

**Black Creek Township Supervisors Hearing and Regular Meeting
Minutes
September 11th, 2018 2:00pm**

The Regular Meeting of the Black Creek Township Supervisors- held on Tuesday, September 11th, 2018, directly followed the hearing at 2:00 for the Amendment to the Code of Ordinances to include Chapter 2, Building and Structures, Part 4, Alumni Monument and Park.

Attendance: Lescowitch; Rohrbach; Adams

Pledge of Allegiance to the Flag

Moment of Silence for the victims of September 11th, 2001 and their families

Public Comment on Agenda Items:

Rick Davis- presented a petition signed by 431 residents of Black Creek Township who are petitioning to move the regular monthly meetings to 6:30pm instead of 2:00pm. He asked if it can be added to the agenda.

Supervisor Rohrbach added it to the meeting's agenda.

Public Hearing:

Amendment to the Code of Ordinances to include Chapter 2, Building and Structures, Part 4, Alumni Monument and Park

- A motion by Adams, seconded by Lescowitch, to approve the amendment to the Code of Ordinances
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Regular Meeting:

Minutes:

Chairwoman Adams asked if there are any additions or corrections to the Minutes of the Regular Meetings August 7th, 2018. A motion by Lescowitch, seconded by Rohrbach, to approve the minutes of the Regular Meeting, as presented.

Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Financial Report:

Supervisor Rohrbach gave the township's financial report from August 1st, 2018 through August 31st, 2018.

General Fund:	\$216,371.34 (\$22,799.70 of general fund money in escrow for fire)
State Fund:	\$81,591.68
Money Market Account:	\$80,426.96
<u>Total Funds:</u>	\$378,389.98
Alumni Account:	\$4,587.79

A motion by Lescowitch, seconded by Adams, to approve financial report.
Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Bills:

Payment of the bills, as presented.

A motion by Rohrbach, seconded by Lescowitch, to approve payment of the bills as presented and to pay any and all bills in all funds that become due before the next regular meeting.

Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Correspondence:

e-mail from Tarah Toohill's Office:

Back to School Time- Obey all school bus safety laws. Failure to do so could result in a \$250.00 fine, five points on your driving record, and a 60 day license suspension.

Parents are urged to get students vaccinated.

Received 2016 Performance Recycling Grant of \$1,590.00.

Township Reports:

- Zoning Report: Barry Isett and Associates- Ken Fenstermacher- no report

Fire Company:

- Fire Chief Joe Lescowitch reviewed the activity report

Emergency Management:

- Steve Motil gave a report:
- A practice drill was conducted with ppl. The drill is going to be federally evaluated in October and Motil requests the presence of board of supervisors. The drill is done every 2 years. These drills are in case of emergency with nuclear power plant and 10 mile EPZ Emergency Planning Zone.
- Disaster Declaration was declared by the township due to the recent flooding and submitted to Luzerne County.

Engineer Report:

- Township Engineer, Joe Calabrese, gave a report:
- Fracke Subdivision- done around 1980, but never recorded. Minor subdivision was completed and needs approval from the board of supervisors. Calabrese recommended approval from supervisors, noting conditions in review letter. A letter was submitted by one of the property owners in the Fracke subdivision, Maurice Azain. The township feels the answers to the letter were addressed in the recommendations or were not pertinent to the subdivision.
- Tower Road Bridge replacement was put out to bid, so far there were 4 potential bidders. There were delays from the box culvert manufacturer and ppl. Bids are due September 20th and will hopefully be awarded that day and construction can begin September 27th. The box culvert is being delivered October 22nd, tentatively. The site contractor will have 3 weeks to prepare the site. The project should be completed by November 9th.

- When Rohrbach found out the project was not put out to bid on August 27th, due to the pole relocation, she called ppl and was put in touch with the District Ops Scheduler by August 28th. Rohrbach explained that the pole was inhibiting the project being put out for bid. The ppl district ops scheduler was confused because she was contacted by the township and told the pole didn't need to be moved until mid-October. She then scheduled it to be moved by or before Sept 18th. The stakes for the pole and guy wire are already in place.

Solicitor: Donald Karpowich, Esq.

- Maurice Azain's letter was read and reviewed. The solicitor recommended the board of supervisors approve the subdivision, but to send it to the planning committee for review and submit the codes complaints to the codes officer.
- An executive session will be held immediately following the meeting, regarding a former employee's demand for back wages.

Road Department:

- The road department report was reviewed by Chairwoman Adams
- Dr. Rohrbach explained that Chris Goetz from the State was out to look at the "Dump Road" portion of Derringer St. Goetz determined the township will be losing the liquid fuel money for that portion, \$4,123 per year. Dr. Rohrbach asked if the road should be vacated. The supervisors decided to put the topic on next month's agenda.

Old Business:

Sewer Authority replacement for George Currilla- none

Adopt a record retention policy, the Municipal Records Act, as presented by the solicitor at August's meeting, to downsize files in order to keep copies of all township records at the Black Creek Township Municipal Building.

- A motion by Rohrbach, seconded by Lescowitch, to approve record retention policy
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Change the employee handbook to require that all disciplinary actions must be documented in writing, as presented by the solicitor for review at the August meeting, reading: Whenever discipline is warranted under these Policies, the discipline shall be communicated to the Employee in writing. In the event that the discipline is an oral warning, the Employer shall memorialize the oral warning in writing and provide the Employee with a copy of the writing prior to it being placed in the Employee's Personnel file.

- A motion was made by Rohrbach to approve the change to the employee handbook, no second was made.
- Roll Call: none

New Business:

Hire Road Crew- full time laborer (6 month probation period to acquire CDL)

Shae Smith will be hired for the position of laborer at a rate of \$15 per hour.

- A motion by Lescowitch, seconded by Rohrbach, to approve the above hiring.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Hire Zoning/Codes Enforcement Officer

Anthony Harris will be hired for the position of zoning/codes enforcement officer at a rate of \$12 per hour for codes officer and 850 per quarter for zoning officer.

- A motion by Adams, seconded by Lescowitch, to approve the above hiring.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Final Plan – Minor Subdivision – Lands of the Fracke Estate- conditional approval conditional upon the comments of the review letter of RJD Engineering, dated 9/7/18.

- A motion by Lescowitch, seconded by Adams, to approve the final subdivision plan of the Fracke minor subdivision.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

The 2019 Minimum Municipal Obligation (MMO) for the Black Creek Township Pension Plan to stay the same, at 5%.

- A motion by Lescowitch, seconded by Rohrbach, to approve the MMO Black Creek Township Pension Plan remaining at 5%.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

2018 Free Used Tire Recycling Event-

- October 6th, 2018 at the Drums Elementary School from 8:00am to 2:00pm
- You need to register by calling 1-800-821-7654
- Flyers are available on the front table

A special meeting will be held at the Black Creek Township Municipal building on September 20th, 2018 at 4:00p.m. for the purpose of opening bids for the Tower Road Bridge Project. It is the intention of the supervisors to award the project to the apparent, responsible low bidder, at that time.

Petition to Change Black Creek Township Meeting time to 6:30pm. 431 signatures acquired.

- Rohrbach made a motion to change the meeting times to 6:30pm, as the residents requested. There was no second. Adams wanted to review the petitions. Rohrbach will put the topic on next month's agenda.

The next scheduled Regular Supervisors Meeting will be held on October 2nd, 2018 at 2:00pm.

Rohrbach stated that there is a rumor that she wants to permanently close the pool and that this is very far from the truth. She likes the pool and is in favor of keeping the pool open. She was devastated when the pool flooded. The pool flooded in the same fashion a few years ago and former Road Lead John Ross recommended the contour around the pool be changed to prevent future flooding. Adams disregarded his recommendation and the pool flooded again.

- Rohrbach made a motion that they change the contour around the pool to prevent the pool from flooding again. There was no second or roll call vote. Adams stated that there was a pipe that runs under the pool which the water raised up and took the end off of the pipe. Rohrbach repeated that a contour change would have prevented the flooding.

Chris Goetz reviewed Chicks Lane. He advised Rohrbach that the township's plan for fixing Chick's Lane would last approximately 1 year and that it would be a complete travesty if the township used what is currently planned. He gave the township a summary of what he felt would be a better option for the repair of Chick's Lane, which in summary would be to use asphalt and cost \$461,000, but last years longer.

Supervisor Rohrbach read an engineering report form LTAP engineer Jason Snyder, regarding Chick's Lane, attached as part of the record. Engineer Snyder also concluded the current plan for the repair of Chick's Lane would only last approximately one year and gave alternate options detailed in his report.

- Supervisor Rohrbach made a motion that he township looks into completing the Chick's Lane project in an alternate way than the one planned, since both recommendations state the road will only last approximately one year.
- Calabrese stated what both engineers are suggesting are viable solutions. He suggested a core report to better determine what method would be feasible.
- Karpowich recommended the board authorize an independent lab to core samples of Chicks Lane. Calabrese was hesitant to start anything until the township hears back form the grant, but Rohrbach stated that they can't keep letting the road go, it is unsafe. The township has to start using their own money, not depend on grant money, incase the grant is not awarded to the township, and pave the road in sections. Calabrese estimated 10-15 core samples be taken and would cost approximately \$4,000 to \$5,000.
 - Lescowitch made a motion to move forward with core sampling Chicks Lane. Rohrbach seconded the motion.
 - Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Public Comment:

A resident asked if the change in employee handbook to be documented in writing be documented was approved- Karpowich answered no. There is a crew working on Brush Street line. The road is very deteriorated, full of big rocks and overgrown. It needs to be repaired and trimmed. He asked if there is a full road crew- Rohrbach answered yes.

Steve Motil- The Sugarloaf Fire Company Ambulance received a federal grant for \$25,000 for the purchase of a power stretcher, offsetting about 60% of the overall cost. He would be happy to bring the power stretcher to a meeting and demonstrate.

There will be an open house on Sunday at the food pantry. There is a food giveaway tomorrow from 2:00pm to 4:00pm.

Rick Davis- 13 participants took the petition to move the meeting time to 6:30pm around and it was available in 3 township businesses. 431 signatures were obtained. Only 453 voters voted in the 2013 election, with 235 votes cast to the winning supervisor.

Dr. Rohrbach hoped that after all the public comment where residents requested meeting times be moved and additionally the petition signatures, that the other supervisors would consider moving the meeting times to a time other than 2:00pm.

A resident asked if the litigation initiated when Paul Kattner was in office will be moving forward with the new zoning officer. The solicitor could not comment on litigation.

A resident asked why the supervisors would not want to require disciplinary actions be documented. Adams answered that the way Karpowich wrote the section initially is the way she wants it to stay. Dr. Rohrbach asked Adams directly why she does not want to memorialize verbal warnings in writing and add it to the employees file. Adams answered because she doesn't want to, she should not have to answer why and told the resident who asked the question that this is not a question and answer session. Dr. Rohrbach asked Supervisor Lescowitch why he does not want to require verbal reprimands be documented in writing, Adams told Rohrbach it was not a question and answer session. Dr. Rohrbach said she can ask a question if she chooses to. Lescowitch said he felt the same way as Adams. Dr. Rohrbach stated they want it this way so the supervisors could do whatever they wanted.

Supervisor Adams explained the process of using the recycling compacter and when a new container must be ordered. As soon as a new container is delivered, the following day, a new container is ordered. Mr. Solomon has been short drivers.

Adjournment:

A motion by Rohrbach, seconded by Lescowitch, to adjourn the meeting at 3:23p.m.