

Black Creek Township Supervisors General Meeting Minutes

Thursday, May 4, 2023

The Pledge of Allegiance

The General Meeting of the Black Creek Township Supervisors, held on Thursday, May 4, 2023, was brought to order at 6:00 PM.

Attendance: Roll Call; Lupcho, Rohrbach, Tombasco; Present

Public Comment on Agenda Items: None.

Duly Advertised Public Hearings

1. Ordinance Regulating the Keeping of Chickens in the Township

- Solicitor Sean Logsdon reviewed the ordinance regulating the keeping of chickens in the Township.

2. Amendment to Chapter 11, Health and Safety, Part 8, Regulating and Prohibiting of certain exotic animals, section 801, definitions and section 802, wild and exotic animals prohibited

- Solicitor Sean Logsdon reviewed the amendment to Chapter 11, Health and Safety, Part 8, Regulating and Prohibiting certain exotic animals, section 801, definitions and section 802, wild and exotic animals prohibited.

3. Amending the Zoning Ordinance in Relation to Accessory Uses in Residential Zoning Districts to Address the Non-Commercial Keeping of Livestock/Beekeeping

- Solicitor Sean Logsdon reviewed the ordinance in relation to accessory uses in residential zoning districts to address the non-commercial keeping of livestock/beekeeping.

Public Comment on Duly Advertised Public Hearing:

- Christine Ferry asked about butchering of chickens. Supervisor Rohrbach explained that butchering would need to be done in an indoor location.
- Andy Harabin asked how the supervisors came up with the ordinance requirements. Supervisor Rohrbach explained that they did extensive research and spoke with many experts.
- Robert Schoppe asked if the chicken ordinance mentioned rodent control. Supervisor Rohrbach explained the ordinance goes into more detail about rodent control.
- Supervisor Lupcho asked if rabbits would be considered livestock. Supervisor Rohrbach and Solicitor Logsdon explained that rabbits wouldn't fall into the ordinance, and they won't be regulated.

- Solicitor Logsdon shared that if someone who was raising chickens in town and wanted to rescind their permit, they would have to deconstruct the chicken coop within six months of removing the chickens.
- Sandy Rittenhouse asked if there was anyway to grandfather in people who have already had animals on their property. Supervisor Rohrbach explained that the restrictions have been in place for about a decade so this ordinance will help relax many of the restrictions.
- Sharon Rohrbach asked if the ordinances will be online for everyone to read. The ordinances will be posted.
- Christine Ferry, asked when it will be voted on and if she could read it. Supervisor Rohrbach and Solicitor Sean Logsdon explained that it was being voted on tonight and it was available beforehand for public review.

Minutes:

The chairwoman will ask if there are any additions or corrections to the April 6th general meeting. A *motion* by: Supervisor Rohrbach, seconded by Supervisor Tombasco, to approve the minutes of the April 6th general meeting.

All in favor.

Financial Report: April 1 to April 30, 2023

BB&T/Truist General Fund:	\$6,868.66
Mid Penn Bank General Fund:	\$199,970.36
Fire Escrow Account:	\$14,005.76
PLGIT Prime Savings:	\$30,184.03
PLGIT Checking/Liquid Fuels:	\$139,310.26
Fed Shared Revenue Entitle-ARPA:	<u>\$88,648.80</u>
Total Checking/Savings:	\$478,987.87
PLGIT Alumni Assoc.:	<u>\$5,609.59</u>
Total:	<u>\$484,597.46</u>

- Supervisor Lupcho and Supervisor Rohrbach explained the recent switch and benefits from Truist to Mid Penn Bank.
- Christine Ferry asked if Mid Penn Bank was FDIC insured the same amount as Truist. The supervisors responded that they believe all banks are insured for the same amount.

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho, to approve the financial report.

All in favor.

Bills: Payment of bills, as presented.

A *motion* by: Supervisor Rohrbach, to approve the bills as presented, and to pay any and all bills in all funds that become due before the next general meeting.

Roll Call Vote: Lupcho; Yes, Rohrbach; Yes, Tombasco; Yes.

Correspondence: None.

Reports:

Zoning Report: Zoning/Codes Officer, Ed Wenger sent a zoning report which was reviewed by Supervisor Rohrbach.

Fire Company: Fire Chief Joe Lescowitch was absent but submitted a report which was submitted by Carl Rittenhouse.

Emergency Management: William Singley Jr. submitted a report which was reviewed by Supervisor Rohrbach.

Roadmaster Report: Reviewed by Chairwoman Rohrbach.

- **There was a brief intermission for Supervisor Rohrbach to show residents the new excavator that was purchased by the Township.**
- **Solicitor Sean Logsdon reviewed the HB299 (OSHA) bill that was recently passed by the Pennsylvania House of Representatives. He further explained unfunded mandates and how the Township is not in support of this proposed bill. The Township sent letters to the district State Rep and State Senator asking for a “No” vote.**

Old Business: None.

New Business:

1. **Ratify advertising regarding bids for the rental of chip seal equipment and laborers for the Nuremberg Mountain Road and Cedarhead Road.**

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho, to approve, the advertising regarding bids for the rental of chip seal equipment and laborers for the Nuremberg Mountain Road and Cedarhead Road.

All in favor.

2. **Opening of Bids for the Nuremberg Mountain Road and Cedarhead Road Chip Seal Project**

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Tombasco, to accept the bid from AMS (Asphalt Maintenance Solutions) totaling \$21,410.00, for the rental of chip seal equipment and laborers for the Nuremberg Mountain Road and Cedarhead Road project.

All in favor.

- Supervisor Rohrbach shared that this bid is only for the equipment and labor, the Township has to still pay for the stone and oil for the chip seal. The chip seal

project will be for all of the Nuremberg Mountain Road that is in the Township as well as a portion of Cedarhead Road.

3. Disposing of Old Files

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho_, to approve disposing of old files that exceeded their retention time.

All in favor.

4. Funding for a new control station to be located at the Nuremberg/Weston Fire Company

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Tombasco, to approve funding a new control station to be located at the Nuremberg/Weston Fire Company totaling approximately, \$8,000 to be reimbursed back to the Township at a later date.

All in favor.

5. Ordinance Regulating the Keeping of Chickens in the Township

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho, to approve the ordinance regulating the keeping of chickens in the Township.

All in favor.

6. Amendment to Chapter 11, Health and Safety, Part 8, Regulating and Prohibiting of certain exotic animals, section 801, definitions and section 802, wild and exotic animals prohibited

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Tombasco, to approve the amendment to Chapter 11, Health and Safety, Part 8, Regulating and Prohibiting of certain exotic animals, section 801, definitions and section 802, wild and exotic animals prohibited.

All in favor.

7. Amending the Zoning Ordinance in Relation to Accessory Uses in Residential Zoning Districts to Address the Non-Commercial Keeping of Livestock/Beekeeping

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho, to approve amending the Zoning Ordinance in relation to accessory uses in residential zoning districts to address the non-commercial keeping of livestock/beekeeping.

All in favor.

8. Ratify a Resolution to Apply for a Low Volume Road Maintenance Grant through the Luzerne County Conservation District for Chicks Lane totaling, \$210,098.00.

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Tombasco, to approve ratifying a resolution to apply for a Low Volume Road Maintenance Grant for Chicks Lane totaling \$210.098.00.

All in favor.

- Supervisor Rohrbach wrote a grant to cover a little over a half mile of Chicks Lane. This is the second phase of the ongoing Chicks Lane project.

9. Ratify a Resolution to Apply for a Dirt, Gravel Road Grant through the Luzerne County Conservation District for Mountain Laurel Trail totaling, \$131,972.50.

A *motion* by: Supervisor Rohrbach, seconded by: Supervisor Lupcho, to approve ratifying a resolution to apply for a Dirt, Gravel Road Grant through Luzerne County Conservation District for Mountain Laurel Trail totaling, \$131,972.50.

All in favor.

- Supervisor Rohrbach stated that this project would be for a portion of Mountain Laurel Trail to grind up the road with a reclamation machine, mix stone in with it, give the road a good base, and then coat the road with DSA.
- She further shared that despite both grants coming from the same agency, they do not compete as they are separately funded.

10. Projects for 2023

- **Supervisor Rohrbach reviewed the Projects list for 2023:**
 - Line Chicks Lane Ditches with Rip Rap
 - Complete Park Street Box Culvert and Pave over it
 - Derringer Street Bridge Resurfacing in Weston
 - Nuremberg Mountain Road and Cedarhead Road double-chip seal Project
 - Line Paint Nuremberg Mountain Road
 - Hilltop DSA Grant Project
 - Reclaim and pave approximately half Chicks Lane
 - Concrete the Garage Floor
 - Fix several ditches on Cedarhead
 - Install new LED lighting in the garage
 - Brush trimming
 - Spray patching
 - Street Sweeper – May 8th through May 12th

11. Emergency Declaration/Burn Ban

- Supervisor Rohrbach shared that on April 11th, the supervisors believed it was in the best interests of the residents to impose a temporary burn ban. The supervisors had asked the Nuremberg/Weston Fire Company to post the info as well as other Facebook pages and the Standard Speaker. Supervisor Rohrbach shared that the fire company shared this while being extremely unprofessional towards the supervisors and the EMA coordinators. She shared that this does not reflect the fire company as a whole as they have many wonderful volunteers but the people that run the Facebook page have been acting in an extremely unprofessional manner.

12. No Nonsense Neutering – Contract Agreement

- Supervisor Lupcho shared that the document was up front for public review.

Supervisor Comment:

- Supervisor Tombasco thanked everyone that volunteered to help pick up garbage on Earth Day.
- Supervisor Rohrbach thanked the Hazleton Chamber of Commerce for bringing more garbage bags as well as State Representative Watro for purchasing more garbage bags for the Earth Day Clean Up due to the lack of supplies that were distributed this year.
- Supervisor Rohrbach shared that the Township is looking for feedback from residents about the No Nonsense Neutering Agreement.
- Supervisor Rohrbach shared that Rolland Cheesman made a trail camera photo public, seeking to identify the individual in the photo. The individual was John Ross, he was accused of trespassing on the Cheesman's property. Supervisor Rohrbach explained that John Ross was helping her family post their property, as Supervisor Rohrbach was too sick to do it herself, and her parents were helping as well. The Rohrbach property does not abut with the Cheesman property, as it is separated by another owner's property. John Ross was reported to the State Police and bothered at work by a phone call from the State Police. The photo was from over six months ago, October 30, 2022 and was not reported until this week. It was also reported that John Ross might have been on Township time when this photo was taken. The photo was taken on a Sunday, and John's time card was on the front table for anyone to see it. However, the Cheesman's trespassed on the Rohrbach property by allowing construction workers to defecate on the Rohrbach's land. The Rohrbach's found over thirty piles of fecal matter with toilet paper, they did not call the police and accuse them of trespassing. Nor did they report them to the Township for not providing a portable toilet for their workers. They spoke with the Cheesman's and resolved the issue. Supervisor Rohrbach explained that it would have been nice for the Cheesman's to extend the same courtesy to John Ross.

Review Public Comment from last meeting:

- Eric Hower had asked if he would be given a copy of the Tolotti subdivision at last month's meeting, two more planning commission members needed to sign the plans at the time. That has since been resolved and he received his signed plans.
- Solicitor Sean Logsdon gave an update on the Bott Subdivision that was discussed at the Planning Commission on Tuesday, May 2nd, 2023.
- The next planning commission is Tuesday, June 6th, 2023 at 6:00 pm.
- Solicitor Sean Logsdon shared that if anyone needs to have anything come before the Planning Commission, it is highly recommended that they also attend the meeting to save time and funds.

Public Comment:

- Rolland Cheesman said that he had checked his trail cameras this past week. He saw someone with a machete behind his house. Supervisor Rohrbach told him that it was not behind his house. Cheesman said that he did contact the State Police and did not press charges. Supervisor Rohrbach told him that he could not press charges since John Ross was not trespassing. Cheesman told Supervisor Rohrbach that it was none of her business. Supervisor Rohrbach told him that it was her business as John Ross was posting her property. Cheesman publicly and formerly apologized to John Ross.
- Andrew Harabin Jr. questioned a post on the Black Creek Township Concerned Citizens Facebook page. The Supervisors explained that the mentioned Facebook page is not affiliated with the Township in any way, it is its own entity, therefore, the Supervisors are not able to answer a question relating to that.
- Sharon Rohrbach, explained that she has been accused of speaking poorly of plumbers, and she respects plumbers, as her father was a plumber for approximately 50 years. She also shared how she has been accused of running the Black Creek Township Concerned Citizens page because she was the executive director of the Concerned Citizens of Foster Township. She shared that the title of the group was given to it by a board of directors. She held this position over 30 years ago. The group managed technical assistant brand with technical experts explaining the date to the residents. She said her Facebook for her kennel business was professionally maintained, she was not involved. She said that she does not run the Black Creek Township Concerned Citizens as she has been accused of doing. She then shared that she was recently accused of worker's compensation fraud, which was not true and that if these accusations persist, someone could be charged with defamation of character.
- Supervisor Tombasco stated that the Facebook pages that had been referenced at the meeting do not represent the Township nor are they operated by the Township.
- Andrew Harabin Sr. asked who runs the Concerned Citizens page. The Supervisors explained that they do not know who runs it and no one has come forward to claim ownership of the page.
- Andrew Harabin Sr. asked if defamation of character is being accused of something that one did not do. He stated that his son was accused of something that he did not do when the citation from the Magistrate's office for a shipping container on their property was addressed to his son rather than to him. Supervisor Rohrbach explained that this was corrected and that they have already discussed this many times at previous meetings. Solicitor Sean Logsdon explained that defamation of character would have to actually be a statement made in defamatory nature.
- Denise Davis shared that residents should contact Lynda Shlegel – Culver to vote "No" on House Bill 300 – relating to the allowance of men in women's bathrooms and locker rooms.

The next Regular Meeting will take place on Thursday, June 1st, 2023 at 6:00 p.m.

Final Announcement(s)

- None.

Adjournment:

A *motion* by: Supervisor Rohrbach, seconded by Supervisor Lupcho, to adjourn the meeting at 7:31 p.m.

All in favor.