

ASHLEY BOROUGH

Donald Sipple, Sr., Mayor

Lisa Wildes, Council President
Frank Sorokach, Council Vice President
Gerald Maldonado, Member

Brian Casey, Member
Carl Byra, Member
Brian Demchak, Member

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Roger Heydt, Borough Secretary/Treasurer

Moses & Gelso LLP, Solicitor

ASHLEY BOROUGH COUNCIL MEETING MEETING MINUTES NOVEMBER 10, 2020

Attendance:

Lisa Wildes – Present
Frank Sorokach – Present
Gerald Maldonado – Present
Brian Casey – Absent
Carl Byra – Present
Brian Demchak – Absent
Mayor Donald Sipple, Sr. – Present
Borough Secretary Roger Heydt - Present
Police Chief David Fedorczyk – Present
Peter John Moses, Esq. for Solicitor Moses & Gelso LLP – Present

Meeting was called to order by Council President Lisa Wildes, who appointed Attorney Moses to conduct the meeting. Attorney Moses (Mr. Moses) called roll for the Council, Mayor and Borough Officials. The Pledge of Allegiance was recited by all.

ANNOUNCEMENT

Mr. Moses reiterated an announcement he issued at the Work Session Meeting, which was concluded and adjourned 15 minutes prior this Regular Meeting. He announced that Ashley Borough planned to sell the property at 8 – 10 North Main Street, Ashley, Pennsylvania.

COUNCIL MEMBERS' AND BOROUGH OFFICIALS' PRESENTATIONS

President Lisa Wildes – Reiterated the schedule for the sale of trash stickers, saying that stickers would be sold at the Borough Building Monday through Friday and, additionally, on Wednesdays from 3:00 p.m. to 7:00 p.m.

Vice President Frank Sorokach – No presentation

Member Gerald Maldonado – No presentation

Member Brian Casey – Absent

Member Carl Byra – No presentation

Member Brian Demchak – Absent

Mayor Donald Sipple, Sr. – No presentation

Borough Secretary/Treasurer Roger Heydt – Provided the monthly Secretary/Treasurer report stating that October expenses for the Borough totaled \$76,295.58. The October payroll report showed \$31,836.01. Fund balances were provided for funds remaining in Eastern Stroudsburg Savings Association and Trust (ESSA), Ashley Borough's previous depository before appointing First National Community Bank (FNCB) as a new depository. Remaining, as of October 31, 2020, in the ESSA Debt Service Account, \$17,135.71; Capital Improvement Account, zero dollars and zero cents; General Fund Account, \$2,654.42; Fire Equipment Fund, \$1,651.51. Mr. Heydt then provided the funds report for FNCB: Debt Service Fund, \$95,735.95. Mr. Heydt injected, that the balances he reported relative to ESSA were funds remaining in that bank in order to have sufficient funds to pay outstanding checks that would be drawn of those accounts in coming weeks. In responding to Mr. Maldonado who stated that the report was confusing, Mr. Heydt agreed that it was confusing but added that he would be happy to further explain the reports to anyone needing further explanation. Mr. Heydt recalled that he had not stated the M&T Bank balance and stated that as of September 30 that bank balance was \$178,344.34. He continued with the FNCB funds report: Highway/Liquid Fuels Fund, \$56,869.13; General Fund, \$495,470.75 ; Fire Equipment Fund, \$92,000.00. Mr. Sorokach asked why the M&T Bank balance was always the same or similar. Mr. Moses suggested that those funds were deposits for the sewer fund from Wyoming Valley Sanitary Authority and reminded Mr. Heydt that the sewer authority was to be contacted to inquire as to the amount of funds received. Mr. Heydt stated that no funds or, at best, a minimum amount of funds had been received for that fund [during the month of October] but added that he would continue to make inquiries to the sewer authority.

Mr. Heydt inquired as to whether Council Finance Committee had met or planned to meet to discuss a budget allocation request regarding items sought by the Street Department and the Police Department. Mr. Sorokach, Finance Committee Member said the committee was scheduled to meet Wednesday night, November 11.

Chief Fedorczyk – Referenced the report he had provided during the Work Session held 15 minutes prior to this, the Regular Monthly Council Meeting. That report was stated as: *"Reported that in October the Police Department logged 100 calls, issued 11 parking tickets, 23 traffic citations and five non-traffic citations. He also reported that the department received \$1,615.36 in fine reimbursements from the office of Magisterial District Judge Joseph Halesey, \$60.00 in report request, \$40.00 for parking violations, for a total received by the department of \$1,715.36. The Chief noted that 91 of the calls were 'cleared'."* The Chief added that the two Act 120 Municipal Police Officer Academy Cadets hired by Ashley Borough Council to become Ashley Police Officers would, upon completion of academy training and successfully completing Pennsylvania Certification testing, be able to begin their duties as Ashley Police Officers. He said the two were scheduled to be graduated on

2020, prohibiting persons from leaving disabled, inoperable or unattended vehicles in certain areas, establishing penalties for violations and an enforcement structure, and repealing prior ordinances governing these prohibitions.

Motion: **Frank Sorokach**
Second: **Carl Byra**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 128 OF 2020 – A Resolution signifying the intent of Ashley Borough to adopt the Ashley Borough Economic Development Authority's project to use approximately \$45,000.00 in working capital to make business and economic improvements and to provide and/or assist in providing administrative services.

On the question: Mr. Sorokach asked for an explanation of Resolution 128 of 2020. Mr. Moses indicated that as the Authority was formed for a specific purpose, that is, economic development, and since that project which apparently had an approximate remainder of funds of \$45,000 those funds were to be reverted to and retained by the Borough. Following discussion, Mr. Moses restated Resolution 128 of 2020 and sought movement to approve.

Motion: **Frank Sorokach**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

November 20, 2020. Prior to completion of that training and certification, however, they would be doing "ride arounds" with regular Ashley Police Officers.

Mr. Maldonado asked the Chief about reports of dumping garbage at the park. Chief Fedorczyk said that two of the citations issued in October were for that infraction. Mr. Byra stated that the trash mentioned by Mr. Maldonado was scheduled to be cleaned up on Thursday (November 12) but Mr. Byra added that a decision from the magistrate regarding the citation was forthcoming and upon receipt of that information the trash would be cleaned up.

COMMITTEE REPORTS

NO COMMITTEE REPORTS

PUBLIC COMMENT – PENDING LEGISLATION

LEGISLATION

RESOLUTION 123 OF 2020 – A Resolution to pay the October 2020 Payroll in the amount of \$31,836.01.

Motion: **Frank Sorokach**
Second: **Carl Byra**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 124 OF 2020 – A Resolution to pay the October 2020 Bills in the amount of \$76,295.58.

Motion: **Carl Byra**
Second: **Frank Sorokach**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 125 OF 2020 – A Resolution to approve the October 13, 2020 Ashley Borough Council Minutes.

Motion: **Gerald Maldonado**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 126 OF 2020 – A Resolution to approve Ordinance No. 6 of 2020, prohibiting recreational and commercial vehicles from parking on Borough streets, sidewalks and easement areas, establishing the authority to enforce these prohibitions and establishing penalties for these violations.

Motion: **Carl Byra**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado –
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 127 OF 2020 – A Resolution to approve Ordinance No. 7 of

RESOLUTION 129 OF 2020 – A Resolution to pay an invoice from C. A. Leighton Company, Inc., in the amount of \$300.00 for an appraisal of the property located at 70 N. Main St., Ashley, Pennsylvania.

Motion: **Carl Byra**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 130 OF 2020 – A Resolution approving the sale by Ashley Borough of the property located at 70 N. Main St., Ashley, Pennsylvania, to Mr. Mike Chrobak for \$2,500.00.

Motion: **Brian Demchak**
Second: **Carl Byra**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 131 OF 2020 – A resolution prohibiting parking on the right-hand side of Cunningham Street traveling toward the baseball field.

Motion: **Carl Byra**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y

Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 132 OF 2020 – A Resolution to lower the speed limit on Carey Street and Barnes Street to 15 MPH.

On the question: Mr. Maldonado asserted that such an action should be undertaken by enacting an Ordinance rather than approved by Resolution. Discussion on the question continued among Council Members. Immediately prior to conclusion of discussion Mr. Moses restated the motion for approval of Resolution 132 of 2020.

Motion: **Carl Byra**
Second: **Lisa Wildes**

Lisa Wildes – Y
Frank Sorokach – Abstain
Gerald Maldonado – Abstain
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

Mr. Moses was questioned by audience members regarding the votes to abstain that resulted in a tie vote. At least one audience member also indicated that Mayor Donald Sipple could vote "to break the tie." Mr. Moses' response (paraphrasing Title 8, Pa. Cs. Section 1001 (b), Quorum and Section 1003 (d) (iv)), indicated that while a quorum existed with four Council Members present, the abstentions [essentially "non-votes" for vote counting, see *Robert's Rules of Order*] resulted in "lack of a majority," thus the motion failed.

FAILED

RESOLUTION 133 OF 2020 – A Resolution to install a 15 MPH Speed Limit Sign on Ross Street.

Motion: Tabled (to unspecified date)

RESOLUTION 134 OF 2020 – A Resolution to install No Parking Signs on tree lawns from South Main St. to Fall St.

Motion: Lisa Wildes
Second: Carl Byra

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 135 OF 2020 – A Resolution to purchase video arraignment equipment for a price not exceed \$1,000.00 for the Ashley Borough Police Department.

Motion: Lisa Wildes
Second: Carl Byra

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 136 OF 2020 – A Resolution authorizing Mr. Frank Sorokach and Mr. Gerry Maldonado to attend and represent Ashley Borough at the Luzerne County Tax Claim Bureau Judicial Sale on November 12, 2020.

Motion: Lisa Wildes
Second: Carl Byra

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 137 OF 2020 – A Resolution authorizing Ashley Rescue Hose Co. to purchase five (5) MSA air packs for \$32,740.00 from Susquehanna Fire Equipment (COSTARS #012-085). The amount due will be settled in accordance with the guidelines of the community development block grant that was received.

Motion: Frank Sorokach
Second: Carl Byra

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 138 OF 2020 – A Resolution authorizing Ashley Rescue Hose Co. to purchase new Hurst Rescue Tools for \$25,426.00 from Municipal Energy Services (COSTARS #012-009). The amount due will be settled in accordance with the guidelines of the community development block grant that was received.

Motion: Carl Byra
Second: Lisa Wildes

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 139 OF 2020 – A Resolution authorizing Ashley Rescue Hose Co. to purchase a new fire hose for \$14,120.00 from One Source Fire Rescue as the approved vendor from the quotes received. The amount due will be settled in accordance with the guidelines of the community development block grant that was received.

Motion: Lisa Wildes
Second: Frank Sorokach

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y

Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 140 OF 2020 – (Resolution 140 of 2020 was a typographical error in repeating the provisions of Resolution 137 of 2020, and as a result thereof was removed from Agenda. Disregard.)

Removed from Agenda.

(RESTATED NEWLY RE-NUMBERED) RESOLUTION 140 OF 2020: -- A Resolution authorizing Penn Strategies to submit an LSA Grant not to exceed \$85,000.00 for the Sugar Notch Run Flood Control Project.

Motion: Lisa Wildes
Second: Carl Byra

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

RESOLUTION 141 OF 2020: -- A Resolution authorizing Penn Strategies to submit an LSA Grant not to exceed \$30,000.00 for a Christmas Light Project on Main Street in Ashley.

Motion: Carl Byra
Second: Frank Sorokach

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

TABLED (Unspecified date)

RESOLUTION 133 OF 2020 – A Resolution to install a 15 MPH Speed Limit Sign on Ross Street.

PUBLIC COMMENT – GENERAL MATTERS

An unidentified audience member question whether Council would be providing funds [in the 2021 budget] for rain and other safety gear for Ashley Street Department personnel. Mr. Sorokach of the Council Budget Committee stated that a request for such items was made and would be addressed at the next Budget Committee meeting.

RECESS: Council Recessed to Execution Session to discuss personnel matters.

COUNCIL MEETING RECONVENED: RESOLUTION 142 OF 2020 was added to the meeting Agenda.

RESOLUTION 142 OF 2020 – A Resolution to authorize each employee of the Ashley Street Department a stipend of \$250.00 to purchase necessary apparel and clothing for the performance of their job.

Motion: Carl Byra

Second: No Second.

Further discussion: Mr. Sorokach asked that a location for purchase of the items be specified. Following discussion relative to purchase location, a consensus was reached and Mr. Moses that the locations noted, namely the local Keefer's Army Navy and Dick's Sporting Goods stores be included in the Resolution. Mr. Moses restated Resolution 142 of 2020.

RESTATED RESOLUTION 142 OF 2020 IN ITS ORIGINAL FORM: -- A Resolution to authorize each employee of the Ashley Street Department a stipend of \$250.00 to purchase necessary apparel and clothing for the performance of their job [throughout the year and the changing of the seasons].

(First) Motion: Carl Byra

Second: Frank Sorokach

Lisa Wildes – Y

Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

PASS

Motion to Adjourn:

Motion: Carl Byra
Second: Gerald Maldonado

Lisa Wildes – Y
Frank Sorokach – Y
Gerald Maldonado – Y
Carl Byra – Y
Brian Demchak – Absent
Brian Casey – Absent

Adjournment time: On or about 7:40 p.m. (Precise time not recorded)

Next Meetings Dates: December 1, 2020 at 6:30 p.m. – Work Session
December 8, 2020 at 6:30 p.m. – Regular Meeting

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