

Foster Township Board of Supervisors
Regular Monthly Meeting
Minutes
October 25, 2022

CALL TO ORDER

Called To Order The Regular Monthly Meeting, followed by the Pledge of Allegiance to The Flag and a Moment of Silence.

ROLL CALL

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

READING OF MINUTES FROM PRIOR MEETING

Motion to Dispense with Reading of Minutes due to availability to public
 Motion to read Minutes

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 Reading of Treasurer's Report due to availability to public
 Motion to read Treasurer's Report

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 List of Bills due to availability to public
 Motion to read List of Bills

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 with the addition of Harris Computers \$653.01
- Motion to Disapprove Bills for Payment

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 ZONING REPORT

- Motion to Dispense with Reading of the Zoning Report due to availability to public
- Motion to read the Zoning Report

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 POLICE REPORT

- Motion to Dispense with Reading of the Police Report due to availability to public
- Motion to read the Police Report

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 FIRE REPORT

- Motion to Dispense with Reading of the Fire Report due to availability to public
- Motion to read the Fire Report

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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 ROADMASTER REPORT

Motion to Dispense with Reading of the Roadmaster Report due to availability to public

Motion to read the Roadmaster Report

Motion By: Ms. Eckrote Jones

Mr. Malloy

Mr. Pavuk

Second By: Ms. Eckrote Jones

Mr. Malloy

Mr. Pavuk

Roll Call: Ms. Eckrote Jones

Yes

No

Abstain

Mr. Malloy

Yes

No

Abstain

Mr. Pavuk

Yes

No

Abstain

BUSINESS

Speed Limit – Polonia Court – No objections, no public comment. Ordinance 6 of 2022 will place a 25mph speed limit sign on Polonia Court. John made the motion. Wilson seconds the motion. Roll Call was yes by all.

Burning Ordinance – Attny Karpowich read the ordinance (full version can be read online): *AMENDMENT TO CHAPTER 69, OPEN BURNING, OF THE FOSTER TOWNSHIP CODE OF ORDINANCES AN ORDINANCE OF FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 69, OPEN BURNING, SECTIONS 69-1 DEFINITIONS THROUGH 69.11.* Wilson made the motion to adopt Ordinance 7 of 2022. John seconds the motion. Roll Call was yes by all.

Rental Ordinance – *AN ORDINANCE AMENDING CHAPTER 158, ENTITLED LANDLORD-TENANT REGISTRATION AND INSPECTIONS, OF THE TOWNSHIP CODE OF ORDINANCES* (full version can be read online). Attny Anders spoke on behalf of Ara a property owner of a short-term rental. He stated that he would like to call the zoning officer as a witness. The board and Attny Karpowich explained that this is the time to be heard but this is not a formal hearing, there will be no witnesses. This will not be the time and place for that. Attny Anders went on to ask about the original Landlord Tenant Registration that was enacted in 2014. Attny Karpowich stated that it is irrelevant because this new ordinance replaces it. Attny Anders would like to know how many registrations have been submitted since 2014. The board was unable to answer without the zoning officer present. Attny Anders asked how many have been processed. He also asked that since the CO is authorized to do inspections, he would like to know how many have failed in the last 8 years? No one was present to answer. He would like to know if there are fees set for this? Attny Karpowich stated that the fees will be set by the board after the ordinance passes. Attny Anders wants to know why there is a sudden need for a change in this ordinance? Wilson explained that each month there are several property owners that attend the meetings and complain about issues. The board needs to take care of all residents and they felt this was the best way to do it, cover all rentals not just short term. The short-term aspect of the ordinance is more geared towards safety. The twp is looking to make it better for all. Attny Anders asked how many violations there have been. At this time Chief Szoke spoke up regarding the last year that they have been covering the twp and he stated that there have been 34 underage drinking violations, fireworks violations and fire violations. What he has seen is that the adult renting the units never show up but instead underage children show up and proceed to drink liquor that was obtained from out of state (NY, NJ). Attny Anders asked if there are any other problems in the twp with renters not just in the short-term rentals. Chief Szoke state that he is unaware of any. He asked if the property managers are working with the police and taking care of the issues they were called for. Chief Szoke explained that yes, every time they are called, he calls the property manager to be there and they take care of it at that time, but they are not handling it prior to the police being called. Attny Anders wants to know why there is an occupancy restriction on just short-term

rentals and not regular rental properties. Attny Kaprowich stated because the regular rental properties are covered under single family homes. Attny Anders would suggest changing the occupancy to reflect the IPMC. He also would like to know why inspections are non-transferrable to new owners. Attny Kaprowich explained that the twp is trying to protect the buyer not the seller. The property could be inspected in the beginning of the year and 6 months in the owner decides that there are too many violations and sells the property. This leaves the new property owner possibly unable to run the business because of the violations that the inspection could take care of prior to selling. Attny Anders disagrees and states that there shouldn't be a need for an additional inspection that should be the buyer responsibly to protect himself. Attny Anders would like to suggest that the yearly inspections will become too costly for owners and would like to see every three years instead, if the owner stays the same.

Sherry Sentiwany asked about short term rentals in HH, Attny Karpowich stated that if the property was used as a short-term rental prior to the twp regulating it then HH will have to go after the property owner themselves. If the property became a short-term rental after our ordinance date, then the twp can enforce it and she should give a list to the zoning officer. She also asked about ATV's being on private roads and property can it be regulated? Chief Szoke explained that if they are private roads, they cannot enforce the twp ordinance. Same goes for private property.

Lisa Hookstra asked how many deck collapses have happened in Foster. Wilson stated that there have been none. She wanted to know if a property can be sold and rented in the same year. Attny Karpowich stated yes it can be. She asked the board if they know how many tax dollars, they will be losing by restricting this business of short-term rentals. Attny Karpowich stated that the twp gets a property tax and that it is, it does not matter if it is a full-time person living there or a short-term rental. Lisa stated that they pay a hotel tax. Attny Karpowich explained that the twp does not see any of that tax, it goes right to the county. Lisa feels as though the county supports the twp and supplies money for such things as roads. The board corrected her and stated that the twp does not receive any money from the hotel tax that the county collects, the county has their own roads to take care of. She asked why they feel they have to limit occupancy if there have been no issues. Wilson explained it is for the safety of the renters and they should not expect to have a large amount of people in one property.

At this point the board decided to go into an executive session to discuss the ordinances.

John made the motion to approve Ordinance 8 of 2022 with the occupancy changes to reflect the IMPC. Wilson seconds the motion. Roll Call was yes by all.

Lickman Lot Consolidation – This is a waiver for a reverse subdivision for two parcels on Brookside Drive in Hickory Hills. John made the motion to approve the waiver. Wilson seconds the motion. Roll Call was yes by all.

HCA Subdivision – Attny Karpowich explained that the Planning Commission recommends approval. Wilson made the motion to approve the subdivision. John seconds the motion. Roll Call was yes by all.

SPCA – Wilson stated that a proposal was sent for the Luzerne County SPCA to pick up stray animals within the twp. There are two options, one would be per animal and the other would be based on the census numbers at \$.55 per resident. Chief Szoke explained why White Haven Borough did not enter into a contract with them. He said the borough has been more successful with facebook posts trying to find homes for them. Wilson made the motion to table for further research. John seconds the motion. Roll Call was yes by all.

Freeland Ambulance – Wilson read the letter that was received: “The Board of Directors of the Freeland Northside Community Ambulance request that Foster Township Supervisors to add our organization to the Luzerne County 911 system as the primary advanced life support provider for Foster Township at your October 12, 2022 meeting. We have sufficient ALS staffing and equipment as of that date to provide ALS service to all of our primary coverage area for BLS. Currently our BLS agreement with Foster Township is up to the Maple Lane Trailer Court.”

Wilson explained that the twp right now has Valley Regional. At this time Frank Kislan stepped up to provide the residents with stats and explained what it means. After further discussion

between board members, John made the motion to table until the November meeting. Wilson seconds the motion. Roll Call was yes by all.

White Haven Library – As presented by Lois Hammer: "On behalf of the Board of Directors of the White Haven Area Community Library, I would like to make you aware of an 8 week program that was held this past summer at our facility. It was called the Summer Food and Fun and was in partnership with The Wyoming Valley YMCA. Through grants they were able to provide lunches and snacks for many children in White Haven and surrounding communities including yours. For many of these children it was their only meal of the day. Aside from the food the children were provided with activities and crafts as well as visits from and interaction with local police and firemen. The program was so successful and so beneficial to these children. We have letters from the children telling us in their own words how much the program meant to them. The YMCA has contacted us and requested an additional 4 year relationship. They will still be providing the food but we need to find a way to hire supervisors and get supplies for the program. I am reaching out to you and hope you can help us to continue this worthwhile and needed program for our area. I am contacting you with a request to aid our area children. I am asking your Board of Supervisors to add us to your 2023 budget with a donation of \$500. It would certainly make a difference in this effort." Linda Szoke stated that this program was so successful and clearly needed. The borough decided to use its ARPA funds to fund this year's program. She stated that she knows of 7-11 kids that came from lower Foster. John made the motion to approve the annual donation. Wilson seconds the motion. Roll Call was yes by all.

Assistant Code Officer – Wilson explained that the twp advertised multiple times since the beginning of the year for help for Brian and we have been unsuccessful finding someone. At this time John would like to make a motion to appoint Tom Barna as assistant code officer. He will be able to help Brian with the field work since Brian seems to be tied up with all the new building within the twp. His salary will be the same as Brian's. Wilson seconds the motion. Roll Call was yes by all.

Engineers Report – Tom explained that the LSA grant application was submitted for \$250K for the lower Centre Street redevelopment. The twp is looking to get the property cleaned up for potential developers. He has also been working with PAWC getting documents ready for them.

Sewer Report – Attny Karpowich stated that there are multiple documents that need to be approved for the closing that is scheduled for Thursday the 27th. Closing Statement dated 10/27/22. John made the motion. John seconds the motion. Roll Call was yes by all. Closing letter dated 10/27/22. This letter stated that the twp will take care of the remaining 940 extension that is funded by grant money and also the easements with MMI. Attny Karpowich suggested thanking MMI for getting these easements expedited for us, especially with such a big board, they were able to do it in a very timely manner. John stated that a thank you letter should be sent. Wilson made the motion to accept the closing letter. John seconds the motion. Roll Call was yes by all. The next document is the easement agreement with MMI this will be signed now and then transferred to PAWC. John made the motion. Wilson seconds the motion. Roll Call was yes by all. Resolution 11 of 2022 affirms the asset purchase agreement that was entered into between Foster Twp and PAWC. Wilson made the motion. John seconds the motion. Roll Call was yes by all. The final documents are the special warranty deeds conveying the pumping stations to PAWC. John made the motion. Wilson seconds the motion. Roll Call was yes by all. Attorney Karpowich stated that the twp should send out a final bill to overdue customers and once the 39 days are up, then the twp should proceed with putting liens on the properties no matter how small the balance is, this is so the twp can collect that money if the property sells. John made the motion. Wilson seconds the motion. Roll Call was yes by all.

CORRESPONDENCE

A letter was given to the twp regarding a possible resolution restricting ballot drop-off boxes within the twp. John made the motion to have Attny Karpowich draw up a resolution prohibiting drop-off boxes for ballots. Wilson seconds the motion. Roll Call was yes by all.

PUBLIC COMMENTS

Alice Lachewitz asked what the hours will be for the assistant code officer. Wilson stated that he will not have office hours like Brian he will be doing more field work than anything. Tom Barna stated that he is available more so on weekends, if needed.

ADJOURNMENT

- Motion to Adjourn
- Motion to Continue

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

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<input 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

Respectfully Submitted,

Brittany Majewski
 Brittany Majewski
 Municipal Secretary