

TUNKHANNOCK BOROUGH COUNCIL
Mid-Month Meeting
October 21, 2015

Council President Stacy Huber called the Mid-Month Meeting of the Tunkhannock Borough Council to order in the Borough Building, 126 Warren Street, Tunkhannock, PA at 2:00 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, Robert Robinson, Wendy Sweppenheiser, Lisa Tesluk, and Ruth Vincenti; and Borough Manager Dawn Welch. Absent: Joseph Myers.

Others present: Police Chief Roger Hardy, Zoning Enforcement Officer Jere Woods, and Solicitor Paul Litwin.

Public Comment: No one from the public was present.

Zoning Issue, 21 West Tioga Street:

President Huber reported that, as stated at our October 1st meeting, the issue is in regard to a possible change to the Zoning Ordinance (ZO), i.e., to allow limited commercial use of certain areas (now designated as Residential) adjacent to the Downtown Commercial District. At that time, it was stated that the matter would be referred to the Borough Planning Commission (PC) for review, comment, and recommendation. The PC responded with a letter recommending against doing so. He noted that the issue has the potential for litigation and, for that reason, Solicitor Paul Litwin and Zoning Enforcement Officer Jere Woods were present to discuss the matter and to answer questions.

Solicitor Paul Litwin addressed the following areas within the ZO that Council might wish to review for possible changes: a) a secondary Residential District (R-2); b) parking requirements for the Downtown Commercial District (C-1); and c) considerations/criteria for “abandonment” of Non-Conforming Uses. A discussion ensued; however, no decision was reached.

Executive Session:

On motion by Robert Robinson, seconded by Marshall Davis, move to go into executive session for labor negotiations/possible litigation at 2:40 p.m. Motion carried unanimously.

On motion by Robert Robinson, seconded by Ruth Vincenti, move to go into regular session at 2:52 p.m. Motion carried unanimously.

Police Committee Chairman Marshall Davis reminded Council that the scheduled date for the arbitration hearing for the grievance filed by the Police Association concerning fulltime police officer staffing levels is October 30th. He provided a recap of recent efforts toward a possible resolution of the grievance and which might negate the need for the aforementioned hearing.

That is, in exchange for the Police Association's agreement to acknowledge the Borough's managerial authority over police staffing levels and to withdraw (with prejudice) the present grievance, Council would agree to establish a Deferred Retirement Option Plan (DROP), in accordance with applicable state law, rules, and regulations for eligible fulltime officers. He then discussed an implementing memorandum of understanding (MOU) that the Police Association had already approved. He then recommended that Council approve same. Note: A copy of the complete MOU is on file in the Borough Office.

On motion by Marshall Davis, seconded by Scott Douthett, move to authorize President Huber to sign the Memorandum of Understanding (MOU). Motion carried unanimously.

On motion by Marshall Davis, seconded by Ruth Vincenti, move to authorize the Borough's Special Counsel for labor to continue/postpone the pending arbitration hearing and to negotiate with the Police Association and its Counsel language to amend the present collective bargaining agreement implementing the conditions of the aforementioned MOU.

Police Department 2008 Chevrolet Trailblazer Sport Utility Vehicle (SUV):

On motion by Marshall Davis, seconded by Robert Robinson, move to offer Falls Township \$9,000.00 for their 2008 Chevrolet Trailblazer (police) SUV. Motion carried unanimously.

Pension Management Change:

President Huber reported that the Pension Committee (in conjunction with the uniformed and non-uniformed Borough employees and Council) has been looking into changing our Pension Advisors. The rules/guidance for doing so fall under Pennsylvania Act 44. A formal request for proposals was promulgated, to which there was only one applicant---The Pennsylvania State Association of Boroughs (PSAB). Subsequently, representatives of the Municipal Retirement Trust of PSAB met with the Committee to be formally interviewed and to answer any pertinent questions. The meeting went very well; and all questions were answered to the Committee's satisfaction. Based on that meeting, the Committee recommended that Council approve the change in management. It had been Borough's intention to present this at the November meeting; however, as there was only one applicant, Council was able to render that decision today. In accordance with the provisions of Act 44 and other governing directives, he requested a motion to: a) approve the change in management of both pension plans to the PSAB Group; and b) authorize the Committee to complete any remaining actions.

On motion by Scott Douthett, seconded by Marshall Davis, move to: a) approve the change in management of both pension plans to the PSAB Group; and b) authorize the Committee to complete any remaining actions. Motion carried unanimously.

Wendy Sweppenheiser departed due to other commitments.

Concil of Governments Joint Municipal Agreement:

On motion by Robert Robinson, seconded by Scott Douthett, move to authorize the

Solicitor to advertise the proposed agreement. Motion carried unanimously.

2016 Borough Newsletter:

The draft Newsletter will be distributed for comment by next week.

Drainage Easement: 22 McCord Street:

On motion by Scott Douthett, seconded by Lisa Tesluk, move to approve the drainage easement (between the Borough and the Municipal Authority) for 22 McCord Street. Motion carried unanimously.

General Liability/Workers' Compensation Insurance:

Manager Welch reported that Kilmer Insurance Group had just provided our 2015-2016 rates. The overall increase was only \$903.00, with the increase due mainly to an increase in the Workers' Compensation Policy.

2016 Budget:

Finance Committee Chairmant Scott Douthett reported that the proposed 2016 Budget had been completed without an increase of millage.

On motion by Robert Robinson, seconded by Ruth Vincenti, move to approve a four percent increase for the non-uniformed employees. By a vote of five to one (5 to 1), with Marshall Davis opposing, the motion carried.

On motion by Marshall Davis, seconded by Scott Douthett, move to advertise the 2016 Budget and 2016 Tax Levy Ordinance for adoption at the December 3, 2015 meeting. The motion carried unanimously.

Council Privilege of the Floor:

Council thanked Marshall Davis for all his work on police-related matters.

At 3:35 p.m., on motion by Robert Robinson, seconded by Marshall Davis, move to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

Dawn Welch,
Borough Manager

