

Black Creek Township Supervisors Regular Meeting Minutes September 10th, 2019 2:00p.m.

The Regular Meeting of the Black Creek Township Supervisors, held on Tuesday, September 10th, 2019, at 2:00pm, preceded by a public hearing.

Attendance: Lescowitch; Rohrbach; Adams

Public Comment on Agenda Items: None

Public hearing concerning amendments to the zoning ordinance:

- zoning amendments for small wireless communication facilities and short term home rentals

Regular Meeting:

Minutes:

Chairwoman Adams will ask if there are any additions or corrections to the Minutes of regular meeting held August 13th, at 2:00pm.

- 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 will give the township's financial report from August 1st-31st, 2019.

General Fund:	\$235,164.20
State Fund:	\$72,648.28
PLGIT- Class Savings:	\$ 81,583.73 (earning 2.04% interest)
<u>Total Funds:</u>	\$389,396.21

Alumni Account: \$4,935.74

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

Bills:

Payment of the bills, as presented.

- A motion by Lescowitch, seconded by Rohrbach, to approve the bills as presented and to pay any and all bills in all funds that become due before the next regular meeting.
- Roll Call: Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Correspondence:

Tarah Toohil:

School Bus Safety Reminders: All schools are now open in our area and motorists are reminded to share the road safely with school buses and other school transportation vehicles. Be especially careful and alert near bus stops. Follow all safety and school bus rules.

Luzerne County will conduct a free tire recycling event on October 5, 2019 from 8:00am to 2:00pm at the Drums Elementary School at 85 S. Old Turnpike Road, Drums, PA. Everyone must pre-register by call 1-800-821-7654.

Reports:

Zoning Report: Zoning/Codes Officer Tony Harris not present, submitted a report

Fire Company: Fire Chief Joe Lescowitch reviewed the activity report

Emergency Management: Steve Motil- not present, no report

Engineer Report: Twin Oaks Consulting- Engineer John Ackerman:

- No bids were received for the surface treatment project. Supervisor Rohrbach spoke to a contractor, who told her they could not bid on the project due to the bid specifications being messed up; this included Penn DOT Specs not being followed and after September 15th, liquid fuel money cannot be used for this type of project. Engineer Ackerman stated he followed the proper specs. Supervisor Rohrbach was told that typically, the contractor helps the townships develop a bid packet to put out for bid and an engineer is not used. The contractor recommended putting the project out for bid in January. Rohrbach requested Engineer Ackerman return the \$1,875; he refused. Rohrbach also noted she was told that prevailing wages should not have been included for this project.
- Engineer Ackerman recommended putting the project out for bid in the spring.
- Lescowitch made a motion to out the project out for bid in the spring, seconded by Adams. Rohrbach would only agree to put the project out for bid if the proper changes were made to the bid packet.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes
- Tower Road Box Culvert guiderail- the guide rail in question was double nested, instead of installing an extra post, which is better.
- The paving project on Tower Road from the large bridge to Cedarhead Road will be completed by the township and M and J Excavation. The subsidence at the Cedarhead and Tower Road intersection will also be repaired.
- Supervisor Rohrbach asked the engineer to send her the engineering report prior to the meetings, Engineer Ackerman refused. He requested a statement of liability that he is not responsible for e-mailing Rohrbach at her e-mail. The solicitor explained that appointed officials should respond to whatever e-mail supervisors use to communicate, and that those e-mails are subject to the right to know law. Rohrbach prefers having her own e-mail so she can access it remotely and respond in a timely manner. The solicitor recommended making a motion to release the township engineer from all liability as a result of e-mailing a personal e-mail. Rohrbach made the motion, seconded by Adams. Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Solicitor: Donald Karpowich, Esq.:

- A motion by Lescowitch, seconded by Rohrbach, to approve the zoning amendments, as presented.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes
- At a recent DEP meeting, the solicitor was informed that the Black Creek is improving. He suggests having the DEP attend a meeting to speak about the creek.

Road Department: The road department report was reviewed by Chairwoman Adams. Rohrbach met a Beaver Township Supervisor, who told her they have been waiting for Black Creek to set up a meeting, regarding the grader. A meeting was finally set up for October 1st at 6:00pm, of which Rohrbach was not informed.

Butler Township will be mowing the township roads with their arm mower, in exchange for the use of a truck and employee from Black Creek, for a paving project.

Old Business:

Sewer Authority replacement for George Currilla-none

Ambulance Service coverage for the Nuremberg/Weston area- Lescowitch has not procured any studies. Rohrbach was sent an extension response from Schuylkill County, stating they needed to determine if they can legally release a time study to her, for the response times to Nuremberg and Weston. They released response times to her for all other areas of the township.

Tower Road- section between Black Creek Bridge and Cedarhead Rd- paving top coat: Last month, the board voted to put the project out to bid. The engineer has since told Rohrbach that M and J will be doing the project and it will not be put out to bid. Rohrbach wanted to make sure M and J knows they cannot exceed a 1 1/2in top coat, so it does not exceed the height requirement for the guide railing leading up to the bridge. The township has already been held responsible for the cost of raising this guiderail, once.

New Business:

Hire Part Time Road Crew Employee:

A motion made by Lescowitch, seconded by Adams, to hire Jamie Shuman, a part time road crew laborer at a rate of \$16 per hour.

- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Review Maylath Subdivision

- A motion by Lescowitch, seconded by Rohrbach, to conditionally approve the Maylath Subdivision, as long as an additional map is produced with the existing right of way.
- 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 Adams, seconded by Rohrbach, to approve the pension plan to remain at 5%.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

Recycling Center- Solomon Container will no longer honor their proposed fees.

New Proposed fees:

Solomon Container: \$325 per haul and \$60 per ton, compactor included

Northeast Cartage: \$295 per haul, \$56.50 per ton which is a fluctuating rate, container rental fee of \$75 per month. A compactor would be needed, in addition. The supervisors did not have any prices on compactors.

- A motion made by Lescowitch, seconded by Rohrbach to accept the proposal from Solomon, for the cost listed above.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes
- Karpowich recommended writing a letter to Sugarloaf Township asking for a contribution. Rohrbach made the motion, seconded by Adams.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

The next Regular Monthly Meeting will be held Tuesday, November 12th at 2:00pm.

Review Public Comment:

Wayne Bruggar's tar issue- not yet completed

Jake Break Sign for Rock Glen Road- PennDOT was called

Shooting Complaint near Gateway- a shooting log was submitted. This showed that the shooting was taking place during daylight hours. The zoning district of the area in question is conservation. The solicitor explained that some municipalities restrict shooting in R1 and R2 zoned areas, but not conservation. The solicitor explained there is a common nuisance law, if a neighbor is engaging in activity impacting the enjoyment of your property, private, civil action can be taken.

Rohrbach asked if the board needs to rescind their votes about the paving project of Tower road. The solicitor recommended they do. Lescowitch made a motion to rescind his vote, seconded by Adams.

- Roll Call: Lescowitch yes; Rohrbach no; Adams yes

Public Comment: none

Adjournment:

A motion by Lescowitch, seconded by Adams, to adjourn the meeting at 3:00p.m.