

**COVINGTON TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
TUESDAY, SEPTEMBER 1, 2020 7:00 PM**

The Covington Township Board of Supervisors held their Regular Meeting on Tuesday, September 1, 2020 at 7:00 p.m., at the Covington Township Pavilion Building, Moffat Estate, 20 Moffat Drive, Covington Township, PA.

There were present: Thomas M. Yerke, Chairman; John Brostoski, Vice-Chairman; Joseph Setta, Supervisor; Melissa Kearney, Supervisor; Douglas A. Hein, Secretary / Treasurer; Joel M. Wolff, Esquire; David Lamm, Building Inspector; Ronald Donati, Zoning Officer and Mary Lou Butler, Engineer. Supervisor William Fells was absent.

- 1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE:** Chairman Yerke opened the meeting with the Pledge of Allegiance at 7:00 pm*
- 2. **AGENDA:** Supervisor Kearney asked why the Administrative Action items from the August 25, 2020 Work Session were not on this agenda, as she thought that they were to be moved forward. Mr. Hein said he was not told to move them forward. Ms. Kearney stated she would like to have the item of Township Secretary/Treasurer doing bank reconciliations added to the agenda. **ON MOTION** duly made (Brostoski), seconded (Setta) and carried 4-0 the agenda was accepted with this addition.*
- 3. **ANNOUNCEMENT:** Mr. Yerke stated that Executive Sessions were held Tuesday August 25, 2020 for legal issues and Tuesday September 1, 2020 for personnel.*
- 4. **PUBLIC COMMENT:** Roz Davis stated that the Township Recycling Center was closed, and she went to Lackawanna County Recycling Center and dropped off her recyclables. She asked if notice could be put in the newsletter that the County Center is open. Chairman Yerke said the Township's probably will be back open after the cleanup on September 18 and 19. A resident asked if the cleanup was on schedule and Mr. Yerke said it was.*
- 5. **MINUTES:** Supervisor Kearney noted that the minutes from the August regular meeting and work session were in her opinion too brief. She stated she would like them to be more inclusive. She stated that Mr. Yerke also ordered 15 MPH signs (work session), Mr. Yerke said he wanted to work with the Police Department (regular meeting). She stated the administrative action to include the EMTs for the Fire Department on the Township's workers compensation insurance was made by Mr. Brostoski and seconded by Mr. Fells not Mr. Setta and Mr. Brostoski; also, the amount of \$4,697 for the Fire Department increase in workers compensation insurance was omitted. **ON MOTION** duly made (Brostoski), seconded (Kearney), and carried 4-0 to accept the minutes of the August 4, 2020 Regular Meeting and the August 25, 2020 Work Session as amended.*
- 6. **BILLS:** Mr. Hein discussed the new unpaid bills report he included in the packet and explained what it showed. Mr. Yerke noted it was more comprehensive. Mr. Hein said he had one additional fuel invoice for \$43 that had to be included as he received the statement just before the work session and reconciled it. Mr. Yerke asked if the Board was to pay the bills; Mr. Hein said yes and explained what was on the unpaid bills list. Supervisor Kearney stated she had a lot to review as she had looked at the bills earlier in the day and was not happy and expected the majority of taxpayers would be unhappy as well. She wanted to know where the authorization was for spending over \$1,000 on equipment with Verizon, \$440 on a safe and another \$130 at Staples for phone cases and shields. Mr. Hein said the Verizon bill included the new iPad approved for the Zoning office and the cases were to protect the new phones as the old cases would not fit the new phones. Ms. Kearney remembered an Executive Session discussion for the phones and iPad but not authorization to buy; also, there is a charge for \$250 on the phone number Kate is using. Mr. Hein said that is where the phone cases were lumped into and stated the safe that was purchased was the drop safe for the Tax Collector which was an approved*

purchase. Ms. Kearney stated there were no numbers discussed and there should be checks and balances as to what is spent without proper authority from the Board of Supervisors. She stated she was outraged and everyone who pays taxes in Covington Township should be floored that we are spending \$1,400 on the Verizon bill this month; Mr. Hein said it was a one-time thing. Ms. Kearney went on to say we bought five rolls of stamps and 1,000 envelopes which she assumed were for the taxes. Mr. Hein said they were to mail out the checks and paychecks. Ms. Kearney said she thinks we are giving things away and need to roll the checkbook back. Mr. Hein said the stamps and envelopes are used every day and suggested renting a mail machine which would have a cost to it but a lower cost on stamps. Supervisor Setta said Mr. Hein was told to purchase a safe; Ms. Kearney said they did tell him but didn't think it would be \$400. Mr. Setta said there wasn't an amount given to Mr. Hein. Ms. Kearney agreed and said that he should have told the Board. She said Mr. Hein wasn't told "Here's the Staples credit card, go shop." She complained that it's "Here's the Township credit card, here's the Township bankbook, go spend." and that nobody's looking and it's just put in the bills except her because she's the only one who questions. Mr. Hein stated he spoke with Mr. Yerke about the safe, that it was one of the cheapest he could find; he found a cheaper one from an out of state company but it became not available and they showed him a more expensive one. Mr. Hein said the one purchased was from out of state, but it was Home Depot and it was delivered the next day after he ordered it. Ms. Kearney stated we are paying for the Tax Collector safe, phone, everything and she is appalled. Mr. Yerke said the purchases were approved by the majority of the Board and she can be appalled, but they were approved by the majority of the Board. Ms. Kearney said she voted no and that majority rules and we will do it for the next year. She did not remember saying to pay \$850 for the iPad, \$250 for the cases, as well as a chair; also, there was a malicious file invoice. Mr. Hein said he was not aware of that invoice until it came in; it was from the Zoning Secretary. Ms. Kearney said Zoning should have said, can I? Supervisor Kearney then asked what authority the Board has because she as the minority apparently has none and the Board does not seem to have a lot. Mr. Yerke commented that there was a discretionary fund of \$1,000 to be spent before Ms. Kearney came on the Board. He said it was within her right to adjust or change it. Ms. Kearney stated she would like copies of the minutes where it said that and where it said bills could be paid between meetings. Mr. Yerke said she could and that it will be in the minutes; Doug can find it. Mr. Yerke said certain bills come in and if not paid on time have finance charges on them. The Secretary was given authority years ago to pay bills outside a regular meeting to avoid finance charges and list them on the bills list. Mr. Hein stated that is why he is breaking out the unpaid bills on a separate list to show vs. the Treasurer's report what was already paid and what needs to be paid. Mr. Hein also said to Ms. Kearney "The only thing I am paying, please do not accuse me of spending money that I am not allowed to because I will never, ever spend money that is not allowed or authorized by the Board of Supervisors. I am spending what I was told to purchase. So do not question my integrity or my authority that I was given to pay these bills." Ms. Kearney said she has a lot of questions and would like to see the minutes where the bills can be paid and the fund we have and she would like it to be known that when a Board changes the members need to be brought up to speed on all policies in place. Mr. Yerke said that if she had not come in with a search out and destroy mentality, she would have found these answers. Instead, he said she's sitting doing her due diligence, recording everyone's voices and then going home spending a lot of time on it which is commendable. But there were things put in place by prior Boards that a lot of people do not remember. She said she would like to review all the minute books, ordinances and resolutions. Ms. Kearney she would be down in the next week or two and Mr. Hein said he would be happy to provide her with whatever she would like to see. ON MOTION duly made (Setta), seconded (Brostoski), and carried 3-1 with Supervisor Kearney against to pay the bills as submitted.

- 7. TREASURER'S REPORT:** *Supervisor Yerke asked Mr. Hein to review the Treasurer's report, which he did in detail. Mr. Hein also reviewed a new General Fund budget to actual report as of*

August 31st. *ON MOTION* duly made (Brostoski), seconded (Setta), and carried 3-1 with Supervisor Kearney against to accept the Treasurer's Report as submitted. Mr. Hein also reviewed a letter received from PennDOT for the 2021 Liquid Fuels allocation which is estimated to be \$115,283.03. Mr. Yerke said it is lower than this year; Mr. Hein stated we received more in 2020 than was stated. *ON MOTION* duly made (Setta), seconded (Kearney), and carried 5-0 to accept the Liquid Fuels allocation.

8. **PLANNING COMMISSION:** Mr. Yerke reviewed the report from the August 5, 2020 PC work session and the August 19, 2020 PC meeting. Atty. Wolff asked Chairman Yerke the status of O&S because he received a call from Atty. Boyd Hughes; Mary Lou Butler stated she reviewed it and it was reviewed at the last PC meeting. There were 8 or 9 outstanding items from outside agencies and hopefully they would have everything fixed for tomorrow night's PC work session. A minor subdivision plan for William Fells was brought forward for Board approval. *ON MOTION* duly made (Kearney), seconded (Brostoski), and carried 4-0 to approve the minor subdivision plan for William Fells. *ON MOTION* duly made (Kearney), seconded (Brostoski), and carried 4-0 to accept the Planning Commission reports as presented.
9. **BUILDING INSPECTOR:** David Lamm reviewed permits issued for August. He said Ed St. Hart reviewed the plans for the pavilion HVAC project with no issues. He will need an additional copy if the project moves forward. *ON MOTION* duly made (Brostoski), seconded (Kearney), and carried 4-0 to accept the Building Inspector's report as submitted.
10. **ZONING CODE ENFORCEMENT OFFICER:** Ronald Donati reviewed issues handled with residents by his office during the month as well as permits issued for August. Mr. Donati asked Supervisor Kearney what issue she was referring to earlier; Ms. Kearney said she was mistaken and that it was a sewer issue. Atty. Wolff questioned the two permits for the cell tower on Mackenzie Road and the permit in process for the tower on Dorantown Road. Mr. Yerke questioned why there were two permits for the same tower. Mr. Donati said one was a renewal and one was for upgrade of RRUs and mounts. *ON MOTION* duly made (Setta), seconded (Brostoski), and carried 4-0 to accept the Zoning Code report as submitted.

Mr. Hein asked Chairman Yerke to go back to the Treasurer's report to go over a letter received late in the day from the Tax Collector to refund \$159.40 in Covington Township property taxes for a disabled veteran. Mr. Hein reviewed the documentation received; Mr. Yerke asked if they were entitled to a refund of all property taxes. Mr. Hein said the County and School District had refunded their taxes already. *ON MOTION* duly made (Kearney), seconded (Brostoski), and carried 4-0 to refund the property taxes in the amount of \$159.40 to Mr. and Mrs. Carlin. Mr. Yerke asked who would refund it; Mr. Hein said we would because Kate already remitted it to the Township.

11. **ENGINEER:** Mary Lou Butler stated she prepared an LSA grant application in the amount of \$399,455 for the pavilion HVAC and outdoor lighting project and read Resolution 2020-08 for approval. *ON MOTION* duly made (Setta), seconded (Brostoski), and carried 4-0 to approve Resolution 2020-08. *ON MOTION* duly made (Setta), seconded (Brostoski), and carried 4-0 to accept the Engineer's report. Mr. Hein stated there was an e-mail from A&E Engineering and what they would need to move forward. Ms. Butler said to wait to contact them until we received notice of award of the grant.
12. **DIRECTOR OF PUBLIC WORKS:** Chairman Yerke said that by the bills list, some of the equipment needed a lot of work and they were getting the trucks ready for snow-plow season. A 36" pipe was put in Lehigh Road by Red Fox Gate. 25 MPH signs were starting to be put up; 15 MPH signs are starting to be put up in the developments. He told Chief Klocko he would need help revising the ordinance on speeding. Supervisor Brostoski asked if we were ready for the cleanup; Mr. Yerke said yes that CCI dropped off the Dumpsters. Mr. Yerke stated he will be retiring as of the end of December as DPW Director and said interviews would need to be held.

He went over the accomplishments made during his tenure and stated it was a pleasure working here. ON MOTION duly made (Brostoski), seconded (Kearney), and carried 4-0 to accept the Director of Public Works report.

- 13. POLICE DEPT:** Chief Klocko reviewed the monthly report. Chief Klocko requested the 2014 Dodge Charger unmarked car be lettered by Steve's Signs at a cost of \$375. ON MOTION duly made (Brostoski), seconded (Kearney), and carried 4-0 to have the car lettered by Steve's Signs. Chief Klocko said he spoke to Superintendent McGraw regarding the new SRO contract and received a letter approving the increase. He said the NPSD Board would approve it at their next meeting. Supervisor Kearney told Chief Klocko she liked the breakdown on the bottom of his report. Chief Klocko addressed concerns from the work session; Mr. Brostoski asked for timing and speed enforcement on Rt. 307. Chief Klocko stated there are lines on 307 at Steve's Cycle, and at Foleywood. Mr. Yerke said stop sign enforcement was needed at Eagle Lake. Chief Klocko said they sit there but are visible to vehicles. Also, Mr. Yerke asked about parking in the fire lane and handicapped spots at Bill's Market. Chief Klocko said they move people on and fine when they can. Mr. Yerke asked about a noise complaint from last Saturday next to the Police station. Chief Klocko said the State Police handled it and his office issued a violation. ON MOTION duly made (Brostoski), seconded (Kearney), and carried 4-0 to accept the Police report as submitted.
- 14. RECREATION COMMITTEE:** Mr. Yerke noted that no meeting was held.
- 15. SEWAGE ENFORCEMENT OFFICER:** Chairman Yerke read the report as submitted. ON MOTION duly made (Kearney), seconded (Setta), and carried 4-0 to accept the Sewage Enforcement Officer's report.
- 16. SOLICITOR:** Atty. Wolff checked with NPSD attorney Joe O'Brien regarding the Lackawanna County Land Bank. He received an e-mail that they probably will do it, but nothing was definite. He received an e-mail this afternoon from Kelly Davies stating her lease was up and asked the Board how to proceed. Chairman Yerke said because of the pandemic that we should renew her lease as is for one year at \$750/month. ON MOTION duly made (Brostoski), seconded (Kearney), and carried 4-0 to accept the Solicitor's report.
- 17. ADMINISTRATIVE ACTIONS:**
Chairman Yerke read a letter of resignation from Supervisor Fells due to health reasons effective immediately and recommending the appointment of Marshall Pierce as his replacement. ON MOTION duly made with sadness (Brostoski), seconded (Kearney), and carried 4-0 to accept Supervisor Fells' resignation. Supervisor Brostoski commended Supervisor Fells on his service to the Township and on the good fortune the Township has that Mr. Pierce has come forward to serve on the Board. ON MOTION duly made (Brostoski), seconded (Setta), and carried 4-0 to appoint Marshall Pierce to serve out the remainder of William Fells' term.

 - a) *Extend Emergency Declaration and potential opening of Township office:* Supervisor Yerke asked Supervisor Brostoski to address this. Mr. Brostoski said the plan was put together in March and that we have been following the Governor's phases and CDC's guidelines. The Senior Center is closed and will not be opened yet. We mandated masks and enclosed Melinda's desk with Plexiglass. This will stay in place, but he is not sure we need to extend the declaration. He said we can get money for doing this. Supervisor Kearney said she has no problem opening but would like to extend the Declaration for funding purposes. She wanted the opinions of Mr. Donati and Ms. Musso about coming back full time into the office. Mr. Brostoski said the Board needed more information and people coming to the door should have Ms. Musso available. Supervisor Setta agreed with both Mr. Brostoski and Ms. Kearney and stated masks and social distancing will continue. He believes the office should reopen but wanted Melinda and Ron's opinions. Mr. Hein said if a lot of people come in, they would be asked to wait outside. Ms. Musso said some people do not wear their masks when she is in the office and she expects them to be worn if she comes back. Ms. Musso said she has no problem coming back but wants masks worn at all times; she questioned how often

cleaning was done. Mr. Hein said he does spot cleaning and the cleaning lady comes in once a week and fully cleans the office. Mr. Brostoski said we will buy whatever cleaning supplies Ms. Musso needs. Mr. Hein said he wears his mask if someone is in his office or if he walks through the building but not if he is alone in his office even if someone else is in the building. Melinda asked about air purifiers and Mr. Hein was directed to look into it. Resident Roz Davis said it is OK for masks not to be worn in the office if the office door is closed and that PA Dept. of Health said to work remotely if possible. Ms. Musso asked what information was not given but received no answer. Mr. August Barheit stated that older people should get the quad flu shot. Ms. Kearney said she had not had any problems getting any information. Mr. Brostoski said Ms. Musso goes into Police Department on Thursdays and asked Ron when he needed her; he said Monday, Wednesday and Friday. Mr. Donati said he talks to her on the phone and can go to her house when needed. Mr. Brostoski said she could come in Monday and Friday and work from home the other days. Ms. Musso said that would be OK, but she does not have a computer to take back and forth. It was determined that the office will remain closed and the Zoning Secretary (Ms. Musso) will continue to work as she is, coming in to meet with the Zoning Officer when needed. Mr. Yerke asked if we would jeopardize funding if we do not extend the declaration. He suggested we should. Mr. Brostoski asked what COVID-19 related expenses we had. Mr. Yerke said DPW off for two months; Ms. Kearney said attorney fees; Mr. Yerke said lost rental fees; Atty. Wolff said the Plexiglass. **ON MOTION** duly made (Brostoski), seconded (Kearney), and carried 4-0 to extend the Emergency Declaration through October 6, 2020.

Atty. Wolff stated that Mr. Pierce must vacate the Planning Commission. Mr. Yerke said he also had to be sworn in and the Board would have to solicit a replacement for him on the PC. Mr. Pierce said he would resign the PC tomorrow night and set up getting sworn in as Supervisor.

- b) William Fells Minor Subdivision approval: This was approved under the Planning Commission report.
- c) Lackawanna County Tax Claim Bureau Repository Sales: Nine sales were reviewed. **ON MOTION** duly made (Kearney), seconded (Brostoski), and carried 4-0 to approve the repository sales.
- d) Approve 2021 MMO's: Mr. Hein reviewed the Non-Uniform \$63,558 and Police \$264 MMO amounts as Township pension funding to be put into the 2021 budget. **ON MOTION** duly made (Brostoski), seconded (Setta), and carried 4-0 to approve the 2021 MMO's. Ms. Kearney asked where the credit came from for the Police MMO; Mr. Yerke said State investments. Mr. Hein said it was determined by PMRS.
- e) NP COG fuel purchase request: Chairman Yerke read the letter from NP COG and said they do a good job with getting prices but there is a clause that the prices will rise. ABC Oil that we have used for a long time only charges \$.25 over cost and recommended staying with them. Ms. Kearney agreed. The Board did not want to participate.

Roz Davis asked if the Board did the William Fells minor subdivision. Mr. Setta and Mr. Yerke said yes, it was done under the Planning Commission section.

- f) Lackawanna County Land Bank: Atty. Wolff said he received a voicemail from NPSD solicitor Joe O'Brien that they were probably going to participate but nothing was finalized. Tabled until October 6, 2020 meeting so that Atty. Wolff can get confirmation from NPSD that they are going to participate.

18. NEW BUSINESS: None

19. OLD BUSINESS: Supervisor Kearney asked about recycling; Chairman Yerke said he has to get approval to dump what we have. Supervisor Brostoski asked Roz Davis if she had heard from the roofer she uses because he had not; Roz said she would call him. Mr. Hein said that someone came and looked at the roofs last week; Mr. Yerke said it was the roofer George Parker referred and he is working up an estimate.

20. CORRESPONDENCE: None

21. SUPERVISORS COMMENTS: Supervisor Kearney questioned the Township Treasurer / Secretary doing the bank reconciliations. She was told in the work session that the external auditors were OK with it. She had two suggestions, the first being the Township's elected auditors doing them. Mr. Yerke asked what was involved in doing the reconciliations. Mr. Hein explained the process and stated he just needs it done on a timely basis to move forward with the records. Supervisor Brostoski said he does it and that it takes a while and said Mr. Hein has the time to do it. Ms. Kearney said she wasn't being accusatory but said if the elected auditors wanted to do it they should, otherwise she would do it because it is an extra set of eyes. Mr. Hein agreed and has no problem with it. Mr. Yerke asked if the auditors would be paid. Ms. Kearney said they would. Mr. Hein questioned if they could do it under the Second Class Township Code that they only set the Supervisors salaries. Ms. Kearney said she would do it. Mr. Hein said he didn't mind someone else doing it he just needs it done on a timely basis or if he could do them and have someone else review them. Roz Davis asked who the external auditors are; Mr. Hein said George Marcinek, CPA. She asked why he said it was OK. Mr. Hein said he asked his opinion because we are a small shop with Mr. Hein doing all the finance work and was concerned about separation of duties. Mr. Marcinek said it was as long as the Board reviewed them and was OK with it. The CPA reviews them at the end of the year during the audit. Mr. Brostoski said this is how it was done where Mr. Hein worked in other townships. Vicki Williams, Township Auditor, asked if Mr. Hein would send her the reconciliations monthly to review and OK. Mr. Hein said if the Board approved, he would. Mr. Brostoski said under the Second Class Township Code he didn't think they could, but she could look at them as any other citizen after they were done. Ms. Kearney said since Tom announced he was retiring at the end of the year, she wanted Doug to begin working on an ad for the October meeting and Mr. Yerke to start working on a job description so that the Board could start advertising and begin the hiring process. Mr. Yerke said he would work with the Secretary to get it done. Mr. Yerke said he understood pictures were taken of his property without his permission and it is an invasion of privacy. He hoped the none of the pictures made it to the Internet because if they do, he would seek legal remedy. He said the pictures should be destroyed because it is his property, and no one had permission to take them.

22. PUBLIC COMMENT: Open public comment: Roz Davis asked if the Tom Yerke storage agreement approved or signed? Mr. Yerke said it was still in effect. Mr. Barheit asked what it was; Mr. Yerke said the Township has the right to rent his property, 5,000 square feet, for \$25 a month to put roll off containers and any other surplus equipment. It was enacted in October 2009. Roz Davis asked if the written agreement was ever signed. Mr. Yerke said he has had Township equipment on his property since the '90s. Mr. Yerke said it was made legal, no one else wanted to do it. He was asked to remove the containers, which he did; he has one left. Roz asked if it was containers or equipment. Mr. Yerke said it was containers and equipment. Ms. Davis asked if he was ever able to use the Township equipment for his own personal use. He said he has his own equipment. Roz asked if the agreement is supposed to be done yearly; Mr. Yerke said yes. Mr. Yerke said it was never signed, it was assumed. He said he has pictures of work he did for the Township on Township equipment as a courtesy to the Township. Roz asked why he was never paid. Mr. Yerke said because the Township never did. He believes he is owed \$3,300 (\$25/month since October 2009). Roz said the Township dropped the ball by never renewing the agreement and looking for other property to store the equipment possibly for free. Mr. Yerke said

the containers are at the Fire Department and the Dumpsters are full of garbage. Scrap metal is no longer collected which brought a lot of money. Upon his retirement, Mr. Yerke said all equipment will be off his property. Roz asked what the Township is going to do; Mr. Yerke said he is going to submit a bill at his retirement, and it is up to the Township to pay it or not. He would not have asked for anything but for the hassle he has gone through and the possibility of hiring an attorney. Ms. Davis asked if it would be a personal attorney or the Township attorney; Mr. Yerke said a personal attorney. Supervisor Kearney asked if all equipment was off his property; Mr. Yerke said no, she had an inventory list of what was still there. Roz Davis asked about the service request for Mr. Colwell. Tom said he will talk to him; the person who bought the property is going to clean it up. Dave Lamm asked if a permit was needed for the cleanup; Mr. Yerke said not this time. Mr. Setta said it was going by license. Mr. Lamm said the Township should look into purchasing two air purifiers for the Mansion to use during the day and for meetings. Mr. Brostoski said to authorize Mr. Hein to look into the cost of the purifiers. Roz Davis said the school district purchased ionizers. Mr. Brostoski said Mr. Hein would research both. Mr. Barheit questioned the process for paying normal operating expenses. Mr. Brostoski said the Verizon bill had something more significant this time. Ms. Williams asked if the Township had the government plan for the Verizon bill and was getting all the discounts. Mr. Hein said we are on the government plan. A resident asked how the cleanup was going to work; Mr. Setta said by the driver's license for proof of residency.

23. ADJOURNMENT: *ON MOTION* duly made (Brostoski), seconded (Yerke), and carried 4-0 to adjourn the meeting at 8:55 pm.

*Respectfully submitted,
Douglas A. Hein, Secretary*

APPROVED: