

**MINUTES OF THE PLAINS TOWNSHIP BOARD OF COMMISSIONERS MEETING OF
JANUARY 12, 2023**

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CALL TO ORDER TIME: 7:00 P.M.

PLEDGE OF ALLEGIANCE: Led by Gerald Yozwiak

ROLL CALL: Present: Peter J. Biscontini, Esq., Ciro Cinti, Robert Sax, Thomas Shubilla, and Gerald Yozwiak. Also present: Attorney Stephen Menn and Patricia Sluhocki.

Secretary Read:

The Sunshine Act requires that those in attendance be given the opportunity to comment before a vote is taken. Anyone wishing to comment on an issue is encouraged to notify the Board prior to roll call being taken on that issue. The Township policy is to limit comment to five minutes. Anyone requiring additional time is encouraged to make arrangements to meet with the Board at a later date. Additionally, all correspondence read or referred to is available at the North Main Street Municipal Building for public inspection during regular business hours. Note that the meeting is being recorded. At this time please turn off any cell phones to avoid disrupting the meeting.

GENERAL ORDER OF BUSINESS

Motion to accept: **Minutes:** Board of Commissioner Regular Meeting of December 8th; Plains Township Planning Commission Meeting of November 3; Plains Township Recreation Board Meeting of December 5th; Plains Township Sewer Authority Meeting of October 20th; Wyoming Valley Sanitary Authority Meeting of November 15th. **Monthly Reports:** Police Department for December; Fire Department for December; EMA Coordinator for December and Annual for 2022; DPW Report for December; Zoning Permits Issued for December; Contractor Licenses Issued for December; Secretaries Report for December. **Payrolls** of the Administrative, Zoning Office, Department of Public Works and Recreation Departments. The **Treasurers Report for December;** General Fund Receipts **\$244,001.16;** General Fund Disbursements **\$916,380.36;** Total Ending Balance in the General Fund as of **12/31/2022 \$1,422,040.12.** **BY: Sax 2ND: Cinti All For Motion Carried.**

CORRESPONDENCE

Motion to accept a letter of Resignation from Emil Aritz from the Plains Township Planning Commission effective February 2, 2023. **BY: Shubilla 2ND: Biscontini All For Motion Carried.** **Cinti** thanked him for his years of service and he also was on the Recreation Board. A long-standing resident of the Township. **Yozwiak** also thanked him for his years of service.

Motion to accept a letter of Resignation from Anthony Vestyck from the Plains Township Planning Commission effective January 9, 2023. **BY: Sax 2ND: Cinti Sax** thanked him for his years of service on the Planning Commission. **Cinti** thanked him for his years of service, outstanding citizen and he also helped us a lot when he worked up Vo-Tech. **Yozwiak** also thanked him and mentioned how he helped in painting the APC at the Vet's Park. **All For Motion Carried.**

COMMITTEE REPORTS

POLICE – Biscontini reported that our police supervisors participated in leadership training with the FBI. Thanked Officer Kevin Brennan for heading the tee-shirt sales for breast cancer fund raiser. We soon will be receiving some money from the Opioid class action lawsuit that we participated in.

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FIRE – Sax reported that there were 140 fire calls for the month of December. 49 Captains calls for a total of 189 calls. Fire Department participated in the Toys for Tots campaign and want to thank all who participated. Also handed out 72 winter coats to children at the Solomon School. Campaign was headed up by Captain Van Luvender. Thanks to all who donated. Reminder that fire department has smoke detectors. Any one that is interested, please contact us. Handed out over 150 detectors. Had the Brick Drop recently on New Years Eve. Thanked all the departments that helped out and everyone that attended. Especially Mike Sebia who did all the work in making the brick. I have a Certificate of Appreciation for him. He couldn't make it tonight but Chief Ritsick is here to accept. Also a Certificate of Appreciation to Chief Ritsick and his wife, Allison was presented. Thanked by the Board. **Chief Ritsick** stated that he is the Fire Chief and Mike Sebia is Deputy Chief. But we did this as citizens of Plains Township.

DPW – Shubilla reported for December: 37 tons of Co-Mingled Recyclables: 201 tons of garbage. Thanked the DPW for work they did with any storms we had during December. Clutter Pick-Up to begin in March. Can start signing up in February 1st. Small items are \$5.00 and larger items will be \$15.00. **Yozwiak** added that on Saturday's weather permitting you can drop off your recyclables at the Recycling Center from 9:00a.m. to 12:00 Noon.

RECREATION – Cinti announced that we are accepting pavilion rental applications. Get in as soon as possible. Plains Township residents get the first choice. The dates will begin getting set in February. Applications are available at the Town Hall. We will be having the kids summer camp again this year. We do need summer help with the proper clearances. Also need summer help in recreation and DPW. Any student graduating high school or attending college.

CHAIRMAN MESSAGE – Yozwiak announced that it is Anthracite Coal Mining Month. Several activities are planned throughout the Valley. There is radon all throughout Pennsylvania. Wise to get your home tested and you could pick up a test kit at any hardware store. Went to the Pennsylvania Farm Show again this year. It's something nice to see.

OLD BUSINESS

NEW BUSINESS

Motion to authorize payment of the **General Fund Bills** consisting of the **Utility Bills \$28,187.04; Regular Bills \$205,309.67 Total \$233,496.71. State Aid Account Bill: Cargill Salt \$12,484.45. BY: Biscontini 2ND: Sax For: Biscontini, Cinti except abstain from Assured Partners bill due to business relations, Sax, Shubilla, Yozwiak. Motion Carried.**

Motion to authorize execution of an engagement letter for Zavada & Associates to complete the 2022 Township Audit not to exceed \$17,900.00. **BY: Cinti 2ND Shubilla All For Motion Carried.**

Motion to authorize refunds due to exoneration of a portion of 2022 Real Estate Taxes overpaid to the following: JJS Family Partnership in the amount of \$69.12, New Enterprise Stone in the amount of \$8.37; and a Veterans Exemption inadvertently overpaid to the Township by John J. Day Jr. in the amount of \$127.62. **BY: Sax 2ND: Biscontini All For Motion Carried.**

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Motion to authorize DPW to install No Tractor Trailer signs on Scott Street. **BY: Cinti 2ND: Shubilla All For Motion Carried.**

SOLICITORS REPORT

Motion to authorize execution of Change Order #1 of the 2022 Paving Project. Change Order adjusts the contract times. **BY: Shubilla 2ND: Cinti All For Motion Carried.**

Motion to ratify the authorization for engineer to prepare and advertise the Haines Street Drainage Improvement Project. **BY: Biscontini 2ND: Sax All For Motion Carried.**

Motion to adopt a resolution authorizing Recycling Coordinator Jeff Gustinucci to file application for the 2022 Recycling Performance Grant for a fee of \$3,000.00 . **BY: Cinti 2ND: Shubilla All For Motion Carried.**

Motion to advertise the 2000 Ford F550 DPW truck with plow and spreader and various police equipment on Munibid. **Menn** explained that Munibid is a site where Municipalities can sell equipment. **BY: Sax 2ND: Biscontini All For Motion Carried.**

Motion to dispose of old Township records from 2012 consisting of various pieces of correspondence, bills and banking information, etc. **BY: Shubilla 2ND: Cinti All For Motion Carried.** **Yozwiak** commented that we do this every year to keep 10 years of records.

Motion to solicit bids for the back-up salt bid for the 2023-2024 Winter Season. **BY: Biscontini 2ND: Sax All For Motion Carried.**

Motion to re-appoint Vincent Albertelli to the Plains Township Sewer Authority for a term to expire December 31, 2027. **BY: Cinti 2ND: Shubilla All For Motion Carried.**

Motion to re-appoint Christopher Cinti to the Plains Township Recreation Board for a term to expire December 31, 2027. **BY: Sax 2ND: Biscontini For: Biscontini, Cinti Abstain, because this is his son, Sax, Shubilla, Yozwiak. Motion Carried.**

Motion to re-appoint John Sedon IV. to the Plains Township Zoning Hearing Board for a term to expire December 31, 2027. **BY: Shubilla 2ND: Cinti All For Motion Carried.**

Motion to appoint Thomas Pistack to the Plains Township Planning Commission for a term to expire December 31, 2027. **Menn** he is being appointed to replace one of the resignations previously accepted. **BY: Biscontini 2ND: Sax All For Motion Carried.**

Motion to appoint Pat Clarke to the Plains Township Planning Commission for a term to expire December 31, 2027. **Menn** this is the other replacement for Planning. **BY: Cinti 2ND: Shubilla All For Motion Carried.**

Motion to adopt a resolution appointing the members to the Boards, Commissions and Authorities. **BY: Sax 2ND: Biscontini** asked if anyone is interested in serving on one of the Boards, just send a letter in. **For: Biscontini, Cinti, except for the Recreation one for his son, Sax, Shubilla, Yozwiak. Motion Carried.**

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ANNOUNCEMENTS – The next regular meeting of the Board of Commissioners will be held February 9, 2023 7:00 P.M.

TAXPAYERS

Judy Rome – Lives at 47 South Beech Road. Recently became aware that the property at 7 North Beech Road has been acquired by Keystone Services and is running a business out of that home. Asked the Board how and why that is allowed. **Menn** offered to sit down with the residents to explain the situation after the meeting. Federal Law, the Fair Housing Act has defined use as family. So if your in a R-1, the definition of a family includes unrelated individuals. People who are suffering from mental handicaps as a group that would live together as a family under the Act. They become a family so they do not violate the ordinance. This is expanding more and more. Facilities are closing and now they are trying to put these patients in a residential-settings. From a zoning perspective, they are operating as a family that meet these categories. **Rome** this is a business that is employing people. Asked if she could rent an Air BB out of my residence. **Menn** that is not the same thing. The question is how they are operating. **Rome** the other day there were 7 cars parked there. We have traffic concerns. **Menn** asked if they were illegally parked. **Biscontini** responded that we did have a traffic study done by the police and they found no issues. **Chief Binker** explained that the study was done by Officer Mahmoud and we found no traffic accidents there and no parking issues at that intersection. Has no problem with another stop sign. None of the other departments have a problem with that intersection. There are zero parking citations or complaints since 2018. **Mark Pawlowski** spoke from the audience asking that don't they have to provide parking for a business. **Zoning Officer Karen Rubasky** explains the zoning and parking regulations as it pertains to this property. **Menn** ownership of the property does not define use. **Biscontini** asked if someone disagrees with you, what option do they have? If they feel their covenants of Birchwood Hills have been preached, what are their options? **Menn** covenants are private actions that can be taken among residents. You wouldn't come to the Township if someone is in violation of your covenants. You need to talk to a lawyer about that understands the housing act and the zoning ordinance. Once the streets are turned over to the Township, they become public roads. **Biscontini** lives in Birchwood Hills and could probably find a real estate attorney to help. He can't because it would be a conflict. It's a private cause of action. **Menn** this is not the only group home in Plains Township and as these started appearing, this use was reviewed by the Zoning Board solicitor and myself with Karen. **Rome** feels that this use is devaluing our properties. What's stopping more to be bought and set up next to this home because they are also ranch homes? **Shubilla** intervened that we should cut this and move on.

Jim Waz - Lives at 24 South Beech Road. Has two questions. Is Keystone Services a non-profit and are they paying taxes? Could you find out for us? **Barbara Bruno** spoke from the audience. Doesn't understand how this is allowed. It's a business, not a family. **Yozwiak** we can find out if they pay taxes. They purchased the property in May of 2021.

Paul Menendez – Lives at 21 Mill Creek Road in Mill Creek Acres. Came here to address a drainage problem and has safety concerns. There is a condition that happens late winter and early spring between the curb line, condition on the street sub-surface water comes up about a half block up from his property. Did call DPW and left a message for Mr. Gustinucci. When someone did show up, the water subsided. The water got in between the binder and the wearing course and pulled the wearing course up.

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Has an outlet by his driveway but during a rain event of when this water is coming up to the surface, it goes around the inlet instead of in it. **Yozwiak** they are putting a new water line in Hilldale and Jeff did mention there was a problem in your development just like they have. It's on our list. I'll talk to the engineer. **Menandez** showed pictures to the Board of what the problem looks like. Pictures given to **Nick Argot**.

Judy Rome – Also has a water problem in front of her home at 47 S. Beech Road and it is also in front of Kevin O'Connor's home at 45 S. Beech Road. It's not graded properly and in the winter it freezes up and people have a had time walking. Waited for the trash pick up because I didn't want the guys falling so I handed my garbage to them and told the two young men on the back to ask road department take care of this area. They said no problem, but the driver however was disrespectful. Driver said it is like this all over Birchwood Hills. Called to DPW and told them about incident and they said they would put reprimand in his file. **Shubilla** will take that under advisement. **Yozwiak** added that there are two problems up there. The surface water and your rain gutters come out to the road. **Sax** said the Water company just did work there and were going to repave. Engineer will monitor the situation.

ADJOURNMENT BY: Cinti 2ND: Yozwiak All For Motion Carried. TIME: 8:04 P.M.

Respectfully Submitted,



**Patricia Sluhocki
Secretary**

Accepted By,



**Gerald J. Yozwiak
Chairman**