

Plymouth Borough
Work Session and Regular Meeting
July 11, 2017

The Plymouth Borough work session began at 6:00 P.M. and the regular meeting was immediately called to order by Mr. Gary Kochinski, President of Council.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

Mr. Cunningham	Mr. Kytort	Mr. Peters	Mr. Kochinski
Mr. Dixon	Mr. Thomas	Mr. Coughlin	

CITIZEN'S REQUESTS AND COMMENTS REGARDING AGENDA ITEMS

There were no requests or comments regarding agenda items.

CITIZENS REQUESTS AND COMMENTS REGARDING GENERAL ITEMS

Ms. Donna Michak wanted to address Mr. Dixon by stating that she is from Larksville but she owns a business and a property in Plymouth and she said she should be present at the meeting. She said she is losing business daily.

Mrs. Mary Rittenhouse, 352 West Main Street, said she is a homeowner and a business owner. She said when Chief Collins was the Chief he would notify the daycares and schools if there was ever a violent sexual predator that moved into the neighborhood. She provided some documentation to all of Council and Sargent Gorey. Sargent Gorey explained that there are different levels of Megan's Law offenders. He said depending on the level, the police will get a packet from the State Police. He said those packets dictate what they can and cannot do. He said the packet that was received said to notify residents two hundred fifty feet in every direction. Sargent Gorey said he followed the State's guidelines. Sargent Gorey said information regarding Megan's Law Offenders could be found online. Mrs. Rittenhouse said she does check that all the time and that a violent sexual predator is a different animal. Mr. Coughlin said can't they notify everyone when there is violent sexual predator in town. Sargent Gorey said he will check with the State because they dictate what they can and cannot do. He said the State provides copies in color to provide to those the State wants them to give the information to. He said he will check to see if he could provide that information to the daycares and schools in our town.

Ms. Cheryl McMann, 307 East Main Street read a statement. "On May 18th of 2015 there was papers filed for the transfer of the liquor license from Vanderlins to Risnicks. We know it was placed in the paper but no address was given and no name of the new proprietor. On June 9th, we had our Council Meeting and you put it in the paper you were going to have a hearing so it could be discussed. When it was brought up, someone in the audience asked what the address and location of the place was. You notified us that it was Bull Run Tavern. At that point, everyone was up in arms. People stepped forward to speak as to why it should not have been opened. If we are going to put things in the paper especially a liquor transfer because I have all the paperwork from his lawyer when he put in for this transfer. His name is all over it. If we had put that in the paper the citizens would have been able to do their due diligence, the Council would have been able to do their due diligence and we would have been able to have a better open discussion about this gentleman and what his intentions were with this bar and maybe Council would then could have had all the information they needed because this gentleman owned Local 88 bar on 88 Poplar St. in Wilkes-Barre, Pennsylvania. The first year he owned it, there were 22 police calls, two shootings, one fatality. The bar was since shut down as a nuisance bar. Robert Nicoletti held the liquor license there."

Mr. Kochinski asked the Borough Solicitor, Mr. Kostelansky if Council had that information prior to the hearing, could they have turned the license down. He said it depends on how it was put on there. He said if it was hearsay or if there was records but the LCB is the ultimate one who proves the person that is going to get the license and allows them to operate. He said not Plymouth Borough Council. He said the fact that Council approves the transfer of the license didn't give him a vested right or lock the LCB into proving it. Mr. Kostelansky said the LCB is supposed to run a background check, and if he held a prior license they had that information available to them. He said if the LCB had that basis, they could have denied that license. Mr. Kostelansky said he can't tell them why they didn't deny the license because he was not involved. He said just because Council approved the transfer of the license to the Borough, does not mean Council was approving that individual of getting a license. He said it is up to the LCB. He said he has represented clients in the past that received licenses and they are required to do a criminal investigation and a background check. Mr. Kostelansky said the LCB was in the perfect position if they knew he had problems before to deny the license. He said Plymouth Borough Council does not have the right to deny nor take any license away. Mr. Coughlin said he thinks they should. Mr. Kostelansky said they have to go to the state legislature and have them pass a law authorizing municipalities to determine or take away a license. He said if it is deemed a nuisance bar than it is vested with the Criminal Justice system. He said the District Attorney is the individual who has the ability to do that and not Borough Council.

Mr. Kochinski said he did contact the LCB and they recommended that they go through the District Attorney's office because their process would be much faster than going through the LCB. He said a letter was sent to the District Attorney's Office. Ms. McMann said there was no reason why that vote needed to be taken that evening and said it could have waited. She said another hearing could have been held and more questions could have been asked. She said the citizens could have had their petition together. Mr. Kochinski said he didn't understand why they didn't shut them down. He asked Mrs. Jarret if she went over with a petition and if so they obviously researched this gentleman. Mr. Coughlin said he asked pointed questions and afterwards he found out that he was lied to and ever since then he was insessed because he sat right there and lied. Mr. Coughlin said he asked what his hours would be. Mr. Coughlin said he said they would close around midnight. He asked if there would be any loud noise or music and he said that the gentleman said no. Mr. Coughlin asked if he was related to the previous owner and he said no. Mr. Coughlin said he could not apologize enough. Mr. Kochinski said he stated that the business would not operate after 12:00 A.M.,.

Ms. McMann continued to read her statement. She stated, "I feel the rest of the transfer seemed to be a derelict of duties and it has now taken a member of my family and my family would very much like some answers. I believe the constituents of our town deserve answers and need to know now what is going to happen with this establishment. I have since reached out to Stephanie Salavantis. I am doing what I can do as a private citizen. I do not like to see an article today being quoted by one of our officials stating that we were hoping it would not turn into this problem again and then being questioned again how many times our police officers have been called there with an answer of I do not know."

Mr. Kochinski said she has to understand when a paper calls, they tend to catch them off guard and sometimes they don't print things exactly. He said the Mayor and Council had the police department pulling the exact number of calls and organizing all the information. Ms. McMann said there has been exactly 21 calls since February 15, 2015. She said there were three calls in 2015, seven calls in 2016 and we are not even through the seventh month of 2017 and there have been 11 calls which have been escalating. She said they started out as miscellaneous and have now ended up with weapons. She said she has the whole file. Mr. Coughlin said he showed his true colors by opening the day after the incident. Ms. McMann said she wants to know what kind of cooperation is she going to get from Council. Mr. Coughlin said they will do whatever they can do to help her. Ms. McMann thanked Council.

Mrs. Mary Jarret of Center Avenue, said on the morning after she called the LCB in Wilkes-Barre, somewhere between here and Harrisburg and the state police. She said all of them told her that nothing they did could change the fact that Council approved it. Mr. Kostelansky said that was the transfer of the license but not to the individual. He said the LCB has the ultimate control and Council does not have control over the individual who gets that license and is allowed to operate a bar under that license. Mrs. Jarret said she is just telling him what the LCB told her. She said she asked about a petition and whether or not it would serve any interest in filling one out. She said they said that she could do it but it's not going to do any good once Council approves the transfer. She said they went ahead and filed a petition and they had quite a turnout except they could not get anyone on that block to sign it. Mr. Kochinski said they are aware that this has been a problem bar in the past and if the LCB knew this guy was a problem then he should not have been granted the license. He said Council did not open that bar up to have an extra business in town, and added that they barely get any revenue from them. He said it is not a revenue maker and that they make \$1 on every \$1,000.00.

Ms. McMann said they don't have to go through the District Attorney's Office at all. She said if the citizens of this town wanted to do another petition through the LCB and provided reasons why they felt it needed to be shut down and reasons why Robert Nicoletti should not be in this town they could have them shut it down but then every other bar in town would lose their license. Mr. Kochinski said that is a much longer process. He said the D.A. could do it much quicker if she could deem it a nuisance bar. Mr. Coughlin said if everyone could run their business like Pat Hogan who owns the Octagon Bar. He said he runs it mainly as a restaurant.

Mrs. Rittenhouse asked why it came before Council if they had no power. Mr. Kostelansky said by state law it says if someone wants to transfer a license from another municipality to another municipality a hearing must be held. He said that is just the transfer of the license. Mrs. Rittenhouse asked if Council said no that they did not want the individual in town with that license, did they have that power. Mr. Kostelansky said there must be a reason based on record because the legislature said that unless this is on the record, Council must approve them. Mrs. Rittenhouse said if they had due diligence and had all this information that he had a nuisance bar before and the previous owner had it deemed a nuisance bar before he took over, they could have made that decision because there was due cause

because of him having various nuisance bars. Mr. Kostelansky said if that information was presented in a record.

Mr. Coughlin said Turkey Hill obtained a license from an old license that was revoked years ago and sat dormant. He said the LCB by county auctions them off. He said Turkey Hill paid around \$341,000.00. He said there are bars and taverns in Montgomery County that paid over \$500,000.00. Mr. Coughlin asked how come that is not coming to them. Mr. Coughlin said he prefers to see a place selling beer to take out and closing at 11:00 P.M. then bars being open till 2:00 A.M. . .

Mrs. Barbara Harvey of East Main Street, asked why was it voted on the same night it came before Council and asked why Council did not take the time to do some research. She said the solicitor said if someone presented any kind of evidence that council could have denied it. Mr. Kostelansky said it depends on the type of evidence and they are a hearing body and they are not allowed to go and investigate. Mrs. Harvey asked if Council could research on their own. Mr. Kostelansky said no. Mrs. Harvey said Mr. Kostelansky said it depended on what kind of information was found and if the residents had found this information that it could have been admissible and said he cannot change his mind. Mr. Kostelansky said he is not changing his mind and he is telling her that it is the nature of the evidence. He said if they bring in proof that he ran a nuisance bar. Everyone started talking. Ms. McMann said it was very well documented and that it was in the Citizen's Voice and the Times Leader and it was in court records. She said there was an article in 2013 regarding Robert Nicoletti.

Mrs. Harvey asked how could they make an informed decision if the information was not made public. Mr. Kochinski asked Mr. Kostelansky if the legal ad needs to post the name of who is requesting the license transfer. She said if that information is not posted how will they provide the information that they need to make an informed decision. Mr. Kochinski said if any other liquor license transfer request is made, people will have the time to voice their opinion from here on out.

Mrs. Harvey asked if Council had a reply from the Chief as to why the report was not filed in April. Mr. Kochinski asked Sargent Gorey if he cared to address this question. He asked if this was about the cellphone. Mrs. Harvey said yes. Sargent Gorey explained when something happens at the school it is filed with the state and if Plymouth Borough Police Department was to file a report as well there would be duplicate reports regarding the same instance. He said Plymouth Borough Police does not investigate unless requested by Wyoming Valley West School District or Larksville Police Department and will then generate their own report.

Ms. Bethann Pointowski of Franklin Street, asked what is going into Franchella's. Mr. Coughlin said a bar. Ms. Pointowski asked if there was any information in the newspaper about this. Mr. Coughlin said no and there will not be any information in the newspaper. Mr. Coughlin explained when Franchella sold the bar that it was contingent on the people buying the bar to obtain the license. They put the orange placard in the window. He said when he sees that, he obtains the information and sends a letter. He said the LCB is supposed to do a check but 99% of the time, it goes to the people. He said it is never brought to Council and it should be. Mr. Kochinski said Council has nothing to do with it and that's where it comes down to the LCB. He said he doesn't know why the LCB didn't do anything when the citizens took a petition to them.

Mrs. Diane Thomas, of West Shawnee Avenue, said a party was held at the field about a week ago and they did clean up but the garbage was put on the side of the road in barrels. She said there are varmints up there that knocked down the barrels. Mr. Kochinski said they will take care of it. Mr. Kytort said mini football got up there and cleaned up earlier this year and never notified Phillips. Mrs. Thomas

suggested that when individuals have parties there should be stipulations to clean up the field and remove all the garbage themselves. Mr. Ktytor said they are discussing different options for use of the fields.

Mr. Coughlin said he wanted to address more on that other license. He said transfers made in the same town is the discretion of the LCB. He said when Plymouth Rock was going to open up he went over to the orange placard and got the address and sent a letter addressing the concerns he had with the bar. He said he didn't hear anything back so he sent a second letter certified. He received a letter back stating that it was the past and there was no record of the new owner having any previous issues. He said he sent all kinds of information and proof of it being a nuisance bar. He said additional information could be found on the LCB website.

Mr. John Frey, of East Shawnee Avenue, said they are drowning in a legal swamp because we can't do this and can't do that. He said they are voting these people in who are making these laws. Mr. Frey said cops react to situations. He asked if they had a million cops, would that save someone from shooting someone else in the heat of an argument. Mr. Frey said he seen Officer Stull down at Turkey Hill dealing with a situation and there was someone there taking her picture. He said one wrong move and it's all in the press. He said they have to protect us. He said we have to vote for people that are going to help us. He said the next time anyone goes to the polls, think about who you are going to vote for. He said we are going to get killed by Philadelphia and Pittsburg and look what they are doing to the state. These guys are talking about low income housing, welfare and section 8 and they want to take care of these poor people but they do not want them in their neighborhood. He said let them live on Orchard St. or on Vine Street and let them live anywhere else but their neighborhood because they do not want them selling drugs in front of their houses like he has in front of his house. Mr. Frey said most of them has lived here all their lives and they ask how has this happened to Plymouth. He said in 1972 it was a different town. Mr. Thomas said it is like this all over the valley. Mr. Frey said if the police are reacting to a situation the only solution is to eliminate the people creating the situations and unfortunately the legislators we've elected encourage and enable them to come here. Mr. Frey said if they really want to change something, they need to take it to the polls.

Meeting Agenda

1. ORDINANCE NO. 5 OF 2017: AN ORDINANCE OF THE BOROUGH OF PLYMOUTH ESTABLISHING A FIVE MEMBER SHADE TREE COMMISSION.

Mr. Thomas made the motion.

Mr. Ktytor made the second on the motion.

The motion was unanimously approved.

2. MOTION TO APPOINT THE FOLLOWING MEMBERS TO THE SHADE TREE COMMISSION:

DIANE THOMAS	TERM EXPIRES	12/31/2022
MARY POREMBA	TERM EXPIRES	12/31/2021
JAYNAN TERMARANTZ	TERM EXPIRES	12/31/2020
SUSAN GRYZIEC	TERM EXPIRES	12/31/2019
SUSAN PHILLIPS	TERM EXPIRES	12/31/2018

Mr. Cunningham made the motion.

Mr. Coughlin made the second on the motion.

The motion was unanimously approved.

3. MOTION: TO APPROVE JUNE 13, 2017 REGULAR MEETING MINUTES AND JUNE 23, 2017 SPECIAL MEETING MINUTES.

Mr. Dixon made the motion.

Mr. Peters made the second on the motion.

The motion was unanimously approved except for Mr. Coughlin who abstained because he did not attend the June 23, 2017 Special Council meeting.

4. MOTION: TO ACCEPT THE FIRE, POLICE AND TREASURER'S REPORT.

Mr. Cunningham made the motion.

Mr. Dixon made the second on the motion.

The motion was unanimously approved.

5. MOTION: TO PAY JULY BILLS:

GENERAL FUND: 17-348 – 17-400

LIQUID FUEL FUND: 17-068 – 17-079

RECREATION FUND: 17-027 – 17-031

Mr. Dixon made the motion.

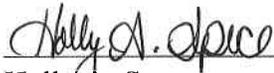
Mr. Peters made the second on the motion.

The motion was unanimously approved.

6. MOTION: TO ADJOURN.

Meeting adjourned at 8:16 P.M.

Respectfully Submitted,



Holly A. Spece

Borough Secretary & Treasurer

Plymouth Borough