**ASHLEY BOROUGH**

**Donald Sipple, Sr., Mayor**

**Lisa Wildes, Council President Brian Casey, Member
Frank Sorokach, Council Vice President Carl Byra, Member**

**Gerald Maldonado, Member Brian Demchak, Member**

**Ashleypa.net**

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**Roger Heydt, Borough Secretary/Treasurer Moses & Gelso LLP, Solicitor**

**ASHLEY BOROUGH COUNCIL MEETING**

**MEETING MINUTES**

**SEPTEMBER 8, 2020**

**Attendance:**

**Lisa Wildes** – Present

**Frank Sorokach** – Present

**Gerald Maldonado** – Present

**Brian Casey** – Present

**Carl Byra** – Present

**Brian** **Demchak** – Present

**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 Attorney Moses. Attorney Moses (Mr. Moses) called roll for the Council, Mayor and Borough Officials. The Pledge of Allegiance was recited by all.**

**COUNCIL AND BOROUGH OFFICIALS’ PRESENTATIONS**

**President Lisa Wildes** –Presenting second, stated that she received a couple of complaints about people in the park after dark. She asked **Chief Fedorczyk** to have those police officers on duty during those hours to ensure the area is patrolled. **Chief Fedorczyk** answered in the affirmative, and asked whether a gate was [to be installed]. **Council President** **Wildes** indicated that a gate was to be installed.

**Vice President** **Frank Sorokach** – Nothing for this Meeting

**Member** **Gerald Maldonado** – Presenting first, noted that paving of Barnes Street has been completed. He proposed that 15 miles per hour speed limit signs also be installed, if possible.

**Member** **Brian Casey** – Nothing for this Meeting

**Member** **Carl Byra** – Presenting third, said that the [trash] packer truck body would have to be switched and the applicable grant would need amending because the original truck body could not be delivered by the date first indicated. By changing to a Mac truck body it would be possible to receive that truck body much sooner than the original, which has been delayed [due to COVID-19 issues] in production. **Mr. Byra** noted that the cost of the new/different body would be the same as the original and, that since time was of the essence, the new body would be utilized rather than the packer body ordered originally. He informed **Council** that he had the paperwork available for review.

**Member** **Brian** **Demchak** – Nothing for this Meeting

**Mayor Donald Sipple, Sr.** – Presenting fourth, referenced a property deed dated September 4, 1998, “between the Earth Conservancy and the Borough,” that is generally known as the “trout stocking” [stream/area]. He said that a section of the document stated that services in the document were to be used solely for municipal purposes and the general benefit of citizens of Ashley. The **Mayor** noted that since there were No Trespassing signs posted and a locked gate blocked entrance to the area, preventing the area’s use to the benefit of Ashley citizens, these intervening items were in opposition to the statement read from the deed. That is, they prevented that area from being used to the benefit Ashley citizens. **Mayor Sipple** indicated that he would prefer that his concern be addressed by **Council** so the “trout stocking” area might be used in a more beneficial manner in addition to the “trout stocking” of the stream.

**Discussion:** **Mrs. Wildes** asked why No Trespassing signs were there in the first place. **Mr. Maldonado** opined that the stream was not the Borough’s responsibility but that **Bob Hughes** (?) should be contacted and asked about the issue. **Mr. Casey** noted, however, that the Borough owned the land and, accordingly, should take responsibility [for maintaining it.] He also suggested that volunteers be recruited to cut the grass in the area. **Mr.** **Casey** also indicated that No Trespassing signs should be removed. **Mr. Robert Hess**, **Ashley Borough Street Department Manager**, speaking from the audience/visitor area, informed Council that one reason the signs were posted was because unknown individuals had walked to the area through the creek waters once they knew activity in that area was prohibited. **Mr. Moses** stated that this was the first time he became aware of the issue and could, therefore, not opine on the issue. He asked that a copy of the subject deed be provided to him for review. Speaking again, **Mr. Hess**, indicated that in the past individuals had asked a previous **Council** to allow particular types of meetings there but those requests were denied. He also said that people wanted to have camp fires there at night. **Mr. Casey,** speaking again, said the area should be open only from dusk to dawn. **Mr. Sorokach** stated that no alcohol should be allowed. Consensus was reached that following the meeting **Mr. Moses** was to receive copies of the deed. Discussion concluded with no movement on the issue.

**Borough Secretary/Treasurer Roger Heydt** – Following the previous discussion read the Treasurer’s Report for August. **Mr.** **Heydt** stated that Wyoming Valley Sanitary Authority (WVSA) notified the Borough that they would be willing to install, at no cost to Ashley, a drop box at the Ashley Borough Building in order for bill payers to conveniently submit their Ashley Sewer Maintenance Fee (Ashley sewer fee) bills. **Mr. Moses** asked **Mr.** **Heydt** about delinquent Ashley sewer fee billing. **Mr.** **Heydt** indicated there had been some response directly to the Borough Building, but yielded the remainder of the question to **Mr. Moses** for more detailed remarks.

**Mr. Moses,** summarized the delinquency billing process, resulting from a discussion with WVSA. Namely, that Ashley and the Authority had an Agreement that the Authority was responsible for collecting those payments. He added that inquiries on that issue ought to more properly be directed to WVSA. He indicated that at an unstated future date, should delinquent Ashley sewer fees fail to be paid, one option available for possible enforcement would be that liens might, upon approval, be levied on those properties. Another option, in extreme circumstances, could be that WVSA could be authorized to discontinue sewer service to those properties.

**Mr.** **Heydt** indicated that the Borough Office had the proper information to provide residents with information about where the Ashley sewer fee should be remitted.

**Mr. Heydt** announced that a Municipal Separate Storm Sewer System (MS4) inspection by the Pennsylvania Department of Environmental Department in conjunction with WVSA was scheduled for Wednesday, September 9. He also informed Council, that in connection with MS4 requirements that all Borough employees view two Digital Versatile Discs (DVDs) on the subject of MS4. He noted that it was strongly suggestion that all **Council Members** also view the DVDs. He told **Members** that receipts for COVID-19 expenditures for reimbursement through a CDBG grant through Luzerne County were to be submitted for the Borough by **Mr. Jason Fitzgerald** [of Penn Strategies this week].

**Mr.** **Heydt** also informed **Counci**l that he had received three bids shortly before the meeting for a building construction project and would provide copies of those bids to **Council**. **Mr.** **Casey** asked whether the bids had been advertised. **Mr.** **Maldonado** indicated that he was not aware that they were. **Mr.** **Casey** opined that such bids should have been advertised. **Mr.** **Heydt** said he would research whether those bids were or were not publicly advertised.

**Chief Fedorczyk** – **Chief Fedorczyk** reported that Ashley Police Department logged 112 calls, ten parking tickets, 33 traffic citations and 34 non-traffic citations. He indicated that a reimbursement check was received from the magistrate for $1,828.23. He stated that $45.00 was collected in report requests and $100.00 in parking violations**. Chief Fedorczyk** added that until that check is received from the magistrate for August, [the department] revenue will be $1,968.28. He also reported that 15 trespassing calls were received. Of those, 13 were related to Bentley’s Night Club, PA 309. Also noted regarding the 34 non-traffic citations, 31 of those issued were trespassing citations at Bentley’s and at the tunnel at Cook Street. Ninety-six entries were cleared, according to **Chief Fedorczyk**. He also stated that a Handicap Parking space request was received for 17 Manhattan Street.

**COMMITTEE REPORTS**

**NO COMMITTEE REPORTS**

**PUBLIC COMMENT – PENDING LEGISLATION**

**Mr. Scot Martinelli** – Said he apologized, however, the remainder of his several-seconds apology was indistinguishable due to his COVID face covering.

**Ms. Gloria (Last name indistinguishable)** Most of her remarks were indistinguishable due to COVID face mask covering. However, several words were clear. They were: election, house, cake, and that’s all.

 **LEGISLATION**

**RESOLUTION 98 OF 2020** – A Resolution to pay the August 2020 Payroll in the amount of $36,867.36.

Motion: **Frank Sorokach**

Second: **Lisa Wilkes**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 99 OF 2020** – A Resolution to pay the August 2020 Bills in the amount of $ 25,069.64.

Motion: **Lisa Wildes**

Second: **Carl Byra**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 100 OF 2020** – A Resolution to approve Ordinance No. 2 of 2020, Approving the Agreement and Participation of the Police Department of Ashley Borough with the Luzerne County Driving Under the Influence (DUI) Task Force and Luzerne County District Attorney’s Office.

Motion:  **Lisa Wildes**

Second: **Frank Sorokach**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 101 OF 2020** – A Resolution to approve Ordinance No. 3 of 2020, Approving the Agreement and Participation of the Police Department of Ashley Borough with the Luzerne County Drug Task Force (LCDTF), Commonwealth of Pennsylvania, Office of Attorney General and Luzerne County District Attorney’s Office.

Motion:  **Carl Byra**

Second: **Lisa Wildes**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** –

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 102 OF 2020** – A Resolution to approve Ordinance No. 4 of 2020, Amending Ordinance No. 2 of 2018, Establishing a Landlord Registration, Licensing and Occupancy System, Setting Forth Requirements and Obligations on the part of Landlords, Establishing a Manner of Enforcement and Providing Penalties for the Violation of the Requirements.

Motion: **Carl Byra**

Second: **Brian Demchak**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Abstain (Remarks: **Mr. Moses** asked **Mr. Casey** if he wanted to state his reason for the abstention. **Mr. Casey** remarked that the Ordinance is too vague and it does not state what the requirements [of the Ordinance] are; and the obligations [contained therein]. **Mr.** **Moses** informed **Mr. Casey** that pursuant to the Sunshine Act the Ordinance was [available at the Borough Building] and at the [Luzerne County] Court House for reading and review. **Mr. Moses** also stated that the Ordinance was advertised in the newspaper. **Mr. Moses** said he also had a copy of the Ordinance should **Mr. Casey** care to read it. **Mr. Casey** indicated that he would like to do so.

PASS

**RESOLUTION 103 OF 2020** – A Resolution to approve Ordinance No. 5 of 2020, Limiting Certain Offensive and Annoying Noises, Establishing the Authority to Enforce the Limits and Prohibitions, and Establishing Penalties for Violations.

Motion: **Gerald Maldonado**

Second: **Frank Sorokach**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – N

PASS

**RESOLUTION 104 OF 2020** – A Resolution to hire Prociak & Associates, L.L.C. to perform the 2020 Borough Audit for a fee which will range between $6,500.00 and $7,500.00.

Motion:  **Lisa Wildes**

Second: **Carl Byra**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – N (Requested clarification of the purpose of the motion.)

**PROCEDURAL CLARIFICATION AND RESTATEMENT OF THE MOTION:**

**Unanimously approved.**

PASS

**RESOLUTION 105 OF 2020** – A Resolution to approve the August 2020 Council Meeting Minutes.

Motion:  **Brian Demchak**

Second: **Carl Byra**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 106 OF 2020** – A Resolution to hire John Wildes as a Part-Time Ashley Borough Police Officer In-Training at a rate of $10.00/hour until completion of his Act 120 and any other required certifications, at which time his rate will increase to $16.50/hour.

Motion:  **Carl Byra**

Second: **Frank Sorokach**

**Lisa Wildes** – Abstain (Relative)

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Abstain (Relative)

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 107 OF 2020** – A Resolution to approve Handicap Parking for Marilyn A. Mccue at 17 Manhattan Street, Ashley, Pa. 18706

Motion:  **Carl Byra**

Second: **Brian Demchak**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**RESOLUTION 108 OF 2020** – A Resolution to approve a Collective Bargaining Agreement by and between the Borough of Ashley and the Laborers International Union of North America, Local 1310, to become effective on January 1, 2021 through December 31, 2024.

Discussion: **Mr. Casey** asked an open question to **Council** whether it was a contract and, if so, was it (the contract) negotiated. **Mr. Sorokach** answered in the affirmative to both sections of the question and noted that it was negotiated by the Police Committee, **Mr. Byra, Mr. Demchak** and he. **Mr. Casey** inquired whether a relative of **Mr. Byra**, a cousin, was on the Police Committee or on the police (force). **Mr. Byra** stated that, yes, he (Mr. Byra’s cousin) was a member, but added that neither he nor his cousin had the same domicile and did not have a joint residence. **Mr. Byra** added that he also does not pay his cousin’s bills.

**Mr. Casey** asked whether a contract had already been prepared. **Mr. Moses** indicated that there was a contract and it was pending approval.

**Discussion concluded:**

Motion to approve Resolution 108 of 2020:  **Brian Demchak**

Second: **Brian Casey**

**Mr. Moses restated Resolution 108 of 2020.**

**Roll call vote:**

**Lisa Wildes** – Abstain

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Abstain

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

PASS

**TABLED**

 **NOTHING TABLED**

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 **PUBLIC COMMENT – GENERAL MATTERS**

**Mr. Scot Martinelli** – Asked whether a copy of Ordinance No. 4, Amending Ordinance No. 2 of 2018, relating to landlord registration, licensing and occupancy, was available at the Borough Building. **Mr. Moses** explained several sections of the Sunshine Act and applicable procedures required relative to public inspection of this and other such documents. **Mr. Martinelli** asked who enforces provisions of the Ordinance. **Mr. Moses** stated it would likely be the Borough Code Enforcement Officer or whomever has been appointed to undertake such duties. Mr. Moses also explained several provisions of the Landlord and Noise Ordinances, including a section specific to fireworks. He noted that violations of the Ordinance were summary criminal offences and depending on enforcement discretion a fine of $300.00 could be imposed.

**Mr. Sorokach** responded to a question from **Mr. Martinelli** on the progress of the Main Street Project saying that Phase 1 had been completed. He added that Phase 2 is in process now and based on the timeline, once state funds are released it appears favorable for Ashley to receive funds for the second phase of the project. He affirmed that the project was coming along well. He noted that there had been some concern about the bridge but opined that he believed that that issue would be satisfactorily addressed. **Mr. Sorokach** continued to explain details of Phase 3 and added that the old Borough Building was still under consideration for sale and/or possibly auction. **Mr. Moses** then explained reasons for the delay in sale/auction possibility of the old Borough Building and the process required to proceed. Namely, there were issues that arose with the deed and the parcel in question was incorrectly transferred, thus resulting in delay and different procedures required to proceed. There were difficulties in locating one of the parcel owners. **Mr. Moses** also noted that **Council** would need to decide on the method of sale and/or auction and continue from there once that decision was approved.

**Mr. Martinelli** continued and inquired about land that was possibly slated for use or sale for Miner’s Park. **Mr. Sorokach** opined that while he was somewhat familiar with the issue generally, he did not have details immediately available.

**An unidentified female visitor** said the Ashley Preservation Society would like to contact the Fire Department about this year’s “Trunk R’ Treat.” She stated that Halloween was on Saturday this year and Friday night before Halloween would be a good night to hold the event. She opined that the Firemen’s Park was large enough to hold vehicles and the event could be held outside.

**A male visitor identified as Mike** asked about several word definitions contained in the Noise Ordinance and suggested that some noises that could be offensive to some people would not be offensive to others. **Mr. Moses** noted that there were several exemptions enumerated in the Ordinance, such a noise created by a firetruck, ambulance or police vehicle. The visitor posed several scenarios involving possible noise and wondered how those activities would be addressed. **Mr. Moses** explained that Ordinances are enforced pursuant to applicable law and would be enforced as such.

**Mr. Moses** read several items from the Ordinance that constituted noise.

**Public comment concluded.**

**Mr. Heydt** asked whether formal action was required to permit the Luzerne County Bureau of Election to utilize the Borough Building as a polling place during the November 3rd election. Council reached a consensus that such formal action was not needed but provided verbal approval for the Bureau’s use of the Borough Building.

 **Motion to Adjourn:**

Motion:  **Carl Byra**

Second: **Gerald Maldonado**

**Lisa Wildes** – Y

**Frank Sorokach** – Y

**Gerald** **Maldonado** – Y

**Carl Byra** – Y

**Brian** **Demchak** – Y

**Brian Casey** – Y

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