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| **Mayor**Robert Mullen**Solicitor**Elliott, Greenleaf & DeanAtty. Matthew Boyd**Chief of Police**David Homschek**Secretary**Kelly O’Brien**Treasurer**Jennifer Davitt**Engineer**PennEastern Engineers, LLCPaul Pasonick | Borough of Avoca950 Main St.Avoca, Pa 18641Secretary@AvocaBorough.comTelephonesSecretary: 570-457-4947 Fax: 570-451-1750Police Department: 570-457-4011 Street Department: 570-451-0625 | **Council**PresidentBob DommermuthVice PresidentGary Halagarda Michael FullerJoe Satkowski Jr.John D. BooneJohn VolsFrank Marriggi Stanley J. WaleskiSam Diaz |

 **AVOCA BOROUGH**

**THURSDAY, JULY 8TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES**

 The regular monthly meeting of Avoca Borough Council was held on Thursday, July 8th,2021 with Council President, Bob Dommermuth, presiding. The work session began at 6:45p.m. The regular monthly meeting was called to order at 6:55p.m. and Pledge of Allegiance was said by Mike Fuller.

 Please note, there was an executive session held prior to the work session, from 6:30p.m. until 6:45p.m. for the purpose of discussing contractual obligations and new sunshine law requirements.

 Council members in attendance: John Boone, Sam Diaz, Mike Fuller, Gary Halagarda, Frank Marriggi, Joe Satkowski, Stanley Waleski and Bob Dommermuth. John Vols was absent.

 Also in attendance: Mayor Robert Mullen, Atty. Matthew Boyd, Chief Dave Homschek, Engineer Paul Pasonick and Secretary Kelly O’Brien.

 Motion by Joe Satkowski, second by Sam Diaz to accept the minutes of the June 10th,2021 Council meeting as presented. Voice Vote: Eight ( 8 ) YES

 Motion by Stan Waleski, second by Frank Marriggi to pay all bills presented with monies available. Voice Vote: Seven ( 7 ) YES, One ( 1 ) Abstain – Diaz. MOTION CARRIED

 Motion by Frank Marriggi, second by Sam Diaz to accept new correspondence as presented. Voice Vote: Eight ( 8 ) YES

 Motion by Sam Diaz, second by Joe Satkowski to accept the June 2021 police report prepared by Chief Homschek and read aloud by Mayor Mullen. Mr. Diaz complimented the expanded detail Chief Homschek used to complete his current report. Voice Vote: Eight ( 8 ) YES

 Motion by Sam Diaz, second by Joe Satkowski to donate $100 to the Avoca Ancient Order of Hibernians to benefit their scholarship fund. Voice Vote: Eight ( 8 ) YES

 Motion by Joe Satkowski, second by John Boone to renew the Geisinger Health Plan / medical insurance with an annual premium of $98,601.36 that will run 8/1/21 through 7/31/22. Mr. Diaz expressed he would like to see cost

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comparison quotes earlier next year. Stan Waleski recommended a benefits committee be formed. Voice Vote: Eight ( 8 ) YES

 Motion by Frank Marriggi, second by Mike Fuller to lift the restriction requiring the general public & employees of the Borough to wear masks in the Borough Building due to the recent state restrictions being lifted for both vaccinated and unvaccinated people in regard to Covid-19. Gary Halagarda advised anyone can still wear a mask should they choose to. Voice Vote: Eight ( 8 ) YES

 Motion by Mike Fuller, second by Stan Waleski to re-hire the following part time police officers for the 2nd and 3rd quarter of 2021: Mario Scotti, Louis Taroli, Sheri Salvo, Angel Brazdzionis, Justin Luciano, Fabrizio Bivona, Robert Marmo, Nathan Ensley, Kenneth Salvo, Ryan Kachinsky, Mario D’Ambrosio, Ed Weidow, Jacob Palonis, Stefanie Aversa, Jeremy Jones and Randy Schlatter. Sam Diaz asked Chief Homschek if there were any roster changes from the last roster approval. Chief advised yes, some officers were no longer on this current roster. Stan Waleski asked how many part time officers are used each month. Chief Homschek advised it is always fluctuating due to part time officers working other jobs and availability. Voice Vote: Eight ( 8 ) YES

 Motion by John Boone, second by Joe Satkowski to award the Main St. & McAlpine St. Inlet and Pipe Replacement Project to the low project bidder, Don E. Bower at cost of $16,593. Voice Vote: Eight ( 8 ) YES

 Motion by Sam Diaz, second by Joe Satkowski to ratify & approve the cost to repair the cracked windshield of the police F150 Pick Up truck at a revised amount of $435 from Mesko Glass. Voice Vote: Eight ( 8 ) YES

 Motion by Sam Diaz, second by John Boone to allot the Avoca Hose Company their requested amount of $30,000 from the American Rescue Plan Act of 2021, subject to the Solicitors review of what the money can be used for. The hose company intends to use this money for the purchase of radios so that each volunteer is equipped with a communication device in emergency situations. Roll Call Vote: Eight ( 8 ) YES

 Motion by Gary Halagarda, second by John Boone – Ordinance 6 of 2021, enacting regulations for travel and parking restrictions on Grove Street, between the intersection of Spruce Street and Vine Street. Roll Call Vote: Eight ( 8 ) YES, One ( 1 ) Abstain – Dommermuth MOTION CARRIED

 Motion by Stan Waleski, second by John Boone to allot the Avoca Ambulance Association $15,000 from the American Rescue Plan Act of 2021 to help address staffing issues and financials, subject to the Solicitors review. Voice Vote: Seven ( 7 ) YES, One ( 1 ) Abstain – Halagarda

 Motion by Stan Waleski, second by Frank Marriggi to pursue pricing to take down a tree in the 700 block of Wood Street that is hanging on Mr. Coffee’s garage coming from an adjacent neighboring property. Voice Vote: Eight ( 8 ) YES

 Motion by Stan Waleski, second by Gary Halagarda to have Atty. Boyd send a letter to the Paradis family and the Tigue family, making them aware of the new rules and regulations for parking in the borough building parking lot. It was agreed that each of those families will be allotted 3 parking spots and there will be 6 other spots available to the public within the row closest to the stone wall/Paradis home. Voice Vote: Eight ( 8 ) YES

Engineers Report was prepared and presented by Paul Pasonick. See attached.

Police Report was prepared by Chief Homschek and read aloud by Mayor Mullen. See attached.

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In other Borough matters:

 Mr. George Bieber, former public safety director of the Wilkes Barre Scranton International Airport, and Mr. Carl Beardsley, executive director of the Wilkes Barre Scranton International Airport were in the audience to answer questions Council may have in regard to the agreement between Avoca Borough and the airport as a follow up from the June 2021 Council meeting.

 Stan Waleski had several questions, starting with what is the exact name of the grant the airport has to have the Avoca officers up there, to which Mr. Beiber replied it is the TSA LEO Reimbursement Program. Mr. Diaz asked if it was a program or a grant, to which Mr. Bieber replied it is a program. Mr. Waleski asked,” How much is it for?”. Mr. Beiber replied it is for $20 per hour assigned at the airport. Mr. Waleski asked if it is a yearly grant and Mr. Bieber replied it is reappropriated every year. Mr. Waleski asked, “What are the shifts at the airport?”, to which Mr. Beiber replied they start at 5:00am and go until the last flight of the day is boarded which usually is around 6:30pm-7:00p.m. Mr. Bieber said it does change on weekends as they do not have as many flights going out. Mr. Waleski asked Mr. Bieber, “Do you audit the grant?”. Mr. Bieber explained when he was there, he would get the monthly hours from Chief Homschek, would verify with the sign in book that TSA manages, cross check and match that up and then prepare the bill based on the hours the Chief gave him, put it all together and prepared the bill for the airport to reimburse Avoca Borough for payment. Mr. Waleski went on to ask if the officers get paid monthly, who is the contact the airport has between the airport & the Borough, and in regard to liability, does the airport hold the Borough harmless and vice versa?

 Mr. Bieber went on to explain how the agreement between the Borough and the airport came about. When it was being planned, he stated if the airport was going to pay an officer $16.00 per hour, they thought about what other costs would be associated with that such as workman’s comp, social security, liability and clothing allowance. The airport and the Borough came up with $20 per hour that would be appropriate and cover everything. Mr. Bieber also stated that number had to be budget neutral and the Borough can not make any money from this program. As some time went on and officers were getting raises, Mr. Beiber went to the airport’s finance director and asked if they can be given more money so the program wouldn’t be in jeopardy of losing officers. The request was granted and the officers were given a $3.00 per hour raise, bringing the total billing to $23.00 per hour. Mr. Waleski then confirmed that over the course of the agreement, the contract has changed. Mr. Bieber replied, “yes” and the changes were all verbal.

 Mr. Bieber went on to say the Chief and officers have done a tremendous job while on duty at the airport and TSA has been very happy with them and the program. It was asked if the Borough has a police car there when the officers are on duty to which Mr. Bieber replied when he was there it was very, very seldom because each officer on duty was given access to the executive parking lot.

 Mr. Diaz then had questions for Mr. Bieber. Both he and Mr. Bieber acknowledged there is a written agreement. Mr. Diaz explained that under his understanding an Avoca citizen contacted the security office and was told there was no written agreement and submitted a Right to Know request to the airport and was told there was no written agreement. Mr. Bieber asked who did they call to which Mr. Diaz replied he did not know but would assume an administrative department. Mr. Diaz stated that the agreement stated there would be one 8 hour shift at $20 per hour and it appears to him that is a material change within the contract. Mr. Diaz then stated he has the hours that were recorded over a 5 month period and his math does not work with the airports math. He believes the airport is giving the Borough too much money during some months and not enough for others. Mr. Bieber then stated he is here to answer questions, not to debate Mr. Diaz. Mr. Diaz believes the contract needs to be renegotiated and/or voided. After asking Atty. Boyd if he had any comments, Atty. Boyd said he would first need to read the contract and gather more information behind it. Mr. Diaz stated based on the information he has regarding the dollars that come in the door, what has been billed for the 5 months, this is information, if it doesn’t get resolved he will turn

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into the Attorney General as well as the Attorney for either district of Pennsylvania because he does not believe the information matches up.

 Several audience members asked Mr. Diaz questions about the information he gathered to which he replied he has all supporting information he needs to back up what he is saying. Mr. Bieber then mentioned that numbers may not match exactly because of $10,000 that was advanced to the Borough for payroll, due to payroll clerk Steve Yokimishyn being anxious that the reimbursement checks were not coming in a timely manner. Mr. Diaz would like to see a full accounting of what was paid to the Borough since the contract began in 2014. Mr. Boone asked when was the $10,000 advanced to which Mr. Beiber replied several years ago.

 Audience member Ron Casper asked Mr. Diaz how long has he been on Council to which Mr. Diaz replied 18 months. Mr. Casper was asking why weren’t these issues brought up earlier. After some brief audience comments & President Dommermuth gaveling the conversation, John Boone asked Mr. Beiber, “Are you contesting we owe the airport $10,000?”, to which Mr. Bieber replied, “At the end of the day yes, the Borough will owe the airport $10,000 or it will come off of the last bill.”

 Mr. Beiber closed by saying he is not going to get involved with Avoca’s political debate and stated anyone can reach out to him with any questions during the time he was there or can reach out to Mr. Beardsley at any time to discuss any issues. Atty. Boyd advised it would make sense to schedule a meeting to re- evaluate things and see where were are at. President Dommermuth thanked Mr. Bieber and Mr. Beardsley for coming.

 Mr. Ron Casper, resident, believes there are ethic violations among Council that were never addressed.

 Holly Homschek, resident, asked Mr. Diaz why he was bringing up a contract between Avoca Borough and the Airport at this time and not earlier in his term. She also questioned Mr. Waleski, stating that he has been on Council for several years and does not even know that police vehicles do not regularly go to the airport. Mr. Diaz replied because at the June 2021 Council meeting, it was stated publicly that the agreement between the Borough and the airport was verbal to which Ms. Homschek stated, “So this is nothing political?”. Mr. Diaz stated he requested data and he had to beg, borrow and steal to get information from departments within the Borough. Dennis O’Brien, resident, asked, “So you had to beg, borrow and steal without authorization?” to which Mr. Diaz said according to Borough Code he doesn’t need authorization. Mr. Waleski followed up to Ms. Homschek’s question, saying he was following up on Covid relief money that the airport was allotted to possibly seek additional money in regard to the Borough supporting the program. Ms. Homschek stated that she finds it odd that the Right to Know request was submitted from someone who worked with Mr. Diaz during his previous employment for Luzerne County and feels it is alarming.

 Dennis O’Brien suggested some Covid money be given to the Ambulance Association. He feels the leased parking lot on Main Street is a waste when the money can be allotted to other things or organizations in town and he is highly offended on how things are operating and it’s a disgrace. He feels all emergency service’s need to be taken care of to provide for the residents. Mr. Dommermuth said the Borough is looking into allotting Covid money to the Avoca Ambulance Association.

 Jim McMahon asked Council to consider giving some of the Covid relief money to the Avoca Food Pantry or businesses in town to give them a boost, as that what the money is intended for.

 Resident Vince Orleski, who lives on Lehigh Street, stated that his neighbor’s property is infested with rats and he feels nothing is being done about it. Mr. Orleski then confirmed Jeff Pisanchyn was on site today to follow up. Gary Halagarda asked Mr. Orleski if he was the homeowner building a room on a deck in the back of his home and if he had the proper permits. Mr. Orleski advised yes, he got the permits during the construction because he was not

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aware he needed them. Mr. Halagarda then confirmed Mr. Orleski does not know all of the codes and regulations

within the Borough but he is here complaining about someone else. Mr. Halagarda suggested he take care of his own property before complaining about others and he maintains he has never seen a rat on Lehigh Street. Mr. Orleski then showed Mr. Halagarda a picture of a dead rat. Mr. Halagarda advised code enforcement is dealt with through Luzerne County and suggested Mr. Orleski contact them. Mr. Halagarda asked Mr. Orleski if he was aware of a 5 ton weight limit on Lehigh Street to which he replied, “Yeah”. Mr. Halagarda then asked if he had a triaxle dump truck on Lehigh Street every Sunday to which Mr. Orleski replied, “Yes, I put it there every Sunday to slow traffic down because it is like a race track.” Mr. Halagarda suggested he does not park it there anymore because he is not in charge of traffic control and the parked triaxle makes for a very narrow roadway to get traffic through. Council will look into signage and speed control at the request of Mr. Orleski.

 Tom Matthews Sr. mentioned about the fire hydrant in the 700 block of Main Street and asked if the Borough can try to “hurry it up” when getting the water company to replace the hydrant.

 Resident Steve Adel addressed Council about his neighbor coming on to his property to remove a tree. About a year and a half ago, Mr. Adel had a problem where a storm drain was bulldozed out and was told Avoca Borough never took ownership of the streets in the Skytop development. Just this week, he had another issue with the neighbor and supposedly someone gave his neighbor permission to run an excavator across Mr. Adels property and remove trees. Mr. Adel is asking if it is municipal property or not? And if it isn’t, why would someone in this room give him permission to do this? After a bit of conversation, Mr. Adel gave Atty. Boyd a letter and he and Council will follow up.

 Tom Matthews Jr., President of the Avoca Hose Company, addressed Council that Luzerne County has updated their radio system and provided some funding for the purchase of new radios, however it doesn’t cover even half of the hose companies cost, nor would each member get a radio. They are seeking to have each volunteer equipped with a radio to provide the best communication possible during emergencies and the cost would be around $30,000. Mr. Matthews explained they are not applicable for some grants that bigger cities can obtain, and he is respectfully requesting financial assistance from the Borough and the American Rescue Plan Act of 2021 where the Borough is set to receive $275,175.36 over the next 2 years.

 Mr. Waleski spoke of the tree limbs hanging over Mr. Coffee’s garage in the 700 block of Wood Street from an adjacent property. Mr. Waleski spoke of 417 Grove Street and 501 Grove Street property’s grass being high. Mr. Waleski spoke of a TV that has been in the Wood Street alley for a long time, suggesting the Borough collect it and look into waste recycling for TV’s and electronics. In investigating the radios for the fire department, Stan asked if there may be anything needed for the ambulance association or the fire police. Jim McMahon spoke on the issues the ambulance is facing such as retaining employees. Gary Halagarda did confirm the ambulance is having staffing issues like many other departments and businesses, and they are trying to pull together with other communities to provide 24 hour coverage between municipalities. They need to come up with something to bring workers in because $9.00 or $10.00 per hour isn’t cutting it. Gary also stated within 1-2 months they will be getting a new 2022 ambulance, replacing their 2010 ambulance which has over 100,000 miles on it. They did receive some grant money and will most likely need to take a loan, but are always looking for other financial assistance for equipment and payroll.

 Mr. Waleski suggested as a follow up from the June 2021 Council meeting, to allow 12 overnight parking spots closest to the wall in the Borough Building parking lot and assigning 3 parking spots for the Paradis family, 3 parking spots for the Tigue family leaving 6 open spots to the public.

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 Sam Diaz commented on the 2020 annual financial report that was provided to Council from Zavada and Associates. He maintains that funds that come in need to be reviewed so that they can be accounted for the proper way and be easily tracked. Mike Fuller commented that he spoke with our auditor and it was discussed about getting Quickbooks with our new, upgraded computer system and the letter is more or less prescribed commentary that is mandatory on their end to be in the advisement letter.

 Mr. Casper asked if the financial report is available to the public and if he can have a copy. Atty. Boyd will double check the process of giving Mr. Casper a copy and he also advised Mr. Casper of new, updated rules pertaining to the Sunshine Act.

 Motion by Frank Marriggi, second by Sam Diaz to adjourn meeting at 8:05p.m. Voice Vote: Eight ( 8 ) YES