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARK BENFER, SEWAGE PLANNING SPECIALIST CLEAN WATER PROGRAM

RE: APPROVAL LETTER – EXCEPTION, ACT 537 PLANNING. LANDS OF WILLIAM AND JEANETTE ZELLNER SUBDIVISION 2 LOTS

**ROBERTI & ROBERTI, LLC ATTORNEYS AT LAW. KIM R ROBERTI, ESQUIRE

RE: VARIANCE APPLICATION POSTPONEMENT, MELO – MAHONING TOWNSHIP

***MAHONING TOWNSHIP PLANNING COMMISSION LETTER OF INTEREST, ANDREW WENRICH

***MAHONING TOWNSHIP PLANNING COMMISSION LETTER OF INTEREST, DEBORAH MCGOWAN.
MOTION

Robert Slaw made a motion to appoint Deborah McGowan to the Planning Commission Board. Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, abstain; and David Pollock, yes. 3-0 vote, 1 abstained. Motion carried. Deborah McGowan was sworn-in after the meeting.

COMMITTEE REPORTS:

POLICE COMMITTEE:

ROAD COMMITTEE:

Ronald Reeser stated summer paving has begun.

Robert Slaw stated we did a lot of dirt and gravel and put millings as a base on Breezewood and he believes we should do tar and chip to preserve the work already done. Nevin received a quote, amount not stated as we are waiting for additional quotes.

MOTION

Robert Slaw made a motion to allow tar and chip work to be done on Breezewood at the amount not to exceed the quote received and to make sure Nevin can make work with his budget numbers. Seconded by David Pollock. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes and David Pollock, yes. 4-0 vote. Motion carried.

OFFICIALS:

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Deb presented a report given to her from Mahoning Valley Ambulance and asked the BOS to look over it. The report shows MV Ambulance Association is doing well financially, and the staffing is better than they ever had.

Thomas Nanovic sent an email regarding Starbucks pre-security agreement prepared by Attorney McClain and revised by Tom. Peter said with Tom's revision it is ok to approve as long as the Board is ok with it.

MOTION

Robert Slaw made a motion to approve the current copy of the pre security construction agreement of Starbucks with Tom's red line changes. Seconded by David Pollock. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 4-0 vote. Motion carried.

Robert Slaw asked the status of the Mahoning Valley Drive In. Per Tom Nanovic in relation to the Briefing Schedule. Designation of record gets filed 30 days before briefing. Mahoning Valley Drive In Attorney will file his brief; 30 days later Tom will file his brief and then the Court will file the argument which is hopefully to be scheduled in the Fall, if there is an argument.

Broke for Executive Session at 6:48pm for discussion of police contract.

Returned from Executive Session discussion at 7:05pm.

Agreement by and between Township of Mahoning and Mahoning Township Police Department

MOTION

Ronald Reeser made a motion to adopt the 2023-2025 Agreement by and between the Township of Mahoning and Mahoning Township Police Department. Seconded by David Pollock. Robert Slaw, yes; Ronald Reeser, yes, David Pollock, yes; and Deborah McGowan, abstain. 3-0 vote, 1 abstain. Motion carried.

ADJOURNMENT:

MOTION

Robert Slaw made a motion to adjourn the meeting at 7:40PM. 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