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| **Mayor**Robert Mullen**Solicitor**Atty. Matthew G. BoydUfberg & Associates**Chief of Police**David Homschek **Secretary**Sandra Van Luvender **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** **President**Holly Homschek **Vice President**Dennis O’Brien  Michael FullerKyler Kovaleski Jim Emlaw Jonathan Gedrich Bob DommermuthGary HalagardaAlan Kiesinger  |

**AVOCA BOROUGH**

**Thursday, October 10, 2024 – Council Meeting**

**Meeting Minutes**

The regular meeting of the Avoca Borough Council was held on Thursday, October 10, 2024, with Council President, Holly HOMSCHECK, presiding. The work session began at 1859HRS. The regular meeting was called to order at 1922HRS, and Pledge of Allegiance was said by Jonathan GEDRICH.

 Council Members in attendance: Holly HOMSCHEK, Dennis O’BRIEN, Jonathan GEDRICH, Kyler KOVALESKI, Alan KIESINGER, Jim EMLAW, Gary HALAGARDA and Mike FULLER. Bob DOMMERMUTH was absent.

 Also in attendance: Mayor Robert MULLEN, Attorney Jordan DEMPSEY, Borough Engineer, Paul PASONICK, Police Officer Jonathan ALAIMO and Secretary, Sandra VAN LUVENDER. Police Chief Dave HOMSCHEK was absent.

 Motion by Kyler KOVALESKI, second by Dennis O’BRIEN to accept the minutes from last month’s meeting. Voice Vote: (8) Eight Yes

 Motion by Alan KIESINGER, second by Kyler KOVALESKI to pay all bills presented with monies available. Voice Vote: (8) Eight Yes

Motion by Mike FULLER, second by Gary HALAGARDA to accept new correspondence as presented. Voice Vote: (8) Eight Yes

 Motion by Jim EMLAW, second by Dennis O’BRIEN to accept police report prepared by Chief HOMSCHEK and read by Mayor Robert MULLEN. Voice Vote: (8) Eight Yes

Motion by Alan KIESINGER, second by Kyler KOVALESKI to renew Police Professional Liability Policywith Joyce Insurance expires 10/11/2023 – expiring cost $11,500, Renewal $9,491- Decrease $2,009. Voice Vote: (8) Eight Yes

Motion by Alan KIESINGER, second by Kyler KOVALESKI to renew Public Officials Policywith Joyce Insurance expires 10/11/2023 – expiring cost $12,555, Renewal $11,521 - Decrease $1,034. Voice Vote: (8) Eight Yes

Motion by Alan KIESINGER, second by Jim EMLAW to adopt an Ordinance regarding **Garbage and Refuse Collection** in the Avoca Borough. This Ordinance would update the current Garbage and Refuse Ordinance to state Refuse shall not be placed out for collection more than twenty-four (24) hours prior to collection. Roll Call Vote: (8) Eight Yes

Motion by Dennis O’BRIEN, second by Alan KIESINGERto adopt an Ordinance regarding **Quality of Life for Residents** in the Avoca Borough. This Ordinance would establish rights and obligations of owners and occupants to maintain and improve the quality of their properties within the Avoca Borough and provides a system of penalties for violations. Roll Call Vote: (8) Eight Yes

Motion by Dennis O’BRIEN, second by Jim EMLAW to adopt an Ordinance regarding the installation and

maintenance of **Grease Interceptors and Traps**. This Ordinance would establish a requirement for all applicable properties to install and maintain in good working order grease interceptors and/or grease traps. Roll Call Vote: (8) Eight Yes

Motion by Dennis O’BRIEN, second by Jim EMLAW to adopt an Ordinance regarding the **Registration of All Rental Properties** located in the Avoca Borough. This Ordinance would establish rights and obligations of owners of rental housing in Avoca Borough to register all rental properties with the Avoca Borough to obtain a rental license and provides a system of penalties for violations. Roll Call Vote: (8) Eight Yes

Motion by Kyler KOVALESKI, second by Dennis O’BRIEN to adopt an Ordinance regarding **Noise Disturbances** within the Avoca Borough. This Ordinance would prohibit the making of any noise disturbance within the Avoca Borough, establishes time periods when certain activities are permitted within the Avoca Borough, and provides a system of penalties for violations. Roll Call Vote: (8) Eight Yes

Motion by Jim EMLAW, second by Kyler KOVALESKIto adopt an Ordinance adopting the **International Property Maintenance Code, 2018 Edition**, within the Avoca Borough. Roll Call Vote: (8) Eight Yes

Motion by Jim EMLAW, second by Dennis O’BRIEN to adopt an Ordinance pertaining to the rights and obligations of a **Code Enforcement Officer** for the Avoca Borough Roll Call Vote: (8) Eight Yes.

Motion by Gary HALAGARDA, second by Alan KIESINGERto adopt an Ordinance establishing and creating a **Code Enforcement Appeals Board** for the purpose of hearing and ruling upon appeals from any order, requirement, decision or determination of the Avoca Borough’s Code Enforcement Officer. This Ordinance establishes the rights, obligations, and qualifications for Code Enforcement Appeals Board members. Roll Call Vote: (8) Eight Yes

Motion by Kyler KOVALESKI, second by Alan KIESINGERto adopt an Ordinance regarding a **Host Municipality Benefit Fee**. This Ordinance would implement a host municipality fee upon the operator of each commercial hazardous waste treatment, disposal facility, or transfer station and upon the operator of each municipal waste landfill or resources recovery facility that are located in the Avoca Borough. Roll Call Vote: (8) Eight Yes

Motion by Gary HALAGARDA, second by Dennis O’BRIEN **to** purchase (4) tires for the skid steer. Quotes: BAC $813.00 – Kost $932.42(plus transport cost) - Good Year $896.00(plus mount balance and transport cost Roll Call Vote: (8) Eight Yes

Motion by Gary HALAGARDA, second by Jim EMLAW to adopt Resolution 7 of 2024 of the council of Avoca Borough, Luzerne County, authorizing PennDOT to request railroad crossing upgrades at Main and McAlpine Streets from the Pennsylvania Public Utility commission. Roll Call Vote: (8) Eight Yes

Motion by Mike FULLER, second by Dennis O’BRIENto approve Driveway Permit at 811 Mill Street, Avoca pending approval of Borough Engineer, Paul PASONICK. Voice Vote: (8) Eight Yes

**Audience:**

**Mike HAFFNER 1013 Plane Street, Avoca -** asked about Plane Street alley just below William Street? President HOMSCHEK advised that Jeff BRAYER has it on his schedule to repair with millings and larger roller.

In conversation about driveway permits, Mike asked if the permit could be pulled by the contractor, rather than the property owner.

**Kevin O’BRIEN Sr. 1002 William Street, Avoca** – asked how residents are blacktopping driveways without permits? Who follows up with residents? Does the borough engineer have to approve the driveway permit?

Kevin also mentioned the ORLUK property on Grove Street and that under the Fire Marshal Ordinance the property can be declared a public hazard, and the Borough can have it torn down. The issue being that it would be at the Borough’s expense.

Kevin asked about the issues with BHW Construction code enforcement and if they are not doing their job, can a lawsuit be filed?

**Fire Chief Tom MATTHEWS -** asked again about the Borough funding a daytime driver at the Firehouse and that person could possibly assist with code enforcement.

**Mike LAMPMAN 421 Railroad Street, Avoca –** asked about the tipping fee associated with Waste Transfer. President HOMSCHEK reported that legally it was set at $1 per ton. Attorney DEMPSEY added that there is a statute in place in Pennsylvania.

**Ann SHAFFER 609 Bennett Street, Avoca –** asked where things were at with the wall along Bennett Street. She explained that it was the only way into her house for the oil truck**.** President HOMSCHEK advised that we were still awaiting a decision on the Statewide LSA grants. It was suggested that she contact the State Representative’s Office.

**Street Department**: Michael VOLCH and Stan SPAGNUOLO present.

**Engineer:** Avoca Borough Engineer’s Report (dated October 10, 2024) prepared by Paul PASONICK. (See attached)

**Police:**

The Police Report was prepared by Chief David HOMSCHEK and read by Mayor Robert MULLEN. (See attached).

Motion by Jonathan GEDRICH, second by Jim EMLAW to adjourn the meeting at 2009HRS.