

August 22, 2022, Meeting Minutes- held at the Mahoning Township Building, 849 Bloom Road, Danville, PA, at 5:30pm

Members of the Board present: Chairman Bill Lynn, Vice-Chairman John Whelan, Supervisor Glen Cromley, Supervisor Andy Lysiak, Zoning Officers Dean VonBlohn & Jim Dragano, Secretary Carolyn Dragano, Fire Chief Leslie Young, DSI Lead Lloyd Craig, Police Chief Fred Dyroff & Solicitor Jonathan DeWald

Also present: Linda Rea, Rick Dandes from Danville News, Glen Leighow, Nancy Whelan & Marlene Gunther, Pam Stetler, State Representative Lynda Culver & Dennis Dowd

Present via Audio Video: Supervisor Al Neuner and Engineer Drew Barton

ALL VOTING WILL BE CONSIDERED UNANIMOUS UNLESS OTHERWISE NOTED.

The meeting started with the group saying the Pledge of Allegiance.

Chairman Lynn asked for any public comment related to the agenda items – No comment.

Supervisor Whelan thanked all involved with helping make the Dumpster Day a success.

Sgt Matt Gerst spoke for Chief Dyroff:

Sgt Gerst asked the board for permission to move forward placing the order for a new police car, which will take 20 to 30 weeks to build. It will be purchased from Kovatch Ford, who is part of Co-Stars, at a cost of \$64,799.18. Matt said they will sell the old car in early 2023. **Supervisor Whelan motioned to approve Police Chief Dyroff to order the new police car. Supervisor Lysiak seconded. Motion passed.**

Resident Linda Rea expressed concerns about cars in the Odd Fellows cemetery after dark. Sgt Gerst said they are patrolling but to also call them if suspicious activity.

Treasurer Ken Houck was not available.

Engineer Drew Barton discussed

Drew said he is meeting with the paving contractor superintendent tomorrow and will confirm the start date of the storm water project at the next meeting.

Drew said they are meeting with PennDOT on the Bloom Road project tomorrow.

Resident Dennis Dowd expressed concerns about the DEP permit to clean the creek out near Prosseda Drive. Dean will look at this.

Solicitor Jon DeWald:

Zoning Officers Dean VonBlohn:

Dean said they still doing property maintenance. Mostly abandoned vehicles.

DSI Lead Lloyd Craig gave his report and discussed:

Lloyd said they upgraded guiderails on Clinic Road near Route 11.

Lloyd said they hope to fix the erosion issues on Bald Top Road by the end of this week/early next.

Fire Chief Leslie Young discussed:

Chief Young said their Open House 100th Anniversary Celebration that was held on Friday and Saturday night was a great success.

Supervisor Cromley motioned to adopt the Montour County 2021 Hazard Mitigation Plan 2022-0822. Supervisor Neuner seconded. Motion passed.

Supervisor Cromley motioned to adopt the Emergency Operations Resolution 2022-0822-1. Supervisor Lysiak seconded. Motion passed.

Fire Chief Young & Supervisor Whelan asked residents to use common sense when burning.

Unfinished Business:

Engineer Drew Barton said the meeting for the Bloom Road project is scheduled for tomorrow so he will have their latest game plan for the next meeting. The board then briefly discussed how they will accommodate the new Bike/Walk Lane.

Solicitor DeWald revisited a discussion held at the last meeting concerning resident Glen Leighow and his water & sewer arrearages he was forced to pay from a foreclosure property at 776 Bloom Road that he purchased in 2017. Solicitor DeWald said the question was asked if the township was in proper of filing its lien after the Sheriff's Sale. He said he went back and looked at the file and said there is nothing to act upon as everything was done properly and said just because the lien wasn't of record, does not have any legal merit relative to this township authority to file a lien after that sale. He said a letter was sent to Mr. Leighow on June 19th, 2019, identifying these same concerns so nothing has changed in our minds. He said when you attend a Sheriff's Sale, the Sheriff always starts out the sale by saying "Buyer Beware", meaning you are buying and accepting any existing claims that are outstanding, which is exactly what happened here. Mr. Leighow said he agreed with the legal aspects but feels that since the letter was ignored from the Sheriff because the water & sewer dept was in a disarray, and because he did his due diligence by contacting the Prothonotary's office checking for any liens and finding a clean lien search, that the supervisors would reconsider refunding his money. Solicitor De Wald said just because you do a lien search does not mean there is not an outstanding arrearage relative to public water & sewer, which is why Title Insurance is done on a property. In addition to the lien search, the settlement agent will not only check the liens against the property but will also call the public water & sewer authority for any arrearages and not rely on the letter from the Sheriff. And just because the lien wasn't of record does not have any legal merit relative to this townships authority to file a lien after that sale for unpaid water & sewer or whatever utility the township is providing. Mr. Leighow said he thinks it's the responsibility of the supervisors to do what is ethical and because every other agency responded, he feels he deserves to have the money refunded. Solicitor DeWald said that Mr. Leighow 's remedy as a disgruntled rate payer of water and sewer is not to come before this board but to challenge it in the Court of Common Pleas, which we even told him how to go about doing but he failed to timely file his claim and is now coming before this board after 4 years looking for a different result. There is no legal remedy for the board to give regardless of what he believes was said. Mr. Leighow said when former Solicitor Tira went to the hearing that none of the other supervisors even knew there was a hearing. Solicitor DeWald said this is common when there is a standing question, and no testimony is required and when fact isn't an issue and because his claim was a standing issue, there is no need for a client to appear. Mr. Leighow also asked if the sunshine act was violated when he was asked to discuss the issue after the meeting on June 10, 2019. No one remembered having the meeting. Solicitor DeWald said regardless, in a court of common pleas, if there is a lien placed on your property that has no legal basis, it is a standing issue that is not for this board and since Mr. Leighow failed to timely exercise this claim, there is nothing for this board to do. Mr. Leighow said he will accept the fact that no decision will be made on this matter but does not agree that the Solicitor or board does not have the power to correct this issue. Solicitor DeWald said the letter Mr. Leighow has in his possession outlines the merits of the law so there is nothing to act upon and no decision to be made.

Supervisor Whelan motioned to approve the July minutes. Supervisor Cromley seconded. Motion passed.

Chairman's Report of Executive Sessions Held Prior to Meeting:

Chairman Lynn said the board had one executive meeting since the last meeting on August 19th for legal matters.

New Business -No new business

Chairman Lynn reminded residents of the last Yard Waste Pick-up date for 2022 and said it will be Tuesday, September 20th, 2022.

Chairman Lynn introduced State Representative Lynda Culver. She said she wants to open her lines of communication. Supervisor Whelan asked how to get on her email list because it's very informative. She said to Google Lynda Schlegel Culver, and you can add your name to the email list, which goes out every Friday. Resident Pam Stetler said Lynda will take an active role in Montour County and said she will be here for everyone. Her office is going to be at the County Admin Building starting December 1st.

Marlene asked if we found a SEO. Dean said we are still searching.

Public comment not related to new business. No Comment

Supervisor Neuner motioned to pay the bills. Supervisor Cromley seconded. Motion passed.

Supervisor Neuner motioned to adjourn. Supervisor Whelan seconded. Motion passed.

This meeting was recorded. These minutes reflect the events and dialog during the meeting but are not transcribed verbatim.

All Reports are available at the Township Building

Carolyn Dragano, Secretary