

YOE BOROUGH
150 NORTH MAPLE STREET
YOE, PA 17313

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The regular monthly meeting of Yoe Borough Council was held on March 1, 2022, at the Yoe Borough Municipal Building, 150 N. Maple Street, Yoe, PA 17313. The meeting was called to order by Council President Samuel Snyder at 7:00 PM followed by the Pledge of Allegiance.

Council members in attendance:

Samuel Snyder

William Bankoske

Seth Noll

Ryan Harper

Tyler Sprenkle

Dustin Claycomb

George Howett

Others in attendance

Diana Dvorak, Secretary-Treasurer

John Sanford, Mayor

John Klinedinst, Engineer

Dana Shearer, Resident

Seth Springer, Solicitor

Barry Myers, Resident

Michael Carroll, Resident

Minutes

Councilman Snyder asked if everyone had a chance to review the minutes from the prior meeting. Councilman Noll made a motion to approve the minutes from the prior meeting. Seconded by Councilman Bankoske. Councilman Claycomb abstained, all others in favor, minutes accepted.

Visitor's Report

Mr. Carroll came to the Council, who resides at 48 N Main Street, came to the meeting to discuss an issue regarding the Sewer. Mr. Carroll has had several issues with clogs at his home.

Visitor's Report Continued

Mr. Carroll contacted several plumbers, but the problem persisted. Eventually he called Benjamin Franklin Plumbing. Benjamin Franklin Plumbing eventually cleared enough out that they could put a camera down the line, and a clog was identified consisting of tree roots growing through a cracked clay pipe. Prior to removing the clog, Benjamin Franklin Plumbing called the Borough and did not get a response immediately, so Mr. Carroll authorized Benjamin Franklin Plumbing to remove the clog. Due to conversations that Diana and Mr. Klinedinst had with Benjamin Franklin Plumbing, there was an emergency services call placed. Mr. Klinedinst confirmed that he spoke with Benjamin Franklin Plumbing, who did not relay any of the information Mr. Carroll provided. Benjamin Franking Plumbing told Mr. Klinedinst that he went through the cast iron, 6" clay, and got to the 8" main and there was still a clog in the main, which is the reason we had Kline's come out and check the main. Mr. Carroll said there is a miscommunication here someplace. No one responded to Benjamin Franklin immediately, so he authorized Benjamin Franklin to proceed with the work. Mr. Klinedinst confirmed that Benjamin Franklin Plumbing never said anything about roots. He gave Mr. Klinedinst the impression that Benjamin Franklin Plumbing had gone all the way out through Mr. Carroll's line, and into the main where the problem was. Councilman Noll said at that time it was reported to the Borough that there was a clog in the main. Councilman Noll was the one who responded from the Borough's end and tried to reach Mr. Carroll by knocking on several doors. There was no response. If the roots were back in the tap then the clean out is 100% Mr. Carroll's responsibility. Mr. Carroll said there is miscommunication someplace. No one made contact with him, no one rang the doorbell. Councilman Noll said he rang the bell four times, knocked on the front door several times and went around the back and side door as well, no response.

Mr. Carroll does not feel that we should be charging him for something that was a miscommunication in some way. Councilman Noll said the plumber was Mr. Carroll's contractor and that is who contacted the Borough. Mr. Carroll said he did not tell his plumber to do that, and no one made contact with him. As far as Mr. Carroll is concerned no one knocked on his door, no one made any contact with him. Mr. Carroll understands that at that time Diana did not have his phone number or email address, so basically there was no way of making contact with him other than knocking on his door, and quite honestly he was surprised that all of this happened. He did know about the back charge until he spoke with Diana. Mr. Carroll does not think it is fair to charge him because he already paid to have the clog cleaned.

Councilman Noll said unfortunately whenever a homeowner hires a contractor it is the homeowners responsibility for the actions of the contractor. Mr. Klinedinst took a phone call where the contractor said there was a clog in the main and we needed to get someone out immediately which we did. We also had the Fire Department out on Main Street with lights flashing, we had large trucks coming down the alley with flashing lights, it was pretty obvious we were there, and Councilman Noll made several attempts personally to reach Mr. Carroll. Mr. Carroll said there was no note left on the door, he did not know that anyone was there, and it seems very strange to him. Mr. Carroll asked what the charge is. Councilman Noll let Mr.

Carroll know we are not charging for Councilman Noll's time, the Fire Departments time, or any other individual involved, this charge is strictly what was charged to us, and the total is

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Visitor's Report Continued

\$1,159.89. Mr. Carroll wanted to know about the \$886 he paid for. Councilman Noll said that that bill is Mr. Carroll's responsibility because the clog was in his line. Mr. Carroll does not feel the rest is not his responsibility. He does not know what the miscommunication is here. Councilman Noll said the Borough did everything they were supposed to here, the Engineer did not charge for his time, we did not charge for additional staff time. Mr. Carroll does not feel this is fair in anyway. He will contact an attorney about this, and fight the Borough on this. He paid for what he was supposed to do. If there was all of this work going on in the alley and street he would have noticed something. He does not believe it. Mr. Carroll did not tell the plumber to contact the Borough. The plumber said he made an effort to contact the Borough and could not get through. Mr. Carroll also did not have contact with the Borough. Mr. Klinedinst said that the plumber did not mention at anytime anything about roots and there was a problem in the main. Diana received two voicemails from Benjamin Franklin. The second voicemail said there was a problem in the main, at which point Diana reached out to Mr. Klinedinst. None of the voicemails said anything about roots being removed. Discussion continued detailing discussion between Mr. Carroll and Benjamin Franklin Plumbing. Councilman Snyder said if I am hearing you correctly your plumber told you that he tried to make contact with the municipality. Mr. Carroll said that is correct. Councilman Snyder said, so then he (Benjamin Franklin Plumbing), asked you if he should go out and clear it out. Mr. Carroll said right. Mr. Carroll said he had not heard anything from that point on. Councilman Snyder said from what you heard tonight, that our Engineer got a call and spoke with your plumber, that he (Benjamin Franklin Plumbing) left them with the impression that there was a problem in the main. You were never told that information. Mr. Carroll said the last he heard Benjamin Franklin Plumbing was not able to make contact with anyone, and Mr. Carroll has tried to call the plumber since and has not received a response. Councilman Snyder said, in other words your plumber never admitted to you that he was able to speak with anyone. Mr. Carroll said that is correct. Benjamin Franklin Plumbing was there for four hours working on this. That Benjamin Franklin was talking about digging everything up and was shown video of the clog which was substantial. Councilman Snyder said would you admit that absent a contact from your contractor we would not have not known anything about this. Mr. Carroll said he does not understand what we mean by that. Councilman Snyder said if the Borough had not received any communication about this from your plumber, we would not have known there was a supposed block to send out a crew in the first place. Mr. Carroll said what he understood was that the plumber was calling to find out where the homeowners responsibility was. Discussion continued. Mr. Carroll has been unable to reach Benjamin Franklin since the incident occurred. The consensus of Council is that Mr. Carroll needs to get in touch with Benjamin Franklin as they are the ones who initiated everything. Discussion continued. Councilman Snyder said he thinks that Mr. Carroll should go back to his plumber, and discuss what Council has just outlined to Mr. Carroll. If Mr. Carroll wants to come back to the

municipality after speaking with Benjamin Franklin Plumbing, the Borough would be willing to listen to additional information. The Municipality has not yet billed anything back to Mr. Carroll, and will wait until the upcoming Sewer Bill to back bill. If Mr. Carroll has additional information prior to the next bill going out, he is encouraged to come back to Council. Mr.

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Visitor's Report Continued

Carroll does not feel he is getting anywhere, and that he has to bear the burden of miscommunication that was not due to anything he did. Discussion continued.

Mr. Myers was in attendance to ask if Councilman Snyder could work on the resolution for the Fire Department's gun raffle. The event will be on June 18th.

Engineer's Report

Report provided. Mr. Klinedinst outlined the capital improvement plan. The plan looks at all of the streets in the municipality, and ranks them, and provides a cost estimate and a five-year plan. It also puts the Borough in a better position to be ready for grant applications. Councilman Noll feels that this program pays for itself and Council should move forward with it. Discussion continued. Councilman Harper asked what the total would be. Mr. Klinedinst said it would be \$3,000 for the Capital Improvement Plan, and \$5,000 for the Street Improvement Plan. Council Noll made a motion for C.S. Davidson to take an inventory of the maintenance needs for Yoe Borough, not to exceed \$8,000 as described by the engineer. Seconded by Councilman Bankoske, all in favor, motion carried. Mr. Klinedinst said this should take about six months tops.

Penndot had some comments on the Christ Church permit, which were addressed and resubmitted. C.S. Davidson has also been in touch with Yoe Concrete regarding the project.

A copy of the proposed Stormwater Ordinance has been provided. If Council has no additional comments then Mr. Klinedinst recommends adoption at the April Council meeting.

Councilman Noll made a motion to advertise the Stormwater Ordinance for possible adoption at the April Council meeting. Seconded by Councilman Sprenkle.

Mr. Rehab is almost complete with the first quadrant of the Sanitary Sewer Maintenance Program. Mr. Klinedinst expects that we will be under budget for this portion. A report will be provided, along with an invoice. The sanitary sewer repair on South Main Street is still not scheduled.

C.S. Davidson has also been assisting the Mayor with the FEMA documents. Discussion continued. Councilman Noll made a motion that the sediment that was collected in our retention areas from Tropical Storm Ida as an emergency repair and authorize Mayor Sanford to contract immediately. Seconded by Councilman Sprenkle all in favor, motion carried.

C.S. Davidson is going to reach out to Mr. Rehab and see if they can camera the sewer line in front of Mr. Carroll's house.

Councilman Claycomb inquired on the status of the Cherry Alley repair. Mr. Myers said he is still trying to get in touch with the homeowner to get the easement signed. No notary is needed for a temporary easement. Councilman Noll made a motion to authorize Barry Myers to be

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Engineer's Report Continued

considered an agent of the Borough of Yoe in regard to the temporary easement. Seconded by Councilman Bankoske, all in favor, motion carried.

Solicitor's Report

Report provided. The Cohen Law Group sent an email regarding negotiating the Comcast Cable Franchise Agreement. Solicitor Springer has been working on the Comcast Agreement and will have it for the April council meeting. Councilman Snyder did look at the email sent out by the Cohen Law Group. Discussion continued. We have not yet received the signed contract from Shentel.

Resolution 2022-04 in support of SAFER to secure a temporary license from the PLCB-Bureau of Licensing. Councilman Bankoske made a motion to resolve. Seconded by Councilman Howett. Councilman Noll abstained, all others in favor, motion passed.

Maintenance Report

Councilman Claycomb is working on a drain at N. Maple and W. George. Discussion continued. Councilman Noll said the box itself has a fracture in it, and there is a sinkhole forming. Clearview will come out and put a new box in, and then have them jet the pipe out. There is no cost estimate at this time. Discussion continued. Councilman Claycomb made a motion for Dan from Clearview to come out and replace the box on an emergency basis due to the active sinkhole. Seconded by Councilman Harper. All in favor, motion carried. The funds will come out of the stormwater account.

Mr. Myers has been taking care of sign issues as needed. Mr. Myers also reached out to Ream Roofing for an estimate on an awning. That came back at \$5,890. Discussion continued. Mayor Sanford is also going to call the Ben Druck Door Company for an estimate.

Mayor Sanford got a quote to drywall the meeting room for \$2,140, this does not include paint. Mr. Myers said there will be additional cost. Councilman Noll said it will be closer to a \$3500 to \$4000 project. Mayor Sanford said he would volunteer to paint if we opt to put drywall up. Discussion continued.

The stop bars on Main Street have faded. A quote from D.E. Gemmill was obtained in the amount of \$3,109. Councilman Noll made a motion to accept the quote from D.E. Gemmill and get on their schedule for a possible September date. Seconded by Councilman Sprenkle, all in favor, motion carried.

Councilman Claycomb asked if the CoStars contract was taken care of for the 2022-2023 year. Diana confirmed that it was approved. Discussion continued.

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Zoning Officer's Report

There were several letters sent out regarding snow not being removed from sidewalks.

EMA Report

Mayor Sanford provided the NIMS course information to Councilman Sprenkle. Mayor Sanford is still working on the EMA Coordinator change.

Mayor's Report

Report provided. Mayor Sanford will work with Diana to bill the insurance company to bill for the post that was hit on Water & Main.

Secretary's Report

Diana got a quote from Blasser Security to add a camera at the park. Councilman Claycomb made a motion to add a camera. Seconded by Councilman Howett, all in favor, motion carried.

There have been a few calls for community service. There is a fair amount of work that could be done at the park such as scraping the floor, painting inside, repairing the windows etc.

Rental inspections are being scheduled.

Unfinished Business

There is no unfinished business at this time.

New Business

No new business at this time.

Payment of the Bills

Councilman Noll made a motion to pay the bills. Seconded by Councilman Harper. All in favor, bills are paid.

Adjournment

Councilman Bankoske made a motion to adjourn. Seconded by Councilman Snyder. All in favor, meeting adjourned at 9:27.