

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

The Covington Township Board of Supervisors held its Regular Board Meeting on Tuesday, December 1, 2020 at 7:00 p.m., via Zoom.

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

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE:** Vice-Chairman Brostoski called the meeting to order with the Pledge of Allegiance at 7:12 pm.
2. **AGENDA:** ON MOTION duly made (Kearney), seconded (Setta), and carried 4-0 to accept the agenda as presented.
3. **ANNOUNCEMENT:** Vice-Chairman Brostoski announced an Executive Session was held on Tuesday December 1, 2020 at 6 pm for personnel and legal issues.
4. **PUBLIC COMMENT:** Bill Willson stated he sent a letter to the Board today saying there was an inaccurate statement in last month's minutes and wanted it corrected if possible. He asked about cameras purchased at the beginning of the year and also questioned the proposed camera system and where the hard drive would be located. Mr. Brostoski said his comments on the cameras were noted. He said the Board would review Bill's letter regarding the minutes and get back to him.
5. **MINUTES:** ON MOTION duly made (Setta), seconded (Peirce), and carried 3-1 (with Supervisor Kearney against approving the November 3, 2020 Regular Meeting minutes), to approve the minutes of November 3, 2020 Regular Meeting; November 10, 2020 Budget Meeting; and November 24, 2020 Work Session. Mr. Brostoski asked Ms. Kearney if she had an issue; Ms. Kearney did not like the issue of the weapon being in the minutes and has said in the past it seems we pick and choose what is to be in the minutes and the weapons issue was put in verbatim. She also stated Bill Willson's comment about property being removed from Mr. Yerke's property by Township employees and John saying the Board had approved it, but she did not because she was not involved in the conversation and it may have been done before she came on the Board. Mr. Brostoski said the issue with the weapon was considered by many Board members to be very important and should be in there. Ms. Kearney said it was verbatim and other items have been missed. Supervisor Setta said it was a very serious issue, police will be at all future meetings; it was a threat made to all and because of what happened at Ross Township it will stay in the minutes. He said Mr. Wolff and Mr. Brostoski would not have addressed it if it were not said. Ms. Kearney said she expects the minutes to be written better going forward.
6. **BILLS:** Supervisor Kearney asked to see the bills for John Bonham Road Equipment and the receipt from Lopatofsky's Auction. Mr. Hein provided them to her. ON MOTION to pay only the bills listed on the report, duly made (Kearney), seconded (Peirce), and carried 4-0 to approve the bills as submitted.
7. **TREASURER'S REPORT:** ON MOTION duly made (Peirce), seconded (Setta), and carried 4-0 to approve the Treasurer's Report as submitted.
8. **WEB SITE PROVIDER PRESENTATIONS** Mr. Hein introduced each presenter.
 - a. Computer Visionaries – Tony D'Eliseo and Kevin Adams gave a presentation and answered questions from the Board and public. Their proposed cost is \$7,735 to update the current website, \$240 annual web hosting fee including 10 e-mails and \$90 per hour update and support fees.
 - b. CivicPlus – Sal Urbano gave a presentation and answered questions from the Board and public. His proposed cost is \$7,000 to redesign the existing website, with \$2,000 annual hosting and support fees. This will be broken down over four years at \$3,750 per year, with a free redesign at the end of year four for a total cost of \$15,000.

Supervisor Kearney asked how long the proposals were good for so the Board can discuss it with Doug & Melinda, if we can get back to them in January. Mr. D'Eliseo said until the end of January was fine, and Mr. Urbano said as long as the Township needed to decide.

9. BLUE RIDGE CABLE PRESENTATION

- a. *Franchise agreement for approval – Solicitor Wolff briefly discussed the franchise agreement. He stated he needed clarification on the insurance certificate from Joe Lora of Blue Ridge Cable, but the agreement was ready for the Board to approve. ON MOTION duly made (Kearney), seconded (Setta), and carried 4-0 to approve the Franchise Agreement with Blue Ridge Cable.*

10. PLANNING COMMISSION: *Supervisor Brostoski reviewed the report as submitted. Mary Lou Butler commented on JAC Realty/Kost Tire Land Development. Mr. Brostoski said they were finishing the PC report and would review JAC during her report. ON MOTION duly made (Kearney), seconded (Setta), and carried 4-0 to approve the Planning Commission report.*

11. BUILDING INSPECTOR: *Dave Lamm reviewed his report for November 2020. ON MOTION duly made (Setta), seconded (Kearney), and carried 4-0 to approve the Building Inspector's report as submitted.*

12. ZONING CODE ENFORCEMENT OFFICER: *Ron Donati & Supervisor Brostoski reviewed the report for November 2020. Supervisor Kearney asked Mr. Donati how he was making out with the problem properties addressed at last month's meeting. He said he has continued contact with them and they are cleaning up; some are asking for extensions due to lack of money to pay for removal of items from their properties and difficulties in obtaining titles to vehicles. Ms. Kearney said a letter was received from Scott VanFleet last week which was given to Ron and the Board. Mr. Donati said he addressed it and the new vehicles questioned are licensed and insured. Mr. Brostoski asked about the property on Rt. 435; Mr. Donati said the alleged oil was actually millings dumped in the driveway and the equipment is being dismantled. Mr. Donati said the people are complying, just not within the timeframe given. He said he wants to know how far the Board wants him to pursue it. Ms. Kearney stated our laws need to be enforced harder; Mr. Donati said the next step is to go to the Magistrate. He would proceed with penalties and fines if the Board wants. Ms. Kearney said it was not the Board's job but his to enforce. Mr. Brostoski asked if the individuals were given a final warning. Mr. Donati said they were given the letter as directed. Some were going to attend meeting to discuss their financial hardship, but none attended. Ms. Kearney asked if any of them were on the meeting to plead their case. There were none. She believes it is getting out of control going month to month and Mr. Donati should take the next step. Mr. Donati asked if the other Supervisors agreed; Mr. Brostoski said no one came in so he should take them to the Magistrate. Supervisor Setta agreed it has been going on too long despite hardships. Supervisor Peirce did not think levying fines on people would make them comply. Supervisor Brostoski said neighbors and others are suffering because of lack of action. He believes the violators should plead their case in front of a Magistrate. Roz Davis asked who the three individuals were; she knew Mr. Donati stated last month Mr. Sheridan and Mr. DeMarco were given letters and wanted to know who the third was. Mr. Donati said it was Mr. Yerke. Supervisor Kearney said the violators can send letters in if they can't make the meetings. Mr. Brostoski told Mr. Donati to take it on an individual case basis. Ms. Kearney asked if Mr. Donati replied to Mr. VanFleet; he did not but said he would. Mr. Donati questioned how people would pay the fines if they cannot afford the cost of cleaning up their properties. He said there is a house that he discussed with some of the Supervisors that can be condemned and torn down by the Township, but it would take a long time to get back any money spent. He is setting up a meeting with the owner and Dave Lamm to see if it can be repaired. Supervisor Kearney said there are rules set but not being enforced. She does not want to go to the Magistrate but wants to have neighbors given relief. She said the rules need to be enforced or changed if not fair. Mr. Brostoski said hopefully there will be progress made by the end of the month; Mr. Donati said he will monitor and has spoken to the individuals numerous times. ON MOTION duly made (Setta), seconded (Peirce), and carried 4-0 to approve the Zoning Officer's report as submitted.*

13. ENGINEER: *Mary Lou Butler reviewed the following:*

- a. *JCO Land Development Plans – BOS gave contingent approval two meetings ago. She has received all items. She will let them know they can bring plans to Township; she will review them and they should be ready in a week or two for BOS signatures.*
- b. *Kost Tire Land Development Plans – four items still outstanding but in process; BOS needs to approve with contingencies or ask for extension tonight because deadline is December 15, 2020. Supervisor Peirce asked if the Lackawanna County Conservation District rejected the plans; Mary Lou said no, they had comments that need to be addressed. They are working on the revisions. Mr. Peirce believes the Township needs to ask for an extension because they aren't compliant. Mr. Brostoski asked Ms. Butler how many contingencies there are; she said four including the developer's agreement. Solicitor Wolff said he has a draft of the agreement and has spoken to Mr. Kost about it. He agreed with the deadline and said conditional approval should be given because no one will sign the plans before and until all conditions are met. Mr. Wolff said if nothing is done and December 15 passes, deemed approval will be*

- given. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 4-0 to give conditional approval to Kost Tire Land Development Plans.
- c. Covington Lakes Estates Phase 8 approval – PC approved and there are four contingencies on it. George Parker said the plan would be recommended to BOS by PC with conditions. Mr. Parker said all comments are addressed except for receiving a letter back from the Lackawanna County Planning Commission. Sewer testing has been done and he is waiting for the reports from the SEO. Mr. Brostoski asked Solicitor Wolff his thoughts; he asked for Mr. Parker to go over them one more time, which he did. Mr. Wolff asked for Ms. Butler's thoughts; she recommended approval with the two contingencies. *ON MOTION* duly made (Peirce), seconded (Setta), and carried 4-0 to give conditional approval to Covington Lakes Estates Phase 8 Land Development.
 - d. Union Mill Road Stormwater – Ms. Butler stated she looked at the site and gave a memo to the Board on work that needs to be done; she reviewed it and said she can put a proposal together and get quotes from contractors. If it is over bidding limits, she can prepare a bid package for solicitations. Supervisor Brostoski asked if the Township would be paying for the repairs; she said yes, and he asked how we would get our money back. Ms. Butler said the Solicitor would speak to that but there are agreements with the developer. She has seen in the past that if the developer does not fix a problem, the Township does and then goes back to the developer. Solicitor Wolff said there is a letter from the developer stating there is a problem, and he would take care of it. Mr. Wolff said Ms. Butler has to get together the cost then he will get involved by sending a letter stating how the Township is proceeding. Supervisor Kearney asked if Mary Lou can meet with new DPW Director Ken to see if he thinks the DPW can do it. Ms. Butler said her understanding is there is not the manpower to do it, but she would ask again. If the Board approves moving forward, she will put a final plan together and meet with DPW to see what they can do along with reaching out to contractors. Supervisor Brostoski told Ms. Butler to continue what she is doing.
 - e. Naro Trucking Land Development – Naro Trucking asked for release of their escrow. Ms. Butler looked at the site and prepared a letter; she spoke with the Solicitor and said a letter from the design engineer letter was needed which was received today. Mr. Brostoski asked Mr. Wolff if we have everything; he said we did and based on his review and Ms. Butler's recommendation, the escrow can be released. Supervisor Kearney said it is on the bills list to be paid to San Cataldo. Mr. Wolff said they operate under San Cataldo. Mr. Hein said there is a payment for San Cataldo. Supervisor Brostoski asked if the funds were released; Mr. Hein said it was on the bill list for approval. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 4-0 to approve release of escrow funds.
 - f. CTSA Act 537 Update Revision – Ms. Butler had a video call with DEP to increase the capacity of the sewer plant from 200,000 gallons per day to 300,000 gallons per day. DEP is asking for additional information to verify the Township has no on-lot issues outside the sewered area. She spoke to the SEO who will do the testing; they are getting a list of on-lot systems in Covington Township and that will determine the number of tests that need to be done. The SEO has to do well water testing. Vice-Chairman Brostoski asked if Gary Enslin was doing this and Mary Lou said yes once she gets him the list. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 4-0 to approve the Engineer's report.

14. DIRECTOR OF PUBLIC WORKS: No report was given.

15. POLICE DEPT: Police Chief Klocko and Vice-Chairman Brostoski reviewed the reports for October & November 2020. *ON MOTION* duly made (Setta), seconded (Kearney), and carried 4-0 to approve the police reports as submitted.

16. RECREATION COMMITTEE: No meeting was held.

17. SEWAGE ENFORCEMENT OFFICER: Vice-Chairman Brostoski reviewed the November 2020 report. *ON MOTION* duly made (Setta), seconded (Peirce), and carried 4-0 to approve the SEO report as submitted.

18. SOLICITOR:

- a. Enter appearance in SADG III LIMITED PART / Rite Aid Corp 2021 real estate assessment appeal – Solicitor Wolff recommended the BOS authorize him to enter an appearance on behalf of the Township so that the Township can be informed of anything happening with the litigation. Supervisor Brostoski asked if the dispute was for 2021 assessment; Solicitor Wolff said it will be for 2022 taxes but explained the process that happened on the appeal. Supervisor Brostoski noted Rite Aid just put a lot of money into renovations; Solicitor Wolff noted this assessment was for the property before renovations. *ON MOTION* duly made (Setta), seconded (Kearney), and carried 4-0 to give approval for Solicitor Wolff to enter an

appearance on behalf of the Township. Supervisor Peirce asked about an e-mail received regarding another appeal. Mr. Hein stated it was received from Hourigan, Kluger & Quinn on behalf of LBA NCC Company requesting a substitution in who was representing them. Solicitor Wolff said he looked at it and that is what it was. He is looking into the underlying real estate tax assessment appeal and will have information for the next meeting. *ON MOTION* duly made (Kearney), seconded (Setta), and carried 4-0 to approve Solicitor's report.

19. ADMINISTRATIVE ACTIONS:

- a. *Adopt 2021 Budget – ON MOTION* duly made (Peirce), seconded (Setta), and carried 4-0 to approve the 2021 Budget.
- b. *Hire Kenneth Comcowich as Director of Public Works – Vice Chairman Brostoski* stated Mr. Comcowich was interviewed and met with all Supervisors; he brings a lot of experience to the job. *ON MOTION* duly made (Setta), seconded (Peirce), and carried 4-0 to hire Kenneth Comcowich as Director of DPW.
- c. *Lackawanna County repository sales – The sales were reviewed; Mr. Hein* said they were at Eagle Lake. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 4-0 to approve the Repository Sales.
- d. *Lackawanna County Land Bank – Vice Chairman Brostoski* said everyone was aware of the Land Bank. Mr. Hein said North Pocono School District has approved it and the County is waiting on Covington to approve it. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 4-0 to enter into the Lackawanna County Land Bank Agreement with the County and North Pocono School District.
- e. *Cancel December 29, 2020 Work Session & authorize Sec./Treas. to pay bills to end of year – Vice Chairman Brostoski* stated the December 29, 2020 Work Session is cancelled. *ON MOTION* duly made (Kearney), seconded (Setta), and carried 4-0 to approve the Secretary / Treasurer to pay only utility, insurance and heat/fuel bills through the end of the year. Supervisor Brostoski said it would give the Board the opportunity to review all other bills.

20. NEW BUSINESS: *Camera system for Municipal Campus – Mr. Hein* said he had four companies come to look at the work with three going to provide quotes for putting cameras inside and outside the Municipal Office building and connecting the cameras at the pavilion to the proposed system. Mr. Hein stated he anticipates having the quotes in the next few weeks and is looking for grants to fund the project. Mr. Hein stated Supervisor Kearney asked for this to be on tonight's agenda. Ms. Kearney said if information is still being gathered to move it forward. Mr. Hein said he will put it on the January 4th meeting.

21. OLD BUSINESS: *Vice Chairman Brostoski* said that when the Library was built, several townships donated money to it. He would like to see Covington give to it this year. The fishing derby, end of summer party and Christmas Spectacular were not held so that money was not spent. Supervisor Kearney agreed since we haven't given back to the community this year due to COVID. Supervisor Setta agreed that we should donate due to COVID. Supervisor Peirce agreed. Supervisor Brostoski suggested donating \$1,000 to the North Pocono Public Library. *ON MOTION* duly made (Brostoski), seconded (Kearney), and carried 4-0 to donate \$1,000 to the North Pocono Public Library.

Mr. Hein stated he had submitted COVID-19 related expenses to Lackawanna County and the Township received a check yesterday in the amount of \$8,559.57. Townships were to receive up to \$10,000 so Mr. Hein called the County telling them there were more legal expenses that could be put towards this that were not considered. The County will review them and determine if Covington will receive the additional \$1,440 in funding. Mr. Hein said the expenses submitted were 76% for the Township and 24% for the Fire Company and asked for authorization to cut a check to the Fire Company in the amount of \$2,054.30. Supervisor Brostoski asked Supervisor Peirce if that sounded right; he said it did. The expenses were for personal protective equipment for the Fire Company. *ON MOTION* duly made (Kearney), seconded (Setta), and carried 4-0 to authorize Mr. Hein to cut a check to the Fire Company in the amount of \$2,054.30 with the year-end bills.

22. CORRESPONDENCE: None

23. SUPERVISORS COMMENTS: None

24. PUBLIC COMMENT: *Roz Davis* asked what the quotes were for the web design. Supervisor Kearney said Computer Visionaries is \$7,735. Mr. Hein agreed and stated it was one time up-front fee with annual hosting fees of \$240 and any support billed at \$90 per hour. He said CivicPlus is a total of \$15,000 over four years which is \$7,000 for the redesign and \$2,000 per year for hosting and support with a total redo of the web site at the end of the fourth year. It will be billed at \$3,750 per year. Ms. Davis also commented that she attended all the budget meetings and believes male employees have been given more raises than female employees. She detailed her

reasoning and asked that Melinda Musso be given more than a 3% raise next year. Supervisor Kearney said the raises will be voted on at the January meeting. Ms. Davis finally asked if she should wait until Mr. Yerke was at the next meeting to ask about overtime. Supervisor Brostoski said that would be the time.

25. ADJOURNMENT: *ON MOTION duly made (Kearney), seconded (Setta), and carried 4-0 to adjourn at 9:15 pm.*

*Respectfully submitted,
Douglas A. Hein, Secretary*

APPROVED: January 4, 2021