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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, MAY 13TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES**

The regular monthly meeting of Avoca Borough Council was held on Thursday, May 13th, 2021 with Council President, John D. Boone, presiding. The work session began at 6:45p.m. The regular monthly meeting was called to order at 7:20p.m. and Pledge of Allegiance was said by Stan Waleski.

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 litigation, personnel, and legal advice related to a lease agreement.

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

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

Motion by Joe Satkowski, second by John Vols to accept the minutes of the April 8, 2021 regular Council meeting as presented. Voice Vote: Nine ( 9 ) YES

Motion by Sam Diaz, second by Stan Waleski to accept the minutes of the April 29, 2021 special Council meeting as presented. Voice Vote: Nine ( 9 ) YES

Motion by Joe Satkowski, second by Frank Marriggi to pay all bills presented with funds available. Please note, there was an addition made to the bills list, to pay $20,900 to the Luzerne County Prothonotary Office in regard to the Avoca v. Popple litigation. Voice Vote: Nine ( 9 ) YES

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

Motion by Bob Dommermuth, second by Joe Satkowski to accept the April 2021 police report prepared by Chief Homschek and read aloud by Mayor Mullen. Sam Diaz questioned whether out of the 67 Summary Citations issued, if the 11 jake brake citations were included in the 67 total. Mayor Mullen advised yes. Voice Vote: Nine ( 9 ) YES

**AVOCA BOROUGH**

**THURS. MAY 13TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 2**

Motion by Stan Waleski, second by Joe Satkowski to hire Blaise Boggetti as a part time street department employee working on an “as needed” basis at an hourly rate of $10.00 per hour. Voice Vote: Nine ( 9 ) YES

Motion by Frank Marriggi, second by Stan Waleski to write a letter of support for the Pittston Redevelopment Authority, supporting a grant proposal to extend the Riverfront Trail in Pittston and create a boat launch along the trail system. Voice Vote: Nine ( 9 ) YES

Motion by Joe Satkowski, second by Bob Dommermuth to authorize Paul Pasonick to submit an extension request to the CFA in regard to the LSA Recreation Grant if the fence work at the Plane Street Park is not near completion before June 1, 2021. If granted, the extension would run from July 1, 2021 until June 30, 2022. Voice Vote: Nine ( 9 ) YES

Motion by Mike Fuller, second by Stan Waleski – Resolution on looking into solar energy programs proposed by the PA State Association of Boroughs. Voice Vote: Nine ( 9 ) YES

Motion by Sam Diaz, second by Stan Waleski to table sending letters to the Paradis Family and the Tigue Family regarding parking in the Borough building parking lot until Council has more time to review the draft letters. Voice Vote: Nine ( 9 ) YES

Motion by John Vols, second by Joe Satkowski to raise the seasonal fee of $500 to $1000 for the league formerly known as The Avoca Basketball League if and when the league resumes, due to heating costs and to better cover expenditures. Roll Call Vote:

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

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

Note: Halagarda stated his “No” vote was due to increasing costs of heat & maintenance.

MOTION DENIED

Motion by John Vols, second by Bob Dommermuth to afford the Solicitor to communicate with Dr. Julio Ramos regarding the terms of the parking lot lease in light of the limited use related to Covid 19. Roll Call Vote: Nine ( 9 ) YES

Motion by Joe Satkowski, second by Stan Waleski to get quotes/bids, review insurance policy and make a reasonable decision on how to get Ms. Diana McCabe’s curb/sidewalk properly repaired by a reputable company, that was damaged this past winter by a Borough snow plow. Voice Vote: Nine ( 9 ) YES

Motion by Bob Dommermuth, second by Sam Diaz to authorize the Solicitor to draft and send a letter to a resident in the area of Plane Street & Campbell Street that put in a concrete curb/barrier without a permit or work being done to an acceptable standard, asking them to remove the concrete at their own expense. The street department can then fix what was originally damaged during snow removal. Voice Vote: Nine ( 9 ) YES

Motion by Gary Halagarda, second by Sam Diaz to authorize the Solicitor to draft an ordinance proposing the 900 block of Grove Street will be one way traffic from south to north with parking on the east side only and no parking on the west side of the road. Parking will also be prohibited for 25’ past the vertical separation of the roadway on both the north end and the south end of the vertical separation. Voice Vote: Eight ( 8 ) YES, One ( 1 ) ABSTAIN – Dommermuth. 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.

**AVOCA BOROUGH**

**THURS. MAY 13TH, 20201 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 3**

In other Borough matters:

Diana McCabe, a resident of 1512 Plane Street, submitted a letter to Council requesting that the Borough pay for damages to her front sidewalk from a Borough snowplow truck, as well as an estimate from Fortini Blacktop & Sealcoating for the repairs in the amount of $750. Ms. McCabe declined to have the street department repair the damages although it was noted that they were capable of doing the repair job. Ms. McCabe would be more comfortable if a professional company did the repairs so that it is done properly and to her satisfaction. After some discussion, Mr. Boone advised Ms. McCabe that the Borough will look into the options of covering the damages after getting other quotes/bids and reviewing the Borough’s insurance policy and the sidewalk will be properly repaired. Mr. Vols and Mr. Dommermuth voiced their opinion that the quote from Fortini Blacktop & Sealcoating at $750 is well within reason for the repairs.

Ms. McCabe also asked Council if something could be done about the condition of an abandoned house in the 1400 block of Plane Street. Overgrown grass, a broken toilet, and an old couch among other things make the property a complete eyesore. Mr. Waleski advised Ms. McCabe that the property is currently owned by the NorthEast Landbank Authority and there is a buyer interested in the property, but there has been a legal issue holding up the sale that is currently being worked on. In the meantime, it was noted that Avoca’s street department will maintain the grass and clean up whatever debris and remove whatever junk they can.

Ms. McCabe also complained about Mr. Jeff Brayer supposedly running a business in a residential area. There is heavy equipment on his properties, coming in and out, the height of his large garage, disabled vehicles on the properties and she does not think it is right for it to be allowed. Atty. Boyd advised anything like that is a zoning issue and should be brought to the attention of Luzerne County Zoning & Planning Department.

Stan Waleski stated that the COVID-16 vaccination clinic in conjunction with Llewellyn’s Pharmacy went well and thanked everyone who volunteered and helped at the clinic. The follow up clinic will be on May 27th, 2021 for people getting their second vaccine dose and also for anyone wanting their first dose. He said the best part of the day was when a family brought in their child who has down syndrome, as they came to this clinic because of the short handicap access to get into the Community Center. Mr. Waleski finished by saying the building was secured and sanitized before everyone left for the day.

John Vols questioned a payment on the bills list – a payment to Johnny Jadus Grass Cutting – and asked when the new lawn tractor for the street department will be coming in, so that we can take over cutting Mill Creek and not have to pay another business to cut it. Mr. Boone advised he was unaware that getting the new lawn equipment would result in stopping Johnny Jadus Grass Cutting from cutting Mill Creek as needed and stated it is a much bigger job than most think. Mr. Fuller stated that the new lawn equipment wouldn’t be able to cut the bamboo along the creek and the equipment ordered isn’t for a job like that.

Stan Spagnuolo of the street department thanked Council for the new lawn cutting tractor, showed Council pictures and advised we are just waiting for the State to approve the CoStars cost. He also touched on the consistent damage occurring at the West Avoca Park and asked if Council can think of ideas to possibly deter the damage such as different lighting or cameras. A picture of damages was shown to Mr. Boone and Mr. Boone noticed a Snapchat tag. He then asked Officer Alaimo to see if he can follow up on that and see if anyone can be identified.

Mike Fuller noted he would like the Borough to look into Solar Power programs offered by PSAB. Mr. Fuller also stated that the Farmers Market is still happening this season and so far he has one grower booked. Details are still in the works and the Borough will need to secure a Certificate of Insurance as per usual.

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**THURS. MAY 13TH, 2021 – COUNCIL MEETING**

**MEETING MINUTES – PAGE 4**

Bob Dommermuth thanked the Avoca Police Department for their hard work and commitment, recognizing them for National Police Week. Mr. Dommermuth also wished luck to all candidates for the May 18th, 2021 primary election occurring next week.

Ron Casper asked several questions, which resulted in a lengthy discussion. Mr. Casper pointed out Mr. Diaz’s statement from last months regular Council meeting when he stated he has not ever received any financial statements for this current year and then asked why financial statements are not given out to every Council member. He also asked, as mentioned last month, how can the lawn tractor be ordered if Council isn’t aware if money is available. Mr. Boone clarified that the motion made for purchasing the lawn tractor gave the authority for it to be ordered once money was available. Council members receive monthly tax collection reports which gives totals of what is collected. Mr. Diaz responded by saying he did get financial statements, as requested from the Treasurer. Mr. Casper asked why a list of bills are not presented to the public before they are voted on. Atty Boyd advised that the bills are available to the public with the agenda and all Council members receive all bills for approval prior to voting. Mr. Casper asked who provides payroll services for Borough employees, if it is a payroll company or an individual person, and if an individual person, does he or she live out of state. Mr. Boone advised the clerk, Steve Yokimishyn, provides the payroll services and he is an employee of Avoca Borough. Mr. Casper asked how much is Mr. Yokimishyn paid. Mr. Boone said he would have to double check before accurately answering. Mr. Casper asked why there isn’t any public reports made on the sewer authority. Mr. Fuller answered by saying there is nothing to report. Mr. Casper asked several other questions such as why isn’t there an up to date software system for the Borough Secretary, why is there money to pave alleys but not Main Street or other streets in need and why apply for a grant to put signs in a parking lot that the Borough does not own. He also asked if there was any documentation on the conditions of the leased parking lot before Avoca Borough started the lease. Atty. Boyd followed up by saying it is a standard lease agreement. Mr. Casper asked who the treasurer is for Avoca Borough and what does she do. Mr. Boone advised Jennifer Davitt is the treasurer and she does the financial reports, among other duties of the treasurer’s position. After a bit more back and forth discussion, Mr. Boone asked Mr. Casper to have some formal diplomacy when speaking to Council.

Separately from the first discussion, Mr. Casper questioned Mr. Waleski’s ability to vote on raising the rental fee for the league formerly known as the Avoca Basketball League since Mr. Waleski runs the league who rents the gym and he is a lessee. Mr. Casper stated he believes it is a conflict of interest. Atty. Boyd advised no since he is not an actual lessee, it is the basketball organization. Stan Waleski followed up by saying he has absolutely no financial interest in the Avoca league nor has it have anything to do with his basketball camp and he is just the volunteer who runs it. Mr. Casper believes something is being hidden.

Motion by Frank Marriggi, second by Sam Diaz to adjourn meeting at 7:55p.m. Voice Vote: Nine ( 9 ) YES