

## **Tuesday, January 2, 2024**

The first regular meeting of January 2024 of the Pike County Commissioners was called to order by Commissioner Osterberg immediately following the Reorganization Meeting held at 11:00 a.m. at the Pike County Administration Building.

**PRESENT:** Commissioners Osterberg, Schmalzle and Caceres; Chief Clerk Gromalski; and Solicitor Farley.

Commissioner Osterberg said this is the Agenda for the regular Commissioners' meeting. We combine them because normally we would've had a meeting tomorrow. We advertised it so we are able to hold this meeting right after the Reorganization Meeting to save everybody some time and energy.

***Motion to recess the Commissioners' Meeting to hold an Election Board Meeting. An Election Board Meeting was held. Motion to adjourn the Election Board Meeting and reconvene the Commissioners' Meeting.***

### ***Public Comments/Questions concerning today's agenda-***

Meeting attendee, Kristina Vigo, on September 26, 1789...

Solicitor Farley interrupted and said no! First tell me what relates to the Agenda that you're asking to comment on. What question do you have on any of the motions? Commissioner Osterberg added we are going to have a press and public comment. Meeting attendee, Kristina Vigo, said perfect.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to approve the January 2, 2024 Agenda.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Osterberg, to approve the December 20, 2023 Commissioners' Meeting Minutes.

**VOTE:** Commissioners Osterberg and Schmalzle voted 'aye'. Commissioner Caceres abstained. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Osterberg, to approve the December 27, 2023 Commissioners' Conference Minutes.

**VOTE:** Commissioners Osterberg and Schmalzle voted 'aye'. Commissioner Caceres abstained. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to approve payment from **GENERAL FUNDS (County Bills)** in the amount of **\$299,990.11**.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to approve payment from **BRIDGE REPAIR ACCOUNT** in the amount of **\$1,665.00**.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to approve payment from **PIKE COUNTY HEALTH INSURANCE FUND** in the amount of **\$3,329.46**.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

### **PERSONNEL**

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to change the part-time Administrative Clerk position in the CASA of Pike County Program to a full-time position for a 37.5-hour work week, retroactive to January 1, 2024.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

Reporter Preston Ehrler asked if there is going to be two people in CASA now? Chief Clerk Gromalski answered there have been two.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to change the status of **SUSAN SCHOR** from part-time Administrative Clerk to full-time Administrative Clerk for the CASA of Pike County Program for a 37.5-hour work week, retroactive to January 1, 2024, with benefits after 90 days.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to hire **TINYA ENGLS** as Clerk Typist 1 in the Area Agency on Aging for a 35-hour work week, effective January 8, 2024, pending drug test results, with benefits after 90 days. This is a replacement position.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

***Motion to recess the Commissioners' Meeting to hold a Salary Board Meeting. A Salary Board Meeting was held. Motion to adjourn the Salary Board Meeting and reconvene the Commissioners' Meeting.***

### **NEW BUSINESS**

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to execute the Agreement of Lease between Matamoros Fire Department and the County of Pike, on behalf of the Area Agency on Aging.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to execute the Agreement of Lease between Lackawaxen Township Volunteer Fire Department and the County of Pike, on behalf of the Area Agency on Aging.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to execute the Agreement for Janitorial Services between Peter Carella and the County of Pike, on behalf of the Area Agency on Aging.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to authorize the Chairman to execute the Grease Tank Pumping, Transportation and Disposal Agreement between Koberlein, Inc. dba Koberlein Environmental Services and the County of Pike, on behalf of the Area Agency on Aging.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

**MOTION:** by Commissioner Schmalzle and seconded by Commissioner Caceres, to execute the fiscal year 2023 fourth quarter payments from the Pike County Emergency Medical Services grant funds to Lackawaxen Township in the amount of \$82,712.53 and Lehman Township in the amount of \$89,190.00.

**VOTE:** Commissioners Osterberg, Schmalzle and Caceres voted 'aye'. Motion carried.

#### **MISCELLANEOUS:**

- PennState Extension Calendar of Events

#### **PRESS & PUBLIC COMMENTS/QUESTIONS/ADJOURNMENT**

Reporter Max Augugliaro of the Pocono Record asked Commissioner Caceres if she thinks there is a transitional period from activist to politician and, if so, how do you plan to make the transition?

Commissioner Caceres answered I don't consider myself an activist per se, more like a community servant. Certainly, there will be a small transition and a learning curve between what I've done in my other roles versus this one. I respect this office and I look forward to working with these two gentlemen and I would just say the first year is going to be a lot of listening and not a lot of talking.

Meeting attendee, Kristina Vigo, felt she should not be suppressed earlier. I don't think you understood the specific thing I was touching on in the Agenda. It was about pay right? What we're going to be paid, what we're signing off on and my point is it's the framework what we make our decisions on as far as representation in pay right? I just probably didn't know how to start it and may have scared you guys a little bit. Commissioner Osterberg said you didn't scare us, we just want to keep order in the meeting.

Meeting attendee, Kristina Vigo, continued the First Amendment which is Congress should make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to petition the government for a redress of grievances. I would ask if you believe that anything done against that is a crime? It's against the Constitution, but if we do something against that, is that a crime? Commissioner Osterberg answered if you do anything that violates the First Amendment? If we do anything against the Constitution, is that a crime? Commissioner Osterberg answered that's for the Court's to decide, not for us, I guess I will agree with that. You have to put some more facts in there.

Meeting attendee, Kristina Vigo, asked about the Fourteenth Amendment, that all persons born or naturalized in the United States, including formerly enslaved people and provided all citizens with equal protection under the laws. Is that true? Commissioner Osterberg clarified the people have equal protection under the law? Meeting attendee, Kristina Vigo, asked even children, right? Commissioner Osterberg answered yes. Meeting attendee Kristina Vigo, added that is why people are marching for the unborn. When it came down to sending transcripts to you, why do you believe that to be too sensitive to make sure that children are receiving these protections. Commissioner Osterberg answered these are legal proceedings. Meeting attendee, Kristina Vigo, said my question is with the trial. Solicitor Farley interrupted and informed meeting attendee Kristina Vigo that she is going too far. This is not a forum for you to discuss your children.

Meeting attendee, Kristina Vigo, continued that we do agree that anything done against the Constitution is a crime though? Commissioner Caceres answered certainly a violation of the Constitution, not necessarily a crime. Commissioner Osterberg added that's for the Court to decide. Ms. Vigo continued so what we're paying off, we know that we cannot support anything that goes against it; in the aide of insurrection or rebellion against the United States, we can acknowledge that the paying of anything that might be supporting going against the Constitution is against the Constitution as well? Commissioner Caceres answered that's extremely broad, I know where you're going. Ms. Vigo said it's out on the table now. Commissioner Caceres responded the question is on the table, but it is very broad and I'm not sure that we can actually apply the question to what I know you're referring to, which is your assertion that this agency is criminal. Ms. Vigo said we'll keep that off the table, but actually that last comment, I'm grateful you picked it up. It's not a question, it's for consideration for those who have the pen in their hand. Commissioner Caceres said but you also recognize that the agency itself has to be funded whether there's one, two or twenty people who maybe running afoul of this just by your allegation that doesn't change the fact that we have a job to do and so does that agency. It's got to be properly funded. How people may or may not do their job within that agency, there's a protocol you can follow. I asked you if you were aware of the entire chain to make sure that if you're not satisfied on the local level, where you can go outside of this County and to make sure you are properly preserving your rights as well. I know for a fact that if you do not properly follow that protocol, they can dismiss your allegation no matter how founded it may be. If you need that information, I'm sure that's something that in response to an email we may receive from you is what is the proper protocol. I'm pretty sure and I'll defer to our Solicitor, we're prohibited from going beyond that. Solicitor Farley said you're right and she'll give you the phone number for NERO. Ms. Vigo said thank you, all men are created

equal and endowed by their creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it. I hope you will consider our rights and liberties and where we start and where we end. We all will be accountable to that one creator.

Meeting attendee, Kevin Holian, said when we talk about the First Amendment, hate can be broken down into four different thoughts, cyber bullying, hate speech, microaggression and hate crimes. From a district attorney standpoint and from a crime standpoint, if a criminal harms a person or property, for example drawn on the side of a truck a swastika or if I reach over and smack you in the head because of race or ethnicity, gender, or sexual orientation. When it comes to hate speech, cyber bullying and microaggression, those are gray areas. It is very rare where a district attorney will pursue an indictment on those types of interactions. When looking at the Constitution of the United States, realize how and why it was written. We express ourselves through love, kindness or hate. A lot of people know how to work around it. We have to be very careful how we discuss it, how we approach it and how we position our elected officials in kind to respond to that. It's very thin ice. We're very fortunate to have a Constitution.

Meeting attendee, John Hellman, said he wants to welcome new Commissioner Christa Caceres. Meeting attendee, John Hellman said he was forwarded a letter that was also forwarded to the Commissioners from Kerry Williams, who identified herself as the president of the Pike County Chapter of Moms for Liberty. Ms. Williams said that I publicly denounced Moms for Liberty for being anti-number of groups I believe are being unfairly victimized within our society. In that letter she asks me to retract and apologize so I would like to publicly say that I'm very sorry that Moms for Liberty lost almost every single school board election that they endorsed candidates for in Pennsylvania and Iowa and a few other states. I apologize that slavery did happen; it was a brutal, disgusting part of our history. As long as you continue to make the lives of trans kids and LGBTQ folks a living hell, I will continue to call you a hate group.

**MEETING ADJOURNED - THE NEXT REGULAR MEETING OF THE PIKE COUNTY COMMISSIONERS WILL BE HELD ON WEDNESDAY, JANUARY 17, 2024 AT 11:00 A.M. IN THE PIKE COUNTY ADMINISTRATION BUILDING.**