

Foster Township Board of Supervisors  
Regular Monthly Meeting via Zoom

**Minutes**

February 10, 2021

6:30 PM

**CALL TO ORDER**

Call To Order The Regular Monthly Meeting via zoom.

**ROLL CALL**

Ms. Eckrote-Jones	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Mr. Pavuk	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Mr. Brogan	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Attny Karpowich, Jens Damgaard, Brittany Majewski, Brian Maso, Mary Peters, Tom Barna and members of the public were also present.

**READING OF MINUTES FROM PRIOR MEETING**

Motion to *dispense* with Reading of the Minutes due to availability to public.

Motion to *read* Minutes.

Motion By:	<input checked="" type="checkbox"/> Ms. Eckrote-Jones	Second By:	<input type="checkbox"/> Ms. Eckrote-Jones
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk
	<input type="checkbox"/> Mr. Brogan		<input type="checkbox"/> Mr. Brogan

Roll Call:	Ms. Eckrote-Jones	Mr. Pavuk	Mr. Brogan
	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain

**READING OF TREASURER'S REPORT**

Motion to *dispense* with Treasurer's Report due to availability to public.

Motion to *read* Treasurer's Report.

Motion By:	<input checked="" type="checkbox"/> Ms. Eckrote-Jones	Second By:	<input type="checkbox"/> Ms. Eckrote-Jones
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk
	<input type="checkbox"/> Mr. Brogan		<input type="checkbox"/> Mr. Brogan

Roll Call:	Ms. Eckrote-Jones	Mr. Pavuk	Mr. Brogan
	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain

**READING OF LIST OF BILLS**

Motion to *dispense* with Reading of the List of Bills due to availability to public.

Motion to *read* List of Bills.

Motion By:	<input checked="" type="checkbox"/> Ms. Eckrote-Jones	Second By:	<input type="checkbox"/> Ms. Eckrote-Jones
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk
	<input type="checkbox"/> Mr. Brogan		<input type="checkbox"/> Mr. Brogan

Roll Call:	Ms. Eckrote-Jones	Mr. Pavuk	Mr. Brogan
	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain	<input type="checkbox"/> Abstain

**APPROVE FOR PAYMENT**

- Motion to *Approve* Bills for Payment
- Motion to *Disapprove* Bills for Payment.

Motion By: ■ Ms. Eckrote-Jones  
 □ Mr. Pavuk  
 □ Mr. Brogan

Second By: □ Ms. Eckrote-Jones  
 ■ Mr. Pavuk  
 □ Mr. Brogan

Roll Call:	Ms. Eckrote-Jones	Mr. Pavuk	Mr. Brogan
	■ Yes	■ Yes	■ Yes
	□ No	□ No	□ No
	□ Abstain	□ Abstain	□ Abstain

**BUSINESS:**

**Ordinance 1 of 2021** – An ordinance adopting the intermunicipal governmental cooperation agreement with White Haven for police protection. John made the motion to approve the ordinance. Jerry seconds the motion. Roll Call was Yes by all.

**Police Protection** – John made the motion to enter into a police protection contract with White Haven. Georgiann seconds the motion. Roll Call was Yes by all.

**West Side Sewer Sale** – Attny Karpowich explained that the twp received two bids for the West Side sewer system, one from FMA in the amount of \$3.4MIL with a reduction of \$36,299.09 each month and another from PA American Water for \$3,750,000. Attny Karpowich stated that he would recommend the supervisors approve the sale upon solicitors review and agreements. He explained that the supervisors had an executive session to discuss the sale and what will be done with any remaining monies in helping keep the rates low for the customers in the future. Jen Damgaard, bond counsel for the township, explained the process in further detail making the residents aware that this is not a process that is done overnight, because the PUC is involved, there is a possibility of closing late this year or into early next year. He explained that the twp will continue to pay down on the pennvest loan, which will ultimately give the twp more monies to bet netted out to subsidize the rates. He suggests that the monies from the general fund that were used to help cover costs of the sewer system, should be reimbursed first. The user rates will be locked in until 2024, to guarantee that they will not be increased. Attny Karpowich added that since this will go into the PUC’s hands, there is a timeline of certain things that the twp will not have any control over, but there are also a few items that they will have control over to possibly move the process along. He had the engineer run some numbers and he believes there will be approximately \$300K or more for subsidies along with any delinquent collections that are made. He explained that Aqua holds the right of first refusal on the East End, and he was already in contact with them regarding a possible sale of the system. They are currently doing their due diligence and reviewing records. Georgiann made the motion to accept the bid of PA American Water for the West Side sewer system, subject to final approval and agreements. Jerry seconds the motion. Roll Call was Yes by all.

**Easement Agreement** - Georgiann made a motion to enter into an easement agreement with the Feussner Irrevocable Grantor Trust for the 940 extension. Jerry seconds the motion. Roll Call was Yes by all.

**Material Bids** – Jerry made the motion to advertise for the same material bids as last year. John seconds the motion. Roll Call was Yes by all.

**Engineers Report** – Mary stated that there were ten bids received for the 940 extension. They were received from the following companies: Doli @ 388,660; Sikora @ 503,467; James O’Hara @ 522,750; RGC @ 524,750; Anrich @ 545,064; Franzosa @ 554,900; Pioneer @ 557,638.50; R3 @ 561,190; Joao & Bradley @ 591,950 and Linde @ 880,865. Jerry made the motion to table all bids for review. Georgiann seconds the motion. Roll Call was Yes by all. Tom Barna stated that he was in touch about the resident from Polonia Estates that asked if Jaskewicz Way could be turned over to the twp. He stated that a deed of dedication needs to be made to the twp. He reviewed the condition of the road and it is up to liquid fuels specs and there is approximately 2K feet of road.

**Sewer Report** – Jerry stated that he had a meeting with the SAB a few weeks ago and they asked that all delinquents over \$500 be submitted to Attny Karpowich’s office, which was done and letters have been sent. Mr. Petrick is requesting another meeting for 2/23, but Attny Karpowich would like to give his letters at least 30 days, therefore he suggests that they meet the first week of March. Jerry also stated that there was a sewer complaint from 419 Green St,

regarding their neighbor's sewer connecting to their line and coming out of the house as one. They want the twp to get involved and make the neighbor separate their line. Attny Karpowich stated that it is not the twps. responsibility and it is written in the rules and regulations of the sewer system. Jerry asked Attny Karpowich to send a letter to the complainant. **Solicitor's Report** - Attny Karpowich was asked to draw up an ordinance that pertains to mobile food facilities also known as food trucks/ food carts. Attny Karpowich read the ordinance in its entirety, a copy can be obtained from the twp. In the ordinance it reads that operating hours would be from 7am- 7pm. Greg Cappozelli asked if the supervisors thought that may be a little early for them to require to shut down. The supervisors agreed that it should be 9pm instead. John made the motion to advertise. Georgiann seconds the motion. Roll Call was Yes by all.

**Zoning Report** – Brian Maso was present and reported the following permits for the month: 5 zoning @ \$425, 3 building @ \$1500, 3 stormwater @ \$375, 8 handicap renewals @ \$120, 1 Demo @ \$100, 1 highway occupancy @ \$50, 1 occupancy @ \$100 and 1 Timber harvesting @ \$100. He also had 3 code enforcement issues that were taken care of and he has a zoning hearing coming up on 3/3 for the Lineman Union project @ 555 Foster Ave. Greg asked about the advertising for the zoning hearing and if it was done in time. Attny Karpowich stated that he helped Brian with the advertisement and it needs to be in the paper for two consecutive weeks not more than fourteen days but not less than seven. It is scheduled to be advertised on the 17<sup>th</sup> and the 24<sup>th</sup> of February.

### **CORRESPONDENCE**

Jerry explained that there was correspondence from Carlene Troell that was tabled until she was available to attend the meeting. The correspondence is as follows:

12/30/2020 Foster Township Supervisors:

The agreement with White Haven for Police Coverage for \$105,000 per year – The plan was to pay for the coverage using the Local Service Tax (LST). When the COVID-19 Pandemic hit and people were laid off, Townships and Boroughs are not going to collect the normal amount of LST and EIT taxes, which is being used to pay for the coverage. The bid was too high, so now you vote to increase taxes for the coverage.

I would hope if you are planning to go through with this agreement with White Haven for police coverage, they are not being called for things that should be handled through Code Enforcement. Things like: Loud Music, Fireworks, Civil Complaints between neighbors. Yes, I understand these things are important to people, but they should NOT be handled by the police.

A few months ago, I had to call the State Police, two policemen in two separate cars arrive within minutes! People complain about the response time for the State Police, but White Haven Police now patrol White Haven, Penn Lake and Dennison Township so there still may be a delay to their response too.

I do not see the justification in spending this money! The Township is having financial issues with the sewer system now, so the Township should not spend more money at this time.

Now, the sewer system discussion. I would have to agree with some points that John Petrick made in the correspondence from the December meeting.

The Attorney's office sends a bill to the Township for all the delinquent letters that were sent to sewer customers.

The Magistrate's office also bills the Township for the scheduling of all the court cases for delinquent accounts. Court cases are NOT scheduled unless they are paid in advance.

The Attorney's office sends another bill to the Township for the attorney to be present during the magisterial court.

Now, I know the point is going to be made that these expenses are charged back to the delinquent sewer account BUT the Township does not receive reimbursement for any of these expenses until the judgment or municipal lien is paid.

The Attorney's & Magistrate's offices are paid long before the Township collects on the delinquent accounts!

A few months ago, funds were being pulled out of the General Fund account to make the sewer loan payments. It is not right or even fair for all the Foster Township Taxpayers to pay for the delinquency of the Sewer System. What about the Foster Township Taxpayers who are not even on the Township Sewer System? Is the Township going to pay our bills if our septic tanks need to be pumped or if our on-lot system needs to be replaced? I know my answer to these questions already – Absolutely not!

If you choose to sell the Foster Township Sewer System or not, when the time comes for enforcement of delinquent accounts, You as Township Supervisors, need to put to the side, if it is your neighbor, relative or a person, who has voted for you time and time again. Your job is to have the Township in a financially responsible position for the Township to pay its own bills. If you cannot separate these things than maybe the time has come for you not to be a Supervisor.

Respectfully, Carlene Troell Foster Township Resident & Taxpayer

Jerry stated that the \$105K for the police coverage is going to be partially covered by the LST money that comes in which is between \$57-\$60K per year. The additional \$40K will be covered by the .4 increase in taxes that was made this year.

Carlene stated that an article in the Standard Speaker stated that the twp will be required to pay \$33.88 per hr for the officers to attend court, so how can the supervisors say there will be no additional fees to the tax payers? Atty Karpowich stated that the Standard Speaker didn't print the article with the full contract. He stated that it reads that the contract is for 60 hrs per week of coverage which can also include court attendance. Therefore, the 60 hours of coverage can be adjusted or banked accordingly. Attny Karpowich explained that the police will only cover the crimes code, vehicle code, and township code of ordinances which involve a criminal nature. The police will not get involved with private civil complaints. Anything that is covered by the zoning officer will still be covered by the zoning officer and not the police. Attny Karpowich stated that he was happy to hear about the quick response she received from the state police and he hopes it will be the same with White Haven. He explained that for this additional coverage White Haven has gone to 24hrs and they have hired an additional 5 officers. The communities of Penn Lake and Dennison are considered very small and require minimal police coverage, so he does not see the coverage being an issue, but the twp will have to wait and see how it goes. Attny Karpowich stated that in order for the twp to be able to put in the sewer system that was mandated by DEP the twp had to pledge the general fund of the twp, in case the sewer fund could not handle it, there was no other way. This is where the twp is hoping to reimburse the general fund from the sale of the west side system. He stated that all the legal fees and facts, regarding delinquent sewer collections, that she stated in her letter were true and they are included in a fee schedule that adopted by the supervisors. Jerry stated that he does not know of anyone letting customers slide without paying, but if it is being done it is going to stop. John stated that he believes the twp has never let anyone slide on the bills.

Georgiann asked if she heard correctly, that the White Haven Police will start coverage tomorrow? Attny Karpowich stated that everything was in order and yes, they could start tomorrow. Georgiann stated that a few meeting prior Attny Karpowich mentioned that there should be a police liaison appointed so they had someone to report to and communicate with. She stated that John showed interest in the position. Jerry stated that he believes that needs to be done at a reorg meeting not a regular meeting. He also thinks that for the first year the three supervisors should be acting as a committee to see how it goes. Attny Karpowich stated that it could be done whenever the supervisors wanted to do it, but they can wait and see how things go. The supervisors agreed to wait until January to appoint a liaison.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Georgiann made the motion to adjourn. John seconds the motion. Roll Call was yes by all.

Respectfully Submitted,

*Brittany Majewski*

Brittany Majewski  
Municipal Secretary