

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

CALL TO ORDER:

Robert Slaw called the meeting to order at 6:10PM at the Mahoning Township Building 2685 Mahoning Drive East, Lehigh, PA 18235.

PRESENT:

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

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

MOTION

Myron Blahy made a motion to approve the Minutes of the July 12, 2023 Conditional Use Hearing for Behavioral Health. Seconded by Robert Slaw. Robert Slaw, yes; Ronald Reeser, yes; Myron Blahy, yes; Deborah McGowan, yes, David Pollock, abstain. 4-0 vote, 1 Abstain. Motion carried.

Deborah McGowan made a motion to approve the Minutes of the August 9, 2023 Board of Supervisors Meeting. Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Myron Blahy, yes; Deborah McGowan, yes, David Pollock, abstain. 4-0 vote, 1 Abstain. Motion carried.

APPROVAL OF TRANSFERS:

MOTION

Myron Blahy made a motion to approve the following transfers:

\$17,188.42 General Checking to Payroll Checking pay date 8/10/23

\$17,985.25 General Checking to Payroll Checking pay date 8/17/23

\$16,261.83 General Checking to Payroll Checking pay date 8/24/23

\$16,384.88 General Checking to Payroll Checking pay date 8/31/23

\$15,846.45 General Checking to Payroll Checking pay date 9/07/23

\$537.97 Residential Street Light to General Checking

\$595.20 Residential Fire Hydrant to General Checking

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

APPROVAL OF TREASURER REPORT:

MOTION

Deborah McGowan made a motion to approve the Treasurer's Report for August 2023. Seconded by Ronald Reeser. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; David Pollock, yes; and Myron Blahy, yes. 5-0 vote. Motion carried.

APPROVAL OF PAYMENT OF BILLS AND PAYROLLS:

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

MOTION

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

- Bill List #510 in the amount of \$368,259.95
- General Check's #24433-#24473
- State Check's #1816-#1822
- Building and Land Check #1077-#1078
- Special Equipment Check #1012
- Subdivision Land Development Check's #1426-#1438
- Walmart Check #1007

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

APPROVAL OF REPORTS

MOTION

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

- Mahoning Township Road Department Reports August 06, 2023-September 23, 2023
- Mahoning Township Zoning Hearing Board Meeting Minutes for August 1, 2023
- Mahoning Township Equipment and Fuel Log August 2023
- Mahoning Township Zoning and Building Report for August 2023
- Mahoning Township Municipal Authority Meeting minutes: June 21, July 19, & August 16, 2023
- MVA Report

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

NEW BUSINESS:

Behavioral Health Land Development (Revised plan date 8/02/23). PC conditionally approved conditioned upon LTL review letter dated August 11, 2023

MOTION

Robert Slaw made a motion to conditionally approve Behavioral Health Land Development Plans contingent upon LTL Consultants review letter dated August 11, 2023. 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.

Intermunicipal Transfer of Liquor License Dean Bartholomew: Schedule Hearing.

MOTION

Robert Slaw made a motion to ratify the hearing date (October 11, 2023, at 5:45pm) and advertise the date and time in the Times News. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes and David Pollock, yes. 5-0 vote. Motion carried.

Resolution #2023-20 Uniform Pension Plan Contribution Requirement 2024 in the amount of \$112,535.00.

MOTION

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

Deborah McGowan made a motion to adopt Resolution #2023-20 Uniform Pension Plan Contribution Requirement 2024 in the amount of \$112,535.00. 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.

Resolution #2023-21 Non-Uniform Pension Plan Contribution Requirement 2024 in the amount of \$36,498.00

MOTION

Myron Blahy made a motion to adopt Resolution #2023-21 Non-Uniform Pension Plan Contribution Requirement 2024 in the amount of \$36,498.00. 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.

Schedule Budget Workshops (advertise)

MOTION

Myron Blahy made a motion to advertise public notice of budget workshop meetings. October 30, 2023, 4pm & November 06, 2023, 4pm. Seconded by David Pollock. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; David Pollock, yes; and Myron Blahy, yes. 5-0 vote. Motion carried.

Request For Proposals (advertise)

MOTION

Ronald Reeser made a motion to Request for Proposals to advertise for alternate Building Code Inspector. Seconded by Myron Blahy. Robert Slaw, no; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, no; and David Pollock, yes. 3-2 vote. Motion carried.

Thomas Nanovic will reach out to Carl Faust regarding unfinished business and what needs to be done.

Public Hearing Zoning and SALDO (advertise)

MOTION

Deborah McGowan made a motion to advertise for Public Hearing for Zoning and SALDO. October 24, 2023, at 6pm. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Speed Detectors

TABLED

Natalie was advised to budget for (2) speed detectors for 2024 with approval to purchase (1) to be sure it satisfies what we want.

Summit Ridge Phase 1 Escrow Release for Improvements

TABLED

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

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

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

CORRESPONDENCE:

MOTION

Ronald Reeser made a motion to accept and place on file the correspondence dated September 27, 2023. Seconded by David Pollock. Robert Slaw, yes; Ronald Reeser, yes; Deborah McGowan, yes; Myron Blahy, yes; and David Pollock, yes. 5-0 vote. Motion carried.

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

RE: PERMIT AUTHORIZATION COVER LETTER FOR GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES SAGE MEADOWS RESIDENTIAL DEVELOPMENT

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

RE: PERMITE AUTHORIZATION COVER LETTER FOR GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES; LEHIGHTON DOLLAR GENERAL

****CARBON ENGINEERING, JOSEPH ZUCOFSKI, P.E.

RE: NOTICE OF COMPLETED COMMENTS REGARDING JULY 24, LETTER FROM LTL CONSULTANTS. BEHAVIORAL HEALTH ASSOCIATES

****CENTRAL CARBON MUNICIPAL AUTHORITY, TIMOTHY ECKHART, BOARD CHAIRMAN

RE: FAT, OILS AND GREASE ACCUMULATION AT CCMA'S WET WELL. RECOMMENDATION OF REQUIREMENTS AND INSPECTIONS LETTER.

****GROSS MCGINLEY, JASON ULRICH

RE: INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE. 2186 MAHONING DRIVE WEST., LEHIGHTON

****LEHIGH CANAL RECREATION COMMISSION, KATHY RUFF, VOLUNTEER

RE: NOTICE OF MEETING, SEPTEMBER 28, 2023

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

RE: PERMIT APPLICATION DENIAL LETTER, 566 HEMLOCK DRIVE, INTERNATION UNITED CHURCH OF GOD

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

RE: PERMIT APPLICATION DENIAL LETTER, MAHONING DRIVE WEST., GOLDY.

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

RE: VIOLATION NOTICE: ABANDONED/DILAPIDATED MOBILE HOME, 608-610 NORTH FIRST STREET

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

RE: VIOLATION NOTICE: CONSTRUCTION WITHOUT PERMIT. 813 FREDERICKS GROVE RD., GERHARD

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

RE: VIOLATION NOTICE: JUNK ACCUMULATION, 901 BEAVER RUN DRIVE

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

RE: ENFORCEMENT NOTICE: VIOLATION OF SETTLEMENT AGREEMENT SIGNED OCT 13, 2022 – 2522 BLAKESLEE BLVD DRIVE EAST, MAHONING VALLEY SPEEDWAY. AUGUST 26, 2023, EVENT DAY

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

RE: VIOLATION LETTER – UNSAFE STRUCTURE, JUNK ACCUMULATION, OCCUPANT LIVING IN TRAVEL TRAILER, 2278 MAHONING DRIVE WEST

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

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING
MINUTES

September 27, 2023

RE: VIOLATION LETTER – JUNK VEHICLES AND JUNK/RUBBISH ACCUMUATION, 2294 MAHONING DRIVE WEST., KRAMLICH

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

RE: VIOLATION LETTER – UNPERMITTED SIGN, 1677 BLAKESLEE BLVD DRIVE WEST.

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: REVIEW AND CONCERNS OF STARBUCKS / LETTER OF CREDIT

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: REVIEW OF PROPOSED STARBUCKS DEVELOPMENT AGREEMENT

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: DRAFT AGREEMENT OF MAINTENANCE AND OPERATING AGREEMENT FOR STORMWATER FACILITIES FOR STARBUCKS PROJECT FOR REVIEW AND DISCUSSION

****NANOVIC LAW OFFICES, THOMAS NANOVIC

RE: DRIVEWAYS / STORMWATER DISCUSSION AND POSSIBLE SOLUTIONS

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: FIRST DRAFT OF BEST MANAGEMENT PRACTICE OPERATIONS AND MAINTENANCE PLAN AGREEMENT FOR STORMWATER DETENTION FACILITIES IN RELATION TO THE LEHIGHTON DOLLAR GENERAL

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: FIRST DRAFT OF DEVELOPMENT AGREEMENT FOR LEHIGHTON DOLLAR GENERAL

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: REVISED DEVELOPMENT AGREEMENT REGARDING DOLLAR GENERAL

****NANOVIC LAW OFFICES, THOMAS S NANOVIC

RE: PROPOSED FOR REVIEW AN AMENDMENT TO ZONING ORDINANCE CREATING A HISTORIC OVERLAY DISTRICT AND PROPOSED RESOLUTION ADOPTING THE HISTORIC RESOURCE INVENTORY AND HISTORIC RESOURCE MAP

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE / BRONEY’S HOTEL

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE / BRONEY’S HOTEL, PUBLIC NOTICE FOR HEARING, OCT 11, 2023

****NANOVIC LAW OFFICES, THOMAS S. NANOVIC

RE: DISCUSSION OF SKATE PARK, 901 BEAVER RUN DRIVE

****PA DEPARTMENT OF ENVIRONMENTAL PROTECTION, TEWOLDEMEDHIN RUSTU, SEWAGE PLANNING SUPERVISOR, CLEAN WATER PROGRAM

RE: APPROVAL LETTER – EXEMPTION – CARBON PLAZA STARBUCKS

****PA DEPARTMENT OF TRANSPORTATION, SCOTT G VOTTERO, ASSISTANT DISTRICT EXECUTIVE

RE: NOTICE OF PUBLIC PLANS DISPLAY FOR SR3005 BRIDGE REPLACEMENT PROJECT, COUNTRY CLUB ROAD OVER MAHONING CREEK

****PA DEPARTMENT OF TRANSPORTATION, MICHAEL B CARROLL, SECRETARY OF TRANSPORTATION

RE: NOTICE OF ESTIMATED LIQUID FUELS ALLOCATION FOR 2024

****PA HOUSE OF REPRESENTATIVES, TIMM BERGER, DISTRICT OFFICE MANAGER

RE: TRAFFIC CONCERNS INTERSECTION OF MAHONING MOUNTAIN ROAD AND TROXELL’S ROAD. 4 WAY STOP SIGN REQUEST

****RESIDENT CONCERN, SPEEDING AND RECKLESS DRIVING WITHIN TOWNSHIP

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

COMMITTEE REPORTS:

POLICE COMMITTEE:

Ford Taurus at Fritz's Garage and did not pass inspection. The rear subframe of the car is rusted – Estimated cost \$2,200.00 to repair using used parts.

Audie is going to talk with Fritz to get the complete cost of all repairs.

ROAD COMMITTEE:

Truck (International) is out of commission, exhaust fluid issue.

Nevin told Natalie to order the initial fill of salt.

OFFICIALS:

Fire Company – Mark Ebbert, Fire Co. is requesting the Board of Supervisors to support a LSA Grant to replace their roof on the fire company. The area over the social hall is currently leaking, this roof is 30-35 years old. There are other sections that need attention that would like to be replaced within the grant funding as well; the rubber roof over the engine bays is an area that needs attention. Estimates need to be supplied to the Township office Thursday morning 09/28/23. The Resolution naming two authorized signatures was prepared but needs detailed information and quotes before signing.

MOTION

Robert Slaw made a motion to conditionally approve an LSA Grant to the Fire Company not to exceed \$70,000. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Mark Ebbert stated the command vehicle (2008 with 195,000 miles) is aged, rusting out and will unlikely pass inspection in February 2024. The fire company is requesting money from the fire fund to purchase a used replacement vehicle, not to exceed \$22,499.00. The 2008 vehicle will either be used as a trade in or sold on Municibid.

MOTION

Deborah McGowan made a motion to allow the fire company to purchase a used vehicle for no more than \$22,499.00, funded by the fire fund. 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.

Mahoning Valley Ambulance – Paul Waddle stated they went to East Penn for reinstatement, did not go well. Supervisor Mr. Peirson initially made a motion to reinstate Mahoning Valley but was cut off by Supervisor Schwab who voiced he is unsatisfied with service and made a motion to deny MVA, the rest of the Supervisors went with the motion of Schwab to not reinstate Mahoning Valley Ambulance.

The Ambulance is required to submit information to Medicare reporting the number of runs for refund. Gary at Comm Center stated this information has never been requested before and he denied the request. The Ambulance is asking The Board to submit a letter to Gary at the Comm Center requesting the information be sent to The Ambulance Association so they could submit

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

the report for Medicare reimbursement. Medicare every 3 years randomly selects companies that bill them, if they pick you, you must supply all required information for the past year.

Natalie will prepare a letter and send it to Gary at the Comm Center asking for a report stating where does Mahoning Valley Ambulance has second due coverage.

Robert Slaw

The Planning Commission is requesting a letter to be sent to Mark Schwalm regarding his position status on the Board. Tom Nanovic will draft a letter.

Community Bank is moving from inside the mall to the property next to Starbucks (previously Country Harmony). The PC would like Pete to write a letter to Penn Dott requesting a stop sign at ramps at Walmart and Giant going East bound and Lowes going West bound. Change from current Yield to a Stop Sign.

MOTION

Robert Slaw made a motion to have Peter Eisenbrown write a letter to Penn Dott requesting three stop signs (Walmart, Giant, and Lowes) at cost to the Township. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, yes; and David Pollock, yes. 5-0 vote. Motion carried.

Tom Nanovic – Starbucks - Storm water agreement for Starbucks, Tom received Attorney McClains comments. Tom put a prevision in our standard stormwater agreement that if we are ever sued for stormwater issues the owners of Starbucks will be financially responsible and will supply attorney representation. Attorney McClains concern is the amount of days Tom is suggesting (90 days) from the time claim is filed to notify the owners. McClain is requesting 10 days, he believes 90 days is too long because PA law states from the time of complaint you have 20 days to file a response. Tom would like to suggest 15 days to respond from the time served with a complaint in a lawsuit but any other claim or complaint we get (non-suit related) we have 90 days.

Starbucks Development Agreement - In relation to the development agreement that was prepared in June 2023, there were several concerns from McClain and Tom was fine with everything except for the following:

Standard development agreement stated developer may not pave the wearing course from October 15 – April 15 or the binding course from November 15 – March 15 without the Township Engineers written approval; McClain removed that from the agreement and Tom believes it should stay in. The Board is ok if the dates restricting paving are removed from the contract because the road belongs to Starbucks, and they are responsible for fixing if there are issues.

Starbucks - regarding concerns of changing the language of Stormwater. Tom believes the Stormwater Operating and Maintenance Agreement will address concerns. Operating and Maintenance Agreement states Starbucks must comply with the stormwater state laws. Tom will confirm with Peter Eisenbrown that there are no issues.

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

September 27, 2023

Starbucks - Pre-Security Construction agreement – 21k was put into that. Still need to provide the Letter of Credit. We received a Letter of Credit on Aug 24 and Tom stated his concerns and was told they would talk to the developer and get back to Tom., still has not happened.

The Board broke for executive session at 7:50pm returned at 8:05pm

Police Chief Contract

Discussed in Executive Session

MOTION

David Pollock made a motion to approve the 2023-2025 Police Chief Contract as written. Seconded by Myron Blahy. Robert Slaw, no; Myron Blahy, yes; Ronald Reeser, yes; Deborah McGowan, no; and David Pollock, yes. 3-2 vote. Motion carried.

James Danner Light Duty

Discussed in Executive Session

ADJOURNMENT:

MOTION

Robert Slaw made a motion to adjourn the meeting at 8:07PM. Seconded by Ronald Reeser. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; David Pollock, yes; and Deborah McGowan, yes 5-0 vote. Motion carried.

Respectfully Submitted,

Natalie D. Haggerty

Secretary-Treasurer