

Foster Township Board of Supervisors

Regular Monthly Meeting

Minutes

February 14, 2024

CALL TO ORDER

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

ROLL CALL

Mr. Titus	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
Mr. Malloy	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
Mr. Pavuk	<input 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"/> Mr. Titus	Second By:	<input type="checkbox"/> Mr. Titus
	<input type="checkbox"/> Mr. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input type="checkbox"/> Mr. Pavuk

Roll Call:	Mr. Titus	Mr. Malloy	Mr. Pavuk
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input 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"/> Mr. Titus	Second By:	<input type="checkbox"/> Mr. Titus
	<input type="checkbox"/> Mr. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input type="checkbox"/> Mr. Pavuk

Roll Call:	Mr. Titus	Mr. Malloy	Mr. Pavuk
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input 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"/> Mr. Titus	Second By:	<input type="checkbox"/> Mr. Titus
	<input type="checkbox"/> Mr. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input type="checkbox"/> Mr. Pavuk

Roll Call:	Mr. Titus	Mr. Malloy	Mr. Pavuk
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input 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: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain 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: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain Abstain

READING OF OFFICE REPORT

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

Motion By: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain Abstain

READING OF POLICE REPORT

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

Motion By: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain Abstain

READING OF FIRE REPORT

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

Motion By: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain 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: Mr. Titus Second By: Mr. Titus
 Mr. Malloy Mr. Malloy
 Mr. Pavuk Mr. Pavuk

Roll Call: Mr. Titus Mr. Malloy Mr. Pavuk
 Yes Yes Yes
 No No No
 Abstain Abstain Abstain

BUSINESS

Consideration of Permitted Conditional Use Change in I-1 Zoning District – Attny Karpowich stated “we’ve talked about amending the ordinance to permit the storage in the I-1 zone, and to permit contractor storage in the C zone. So, I’ll advertise those amendments for public hearing for next month.” John made the motion to do so. Wilson second it. Roll Call was yes by all.

RFP Tank Removal – 805 Hazle St - One proposal was received from Labella & Associates. This is to remove 8 tanks and to take 30 samples. The proposal was for \$45,815. John made the motion for conditional approval based upon review by the solicitor and engineer. Todd seconds the motion. Roll Call was yes by all.

Fern Street & Centre St. Demolition Discussion – Attny Karpowich stated that the twp now owns the green house on Fern Street, by way of a repository sale. Tonight, the board is making a motion to take the remaining half of the old Heller property by eminent domain. So, he suggests that sine they both need to come down, the board should bid it out as one project since they are so to together. Wilson made the motion to bid them out as one project for demolition. John seconds the motion. Roll Call was yes by all.

Motion to Advertise Material Bids for 2024 – The materials that will be put out for bid are as follows: crack and joint sealing materials, 15’ solid pipe in 20ft sections, 2’x2’ catch basins & bike grates, 2’x4’ catch basins & bike grates and diesel fuel. All of which are in quantities as needed and contract period will be from April 1st 2024 to December 31st 2024. Bids will be received until Tuesday March 12th at 1pm. John made the motion. Todd seconds the motion. Roll Call was yes by all.

Repository Sale – Brookside Dr – Vacant Land – John made the motion to approve. Todd seconds the motion Roll Call was yes by all.

Repository Sale – Woodhaven Dr – Vacant Land – John made the motion to approve. Wilson seconds the motion. Roll Call was yes by all.

Repository Sale – 117 Red Maple Ln – Mobile Home – Todd made the motion to approve. John seconds the motion. Roll Call was yes by all.

Repository Sale – Lake Dr – Vacant Land – Wilson made the motion to approve. Todd seconds the motion. Roll Call was yes by all.

Repository Sale – Hickory Hills Dr – Vacant Land – Wilson made the motion to approve. Todd seconds the motion. Roll Call was yes by all.

Engineers Report – Tom explained that he has an estimate ready for the building repairs. The board stated that they would like it itemized when put out for bid. They would like it posted in the paper and on PennBid. Wilson made the motion to put out for bid by April and to have work start by June. John seconds the motion. Roll Call was yes by all.

Sewer Report – Attny Karpowich stated that he will start working on the dedication documents for the 940 extension, since everyone is now hooked up.

Solicitors Report – Attny Karpowich has a lot consolidation waiver from Sweich in Upper Lehigh. This is a single home on a double lot and they are looking to combine it and make it all one. They own both sides so its just a matter of removing the line in the middle. John made the motion to approve. Todd seconds the motion. Roll Call was yes by all. Attny Karpowich explained that the closing on 108 Centre Street finally took place, this was approved back in October by the board. The other side the board is taking my eminent domain because there were several attempts made to contact the owner Martha Gagnay, with no response. Tonight, a resolution is being made to take private property. Resolution 3 of 2024 reads:

A RESOLUTION AUTHORIZING THE TAKING OF PRIVATE PROPERTY LOCATED AT 104-106 CENTRE STREET, FOSTER TOWNSHIP, PA 18224 UNDER THE EMINENT DOMAIN CODE

WHEREAS, the Foster Township Board of Supervisors (the "Board of Supervisors") intend to file a Declaration of Taking condemning property located in Foster Township, Luzerne County, Pennsylvania, commonly known as 104-106 Center Street, Freeland, PA, 18225, and more specifically described in a deed appearing of record in Luzerne County Deed Book 03022 at Page 037525 and having a Parcel Identification Number of 23-R9NE3-010-007-00 (the "Property") and currently owned by Martha Gagnay, of 91 53 116 Street, Richmond Hills, NY 11418 ("Property Owner"); and

WHEREAS, the Board of Supervisors intend to pay the Property Owner the sum of Eight Thousand Five Hundred (\$8,500.00) U.S. Dollars for the Property, which is the amount determined by an appraiser hired by the township to be the fair market value of the Property; and WHEREAS, the Property Owner failed to respond to the township's offer to purchase the Property at the established fair market value as determined by the appraiser; and

WHEREAS, the Board of Supervisors plans on acquiring the Property for the public purpose of abating a public nuisance; redeveloping a blight area; and/or for future public use; and

WHEREAS, this Condemnation is authorized by the Eminent Domain Code, 26 Pa. C.S.A. § 101 et seq., Eminent Domain Code, 26 Pa. C.S.A. § 502, and § 302; and

NOW THEREFORE, BE IT RESOLVED, this 14th day of February, 2024, that the Board of Supervisors do hereby authorize the Township Solicitor to file an eminent domain action under the Pennsylvania Eminent Domain Code, 26 Pa. C.S.A. § 101 et seq., against the Property Owner to acquire ownership of her Property.

John made the motion to approve. Todd seconds the motion. Roll Call was yes by all.

CORRESPONDENCES

PUBLIC COMMENTS

Ben Evancho asked about the limit on the cargo containers and if the board considered changing it in his particular zone. Attny Karpowich explained that the amendment puts supplemental regulations on the use he is requesting and a limit is not one of them, unless the board wants to set a limit. The board asked about how many did he want to put on his property. He stated that at the end he was looking at 52. Attny Karpowich asked if he was going to be the lot coverage requirements, and he said that he should be able to.

ADJOURNMENT

Motion to Adjourn

Motion to Continue

Motion By: Mr. Titus
 Mr. Malloy
 Mr. Pavuk

Second By: Mr. Titus
 Mr. Malloy
 Mr. Pavuk

Roll Call:	Mr. Titus	Mr. Malloy	Mr. Pavuk
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No

Respectfully Submitted,

Brittany Majewski

Foster Twp Manager