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| **Mayor**  Robert Mullen  **Solicitor**  Elliott, Greenleaf & Dean  Atty. Matthew Boyd  **Chief of Police**  David Homschek  **Secretary**  Kelly O’Brien  **Treasurer**  Jennifer Davitt  **Engineer**  PennEastern Engineers, LLC  Paul Pasonick | Borough of Avoca  950 Main St.  Avoca, Pa 18641  [Secretary@Avocaborough.com](mailto:Secretary@Avocaborough.com)  Telephones  Secretary: 570-457-4947  Fax: 570-451-1750  Police Department: 570-457-4011 Street Department: 570-451-0625 | **Council**  President  John D. Boone  Vice President  Frank Marriggi  Michael Fuller  Joe Satkowski Jr.  Gary Halagarda  John Vols  Bob Dommermuth  Stanley J. Waleski  Sam Diaz |

**AVOCA BOROUGH**

**THURSDAY, JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES**

The regular monthly meeting of Avoca Borough Council was held on Thursday, June 10th, 2021 with Council President, John D. Boone, presiding. The work session began at 6:30p.m. The regular monthly meeting was called to order at 7:15p.m. and Pledge of Allegiance was said by Frank Marriggi.

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

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

President Boone started the meeting by addressing Council and the recent primary election. Mr. Boone expressed that with various projects being started, or already in the process of being completed, with a lot of thought and reflection he feels it is best that the next Council President should be here from the start of these projects to have the knowledge behind them and going forward. With that, Mr. Boone congratulated Mayor Mullen on the election, thanked his fellow Council members for appointing him as Council President the past 6 years, stated he was proud of the work that was accomplished and respectfully resigned his position as Council President, effective immediately.

Stan Waleski commented that it was a pleasure working with John over the past several years.

Mr. Boone then turned over the meeting to Mayor Mullen.

Mayor Mullen opened the floor for nominations of Council President.

Motion by John Vols, second by Joe Satkowski to appoint Gary Halagarda as Council President, effective immediately. Roll Call Vote:

Five ( 5 ) NO – Fuller, Waleski, Marriggi, Diaz & Boone

Four ( 4 ) YES – Halagarda, Satkowski, Dommermuth & Vols

MOTION DENIED

**AVOCA BOROUGH**

**THURS. JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 2**

Motion by Sam Diaz, second by Stan Waleski to appoint Joe Satkowski Jr. as Council President, effective immediately. Before a formal vote was taken, Mr. Satkowski declinded the position.

Motion by Stan Waleski, second by Mike Fuller to appoint Bob Dommermuth as Council President, effective immediately. Roll Call Vote: Nine ( 9 ) YES

Mr. Dommermuth then took his seat as Council President and reclaimed the meeting from Mayor Mullen.

Motion by John Boone, second by Sam Diaz to accept the minutes of the May 13th,2021 Council meeting as presented. Voice Vote: Nine ( 9 ) YES

Please note, later in the meeting, Mr. Boone took issue with a sentence on Page 4 of the May 13th,2021 minutes that stated, “After a bit more back and forth discussion, Mr. Boone asked Mr. Casper to have some formal diplomacy when speaking to Council.” Mr. Boone stated he believed that was not entirely how it went, Mr. Casper first barked at Mr. Diaz and he told Mr. Casper to have some decorum. John believes the sentence implied he just barked out at Mr. Casper and he does not think it is a fair statement, as he was responding to someone in the audience. Mrs. O’Brien recognized his note.

Motion by Stan Waleski, second by Mike Fuller to pay all bills presented with funds available. Voice Vote: Nine ( 9 ) YES

Motion by Sam Diaz, second by Gary Halagarda to accept new correspondence as presented. Voice Vote: Nine ( 9 ) YES

Motion by John Vols, second by Joe Satkowski to accept the May 2021 police report prepared by Chief Homschek and read aloud by Mayor Mullen. Mike Fuller questioned how many jake brake violations there were and would like to see the jake brake violations in a separate line item on the police reports. Stan Waleski asked if there were any property maintenance violations. Voice Vote: Nine ( 9 ) YES

Motion by Gary Halagarda, second by John Vols to authorize Atty. Boyd to advertise the draft ordinance he prepared, restricting parking in the 900 block of Grove Street. Voice Vote: Eight ( 8 ) YES, One ( 1 ) ABSTAIN – Dommermuth

MOTION CARRIED

Motion by Mike Fuller, second by Joe Satkowski to approve a quote from Mihalka Construction in the amount of $850 to repair Ms. Diana McCabe’s sidewalk that was damaged by a street department snow plow in the winter. The full amount of the repair will come from the Borough’s general fund. Voice Vote: Nine ( 9 ) YES

Motion by John Vols, second by Joe Satkowski to allow the Avoca Flag Football League to use the flats field for their upcoming 2021 season. Voice Vote: Nine ( 9 ) YES

Motion by Frank Marriggi, second by John Boone to request a street light be placed at the end of St. Mary’s Street. Mr. Marriggi will supply Mrs. O’Brien with the pole number. Voice Vote: Nine ( 9 ) YES

Motion by Sam Diaz, second by John Boone to renew the annual service/maintenance agreement with AirCon Service Co. for the borough building HVAC system at a cost of $1525 which includes filter cleaning/changing and all standard maintenance on a seasonal basis. Voice Vote: Nine ( 9 ) YES

**AVOCA BOROUGH**

**THURS. JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 3**

Motion by Sam Diaz, second by Mike Fuller to apply for a HARIE safety improvement grant and authorize the roads committee to meet and discuss potential ideas or purchases for workplace safety improvement. Voice Vote: Nine ( 9 ) YES

Motion by Sam Diaz, second by Mike Fuller to table a decision on renewing the Geisinger Health Insurance Plan upon wanting more information and different quotes to compare costs. Roll Call Vote: Nine ( 9 ) YES

Motion by John Vols, second by Joe Satkowski to send a letter to Johnny Jadus Grass Cutting informing him that his next Mill Creek cut will be his last since he feels the street department can do the same job with the new lawn

equipment that was recently purchased. Mr. Dommermuth asked the street department gentleman who were in the audience if they felt they can handle a job of that nature, to which they both replied, “Yes.” Roll Call Vote:

Five ( 5 ) NO – Fuller, Waleski, Marriggi, Diaz & Boone

Four ( 4 ) YES – Halagarda, Satkowski, Vols & Dommermuth

MOTION DENIED

Motion by Stan Waleski, second by Mike Fuller to reinstate the league formerly known at The Avoca Basketball League back to The Avoca Basketball League. Roll Call Vote:

Five ( 5 ) YES – Fuller, Waleski, Marriggi, Diaz & Boone

Four ( 4 ) NO – Halagarda, Satkowski, Vols & Dommermuth

MOTION CARRIED

Motion by Stan Waleski, second by John Boone to pursue recovery of the Act 13 grant, not to exceed a grant request of $6,000.00, with the project being to refinish the community center basketball court floor. Roll Call Vote: Nine ( 9 ) YES

Motion by John Boone, second by Mike Fuller to authorize PennEastern Engineers to advertise for bids in relation to the storm inlet at 926 Main Street and storm pipe and inlet at 708 McAlpine Street since both quotes received from James T. O’Hara came in over the bidding threshold of $21,300. Voice Vote: Nine ( 9 ) YES

Motion by John Boone, second by Mike Fuller to award James T. O’Hara the MS4 Pollutant Reduction Plan (DCED Watershed Restoration Program) project in the amount of $162,410.00 contingent upon the easement agreement that is agreed upon with property owner, Mike MacKarey, not to exceed $10,000 for the easement. Voice Vote: Nine ( 9 ) YES

Motion by Gary Halagarda, second by Joe Satkowski to send a letter that was drafted by Atty. Boyd to the appropriate parties who currently use the Borough building parking lot, letting them know of rules and regulations regarding parking in the lot going forward. Stan Waleski clarified with Atty. Boyd that the letter allowed the residents to park in the first 4 spots closest to Main Street. Roll Call Vote:

Five ( 5 ) YES – Fuller, Halagarda, Satkowski, Vols & Dommermuth

Four ( 4 ) NO – Marriggi, Waleski, Diaz & Boone

MOTION CARRIED

Motion by Gary Halagarda, second by Joe Satkowski to rescind the previous motion regarding sending a letter that was drafted by Atty. Boyd to certain residents who currently use the borough building parking lot and visit the issue at a later date.

**AVOCA BOROUGH**

**THURS. JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 4**

Motion by John Vols, second by Mike Fuller to appoint Joe Satkowski as Vice President of Council after the resignation of Frank Marriggi as Vice President of Council. Before a formal vote was taken, Mr. Satkowski declined the position.

Motion by John Boone, second by Sam Diaz to nominate Gary Halagarda as Vice President of Council, effective immediately. Roll Call Vote: Eight ( 8 ) YES, One ( 1 ) ABSTAIN – Halagarda

MOTION CARRIED

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.

In other Borough matters:

Diana McCabe, was in attendance to follow up on her sidewalk/curb repair. Mihalka Construction submitted their proposal to the Borough and Ms. McCabe. Ms. McCabe let Council know of her desire to have Mihalka Construction fix the damages. She felt they were well qualified for the job after speaking with Joe Mihalka and the business had great reviews online. Ms. McCabe also asked about the Jeff Brayer property, stating the area is zoned residential 2. She does not understand why the Borough can not do anything regarding her assumption that he is running a commercial business out of his home. Atty. Boyd stated that Luzerne County deals with any and all zoning issues and it is their county department that would be responsible for any violation enforcements. Atty. Boyd also said that he can give Ms. McCabe contact information for the zoning office.

Patrolman Jonathan Alaimo made Council aware of the ongoing issues with trains being stopped or broken down for long periods of time, at times blocking access on both McAlpine Street and York Ave at the same time. He feels it is a safety issue if there is an emergency where emergency vehicles need to get somewhere quick and would have to detour and go a longer distance, adding to their response time. He stated that Pittston Township has an ordinance regarding this situation that seems to at least provide some type of resolution. Atty. Boyd will follow up on this matter and gather more information.

Frank Marriggi stated that he felt it was in his best interest to resign as Vice President of Council, effective immediately. He said it has been a great ride and enjoyed his time. John Boone followed up by thanking Frank for his support these last several years and for his dedication during his time served.

John Vols noted he would like to see our street department take over cutting the grass along Mill Creek, the job that the Borough currently pays Johnny Jadus Grass Cutting to complete. The last invoice from Johnny Jadus Grass Cutting was $1100 for two cuts and he feels that is a big chunk out of our budget.

Stan Waleski updated Council on the most recent LandBank information. Also, Stan noted that the abandoned couch on Plane Street was removed. The next tax sale is in August and he will see what properties may be available in Avoca. Mr. Diaz questioned if the tax sale was a “free and clear” sale, to which Mr. Waleski replied, “yes.” Stan noted that the compost committee has not had a meeting yet, so there is nothing to report.

Mr. Waleski said that he received a complaint from Jerry Coffee about the trees hanging across the 700 block of Wood Street going onto his garage. Stan asked if the street department can look at it to see if they can cut it or get quotes to see how much it would cost to cut.

**AVOCA BOROUGH**

**THURS. JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 5**

Stan followed up on a motion made last month, that changed the name of The Avoca Basketball League citing there are other organizations that use the name “Avoca” in their name such as the Avoca Flag Football League. Stan questioned whether it was a legal motion. Atty. Boyd advised it was a legal motion, but the impact of the legality whether the Borough could enforce it or have the ability of what an entity can use would be another question. It is more of a legal issue to which Atty. Boyd’s initial assumption would be the Borough would not have the right to change an outside entity’s name since Avoca is not trademarked or copyrighted.

It was noted by Mr. Boone that there is also the Avoca Community Committee, Avoca Lion’s Club, the Avoca A.O.H., the Avoca Deli, among other entities that use Avoca in their organization name.

Mr. Vols asked Mr. Waleski where the league’s money went from last year being the kids only played a short time due to Covid-19. Mr. Waleski stated the money went into escrow. Mr. Boone expressed displeasure about the question, asking President Dommermuth if he is going to allow this questioning to go on, stating it is almost slanderous to ask Mr. Waleski about the league’s funds. Mr. Dommermuth replied by saying he believes Mr. Vols has the right to ask his questions. Mr. Vols was asked by members of the general public where the money went because it is implied that Avoca Borough has affiliation with the league. Mr. Waleski replied by stating the kids played longer than one week. Mr. Diaz commented where the money went has no ties to the name of The Avoca Basketball League and it is not a conversation to be discussed inside Council chambers. Several Council members said that Council does not ask where other Avoca organizations monies go. Mr. Vols believes the Avoca Basketball League is not a non-profit organization. Stan replied by saying the Avoca Jolly Boys is absolutely a non profit organization, to which Gary Halagarda stated that he questions that statement since they have not filed taxes since 2008. Stan replied by staying they do not have to file taxes and the money that is in escrow now is non taxable. He also has financial statements to prove his statements. President Dommermuth gaveled the conversation and asked Council to move on.

Mr. Waleski made Council aware of the large amount of Covid rescue money that was allotted to the Scranton/Wilkes Barre Airport, citing Avoca Borough should look into the services we provide at the airport, such as wear and tear on the police vehicles, our workmans comp policy, administrative costs, etc. and see what we can possibly recover. Mayor Mullen stated there is minimal cost to the Borough as the police vehicles do not normally go up to the airport and the airport pays their hourly wages. Mr. Boone responded that the Borough does incur administrative fees, as the airport does not pay for our payroll clerk to take taxes out of their paychecks. Mayor Mullen advised that if there is an issue in town, the airport allows the officer up there to assist. John Boone questioned why they are needed up there if they are allowed to leave and assist with calls outside of the airport. After a bit of discussion, Mr. Boone asked if Council can be provided with a copy of the agreement between the airport and the police department to which Mayor Mullen noted it was a verbal agreement.

When speaking of the draft letter prepared by Atty. Boyd to the residents who currently park in the parking lot, Mr. Halagarda asked Council,” No one remembers the two vehicle accident in the parking lot that could have resulted in serious bodily injury this past winter?”. Mr. Dommermuth replied that he does remember the accident. Stan Waleski also acknowledged the accident, however he believes the letter should allow for more than 4 parking spots and suggested allowable overnight parking be the whole row closest to the stone wall / Paradis home.

Gary Halagarda questioned if the Borough was paying for the ongoing humidity issue at the borough building. Paul Pasonick stated he did not believe the control company submitted any bills and it was agreed upon there was a humidity issue in the building from the start.

**AVOCA BOROUGH**

**THURS. JUNE 10TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 6**

Mike Fuller made all aware that the Farmers Market will open on Wednesday, July 7th and will continue through out the summer/fall every Wednesday from 10am-2pm on the Queen of the Apostle Parish Hall grounds.

Sam Diaz stated that he receives his Council information packet right before he sits down for the meeting and does not feel that is enough time to review everything. He would like the packets available the Tuesday before every meeting, understanding the agenda may change. Mrs. O’Brien followed up by saying the packets are available whenever a Council member would like them. Mr. Diaz may come to the office and get his at his pleasure.

Mr. Diaz touched on a few other issues. He would like to know how borough employees record their time. When they are working, when they are not working. He would also like to have a complete list of all borough employees and how they record their time. He would also like to see the monthly police schedule for the last 3 months, when they are scheduled to work and when they do work. Mr. Diaz also would like to know when our officers work at the airport and the hours available for them to work at the airport. He wants all information requested within the next 10 days. Mr. Dommermuth stated we will have to talk with the Chief about his requests. Gary suggested changing the request to allow for 10 business days, to which Mr. Diaz agreed that was fine.

Frank Marriggi addressed Mayor Mullen, saying there was recently a serious incident on Pittston Ave. Frank stated he was called and people asked him where the police were and he has no idea who is scheduled. Mr. Marriggi asked as chairman of the police committee, could he be provided a copy of the police schedule so he knows who is on duty at all times. Mayor Mullen asked Atty. Boyd if legally he was allowed to have a copy of the schedule and Atty. Boyd advised yes although he would have to look into any potential safety concerns with posting it or having others get it. Mayor Mullen stated he will talk with the Chief while other Council members mentioned that may cause a problem with others finding out who is working and when. Gary Halagarda stated he does not feel a Councilman should be contacting an officer on duty while they can be investigating a crime and it is inappropriate. President Dommermuth, Mr. Halagarda and Patrolman Alaimo all advised Mr. Marriggi if there is a problem, accident, etc. he should call 911 and not the officer on duty’s cell phone. Gary commended the police force regarding the incident on Pittston Ave, for making a quick arrest and lodging the individual in county jail without bail.

Motion by Frank Marriggi, second by Sam Diaz to adjourn meeting at 8:15p.m. Voice Vote: Nine ( 9 ) YES