

Minutes of February 10, 2014- West Wyoming Borough

The regular monthly meeting of West Wyoming Borough was called to order after the Pledge of Allegiance was recited. Roll call was taken by Secretary Zaboski and the following were present: Dolan, Stavish Cipriani, Skok, Grescavage, Mayor Herbert, Solicitor Lukesh, Engineer Amato, Jr. Council persons Pyzybyla absent, Trottini, Treasurer DeSanto, and Secretary Zaboski.

Skok announced that there was an Executive session held on 2-3-14, 2-5-14 and 2-10-14 before the Council meeting began regarding legal matters.

Skok asked for a motion to accept the minutes from the previous meeting by Cipriani, seconded by Stavish. Voice vote all in favor. Motion passes.

COMMITTEE REPORTS:

Gary Stavish- Personnel & Recreation: Motion by Stavish, seconded by Cipriani to accept the resignation of Ralph Conflitti. Voice vote all in favor. Motion passes.

Motion by Stavish, seconded by Grescavage, to publically advertise for the open council seat. Voice vote all in favor. Motion passes.

Skok added that Councilman Conflitti resigned to health reasons and that our thought and prayers are with him. Ralph was looking forward to serving his town and for the time he did serve he did a good job

Eileen Cipriani- Administration & Finance- Cipriani asked DeSanto for the Treasurer's Report. It is as follows:

	<u>02/10/14</u>	General, Sewer & Highway Aid Funds		
ASSETS				
Current Assets				
Checking/Savings				
112.000 · LUZERNE BANK - Charney Park Restoration	37,896.50	NO ACTIVITY	Luzerne	41,790.84
112.100 · LUZ BK Growing Greener	420.78	NO ACTIVITY	PLGIT	33,418.45
112.150 · LUZERNE BANK REFUSE ACCT	<u>3,473.56</u>	NO ACTIVITY	PNC	569,434.98
105.000 · PLGIT-PAYROLL	1,042.82		Franklin	<u>201,128.28</u>
107.000 · CASH-PLIGIT GENERAL	608.15	NO ACTIVITY		<u>845,772.55</u>
108.000 · PLGIT - GROW GREENER	0.01	NO ACTIVITY		
100.000 · PNC BANK - PRIMARY CHECKING	98,952.24			
110.000 · PNC CAPITAL RESERVE	27,405.62	NO ACTIVITY		
112.175 · LUZERNE BANK LSA-COG	0.00	NO ACTIVITY		
115.000 · PNC DEBT SERVICE	107.01			
115.000 · PLGIT SEWER CREDIT CARD	1,402.29			
115.000 · PLGIT EIT	10,563.05			
118.100 · Franklin Security Refuse	199,193.00			
118.200 · Franklin Security Debt Service	1,935.28	NO ACTIVITY		
<i>Highway Aid Fund</i>				
35-107-000 CASH-PLIGIT	<u>19,802.13</u>			
<i>Sewer Fund</i>				
08-100-000 PNC-SEWER FUND CKG	<u>442,970.11</u>			

Motion by Cipriani, seconded by Dolan, to accept the treasurer's report. Voice vote all in favor. Motion passes.

Motion by Cipriani, seconded by Stavish, to approve all outstanding bills approved by the Finance Committee. Voice vote all in favor. Motion passes.

Motion by Cipriani, seconded by Grescavage, to transfer \$8400.00 from PNC General to PNC Debt Service account. Voice vote all in favor. Motion passes. This is due to tax delay.

Motion by Cipriani , seconded by Dolan, to accept bid from TJ Cannon of \$24,288 for improvements of pump stations, E. Brady and West Fourth. Voice vote all in favor. Motion passes.

Cipriani announced that there will be a Community Shedding Event to be held on 3/29/14 from 10:00AM till noon for anyone wanting to have office papers or bills shredded. It will be held at the DPW building located on Shoemaker Ave.

Dan Grescavage- Community Development- Motion by Grescavage to pass resolution authorizing the Borough to submit application for traffic signal approval to PennDot, seconded by Cipriani. Voice vote all in favor. Motion passes.

Grescavage stated that any residents doing any type of home improvements must obtain a building application and permit. Any advertisements by contractors in paper PA registration # accompanies it. Anyone doing work without a permit will pay double.

Mike Dolan- Public Safety/Code Enforcement- West Wyoming Fire Dept- 9 Fire Alarms : 2 automatic fire alarms- 1 rapid intervention team assist- 3 motor vehicle collisions-2 engine co assist- 1 water leak. Also several members of Hose Co No 1 completed state level training in rope and high angle rescue. This is the first step in a series of courses in becoming state rescue technician certified. Dolan also noted the challenges faced by 1st responders during and after heavy snow storm. Parking becomes tighter in certain areas of the Borough. It becomes difficult to navigate around vehicles on streets. Advised residents to leave enough room for responders and also to keep fire hydrants free and clear of snow if you live by one. West Wyoming Hiose Co # 1 will be having a Ziti Dinner on February 23rd from noon till 4:00PM. Adults \$8.00 – children under twelve \$5.00. Tickets are available from any member or at the door. Police calls for month were 5. 1 Fire- 2MVA-2 false alarms.

Dan Gresavage- Public Facilities- Ford Explorer has battery issue. Crown Victoria rear bumper damage . Tires okay.

Solicitor Lukesh- An update from Magistrate Carmody office regarding citations that have been filed against V P Auto in December. A report was received by me on January 13th. Magistrate Carmody found VP Auto guilty of operation on Sundays and operation in violation of the noise ordinance. Magistrate Carmody found VP Auto not guilty of operating without a license for a Junk Yard. In another matter Rizzo verses West Wyoming Borough was scheduled for trial today, that trial has been continued by the court.

Mayor Herbert – The total calls the Police had this month was 131, basically the same . A letter was received from the Greater Pittston St. Patrick Day Parade Committee. The parade will be on March 3, 2014, beginning at 12 noon. The first one since 1950. West Wyoming officials are invited to participate, and any groups in West Wyoming that would like to participate. Contact Pittston City Hall and they will put you in touch with the committee. On a personal note thank you everyone on council and the general public for all the letters and flowers on my brothers passing this past month.

Francesa Trottini – There were two basketball benefit games held in the month of January at the Wyoming Area Secondary Center.

The first was Coaches vs. Cancer. This was held at the girls basketball game on January 29th. Proceeds were given to the National Cancer Society.

The second game was held January 31st. The warriors wear Gray and Gold for Eric was a game held in memory of Eric Speicher, a former student and basketball player at Wyoming Area who passed away last year of a brain tumor. The proceeds were given to the Little Eric Foundation to support Brain and Pediatric Cancer Awareness.

Stephanie Jallen, a senior at Wyoming Area, was the recipient of the Sunday Dispatch's "Person of the Year" award. She will compete in the Paralympics at Sochi, Russia, this March.

The Annual Blue 'n' Gold ice hockey game between Pittston Area and Wyoming Area was held on Sunday, February 9th. Wyoming Area senior Katelyn Norton is benefiting from this year's game. She is battling cancer and all donations collected will help defray medical costs.

Stephanie Jallen, a senior from Wyoming Area, is competing in the Paralympics in Russia. Wyoming Area is hosting a wheelchair basketball game on Feb. 23rd to fundraise for Stephanie. This event is open to the public and sponsors and local businesses are needed. If you know anyone willing to sponsor forms are available.

For those of you that have younger children or grandchildren, Wyoming Area also hosts a Dr. Seuss Night in March in the cafeteria. More information about this will be forthcoming in March.

The American Cancer Society holds Relay for Life on June 21st at the King's College Athletic Fields. This is open to the public and students are looking for cancer survivors or supporters. Forms are available if anyone is interested.

All grades at Wyoming Area are involved in Penny Wars. Students are collecting pennies for donation to Leukemia Awareness. So far, 8,000 pennies have been collected to donate.

Engineer Amato – The Oak Street Project was put on hold over the winter months no activity till springtime.. The West Side Trail Project was finished successfully under budget. We had requested utilizing additional funds elsewhere to enhance the West Side Trail through Wyoming and West Wyoming but we were told no. We presented a clip project to them but protocol would be its specific for each grant so we've been advised to resubmit a grant application for our project. For public, the WST will continue intersection of Shoemaker and 8th St down Shoemaker Ave. down 6th St and connect To WST on Route 11. Favorable review from Harrisburg but unfortunately we did not receive money.

CITIZEN'S PARTICIPATION:

Charles Umphred- Ferretti Dr. - spoke on citation hearing that Carmody found VP Auto not guilty – mentioned that BP Auto can be cited for ongoing offenses. Spoke on Junk Vehicles.

Solicitor Lukesh - Just to clarify a few things. John Pisaneschi the owner and operator of VP Auto. We do not know if Mr. Russell is his employee or whatever, we do not know the relationship, the point is under the ordinances it is the owner and operator of the junk yard who is responsible to make sure that they abide by the provisions of the local ordinance. Just for correction VP Auto was found guilty for operation on 2 Sundays. VP Auto was found guilty violating the ordinance, VP Auto was not found guilty for operation without a junk yard license .

Cynthia Kennelly – Ferretti Dr. – spoke on VP Auto and their hearing. Spoke of all of the noise. Stated that the council and police should work together and enforce and support the ordinances, made mention that the zoning should be changed.

Councilwoman Skok remarked that there is no discord between council and the police department. It is not the job of the police to enforce the ordinances. If an ordinance is being broken they just document what they see. If a crime is being committed then they will act. They are not enforcers of the ordinances, they are enforcers of the law. Solicitor Lukesh stated that the area that has been M3 for many years, before there was any zoning anywhere whether it was Luzerne county or West Wyoming, the records go back to 1919 and the tract of land where there are these businesses have been there since before 1919.

Tom Ciampi - Judge Carmody found VP not guilty of operating without a license. Stavish said license was denied. The judge found against West Wyoming so basically you want us to violate a court order. Ciampi said no. Ciampi said it sounds like VP has a license. Stavish said he does not have a license. We appealed that when we went to the County and they ruled in favor of business owner not in favor of the town of West Wyoming. He is within his legal rights. He has a court order since 1975 saying he could work there. He could reclaim metal. He has a junkyard license. We would be in violation of that court order if we tried to uphold anything other than the court order. Signed document from judge Delassandro dated 1975.

Sean Quinn - Working on Bonnie Plants on W. 6th St and was issued a stop work order by Mike Amato. I have been working there for three weeks and Bonnie Plants seems to be very family orientated

Company. Was called in to maintain the safety of the equipment and company. Zoning is for one bedroom and bath. Now there seems to be a problem with the bedrooms and baths that will be needed. Stop work order came in .I put it up on Friday at 5:00 and Saturday I went there and asked the company if I could still do maintenance on the building and was met by West Wyoming Police and they said anybody who touches a tool will be moved in handcuffs. This company is trying to move further in this town.

Bob Brannon- Bonnie Plants- Formerly Merlino Greenhouses 's. Main office is in Alabama. They are the only national vendor in the country who does fruits, vegetables and herbs. They are not retail outlet Met with Luzerne County Zoning Planning Commission to obtain Zoning permit to do a facility on top of their offices so they could have a rest area shower area because they do work 18 hrs a day. They will be great neighbor . There has been complaints about previous owners. Bonnie Plants has assured me, folks from Alabama who came to Penna, that they would go door to door if neighbors have complaints. If any complaints come to the Borough ,they would like to be notified so they could investigate the complaints and see if they are true before they address them . They want to be good neighbors. Cipriani asked Brannon if he received letter from Jason on Feb 4th . Cipriani asked if he had resolved all the issues pertaining to that letter. Brannon replied almost all of them . No#6 sewer permit required. Cipriani mentioned the Zoning Hearing Board on March the 4th. Cipriani said that the one bedroom and one bath is allowed for caretaker the other three are not which is subject to a Zoning Hearing Board. Brannon mentioned that Bonnie Plants wants to meet with neighbors and Cipriani said that is good due to the fact that there is a number of outstanding issues from previous owners. Cipriani said that we would be willing to work with Bonnie Plant to correct Issues and have an action plan in writing with a date that all these issues will be taken care of i.e. water run-off, compost pile behind building, temporary greenhouses that have been temporarily there for two decades . Cipriani said that these are some issues that need to get resolved along with a mechanism in place for orders if Bonnie Plants uses chemicals or pesticides. Brannon said no hazardous substances or even natural fertilizers. Cipriani asked if we provide Bonnie Plant with a list of issues they will give us a action plan and time table for these issues to be resolved. Cipriani said the Boro will write Bonnie Plant a letter stating issues. Brannon said that they plan on going door to door in the neighborhood. Said Bonnie Plants has 77 plants in US and has a great reputation with stores like Home Depot-Lowe's, and K-Mart. Obviously we are doing something right. If anyone has any issues, give it to council or give it to us, and we are going to go door to door. Now on my project managers side, I am speaking for myself , project manager, construction manager, for 30 years. This letter we got from Jason, I never had to supply all of these things that are on this permit. I will obtain the sewer permit, just as we did to get the zoning permit. Cipriani asked if the building permit fees have been paid at this point? Brannon stated that he gave 2 checks and he came into office, and Jason was gotten on the phone, I paid with another check. Cipriani stated that because work was started without a permit that he was required to pay a penalty. Brannon said prior to do anything we called Jason and told him what we were going to do, Jason came and said to do this, this, and this, and we did. Then I called for a framing inspection. Mr. Amato stated that one cannot have a framing inspection without having a permit in hand. Brannon stated he felt he was compliant at that time because he paid for the permit. Now we come to number 7 from the Northeast code services. Mr. Brannon stated that the addition is not a apartment, it is a extension to the office. Many people have in their offices, a couch, a kitchen area, and whatever else. What I believe this is, and we will talk to Jason, the architect that I have hired for this , has read the same code that Jason read and the same code that I read, and we believe that the area that we are working in and where the office space is a F2 industrial. I believe adding to the office is just an extension of the F2. Mayor Herbert stated the quarters mean sleeping areas. If you are sleeping there, cooking there, you are living there. Councilwoman Skok stated that all of that will be handled by the county, all of the residence have a right to express their concern. Engineer Amato stated just to summarize, an application for a permit was submitted, for 3 bedrooms and 2 bathrooms, and that did not have the zoning permit for. That will be on the agenda for the March 4th hearing, We have a zoning permit for the one bedroom or whatever you want to call it. What ever the code service are for that is who interpret that for West Wyoming, stated by Solicitor Lukesh. Mr. Amato continued that what the people here want to hear is what is exactly is planned for Merlino's. Mr. Brannon stated that will be submitted with the new application and with the new check and we are just hoping that Northeast Code Services will look at the plans. The architect, Jason and myself will hash this out and I believe this will suffice.

Councilwoman Skok had one question for Mr. Brannon. Since this is a contained property there is no need to worry about odor, manure, or any of that but the rush of those are all open which is where the odor came from, are you saying you never plan to open those? Mr. Brannon stated that they operate from January to June then they are done. If plans are to open them and there is a odor we will assess that. Bonnie Plants authorized me to address all issues.

Councilman Grescavage asked how many people will be living there, one person only? Brannon answered that there is one person that is full time.

Carolyn Genelow – When Merlino’s first came here they got permission to put up a plastic greenhouse, what happened was by the time we caught up with them the plastic went up and the county stepped in and said Oh Gee the plastic all ready went up, we cannot take it down. The driveway across 6th street going into the greenhouse, we said how can you put a driveway off the street right around the corner? Penn Dot was called and was told they did not know what she was talking about. They never applied to Penn dot. Then one day the big vat made of cinder blocks was imploded. Tom Loftus was called and was told to make a complaint. The residence in this area have no trust. There is talk of one bedroom and of three bedrooms all of a sudden there are 4 bedrooms and nothing can be done because it has been already put up. That is the history of what is going on. These people change their stories as they go along. A lot of issues with water problems on 6th street. A lot of issues with the greenhouse.

Councilman Stavish stated that everyone within 200 feet of that building will get a letter stating that they are applying for a permit and we understand your frustration, but the county is the one that decides to give them the variance. You will need to address the county on that. The hearing is on March 4th. The resident asked if they have a say in this and was told yes they do and Councilwoman Cipriani stated that the municipality will be saying no as well.

Councilwoman Cipriani made a motion to adjourn, second by Councilman Stavish. Voice vote all in favor. Motion carried.

Secretary