

## PLYMOUTH BOROUGH COUNCIL

### REGULAR MEETING-DECEMBER 11, 2020

\*THIS REGULAR SCHEDULED MEETING FOR DECEMBER 8, 2020 WAS RESCHEDULED FOR DECEMBER 11, 2020, DUE TO INCLIMATE WEATHER.

The Plymouth borough work session began at 6:00pm and the Regular meeting was called to order immediately following the work session by: Mr. Ron Kobusky, Council President.

#### WORK SESSION:

Mr. Adam Morehart – Merry Christmas & Happy New Year Best of Health. He will contact Susan from Kingston to work further on the Hometown Heroes.

Mr. Alec Ryncavage – Grant Covid 19 – done and county will direct deposit into Borough General Ledger account.

E-cycle – Not happening, not able to have without cost to Borough, apologies, but he will work on holding another next year.

Mr. Earl Cunningham – advises keep masks on and watch your distancing. Restaurants remain closed.

Ms. Alexia Eroh stated that at the Dec 2 meeting the Planning Commission discussed new website. She will get minutes to Gail by email

Charles Steinhauer stepped down as lead of the Planning Agency, and Barb Harvey will take over.

Mr John Thomas spoke regarding the Christmas lights. He thanked the Rotary and all who helped repaired the decorations.

Mr. Ron Kobusky – TY to John, Jack K and Bill for changing the electric outlets to the Christmas light. – saved the Borough lots of money

Mr. Bill Dixon thanked the DPW or all they do – remarked about how conscientious they are about their job

People are still dumping especially in town especially the dams. We also have cameras to monitor by the Ash Diamond. Please be vigilant and offer any help in sighting the people who dump.

Mr. Ron Kobusky Said he has 5 trail cameras the Borough is welcome to borrow to put around to catch the dumpers.

Mr. Ron Kobusky added that the new 2021 Budget is posted in the front window of the Borough Building, because currently the doors are lock to the public. The budget will be there for 10 days. The budget is lean but a good budget, and there is no tax increase.

Mr. Ron Kobusky – Questioned the route for the Holiday parade and how it will work.

Maribeth Rosensteel – No congregating. Will go throughout town.

Mr. Alec Ryncavage – Just like the Easter Bunny on the back of a pickup truck in Spring.

Mr. Ron Kobusky – understand the concept-No gathering anywhere.

Maribeth Rosensteel – Line up in Ply Twp or armory

Mr. Ron Kobusky – saw the route. As long as there is no congregating and we aren't in any violation doesn't think any of the Council would have a problem with it, himself included.

Great idea!

Maribeth Rosensteel – Also taking donation for the Catherine McAuley House from houses as we go along.

Mr. Bill Dixon – Questioned date.

Maribeth Rosentsteel – Saturday 12/19/20 – put donation on the curb and it will be picked up as they walk by.

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PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL: COUNCIL MEMBERS PRESENT:

Ms. Alexis Eroh  
Mr. Earl Cunningham  
Mr. John Thomas  
Mr. Adam Morehart  
Mr. William Dixon, Vice-President  
Mr. Alec Ryncavage  
Mr. Ronald Kobusky, President

CITIZEN'S COMMENT REGARDING AGENDA ITEMS: None

CITIZEN'S REQUESTS AND COMMENTS REGARDING GENERAL ITEMS:

Mary Poremba from Shawnee Ave Plymouth – not being sarcastic when asking this. How many times does a house have to be raided by Federal Marshals, the Attorney General and Luzerne City Drug Task Force before it is shut down? It is very disconcerting to have an assault rifle pointed into your window and told to get down on the floor because of possible bullets flying. Told you have a beautiful home and you should consider having it taken off the foundation and moved out of Plymouth. Is there a specific number of times? Neighbors would also like to know as well.

Mr. Ron Kobusky – John (Thomas) would you like to comment on this?

Mr. John Thomas – No, I wouldn't, not really.

Mr. Ron Kobusky – Not something I can recall having to deal with ever.

Mary Poremba – Very interesting...2 times in 5 months

Mr. Ron Kobusky – Clarified what it he was speaking of. He is aware of how many times it has happened but to Mary Poremba's question before council – he does not think they have ever encountered it before.

Mary Poremba – Perhaps the owner of the house can do something?

Mr. Alec Ryncavage – I've seen, well heard, while not confirmed for Plymouth, that if it is a rental unit and the police are called a number of times within a period time, the landlord can evict. Do not know if that is so in Plymouth.

Mary Jarrett – In our landlord ordinance it states 3 x's per month and 6 x's per year.

Mr. Alec Ryncavage – questioned it being in an ordinance and verified it was police

Mary Poremba – this is more than just police, it's battering rams, atty general's office, the street is blocked off

Mr Alec Ryncavage – but the numbers would add up

Mary Poremba – not the first time, it is escalating. (small discussion between parties took place)

Mr. Ron Kobusky – let's let Atty Kostelansky speak on this

Atty. Michael Kostelansky – Number one it depends on the circumstances. Either the Feds or the State can declare and seize the property. Once that happens, they can do whatever they want with the property. As far as the Borough you are asking them to more or less punish the landlord for what the tenant has done. Perfect example, WB tried it a bout 4 years and got away with it until someone sued. The Borough wanted to try this before and I advised against as it is a violation of the landlord's constitutional rights. The person in WB got a

hold of the Civil Liberties Union and not only did WB lose but they had to use money from their general fund to pay the plaintiff legal fees which was over a million dollars. If it is considered a drug house and if the evidence is there and depending on who is dealing the drugs and the evidence, enforcement can seize the property, go to court, and become the owners. As far as the Borough goes it is up to the landlord to put in their lease contract that if the tenant violates anything in that lease then the landlord can evict them.

Mr. Bill Dixon – When we did that last ordinance it was a nuisance ordinance and it stated something about being called a certain number of times

Mary Jarrett 3 x's a month, 6 x's a year.

Mr. Bill Dixon – we are not talking about punishing the landlord, it's a matter of the ordinance and violating it. If you make an ordinance and then come up with a legal issue with it, well.... What about the people?

Atty Michael Kostelansky – the answer really is to just keep on citing under the nuisance ordinance every time

Mr. Bill Dixon – this is what needs to be done, then

Mr. Ron Kobusky – Let's get a copy of the ordinance pulled

Mr. Alec Ryncavage – From 2012

Atty. Michael Kostelansky – I need to look at the ordinance. Look at how it was written and how the nuisance issue was addressed but the issue of evicting people based on the ordinance would be a Constitutional issue.

Mr. Bill Dixon – So Council votes on an ordinance and we will cite if the ordinance is violated Discussion concerning, examples of the citing issue.

Mr. Alec Ryncavage – Do we cite the landlord or the tenant?

Mr. Bill Dixon – No, the person

Mary Poremba – so the homeowner has no rights?

Atty Michael Kostelansky – The home owner does have rights to say something. If they see something, report it and then you have to testify. Because if you call an officer to the scene, they are citing on criminal charges.

Mr. Bill Dixon – Enough is enough! Something has to be done.

Mary Poremba – Okay, I got the answer to my question.

Mr. Bill Dixon – We need to look into it further.

Mr. Ron Kobusky – We will pull the ordinance and look at it more closely, perhaps change it.

Mr. John Frey – 119 E. Shawnee – Question related to the same issue as previously discussed. What do you do when the person does not pay the citation?

Mr. John Thomas – The Magistrate will send them to jail!

Mr. John Frey – And who pursues that, takes them to the Magistrate? Haven't properties been condemned in the past

Mr. Bill Dixon – can only condemn for no utilities/ living conditions.

Mr. John Frey – the tenant needs to be cited. It is a shame, these people who have had these homes for years need to put up with this. Cops are next door with guns drawn.

Ms. Erin (funeral home across the street from Moulin Rouge, tenant) Disgusted with that bar!! Videotaping them last Saturday. They are open after hours, tired of the garbage everywhere, tired of language, harassment, tired of music. All kinds of people coming in and out of there. They do not wear masks, are from out of state. They go in after 11:00 pm and don't leave until 4 am. Very loud and I have health problems and I cannot sleep. They park in the driveway now and block the driveway, police have been called, it is awful. There are liquor containers and food containers outside. We had a funeral one morning and Jeannie had to go out and clean the front up. There's been a gun and a knife. If there is ever a fire on Girard Ave the fire trucks will never make that corner and with our driveway now being blocked an ambulance would not be able to get to me if I needed them. Enough!! We need

help! I spoke with an attorney, Hourigan, Kluger and Quinn, looking into harassment charges

Sergeant Mike Thomas – The LCB has been contacted and are aware of the situation. We kept an eye on the parties you are referring to and they are parking in the Golden Quality lot. We addressed this with your landlord multiple times regarding barriers and signs, she has not done that. Call us if they park where they are not supposed to be.

Erin – They are blocking the driveway. Please help me!

Sergeant Mike Thomas – every time you call us, we have come down. The LCB has sent an agent down. Either the cars are not there or they are ticketed

Mr. Bill Dixon – give it time, they will sink their ship

Mr. Ron Kobusky – Sometimes these things take time. Sounds like all that need to be involved are- so let's give it some time. Other agencies

Sergeant Mike Thomas – They have been notified of being opened late and happy hour and other things

Erin – many cars from out of state, they stop in the middle of the street – NY, NJ, Maryland. They told me to get used to them – I will not, they need to get used to me!!!

Mr. Alec Ryncavage - she called me day of the snowstorm– she has the white box but not the No Parking but it snowed so didn't get the lines painted

Mr. Ron Kobusky– we will get the lines painted and we hear what you are saying

Sergeant Mike Thomas – we have done all we can at this point

Ron Kobusky – sounds like it is up to the other agencies- could take some time though

Ms. Alexis Eroh -With the current Governor's order, they shouldn't be there now anyway – not until after the 4th

Mr. John Thomas – Our librarian Laura Keller would like to say a few words.

Ms. Laura Keller – wanted to formally introduce herself to Council. Spoke about her role at the Library and how much she enjoys this community. Outlined how COVID has affected the Library System. Explained the services that the Library has to offer. Complemented her staff on a job well done. Many patrons do not have access to the electronic library, they can call us and we can locate the material and present it to them curbside. While other libraries decided to suspend computer access, we are allowing access with appointments based on the needs of our patrons.

Mr. Bill Dixon – Great job!!

Ms. Laura Keller – The Friends of the Library have a book drive coming up at Barnes and Noble, explained how it works/ Please support the book drive. A % of the sales will go back to our Library. You can shop online or go to the store. Lastly, the Annual Appeal letters have been sent.

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#### AGENDA VOTING:

MOTION to approve ORDINANCE 2020-6; AN ORDINANCE to approve, adopt and enact an Ordinance Codification for the Borough of Plymouth, Luzerne County, Commonwealth of Pennsylvania, to provide for the repeal of certain legislation not included therein; and to provide penalties for tampering with the code.

MOTION: Mr. William Dixon

SECOND: Ms. Alexis Eroh

PASSED: 7 YES

MOTION to pass RESOLUTION NO. 2020-14; A Resolution of the Council for the Borough of Plymouth, Luzerne County, Commonwealth of Pennsylvania, adopting the Luzerne County 2020 Hazard Mitigation Plan as the official Mitigation Plan of Plymouth Borough.

MOTION: Mr. William Dixon  
SECOND: Mr. Earl Cunningham  
PASSED: 7 YES

MOTION to pass RESOLUTION NO. 2020-15; A RESOLUTION of the Council for the Borough of Plymouth, Luzerne County, Commonwealth of Pennsylvania, establishing procedures for a Public Meeting due to Covid-19 in accordance with Chapter 57 Covid-19 Disaster Emergency Section 5741, 35 Pa.C.S. Health and Safety.

\*On the question: Alec and Alexis will set the zoom portion of the meetings

MOTION: Mr. Adam Morehart  
SECOND: Mr. Alec Ryncavage  
PASSED: 7 YES

MOTION to pass RESOLUTION NO. 2020-16; A RESOLUTION of the Council for the Borough of Plymouth, Luzerne County, Commonwealth of Pennsylvania, to appoint Shawnee Jumper as the Right to Know Officer of the Borough.

MOTION: Mr. John Thomas  
SECOND: Mr. Earl Cunningham  
PASSED: 7 YES

MOTION made to approve wage increases for the non-union employees commencing January 1, 2021 and thereafter until modified by another motion of council.

Janitor's increase of fifty cents per hour, new per hour wage increase to \$10.25;  
Part-time fire truck drivers' increase of fifty cents per hour to make new hourly wage \$10.50; raise the annual salary of the Health Officer from \$1,700.00 to \$2,000.00; raise the annual salary of the Zoning Officer from \$1,700.00 to \$2,000.00.

MOTION: Mr. Earl Cunningham  
SECOND: Mr. John Thomas  
PASSED: 7 YES

MOTION to hire Jaynan Temaranze as a part-time employee of the Plymouth Borough Police Department and the Administrative office as an at will employee, to start on January 4, 2021 at a rate of twelve dollars (\$12.00) per hour. She will receive no benefits of any type, including, but not limited to, sick time, vacation time, holiday pay, health insurance and will be used on an as needed basis and not covered under any collective bargaining agreement.

MOTION: Mr. John Thomas  
SECOND: Ms. Alexis Eroh  
PASSED: 7 YES

MOTION made to authorize Firefighter Lori Bolesta to submit an application to the State Fire Commission on behalf of the Borough for a grant to be used by the three fire companies that service the Borough.

MOTION: Mr. William Dixon  
SECOND: Mr. Earl Cunningham  
PASSED: 7 YES

MOTION made to pay the Covid-19 Cares Grant bills, Exhibit A, which were agreed upon at the November council meeting.

MOTION: Mr. Earl Cunningham  
SECOND: Ms. Alec Ryncavage  
PASSED: 7 YES

MOTION made to approve total refunds of five hundred sixteen dollars and thirty cents (\$516.30) for property reassessments to the following property owners:

Mr. Herbert Scott-\$277.25  
Mr. Paul Chervenitski-\$57.79  
Ms. Bernadine Moses-\$98.78

Mr. & Mrs. McElwee-\$82.48

MOTION: Ms. Alexis Eroh  
SECOND: Mr. Earl Cunningham  
PASSED: 7 YES

MOTION made to approve payment to Trittech/Central Square Software Systems in the amount of two thousand two hundred forty-eight dollars and five cents (\$2,248.05) for the annual maintenance for the Metro-Alert server client software for the police.

MOTION: Mr. Earl Cunningham  
SECOND: Mr. Adam Morehart  
PASSED: 7 YES

MOTION made to approve payment to Responsible Recycling Services, LLC in the amount of seven thousand two hundred forty dollars and thirty-two cents (\$7,240.32) for the disposal of the e-waste generated from the E-waste Recycling event held by the Borough on October 17, 2020.

\*On the question: A portion of this bill will be reimbursed back to the Borough from Luzerne County. Alec stated 50% of the cost of the disposal and 80% of the cost of advertising will be reimbursed.

MOTION: Mr. Alec Ryncavage  
SECOND: Mr. William Dixon  
PASSED: 7 YES

MOTION made to approve payment to Rittenhouse Construction Co. in the amount of two thousand nine hundred dollars and no cents (\$2,900.00) for installation of a new door for the boiler room in the borough building and repairs to the generator room door.

MOTION: Mr. John Thomas  
SECOND: Mr. William Dixon  
PASSED: 7 YES

MOTION made to approve the fire and police reports for November.

MOTION: Mr. William Dixon  
SECOND: Mr. Earl Cunningham  
PASSED: 7 YES

MOTION made to approve and pay the monthly bills:

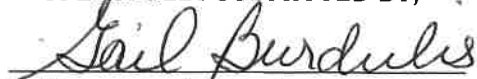
\*On the question: John Thomas votes yes to pay all bills except bill #20-754GF- which is the payment for health insurance for retired police, of which there is a contractual conflict of interest.

GENERAL FUND: 20-859GF - 20-949GF  
LIQUID FUELS: 20-383LF - 20-397LF  
RECREATION FUND: 20-054RF - 20-058RF

MOTION: Mr. Earl Cunningham  
SECOND: Ms. Alexis Eroh  
PASSED: 7 YES

MOTION to adjourn made by Earl Cunningham

RESPECTFULLY SUBMITTED BY;

  
Gail Burdulis, Borough Secretary