

August 21, 2017

A Special Advertised Public Hearing was held this evening at 5 pm for the purpose of taking public comment regarding the request by Sheetz, Inc proposing to transfer a restaurant liquor license to their facilities at the corner of Woodbine Lane and State Route 11.

Chairman Woodruff opened the Public Hearing with the pledge of allegiance.

Representing Sheetz was Paul Namey, an outside legal counsel who presented several documents to the public. The first one presented was a floor plan of the Sheetz store, where he showed the different areas where the beer would be available to the public. He also gave a review of the Liquor Board Regulations, Act 39 and the background report of store history and also operations where currently beer and wine are sold within Pennsylvania and the various procedures what must be followed per the Act. Except for a few infractions (3) over millions of sales transactions, Sheetz record is excellent. Mr. Namey did answer several other questions from the public. He reported the clerk must be 18 years of age. He also reported Sheetz policy is 100% carding for sales, two-drink limit (beer), No on-premises wine consumption, no liquor sales, security cameras, employees have radio equipment connected directly to the security operations, employees are trained to monitor the store and a on-premises consumption daily log sales. Hearing was then closed.

After the presentation Supervisor Scott, made a motion to approve Resolution 8-17 that approves the transfer of Liquor Licenses NO. R0-17357 into Mahoning Township at 116 Woodbine Lane (Sheetz Convenience Store). Vice Chairman Lynn second. Motions passed.

The regular meeting of the Mahoning Township Supervisors was then held following the special meeting at the Mahoning Township Municipal Building at 5:30 PM.

Members of the Board present:

Ken Woodruff, Chairman

Bill Lynn, Vice Chairman

T. S. Scott, Supervisor

Solicitor Ryan Tira

Zoning: Dean VonBlohn

Engineer:

Leslie Young, East End Fire Chief

Also attending were Karen Blackledge, Joe Sylvester, Danville News, Chris Krepich, Press Enterprise, Linda Neddoff-Weckter, Paul Nary, Larry Robertson, Joe Diehl, Bryan Campbell, Marlene Gunther, Henry Eyer, Bob Swanson, Linda Forney, Cathy Eyer, Gina Horne, Glen and Lori Cromley, Rose and Bill Pursel, Richard Spotts, Kevin Young, Kimberly Green, Ed Burkland, Jonathan Fellin, Daniel Kline, Michael Kull, Todd Gibson, Robert Blee, Barb and Josh Sponenburg, Tom Landi and Mary Ann Landi, John Whelan and Nancy Whelan, and Pam Stettler.

Chairman Woodruff noted there were executive session regarding the Water and Sewer Departments on August 17<sup>th</sup> and August 18<sup>th</sup>.

Solicitor Tira noted that he had contacted the attorney of the Woods and Welsh regarding the research on the road conditions.

The reports presented this evening were as follows:

#### **TREASURER REPORT.**

Ken Houck presented the July report showing a beginning balance to be \$499,979.26, Receipts \$44,143.13, Expenses \$207,577.57, and an ending balance of \$336,544.82. He also reported the report will be posted on our Website.

#### **ZONING:**

The slide of pictures that were presented at the Workshop were again shown showing the flood damage at various places with the township.

Storm water damage at the rear of 591 Railroad Street, this has been continuing to worsen over the last 9 years. Soil Conservation has been notified, DEP issued a report on this property several years ago. Due to a blockage between the two properties, the stream topped the driveway and caused the damage shown in the photos. I shared these photos with County Soil Conservation, they considered this at the critical stage and were going to notify DEP. Another area was pictures showing some areas of the stream near the Mexican Restaurant and the Earlston property on Rail Road Street and the damage to the 1920's concrete drainage system and drain pipes.

I have notified our SEO, Gene Polus about two on lot sewer system on Bald Top Road, the owner or neighbor of the worst one has gotten creative he has tried to hide the open sewer by erecting a small fence and small duck pen where he keeps 5 or 6 ducks swimming around in the pond created by the open sewer.

Dean also reported this past weekend he received a phone call from a resident who just came back from vacation and smelled gas in her apartment #3 of building #3 of the R.F Renolds Apartments, Laura Drive. He told the resident to file a complaint with UGI. The inspector found a propane leak and a problem with no shut off during the inspection and a control panel has to be replaced. Dean is limited in that he can't go into the residence by regulation unless there is a complaint. Dean checked with UGI and the owner, and he is working on violations.

Supervisor Scott then reported the hiring of an appraiser to see just what the assets of the Water and Sewer infrastructure is worth. In response to a question regarding the recent increase in Mahoning's Water and Sewer rates, he noted that currently Danville Municipal Authority is not a Public Utilities Commission regulated agency and therefore may increase the rates without going to the PUC with supporting documenting the need for an increase and they (DMA) increased our rates which is paid to them 10% for Water and 15% for Sewer beginning in 2017. He said Danville could raise the rates next year or any time and that is why the Supervisors are looking at possible companies that are currently regulated by the PUC, who before they can raise rates, they must submit supporting documentation the rate increase is needed. That company who buys the system, can't raise rates for 3 or 4 years. The Supervisors also will consider that company's experience, record keeping and their dealing with the public before any decision is reached. Another question asked was why can't this decision be moved to January when the Township will have three new supervisors. Chairman Woodruff responded by saying this is not chiseled in stone. Another question was asked concerning the current legal lawsuit with Danville. Supervisor Scott believes this may go to arbitration. A question was asked does Danville have to take the sewage from Mahoning. The answer is yes as provided by Vice Chairman Lynn and Supervisor Scott. PA DEP would not allow a refusal to occur.

**POLICE:** The report was given last week.

**STREET DEPARTMENT:** This report was also given last week and reported in the news.

**WATER AND SEWER:** This report was presented last week.

**ENGINEER REPORT** – Drew Barton of Larson Design Group gave a report of the progress of the MS 4 (Mandated Study). Concerning the pollution reduction plan, we will accept comments until September 3<sup>rd</sup>. There is a million pounds that comes off stream discharge now. We need to reduce this number by 10% within 5 years. The report is on file if you care to review it.

Supervisor Scott also reported the **MS4 program** was basically the same as reported last week that the program requires that we reduce the amount of silt that flows into the river. The initial plan was retention ponds and engineer them in a way that the silt is collected and the water passed off and from time to time we go in, meaning the township collects this silt and then deposits of it in a proper manner. What was found was that as we went around the township to identify areas that we could do this in and calculated that this will give us this much and this will give us that much, what we found and especially just after this flooding was that we don't have to just use the retention ponds or sewer cellars, we can impact the creeks and the streams and they will yield us 45 pounds of silt per foot. We looked at that and we were like here's an opportunity to impact areas that have affected the township negatively for several generations. We recognize there is a problem with the stream that runs behind Knapper. This would allow us to satisfy the requirement that we can't get out of the MS4 but at the same time, instead of digging more holes out in the middle of nowhere and cementing the bottom of them, actually impact something that has been adversely affecting the township for generations, so more to come on that. When the planning is complete, the township is required to have a public meeting that will be advertised so that people can come and obviously see the entire plan. In response to a question, Supervisors reported the current policy is in the process of changing to make the property owner responsible from the house to the curb-stop and the township's responsibility is from the curb-stop to the main.

**FIRE REPORT.** East End Fire Chief Leslie Young gave the July report which showed the fire department responded to 1 MVA, 1 Auto Fire, 3 Structure Fires, 6 False Alarms, 38 Public Service Calls, and 4 other calls. Total calls in Mahoning were 48, 5 Mutual Aid, 2 Cooper Township, 1 West Hemlock, 1 Danville Borough, and 1 Town of Bloomsburg. The fire department had a total of 81 hours of In-house training and 1 ½ hours of Fire Prevention at Health South and Maria Hall.

Chief Young then read a report of the events of flooding on July 24<sup>th</sup>. The fire department response began early in the morning at 5:48 am by the Mahoning Township Police to shut down Bloom Road before of a flood roadway. The department then shut down Woodbine Lane and Schoolhouse Road and while on that detail the department started receiving phone call of flooded basements. A Incident Command Post was then established at our station because of the many calls being received. The department responded to six incidents helping residents for a period of seven hours until the last basement was pumped out at 12:40 pm. Approximately three hour later another storm hit and at 4:19 pm, the Fire Department was again dispatched by a request from the police department to assist with traffic control on flooded roadways. Besides the flood water, there was a problem with debris from the run-off and basements were being flooded. A decision was made with safety in mind to close-down the road that needed to be shut down, handle the flooded basements and establish contract with the County Emergency Management Agency.

The department was prioritizing the calls and then dispatching the volunteers. The volunteers worked for over 38 hours, 32 incidents were handled during this time, 7 calls for traffic control and 25 for basement flooding. The first call was received at 4:19 am and the last call was received at 10:26 pm. The last basement flooding was completed at 12:05 am and clean-up of the fire department equipment was completed at 12:38 am. Chief Young expressed a thank you to all the members of the East End Fire Department, and some of them do not even live within Mahoning Township. Geisinger reached out to help us with a large pump, Subway was generous in giving subs and a thank you to Montour EMA and the support was greatly appreciated.

#### **PUBLIC COMMENT:**

Linda Neddoff-Weckter then presented her problem with their house receiving water in the basement during the flooding event. She further requested the Township reimburse her \$8,000 for the out of pocket expenses incurred by them. She presented some documents to the supervisors. Various personnel (Solicitor Tira, Dean VonBlohn, Drew Barton and others not identified) made comments which are recorded but not clear is some of the points being made by each regarding swales, subdivisions and owner's responsibility. Dean didn't know if the swales are on the final set of drawings and if you are covering over 6,000 feet of hard surface area the Montour County Soil Conservation must be contacted for a storm water plan. Each individual lot is 5,000 square feet must handle the storm water. An example of this is the Woods and Welsh on the Kaseville Road (left side) 43 of the 49 lots are required to have an on-lot storm water infiltration system picked out by an engineer. The engineer does a perk test and there are several ways to controlling the storm water. Dean and Lloyd walked the entire development and where everything reported to us that big open detention pond never had any water in it and so we know that worked. On the west side of Kaseville Road towards Red Lane, and all of those lots developed showed the storm water system worked.

Mary Ann Landi then reported the problems of her property during the flooding. She reported that she called 911 two times but received no response. She said she has a water problem...the street is washing out the foundation to one of the properties. I know by talking to DEP, it's her problem but she had a water fall that she had never seen before and then in the morning, the creek was level to the top of the concrete barrier had been put in. She knows we have two retention dams but they sure aren't slowing any water down. She has no idea what the name of the stream is that comes along her house. We don't even know where it starts. There is water in it all the time. Neighbors below had 7 feet of water in their basement and he put in a wall. Where is this going to go? She also talked to Commissioner Ken Holdren and was told that 911 did not have the message and there was a State of Emergency happening at that time. She said there were letters sent from DEP and other federal agencies/state agencies under the old management but nothing was ever done. She also suggested that Mahoning Township have the Street Department pick up yard debris as Danville Street currently does.

Vice Chairman Lynn responded with a comment that Danville does this once a month. Chairman Woodruff said they will look into this.

Marlene Gunther echoed the same concerns of flooding within the township and feels this needs to be resolved. Chairman Woodruff asked for copies of any letters regarding this. She also asked the supervisors to have the Street Department pick up yard waste (limbs) as Danville Borough's program. Vice Chairman Lynn noted Danville only does this once a month.

Supervisor Scott told them again about the MS 4 program, which is not funded by any grants, may be a benefit in the future but those (Mary Ann Landi, Linda Neddoff-Weckter and Marlene Gunther) present that had flood damage were not in agreement of any long-range plan. Scott said you can take the retention ponds that already exist and retrofit them so that they hold more sludge and then we backed those out. After the flood, we took our engineer, Drew Barton went down Mary Ann Landi's street and we went to other areas behind Knapper Clinic and he thinks the MS 4 Program presents us with an opportunity. We are mandated to spend money. We have to spend money but rather than retrofit more holes in the ground out along Woodbine, and we must look in different areas where it doesn't flood. We can get 40 pounds per foot credit if we impact these creeks that have been flooding for generations. They wanted something done now and not in the future.

Pam Stettler (Insurance Agent) then gave some information regarding flood insurance that may be helpful. Two comments from an insurance standpoint.

1. If you have a sum pump in your basement, you can get coverage for the sum pump. What happen with the last incident with the heavy rain, we had some people put claims in and most insurance companies will pay for everything because they can't divide where the sum pump failed and where the water came in so they usually pay the whole claim. When you get insurance, sum pumps are an optional coverage that you pay more for that. It's not covered under the standard policy but Home owners can purchase an insurance rider called an endorsement.

2. Anyone can get flood insurance if you are not in a flood zone. Mahoning Township is not a flood zone A, they are like a B or a C so it's what's called a preferred risk policy but it's a flood policy so that people that get flooded can get a separate flood policy through FEMA. It depends on how much coverage you want but it's less than \$1,000 per year. Paying this per year may cover all your damage, like the \$8,000 in damages. Just because you are not in flood zone A, you are not going to get flooded and that's not true.

Vice Chairman Lynn moved to pay the bills and adjourn the meeting. Second Supervisor Scott.

Joe Oberdorf, Secretary.