

January 4, 2016
Reorganization Meeting

Tremont Borough Council met for Reorganization at 6:30 p.m. in the Clay Street School Building.

Council members attending: James G. Scheibley, Paulette M. Yuschock, Philip Kintzel, Roger Adams and Daniel Noll Sr. Also attending: Mayor Roger D. Adams, Solicitor Christopher Hobbs, Secretary-Treasurer Shea Lucas, Police Chief Michael Conway and Reporter Joan Schwer. Citizens: Charles Huntzinger, Betty Huntzinger, Kathy Adams, Paula Winn, Doris Hubler, John Hubler, Gerald Fasnacht, Shirley Fisher, Sherry Huntzinger, Kathleen Krammes, Michael Mattern, Joseph Ganly, Beverly Boyer, Allison Boyer, LaDawn Schaeffer, Eileen Kramer, Cheryl Mack, Laine Mack Sr., Laine Mack Jr., Robert Donmoyer, Cheryl Wiscount, Michael Wiscount, George Schaeffer Jr., Linda Renninger and Mike Renninger. Absent: Fire Chief Brian Eisenacher, Health & Safety Officer Lewis Moyer.

Mayor Roger Adams administered the oath of office to re-elected Councilman Philip Kintzel and newly elected Councilman Daniel Noll Sr. Copies of all election certificates and original signed Oaths will be placed on file in the Borough office.

Mayor Adams opened the meeting with the Pledge of Allegiance. He then reminded everyone that due to the way it was advertised, this will be a Reorganization Meeting only. The Regular monthly meeting will not follow. Some citizens argued this, Solicitor Hobbs stated that since it was not specifically advertised that the regular meeting will follow, we cannot have the regular meeting tonight. It will be re-advertised and held on January 12, 2016. Yuschock questioned what if Council wants to have it tonight, Solicitor Hobbs told Yuschock if Council wants to have it, it will be violating the Sunshine Act, and it will be against his advice, but it's your call. It's up to Council if they want to hear the public's comments as long as no action was taken. Hobbs then recommended the Mayor to continue with the Reorganization Meeting.

Mayor Adams then requested nominations for Council President. Noll nominates Paulette Yuschock for President. Kintzel nominates James Scheibley for President. The Mayor requested a roll call vote for Paulette Yuschock for President; Noll-Yes, Yuschock-Yes, Scheibley-No, Kintzel-No, Adams-No. The Mayor requested a roll call vote for James Scheibley; Noll-No, Yuschock-No, Scheibley-Abstain, Kintzel-Yes, Adams-Yes, at this time the Mayor nominates Paulette Yuschock for President.

At this time, President Yuschock takes the gavel for the remainder of the meeting. She opens the floor for nominations for Vice President. Kintzel nominates Roger Adams for Vice President. Adams declines the nomination. President Yuschock nominates Daniel Noll Sr., for Vice President. Adams nominates Philip Kintzel for Vice President, Kintzel declines the nomination. Adams nominates James Scheibley for Vice President, Scheibley declines the nomination. President Yuschock requests a roll call vote for Daniel Noll Sr. for Vice President; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-No, Yuschock-Yes. President Yuschock announces Daniel Noll Sr. as Vice President.

President Yuschock opens the floor for nominations for Council President Pro Tem to preside in the absence of both the President and Vice President. Kintzel nominates James Scheibley for President Pro Tem. President Yuschock nominates Philip Kintzel for President Pro Tem, Kintzel declines the nomination. President Yuschock requests a roll call vote for James Scheibley for President Pro Tem; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, Yuschock-Yes. President Yuschock announces James Scheibley for President Pro Tem.

The following actions were taken concerning appointments and reappointments:

Motion made by Noll, second by President Yuschock, to table the retention of Christopher Hobbs as Borough Solicitor. Roll call vote; Noll-Yes, President Yuschock-Yes, Scheibley-No, -Kintzel-No, Adams-No. Motion failed 2-3.

Motion made by Scheibley, second by Kintzel to retain Christopher Hobbs as Borough Solicitor. Roll call vote; Noll-No, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-No. Motion passed 3-2.

Motion made by Scheibley, second by Adams, to retain Shea Lucas as Borough Secretary/Treasurer. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Motion made by Adams, second by Kintzel, to retain Lettich & Zipay (formerly Patton & Lettich) as the Borough auditor. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-No. Motion passed 4-1.

Motion made by Kintzel, second by Scheibley, to retain Light-Heigel & Associates as Borough Engineer and UCC Compliance Officer. Roll call vote; Noll-No, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-No. Motion passed 3-2.

Motion made by President Yuschock, second by Noll, to table the retention of Schuylkill Municipal Authority as Borough Sewage Enforcement Officer. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes. Motion Tabled.

Motion made by Scheibley, second by Adams, to retain Lewis Moyer as Borough Health Code Officer. Roll call vote. Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes. President Yuschock announces Lewis Moyer as Borough Health Code Officer.

Motion made by Scheibley, second by Noll, to table Property Maintenance Code Enforcement Officer including enforcement of Quality of Life Ordinance. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Motion made by Adams, second by Kintzel, to retain Miners Bank and PLGIT (Pennsylvania Local Government Investment Trust) as depositories for borough funds. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes. President Yuschock announces Miners Bank and PLGIT will remain as depositories for borough funds.

Motion made by Adams, second by Noll, to table the appointment of the Borough's Chief Administrative Officer. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Motion made by President Yuschock, second by Scheibley, to nominate John Hubler as Vacancy Board & Chair. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes. President Yuschock announces John Hubler has the appointment of Vacancy Board & Chair.

NEW BUSINESS: Motion made by Scheibley, second by Noll, to re-advertise the 2016 meetings with the corrections of adding January 12th, adding the time of meetings as 6:30 p.m. and keeping "with no official actions to be undertaken during Workshop Meetings". Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Charles Huntzinger asked Council if they could do away with the monthly Workshops.

Motion made by Noll, second by President Yuschock, to abolish the monthly Workshop Meetings. Roll call vote; Noll-Yes, Scheibley-No, Kintzel-No, Adams-No, President Yuschock-Yes. Motion failed 2-3.

Mr. Huntzinger asked Council if Minutes will be taken at Workshops, not only of actions, but of the full Workshop Meeting.

Motion made by President Yuschock, second by Noll, that if we are going to have Workshop Meetings, that minutes will be taken of all meetings not just the meetings we take action in. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Mr. Huntzinger asked if Workshop Minutes will be advertised on the Borough Website and if there is a near end date with our computer issues. President Yuschock allowed the Secretary/Treasurer Shea Lucas to respond. Lucas explained that when Will Salen came to transfer the data on to the new computer, we realized that all the discs for Outlook, Microsoft and Quickbooks were missing. Therefore, only some information could be transferred at that

time and Mr. Salen is no longer returning any of our phone calls. Lucas feels it is up to Council to find another person capable of coming in to finish transferring the data and to get the computer up and running properly. Beverly Boyer asked who had access to these missing discs. President Yuschock said that anybody who has a key to the borough office had access to those discs.

Some residents recommended getting Michael Mattern in to fix the computer issues.

Robert's Rules states the policy for citizen's communications. Scheibley feels that residents do have a right to discuss their concerns at meetings but the meetings are getting out of hand with talking out of order and yelling out, so we need to go back to Robert's Rules to get a better hold of the meetings. Scheibley's suggestion is if it's not on the Agenda, then we don't discuss it.

Allison Boyer suggested that Council keep their employees in line also, so we don't have another issue like we did last week.

Mr. Huntzinger asked what the guidelines would be if you want advance notice to speak at meetings. Scheibley's suggestion was contact the secretary by Noon on the day of the Workshop. President Yuschock disagrees with this, stating that it is a resident's right to bring up an issue that is not on the agenda. Mr. Huntzinger feels there are times that issues are going to come up that are not on the agenda.

George Schaeffer Jr., asked President Yuschock to keep it equal and fair. In the past some people got away with being out of line, while others were always yelled at for it.

LaDawn Schaeffer stated that we all lose our tempers, but no one should be belittled or made fun of at a public meeting. It's time we get order back into our meetings.

Motion made by President Yuschock, second by Adams, to purchase a bible and a gavel for our meetings. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

Motion made by Noll, second by Scheibley, to reopen the 2016 Budget. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes.

At this time President Yuschock opened the floor for any citizen's communication or concern.

Charles Huntzinger: He wanted to clarify what he was asking at the last meeting, why was that amount of money spent on an investigation of the Police Chief and why wasn't the investigation done by Council. When the investigation is complete, will you let the public know the results of the investigation.

Over the past several years, Council members have been finding ways to end Chief Conway's employment. He shared the following opinions: By spending that amount of money on the investigation of the Chief, shows how desperate they are to fulfill their request. These continued actions may be considered an attempt to create a hostile work environment for the chief and the PA Human Relations Commission may have a keen interest in reviewing this. He has over 20 years of elected experience in this town, as Council President, Council Member and Mayor. He had the opportunity to work with many Council Members, Borough Employees and Elected Officials. Most all of these officials felt a duty to serve their communities in the best interest of the people. In recent years, this Council did not share these same duties. The outrageous expenditures of new employee salaries and benefits as well as the expense of investigating fees, arbitration fees and other unnecessary spending that could have been avoided or at the very least reduced.

The item of discussion that bothers him the most is the purchase of the 39 South Crescent Street Property. At this time, he asked Council to listen to Cheryl Mack to present the concerns pertaining to this property.

Cheryl Mack: September 29, 2014 – 39 South Crescent Street went up for Sherriff's sale for 3 years' unpaid taxes, since there were no bidders it was turned over by the Controller's Office to be placed on a Judicial Tax Sale.

January 13, 2015- Council voted to make roof repairs to 39 South Crescent Street, even though the Borough had no interest in it, because it was under the control of Schuylkill County. Why would you spend tax payer money on it? What was the emergency situation? Why wasn't the County contacted to address it?

March 26, 2015 – A judicial sale research sheet was prepared by the County in preparation for tax sale, which showed 3 liens, these liens were wiped clean with the Judicial Tax Sale of the property. Council then authorized Solicitor Hobbs to prepare a non-enforceable lien on 39 Crescent Street which is still being held open by the Prothonotary Office. Why would you spend this money after you already knew the property was being put up for tax sale by the County?

September 1, 2015- Workshop Meeting-Council authorized CEO Fasnacht to act as an agent for Tremont Borough to bid on and purchase 39 Crescent Street at the Judicial Tax Sale. What was the need to take this action at a Workshop Meeting, since the Judicial Sale was on October 2, 2015?

October 2, 2015 – Tremont Borough was the successful bidder at the Judicial Tax Sale to purchase 39 South Crescent Street. Immediately after the sale CEO Fasnacht assigned another individual as the owner of 39 South Crescent Street. This individual was not a registered bidder. Who authorized CEO Fasnacht to transfer ownership of this Borough owned property? Cheryl asked each member; President Yuschock-No, Scheibley-doesn't remember, Kintzel-No, Adams-No. Per Borough Code, Public property is not to be sold unless it's by Resolution under \$1500.00, if it's over \$1500.00 it must be advertised and put out for bid. Would you agree that what he did is illegal under the Borough Code? There is no record in any minutes that he was given authority to sell that property. What action did you take after you found out he sold this property? This property is assessed at \$21,000.00 and we can find no record where the Borough received one penny for it. There is no receipt from Potts, the person that purchased the property. Whose best interest were you looking out for during this transaction? It appears what has been done with 39 South Crescent Street warrants an investigation by the State Ethics Commission and also by Schuylkill County to investigate what appears to be an illegal sale and transfer of deed. What is your opinion, should we have the State Ethics Commission do an investigation? President Yuschock – Yes. Cheryl also stated that Fasnacht had to have prearranged all of this by having Mr. Potts attend the sale with him.

George Schaeffer Jr., feels an attorney should be contacted.

Gerald Fasnacht told President Yuschock that if she would attend the Workshops she would know what is going on. President Yuschock stated that she missed three Workshop Meetings.

LaDawn Schaeffer asked if Council is going to agree with President Yuschock with having an investigation done. Mr. Huntzinger stated that he truly believes that Council did not know that they were violating any law, but they should have. Mr. Huntzinger feels an investigation is appropriate so it doesn't happen again in the future. President Yuschock said that nobody even questioned this, not even herself. Scheibley, Kintzel or Adams was not aware that the property was going to be transferred.

President Yuschock asked where is the money for the roof repair showing in the budget? Lucas answered by stating it is under the account titled Professional Services-Other.

President Yuschock asked where is the money for the investigation of Chief Conway showing in the budget? Lucas answered by stating it is under the account titled Professional Services-Other.

President Yuschock questioned why the Y-T-D amount on the budget is only showing \$1,588.87?

LaDawn Schaeffer asked if we ever got our money back for the roof repair? President Yuschock allowed Lucas to respond. Lucas stated that she received a check on Thursday, December 31st, from Melvin and Anna Potts in the amount of \$2500.00. Cheryl Mack asked why it took 3 months? Lucas said she honestly cannot answer that. Fasnacht said once the deed is in their name, they have 60 days to appeal that transaction. President Yuschock asked Fasnacht who approved him to sell that property. Fasnacht refused to answer at the meeting. He told President Yuschock that he would talk to her at the Workshop. Cheryl Mack asked if the County took their money on the day of the sale? Fasnacht said he didn't know; he doesn't make the rules. Lucas stated she did receive paperwork from Fasnacht.

Beverly Boyer asked Fasnacht if he is willing to disclose to the citizens who gave you approval? President Yuschock said that he will discuss it at the Workshop Meeting.

Michael Wiscount stated that by the time we all knew about it; the 60 days were up.

Mr. Huntzinger requested that if the Borough is going to keep fixing up properties, Carl Scheib would like to be contacted so that he could bid on these projects.

Scheibley stated that the work was put out for bid for the roof and they had four bidders.

LaDawn Schaeffer asked what is going to be done about the employee health insurance. She feels that tax payers should not pay 100% of the employees' insurance.

Mr. Huntzinger asked if the Blue Cross Medical Insurance amount is going to be corrected on the budget. What made that amount jump so high from last year to this year? Gerald Fasnacht asks if the Police are offered health insurance. President Yuschock stated yes, but Chief Conway is on his wife's insurance. Scheibley stated that he only gets the stipend. Discussion continued about health insurance. Lucas stated that Scheibley, Kohr and Lucas have health insurance and Borchick and Chief get the stipend. There are no family plans.

Inaudible Speaking

Laine Mack Jr. stated that when he was on Council, the Police and the borough workers all had the same health insurance. It had nothing to do with any union fighting or backing them for health insurance. The only insurance that is different because you are a police officer is Heart & Lung and that has to do with compensation, not health insurance.

Robert Donmoyer explained that he came up with the 2016 amount for medical insurance in case we were faced with higher premiums or more premiums down the road. He stated that just because it is budgeted, it doesn't mean we will use it.

President Yuschock questioned Donmoyer why he only budgeted \$3,000 for road repairs and bridges, knowing that we have repairs to be done this year. Donmoyer said there was talk of possibly getting another road loan when our other loan was paid up in April. Cheryl Wiscount asked Donmoyer about the Grant. Donmoyer said he never applied for a grant.

Kathy Adams said that her employer re-evaluates their insurance every year and they look if there are any companies that they can get cheaper premiums from. Why can't the Borough check into other companies? President Yuschock said that it is a good suggestion and it can be looked into.

President Yuschock stated that a motion cannot be made for an 80/20 plan due to the contracts.

Cheryl Mack asked former Councilman Donmoyer what changed from 2009 with saying we didn't need a contract because we didn't have a union until now? Donmoyer said times and circumstances change. Fasnacht stated that when Linda Gately was secretary, there was a meeting with an insurance agent who recommended that it was a smart idea to have an employee contract. That is the reason the contract was brought back.

LaDawn Schaeffer asked Chief Conway about double parking. Chief explained that double parking is illegal but commonsense goes with it, for example, if it is a handicap van dropping off or picking up someone, Chief would not ticket them. Chief told LaDawn that if the driver of the handicap van ever gets a ticket, to call him and he will see what he can do. Chief explained the difference between parking and standing, if you stop to pick someone up and remain in your car, that is considered standing.

Mr. Huntzinger explained that his granddaughter's husband stopped at his daughter's house to pick up his children. There was no place to park and his daughter, who was on oxygen could not bring the children out. He double-parked and got ticketed. He is not bickering over the \$10.00 fine, it was the purpose of the stop. President Yuschock stated that these issues must be brought up to the Mayor first. If the Mayor does not do anything about it, then bring it to Council's attention.

Beverly Boyer told Council that she confronted the Mayor concerning Officer Borchick and she is still waiting on a meeting that was supposed to happen last year (2015). Mayor Adams told her that the meeting is still going to happen and that he is sorry. The Mayor told her that he said he would have a meeting, but he never said when. Beverly asked if he's waiting until he's off of probation. Mayor Adams said that he will have the meeting this month and he hopes that Ms. Boyer is available. It is Ms. Boyer's understanding that when you become an Officer, you take an oath to protect and serve, you don't throw someone under the bus or have prominent people of the community lie. She stated that if the shoe fits wear it and left the meeting.

Michael Wiscount stated that this same officer refused to do his job twice. As per Chief Conway, The District Attorney said there is no conflict or any reason Officer Borchick can refuse it. He has to take the investigation and they did assign a detective that will shadow him on it. State Police refused to take the investigation. Mr. Wiscount wants Chief Conway to be the one shadowing Officer Borchick in the investigation. Mayor Adams stated that he will not allow it because that is a conflict of interest. Mr. Wiscount said that where he is standing he has a conflict because he doesn't trust Borchick and the Mayor doesn't trust Conway. The Mayor said it's not that he doesn't trust Chief, he just doesn't want to get into legality issues.

George Schaeffer Jr. asked how someone can assault someone in a borough building and still be allowed on borough property. Solicitor Hobbs said this is a Public Building and he is a resident of the Borough, therefore he is allowed on this property.

Linda Renninger said that she has an upcoming hearing with the Code Enforcement Officer (which was turned over to Light & Heigel), due to the fact that Fasnacht was fired, does he have the right to go to that Hearing. Solicitor Hobbs said Fasnacht can attend as a witness.

Secretary/Treasurer Lucas asked Council if they could possibly talk to a gentleman in the audience tonight who might have an interest in fixing my computer issues. Lucas also asked if a Finance committee could be put into place as soon as possible to do the budget because only payroll and utilities can be paid right now.

There being no further business, Adams and Noll motion to adjourn from the Reorganization Meeting at 8:26 p.m. Roll call vote; Noll-Yes, Scheibley-Yes, Kintzel-Yes, Adams-Yes, President Yuschock-Yes. Meeting adjourned.

ATTEST

PRESIDENT