

Foster Township Board of Supervisors
Regular Monthly Meeting
Minutes
April 13, 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 checked="" type="checkbox"/> Present	<input 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 checked="" type="checkbox"/> Ms. Eckrote Jones	Second By:	<input type="checkbox"/> Ms. Eckrote Jones
	<input type="checkbox"/> Mr. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<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 Reading of 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. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<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 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. Malloy		<input type="checkbox"/> Mr. Malloy
	<input type="checkbox"/> Mr. Pavuk		<input checked="" type="checkbox"/> Mr. Pavuk

Roll Call:	Ms. Eckrote Jones	Mr. Malloy	Mr. Pavuk
	<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 with the addition of Franzosa & Cintas
 Motion to Disapprove Bills for Payment

Roll Call:	Ms. Eckrote Jones	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

BUSINESS

Rt 940 Extension – Greenland Construction Close Out Documents – Mary Peters explained that her and her colleagues reviewed the documents and recommend for solicitor review.

Greenland was asking when their final payment will be sent. She was advised that it will be mailed out within the week. John made the motion to approve for solicitor’s review. Georgiann seconds the motion. Roll Call was yes by all.

Burning Ordinance Update – Attny Karpowich explained that he revised the ordinance to replace the old one. The revised ordinance reads: **Prohibited Acts.** Within the Foster Township limits, no person shall: Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on a property under his control outside of any building. Ignite or feed an open fire upon any public property or any private property without the consent of the landowner. The use of accelerants to ignite or feed an open fire such as gasoline is prohibited. **Exceptions:** Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for: The prevention of a fire hazard which cannot be abated by other means. The protection of public health. An open recreational fire or camp fire, a properly zoned outdoor wood fire burner, and an outdoor fire place shall be permitted. Open fires may be set by a person, provided that: Paper, wood, yard trimmings, leaves, branches and other nonputrescible vegetable matter only are burned. There is no practical available alternative method for disposal of the material to be burned. No hazardous or other objectionable condition will be created by such burning. No such burning is allowed on any street or sidewalk within Foster Township. All such burning takes place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No burning is allowed on Sunday or on state and federal holidays. **Responsibility for fire.**

All fires shall be attended to at all times by a responsible adult with readily available means of extinguishing the fire to ensure that the fire cannot spread and can be easily extinguished in case of an emergency. **Deadline to Extinguish fire.** Fires, except for recreational fires, must be extinguished completely with no smoldering by 7:00 p.m. Recreational fires shall be extinguished completely with no smoldering by 11:00 p.m. **Ban on burning.** No burning is allowed during a fire ban emergency as proclaimed by Luzerne County Emergency Management or Foster Township Board of Supervisors. **Unlawful substances:** Burning of refuse, garbage, rubbish, including but not limited to construction debris, aerosol cans, by-products of manufacturing and processing operation and wastes from commercial operations, is strictly prohibited. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance, nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies. Fires shall be used only to burn readily combustible materials. **Fire ban emergency.** The Board of Supervisors may declare a fire ban emergency in Foster Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township during periods of drought or other periods of high fire risk to woodlands or property within Foster Township. Upon the Board of Supervisors declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the ban is lifted by the Board of Supervisors. The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television and newspapers. **Additional costs.** In the case of a fire requiring fire fighter or equipment and upon conviction of any violation of this Chapter, the violator shall also pay charges in order to cover the fire-fighting

costs. Charges shall be assessed for use of the fire-fighting equipment pursuant to Resolution No. 3 of 2001, as the same may be amended from time to time. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this chapter. **Enforcement.** The Foster Township Code Enforcement Officer, the Foster Township Fire Chief, or any police officer shall have the power to enforce the provisions of this Chapter. Upon receiving a written complaint that an open fire is set in violation of the terms of this Chapter, the Foster Township Code Enforcement Officer or the Foster Township Fire Chief shall make an investigation, and if a complaint is found to be true, a summary citation prepared in accordance with the rules of Criminal Procedure shall be issued against the responsible party. All complainants must join in the filing of the summary citation and appear as a witness at a subsequent hearing. **Violations and Penalties.** Any person who violates any provision of this ordinance shall, upon conviction thereof, be subject to a civil proceeding or summary offense and payment of a summary fine or civil penalty. In addition to the fines, the defendant or violator shall be responsible for court costs and reasonable attorney fees. In default of payment in a summary proceeding, a defendant may also be subject to imprisonment for a term not to exceed 30 days. A separate violation shall arise for each day of a violation and each applicable section of the ordinance. In the event that a burning ban is declared under Section 69-6 and 69-8 of this ordinance, the fines for a violation of this ordinance shall increase so that any person who ignites, feeds or maintains an open fire during a burning ban shall, upon conviction thereof, be subject to the payment of a summary fine or civil penalty. In addition to the fines, the defendant or violator shall be responsible for court costs and reasonable attorney fees. In default of payment in a summary proceeding, a defendant may also be subject to imprisonment for a term not to exceed 30 days. A separate violation shall arise for each day of a violation and each applicable section of the ordinance. John made the motion to advertise the proposed ordinance. Wilson seconds the motion. Roll Call was yes by all. **Stop Sign Eastbound on Carbon St @ Fern St.** – John made the motion to advertise the ordinance for a four way stop at the intersection of Fern and Carbon Streets. Wilson seconds the motion. Roll Cal was yes by all.

Resolution 5 of 2022 Appointing Deputy Tax Collector – This resolution makes George Gera the deputy tax collector to help Lee Ann Gera in the collection of twp taxes. Georgiann made the motion to approve. John seconds the motion. Roll Call was yes by all.

Repository Sale - 19 Hillary Drive – The supervisors are aware of a \$12K+ sewer lien on this property and will only approve the sale conditioned upon the payment of such lien. John made the motion to only approve upon payment of lien. Wilson seconds the motion. Roll Call was yes by all.

Repository Sale – Summit Drive – Georgiann made a motion to approve the sale of this vacant piece of land. John seconds the motion. Roll Call was yes by all.

Tannery Road Re-zone – This rezone is at the request of Mr. & Mrs. Lauer from 148 Tannery Rd. The parcel of land is zoned as A-1 and R-1. They are asking that the entire parcel be zoned as A-1. This was sent to Luzerne County and the twp Planning Commission with no comments. There was no public comment at this time. John made the motion to approve the rezone and close the record. Wilson seconds the motion. Roll Call was yes by all.

IPP Ordinance – This ordinance was advertised for public review. Attny Karpowich explains that this ordinance is being brought up to EPA standards and eliminates Foster Twp as the middle agency. This was also a condition of the sale of the sewer system. Mary Peters agrees that it should be adopted. At this time there was no public comment. Wilson made the motion to approve the ordinance. John seconds the motion. Roll Call was yes by all.

Cargo Container Ordinance – This ordinance was advertised for public review. Attny Karpowich read the ordinance in its entirety. *ORDINANCE NO. _____ FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA AN ORDINANCE OF FOSTER TOWNSHIP AMENDING THE FOSTER TOWNSHIP ZONING ORDINANCE OF 2015 TO REGULATE CERTAIN TYPES OF CONTAINERS*

The Foster Township Board of Supervisors do hereby amend the Foster Township Zoning Ordinance of 2015 as follows:

SECTION 203 DEFINITIONS

The following definitions are added or changed:

ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory structures.

CARGO CONTAINER:

Any container (refrigerated or non-refrigerated) that permits the temporary storage and protection of cargo, and which may be transported by ship, rail or truck without intermediate loading and unloading of the contents of the container. The term includes any reusable container originally designed for or used in the packing, shipping, moving, or transporting of freight, articles, goods, products, or commodities, or capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device. This definition includes any container having a similar appearance to and similar characteristics of a cargo container.

CARGO CONTAINER STORAGE YARD:

The principal use of land for the storage of empty cargo containers for resale. This definition does not include the temporary accessory use of cargo containers associated with a permitted warehousing and distribution or trucking facility.

PORTABLE STORAGE CONTAINERS:

Includes portable containers or PODS that are used for temporary storage of personal property of occupants on the lot during times of transition such as remodeling, moving, construction, or emergency storage.

GENERAL REGULATIONS

The following section is added:

SECTION 338 PORTABLE STORAGE CONTAINERS

Upon any lot portable storage containers may only be used during construction, remodeling, moving, or an emergency or disaster which requires the temporary storage of personal property. The use of portable storage containers for permanent storage, storage of vehicles, junk, waste containment, or for use as a dwelling until is prohibited. The use of portable storage containers on a lot may not exceed 90 days during any one calendar year. However, the zoning officer may issue up to a 90-day extension if it can be shown that the nature of the proposed activity is ongoing and reasonable progress requires additional time with a definitive ending date. Portable storage containers may not block any required sight clearances and shall be setback at least 10 feet from all lot lines.

ZONING DISTRICT REGULATIONS

SECTION 502

The following uses are added in the Nonresidential Use Table:

NONRESIDENTIAL USES	B-2	B-3	A-1	C-1	I-1	I-2	S-1	AEO
Cargo Containers	P	P	P	N	P	P	N	N
Cargo Container Storage Yard	N	N	N	N	SE	P	N	N

SUPPLEMENTAL REGULATIONS

801.51 CARGO CONTAINERS AND CARGO CONTAINER STORAGE YARDS

Cargo Containers shall comply with the following regulations:

Cargo containers shall only be permitted as an accessory structure or use in the A-1, B-2, B-3, I-1, and I-2 Zoning Districts.

Cargo containers shall not be stored or placed as a principal or accessory structure or use on property zoned R-1, R-1A, R-2, C-1, S-1, AEO, PRD, or on lot where the principal use is residential. However, the temporary placement of a cargo container shall be permitted for the limited purpose of loading and unloading household contents or goods for a period not exceeding 30 days in any one calendar year. Cargo containers shall be permitted for a period of not more than 180 days in any one calendar year in any zoning district provided the cargo container is being used by a contractor for the temporary storage of equipment or materials during construction which is taking place on the lot where the cargo container is located. Cargo

containers where permitted shall not be: Stacked above one another. Used as a sign for advertising. Used for the storage of hazardous substances. Cargo containers where permitted shall be: Located in a rear yard in the B-2, and B-3 Zoning Districts. Located in a side or rear yard in the A-1, I-1, and I-2 Zoning Districts. Not less than 25 feet from any lot line. Limited to two per lot. Cargo container storage yards shall comply with the following regulations: The stacking of cargo containers more than 20 feet in height is prohibited. The lot shall be enclosed by a fence not less than eight feet in height constructed and intended to screen the use of the property from public view. All driveways, access drives and parking areas shall be paved. All cargo container storage areas shall be located not less than 50 feet from all lot lines. This Ordinance shall be effective immediately following its adoption. There was no public comment at this time. Wilson made the motion to adopt the ordinance. Georgiann seconds the motion. Roll Call was yes by all.

Gabos Reverse Subdivision/Annexation – This is a combination of two lots owned by Thomas Gabos and Gayle Zelenock. The lots are located in Hickory Hills West. Wilson made the motion to approve the lot consolidation waiver. Georgiann seconds the motion. Roll Call was yes by all.

Motion to Advertise Assistant Zoning Officer – Georgiann made a motion to advertise to get Brian some help because he has been overwhelmed. John seconds the motion. Roll Call was yes by all.

Motion to Approve Premium Pay – Georgiann made the motion to approve premium pay for employees, no specifics are available for time of meeting, these will be worked out in the upcoming weeks. John seconds the motion.

Engineers Report & Sewer Report – Attny Karpowich asked Mary Peters to give an update on the Act 537 plan. Mary explained that the plan was submitted and advertised for public review and comment before it is approved by all parties and sent to DEP. She stated that FMA has 3 comments on the proposed update. The update will be on the agenda for supervisors' approval on May 11th. After it is submitted to DEP they have up to 120 days to review.

Solicitors Report – Attny Karpowich has another lot consolidation for Robert Conti on Sandy Valley Rd. He would like to combine the two adjacent lots. Georgiann made the motion to approve the consolidation. John seconds the motion. Roll Call was yes by all. Attny Karpowich stated that he has been contacted by Scott Malloy about subdividing a lot that he is interested in purchasing to remove it from the lot with the house on it. Attny Karpowich stated that all the properties in the area are non conforming therefore he doesn't think the board should make him do a variance, just the subdivision. The board agrees. Attny Karpowich explained that he is looking at revisions for the Landlord Tenant ordinance, which needs to be revamped to include annual permits, inspections and fees. He will be working with Brian and have something ready for review at the next meeting.

PUBLIC COMMENTS

Wilson announced that there will be a 2-minute time limit to give everyone a chance to speak. He also asked that everyone who wishes to speak state their name.

Bill Wilkus would like to thank the police chief for all his work. He asked the board if they can address the diagonal speed bumps that HHOPA put in place, because they blocked the sides of the bumps with cinder blocks so vehicles cannot go around. He believes this is unsafe for emergency vehicles.

Alice Lachewitz asked if Hickory Hills will be included in the above ordinances. She also asked if they get Hickory Hills nullified by the court, where would Foster be at consider taking over the development? Attny Karpowich explained that the ordinances are for the entire township and the twp is not in a good place to consider taking over the community and would not be required to because bylaws would still be in place.

Anthony Stanziola suggested that the WHPD need body cams, dash cams and gps tracking so they cannot lie in court. He feels as though the twp should not pay for commute time. He also believes that the WHPD are targeting only white people because the paperwork they fill out asks for race, and there is no reason for the question to be asked. Attny Karpowich explained that the state has standard forms that is not up to WHPD. Mr. Stanziola feels like they are here to only

serve themselves and not the twp. Wilson explained that the police chief will be at the next meeting and he can express his displeasure with them at that time.

Merri Damico stated that there is an issue with commercial garbage receptacles in residential areas and she is submitting complaint forms to Brian about it. They are making the roads narrow and limiting room for emergency vehicles. She stated that she is aware of a superfund site on Michaels Road from 1991. Attny Karpowich stated that she would need to contact the EPA for more information about that as that is above the twp. She asked if the burning ordinance update includes unattended fires. Attny Karpowich stated yes it does. Merri explained that there are properties being rented that were never rentals before and they should be stopped. She stated that they are being advertised for proms and graduations for 24-30 people and there isn't even enough parking for that many people. Wilson stated that this is why the Landlord Tenant ordinance is going to be revised.

Ed Rossi would like to know about agenda item #12; who will this be given to and how much. Wilson and Georgiann stated that this will be determined after thorough review of the guidelines. Paul Parosky spoke about a tractor trailer that has been parking in Hazlebrook which is an R-1. He was told to file a complaint with Brian. He stated that he already filed a complaint with the police and they told him not to worry about filing a complaint with Brian. The board disagrees, he needs to still fill out a complaint form with Brian so it is on file.

Mark Lachewitz asked about the tractor trailers in an R-1 and if that would also include heavy equipment. Attny Karpowich stated that a complaint form would need to be filled out.

Merri Damico asked if a permit is needed for cleaning out a house and if there is garbage piled on the sides is that allowed. Attny Karpowich stated that no permit is needed and the garbage on the sides would fall under the IPMC.

A resident from Hickory Hills asked if there has been any progress with delinquent sewer bills and if there is any type of senior discount? Wilson stated that he thinks that would be a question for the sewer board to address. She asked if the residents are aware of the help they can receive for their bills. Georgiann stated that it is on our website and there were printouts last month about it. She stated that the twp has received some payments from this program.

Anthony Stanziola asked if the board thinks that the sewer bills are out of proportion with the water bills. Especially with a family of one compared to a family of 4-6. Wilson stated that unfortunately transmission rates do not change no matter the household size.

ADJOURNMENT

Motion to Adjourn

Motion to Continue

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

Respectfully Submitted,

Brittany Majewski

Brittany Majewski
Municipal Secretary