

**Board of Supervisors
Regular Meeting**

**September 3, 2024 6:30 PM
East Penn Township Community Center**

The East Penn Township Board of Supervisors conducted their September 3, 2024 regular meeting at the East Penn Township Community Center. Chairman John M. Strockoz called the meeting to order at 6:30 PM followed by the Pledge of Allegiance.

Roll Call:

Supervisors Present	Chairman John M. Strockoz Vice Chairman Gary Kuehner Dennis L. Pearson
Supervisors Absent	William G. Schwab Keith House
Other Township Officials Present	Township Manager/Secretary/Treasurer Jillyan A. Sterling Assistant Secretary Victoria Johnson Michael Muffley, PE

ANNOUNCE TO PUBLIC:

None

COURTESY of the FLOOR:

William Swartz- 364 Berger Creek Judgment- Deferred to item #6 on the agenda.

APPROVALS:

1	Minutes-	<i>Motion by Dennis L. Pearson, seconded by Gary Kuehner, to approve the minutes of the August 5, 2024 Regular Meeting as presented. AIF. Motion Carried.</i>
2	Treasurer's Report-	<i>Motion by Gary Kuehner, seconded by Dennis L. Pearson, to approve the Treasurer's Report for August 1st through August 31, 2024 as presented. AIF. Motion Carried.</i>
3	Invoices for Payment-	<i>Motion by Gary Kuehner seconded by Dennis L. Pearson, to approve the transfers and invoices for payment as presented. AIF. Motion Carried.</i>

ROADS:

4	Road Report-	Roadmaster Bradford was not present but conveyed to the Board via email that all the road projects both General and Liquid Fuels are done
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		for the 2024 year. Truck 22 has gone to the shop for a new body.
	Extended Warranty-	Motion to purchase an extended warranty on the Kenworth has been tabled until October.

SUBDIVISIONS, LAND DEVELOPMENT, STORMWATER MANAGEMENT:

5	Minor Subdivision of Pete & Kelly Beblavy-	Proposed minor subdivision located on Stone Mountain Rd. total acreage is 33.2053 with the proposed creation of 2 lots, one consisting of 2 acres which would consist of building a single-family dwelling unit, the 2 nd lot will consist of the remaining 31.2053 acres.
	Waiver Motion-	<i>Motion made by Gary Kuehner, seconded by Dennis L. Pearson, to approve the waiver request regarding SALDO §3.211 pertaining to "An Erosion and Sedimentation Pollution Control Plan (ESPC) shall be submitted to the Carbon County Conservation District prior to Final approval". The applicant is requesting a waiver to defer the completion of the ESPC Plan prior to the issuance of any building permits. AIF. Motion Carried.</i>
	Conditional Approval Motion-	<i>Motion made by Gary Kuehner, seconded by Dennis L. Pearson to conditionally approve the Beblavy Minor Subdivision as recommended by the East Penn Township Planning Commission contingent on the approval of the requested waiver, and addressing the items as provided by the HEA review letter dated August 21, 2024 and final signatures. AIF. Motion Carried.</i>

UNFINISHED BUSINESS:

6	Updates on civil complaints: Berger Creek Rd. –	Settlement terms are still being discussed. There will be an Executive Session scheduled to discuss.
7	GRANTS- LSA Monroe County (Recreation)- DCNR Land Acquisition Grant (2nd Submittal)-	The information was provided from the Engineer as follows per email on 3/19/24: <ul style="list-style-type: none"> • I believe it is in the best interest of the Township to have a MOU or similar agreement with Mr. Slaw prior to

proceeding under the assumption that Mr. Slaw is in agreement with the Township's proposal to vacate S. Kittatinny Road and establish a trail easement through the vacated roadway and other lands owned by Stoney Ridge Development Corp (Slaw). Verbal conversation is not acceptable when it comes time to apply for grants.

- The required survey and drawings are not limited to S. Kittatinny Road. The legal meets and bounds and exhibit map/plat are needed for the entire trail easement for the section from the Township's property west of the Turnpike, across Slaw, across S. Kittatinny Road (to be vacated), and across the former Eckert property which is now owned by Slaw.
- The Board has authorized HEA to prepare this work for not a cost not to exceed \$10,000.
- We cannot apply for grants for trail development until we have secured the land through purchase or easement.
- I was not able to acquire CAD files from Carbon Engineering, but I do have a copy of the survey that was prepared in 2020, attached. We can work from that drawing.
- I have a contact with the PA Turnpike as they had contacted the Township to coordinate work on the overpass they are preparing for.

Below are my notes from the September 5, 2023 BOS meeting where this was discussed:

The Board last night made a motion (or several) to have us prepare survey and drawings for the South Kittatinny Road vacation and trail easement behind Slaw Precast (Stony Ridge Development).

To the best of my ability, this is what was requested:

1. Prepare the easement legal descriptions for the trail across S. Kittatinny Road and lands of Stoney Ridge Development Corp (per the previously prepared Carbon Engineering drawing).
2. Vacate S. Kittatinny Road along all Stoney Ridge Development Corp property, including north of Lizard Creek. This will include new cul-de-sac areas at each end which will likely require an offer of dedication from Stony Ridge Development Corp as the cul-de-sac will be wider than the existing right-of-way. Update PennDOT Municipal Services.

	<p>Golden Trail Resurfacing-</p>	<ol style="list-style-type: none"> 3. Prepared survey, mapping, and easement description for a trail easement across the former Eckert property, now owned by Stoney Ridge Holdings LLC. 4. Pursue a new grant application for funding which may or may not consist of planning, land acquisition, or development. Land acquisition and development are likely separate future applications. 5. The approved budget for HEA is NTE \$10,000 6. All of the above contingent on a written agreement between Slaw and the Township. <p>Engineer Michael Muffley was present to discuss the prospect of developing the Golden Trail to the end of W. Sunset Dr. to allow vehicles, including emergency vehicles access. This would be an extensive project due to abandoned railroads, no maintenance on culverts, drainage issues, water beds and ponds, areas taken over by mother nature, DEP permits, relocating streams, bog areas, collapsed banks, areas in flood plains, mitigating wetlands, involving the Army Corps. of Engineer's, portion of trail not being owned by the Township etc. Also, you cannot call it a trail if you allow vehicles on it since a vehicle, especially an emergency vehicle and a biker/hiker could not be on the road at the same time. A cost estimate was provided from 2023 just for a basic scope of work and materials, that cost has been updated to roughly \$47,500.00, that does not include any of the permits or relocating, repair of anything etc. The Engineer does not feel it's a feasible project for the small number of vehicles that may potentially need to use it in an emergency.</p>
8	<p>Sewer:</p> <p>Budget-</p> <p>Infiltration Issues-</p>	<p>No update</p> <p>No update</p>
9	<p>Well Isolation Distance Exemption & Time Waiver-</p>	<p>Tabled at the July meeting to give the owner time to submit an extension request. One has not been received to date.</p> <p>June 5, 2023 the Board of Supervisors made a motion to grant a well isolation distance exemption for a property located at 1197 Germans Rd., due to the existing well being 60-70 feet from septic area, it was proposed that once the new systems were in place they would be over 100 feet from each other. The Board also granted a 1-year waiver to complete the projects and an agreement was signed by the owner of 1197 Germans Rd., the agreement has expired.</p> <p><i>Motion made by Gary Kuehner, seconded by Dennis L. Pearson to grant a 6 month extension for the agreement to the owner of 1197 Germans Rd. AIF. Motion Carried.</i></p>

NEW BUSINESS:

10	Motion to Advertise-	<p><i>Motion made by Gary Kuehner, seconded by Dennis L. Pearson to authorize the Township Manager to advertise the public notice to the proposed adoption of Ordinance No. 3 of 2024 repealing Ordinance No. 2 of 2024, which established supplemental regulations for prohibition of recreational vehicles on properties for which a principal use or structure does not exist. AIF. Motion Carried.</i></p> <p>TABLED- Motion made by _____, seconded by _____ to authorize the Township Manager to advertise the public notice once received by the Township Solicitor to provide for the creation of a consolidated Township Parks and Recreation Committee, abolishing the previously separate Township Parks Committee and Township Recreation Board and repealing prior Township Ordinances. To be effective January 1, 2025.</p>
11	Lion’s Club-	<p><i>Motion made by Gary Kuehner, seconded by Dennis L. Pearson, to approve the use of the requested route from the West Penn Township Lions Club for the Andreas Parade to be held on October 16th starting at 7:00 pm with a rain date of October 17th. Pending receipt of updated COI. AIF. Motion Carried.</i></p>

PARKS AND RECREATION:

12	Park Matters-	<p>The complaint from Mrs. Allen was addressed, the incidents are at this time considered civil matters and do not warrant the Township’s involvement.</p> <p>In regard to the merger of Parks and Recreation, the Recreation Committee would like it known that they do not want to merge funds and they want to keep separate budgets.</p>
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***Addendum- Resolution 2024-10-** *Motion made by Gary Kuehner, seconded by Dennis L. Pearson to add a motion to the agenda for the signing of Resolution No. 2024-10. AIF. Motion Carried.*

Motion made by Gary Kuehner, seconded by Dennis L. Pearson to sign Resolution 2024-10, authorizing the submission of a grant application and signer for executing documents for the LSA grant for the East Penn Township Volunteer Fire Company. AIF. Motion Carried.

Reports, Communication, Minutes:

√- Park Commission √- Planning Commission √- Recreation Board √- Zoning/Building √-SEO

Adjournment: Being nothing further before the Board, *motion by Gary Kuehner, seconded by Dennis L. Pearson, to adjourn the meeting at 7:11 PM. MOTION CARRIED, Strockoz, Kuehner, and Pearson voting yes.*

Respectfully Submitted,

A handwritten signature in blue ink that reads "Jillyan A. Sterling". The signature is fluid and cursive, with the first name being the most prominent.

Jillyan A. Sterling
Township Manager/Secretary/Treasurer