

**WEST MIDDLESEX BOROUGH
RECESSED COUNCIL MEETING
JUNE 16, 2020
6:00 p.m.**

Call to Order

Pledge of Allegiance

Council Present: President Cyndi Gilkey, Vice-President Eric Lucich, Robert Lark, Ron Preston, Maleia James and Mayor Debra Larouche.

Others Present: Solicitor Robert Tesone on conference call, Richard White, Adam Garrett, Herald Reporter Mike Rognick and Ray Lucich.

Public to be Heard:

Ms. Gilkey addressed the fireworks display performed by Mr. White in the borough and asked for council's thoughts regarding different times. Mr. White said if they could not be done on the 4th of July, possibly the 22nd of August. Ms. Gilkey mentioned since everyone else has cancelled, the worry may be having all of Shenango Valley in West Middlesex. Mr. White said possibly groups of 100 could be spread out a little bit.

Adam Garrett addressed the fire department regarding internet lines for 911 purposes in receiving reports and faxes. Mr. Garrett said the fire department had a meeting and council sent members to that meeting and he said in response to Ms. James question at the meeting, they had sent council a letter regarding meeting with Neshannock Fire Chief for the merger steering committee. Ms. Gilkey said council will discuss who would be able to attend. Mr. Preston spoke to Adam Garrett saying his understanding was that Mr. Lark and Ms. James were asked to leave their meeting and asked if that was true. Mr. Garrett acknowledged. Mr. Preston told Mr. Garrett they were spending taxpayer's dollars, that Mr. Lark and Ms. James were representing borough council and were told to leave the building. Mr. Garrett said all of those accounts are held by taxpayer's monies but the fire department account monies are separate and they do not spend their money. Mr. Preston asked if Mr. Garrett was saying the fire department is allowed to hold a private meeting. Mr. Garrett said yes, a private organization as by legal counsel. Mr. Garrett explained the differences between borough council and fire department organization. Mr. Preston and Mr. Garrett discussed further.

Police Department Contract Negotiations: Mr. Preston said he had one meeting with Mr. Hubert, Mr. Weiser and Chief Newton. Mr. Preston said the proposal they gave was not anywhere near acceptable, they admitted to that and has his counter proposal which he included in council's packets. Ms. Gilkey said she felt Shenango was negotiating in bad faith with a high percentage and said why would you waste everybody's time in starting so high. Mr. Preston said he chose three and a half percent since that is the usual national increase cost of living. Mr. Preston said he drew up a previous proposal with three percent, three and a half percent and four percent. Ms. Gilkey asked if council had any thoughts. Ms. James said she is questioning those numbers since every year the percentages are compounding. Ms. James said she thinks it is necessary to contact other police department's for proposals and sending them letters and she thinks it is owed to the taxpayers. Mr. Lucich recommended sending those letters to the local government authorities, Ms. Gilkey and Ms. James agreed. Ms. Gilkey stated if Shenango's

bottom line causes them to increase taxes she wants to say they asked other departments and looked elsewhere, even if not another single one responds. Ms. James agreed they need to try. Ms. Gilkey states as Mr. Preston had said that the State Police are another option too. Ms. James made a motion to send said correspondence, seconded by Mr. Lucich with all in favor and Mr. Preston opposing. Council discussed further. Mr. Preston said another negotiation meeting is set with Shenango for next week and Mayor Larouche agreed to also attend along with Mr. Lucich and Mr. Preston.

West Middlesex Fire Department: Mr. Lark stated at the meeting last week in regards to Chief Hoover giving council information, information from Councilman Lucich, comments from Mr. Preston, comments from Senior Fireman Raymond Lucich and said he was shocked when the statement was made "I must admit that the fire department is broken" from Ray Lucich. Council spoke further and in regards to the fire department meeting and what had transpired. Mr. Lark said the fire department were stating the words "bad people" referring to some individuals. Mr. Lark said they had wanted to hear Chief Hoover's report and Mr. Garrett said absolutely not. Mr. Lark said Chief Hoover was sitting there and he objected and said he wanted them to hear the report and that he was at the council meeting the previous night and invited them to come and wanted them to hear the report so they could have some interaction and discussions. Mr. Lark stated Ray Lucich who was also at the council meeting the previous evening and suggested the council meeting with them said nothing. Mr. Lark said that Mr. Garrett said then you two can leave, so we left. Mr. Lark stated based on that they have members of the borough government's twofold responsibility, to provide services to the borough, like police, fire, sewer and water, both contracted and serviced. Mr. Lark said, also a judiciary responsibility in response to borough monies and that they are being properly spent, not referring that it isn't, but that by spending that money we have fire protection. Mr. Lark said based on what Chief Hoover told council and the possibility of what he referred to the fire department, which we will never know because we were ejected from the meeting, and based on the comments, he said, then I think we have to make some decisions. Mr. Lark said he prepared some papers in regard to that for council's consideration along with a letter to an individual asking him to consider Fire Protection Services asking him to submit a proposal for the possible created position as Administrator of the Fire Department with his response which will be advised by a majority vote from council. Mr. Lark read motions: First Motion – A motion to establish the position of Administrator of Fire Protection Services. Second Motion – A motion to hire an individual as Administrator of Fire Protection Services. Third Motion – Direct the Administrator of Fire Protection Services to do an assessment of the operations of the fire department. This report should be presented and reviewed at the work session of the borough government on the next meeting of July 15, 2020. Fourth Motion – The Administrator of Fire Protection Services will prepare recommendations for the improved operations of the fire department at the regular council meeting on Tuesday, July 21, 2020. Fifth Motion – At a future borough government meeting long before we consider the budget for 2021 which will be September, October and November, motions will be made in regard to the functioning and the funding of the future operations, not of the fire department, but of fire protection services. Mr. Lark further read: The Administrator of Fire Protection Services will supervisor the control, suppression and the extinguishing of fires, vehicle crashes and rescues. The Administrator will be paid a salary of one thousand (\$1,000.00) dollars from the date of hire through Thursday, December 31, 2020. The Administrator will be paid a salary of two thousand (\$2,000.00) dollars from Friday, January 1, 2021 through Friday, December 31, 2021. The Administrator will be an employee of the borough government, supervisor of all fire protection services and report only to the borough government. The duties and/or responsibilities of the Administrator of Fire Protection Services: Oversee and or supervise any activity ordered by the borough government. Prepare an annual operating budget for consideration by the borough. Develop a long-range capital budget for consideration by the borough. Act as a liaison between members of the fire department and the borough government. With the Fire Chief as an

assistant, he will supervise the control, suppression and extinguishing of fires and issues related to vehicle crashes and rescues. With the Fire Chief as an assistant, he will establish Run Cards for the best response to emergency and non-emergency calls. With the Fire Chief as an assistant, he will assist with the training, supervision, direction and control of the members of the fire department while said fire department is involved in any activities or fire protection related services. With the Fire Chief as an assistant, he will maintain membership in the fire department and he will seek recruitment of additional and new members of the fire department. With assistance from the Fire Chief, he will develop and maintain ongoing in-service training activities and drills for the membership of the fire department. The borough government will do an assessment of the position of Administrator of Fire Protection Services and the individual who holds said position in the Fall of 2021 to make a determination on the status of the position and the individual who holds the position after Friday, December 31, 2021. Mr. Lark said he would like input from council and also our Solicitor to review. Mr. Lark made the motion to create the position of the Administrator of Fire Protection Services in the Borough of West Middlesex. Eric Lucich said before they do that there was a letter given to them regarding a meeting with John Sokola. Mr. Lark, Mr. Preston and Mayor Larouche said they did not get that letter. Mr. Lucich questioned if anyone knew that we were in negotiations with their fire department, which would in turn be a lot better than creating an Administrator of Fire Protection Services. Mr. Preston questioned who was we. Mr. Lucich said the people of the Borough of West Middlesex and Shenango Township and the local communities if the two fire departments merged. Mr. Lucich said that was what the three gentlemen in the audience have been doing for a year as well as Shenango Township has been doing as well. Mayor Larouche said she did not get a letter and asked Solicitor Tesone if he received a letter, he said no. Mr. Lucich said either way, he has a copy of that letter and he said it seems they would be better off to merge at this standpoint. Mr. Lark discussed further regarding past meetings, regarding merging discussions and that they were terminated. Mr. Lark commented that this position is for the Administrator of Fire Protection Services so that there would be one responsible individual just as there is with the police department, and if we have questions, comments, complaints, that is what this person would do. Mr. Lark said he was sure if the Administrator of Fire Protection Services were attending a fire department meeting, he would not be ejected from the meeting. Council discussed further. Mr. Preston made a second for Mr. Lark's motion. Ms. Gilkey said she wasn't sure if a motion can be made after a discussion. Ms. Gilkey questioned if they were to pay someone would this become a union position, Mr. Lark said no it was not, it's a Supervisor. Mr. Lark said if it doesn't work, they will stop funding it and eliminate it. Mr. Lucich said they need to get more understanding regarding the merger in order to do this or not. Ms. James said it's been a long time since the merger process has begun and we cannot keep waiting and waiting, we have to make sure our people are protected and in order to do that we have to do this. Mr. Lucich said being a member of the fire department he knows they have fire protection but also what deadlines they have for meetings. Ms. James questioned would they have the merger by the next council meeting. Mr. Lucich said they could have the merger by the next meeting but not sure if the paperwork can be done that fast, but he thought they should hear about it before making any decisions. Mayor Larouche said she was going to give her opinion, she said there should be a ninety (90) day probationary period and she said while he is under their employment, they entertain the meeting with John and she feels they need to put Justin Barnes in control effective immediately. Council discussed further. Mr. Lark stated they have the responsibility to the residents and the businesses of West Middlesex to know what is the status of the fire protection. Council discussed further. Ms. James said, there was a motion on the floor and a second, can we stop talking and move forward. Ms. Gilkey said there is a motion to establish a position of Administrator of Fire Protection Services. Roll Call: Ms. James – yes, Mr. Preston – yes, Ms. Gilkey – yes, Mr. Lark – yes, Mr. Lucich – yes. Mr. Lark made a second motion, the motion to hire an Administrator of Fire Protection Services and he nominates Justin Barnes for that position, seconded by Mr. Preston. Solicitor Tesone stated you can have a contract where either parties and can terminate

immediately, you don't have to have a ninety (90) day probationary period. Solicitor Tesone said secondly, he heard someone mention that Mr. Barnes to be a consultant and his concern is that he has a self-interest for Shenango to take over and if he is to be a consultant he should be an impartial consultant, not one that has a bias to eliminate the department and take over. Ms. James said they can add the words impartial to that request. Ms. Gilkey said she feels some type of document should be drawn up before he is hired. Mr. Preston said we can hire and then set the rules. Council discussed further. Ms. Gilkey said the motion right now is to hire an individual and for Justin Barnes as Administrator for Fire Protection Services and it was seconded by Mr. Preston. Roll Call: Mr. Preston – yes, Ms. James – yes, Ms. Gilkey – no, Mr. Lark – yes and Mr. Lucich – no. Mr. Lark stated motion number three, under the new Administrator of Fire Protection Services we direct Justin Barnes to do an assessment of the operations of the fire department, this report should be presented at the work session of the borough government Wednesday, July 15, 2020 meeting and to begin the assessment now of some standing of what the issues are. Ms. Gilkey asked if everyone was in favor, they all agreed, no one opposed. Ms. Gilkey asked if anyone had any objections to not doing a roll call vote, answer was no. Mr. Lark said what they are looking at down the road would be a fourth motion, which would be after he makes the assessment and review the assessment, with dialogue and discussion with him, then he can make recommendations whether council accepts them and modifies them. Mr. Lark said and the fifth motion as the borough government moves forward with this position of Fire Services Protection Administrator it will then come into place regarding the budget in the fall in regards to funding. Council discussed further. Mr. Preston made a motion to enter into an Intergovernmental Agreement with Shenango Township to provide fire services to the Borough of West Middlesex. Eric Lucich said there is no reason to go forward with that right now. Ms. Gilkey asked if there was a second to that motion. Motion died for lack of responses. Ms. Gilkey then read the resignation of Richard Garrett's position of the West Middlesex Fire Department as of June 16, 2020. Mr. Lark made a motion to accept Mr. Garrett's resignation, Mr. Lark seconded. Discussions ensued. All were in favor of Mr. Garrett's resignation with Ms. Gilkey opposing. Ms. Gilkey asked if council was in favor to setting up a time to meet with Mr. Sokola and will have to advertise. Mr. Lark stated it is not a meeting as functioning as a council, but a meeting giving advice. Ms. Gilkey asked Solicitor Tesone if they were to set up a meeting with the steering committee for a merger and council were in attendance would they have to advertise. Solicitor Tesone said, it depends on what kind of a meeting it is, if it's just for information sort of like a seminar then no, but if it's going to be used to make a decision then yes. Ms. Gilkey said no decisions will be made and it will be strictly for the purpose of information for us. Solicitor Tesone said, council can ask questions but if it's the purpose to deliberate and make decisions then it should be the full public which is a fine line with no distinction so be careful. Ms. Gilkey said that is her concern. Solicitor Tesone said if there is no deliberation or discussion on which way the borough will go then that is fine. Ms. Gilkey suggested to err on the side of caution and advertise. Solicitor Tesone said if you wanted to err on the side of caution then advertise it. Council will contact one another regarding scheduling said meeting.

Ray Lucich asked if he could give his interpretation of the meeting, Ms. Gilkey approved. He said he was the one to initiate the meeting with borough council at the last council meeting. He said the fire department meeting started at 6:30 p.m. and in the middle of the meeting Ms. James asked if there was anything that the borough could do to help and he felt grateful for that and appreciated her comments. Ray Lucich stated part of the fire department trucks belong to the fire department and part to the borough. He questioned if the borough has the money to buy the fire department out. He said he is not asking for an answer, only questions to think about. Ray Lucich said they have just ruined the fire department tonight and will not have anybody coming to calls. Ray Lucich said he did not say the fire department was broken, and admitted they have some problems as do every fire department. Ray

Lucich said to remember they are an organization as well with by-laws. Ray Lucich said there is no by-law for that position which would be an issue. Ray Lucich said if Eric Lucich acting as liaison is not bringing them information or you are not asking him, that is an issue. Discussions continued. Ms. Gilkey stated that she hopes meeting with Mr. Sokola will help to amicably discuss some of these issues. Mr. Preston stated the fire department is a social organization and when you get one person to show up on a fire call it is the same person every time, it is the fire chief. Mr. Preston stated it is one man on one fire truck and it is Don Hoover and three Shenango fire trucks. Mr. Preston stated this town has little or no fire protection. Ray Lucich said there may be one call like that but that he disputes that and said that if they look over the fire reports, he has made more calls than Don Hoover. Ray Lucich explained a fire call, he said a fire call is a structure fire, an accident in traffic, that type of thing. He said a service call is like having a tree limb down. Ray Lucich explained in the daytime everybody is working, every fire department, fifteen years ago in the State of Pennsylvania there were over 300,000 volunteer fire departments with between 30,000 and 50,000 volunteers. Mr. Lucich went on to say that every fire department in Mercer County has a problem with volunteers willing to come during the working hours, it is a problem, he said. He said it is not your problem, it is the State's problem. He said the reason for that is all of the hoops they have to jump through to become a firefighter, all of the training that has to happen. Mr. Lucich said he does not think council has a real concept of what they have to do, to volunteer for nothing, zero we get out of this, he said and then we come to this meeting and we get this. Ray Lucich said, I have dedicated my life to this fire department, so when you hear me argue against something like this where you guys have no clue what is going on, I have this in my heart for this fire department and I will stand up until the last second, but you have put a nail in the coffin tonight. Ms. Gilkey thanked him for his comments.

Braho property: Solicitor Tesone stated he has the Affidavit for Jeff Richardson to sign and questioned if anyone knew how long Jeff has been the Zoning Officer for West Middlesex. Ms. Gilkey said at least ten years since she has been here but probably longer. Solicitor Tesone said he is going to file a petition to reduce it to a judgement regarding the Affidavit. Solicitor Tesone said he looked over the filings previously with Mary, when he received the \$2,000.00 judgement and the problem with that is that he keeps talking about the house rather than the junk. Solicitor Tesone said Jeff sometimes mixes up the UCC with the Personal Property Maintenance Code and he said Jeff keeps referring to the 2009 Maintenance Code and we adopted the 2006. Solicitor Tesone said so now he is thinking they will have to give him a new notice to clean up the trash and give him notice if he wants to appeal instead of going to criminal court. He said, let's keep it civil and if he doesn't do it then we are going to abate it and give him a chance to appeal it to the tri-county appeals board. Solicitor Tesone said the mortgage covers the real property and not the personal property. Solicitor Tesone explained court procedures. Council discussed further along with zoning property issues which included Ninth Alley, a roll off by Seredays, Wesex property and the gas station. Eric Lucich asked if anyone spoke with the Dubrasky's regarding their property on Route 18. Mayor Larouche said she had reached out to Cathy but had heard nothing back from her and doesn't know how well received she will be. Mayor Larouche said she will also try to speak out to Ollie Kelsey. Mayor Larouche said she and Ms. James told the man from Wesex know that he can bring his garbage to them, was given the opportunity, but he did not, although he seemed very kind and appreciative. Mayor Larouche stated she would like to extend the same to the Dubrasky's and to all before they implement anything further. She said she will speak with all those that have issues. Council discussed further.

Airgood Letter: Ms. Gilkey read the letter to be sent to the Airgoods basically telling them to mow at their own risk and that the Borough will not be responsible for any liabilities.

Street Department Truck Purchase: Mr. Lark said that he and Mr. Preston met with Mr. Chester Bealles at McCandless in Mercer and that they were purchasing the truck and was given a list of things that they need to do which are typically the insurance card, tax exempt and so forth. Mr. Lark said Mr. Bealles shared with them information on salt spreaders and snow plows regarding another company, but that decision can also be made at another time. Mr. Lark said in the meantime Mr. Bealles was to contact a company in Pittsburgh for researching said items, if they have items in stock, then we can take the truck now and then return it for completion and said but there are issues to work out. Ms. Gilkey said it would be nice to wrap it all up with our financing, Mr. Lark agreed that was their goal. Ms. Gilkey said Solicitor Tesone spoke with Mr. Asente at FNB and requested terms of the loan, to prepare the Resolution and would do so and asked if the Borough had a sales agreement with McCandless. Mr. Lark said they have an unofficial agreement in that the truck has been tagged but not an official sales agreement was drawn up as yet. Solicitor Tesone stated he spoke with Mr. Asente and he wants to see a sales agreement. Mr. Lark said he would get one. Solicitor Tesone explained the sales agreement protocol. Mr. Lark also spoke of the existing truck that is in bad shape saying however we might be able to make a deal with someone who performs snow plowing and salt spreading that actually does not go out on the highway, so therefore they wouldn't have to worry about an inspection. Solicitor Tesone advised a motion to obtain a sales agreement for the truck. Mr. Lark made said motion, seconded by Mr. Preston with all in favor.

Technology: Ms. Gilkey explained that all of the internet in the borough office is hardwired, there is no Wi-Fi system. Ms. Gilkey spoke with Mrs. DeSantis who will contact Time Warner Cable to install Wi-Fi. Solicitor Tesone suggested putting a telephone jack in the municipal hall for a speaker phone. Ms. Gilkey said Wi-Fi would be efficient for Zoom Meeting participation also.

Ms. James discussed PennDOT issues whom she contacted. She said they do not like the idea of taking down the trees and she will contact them again. Ms. James said regarding the speed warning signs, PennDOT said that was up to our local police department. Ms. Gilkey said Hermitage supplies their own signs. Ms. James said they may rent them. Council further discussed. Ms. James discussed the storm drains and is still pursuing that issue. Mr. Lark gave a street paving update and passed out paperwork with explanations on his re-writing of the street project specifications. Council discussed further.

Ms. Gilkey made a motion to Adjourn at 7:53 p.m. with all in favor.