

**MEETING MINUTES OF THE PLAINS TOWNSHIP BOARD OF COMMISSIONERS MEETING
OF JULY 11, 2024**

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CALL TO ORDER TIME: 7:05 PM

PLEDGE OF ALLEGIANCE: Led by Gerald Yozwiak

ROLL CALL: Peter J. Biscontini, Esq., Ciro Cinti, Robert Sax, Thomas Shubilla, Gerald Yozwiak.

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 June 13, Plains Twp. Recreation Board Minutes for July, Plains Twp. Planning Commission Meeting Minutes for May. **Monthly Reports:** of the Police Department; Fire Department, EMA and DPW for June, Zoning Permits and Contractor licenses Issued and Secretaries Report for June. **Payrolls** of the Administrative and Zoning Office, Department of Public Works, Summer Camp and Recreation Departments. The **Treasurers Report for June:** General Fund Receipts in the amount of **\$399,622.99** General Fund Disbursements **\$776,465.33**; Total Ending Balance in the General Fund as of **06/30/2024 \$3,727,078.09**. **BY: Sax 2ND: Shubilla (Cinti Abstain from Summer Camp Payroll) All for, motion carried**

CORRESPONDENCE – None

COMMITTEE REPORTS

POLICE – National Night Out will be held Tuesday August 6, there will be food and fireworks. The fireworks are beautiful. We have been saying that we have been having trouble finding police officers thankfully we have 7 to take our test. We are down a bunch of police officers. So it looks like there may be light at the end of the tunnel with that. And again just to encourage everyone to please call 911 if you see anything. Our officers prefer if you call 911, it gets them dispatched right out and there is a record of the call. This month we had 23 suspicious persons calls, 15 thefts, 4 overdoses, crime is prevalent so please call 911.

FIRE – 122 fire calls, 69 captains calls for a total of 191 calls. Just a reminder, smoke detectors are available to be installed for free.

DPW – Catch basins are being cleaned. Clutter clean up is going on once a month. I would like to thank the DPW for putting the flags up for Flag Day and the 4th of July.

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RECREATION – Kids Camp has 60-75 kids per day. I would like to urge the board to continue the camp again next year, as its very successful. Pavilion rental dates are still available. A big project we will be doing is Mr. Roccograde is donating his time to sandblast and paint the guide rails up at the park. They are long over due to be painted. That will be started the end of this month or early next month.

CHAIRMAN MESSAGE – I would like to again apologize that there is no AC. It was over 900,000.00 project to do the roof and the HVAC for the building. The roof is finished and the HVAC system electric is wired up but the HVAC contractor has not been in to finish up so that the units can be turned on. I have been on vacation up at Lake Wallenpaupack and the water is 79 degrees, the fish are not biting but the water is beautiful. If anyone is going to party on the patio tonight a Leonard Skynyrd tribute band is playing. When I was in the military, basic training Elvis Presley died when I was in basic training and Leonard Skynyrd's plane crashed.

OLD BUSINESS – NONE

NEW BUSINESS

Motion to authorize payment of the **General Fund Bills** consisting of the **Utility Bills \$23,667.14; Regular Bills \$295,152.13; Total \$318,819.27. BY: Biscontini 2ND: Sax (Cinti Abstain for Assured Partners and Michael Cinti Bills) All for, motion carried**

Motion to hire Kyle Littman as part time DPW worker as of July 8, 2024 subject to successful completion of physical, drug test and background check **BY: Cinti 2nd: Biscontini All for, motion carried**

Motion to re-hire Alexander Turovski as part time DPW driver as of July 3, 2024. **BY: Shubilla 2nd: Cinti All for, motion carried**

Motion to authorize payment to CoreLogic in the amount of \$75.87 for overpayment of taxes for 24 E. Charles Street, as per Michelle Waslasky Plains Township tax collector. **BY: Biscontini 2nd: Shubilla All for, motion carried**

I. Solicitors Report:

Motion to approve the handicapped parking application for Sandra Hrencecin of 8 Warner Street as recommended by police traffic study **BY: Cinti 2ND: Sax All for, motion carried**

Motion to authorize payment application No. 2 of the Plains Township Firehouse #2 Renovation Project in the amount of \$92,917.59 to Smith Miller Roofing and to approve Change Order #2 for an increase of \$17,533.76 **BY: Sax 2nd: Cinti All for, motion carried**

Motion to authorize payment application No. 6 Plains Township Firehouse #2 Renovation Project in the amount of \$183,514.50 to Spotts Brothers Inc. and approve Change Order #2

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for an increase of \$5,400.00 **BY: Shubilla 2nd: Biscontini All for, motion carried**

Motion to solicit bids for the supply of garbage bags

BY: Sax: 2nd: Shubilla All for, motion carried

ANNOUNCEMENTS –The next regular meeting of the Board of Commissioners will be held August 8, 2024 at 7:00 pm.

TAXPAYERS (Time limit 5 minutes taxpayers must sign in).

Theresa Marchel – I'm back again and I want to show you some picture of parking. I have a whole bunch but I am just going to show you a few. There is one where they actually turned around on my lawn. That was June 15. There was a fight that the police were called to and because of the parking the officer actually blocked me in and I couldn't go anywhere. I would really appreciate if something is done. I know I mentioned at the last meeting the no parking and I printed an brought it, it says on the bottom, no parking on Wyoming St. both sides. No I don't want to be mean because it is the little league but if they could please park where we could get out of our driveways and not turn into my yard. Now the gentleman, his name is Tony he parks right across where it says no parking and I get it he has a hard time walking, so that is fine, but the other cars shouldn't be parking like that. It's very frustrating, plus they double park, and block the road. I need to get out of the last house on the street.

Commissioner Yozwiak – Comm. Biscontini you need to talk to the Chief and get the signs up.

Theresa - I don't want to be mean, I know they need to park. I am waiting to park and they have the road block and I'm waiting and I tell the woman they can't block the road like that and she tells me to get over it. Even when they park behind the benches there is 3 or 4 feet between them.

Commissioner Yozwiak – Rob can't DPW paint No Parking on the road?

Commissioner Sax – we can do signs and see about the lines and no parking

Theresa – When the drop off the kids they come up the street and they drive into my yard There is a field down there and no one will use it because they don't want the balls to hit their cars. And what about the net? I asked about the net to go up. My brother offered to pay for the net. And they told me I needed to pay for it, install it and maintain it. Come on isn't the little league responsible for the balls going into my yard.

Commissioner Yozwiak – We will find out.

Commissioner Biscontini – I did talk to the chief was there any improvement?

Theresa – For a little bit there was and then it went out the window

Commissioner Biscontini – Ok I will talk to the Chief again.

Theresa – Is there anyway we could get notified when they do stuff like TV games because the street is blocked off.

Commissioner Cinti That is when they host – that is somewhere else this year. You can go to the little league meetings I'm sure they have them I will find out when the next meeting is and call you and you can go to the meeting.

Theresa – Where is it

Commissioner Cinti – It is at the stand, at the field right across the street. They are open meetings.

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Thank you.

John Bryk – First question there is a home across the street from where I live – 13 south beech it is for sale. Its been up for sale for over a month or two, I was to the open house which was a disgrace, the swimming pool was pea green, and I talked to the realtor and nothing has been done, yet its full of mosquitos and bugs. The weeds are up to the rain gutters

Biscontini – is this the brown house?

Bryk - Yes. They cut the grass but the weeds are high. There is a home on 2 Birch Ave that was just sold. Is that being sold to a group home? I heard they are only buying ranch style homes.

Biscontini – is that Molitioris?

Bryk - These group homes how are they buying these from the public? Are they going up for bid are they just over bidding everyone?

Biscontini – I'm not sure about 2 Birch, it's my understanding that these companies, either these families are going to these companies or just like a private buyer are waiting for the homes to go up for sale contacting the seller immediately and purchasing. They are willing to pay. Unfortunately, we don't get notified when someone, or a company purchases a home.

Yozwiak – its an open market.

Bryk – I understand that but people don't get a chance to bid on it its not an open market.

Yozwiak – well the house on 2 birch, I live on Clarks Lane, and that one

Bryk – The other ones, there are others, group homes in the development that are sold 1 is occupied 1 is going to be occupied

Yozwiak – If the real estate agent sells it to them that's the way it works

Bryk – But what is the council doing about it, are you restricting these people from buying these homes?

Yozwiak - No

Bryk - Birchwood Hills is a single family development, is that on record? Is that on record?

Attorney Menn – What is your question though?

Bryk – I want to know if Birchwood Hills is a single-family development

Attorney Menn – If what you are asking is, is it zoned residential – then yes, it is.

Bryk – But one family –

Attorney Menn – R1 is residential

Bryk – There are 2 people living in the one and in the one that was just sold I was told that was being purchased by a group home. Step by Step.

Yozwiak – Ok

Attorney Menn – But what is your question?

Bryk – I want to know why are they selling these homes letting multiple people live in them. They are not the same family.

Attorney Menn – That's allowed by law they are considered the same family by law.

Bryk – I have some things here I'm not going to get into this but I'm going to ask you to read it in full. Tonight

Attorney Menn – Sure, I'm not going to promise to read it tonight but you can give it to me

Bryk – Alright

Resident – Does the fair housing act preempt local zoning laws

Attorney Menn - Absolutely, especially from a discriminatory stance. Here's what I am going to say to you and I am not here to argue with you. If you have a lawyer and your lawyer wants to provide something to me for me to look at I will be happy to look at it and discuss it with your lawyer. I am telling you right now that under the fair housing act it is discriminatory to not allow

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group homes in a residential zoned area. That is absolutely the law

Resident – So this business that is buying these houses in our development and running their business in our development

Attorney Menn – I am telling you that when you have a group home a family is defined not necessary as related by blood, you don't have to be related by blood. You can not discriminate against them, and exercise any kind of local ordinance to keep them out of a residential area

Karen – Excuse me Steve they are called a Single-Family Unit, not a group home

Attorney Menn – Well they are describing them as group homes, but what I am saying is this however you want to describe them, or label it We are not allowed to against them.

You cannot discriminate against people with disabilities, physical or mental, and the government has gone so far as to include other types of issues as disabilities recently.

Bryk – Ok 1 more question – The government gives them the money to buy these homes with no interest they get paid by the government to live there they pay no rent and no taxed.

Attorney Menn – I don't know that

Resident – I already asked Step by Step

Bryk – well you should be knowing this

Attorney Menn – Why

Bryk - because it's affecting our taxes.

Attorney Menn – Its not affecting your taxes, have the taxes been raised in Plains in 10 years?

Bryk – I can't answer that question

Attorney Menn – I can they haven't

Bryk – Then why do my taxes keep going up

Attorney Menn – I don't have an increase in the last couple of years so you may have to go and talk to the county or the school district.

Bryk – I am going to bring my books to the next meeting to show you.

Attorney Menn. – That's fine

Commissioner Biscontini – John as you may know I live on Spruce and I am friends with a lot of people in this room and have spoken to 3 of the people in the room. Mike came to my office today and we were talking about this. I have a copy of the Birchwood Hills Covenant that I think they are subject to these homes that are being purchased so I think what needs to be done is an attorney has to be consulted and file a private action against this to prevent the sale or to prevent future sales. If the covenant is correct. So I have a phone number of an attorney with Rosen Jenkins and Greenwald – this would be real estate litigation. I would do it but I don't know anything about this type of law

Bryk – But you represent the Township you should be doing it. You are receiving a salary from us.

Attorney Menn – He should do what?

Bryk – Look into this he is an attorney. He should look into it for you people on the board,

Attorney Menn – It is my advice to the board that if they take any action with regard to trying to keep them out of residential areas they are going to end up being

Bryk – This was just handed to me tonight – I want it read. I have a few more questions.

Resident – I called Step by Step and asked them where they get the money from to buy these homes and where they get the money to reside in the homes– it comes from the government – It all comes from the government. Money to purchase and pay them and the bills comes from the government.

Attorney Menn – Why it that relevant?

Bryk – because it is affecting the prices of our homes. You keep bringing these people in, what

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do you think is going to happen

Attorney Menn – We are not bringing anyone in.

Bryk – You are allowing it.

Attorney Menn – How am I stopping it?

Bryk – You have an attorney here

Attorney Menn – That's what I'm asking you, how am I stopping it?

Bryk- Where's that other commissioner? What do you have to say about this?

Yozwiak – I'm the Chairman of the Board – We talked about this in length multiple times when people brought this up last time about N. Beech

Bryk – Yeah and what kind of answers did you find out

Yozwiak – From legal advice we will be sued. And why would we pay for legal advice to be sued, when it's the law, the law the law dictates this.

Bryk – NO the law is dictated by the Township.

Yozwiak- no its not

Bryk – Read that paper

Attorney Menn – I will look this over

Bryk – Let's move on – if these people are not paying taxes I want to be free tax - I don't want to pay taxes on my home either

Attorney Menn – You need to see a lawyer

Bryk – I'm going to see one right there, he lives in my development.

Attorney Menn- He can't help you because he is on the board

Bryk – He's an attorney by law

Biscontini – I don't do real estate law. I have never done that and would probably screw the case up. If you were rear ended I could do that getting a divorce I can't do that.

Bryk- I disagree with you but let's move on – I want free rent and free loans like everyone else, I'm disabled I want to be on this list for the next opening in Birchwood Hills. So, I have preference. I live here I want to get on the free list. So, I don't have to pay rent or taxes. I want my name on record tonight, I want to be on it.

Attorney Menn – We have nothing to do with who purchases and sells houses in Birchwood

Bryk- Well I don't believe that **

Attorney Menn – Well then you better see a lawyer and have them contact me.

Bryk- A lawyer a lawyer a lawyer, who is going to pay for this lawyer?

Attorney Menn – You would have to pay for the lawyer.

Bryk – yeah and when I win then what who is going to pay me in return?

Attorney Menn – well it depends on what you win

Resident -Who oversees what is going on in these homes? Who governs how many aids they have to have. Does each person have an aid around the clock or do they only have one aid? Does anyone know this.

Shubilla – What ever the regulations of Step by Step are. That is not in the Townships purview.

Attorney Menn – I depends on what the purpose of the group home is. So I do all the mental health hearings in Luzerne County. I have mental health hearings at least twice a week. And some of the individuals have mental health conditions and the go into the hospital and get released some go to group homes. But depending upon what the purpose of what the group home is it could be physical disabilities, mental these are what step by step is involved with. The purpose of the home it is subject to the rules and regulations/ requirements of the government / state agencies that fund it, as you said, they will be the ones that oversee it. They have to meet certain requirements, do certain things have a certain number of people etcetera. Be certified in a certain way. All of that has to happen for them to qualify for that funding.

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Resident – Ok but who is making sure that this is all happening?

Attorney Menn - The agency in charge – either state or federal, If they have person A and B who are working there and person A leaves then the agency will provide a person C and all of their information to the state of federal agency that oversees them, they are required to do that. If they don't do that they will be shut down, they will lose their license and funding, and the group home would be shut down and the people would be move out and to another agency.

Bryk- Is there anybody from Plains Twp, we have all these inspectors do they go to these group homes and inspect what is going on and what the conditions are

Attorney Menn – we have no ability to go and inspect outside of what would be related to normal work that would be done to anyone's home. We can't just go there because it is a group home.

Bryk – Bug Control Who makes sure they don't have bugs?

Theresa – Excuse me – I work for step by step I just need to say something because you keep referring to them as these people. They are people just like you and I – They just have a disability, no matter if its physical or mental, they are strictly regulated there are inspections.

Bryk – They don't pay taxes

Theresa – I don't care about the taxes – Just please quit referring to them as these people. If you got to know them you would see they are just like you. There houses are kept spotless I have been in them

Bryk – I know there was one where the people were running around naked.

Theresa – quit peeking in the windows. There is nothing wrong with having a group home there.

Karen – Under federal regulation they are considered a single-family unit. The ADA agency considers them a single-family unit, And can have up to 3 people.

Bryk – I disagree,

Attorney Menn – Well whether you agree or not that is the federal regulation, they are considered a family unit, I'm simply telling you that,

Bryk - Well I guess I have to put my house up for sale.

Attorney Menn – I guess you will have to then – under federal regulations they are legal.

Bryk – the value is going down every day that's all I have to say, I would like some answers to these questions if the secretary wrote anything down

Biscontini - We will cite the home owner for the green pool and the high weeds for the home that is still for sale

Yozwiak – Karen call the realtor and get with them to get something done

Attorney Menn – Sir this paperwork is from 1999 the laws have changed

Karen – I spoke to the realtor I told them they needed to take care of this on a bi weekly basis. I will call again, they may have changed realtors again I will look into it.

Yozwiak – Ok Thank you Sir moving on

Bryk – I would like answers next meeting, I don't want to be brushed on the side

Steve Motil – 11 Pine Road

The reason I'm here tonight is I'm looking for some answers. Over the last two years I have dealt with some erosion and property subsidence in my front yard. And I have invested thousands and thousands and thousands of dollars into the property that I purchased in Birchwood Hills back in mid-December of 2023 I sent an email to the township secretary who promptly forwarded it to the engineer Nick Argot. Within a week I met Nick on my property showed him the water erosion issue I discovered and the swale that comes down between the

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properties there is a hole in the ground. The water going into the ground and who know where from there. The Twp was notified over two years ago when I had a hole that opened up in my yard that was less than a foot in diameter DPW came out put a piece of wood over it contacted the bureau of mining. Bureau of mining came out says it is not from the mines, you can fill it up. That day I went and got two tons of 2B stone and I dumped two ton of stone in the hole and hit it with a compactor left it sit till spring because I knew it would settle. At that point when it was discovered it was five-foot-deep Now I have an almost 4 year old that runs around. January 2024, I sent another email – this one has gone unanswered. And I have gotten no answer since now I'm not saying its you, that you didn't forward that message but when I met with him he said this absolutely needs to be fixed and when I said who fixes it he said he was going to submit a letter to the commissioners and it was over the last two or three months that you received several letters from Nick about erosion and run off issues in the township and I have not received any communication from the board or anyone in the township in regard to my issue. What are the next steps or what will be the action or his recommendation on my property that needs to be taken for the issue that he said absolutely needs to be fixed. The last thing I'm doing personally is sticking a shovel in the ground because then it becomes my problem. And a year from now when it becomes the neighbor's problem and they are blaming me, I'm not having that.

Sax – Steve has Nick been back out

Steve – No

Yozwiak – We need to look at the correspondence, it may have gotten missed, I don't know

Steve – Jerry, I'm trying to be nice about it, but DPW was out, bureau of mining was out, the Township engineer was out immediately I met with him. Now it is taking 6-7 months to show back up on your agenda, come on man. Shouldn't the engineer communicate with you on projects. Where do I go from here? I know its not my water. I had the property surveyed. I thousands of dollars into this property, and I'm done spending money.

Yozwiak – We will be in touch with Nick and see what is going on and what he recommends

Sax – how much has it subsided

Steve – originally it was this big (size of a soccer ball) now its several feet in diameter I have a 3 foot t square and it does not go end to end and it continues to grow.

I know where the water is coming from All of the water pipes in birchwood empty into my yard and they need to be addressed this swale is causing this sink hole and I don't feel it should be my problem.

Yozwiak – So its coming from S. Beech?

Steve – its coming from everywhere there are multiple pipes coming into this swale.

ADJOURNMENT BY: Cinti 2ND: Yozwiak All for Motion carried TIME: 7:59

Respectfully Submitted By,

Accepted By,




