

COVINGTON TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
TUESDAY, APRIL 6, 2021 AT 7 PM IN PERSON AND VIA ZOOM AT:
<https://zoom.us/j/98211873935>

The Covington Township Board of Supervisors held its Regular Meeting on Tuesday, April 6, 2021 at 7:00 p.m., in person at the Covington Township Municipal Building, 20 Moffit Drive, Covington Township, PA 18444 and via Zoom.

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

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE:** Chairman Yerke called the meeting to order with the Pledge of Allegiance at 7:00 pm.
2. **AGENDA:** ON MOTION duly made (Setta), seconded (Peirce), and carried 5-0 to approve the agenda as presented.
3. **ANNOUNCEMENT:** There were no announcements.
4. **PUBLIC COMMENT:** Roz Davis asked what the range in dollars for the millage would be for the Fire Tax. Mr. Hein stated it was \$100,000. Ms. Davis wanted to know the average per household. Mr. Hein said he did not know but that it would depend on what a property is assessed. Supervisor Peirce said his house would be \$36. Ms. Davis asked if this fire tax would be in addition to the annual membership drive for ambulance and fire and what the Township gets from the State. Supervisor Peirce said the money from the State is Foreign Fire Relief money that is a pass through to the Township and that would stay. Solicitor Wolff asked if this was about the referendum in November. Ms. Davis asked if it was in addition to the membership drive for the fire and ambulance. Supervisor Peirce explained how the membership program works for the ambulance company. He said the fire membership drive may not be held this year. Ms. Davis said she is concerned that an additional tax may be too much for those utilizing the food pantry and are having difficulty paying for medication. She said taxes should not take the place of medication especially since the Board voted that NorthPoint didn't have to pay any taxes for ten years. She said she'd be willing to help with other fundraising. Solicitor Wolff said it was not accurate that the Board voted to have NorthPoint pay no taxes. He said the LERTA is for improvements only; they will still pay taxes on the land, transfer tax, payroll taxes; it is not a blanket exemption.

Jennifer Washicosky asked if she and her husband would be able to get a disc golf course installed on the Moffat property. She explained what it is and where other local courses were. It would be a 9 or 18 baskets, sponsored by local businesses and set up away from other uses. Revenue could be generated through leagues. It was recommended she address the Recreation Committee with this.

5. **MINUTES:** March 2, 2021 Regular Meeting and March 30, 2021 Work Session – Vice Chairman Setta asked about Supervisor Kearney's discussion at the March 30, 2021 Work Session about what can and cannot be said at a public meeting regarding an Executive Session about litigation filed and asked Solicitor Wolff if the docket number was for public knowledge. Solicitor Wolff said it was appropriate to be stated. Supervisor Kearney clarified that Executive Sessions are not for meeting just to discuss a problem and there are limited reasons for Executive Sessions and the public needs to be told why. Supervisor Kearney stated she asked Mr. Hein to make a change to the minutes stating there was an Executive Session held for possible litigation on an unemployment compensation claim but that he only partially changed it and did not put it as she wanted it stated. She said if there is a case filed, the docket number needs to be stated; if no filing, just stated that there is potential litigation pending. Mr. Hein said he did update the minutes to state there was an upcoming unemployment compensation hearing; Supervisor Kearney said she saw it but wanted to read there was litigation for it. Mr. Hein said there was no litigation, just an unemployment compensation hearing. Supervisor Kearney asked for Walsh Electric to be changed to Joyce Electric because that is who she spoke to; Mr. Hein said he would change it. Supervisor Kearney also stated the March 2 minutes under Correspondence should be changed to say Mr. Willson's history with the Board of Supervisors, not just Mr. Willson's history. Supervisor Kearney said she questioned Mr. Hein about the minutes from the public hearings and he did not do them but could get a transcript from the court reporter. She called the Office of Open Records and was told we have to have them outside of transcripts. Chairman Yerke said he agreed, and Mr. Hein said he would do them going forward but could not go back in time to produce them. Solicitor Wolff recommended Mr. Hein contact the court reporter to see if he could obtain a copy. Mr. Hein said he would. ON MOTION duly made (Kearney), seconded (Brostoski), and carried 5-0 to approve the minutes as amended.

- 6. *BILLS:*** Mr. Hein stated there was a total of \$118,769.49 General Fund bills including payroll for the month. Supervisor Kearney stated upon reviewing the bill packet earlier in the day she found a PSATS unemployment contribution due dated March 29th that was inadvertently missed on the bills list. Mr. Hein said that should have been pulled out, but he wasn't paying it until later in the month because it wasn't due until the end of the month. Ms. Kearney stated she didn't know about that; Mr. Hein said it's not due until the end of the month following the end of the quarter. He said he had the sheet in the folder to remind himself to pay it. He told Ms. Kearney she could look into the law or call the Open Records Office to find out; she demanded respect because she is his supervisor. Mr. Hein said he also wanted respect, that he was stating the facts, nothing more, nothing less. He had it to remind himself to pay it; she said it was a bill and should be on the list. Mr. Hein said it would be on next month's list after it was paid in the middle of the month on the interim bill list. Chairman Yerke tried to explain that some bills were approved to be paid outside a meeting so late charges were not incurred. Mr. Hein said the one Ms. Kearney was talking about was payroll taxes that had to be paid every quarter. He had it in the bill packet to remind him to pay it, nothing more, nothing less; that he was not trying to hide anything or slip anything by the Board. Mr. Hein said it is a payroll tax that has already been withheld and that it does not have to be approved and should not have been in the bill packet to be questioned. Supervisor Kearney also stated the Board still needed to get together to discuss Chairman Yerke's PTO payment that has been paid and cashed. Chairman Yerke said the Board can do that but that he requested the check be paid to be included in his pension. *ON MOTION* duly made (Brostoski), seconded (Peirce), and carried 5-0 to approve the bills for payment.
- 7. *TREASURER'S REPORT:*** Mr. Hein gave the following report for the month of March: General Fund receipts \$165,670.92 & bills \$118,769.49; balance \$19,985.31. General Fund PLGIT balance \$418,485.52. Liquid Fuels PLGIT receipts \$2,191.64 2020 fuel tax refund & interest; balance \$353,524.77. Escrow balance \$328,348.67. Payroll balance \$7,815.66. All account balances are after all bills in the bills list are paid. The 2020 Liquid Fuels audit was conducted Monday April 5, 2021 by the State Auditor General's Office; there were no findings. A report will be sent out in the next few weeks. *ON MOTION* duly made (Setta), seconded (Brostoski), and carried 5-0 to accept the Treasurer's Report.
- 8. *PLANNING COMMISSION:*** Chairman Yerke stated there was no report submitted because the Planning Commission did not meet.
- 9. *BUILDING INSPECTOR:*** Dave Lamm reviewed the two permits issued in March totaling \$4,900, one for JCO warehouse / office and one for Marisa Smith for electrical work related to HVAC installation. *ON MOTION* duly made (Kearney), seconded (Peirce), and carried 5-0 to accept the Building Inspector's report.
- 10. *ZONING CODE ENFORCEMENT OFFICER:*** Ron Donati said there was one permit for JCO warehouse / office. He has been receiving complaints on junk properties and has told the owners they need to use the cleanup on May 14 and 15. He will be visiting the properties after that; people have been cooperating. He has had calls from several people interested in purchasing property regarding what they are zoned as. *ON MOTION* duly made (Peirce), seconded (Setta), and carried 5-0 to accept the Zoning Code Officer's report.
- 11. *ENGINEER:*** Mary Lou Butler stated she has had no update from the contractor for the Union Mill Road Stormwater project. Lackawanna County approved stormwater runoff but want a ditch installed with stone. She sent the contractor the plan for a cost estimate but also spoke to the DPW Director to see if we could do that. She is working on Storm Road and said that if it was going to be done this year it needed to get out to bid soon. Solicitor Wolff said that the County solicitor and engineer contacted him, and the engineer wants a stormwater easement prepared for the Union Mill Road project. Chairman Yerke asked Ms. Butler about the Langan Road project; she has not heard anything about the grant for the project. She asked if she should move forward with the Storms Road project; Chairman Yerke said to put it out to bid. Ms. Butler asked if it should be put out to bid as a liquid fuels project and Chairman Yerke said yes if that was what the Board wanted. Discussion was had among the Supervisors about tar and chipping various roads along with the condition of the base of Township roads. Ms. Butler said she would get an advertisement to Mr. Hein before the next meeting. She is still waiting on one contingency item for the Covington Lakes Phase 8 project. Ms. Butler said that Kost Tire did fulfill all their requirements; she told them to submit the plans to the Township for signature. Chairman Yerke asked Ms. Butler about the CTSA Act 537 plan. She said she is still working on it and explained what is going on with the SEO going out testing on lot systems to meet the DEP requirement. Chairman Yerke asked if there was another way to go about adding an additional reactor to the plant. Ms. Butler said a change cannot be made without going through this process. *ON MOTION* duly made (Peirce), seconded (Setta), and carried 5-0 to accept the Engineer's report.

- 12. DIRECTOR OF PUBLIC WORKS:** DPW Director Comcowich reviewed the accomplishments for the month: maintenance to grounds, removal of dead trees and branches from the trails and grounds; maintenance of trails, park and playground equipment; installation of refurbished shutters on Estate building. Base and surface repair to all dirt roads; shoulder cutting and drainage on all roads throughout the Township. Tree trimming & brush cutting on all roads. Recommendation for tar and chip resurfacing of Union Mill Road, AM Hughes Road, Old Schoolhouse Road and Center Street. DPW used four tons of cold patch to patch potholes throughout the Township and used stone to repair Freytown Road. Supervisor Brostoski asked Chairman Yerke what the standard was for having a yellow line down the middle of a road. Mr. Yerke said it is for directing traffic but some of our roads are not wide enough. When traffic is directed, it becomes a legal issue if there is an accident. ON MOTION duly made (Brostoski), seconded (Kearney), and carried 5-0 to accept the DPW Director's report.
- 13. POLICE DEPARTMENT:** Chief Klocko reviewed the calls for the month of March: 89 service calls, 1 traffic citation, 2 traffic warnings, 1 parking ticket, 0 arrests. The Chief said Vice Chairman Setta had asked about why the traffic stops do not add up. He said that the way Lackawanna County logs the calls, if there is an assist to another department, it is logged as a traffic stop. He noted that the new computers are up and running. He also said he would like to be involved with the discussion on new cameras for the police station. ON MOTION duly made (Setta), seconded (Brostoski), and carried 5-0 to accept the Police report.
- 14. RECREATION COMMITTEE:** Chairman Yerke stated there was no report submitted as the committee did not meet.
- 15. SEWAGE ENFORCEMENT OFFICER:** Chairman Yerke reviewed the 3 permits issued totaling \$1,248.05. One for Monroe County Habitat for Humanity was questioned because none of the Board knew where the property was. Chairman Yerke recommended holding Mr. Enslin's payment until the property could be verified and asked Mr. Hein to let him know. ON MOTION duly made (Setta), seconded (Kearney), and carried 5-0 to table the report and to hold Mr. Enslin's payment until this can be clarified.
- 16. SOLICITOR:** Solicitor Wolff said the First Industrial / Portman Covington LLC sale closed and the assignment of the developer's agreement was transferred to Portman Covington LLC. ON MOTION duly made (Peirce), seconded (Setta), and carried 5-0 to accept the Solicitor's report.
- 17. ADMINISTRATIVE ACTIONS:**
- a. Rental of handicap port-a-potty – accept Gotta Go Potties proposal of \$135/month for the pavilion. Mr. Hein said it was for by the playground. Chairman Yerke asked if this was the only bid; he was told there were two others, but this was the best one. ON MOTION duly made (Setta), seconded (Peirce), and carried 5-0 to accept Gotta Go Potties bid of \$135/month for the handicapped bathroom.
 - b. Sewer Authority appointment – Mr. Hein stated there was no other interest or applications submitted through the website. Ms. Kearney said she recommended it be put on the website, but no one showed interest. Chairman Yerke read a letter from Jonathan Swarts resigning from the Sewer Authority Board. ON MOTION duly made (Brostoski), seconded (Setta), and carried 5-0 to accept Mr. Swarts' resignation effective immediately. Chairman Yerke next read a letter of interest from Rich Lanzoni to serve on the Sewer Authority Board. ON MOTION duly made (Brostoski), seconded (Setta), and carried 5-0 to appoint Mr. Lanzoni to serve on the Covington Township Sewer Authority Board.
 - c. Short Term Rental Ordinance – Solicitor Wolff said the Board needs to authorize Mr. Hein to advertise the public hearing for the ordinance. He said that Eagle Lake can be excluded from the ordinance and that he put a minimum age of 25 for renting a property in the ordinance; these changes have been made to the draft. ON MOTION duly made (Setta), seconded (Peirce), and carried 5-0 to authorize Mr. Hein to advertise for the ordinance public hearing. Supervisor Kearney asked if the hearing is when the enforcement officer would be set. Solicitor Wolff said it would be the time. Mr. Hein asked Chairman Yerke when the meeting should be set. Solicitor Wolff recommended an hour before the next work session, April 27th at 6:00 pm. Roz Davis asked if the meeting would be on Zoom. It was agreed it would be in person only.
 - d. Request from Greater Scranton Chamber of Commerce for \$500 donation – Supervisor Kearney asked if this was done every year; Chairman Yerke said we give to the Chamber every year. Vice Chairman Setta said this was new and would go toward creating jobs. ON MOTION duly made (Brostoski), seconded (Peirce), and carried 5-0 to donate \$100 per year for five years (2021-2025) to the Chamber of Commerce.

- e. *Fire Tax referendum – Vice Chairman Setta contacted the County Board of Elections and was told to draft the referendum; their solicitor would review it and approve or make suggested changes. It needs to be in by the end of July. Solicitor Wolff recommended finding out the exact deadline. It was agreed that Supervisors Brostoski and Kearney would write the draft for the next meeting and Vice Chairman Setta would call the Board of Elections for the exact due date.*

18. NEW BUSINESS:

- a. *2020 Audit presented by Covington Township Audit Committee – Audit Committee Chairwoman Vicki Williams stated they submitted the audit to DCED and found a few areas of concern. There was some PTO taken by 3 employees but not recorded on their accrual sheets. Mr. Hein said he fixed two employees, but one employee was correct, so no change was made. She asked about three days taken by Chairman Yerke that were not listed on his PTO sheet from 2020. Mr. Yerke said he would reimburse the Township but asked how it would be done since the check was cashed and taxes were taken out. Mr. Hein said he would calculate the net due. Ms. Williams said they looked at the prior Secretary's PTO and questioned why they were given two different accrual sheets. Mr. Hein said the first one was an old sheet done by Kate with no formulas to calculate the hours; the second one was his updated sheet that used formulas to calculate the remaining time off. Ms. Tierney's PTO was calculated and paid from the correct sheet. The auditors recommended having a PTO sheet signed off by an employee's supervisor when time is taken. They also recommended rolling over no more than 24 hours of PTO time from year to year because of the different rates it is earned at versus what it is paid out at. Chairman Yerke said it must be paid out at the employee's current rate of pay. Mr. Yerke said the carryover of time was a benefit to employees because this is a small township. Supervisor Kearney said revising the employee manual had been discussed but sidelined by COVID. Supervisor Brostoski said PTO is a bargaining tool but that it must be paid out at the current rate. Ms. Williams said that some timecards didn't list PTO time taken and it was difficult to match. She said there was almost \$10,000 overtime for the year. She said there was not a lot of documentation to justify the overtime. The auditors noted some employees punched in 45 minutes early to plan the day; they recommended no employee punch in earlier than 5 minutes before their start time and no later than 5 minutes after their end time unless authorized by a supervisor. Chairman Yerke explained the way that had worked in the past and that he had not charged for time that he been out after hours or on holidays. Ms. Williams said there was a payroll general ledger code that wasn't labeled as payroll. Mr. Hein said that when he came to the meeting they requested him to attend, they discussed it and he informed them that he changed it that night. She said there are some fuel slips without mileage and signatures. Mr. Hein said all the fuel slips have signatures, mileage and the equipment number or name. She questioned an invoice for propane to the police station that was crossed off and marked as senior center. Mr. Hein said he crossed it off because it was the old senior center. Supervisor Peirce suggested the employees mark the fuel slips; Mr. Comcowich said they already do, and Mr. Hein backed him up on this. She said the material invoices for salt, etc. are not signed. Mr. Hein said the haul slips are signed by the employees and he reconciles them to the invoice. The invoice is not paid until all signed haul slips are received. She said Plociniak Oil offers a discount to COG members for heating oil and propane which is less expensive than ABC Oil. Chairman Yerke said that is true but would change once the smaller company went out of business. She suggested that the Audit Committee review the books on a quarterly basis to make sure everything is correct. Supervisor Kearney said she saw a PSATS article that another township has its elected auditors do a quarterly review before their CPA does the annual audit. Ms. Williams noted that the Township paid \$3,500 last year to the CPA and this year the Audit Committee's cost will be less than \$900. Chairman Yerke said they appreciate their work and will take their recommendations under advisement. Ms. Williams asked if Chairman Yerke has any credit cards; he said he turned in his Sam's Club card and has a Home Depot card that he will hand in. She asked if Kate Tierney had any cards. Mr. Hein said she turned in everything she had. Chief Klocko said there is a cap on their accumulation of days at 35 or 40 but that is in place because there is no short term disability. Supervisor Kearney asked if the audit submitted to DCED was the one the Audit Committee did and not the one corrected by Mr. Hein. Ms. Williams said there were some figures added that were missed. Supervisor Kearney asked if the audit she received was the one that was submitted; Ms. Williams said yes. Supervisor Kearney asked if the one Mr. Hein put in the packet was the same one. He said he sent the Board the auditors' audit report. He said he had no part in preparing the audit, he was just making recommendations on missed figures. ON MOTION duly made (Peirce), seconded (Kearney), and carried 5-0 to accept the 2020 audit as done by the Covington Township Audit Committee.*
- b. *Zoning map update – Mr. Hein stated he listed this on the agenda to see if the Board wanted to update the map due to the NorthPoint zoning change on Route 307. There was a zoning change done a few years*

ago for a strip of land on Route 435 but no maps were printed. Ron Donati said there is only one change. Chairman Yerke said to table the issue until April 27th.

- c. Request from Anthracite Events to hold a local creative small business craft market at pavilion and grounds – Vice Chairman Setta reviewed what was proposed: petting zoo, craft vendors, wine vendors (unopened bottles), food trucks. He stated the people were not from the North Pocono area and that he was against it. Supervisor Brostoski said the pavilion is for the North Pocono residents for weddings, etc. not commercial use and is not in favor of it. Chairman Yerke thought it had been previously decided against things like this. Supervisor Peirce said he is against the alcohol because it is specific in the deed. Melinda Musso said she spoke with them; it is a group of local vendors/small businesses who each have a 10x10 tent outdoors. She explained the masks requirement, indoor occupancy limits, prohibition on alcohol to them. Supervisor Kearney said she was against the alcohol and thought the petting zoo opened us up for liability. She stated she liked the idea but questioned if the Moffat Estate was the right place for it. Chairman Yerke suggested tabling it to the work session. Ms. Musso said they were looking for an answer sooner rather than later because they needed to find a place to hold it. Supervisor Brostoski suggested making a decision tonight. Supervisor Kearney said she liked the idea but to narrow it down. Chairman Yerke read from their website some of the participating vendors. He asked how much they would pay and was told the normal rate. He said he didn't have a problem with it. Supervisor Peirce asked why there would be a petting zoo and was told it was a vendor who probably does it for birthday parties, etc. Vice Chairman Setta asked what the policy on food trucks was. Supervisor Kearney said there was none and Chief Klocko said it was OK for them to park on private property. Supervisor Brostoski said he values the property as he does his house. He recommended Ms. Musso stay for the entire time. She said the vendors want to be outside, not inside. She suggested a higher security deposit because of the size of the event. Chief Klocko suggested they bring their own security. Chairman Yerke said to make the security deposit \$1,000. ON MOTION duly made (Kearney), seconded (Setta), and carried 5-0 to allow Anthracite Events to hold the small craft event on June 19th with no alcohol, they must clean up after the animals and have small animals, they may want to bring another port-a-potty and wash station, they have to have their own security and the security deposit will be \$1,000.

19. OLD BUSINESS: Supervisor Kearney asked if anything was heard about the roofs. Chairman Yerke said it may have to be put out to bid. He spoke to Justin Lizinsky who said he would be interested in repairing both roofs. Chairman Yerke also spoke to Scott Jordan who said he would come look at it. Supervisors discussed the poor job that the prior contractor did on the Mansion roof.

20. CORRESPONDENCE: There was no correspondence.

21. SUPERVISORS COMMENTS: Supervisor Peirce said at the Work Session there was a discussion of purchasing COVID supplies. He asked if the Fire Company could order supplies and the \$14,000 decontamination unit. ON MOTION duly made (Kearney), seconded (Yerke), and carried 5-0 to authorize the Fire Company to order the supplies and decontamination unit. Vice Chairman Setta asked if the Welcome to Covington Township sign on Route 502 could be replaced. Chairman Yerke said every road entering Covington Township would need to have signs and the last time that was done it cost \$45,000.

22. PUBLIC COMMENT: Roz Davis said the minutes from the January organization meeting still have not been updated to say the pay rate of the Pavilion Manager; Mr. Hein said he would have them updated. She asked if the public hearings would be on Zoom because other public bodies hold Zoom hearings and more people could participate; she was told they would be in person only. Jeanne DeSandis asked what happened to the sign ordinance and if it had been adopted. Discussion was held and Chairman Yerke said it was adopted. Melinda Musso stated she didn't believe it was adopted; Chairman Yerke asked her to research it and get back to the Board for the April 27, 2021 meeting.

23. ADJOURNMENT: ON MOTION duly made (Brostoski), seconded (Peirce), and carried 5-0 to adjourn the meeting at 8:59 pm.

Respectfully submitted,
Douglas A. Hein
Secretary / Treasurer

Approved: