

Lafin Borough Council Mtg.

February 13, 2024

6:00 P.M.

MEETING MINUTES

MEETING CALLED TO ORDER and PLEDGE OF ALLEGIANCE TO THE FLAG RECITED.

Roll Call:

Present: Marc Malvizzi, President – Joseph Boos, Vice President – Drew Malvizzi – Melissa Werner –
Carl Yastremski – Mayor William Kennedy

Absent: None

Also Present: Solicitor Leonard A. Sanguedolce, Esq. and Charles Boyd, Borough Manager

Special Presentations: None

Minutes: December 12, 2023 and January 9, 2024 Meetings

Mr. Marc Malvizzi asked if everyone reviewed the meeting minutes and if anyone had any questions or comments. He asked for a motion to approve both meeting minutes.

Motion to Approve Dec. 12, 2024: Carl Yastremski

Second: Marc Malvizzi

Roll Call:

Ayes (Yastremski/M. Malvizzi) carried and motion passed.

Motion to Approve Jan. 9, 2024: Drew Malvizzi

Second: Joseph Boos

Roll Call:

Ayes were unanimous and motion passed.

Treasurer's Report:

Mr. Marc Malvizzi asked for a motion to accept the report.

Motion to Accept: Joseph Boos

Second: Melissa Werner

Roll Call:

Ayes were unanimous and motion passed.

List of Bills for Approval:

Mr. Marc Malvizzi asked if anyone had any questions or comments then asked for a motion to approve the bills. \$ 46,458.82 plus payroll \$ 16,385.27

Motion to Approve: Drew Malvizzi

Second: Melissa Werner

Roll Call:

Ayes were unanimous and motion passed.

Correspondences (e-mailed to Council during the month): No discussions.

Reports:

Fire Department Report – Councilmember Drew Malvizzi

Mr. Drew Malvizzi detailed the 17 alarms that the fire department responded to in January. He noted 5 medical calls, 1 fire alarm, 6 motor vehicle accidents, 1 gas leak, 1 structure fire at Casey Kassa Coal, 1 miscellaneous incident, 1 tractor trailer fire, and 1 assist to code enforcement with 14 calls in Laflin Borough.

Manager’s Report – Charles Boyd

Mr. Boyd advised on the upcoming Luzerne Co. Boroughs & Townships Association meeting to be held on March 21, 2024. He asked councilmembers to let him know if anyone would be attending.

He mentioned that the sewer maintenance and trash collection yearly invoices have been mailed to residents.

PPL Electric delivered the utility poles on Old Mill Road for the previously approved additional street lights for that road. Installation is scheduled in February. A request was received from a resident on Dogwood Drive, hill section, for an additional street light in a dark area of that road. PPL Electric is currently reviewing the request. The neighbors will be surveyed to determine their feedback. Some discussions continued.

The former schoolhouse property owned by Jerome Patelunas II has a scheduled court hearing on March 1, 2024 to determine the validity of the tax sale on September 21, 2023 where Laflin Borough purchased the parcel. Much discussion continued.

Yatesville Borough will be installing the previously approved sewer flow meters in the Oakwood Park area of Laflin Borough to determine the flows coming from Laflin Borough towards Yatesville Borough.

Mr. Boyd spoke on the Dupont composting facility that is officially called the Greater Pittston Regional Compost Facility. The membership fee is still \$2,500 per year from each participating municipality. If added expenses are realized during a year, the costs are split over the member municipalities. However, this hasn’t happened in many years since they have a balance in their accounts. So, it is highly unlikely the fee would exceed \$2,500 per year. Only municipal trucks are allowed and individual residents can’t bring yard waste on their own. It is a locked facility. Some discussions continued.

Councilman Yastremski asked if a letter was ever sent or any communication had with Jenkins Township on the dangerous road condition on Inkerman Road as discussed in a prior meeting. Solicitor Sanguedolce responded to say that it is more complicated with the need for a study to determine if barriers can be put in place. After some explanations and discussions, it was determined that a letter of concern should be sent to Jenkins Township officials. Whether something is done about it is up to township officials, but at least we notified them of the situation.

Councilman Yastremski asked Mr. Boyd to explain a situation of vandalism in the borough in which the security camera system helped solve. Mr. Boyd replied that The Pennsylvania State Police investigated the reported vandalism and, based on the license plate provided from the borough, solved the incident with the person from Wilkes-Barre confessing. Separately, the security camera system also provided video footage of a tri-axle hauler dumping stone on the roadway and the trucking company came back to remove the materials and sweep the road. Some discussions continued.

Mayor’s Report – Mayor William C. Kennedy - No report presented.

Library Association Report – Councilmember Melissa Werner

The Laflin Library will be celebrating Read Across America Week March 2nd to March 6th with Nancy Coassolo, Librarian planning activities for the week. A Book Club meeting will be held on Wednesday, March 13th at 6:30pm with the John Grisham's book *The Exchange* being discussed. All are welcomed to join the discussion.

The next Laflin Library Association meeting will be Tuesday, March 19th at 6:30pm. All are welcomed to join the meeting. Nation Library Week will be held April 7th to April 13th with a theme of *Ready, Set, Library* and many activities planned. There will be a dinner for association members.

The library is planning a Lego exhibit and forming a Lego Club for young patrons.

Council President's Report – Councilmember Marc Malvizzi

Mr. Marc Malvizzi spoke on the first time he held the position of Emergency Management Coordinator for the town back in 1985. That year the lower Laflin creek rose up over the embankment and the Natt's property rear yard collapsed into the mines with a whirlpool. He noted that it was quite the start as EMC.

The last time the municipal emergency operation plan (MEOP) was updated was in 2009. Recently, it was hard to update since it was on a 5 ¼ floppy disk. Mr. Malvizzi met with Stan Davis, Pennoni Associates to work on updating the plan that was previously authorized by council in 2023. Mr. Malvizzi reviewed the entire MEOP with Stan Davis. The plans are now finalized and hardcopies will be provided and discussed at the next council meeting for approval. Mr. Malvizzi continued with explanations on the MEOP manual.

As for the position of Floodplain Coordinator, Mr. Malvizzi noted that the new floodplain ordinance, as started by Carl Yastremski and Mr. Boyd last year, is ready for review and approval. The floodplain ordinance has been updated with new information along with updates to the town coordinators. The new ordinance will need to be advertised and adopted by June of this year.

Mr. Malvizzi spoke on the fire department recent ISO rating by an insurance rating agency that is completed every 5yrs. The agency rates towns on water supply systems; communications systems; fire training; fire hydrants operations and flows; and fire vehicles along with many other factors. It is a protection classification program. He explained, in detail, as to what this program is and does for residents and insurance companies. Homeowner's fire insurance rates are based on this rating. The Laflin Volunteer Fire Department was rated a 4 on a scale of 1 (best) to 9 (worst). He continued with an explanation on how this rate compares to the other 38,195 rated fire department nationwide. He noted only 6,328 departments have a better rating.

Mr. Malvizzi gave updates on grants received by the borough. The Green Light-Go PennDOT grant is currently at the engineers for specification. Traffic sensors will be moved out of the streets and onto the poles and the control panel box will be replaced (with other upgrades) in 2024. The LSA Grant for the borough pickup truck that will be fitted out with a plow and lighting will be available in the spring of this year. The borough building generator grant is currently at the engineers for design. The stormwater grant for Union and East Saylor streets is under design with the borough engineer. He continued on grant discussions.

The library heating and cooling system will be voted on during the council meeting with three bid proposals received to replace the unit in the library. Mr. Malvizzi went on to explain the ages of all four systems in the borough building (original from 1996) and what will be done to upgrade each system in the next two years.

Mr. Malvizzi discussed the ballfield solar powered cameras and the problems with the five new units not working properly due to loss of power. He continued on the various reasons that could be contributing to the problems. The borough will continue to work with the vendor CVI and the manufacturer (Hikvision) to get them working.

He spoke on the walk bridge from the lower playground to the walking track area that has structural issues and what is being done to reopen the bridge to the public. Mr. Malvizzi and Mr. Boyd met with a borough resident that is a welder who felt the repairs can be made but the issue of liability was a concern. The borough engineer prepared a proposal on the cost to inspect the bridge and provide an engineering specification on what fixes would be needed. This will be discussed later in the meeting.

Williams Gas Company will be starting the completion of the under-field drainage, sod and DiamondTex infield dirt in the spring. The dugout roofs are budgeted to be replaced and some walking track asphalt repairs will be done. Maybe a more permanent fence will be installed in place of the orange construction fence at the walking track embankment edge. The Williams work will be done at no charge to the borough.

A grant is pending approval from last year for drainage work at the park for \$194,000. Mr. Malvizzi will be contacting the state representatives to ask that the borough is looked on favorably.

Mr. Marc Malvizzi spoke on the fire driver maintenance position that is proposed. He spoke on the fire department relationship with the position. He noted that the position is a borough employee, and the fire department made each driver a member so that they can be added to the fire department insurance to drive the vehicle. He continued to discuss the position and perceived conflicts of interest with members of council and the fire department or members of council and the library. Mr. Malvizzi asked the borough solicitor to look into it. Mr. Malvizzi read the solicitor's opinion letter in its entirety [copy attached for reference]. The opinion letter concludes that neither the Borough Code nor the Ethics Act prohibits the newly elected councilmembers from voting on matters concerning the organization for which they volunteer as long as no private pecuniary benefit for themselves or a member of their immediate family is derived from such a vote.

Mr. Malvizzi concluded his remarks and noted the solicitor will always review any questions on matters like these. He stated that just because he is a member of the fire department, it doesn't mean the parks, the ballfields, roads, storm drains or any other areas of his responsibilities as a councilperson are less important.

Mr. Marc Malvizzi asked for a motion to accept the reports.

Motion to Accept Reports: Drew Malvizzi

Second: Joseph Boos

Roll Call:

Ayes were unanimous and motion passed.

Public Comments Relating to the Agenda:

Jospeh McCabe, 4 Pinewood Drive – asked if council knows what the cost of services would be if the option years are not taken to extend the current collection contract with Casella Waste Systems, Inc. (formerly County Waste and GFL Environmental).

Councilmember Carl Yastremski responded to say that, based on the public domain, the cost could go up 40%. He noted that only two contractors usually bid on the service. Much discussion continued.

Mr. McCabe also spoke on the heating & cooling systems on the agenda and the question of certain councilmembers voting on their volunteer organizations. He noted Title 65, Chapter 11 on voting conflicts and spoke on that topic. He still believes it's a conflict of interest.

Joseph Niemiec, 2 Concord Drive – spoke on the proposed changes to the operating budget and the effects it would have on Inkerman Road.

Mr. Malvizzi responded to say that the borough spent \$303,000 last year on Inkerman Road and \$3,000 was included in the original operating budget for 2024 for additional sediment control. Since the last meeting we had several rain storms and the water didn't come up over the roadway. Some discussion continued.

Walter Wrazien, 38 Redwood Drive – asked council to consider the permanent liability, unemployment and other insurances and benefits before adding another employee. These costs will never go away. He believes the fire department is fine as is (utilizing only volunteers). He would like to see a feasibility study done before making this decision since there are only 650 homes and the lack of real fires over the last five years. Since he has been living here since early 2000s, he can only account for three (3) actual fires. We only need a volunteer fire department. He continued to discuss his concerns.

Mr. Marc Malvizzi responded to his statements and noted it isn't just fires but medical issues and response times. Much discussion continued.

Joseph Spagnuolo, 89 Ashwood Drive – questioned if the borough manager sent a letter to County Waste (now Casella Waste Systems) complaining about not picking up refuse on the correct collection days. With the high winds in Laflin Borough, garbage blows around. Much discussion continued.

Mr. Spagnuolo also asked about getting someone in the community to correspond to the local newspapers on Laflin community events and information. He never sees anything about Laflin in the newspapers. Much discussion continued.

Maureen Grudzinski, 134 Haverford Drive – voiced her concerns on adding the fire driver maintenance position worker and noted, along with the volunteers, the borough can use mutual aid services from other towns. The money can be used elsewhere in the operation budget and we already have a great volunteer fire department with good response times. Much discussion continued.

Todd Grudzinski, 134 Haverford Drive – also spoke on the added position of fire driver maintenance worker and questioned the validity of councilmembers, who are also members of the fire department, voting on fire department issues. He understands the solicitor's opinion memo but asked if an option was sought from the PA State Ethic Commission. Some discussions continued.

Joseph Niemiec, 2 Concord Drive – spoke for the second time to state that he believes it could be legally okay but is it ethically okay for the councilmembers that are members of the fire department to vote on related issues. Should the three councilmembers be voting ethically since they wear two hats. Some discussions continued.

Michael Dudeck, Laflin Borough Dept. of Public Works – asked to speak as the DPW employee during public comments. He believes the fire driver maintenance position is intended to assist the DPW, as needed, and also mentioned that OSHA rules and regulations will be adopted by the state in 2025 for municipal maintenance

employees. This will require having two employees on some maintenance projects. He believes the borough will need to hire a second person to meet the OSHA standards.

He also spoke on the Inkerman Road project and stated, from what he has seen, the problems have been straighten out. Casey Kassa Coal helped correct the remaining problems with their own trench work on their property. He doesn't believe anything more needs to be done.

Unfinished Business:

- A) Amended 2024 Laflin Borough Operating Budget – Resolution #3 of 2024 – Passing Amended Budget

Mr. Marc Malvizzi noted the amended budget was advertised and available for public inspection. He asked for a motion to approve Resolution #3 of 2024 passing the amended budget.

Motion to Approve: Drew Malvizzi

Second: Joseph Boos

Roll Call:

Joseph Boos Yes

Drew Malvizzi Yes

Marc Malvizzi Yes

Melissa Werner Yes

Carl Yastremski No

Motion passed.

Mr. Yastremski briefly explained his 'No' vote stating engineering cost for the walk bridge inspection report and possible significant repairs to the bridge are not included in the operating budget and will need to be paid.

- B) Advertise for Part-time Fire Driver / Maintenance Worker Position – Part-time \$18.00/hr.

Mr. Marc Malvizzi asked for a motion to approve advertising for a part-time fire driver maintenance worker position at \$18.00/hr.

Motion to Approve: Melissa Werner

Second: Drew Malvizzi

Roll Call:

Joseph Boos Yes

Drew Malvizzi Yes

Marc Malvizzi Yes

Melissa Werner Yes

Carl Yastremski No

Motion passed.

C) Lafin Borough Parks & Playgrounds Closure During Inclement Weather –

Lafin Borough Bldg. Park Lower Lafin Creekside Community Park/Playground

Mr. Marc Malvizzi spoke on the situation a resident brought up at a prior council meeting on maintaining the park walking track during inclement weather and noted the liability issues for the borough. Mr. Malvizzi asked for a motion to approve closure for all the parks and adding a sign indicating the parks are closed during inclement weather since the parks are not maintained.

Motion to Approve: Drew Malvizzi

Second: Joseph Boos

Roll Call:

Ayes were unanimous and motion passed.

D) Lafin Library Heating & Cooling System Replacement –

Monk Heating & Air Conditioning	RunTru by Trane	\$7,850
or Monk Heating & Air Conditioning	Trane	\$8,500
All Mechanicals	Amana	\$12,900
Advanced Air Conditioning & Heating	York	\$12,860

Mr. Marc Malvizzi reviewed the proposals and noted that \$15,000 was budgeted for the project in 2024. He asked for a motion to award to Monk Heating & Air Conditioning for the RunTru by Trane at \$7,850.00.

Motion to Approve: Joseph Boos

Second: Drew Malvizzi

Roll Call:

Ayes were unanimous and motion passed.

New Business:

A) Casella Waste Systems, Inc. Refuse Collection Contract Extension –

Current 4yr. Contract 2021 to 2024 \$15,623.96 per month

2025 Option Year 1 \$16,215.00

2026 Option Year 2 \$16,457.50

Mr. Marc Malvizzi asked for a motion to approve the contract extension for both optional years.

Motion to Approve: Melissa Werner

Second: Drew Malvizzi

Roll Call:

Joseph Boos Yes

Drew Malvizzi Yes

Marc Malvizzi Yes

Melissa Werner Yes

Carl Yastremski Yes

Motion passed.

B) Creekside Community Park Walk Bridge Repairs –

Pennoni Associates Engineering Proposal for Inspection & Repair Specifications \$11,750

Mr. Marc Malvizzi noted the issues at the walk bridge as previously discussed in the meeting and the need for an official report to determine what repairs are needed. It is the only public access to that area of the park.

Mr. Malvizzi asked for a motion to approve the Pennoni Association proposal to inspect the bridge.

Motion to Approve: Drew Malvizzi

Second: Melissa Werner

Roll Call:

Joseph Boos Yes

Drew Malvizzi Yes

Marc Malvizzi Yes

Melissa Werner Yes

Carl Yastremski Yes

Motion passed.

C) Rec Summer Camp / Memorial Day / Community Yard Sale / National Night Out –

Discussions

Mr. Marc Malvizzi spoke on continuing the rec summer camp program which he believes is a great program; he wants to reinstate the Memorial Day ceremony as was done in the past to honor the veterans; the Community-wide Yard Sale event will take place in June; and the town will have a National Night Out event at the borough building. He would like to see the ambulance, state police, fire department and, possibly, the Life Flight helicopter land in the parking lot.

Mr. Boyd added he would contact last years summer camp counselors to check their availability to return. He also wanted to confirm the date for the yard sale event as June 22, 2024.

Mr. Marc Malvizzi added that he would rely on the mayor to coordinate the events as was done in the past.

Council Comments / For the Good of the Order:

Next Council Meeting: March 12, 2024.

Councilmembers – State Ethics Financial Disclosure Forms due by May 1, 2024.

General Public Comments:

Joseph McCabe, 4 Pinewood Drive – asked Council if they had any updates to his request to add a stop sign at the three-way intersection of Ashwood Drive and Pinewood Drive to slow traffic down.

Mr. Marc Malvizzi responded to say that he looked at it and discussed the situation with Mr. Boyd. An engineering study might need to be done before a stop sign could be added to any intersections. Mr. Malvizzi would like to hear back from other councilmembers after they visit the area before a decision is made on engaging the engineer.

Discussions continued with Mr. Spagnuolo, 89 Ashwood Drive adding that, he believes, a police study would need to be done or traffic study. He also asked who would enforce the stop sign violations without a police presence.

Mr. McCabe continued and asked Council if a CAT6 or data connection could be utilized at the Creekside Park solar powered cameras since they don't seem to be working properly with the RF bands (radio signal). Some discussions continued.

Mr. McCabe asked how quickly the walk bridge will take to repair. Mr. Malvizzi responded to explain the repair process shouldn't be a problem or difficult, but it is a liability issue where the engineer needs to be involved. The bridge is nearing 50 yrs. of age and needs to be looked to address any issues. Some discussions continued.

Councilman Carl Yastremski – ask on the status of the new radar speed notification sign installation. Mr. Boyd responded to say that the sign is ready to install after assembly prep, account setup, and webinar training. It will be installed with the next good weather day.

Executive Session: None

Adjournment: Motion to adjourn at 7:33pm.

Motion: Joseph Boos

Second: Melissa Werner

The motion carried unanimously.

Respectfully Submitted,



Charles Boyd, Borough Manager
Laflin Borough

_____ <<< END >>> _____

Attachment: Solicitor's Opinion Memo Dated: January 8, 2024



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Plains Township, PA 18702
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Please reply to: Plains Township Office Pittston Office

MEMO – NON-CONFIDENTIAL OPINION

To: Laflin Borough Council (via email to BoroManager@laflinboro.com)
From: Leonard A. Sanguedolce
RE: Councilmember Employee
Date: January 8, 2024

Dear Council:

In acting as Solicitor for the Borough of Laflin and out of an abundance of caution, I am providing my legal opinion regarding newly elected council members and any potential conflicts of interest. Specifically, three (3) council members are volunteers for the Laflin Borough Volunteer Fire Department and one (1) council member is President of the The Laflin Public Library Association. Both are registered as 501(c)(3) domestic nonprofit corporations.

The question presented is should newly elected councilmembers who volunteer at these entities abstain from voting (i.e. does a conflict of interest exist) on issues concerning the entities for which they volunteer?

In connection with this opinion, I have examined the following documents:

1. Pennsylvania Borough Code;
2. Pennsylvania Public Official and Employee Ethics Act;
3. Relevant case law; and
4. Relevant advisory opinions issued by the State Ethics Commission.

Of initial note is that no pecuniary benefit to council members nor members of their immediate family, or a business with which they are associated, is derived from their membership of these entities. They perform unpaid volunteer services to the community. Further, any benefit potentially received through funding from the Borough while they were volunteering would be considered, at best, as having a de minimis economic impact.

Per the Pennsylvania Supreme Court's decision in Kistler v. State Ethics Commission, 610 Pa. 516, (2011), in order to violate Section 1103(a) of the Ethics Act, a public official/public employee: "... must act in such a way as to put his [office/public position] to the purpose of obtaining for himself a private pecuniary benefit."

In conclusion, it is my legal opinion that neither the Borough Code nor the Ethics Act prohibits the newly elected council members, from voting on matters concerning the organization for which they volunteer as long as no private pecuniary benefit for themselves or a member of their immediate family is derived from such a vote.

Respectfully submitted,

/s/Leonard A. Sanguedolce
Leonard A. Sanguedolce