

The Monthly meeting of the Lansford Borough Council for General and Executive purposes was held at the above date and place at 6:30pm. The meeting was called to order by President Martin Ditsky and the Pledge of Allegiance was recited. There were 11 residents and 2 Reporters.

ROLL CALL

Secretary Treasurer Mary Fittos took roll call. Those present were Martin Ditsky, Rose Mary Cannon, Matthew Walsh, Mayor James Romankow, Joe Butrie, Jared Soto, John Turcmanovich and Solicitor Michael Greek. Colin Jones was absent.

PUBLIC COURTESY

Donna Valent, 302 East Patterson Street Lansford. She handed out packets to council and stated that she previously submitted a letter of interest, including a resume to council for the consideration of her appointment for Lansford Tax Collector. She wanted to personally voice her objections to the action taken by council at the Special Meeting held Friday, February 5 2016 regarding the procedure taken in the attempt to fill the vacancy of the Lansford Borough Tax Collector.

Ms. Valent requested that council consider the information she provided and reconsider taking appropriate action to resolve her objections. She said pending tonight's decision and in the event she is not appointed to fill the vacancy of the Lansford Borough Tax Collector, she will consider taking legal action in accordance with section 904.1 of the Borough Code, (a quo warranto proceeding).

Mr. Ditsky said council will need a few minutes to review it.

Mr. Walsh said the evening when this occurred, he made the motion and it was seconded and it was a 3-2 vote with the abstentions and it passed. He hopes our solicitor is familiar with the law and that he was accurate with what was said that night, because if not, here we go again as a mistake may have been made and he hopes it wasn't.

Mr. Greek said no, council can do whatever they want with it; there was a 3-2 vote and he spoke to attorney Yurchak, there was a 3-2 vote with an abstention. Mr. Greek and Mr. Yurchak agree there is a duty of council to vote, each individual is required to vote and that's what was called into question at the time. Mr. Greek said he disagrees with Mr. Yurchak relating to the conflict of interest because it's quite clear that the conflict of interest statute says you don't necessarily have to have a determination. What happened after the 3-2 vote was a second vote was taken because of those issues that were raised which resulted in a tie vote. That tie vote is deemed to be tabled. Mr. Greek said if the Mayor is not present to break it, it goes to a subsequent meeting that you have not less than 5 not more than 10 days from the date of your meeting, to have a special meeting where the tie vote is taken.

Mr. Greek said, in the interim a second motion was taken, and that motion was to appoint Mr. McCall to that position. Mr. Greek said it's up to council on what they want to do. Mr. Greek said if council wants to revote they certainly can. Mr. Greek said but he doesn't change his opinion, he has a different opinion than attorney Yurchak as well as Shelly Houk. He said in regards to the article written by Shelly Houk where she states you open up the appointment to nominations, he said it's not an election. The Borough Code says the only way a council can act is by a motion and second. Shelly Houk is recommending things that are not necessarily in the laws. Mr. Greek said its council's choice on what they want to do.

Mr. Walsh asked, in regards to the second vote where there was a tie and the Mayor wasn't there to break it, could there be any legal repercussions due to that.

Mr. Greek said it was tabled to the next meeting; however there was a subsequent motion made by someone to appoint someone else so that basically negates what you did on the first motion. Mr. Greek gave an example if council were to purchase a car and the motion was made, but another member thought a different model was better so a different motion was made that second motion overrides the first vote. He also said if council wants to vote again they can do it, but then council would be dealing with Mr. McCall raising the same issue and council would be in litigation on that. He said by the time litigation is finalized it would be May and time for the election, but its council's choice on how they want to proceed.

Mr. Greek doesn't believe anything was done illegally. He cannot control council if they make a motion. He also disagrees that the conflict of interest has to be presented to the Ethics commission and disagrees with Attorney Yurchak on this topic. Mr. Greek clarified this for a few minutes.

Mr. Walsh said he thinks the issue is the effect of the first vote, as Mr. Greek stated you can abstain but it has to go in front of that Ethics Board and the issue where people were told to vote again. Mr. Walsh said he just wants to make sure Mr. Greek is prepared to defend the Borough against this litigation as it is probably on-coming. Mr. Greek said if we have to defend it, it's up to council if they want to change what was done; council has the ability to do it.

Mr. Ditsky said, you heard the Solicitor, if you want to change what has been done we can change it.

Mr. Soto said he is looking at it based on the paperwork here, subsection D No.4, this is why council came to that point at the meeting, we asked attorney Greek basically why we had that Special Meeting, it was necessary for that appointment to be made by that following Monday which is why that section wasn't given that time so we followed what was here but had to make a separate decision based on the time restraints at that given time.

Mr. Walsh feels the issue was what that first vote actually becomes and feels people were persuaded to change their abstention is what we are looking at.

Mr. Greek said he doesn't think there is anything contrary to the code, for any council member to bring it to question someone voting or not voting, they have that ability to do so.

Mr. Ditsky mentioned that we had someone on council who did that, they would "not" vote on Tamaqua transfer and that prior councilmember would say "I am not voting". Basically that is an abstention, so it comes down to words, if you abstain what's the difference between abstain and not voting.

Mr. Ditsky asked if someone wants to make a motion. Mr. Walsh said if we do and remove the motion, we could end up in the same situation with Mr. McCall with litigation. Mr. Greek said we don't know that.

Mr. Ditsky said we don't know that, but looking at the letters of interest he asked if everyone understood this is a full time position. Mr. Ditsky said the secretaries have been fielding calls from escrow companies and mortgage companies etc. We do not know if the person is responding to those calls.

Ms. Cannon said that was inappropriate to bring up as that person is not here to answer it. Mr. Walsh doesn't agree either; he doesn't think the person is handling their official business. Mr. Walsh said the appointed tax collector was supposed to start on Monday and feels it is an issue that should be discussed.

Mr. Walsh makes a motion that we re-vote on the tax collector position. Seconded: Martin Ditsky vote. Discussion: Mr. Soto thinks we should make a decision with all of members here and Colin is absent, he feels all 7 members should be here to make that vote. He's not saying it's fair to deflect it to that time, but if we are going to go through this entire process than we need to have all votes. There was some discussion on this. **Opposed: Rose Mary Cannon and Jared Soto. Motion Passes.**

Mr. Soto asked if Mr. McCall has to be removed first. Mr. Greek said he has not submitted his Oath of Office yet so technically he has not filled that seat. Mr. Greek said he would have to research this to say if he is actually in or not.

Mr. Walsh makes the motion to reinstate Ms. Donna Valent as our tax collector as she is the best candidate along with the commercial building she owns. Seconded: Martin Ditsky vote. Opposed: Rose Mary Cannon, Jared Soto, and Joe Butrie. Abstained: John Turcmanovich. 3(No) 2(Yes) Motion Failed.

Marie Ondrus, 36 Coal Street, said if Mr. Wynn resigned on January 5th and the ad was put into the paper immediately, why weren't any of the candidates interviewed. Ms. Cannon said because of the time frame. The deadline to receive letters of interest was February 5th the day of the meeting.

Mary Soberick, West Abbott, questioned the action that took place. Mrs. Soberick questioned the motion to re-vote, what exactly does that mean she asked. Ms. Cannon clarified. Mrs. Soberick said if you re-voted and it didn't go through, we are now without a tax collector as far as she sees it because wouldn't you have to vote again to put somebody in. Mr. Greek said a motion wasn't made to remove the current tax collector, just to revote.

Mr. Greek said if council decides to keep the current tax collector, they should vote on it again.

Ms. Valent said isn't it a conflict of interest for Mr. Butrie to vote because his wife's name was submitted. Mrs. Fittos said only if a motion for his wife was made would he have to abstain.

Ms. Valent said she came here tonight for the wrong to be righted. She thought she won on the 3-2 and that the tie would have been broken by Mr. Romankow.

Ms. Cannon said if there is going to be litigation let it go forward as enough time has been spent on this.

Mr. Greek said a motion took place to re-vote then a motion was made to appoint Donna Valent as the tax collector. Now the question is do we have Mr. McCall as the tax collector. He said we didn't remove him.

Mr. Soto feels the first motion is in effect unless the second motion was to override it.

Mary Soberick, West Abbott asked due to the fact she was a former council person involved in the litigation of John Turcmanovich vs the Borough of Lansford, is she still a part of the case as she was the only one deposed. Mr. Greek said she is now a witness and that's it. Mrs. Soberick she has a question on costs for some of the advertisements, but will wait until the treasures report is discussed. She also had something for Mr. Jones but he was absent.

Marie Ondrus, 36 Coal Street, mentioned she was at the meeting of the February 5th and council mentioned they were going to use the landfill to dump the Palace debris and Ms. Cannon stated DEP called the office and Mr. Ditsky was not aware. She wanted to know if it was illegal for one member to know and not the others especially before the President knew. Ms. Cannon said she was in the office shortly after they called which is why she knew. She also stated that the President of council runs the meeting and appoints committees. He has no more power than the rest of council and vice versa.

Mr. Ditsky mentioned that both he and Ms. Cannon went to the tax assessment office to obtain the property records to the landfill we own, in which Ms. Cannon will bring up under Municipal Administration. Ms. Cannon said she spent about 1.5 hours between the tax assessment, recorder of deeds and mapping department searching. She said they had to pull the cards as it was from 1988 and she received the deed which shows we had land deeded to us from greenwood in 1988. She said we will have to get points put

down in order to find out how much of the land we own. She said Borough workers may not be dumping on our own property right now. She said it's in everyone's packet.

Matthew Walsh wanted everyone to know that we still need to fill seats on the following boards: Planning Commission, Zoning Hearing Board, Vacancy Board, and Health Officer. He asked that those are interested to please step forward.

A member of Channel 13, who was taping the meeting at the time, asked if anyone had any comments on snow removal otherwise they were heading out.

Lenny Kovach, 331 W. Ridge St, Lansford said he is disappointed in the way the mayor handled himself on Facebook. He said the Mayor's job is to be in charge of the Police Department and Public Safety. He said the Mayor was commenting on the highway which was passable. He commended the Borough workers for getting the alley ways and narrow streets. He said the people on the highway made the piles because they have nowhere else to go with it. The Borough couldn't do ordinance plowing because there was no way they could have after getting 26" in one day. He said all the comments on Facebook were about the highway which was passable and he should have been more professional instead of slandering a member of council who did the best he could. He said the Borough workers did the best they could.

This conversation continued for about 10 minutes. Mr. Romankow rebutted a few comments and Mr. Kovach and Romankow continued for another 5 minutes.

Ms. Cannon did try to end this and move on but President Ditsky let it continue.

Mr. Butrie said no matter what we did in this Borough no body was ever satisfied. He said we did the best we could with the equipment we have.

APPROVAL OF MEETING MINUTES

- January 13, 2016- Regular Meeting. **Matthew Walsh makes the motion to approve them. Seconded: Joe Butrie vote. All in favor, motion passes.**

Ms. Cannon was speaking with Mr. Greek and Mr. Ditsky wanted to know what they were talking about and she said per the Borough code, when the President of council wants to get involved with a conversation that is going on you have to remove yourself from the seat and let the Vice President take over. He said he knows but he didn't let that happen.

- February 5, 2016 – Special Meeting- **Matthew Walsh makes the motion to approve. Seconded: John Turcmanovich vote. All in favor, motion passes.**

CORRESPONDENCE

- Letter from House of Representatives, Doyle Heffley, 3rd annual Sportsman Expo.
- November Minutes from Water Authority.
- Letter from resident Tommy Vadyak- Read by Mr. Ditsky. The Letter mentioned a broken phone in the police dept. Mr. Romankow said a cord was damaged on the phone. Vadyak asked that council review the depositions of the Turcmanovich case.
- Letter from Dept. of Labor- Mediator assigned to Lansford Borough Teamsters Case. Mr. Ditsky said he will get the PW. Committee involved.
- Responsible Recycling Services- Event Fees. Mr. Ditsky explained the fees that are attached to certain items. Ms. Cannon asked if council was interested in having the event this year. She said we did it last year and it was successful with 1 truck load. Mr. Walsh asked if we had money budgeted for it. Mr. Soto asked if we can table it for now to see if we have money. **Joe Butrie makes the motion to table.**
- Carbon Engineering – Chapter 94 Waste load Management Report for 2015. Ms. Cannon said Eric Snyder is working on this.
- Waste Management- Borough of Lansford Commercial Recycling- Mr. Ditsky said it's regarding the tonnage.
- DBI Services- Street Sweeping Services. Mr. Ditsky read it. The letter stated it would be \$200/hr. with a minimum of 4 hours minimum required. He said he expects to see the Borough workers see that all streets are swept this year not just the business district.
- 2015 Delinquent Taxes to be approved to send to county. Mrs. Fittos said they were sent to the county already. **Rose Mary Cannon makes the motion to approve them. Seconded: Jared Soto vote. All in favor, motion passes.**
- Audit for Prior Tax Collector to be approved. Ms. Cannon said she called the county controller's office and they are under the same umbrella as the Borough with DCED and they audit monthly and sometimes twice a month, therefore for the time Frame that Mr. Wynn has been here that has already been audited. Ms. Cannon said the Tax Collector should have a 0 balance by the end of the year otherwise the tax collector is responsible for writing a check for any outstanding balances. She does not feel we need to audit it ourselves under these circumstances. Mr. Walsh asked if it would be an audit over his tax collecting career or just the tax year. Ms. Cannon said it is audited yearly. Mr. Ditsky feels we should have an auditor. **Matthew Walsh makes the motion to table.**
- Letter from Lansford Alive- Read by Mr. Ditsky. The letter basically stated Lansford Alive wanted to update some signs within the borough as well as maintenance some shrubs and bushes. There is

also a coal cart that needs to be painted as well as giving the gazebo a makeover. Ms. Cannon would not like to see more trees being planted as its hard enough to maintain the trees we currently have. Mr. Soto asked if certain aspects can be approved. **Ms. Cannon motioned to table.**

COMMITTEE REPORTS

- Municipal Administration- Read by Rose Mary Cannon. She spoke about the emitters briefly.
- Public Safety- Read by John Turcmanovich
- Fire Department- Read by John Turcmanovich
- Ambulance- Read by Martin Ditsky
- Mayors Report- There was no report. Mr. Romankow said he would get a copy out to everyone.
- Police Report- Read by Jimmy Romankow
- Parks & Recreation- Read by Rose Mary Cannon. She spoke briefly about the pool, looking for a temporary fix so the pool can be open this year. She is also working on a Grant for a repair for the pool. Mr. Romankow asked if there was a chance the pool may not open and Ms. Cannon said yes.
- Public Works- Read by Martin Ditsky. Mr. Kovach said you should always have a Full time Borough worker with a part time worker.
- Community Development / Planning Zoning- Read by Matthew Walsh.
- Code Enforcement- Januarys Report was attached.
- Treasures Report- Mrs. Fittos explained the software used by the Police Department called In-Sync, which can be used in our office for code. The licenses are \$595 each; we just need it for 1 computer. Mrs. Fittos recommended purchasing 1 License for 1 computer. Mrs. Fittos said we will have to Borrow funds to cover for March. She also stated that ideally the Tax Anticipation loan should be around \$300,000 as the \$125,000 just covers payroll for the 1st quarter. Between payroll and necessary bills the amount of the first quarter is close to \$300,000. She projects that we will be carrying over about \$22,000 into March with about \$70,000 in expenses. Mrs. Fittos suggested borrowing between \$60,000-65,000 by the end of this month for March. Mrs. Fittos read off the account balances as to where the money should be borrowed from as follows: Sewer Transmission account #5537, Balance of \$62,023, Account #1198, Balance of \$163,635 and #5402, Balance of \$202,455. Sanitation accounts: # 0222, Balance \$117,656.24 and #0283, Balance of \$51,364.79. Mr. Ditsky asked if we borrow will we pay it back. Mrs. Fittos said whatever motion council makes. In the past a resolution has been created.

Resident Mary Soberick asked for prices on some of the advertisements. Ms. Cannon asked Martin Ditsky how much a riding lawn mower would cost. She said we paid \$582 in repairs for the Exmark lawnmower we have and that could have been a payment on a brand new one, maybe through Co-Stars.

Ms. Cannon also wanted everyone to know that as far as borrowing goes, it's not tax money, these accounts, Sanitation and Sewer Transmission, they are not milleage. She said all the Boroughs do it. She said if we don't raise taxes, this is what will constantly happen and we can't cut much more that we already do. She said we borrowed \$150,000 to get us through this year, usually its \$100,000.

Resident Lenny Kovach said a new Exmark Lawnmower would cost about \$10,000.

Rose Mary Cannon makes the motion pay bills as the money becomes available. Seconded: Matthew Walsh vote. All in favor, motion passes.

Mr. Soto asked if Mrs. Fittos recommends that we borrow now or if we can consider it as the months go by. Mrs. Fittos said she doesn't expect much coming in. We are receiving money from Berkheimer, Earned Income Tax, but never know the amounts that are coming in. Mrs. Fittos said the money doesn't have to be transferred until the end of this month, but come March we will need it.

Mrs. Fittos said we really need about \$48,000 if you look at the spreadsheet, so let's round it to \$50,000. She said by the middle of March we will have a better look as to what April will look like.

Rose Mary Cannon makes the motion to borrow \$50,000 from account #5402 that has a balance of \$202,455 and to pay it back as money becomes available. Seconded: Jared Soto Vote. Discussion: Mary Soberick was saying to Ms. Cannon she should use a sanitation account not a Sewer Transmission account. Mr. Walsh asked if there was a time frame to pay it back. Mr. Butrie asked if there would be a payment schedule.

Mrs. Fittos said let's be realistic, money will come in for taxes come April, you have payroll and bills and unknown expenses so she doesn't know that there will be extra money if we are in this situation. Ms. Cannon said taxes have to be raised. Mr. Walsh asked if this would just be a onetime thing. Mrs. Fittos said she is not sure as last year we only needed to borrow once \$13,000 from Sanitation and paid it right back. Mr. Walsh feels that maybe we should borrow \$60,000 so we won't have to borrow again. Ms. Cannon asked Mrs. Fittos does she feel we should borrow from Sanitation instead. Mrs. Fittos said maybe that's a better idea since we have the loan being paid from Sewer Transmission.

Rose Mary Cannon makes the motion to borrow from account #0222 Sanitation for \$50,000. Seconded: No Second. Motion fails.

Matthew Walsh makes the motion to borrow up to \$65,000 as needed out of Sanitation account #0222 for bills and unforeseen bills. Seconded: John Turcmanovich Vote. Opposed: Martin Ditsky. Motion passes.

Matthew Walsh makes a motion to pay the Sanitation account back if and when the money becomes available. Seconded: Jared Soto Vote. Opposed: Martin Ditsky and Joe Butrie Motion passes.

- Tax Collectors Report – No Report
- Carbon County Tax Collection Committee- Mr. Ditsky said no one wants to be a delegate.
- Solicitors Report- SALDO Draft, Ordinance #2016-01 between Lansford Borough and Tamaqua UCC to be adopted, letter to Reading Railroad. Mr. Greek said he is working on the SALDO draft and the UCC Ordinance between Lansford Borough and Tamaqua needs to be adopted. **Mr. Butrie makes the motion to adopt Ordinance #2016-01 as presented. Seconded: Matthew Walsh vote. All in favor, motion passes.** Mr. Greek also said he has not received a response from the Reading Railroad.

UNFINISHED BUSINESS

- Signal Pre- Emption and emitters email from Cathy Longenecker- Ms. Cannon referenced this in her Municipal Administration Report. For details see that report.
- Appointment of Delegate for Carbon County Tax Collection Committee. Mrs. Fittos said Ms. Seigendall was interested if no one else is. She volunteered. Mr. Ditsky said the question is, would she expect to be compensated for her time.

Ms. Cannon said Cathy Longenecker is looking for a response regarding the emitters.

- Employee Handbook – Revisions, suggestions. / Seltzer Group Proposal to review and update. Mr. Soto asked if disciplinary action should be in this handbook or is that a part of the CBA as well as employee performance. Mr. Ditsky said it's in the contract. Mr. Soto also said under employee accountability for any type of wrongdoing, it only speaks about an employee having any kind of wrongdoing, but it doesn't speak about if anyone else observes the wrongdoing and how they should be held accountable. Mr. Soto feels it should be edited as it protects the Borough. Mr. Walsh agrees. There was some discussion on this for a few minutes.
- Letters from Hutchinson, Gillihan & Freeh- Letter to IRS re: Pay Simply and penalty amount.
- Survey results from Mr. Clewells retaining wall issue. Mr. Ditsky said no survey yet.
- Advertising for Planning Commission, Zoning Hearing Board, Vacancy Board and Health Officer – No letters of interest were received. Mr. Walsh asked if we were re-advertising. Ms. Cannon said we can put it in the PV Column. **Matthew Walsh makes the motion to advertise in PV column. Seconded: Joe Butrie vote. All in favor, motion passes.**
- Radios in Ambulance status- Echo
- Boroughs Comprehensive Plan is expired. Ms. Cannon said in the code it says it has to be reviewed every Ten years but a municipality doesn't really need to have one. She said it was contradictory. She said it cost about \$20,000 which we do not have.
- Discussion of dumping on Landfill was tabled on 2/5/16 meeting. Ms. Cannon said she finds it hard to make a motion to allow dumping when we don't know where the dump is located. She said we can't just authorize dumping without knowing where our land is and how much of it belongs to the Borough. Mr. Walsh asked what kind of time frame we are looking at to have someone put those stakes in the ground. There was some discussion on this for a few minutes.

NEW BUSINESS

- Street Scape Bid #3 was emailed. Mr. Ditsky said Mr. Snyder will be in Lansford Monday dropping off the plans for the street scape. Monday, Wednesday and Friday it will be advertised in the times news.
- Light Switch for Tax Collectors Office – Dulcey Electric \$140 Switch & Wiring. \$330 total for switch, new fixture and light bulbs needed. New Light installed in office over Jill's desk \$120.00 (separate issue). 2nd Quote. Robert Kenesky Electrical Contractor \$390 total to install switch in Tax Collectors Office. There was some discussion on this. **Ms. Cannon makes the motion that we go with \$140 to put the switch in the tax collector's office. Seconded: Matthew Walsh vote. All in favor, motion passes.**

Mr. Walsh inquired about getting a lock for the tax collectors door. Ms. Cannon said we have the lock it was just never used. Mr. Ditsky said you cannot deny him access to a restroom. Ms. Cannon said he is aware that the restroom is not going to be available.

OLD BUSINESS

- Act 37- was discussed at prior meetings
- Seitz Brothers gave a proposal last summer to mediate the Police Dept. for Mold- Status. Mr. Romankow said to give him a date. Mr. Ditsky said he thought it would get done on a Saturday and Sunday. Mr. Romankow said that's fine, Summit Hill offered their station for Lansford Police should they need it. Ms. Cannon said she's not sure the same proposal will hold up.

- Pension Board- Possible re- appointment of members (Mary Fittos, Martin Ditsky and John Turcmanovich. Ms. Cannon said right now there are 2 members of council on. Mr. Turcmanovich said he can't serve right now. Mr. Turcmanovich said it should be another police officer. Mr. Romankow asked if the officer needs to live in town. Mr. Greek said he has to look at the ordinance.
- 12/30/13 Minutes – A resolution to eliminate the recording of the minutes was tabled. The written minutes are the official copy. Ms. Cannon said we should not be keeping the recordings. The official copy is the approved transcribed minutes. **Matthew Walsh makes the motion to destroy the recordings as minutes are approved. Seconded: Joe Butrie Vote. All in favor, motion passes.**

Mr. Ditsky said yesterday he received a phone call from Renee Roberts from the tax assessment office and she received word from the carbon county commissioners to call him as far as the Elks building goes. He said they placed a minimum bid of \$1,000 on the building. He also said PA does not have a state budget yet and the money for the Grant would be coming from the state budget.

EXECUTIVE SESSION

Council entered into executive session at 8:45pm to discuss personnel matters and exited at 9:01pm.

Rose Mary Cannon left at 9:02pm.

Matthew Walsh makes the motion to accept two applications, one for James Biddle and Jacob Savitz for part time as needed and part and seasonal plow driver pending proper background checks and driver license checks. Seconded: Joe Butrie Vote. All in favor, motion passes.

John Turcmanovich makes the motion to accept the memorandum of understanding and pass it along to the collective bargaining unit. Seconded: Joe Butrie vote. All in favor, motion passes.

Mr. Romankow mentions backgrounds for the individuals.

ADJOURNMENT

Joe Butrie makes the motion to adjourn at 9:03pm. Second: John Turcmanovich vote. All in favor, motion passes.

Respectfully submitted,

Mary Fittos

Secretary/Treasurer