

TUNKHANNOCK BOROUGH COUNCIL
Regular Meeting
June 4, 2015

Council President Stacy Huber called the monthly Meeting of the Tunkhannock Borough Council to order in the Borough Building, 126 Warren Street, Tunkhannock, PA at 7:00 p.m. He led those in attendance in the Pledge of Allegiance to the Flag.

Present were: Mayor Norman Ball; Council Members Marshall Davis, Scott Douthett, Stacy Huber, Joseph Myers, Robert Robinson, Wendy Sweppenheiser, Lisa Tesluk and Ruth Vincenti; and Borough Manager Dawn Welch.

Others present: Wyoming County Press Examiner (WCPE) Reporter Josh Siegel; citizens Susan DiStadio, Michael DiStadio, Carlos Penedos, Ned Slocum, Harold May, Donna Kaskus, Mark Monsey, Patricia Mead; and Police Chief Roger Hardy and Officer Keith Carpenter.

On motion by Scott Douthett, seconded by Joseph Myers, move to approve the minutes of the meeting held on May 7th, 20th and 28th. Motion carried unanimously.

On motion by Robert Robinson, seconded by Lisa Tesluk, move to approve payment of the bills. Motion carried unanimously.

Public Privilege of the Floor:

[Note: the comments below by Ms. Kaskus and Mr. Monsey are in reference to the issue of Police Department manning, i.e., five versus four full-time officers, which: a) has been the subject of recent consideration/discussions; and b) is, as had been previously announced and promulgated, to be voted on during tonight's meeting by Council.]

Donna Kaskus stated that she was here to support the police.

Mark Monsey thanked the Council and the Mayor for taking the time to meet with him regarding the manning clause of the Collective Bargaining Agreement. He indicated that he now realized that this was a difficult issue and that he did not know what was the best answer; but that he personally was here to voice support for retaining the fifth full-time officer position. The Police had made Mark aware of a federal Community Oriented Policing Services (COPS) grant and asked Council if they would be willing to table the aforementioned vote until it was determined if the Borough was successful in submitting such a grant.

President Huber stated that he did not, in principle, oppose applying for such a grant but added that: a) it might not be approved; and b) a Police Department-initiated grievance on the issue is ongoing, the results of which would likely have a direct bearing on the matters at hand.

Vice President Robert Robinson said that he was not in favor of this grant because the funding would dry up and then we would have to maintain this officer.

Police Committee Chairman Marshall Davis reported that he was just made aware of this grant today. He sees no problem with looking into this grant; but it would be inappropriate to tie an application to the present issue. He then stated that it is the Council that is the body that should decide what force level is needed.

President Huber asked Council if anyone wished to make a motion to table the action as had been requested by Mr. Monsey. When no such motion was forthcoming, the issue failed. Council was then asked if they wished to review the grant package. Council Members Davis, Tesluk, Sweppenheiser, and Huber (*ex officio*) agreed to try to meet with the Police Department to review the grant application, the submission date for which (June 19, 2015) was fast approaching. President Huber noted that the Borough would not be committed to retaining this officer, should there be a successful grant application and once the grant monies expire.

President Huber then presented the following prepared remarks:

Quote: Last week (May 28th), Council held an advertised public hearing concerning the number of full-time police officers in our Police Department. Briefly, for background information, the hearing was not about reducing the number of full-time Police Officers any further; and the Borough was not contemplating laying off any Police Officers.

The hearing was held because, in March of this year, the Union for the Borough's Police Officers filed a grievance under their Collective Bargaining Agreement (CBA) that, if successful, would effectively require the Borough to hire an additional, fifth officer.

The CBA also sets forth a process that Borough Council must abide by, if it wishes to reduce the number of Officers below five. Under that process, Borough Council must: a) give the Police Union written notice, which includes an explanation of its reasoning; and b) hold a public hearing. Borough Council provided the Police Union with written notice on April 2, 2015 and the hearing was held pursuant to that.

At the hearing, comments were received from a total of five individuals. Additionally, Council agreed to receive written comments or statements regarding these matters. For the record, written comments were received from Citizen Ned Sloucm and Police Chief Roger Hardy only. These can be made available for reference. Unquote.

At this point, Police Committee Chairman Marshall Davis was asked to continue.

Chairman Davis then presented the following prepared remarks:

Quote: As the appointed Chair of the Council Police Committee, I have been tasked to present this body with the Resolution that is the object of this special action of Council. Council, will then demonstrate by their vote what they feel is in the best interest of the Borough. We have all been reminded that since Chief William Olszewski resigned over two years ago, the Borough has employed only four full-time Police Officers. This situation is not unique for the Borough, as there were extended periods of time prior to that occurrence when the Borough also employed

only four full-time Police Officers. The Borough Code and the Collective Bargaining Agreement with the Borough's Police Association gives Borough Council the discretion to determine the number of full-time Police Officers.

In order to exercise this contractual right, Borough Council has sought input from residents and taxpayers regarding whether the Borough should continue to employ four full-time Police Officers. Last week, Borough Council heard comments from residents and taxpayers at an open public meeting. The Borough has also invited written comments from residents and taxpayers. Borough Council has had the opportunity to weigh all of this citizen input, including consideration of any written comments from residents and taxpayers.

Borough Council has also had the opportunity to review the Borough's budget, the Police Department's budget, and the anticipated cost of employing a fifth full-time Borough Police Officer. Borough Council has also received material submitted by the Borough Police Chief regarding staffing levels for the Police Department. Additionally, Borough Council has had the opportunity to consider the effect of the expiration of the contract for police services with Washington Township. Finally, Borough Council has also been afforded the opportunity to review reports of criminal activity and criminal conduct within the Borough.

Based on the citizen input and the materials provided for review by Borough Council, I move to pass a resolution to maintain the Borough Police Department with four full-time Police Officers. My motion does not reduce the present full-time staffing levels of the Police Department, which have continually existed since May of 2013; and I do not move to lay off any Borough Police Officers. That resolution reads as follows:

Whereas, under the Borough Code and Act 111, the Borough has the managerial prerogative to determine the size of the Police Department; and

Whereas, the current Collective Bargaining Agreement with the Tunkhannock Borough Police Officers' Association provides that the "Borough shall have the discretion to determine the size of the Police Force as determined by the PA State Borough Code;"

Whereas, Borough Council has considered the tax burden of the residents of the Borough and the budgetary constraints of the entire Borough and the Police Department;

Whereas, Borough Council has considered the public safety of the Borough and the need for police protection within the Borough,

Whereas, Borough Council has determined that it is appropriate for the Borough to employ four (4) full-time Police Officers, which number includes the Chief and part-time Police Officers on an as-needed basis.

NOW BE IT RESOLVED, the Borough shall employ four (4) full-time Police Officers, including the Chief and part-time Police Officers on an as-needed basis. Unquote.

On motion by Marshall Davis, seconded by Robert Robinson, move to adopt Resolution 4-2015, Whereas, under the Borough Code and Act 111, the Borough has the managerial prerogative to determine the size of the Police Department.

Roll call vote: Marshall Davis yes, Robert Robinson yes, Wendy Sweppenheiser yes, Joseph Myers yes, Scott Douthett yes, Lisa Tesluk yes, Ruth Vincenti yes, and Stacy Huber yes. By a vote of eight to zero (8-0), the motion carried unanimously.

Finance and Administration Committee:

The Payment In Lieu Of Taxes letters were mailed.

President Huber reported that the official (hard copy) results of our State Liquid Fuels Audit were just recieved. As had been noted previously, all areas were in compliance and there were no findings ---- well done to the Manager.

Transportation & Streets Committee:

Chairman Robinson reported the cross-walk/line painting is being done, the street-sweeper has been out, and the catch basins are being cleaned. He commended the Department of Public Works crew for thier hard work.

Building and Property Committee:

The drawings and associated documentation for the Retaining Wall Project are near completion, after which we expect to be able to proceed with advertising, bidding, etc.

President Huber updated the Council Members who were not present at our recent meeting, whereby Council voted to accept the lowest amended responsive bid for the Roof Repair Project. The adjustment was necessary for the inclusion of a required construction bond.

Riverside Park Commission:

Mayor Ball reported that Omar Camacho has two individuals assisting him with his maintenance work in the Park. Also, Shakespeare in the Park will take place on June 27th.

Police Committee:

Mayor Norman Ball reported that Officer Keith Carpenter had recently received two letters of appreciation; and he commended him for a job well done.

Chief Hardy presented a summary of the Police Report for the month of May, 2015. Note: a copy of the report is on file in the Police Department.

Chairman Davis reported that, on May 29th, Council was served with a Demand for Arbitration by the Police Officers' Association (in re full-time police officer manning, as noted above).

Planning and Zoning:

President Huber recommended the appointment of Dominic Talarico, of Alton Drive, as an Alternate Member of the Borough Planning Commission.

On motion by Marshall Davis, seconded by Ruth Vincenti, move to appoint Dominic Talarico, as an Alternate Member of the Borough Planning Commission. Motion carried unanimously.

Council of Governments (COG): N/A

New Business:

Mayor Ball read a proclamation for Borough Citizen Jane George, 91 Putnam Street, who will turn 100 years of age on June 13th.

On motion by Wendy Sweppenheiser, seconded by Ruth Vincenti, move to approve a letter of support for Wyoming County's application for a Department of Conservation and Economic Development Greenways, Trails, Recreation & Parks grant. Motion carried unanimously.

Old Business:

President Huber reported that last month, it was stated that Wyoming County's contractor was scheduled to return to the FEMA Property Restoration site at 22 McCord Street, within the next two weeks. That did not occur. County Emergency Management Agency Director Gene Dziak informed him on Tuesday that a meeting of the Commissioners, himself, and the County Engineer took place. Results included: a continued hold on payment to the contractor; and assurances from the Engineer that actions to satisfy their requirements will be completed. Among these items are placement of additional fill, grading, and actions related to completion of an access easement between the Borough and Municipal Authority.

The required security fence along the sidewalk at 68 Bridge Street property has been installed. Until such time as the owner wishes to proceed with follow-on development of the property, the matter is considered closed.

Founders' Day, will be held on June 27. We will continue to work closely with the Downtown Business Association to help insure the continued success of this great community project.

The Planning Commission met on June 2nd to review the most recent Walnut Hill Development updates provided by their engineering firm. Additional comments and recommendations will be prepared for review and submission. Community project.

As previously noted, certain infrastructure changes for traffic patterns, signals, ect., at the intersection of the Bypass and Bridge Street are still incomplete. On May 29th, Mayor Ball, Manager Welch, and President Huber, along with Borough Engineer Ned Slocum, met with

PennDOT District Office representatives (Keith Williams, Jami Goetz, and Terry McHenry) and the (Wal-Mart) contractor Matt Koszuch (the latter via phone). Overall, discussions about the final procedures, equipment, timing, and configurations were cordial and, we believe, promising; however, certain finishing items will have to be approved by both PennDOT and the contractor. We hope to hear from them in the near future, so that we can move toward closing out this long lingering project.

Marshall Davis asked Council to review permit fees once again.

Council Privilege of the Floor:

President Huber thanked everyone for all the work and help on numerous recent issues.

On motion by Robert Robinson, seconded by Joseph Myers, move to adjourn the meeting at 7:58 p.m.. Motion carried unanimously.

Respectfully submitted,

Dawn Welch
Borough Manager