

PLYMOUTH BOROUGH COUNCIL

REGULAR MEETING-MAY 10, 2022 at 6:00PM

Work session began at 6:00pm.

Ms Eroh – Thanked the DPW for putting up the basketball nets and for painting the lines and buildings. It is nice to see people using it. Be respectful of the area. According to Jarrid Shulla they have already been vandalizing and tagged. If you see anyone vandalizing any public property, please report it. The borough received a quote from Vector Security for the purchase of cameras for the courts and the area. The cost would be \$3,325.00 which includes installation, equipment and police would have access to the cameras. We would need to get Wifi at the courts, in order to use them.

Plymouth Alive purchased and donated some new planters for Main Street. Thank you to Mr. Frank Merredick for making them. Another thanks to all who the volunteers who helped with staining and preserving the planters. Lastly thank you to Jarrid Shulla, Frank Meredick, Earl Cunningham, and anyone else who may have had a hand in getting the planters distributed and filled. They are stunning on Main Street.

Council is aware of the complaints and issues regarding garbage in town. Previously council had put together an RFP but had to table it. They are currently working on a new RFP and have been for 8 months. It needs to be expedited! We cannot have multiple haulers and multiple days and garbage on the street all week. This garbage problem needs to be corrected ASAP and the Borough has to take control of the garbage situation. Recycling needs to be a part the new contract. We need to provide recycling options to the residents.

Ms. Eroh thanked the mayor for coordinating the April clean up. Noticed that there is a need for garbage cans for litter. Realizes that there were issues in the past with people putting their household garbage in the old ones. Would need to get locking lids on them so only small litter can be put in them. Deferred the issue to Mr. Dixon.

The Planning Agency met on May 4th. Reviewed content from the Police & Fire departments for the new website. The website has not been turned over to the Planning Agency yet to start uploading content. We contracted with the company in November of 2020 and paid them \$11,000.00 on 12/11/2020. It is now May 2022 and still no website. It is a full year and a half later. The initial terms of our agreement expire on November 20, 2022, and Ms. Eroh is concerned that we have not received the full benefit of the contract. Need to see if the contract can be extended. Asked Mr. Ryncavage if he could add any information.

Mr. Ryncavage stated that the website was turned over to the Planning Agency an hour ago. In terms of the contract, it is year by year maintenance and he would hope they would give more time. Sal is the administrative contact and Tom is the technical guy. Sal can assist regarding the free time. The \$11000.00 payment was covered by Covid Cares money. The Planning Agency can take on the rest. He will step back and once ready will assist with the domain.

Ms. Eroh – Spoke with Tom. Got the contact information from Captain Thomas. Hugely concerned that we are outside the scope of our deliverable because we were supposed to be responding in a timely manner. They reached out to her and told her that they have not heard from us since November 2021. She is going to try and work with them to see what can be arranged. Two years is too long to wait for a website Please give Lori Bolesta the .gov information.

Mr. Ryncavage – Spoke with Sal today. They're fine, all should be fine. The only remaining piece is that the

Planning Agency will have to sign off on the design and it is good to go. This is something the Planning Agency can take care of. Lori has it as she is co-author and so is Gail.

Mr. Morehart reports the Coal St., Coal Creek infrastructure has issues. On April 27th I emailed and dropped off an application for Luzerne County ARCA excess funds. The County has excess funds in the amount of \$99 million to provide money for projects like this. The retaining walls are eroding and there is a 36" water main that is being threatened. This main supports Plymouth, Plymouth Twp, Larksville, Ashley, S. Wilkes-Barre, Newport, Sugar Notch. We should get it because if this main is damaged, 50 to 60 thousand people will be affected. As a backup I have also applied for \$500,000.00 in grant money thru PA Act 13. Briefly it was established in 2012, the Marcellus Legacy funds set aside for flood mitigation. Keep in mind there is a 15% match. He said he has been in contact with Matt Cartwright, Robert Casey John Yudichack and Gerry Mullery and have them involved. Looking for 2.5 million from County, but this will be backup.

The Hometown Hero project is moving along. He has 76 applications for the Plymouth Hometown Heroes. The deadline for ordering in time for the launch is gone. Keep ordering but only flags ordered prior to the deadline will hung for the May 29th ceremony. Gave hours and locations to pick up applications.

Mr. Kobusky asked if it is on the borough website? Lori Bolesta said it not on yet but will be.

Mr. Morehart – continued – Dogs in town are a problem. According to Chapter 99 Article 1 animal owners are responsible for their animals. If they get loose, go to the bathroom on sidewalk lawn etc., you are responsible. Dogs running loose are a real problem. The dog warden covers 3 counties, the SPCA is very busy. The same dogs are loose all the time. There is a \$600.00 fine if they get out repeatedly, \$600.00 if they dirty private or public property. It is \$600.00 per occurrence, so watch your pets!

Mr. Ryncavage – advised Mr. Morehart that while the County and State money will be hard to get the back up money applied for can be used as match money for the grant.

Mr. Kobusky – if that 36" main gets damaged that will affect 40,000 building on the East side, from Glen Lyon to Hanover Twp. The county has to be aware of this. The water company feels that if this drain was damaged there would no water pressure for weeks for these communities, weeks!! So many letters have been written by other communities. This is very critical, not just for our infrastructure, it affects other towns as well. We have to get this fixed.

Mr. Morehart added that the Ceasetown Dam Water Treatment Center holds 50,000 gallons of water.

Mr. Kobusky – 50,000 gallons of water coming run out of the dam until they shut it off.

Mr. Dixon – Assured Alec that everyone is working on this project and thanked Adam for doing his piece of it. Council has met with federal officials. The part Adam took care of is needed to move on to the federal level.

Mr. Kobusky – We are looking for 2.5% of 100 million. Believes that that is a small price to pay to protect communities. Hopes that the County looks at this really hard.

Mr Ryncavage – They have already spent 25 million in Pittston so now they are down to whatever is left.

Mr. Kobusky – only looking to take care of this so people do not suffer. There are bunches of people who support this, our elected officials are behind it.

Mr. Cunningham – last month recognized the crossing guards. The Planning Agency will recognize all at the meeting next month.

Mr. Kobusky – Always looking for crossing guards. Please apply. WVW pays 60% of your pay but you would be an employee of the Borough.

Mr. Thomas – Nothing to add at this time.

Mr. Dixon – On 4/24 thru 4/26 he and Jarrid Shulla attended a symposium in Hershey. A class addressed liquid fuels whose funds come from the gas tax. Taxes are paid on gas that then comes back to the town. The amount received is dependent on the population, size, how many roads and number of miles. When you hear a politician say "cut the tax" ask them where they will get the lost revenue that fund the boroughs,

towns and municipalities. How will they make that up?

Mr. Ryncavage – funds support State Troopers – don't advocate for them.

Mr. Dixon – we need to support the State Police. Liquid fuels money is spent for salt, lighting, paving, gas, maintenance, salaries.

Mr Dixon said for over forty years he and his wife have been heavily involved in the town. He didn't run to be a watchdog. His job is to serve the people. He then stated he was disturbed and addressed Mr.

Ryncavage. It is a good thing that he was running for State Rep.

Mr. Ryncavage – questioned Mr Dixon's timing of his questions at a Plymouth Council meeting. He felt it was political and did not belong at the meeting. Mr Ryncavage asked President of Council to, please cut this off, it's political. Words were exchanged. Discussion ensued.

Sargeant Thomas – Demanded this be stopped.

Mr. Kobusky – Will not allow this in a council meeting. It does not belong here.

Mr. Ryncavage – offered to meet with Mr. Dixon in private.

Mr. Dixon declined.

Mr. Kobusky – Mr. Dixon, Mr. Morehart and Mr. Cunningham met with engineers. Storm drains and manholes will be going out soon. Hope to have this project wrapped up by year end. The Beade St. flap gate will be replaced with a motorized gate. These two projects are separate bids.

Mr. Kobusky went on to explained why Motion 1 on the Agenda is being done. The police pension is being transferred to cash, well a money market. In 2004 we had to borrow \$800,00.00 to bail out the fund because we took a bad hit on the stock market. The taxpayer had to put that back in. About 5 years ago we had to do it again, around \$400,000.00. So now we are at over a million. (1.3 over 20 years) If that fund gets too low the state will come in and make you put money back in. Whatever we have to do to find money to put back in. There are 2 payments left on the loan, will be paid off in December next year. Council feels, with the advice of the solicitor, that this is a good move. In the money market the funds will not make money but they will not lose any either. Just this year we lost \$38,000.00 from January to March and more in the past few weeks. Projected loss equals \$200,000.00 which does not include \$125,000.00 that retirees take out. \$38,000.00 was lost not paid out.

There are too many projects coming up in town to lose money. Fire trucks and cruisers are needed because they are being used more. Have to save money where we can. Does not want to come to council and ask them to take another loan out when we can save money. When the market becomes stable, we can start to reinvest. We will monitor quarterly. The professionals say don't do it but if asked if they would replace the loss, of course, they would not.

Mayor Coughlin – states that Mr. Kobusky and he were on council a long time together and have seen it make money and lose money. He applauds Council for making the move. Nothing precludes them from putting it back in. He received a letter once, as President of Council, from the state, they didn't care if we had to sell a fire truck to get the money, the borough needed to shore up the pension account. Thanked Council for doing their due diligence on the issue.

Saturday April 23rd was pick up Plymouth. Thanked the Knights of Columbus, George Tensa, #1 Fire Co., Members of Council and especially the residents. Two dump trucks were filled at no charge. His goal is if he can get one person to stop littering, he will be happy.

Last warning on parking, cannot park illegally! The police are out there and they are ticketing.

The mayor highlighted the April police report: 277 calls in April. These calls require paperwork, court appearances and escort to jail.

Garbage at the upper end of town is awful, wants cameras! Tired of hearing that people don't know how the garbage got there.

Support businesses in town so they are able to stay open. There are a couple new ones that just opened, and by all means support them, but don't forget to support all the businesses in our town.

Shred Event is June4, 2022. Bring your shredding from 9am-12pm.

May 21, 2022 is a busy weekend. There is a community yard sale, the #2 Fire Co. Sip to Support, and the Shawnee Cemetery is having a volunteer clean-up day.

Mr. Thomas and council are interested in getting the Police more involved in the community even more than they are now. Saturday July 9, 2022 from 1pm to 4pm there will be a 1st Annual Community Day. There will be interaction with the officers, games, food and other activities. Mayor motioned to have Mr. Dixon be in the tank. On June 18, 2022 #1 Fire Co. will hold an electronic recycling event at the station on Gaylord Avenue. The list of items they will take is compiled on the flyers in the lobby. Please take one. No televisions or appliances. Aside from that event, the mayor has been in touch with a man from Shickshinny area who does take tv's, microwaves and the like. He will reach out, and see if something can be arranged for the fall.

There will be a ceremony at the Shawnee Cemetery on Memorial Day. They say at 3 pm there should be a moment of silence.

The regular May council meeting was called to order directly following the work session.

A moment of silence followed the reciting of the Pledge of Allegiance.

Roll was called and all council members were present: Mr. Cunningham, Ms. Eroh, Mr. Morehart, Mr. Ryncavage, Mr. Thomas, Mr. Dixon and Mr. Kobusky.

There were no citizens' requests or comments regarding agenda items.

Citizens' requests and comments regarding general items:

Ms. Heather Northrup from 111 Church Street – Said she is new in town, here since last December, and in trying to get to know the town she noticed there were a lot of vacant buildings on Main Street. Her and her husband had some ideas for businesses that might enhance the town. In researching she found a 2018 Ordinance citing a Vacant and Abandoned Registry. Where can she find this?

Mayor Coughlin – was not sure of the status. At the time we were going through revitalization and the Borough Secretary at the time was working on it and has since left. Cannot comment on how far it got. The Code Enforcement Officer does check these buildings and cites the ones that need to be cited

Ms. Northrup – so the borough is not getting the \$300.0 per year fee from the owners?

All – Not that they are aware of.

Mr. Dixon – At the time certain processes were put in place and were someone's responsibility but people leave their positions and the work was not followed up on.

Ms. Northrup – Then what advice can you give me on how to find a suitable building on Main St.?

Mr. Thomas – Fainbergs

Ms. Northrup – it was just condemned

Mr. Thomas – there were several properties in town that are now being used.

Ms. Eroh and Mr. Dixon – there are buildings in town owned by Mr. Baltruchaitus. Perhaps he has a suitable one

Ms. Northrup – his buildings are immaculate and for the most part have tenants. I am more concerned about buildings like Roans', Fainberg's, the building next to the yellow church whose windows are about to break if you touch them. She talked about the perception of the town via Main St.

Ms. Northrup asked who the ADA coordinator is in the borough?

Mayor Coughlin – explained some of the steps taken toward making the town accessible.

Ms. Northrup – did see that, however, believes that there are least 50 employees in the borough and according to federal law you must have an ADA coordinator.

Mr. Kobusky – verified it was federal law and if we need one, we will get one.

Ms. Northrup – have paperwork explaining what the ADA Coordinator does.

Mr. Kobusky – requested a copy of the paperwork.

Mrs. Maryann Meeker – There are bears down on her street ripping up gardens etc. She wanted to make everyone aware.

Recently she had some trouble with kids in the township, thanked our police for their help.

Regarding recyclables- why buy a packer when you can just get clear bags and pay per bag?

Mr. Kobusky – that is our plan.

Mrs. Meeker - Complimented Mr. Morehart on the military flags, he was on target with them.

Why are there not signs regarding dogs?

Mr. Kobusky – there are signs, we will get more.

Mrs. Meeker – get cameras they are very beneficial.

AGENDA VOTING:

A motion was made to liquidate and hold in cash the Plymouth Borough Police Pension Fund.

Whereas ASCO Financial Group, Inc. currently provides services to Plymouth Borough regarding its Police Pension Fund, and Integrated Capital Management (ICM) is the Portfolio Manager/TD Ameritrade for the aforesaid Police Pension Fund,

Whereas the Borough due to the current adverse and uncertain economic climate at the present time is desirous of preserving the assets of said Police Pension Fund from any potential market decline by converting the securities to a cash position and placing them in a secure money market fund in order to protect the assets from a market decline.

Whereas, the Borough has done research and several credible market analysts are projecting a serve market decline and/or collapse.

Whereas the Borough is desirous in fulfilling its fiduciary duty to the police pension plan as well as its duty to the Borough taxpayers, it deems it in the best interest of both in order to preserve the assets of the police Pension fund to convert the holding to cash for a short period of time in order to observe the direction of the stock market to see if it stabilizes.

Whereas the Borough is concerned because it still has a \$90,000 payment plus interest due at the end of 2022 and a final payment plus interest due at the end of 2023 on a loan taken out several years ago to make a required contribution to the Police Pension Fund.

Whereas if the Borough sustains a significant loss in the value of the Police Pension Fund and is required to borrow money to refund the Police Pension Plan due to a loss associated with investment declines in the fund, it would severely jeopardize the operation of the Borough in that in order to pay on any loans to refurbish the police pension, it would most likely have to cut services to the Borough residents.

Whereas, in order to effectuate said plan the Borough feels it is in the best interest of its goals stated above to preserve the capital on a temporary basis from the risk of market exposure.

Whereas the Borough by preserving the assets of the fund will not jeopardize the fund in any way and has more than sufficient assets to guarantee and make the required payments to the current seven retirees without depleting or jeopardizing those payments.

Now therefore, the Borough Council does hereby authorize and direct that ASCO Financial Group, Inc. and Integrated Capital Management (ICM), the Portfolio Manager/TD Ameritrade, to immediately

liquidate and sell all securities being held in all accounts of the Plymouth Borough Police Pension Fund and hold the funds in safe interest-bearing accounts until such time as Borough arranges to reinvest the funds in equities. Furthermore, the Borough Council does hereby authorize the President of Council, Ron Kobusky and Councilperson, Alexis Eroh to sign any and all documents with ASCO Financial Group, Inc., Integrated Capital Management (ICM), the Portfolio Manager/TD Ameritrade in order to liquidate the funds and convert all securities holdings to cash.

The Borough does hereby acknowledge that Jerome J. Mchale acting on behalf of ASCO Financial Group, Inc. has advised the Borough against liquidating/ converting the securities held in the Police Pension Fund to Cash. The Borough further acknowledges that the plan Actuary John Vargo Siegel Actuaries has advised the Borough that it may potentially increase plan funding, i.e. Minimum Municipal Obligation (MMO's).

The Borough being aware of the recommendations of Jerome J. McHale acting on behalf of ASCO Financial Group, Inc. and John Vargo of Siegel Actuaries, do want to proceed to liquidate all securities into cash in order to protect current plan assets which at the last report on or about April 24, 2022 were at approximately \$1,094,000.00 and protect against a loss of Police Pension Fund Assets in the event of a significant market decline and in order to avoid the need to curtail Borough services in the event of a loss of assets and the requirement obtain financing through a loan to refurbish the aforementioned fund to cover any losses as required by law. Again, this action is being taken on a short-term basis and will be reviewed quarterly with the financial advisor handling the fund to determine the appropriate time to recommit a portion of the funds to securities.

Motion: Mr. Thomas
Second: Mr. Cunningham
Approved: 7 yes votes

A motion was made to accept the resignation letter of David Bird from his position on the Plymouth Borough Street Department effective on May 20, 2022.

Motion: Mr. Dixon
Second: Mr. Morehart
Approved: 7 yes votes

A motion was made to appoint, Nicholas Stull, as a full time probationary DPW worker, with the Department of Public Works, effective immediately at an hourly rate of \$15.00 per hour under the following terms and conditions as herein stated: Said DPW worker is to serve a probationary period of a six (6) month and under this probationary period can be terminated for any reason whatsoever and will have no right or claim to the grievance procedure, Health care benefits, sick leave pay, vacation pay, or any other provision of the Collective Bargaining Agreement between Plymouth Borough and Teamsters Local Union No. 401 covering the period January 1, 2022 through December 31, 2022.

Motion: Mr. Dixon
Second: Mr. Cunningham
Approved: 7 yes votes

A motion was made to appoint, Antoinette Ryder, as a full time probationary Clerk II, in the Administrative Office, effective immediately with a start date of May 23, 2022, at an hourly rate of \$15.00 per hour under the following terms and conditions as herein stated: Said Clerk II is to serve a probationary period of a six (6) month and under this probationary period can be terminated for any reason whatsoever and will have no right or claim to the grievance procedure, Health care benefits, sick leave pay, vacation pay, or any other

provision of the Collective Bargaining Agreement between Plymouth Borough and Teamsters Local Union No. 401 covering the period January 1, 2022 through December 31, 2022.

Motion: Ms. Eroh
Second: Mr. Morehart
Approved: 7 yes votes

A motion to pay refunds in the following amounts totaling \$92.68 for property reassessments to: John Carson - \$80.20 + Rosina A Tucker - \$12.48

Motion: Mr. Cunningham
Second: Mr. Ryncavage
Approved: 7 yes votes

A motion to pay the invoice submitted by Eckert Seamans, Attorneys at Law, in the amount of \$13,630.00, for professional legal fees regarding a personnel matter.

Motion: Ms. Eroh
Second: Mr. Thomas
Approved: 7 yes

A motion made to accept the monthly fire and police reports for April.

Motion: Mr. Cunningham
Second: Mr. Morehart
Approved: 7 yes votes

Motion to pay the monthly bills:

*On the question: Mr. Thomas voted to pay all bills except bill #22-367GF-John Thomas, which is the payment for health insurance for retired police, of which there is a contractual conflict of interest.

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| General Fund | 22-333GF – 22-391GF |
| Liquid Fuels | 22-080LF – 22-091LF |
| Recreation Fund | 22-021RF – 22-025RF |

Motion: Mr. Cunningham
Second: Ms. Eroh
Approved: 7 yes votes

Motion to adjourn made by Mr. Cunningham

Respectfully submitted,

Gail Burdulis, Borough Secretary

