

Steelton Borough Council
Monday, September 21, 2015

Present:

Jeffrey L. Wright, President
Maria Romano Marcinko, Vice President
Michael Albert, Pro Tem
Mary Jo Szada (entered at 6:35 p.m.)
Stephen J. Shaver
Denae House
Brian Proctor

Mayor Thomas Acri
David Wion, Solicitor
Anthony Minium, Officer in Charge, Steelton PD
Eugene Vance, Assistant Fire Chief
Rose Paul, Assistant Secretary/Treasurer

CALL MEETING TO ORDER:

The regular monthly meeting of the Steelton Borough Council was brought to order by Council President Jeffery Wright at 6:30 p.m., followed by the Pledge of Allegiance and Moment of Silence led by Mayor Thomas Acri.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS: None

APPROVAL OF MINUTES OF PREVIOUS MEETINGS AS PRESENTED:

A motion was made by Councilman Proctor, seconded by Councilman Albert to accept the minutes of the June 1, 2015; June 15, 2015; September 8, 2015; and September 14, 2015 (Special Meeting) meetings as presented. Motion carried unanimously.

APPROVAL OF DEPARTMENT REPORTS:

Council President Wright stated at this time he was going to read the Department reports and if any Chairperson or Department Head would like to address any issues they can do so.

NEDC - Councilman Proctor gave a report on the 2012 CDBG grant funds. Councilman Proctor stated that we were informed by a former employee and Mr. Musser and Mr. Conner, Dauphin County Community and Economic Development at a previous meeting that all of the projects concerning the field house and the bollard replacement were ready to go out for bid. Councilman Proctor stated unfortunately, that was not the case. Councilman Proctor stated that we do not have enough time to tear down the field house in the time required due to some testing requirements. The soonest that we could have bids in is October 9, 2015 and we have to have the money spent by October 31, 2015. Councilman Proctor is proposing that we put the money in the 2016 budget to tear down the field house and replace it and apply for a gaming grant for reimbursement. Councilman Proctor also proposed that we get HRG to get the bids for the bollard project out immediately.

Mr. Wion asked if we were going to allocate any of the money that had been allocated to the midget ball field house project which cannot be completed and ask the County to allocate the money to the bollard project if they can. Councilman Proctor stated that all funds will go to the bollard projects. Councilman Proctor stated that we will need to do a new agreement which will not be a problem according to Mr. Connor. Mr. Wion pointed out that this topic was listed under New Business on the agenda and it appeared that Councilman Proctor was handling that business at this time as part of the NEDC report.

Councilwoman House proposed that some of the funds be allocated to the Youth Program - Steelton Youth in Action. Councilman Proctor stated that is not what the project is for. The project is to take down a building which is a blighted property and since that property is actually on Borough owned ground, CDBG funds can be used to tear down that building. Councilwoman House asked where were the CDBG funds originally allocated for. Councilman Proctor stated that \$18,000 was for the midget field house and approximately \$40,000 for the bollard project. Mr. Wion stated that the amount for beautification, which is the bollard project, was \$39,942 and it appeared from the engineers that it would be a little more than that anyhow so we will need some of the \$18,000 that was initially scheduled for the midget field house teardown reallocated and that is included in the motion as he understood it.

Mr. Wion reported that there were additional problems discovered fairly recently regarding the field house in that it contains asbestos which requires a specific asbestos firm to be brought in to designate what is really involved with the asbestos and testing of it before the Borough can even go out to bid, which again complicated the time situation.

A motion was made by Councilman Proctor, seconded by Councilman Albert to reallocate the \$18,000 of 2012, CDBG money to the beautification project. Motion carried unanimously.

PUBLIC WORKS - Councilwoman Marcinko stated that several calls were received regarding the spring on Harrisburg Street. Residents were worried that it could be a water main break or a leak of some type. Councilwoman Marcinko stated that the engineers and public works staff have done the required processes to determine the problem. Borough employees listened on all main valves and service lines and heard no breaks. Test holes were drilled where the water is surfacing and they also put out zone scans in the area overnight. No leaks or breaks were detected. Public Works will try to put dye in the sewer laterals to see if that could be the cause and will test the water for chlorine. If there is chlorine found in that water then there is a leak and if there is no chlorine then it is a natural spring and it will be dealt with during the Harrisburg Street project.

A motion was made by Councilman Albert, Seconded by Councilman Proctor to accept the department heads reports. Motion carried unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

- 1) Natasha Woods
181 South Front Street
Steelton, PA 17113

Ms. Woods stated that a previous meeting she asked if the CDBG money was taken care of and was told the Borough received an extension on that money. Councilman Proctor stated that the extension was until October 31, 2015. Ms. Woods stated she thought it was until the end of the

year. Councilman Proctor shared that since the money is so old they County could not extend it beyond October 31, 2015.

Ms. Woods wanted to offer her opinion for the record in appointing the new Borough Manager. She feels that the process that the Council has taken to hire him was wrong. She felt that the position should be open. She stated that if we named him interim in the process she would be agreeable to that and let him apply. She feels that the way he was hired should be looked at and taken into consideration.

2) Emmual Powell
321 Lebanon Street
Steelton, PA 17113

Mr. Powell asked if the minutes that were just approved by Council if they would be posted for the public. Councilwoman Marcinko stated that as soon as the meeting concludes they will be posted on the website tonight. Mr. Powell stated he has no computer access. Councilwoman Marcinko stated he could go to the Borough Office and they would give him a copy.

3) Markis Millberry
stays at 349 Spruce Street
Steelton, PA 17113

Mr. Millberry asked who did the minutes that were just approved. Councilwoman Marcinko stated that it was announced at several meetings before that Councilwoman House and she volunteered to do the minutes. She also stated that from August 3, 2015 up until September 14, 2015, she has transcribed those minutes. Mr. Millberry asked Councilwoman Marcinko if she planned on doing the rest of the minutes and she responded, no. Councilwoman Marcinko said that as soon as the new Borough Manager comes on board he will decide on how the prospective minutes will be taken care of. Councilwoman Marcinko said that she and Councilwoman House will continue to do the backlog.

PRESENTATIONS:

Markis Millberry, 349 Spruce Street, Steelton, PA 17113, Apartment A

Mr. Millberry stated that back in April of 2014 a resident put in a Right to Know for Mike Musser's contract and when they received the information from Mike Musser's contract, it was a contract from 2008 and also 2009. He stated he was not sure if there were any updated contracts but the contract that "we" received were six years old. On top of that, back in 2011, Mike Musser got paid \$27,978.44 and in 2012 he got paid \$25,511.00 and the following year his pay increased to \$48,136.50. Mr. Millberry stated he was wondering if, was there any approval through Council as far as the 2012 and 2013 years, because his pay comes from \$25,000 to \$48,000.

Council President Wright stated we have the records. Councilwoman Marcinko asked Mr. Millberry if he was provided a copy of that contract. Mr. Millberry stated yes. She then asked him if he had a copy in front of him, and Mr. Millberry stated yes. She asked that Mr. Millberry to refer to the contract together with her. Mr. Millberry stated that the 2008 contract only states \$24,000. Councilwoman Marcinko asked Mr. Millberry to read along with her and refer to the terms of the Agreement. Mr. Millberry asked if he should look at 2008 or 2009. Councilwoman

Marcinko stated that the contract is renewable automatically every year. The Council in February of 2009 made an addendum to the contract that states it will be renewable every year until such time Council cancels it. Councilwoman Marcinko stated that the \$25,000 that Mr. Millberry referred to is for a six month period of time but the contract specifically states \$4,000 a month. Councilwoman Marcinko asked if the contract that he has in front of him was signed. Mr. Millberry said it was signed by Mike Musser and Jeff Wright. She then asked if that was the contract or the addendum. Mr. Millberry said it was signed in 2009. Councilwoman Marcinko said that the original contract was signed in 2008 by Michael J. Kovach, who was the President of Council, and it was witnessed by the Assistant Secretary Kathleen Handley, and Mr. Musser himself. Councilwoman Marcinko stated that the Independent Consultant agreement had several addendum to it for many years. She stated that one of the addendum was dated December 7, 2009 and states whereas by the agreement dated April 7, 2008, the Borough of Steelton and Consultant entered in an Independent Contractor Consultant agreement and the addenda dated February 17, 2009, and July 20, 2009 the aforesaid agreement was modified and extended and whereas the parties decided to amend the agreement of April 7, 2008 addenda of February 17, 2009, July 20, 2009 in order to extend the same. The agreement states compensation sub-paragraph of the addenda of February 17, 2009 and July 20, 2009, are amended in all other respects the agreement of April 7, 2008 and the addendum of February 17, 2009 shall remain in full force and effect between the parties in all aspects the agreement of April 7, 2008 and the addendum of February 17, 2009, shall remain in full effect of the parties. Councilwoman Marcinko stated that it was her understanding and asked for clarification from Mr. Wion, that this contract goes until such time that Council says it is cancelled it will continue.

Mr. Wion stated that either party can cancel within 90 days and what had happened was that there was an original term and then there was a short half year term to which Mr. Millberry has referred and then to get it off that cycle of 6 months there was another one that took the agreement to the end of that year and the final one simply said this will be a term just like it was in the beginning from April 7 to April 7 of each year and it will renew automatically unless notice is given in 90 days and the compensation as Councilwoman Marcinko had indicated that is in the agreement is the compensation that is paid. Mr. Millberry asked if we are paying him out of the water funds. Councilwoman Marcinko stated that the Borough has three revenue sources: general, water, and sewer and most of our employees are paid out of all three funds. Councilwoman Marcinko said Mr. Musser was not an employee but an independent contractor. Mr. Millberry stated that the paper he has indicates that Mr. Musser that was only paid out of the water fund. Councilwoman Marcinko asked that Mr. Millberry refer her to the correct page. Mr. Millberry asked Councilwoman Marcinko to refer to Page 6 of the water authority revenues. Councilwoman Marcinko stated that he is only referring to one portion of the budget. Councilwoman Marcinko explained that there are three revenue sources and that we might see expenses for one thing across all three sources. She explained that you would also see this in the budget in all three resources, water, sewer and general fund.

Councilman Shaver stated that the document that Mr. Millberry was referring to, which Mr. Millberry admitted he got through the Right to Know process is a budget worksheet and it is from the 2014 budget year. Councilman Shaver stated that it looks like the compensation was coming-out of the water fund. Councilwoman Marcinko invited Mr. Millberry to attend the Budget meetings to learn the process. Mr. Millberry's concern with Mr. Musser is that he has been employed by the Borough since 1992 as the Secretary as well as the Executive Director for the New Steelton project that was a complete failure. He said taxpayers are paying him a lot of money and when we ask questions as far as what Mike Musser does, we can't get an answer back from Council. Another concern that Mr. Milberry has is 2013 he funded 4 candidates cam-

paigns in Steelton. Councilwoman Marcinko stated that as far as what Mr. Musser does the engagement of consultant services is outlined in the agreement under Number 2, it outlines what he is required to do as a consultant and as far as front street being a failure that project is not a failure because the Borough is moving forward it just takes time. The Borough needed grant money and it stopped in 2008. The Borough had to do a Brownfield study just like they have to do an asbestos study or reclamation work for the baseball field, we could not do development on Front Street until that was done. Councilwoman Marcinko stated that Mr. Musser was at council meeting on September 8, 2015 and announced that there is a developer that is interested in the project. Councilwoman stated that we have grant money to do the cleanup and demolition. Councilwoman Marcinko stated that as far as Mr. Musser funding a political campaign, there are political action committees all across the state. She stated that Mr. Musser has many political action committees and they fund many candidates throughout Dauphin County from both parties and we as candidates pay for our own signs, buttons, and whatever but we don't have the resources to do mailers. Councilwoman Marcinko said we don't have lists and she said she certainly didn't have the time to put addresses on flyers or cards and we have the right to have him send that out and it is not a conflict. Mr. Millberry stated it should be conflict because we as taxpayers pay Mike Musser and then Mike Musser is funding your campaigns. Mr. Millberry stated that there are a lot of people who disagree with Mr. Musser and that he should not continue to have a grip of Steelton and the article back in 2006 regarding the New Steelton Project, the Mayor said that Mike Musser was the top dog in Steelton. Mr. Millberry stated that we all know that he funded all four of your campaigns since you all are on the Personnel Committee and you do the hiring. There is a conflict of interest in that Mr. Millberry stated. Councilwoman Marcinko stated that that is Mr. Millberry's opinion and she was not going to argue with him. She stated that he did not put money into our campaign. Councilwoman Marcinko said Mr. Musser mailed out our flyers. She further stated there is nothing illegal about that.

Mr. Millberry's other concern is with the streets; 4th Street and Walnut Street are tough streets to drive on and he was wondering if there was any type of grants or loose money where public works can repave both of those streets. Councilwoman Marcinko stated that when we prepare the budget in October if there is any money for paving, the Borough will pave the most needed streets first and it may not be 4th street and could be somewhere else.

Mr. Millberry questioned whether or not we have a list of things that Mr. Musser has done over the years as far as what type of grants he brought to the Borough. Councilwoman Marcinko stated that she could tell him what Mr. Musser did in the last six months. Councilwoman Marcinko stated that Mr. Musser accomplished the following tasks: CDBG- grant for disaster relief funds and assisted the Borough in obtaining \$2,533,000 over the last year. The funds are used for the following projects which assist the general fund, sewer and water fund. \$658,000 for sanitary sewer inspections, which is a sewer fund related project. \$745,000 for storm sewer cleaning, which is a general fund related project. \$575,000 for sewer grinder inspection project which is a sewer fund related project. \$555,000 for a standby generator at the water treatment plant which is a water project. Mr. Musser obtained \$180,000 and assisted Hull and Associates, and the Steelton Economic Development Corporation so that the funds were not lost and Hull and Associates can gain access to the property. Mr. Musser has been working with Councilman Proctor to insure that the \$59,000 in the 2012 CDBG funds are spent by October 31, 2015, and the fund won't be lost. Councilwoman Marcinko further stated that Mr. Musser is working with staff in developing the sewer and water budgets for 2016. Mr. Musser developed the information for the public for the Pine Street project, which was delayed. Mr. Musser helped the water department to develop and worked to achieve the goals in the consent order and release

with DEP and kept the fine as low as possible. Councilwoman Marcinko stated that she had a copy of the consent order and release that we completed all that was required of us. She further stated there were copies for everyone. Councilwoman Marcinko stated that he brought to the attention of Council issues that vendors were having with getting paid and he helped to get most of this cleared up. Mr. Musser is working with Water Authority Member Michael Segina on the Right to Know process for the water authority and how we are going to present that on the website. Mr. Musser worked to bring two possible developers to the table to take a hard look at developing the township project on Adams Street. Mr. Musser is working with Mr. Proctor, Chair of the NEDC Committee on that project. Mr. Musser worked with interested developers on the possible downtown development, the 8 acre site. Mr. Musser completed and submitted the CDBG applications this year for 2016 funds. Mr. Musser assisted our labor attorney with gathering data for our police negotiations. Mr. Musser has been discussing with further staff transition possibilities. Mr. Musser has provided input from the two previous public works directors for a long term solution to the turbidity problem at the water filtration plant. Councilwoman Marcinko said the problem has been found and now he will work on getting funding for the best possible solution. She further stated that Mr. Musser has worked with Mr. Proctor to try to get the improvements on the midget baseball field by placing it in the budget and looking for some grant funding options to get the costs cut. Mr. Musser works with the engineers on a daily basis for any potential projects. The last substantial project was the 9 million dollar East End Sewer Separation project which is required by the Federal EPA with no funding available. Mr. Musser negotiated the low cost loan for this project. Mr. Musser is currently working with Tetratex to get Steelton in the CRS program to cut down on the flood insurance premiums for the Borough. Councilwoman Marcinko said you may not see this in the news but the flood plains needed to be identified. Councilwoman Marcinko said that these are just some of things he has done in the last year. Councilwoman Marcinko said she cannot go back and see what he did in prior years but if you match some of the projects to his contract he is obviously doing what is required in his contract.

Councilwoman House stated she wanted to see the part about the flood because that his one committee she is on and she did not know anything about a meeting. Councilwoman Marcinko stated that she did not say anything about a meeting. She was just announcing some of the things Mr. Musser has accomplished.

President Wright said that the Borough and the taxpayers pay Mr. Musser \$48,000. Mr. Musser has accumulated 2.5 million, \$180,000, \$59,000 and he is currently working on a 9 million dollar project to help assist the taxpayers. Mr. Millberry asked if there was contact information for Mike Musser. Councilwoman Marcinko said that Mr. Musser's company is Community Network Resources. She told Mr. Millberry he can look it up on the internet.

COMMUNICATIONS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Certification of Police and Non-Uniform Pension MMO's for 2016:

Mr. Wion stated that the Municipal Pension Plan Funding Plan and Recovery Act, which is Act 205 of 1984, requires that pension reports be prepared under the supervision and direction of the Chief Administrative Officer of a Municipality. The Borough previously by resolution designated the Borough Secretary as the Chief Administrative Officer of both the police pension and non-police pension plans of the Borough. However, the Minimum Municipal Obligation has to be determined before September 30, 2015 and reported to this Borough for acceptance before September 30, 2015. Obviously, our new Borough Secretary will not be on board until October 1, 2015 and as a result he had a resolution prepared to appoint a new Chief Administrative Officer. Resolution 2015-R-27 resolves that the Council appoints the Borough Assistant Secretary as Chief Administrative officer of its police and non-uniformed pension plans effective September 9, 2015. The resolution, 2015-R-27 will then enable Ms. Paul to make the MMO reports which are on the agenda. A motion was made by Councilman Albert, seconded by Ms. House to accept Resolution 2015-R-27. Motion carried unanimously.

Ms. Paul presented the certifications for the Police Pension and Non-Uniform Pension MMO's for 2016. Mr. Wion stated that each year the actuary for the Borough gives the Chief Administrative Officer of our pension plans the information necessary to compute the formula for the minimum municipal obligations. That is to say, there are certain amounts of money that we get from the State for Each pension plan and there are certain contributions made by each of the members of each plan. For example, the Police contribute a certain amount to their pension plan and the Borough gets a certain amount from the state. Those figures are all computed by Ms. Paul through the assistance of the actuary and the determination for the Police Minimum Municipal Obligation for the Borough, that is, the Borough's contribution for its for its Police pension for 2016 under the formula will be \$65,680.12 and that is certified by Ms. Paul as the Chief Administrative Officer of the Police Pension. Mr. Wion stated that it would be appropriate for Council to accept her certification in the amount of \$65,608.12 MMO. President Wright asked for any questions. Councilman Proctor asked if this had anything to do with the effect on the Police Contract Negotiations. Mr. Wion stated no. A motion was made by Councilman Albert, seconded by Councilman Shaver, to accept the certification for the Police Pension fund MMO. Motion carried unanimously.

Mr. Wion announced in the same fashion, the MMO for the non-uniformed pension plan, after the determination and application of the formula the Borough's share of the non-uniformed employees pension plan, will be \$137,911. Again this is the certification as provided by Ms. Paul as the Chief administrative Officer of the non-uniform pension plan. Councilman Albert made a motion to accept the certification of \$137,911 for the non-uniform pension plan, seconded by Ms. Marcinko. Motion carried unanimously. Councilwoman Marcinko wanted to make a comment on this subject. Councilwoman Marcinko stated that Mr. Proctor mention that some of us were in a meeting with Auditor General DePasquale and he did state that we were financially sound in our Pension MMO's. She also stated that the Auditor General stated that most municipalities in the state of Pennsylvania were not as well funded in their MMO's and it was an audit in the City of Scranton that brought him to the comments about Steelton Borough. The Auditor General stated it was in the City of Scranton where they found the opposite effect. Scranton's

minutes did not reflect what their pension funds showed and Steelton's was opposite, Steelton's pension funds were sound but we did not have the minutes to reflect that. Councilwoman Marcinko stated that in looking at these figures it has to be stated that \$65,680 is the lowest contribution that she has seen since 2009. She complimented Assistant Secretary Paul for the great job she is doing. President Wright stated that the Auditor General also said that being a Borough of less than 6000 residents, he only hope that every municipality in the state of Pennsylvania would follow Steelton financially in regard to the pension funds.

Resolution appointing Borough Manager:

Mr. Wion stated that at the September 14, 2015 meeting Council voted to appoint Douglas E. Brown as the Borough Manager and Secretary/Treasurer. In implementation of that directive, Resolution 2015-R-28, is the resolution which recognizes Ms. Gellatly's resignation effective September 9, 2015 and appoints Douglas E. Brown as the Borough Manager, effective October 1, 2015 and requires the appropriate bonding. That is resolution 2015-R-28 for the Council's consideration. President Wright asked for comments on the resolution. Councilwoman House asked why there were two resolutions. Mr. Wion answered by stating that they are two separate positions. He further stated one is the appointment of Borough Manager and the other is the appointment as Secretary/Treasurer and that way if the offices are split sometime in the future you could have Douglas remain as Borough Manager and have another person as Secretary/Treasurer, so two separate resolutions are needed. Councilwoman made a motion to accept Resolution 2015-R-28, seconded by Councilman Albert. Motion carried with one nay vote by Councilwoman House.

Resolution appointing a Borough Secretary/Treasurer:

Mr. Wion continued the discussion with presenting Resolution 2015-R-29 stating that Ms. Gellatly resigned as of September 9, 2015, as Borough Secretary/Treasurer and the Borough is appointing Douglas E. Brown as Secretary/Treasurer effective October 1, 2015, also requiring the giving of bond. President Wright asked for questions on the resolution. Councilwoman House stated that we did have some concerns from the community, citizens and taxpayers regarding this process. Since the Council had some time to rethink it and no one on Council here that it would be a better position for us to open this position and allow Mr. Brown to apply as well or even have him as an interim. President Wright asked if there was any comments from Council. Hearing no comments he asked for a motion. A motion was made by Councilwoman Szada, seconded by Councilwoman Marcinko to appoint Douglas E. Brown as Secretary/Treasurer October 1, 2015. Motion carried with one nay vote by Councilwoman House.

Landowner-Grantee Agreement for Brownfield Project:

Mr. Wion stated that Council may recall that previously Hull Associates announced that the Brownfield Project is moving forward. That was a grant that was received for the removal of underground storage tanks and remediation of the soil at 154, 140, and 120 North Front St. in the Borough. Ms. Allison, Hull Associates, indicated that initially the EPA determined that federally the Borough was not eligible for funding because it did not own all three of these properties. Particularly, 140 N. Front was owned by the Steelton Economic Development Corporation; however, through Hull Associates and Borough contacts with PA. DEP and because the Corporation, SEDC, had been created as an adjunct entity to assist the Steelton downtown development project, PA DEP determined that there was sufficient connection for funding. As part of the DEP's grant agreement Brownfield Program, they recognized that 140 No. Front St. property is owned by the SED Corporation and they require the corporation and the Borough to enter into a

Landowner-Grantee Agreement. In the Agreement the SEDC as the landowner agrees with the Borough of Steelton that the Borough may utilize that property for part of the project. As indicated before, by Councilwoman Marcinko there was a meeting of the SEDC last week and they entertained the Landowner-Grantee agreement and approved it. That agreement is now before Council for consideration and approval. A motion was made by Councilman Albert to approve the Landowner-Grantee Agreement, seconded by Councilman Shaver. Motion carried unanimously.

Mid-Penn Bank Resolution:

Mr. Wion stated that in as much as the Council will be having a new Secretary/Treasurer and Borough Manager, it is necessary that the Mid-Penn depository authorizations designating the Borough officers' authority to exercise the banking powers with Mid-Penn must be completed. Resolution 2015-R-30 is a resolution that authorizes the execution of the Resolution by Mid-Penn Bank which appoints designated Borough Officers with authority to exercise the powers indicated therein. Those Borough officers are Mr. Wright, as Council President; Douglas E. Brown, as Manager and Secretary/Treasurer, although his is not effective until October 1, 2015; Thomas F. Acri, Mayor; and Rose Marie Paul, the Assistant Secretary/Treasurer. That is Resolution 2015-R-30 for Council's consideration. A motion was made by Councilman Albert and seconded by Councilwoman Marcinko to accept and approve Resolution 2015-R-30. Motion carried unanimously.

Resignation Letter - Director, Codes Enforcement Officer - Willis Shrauder:

President Wright stated that Council has received a letter from Willis Shrauder, our Codes Officer. The letter stated that his last day of employment will be September 23, 2015. Councilman Albert made a motion, seconded by Councilwoman Denae House to accept Mr. Shrauder's resignation. Motion carried unanimously.

Request for relief on sewer portion of the water bill for Miller Pipeline, 250 W. Franklin St.:

Mr. Tom Werner presented to Council that in the beginning of August his company, Miller Pipeline received an invoice from the Borough for a water/sewer bill with excess usage of water. When they investigated they found that there was a water leak below ground. He stated that he was not here disputing the fact that they used a lot of water due to this leak but the bill is for \$2939.81 cents, of which the sewer portion is \$2,094.60 and he was asking for relief on the sewer side since the water never entered the sewer line but drained into the ground. Councilman Shaver stated to Mr. Werner that he understood his situation but unfortunately the way we are billed as the Borough of Steelton for our sewer is actually tied to the water consumption. Mr. Werner stated he understood. Mr. Werner questioned why the bills are separate. Councilman Shaver tried to explain how the billing works. Councilwoman Marcinko asked Mr. Werner to write a letter to the Council with what he believes would be a reasonable resolution would be to this issue. Mr. Werner said that he would do so.

AUDIENCE PARTICIPATION:

President Wright stated that if you are not a resident of the Borough of Steelton, you could not address this issue before Council unless you are a water customer and needed to address your sewer bill.

1) Mr. Charles Lawson, 401 Columbia St., Steelton, PA 17113

Mr. Lawson stated that he is a victim of cholecystitis caused by the water and sewer system of Steelton, which he has proof to verify that. What he is saying to Council since that is the only way he can speak to us is, what does Council plan to do now that there is evidence from Milton Hershey that the fact that whoever he was at the water authority is now under indictment for sitting at his house saying he was.... President Wright then stated that the Council was not going to entertain anything that deals with the Water Authority. President Wright stated that if Mr. Lawson has a claim he should bring to our attorney's in the form of a lawsuit. Councilwoman House stated that she is sorry that this has happened and she hoped that he would get everything straightened out. Mr. Lawson asked a question about the Steelton Police and could he address that not being a resident. President Wright again stated any issues that Mr. Lawson has or another resident has should be brought through their attorney's to the Borough. President Wright asked Mr. Lawson to have a seat if he did not have anything to address regarding his sewage. President Wright stated that Mr. Lawson has only presented accusations regarding Councilman Proctor and Councilwoman Szada that have nothing to do with the sewer so he should contact his attorney.

2) Renee Drayton Bowers, 504 Lincoln Street, Steelton, PA 17113

Ms. Bowers asked President Wright about the tapes from the minutes and did he take them from someone. President Wright stated, no. President Wright stated that it was discussed that there would be certain months of minutes that would not be transcribed by Council members. President Wright stated that several months ago this Council voted to have a third party transcribe the minutes. However, based on complaints of residents, Councilwoman House and Councilwoman Marcinko volunteered to do them. It was agreed on that those certain minutes would not be handled by members of Council. President Wright came to Borough Hall to take those minutes to the third party transcriber. President Wright stated that a Councilmember had those minutes and they were left with this Councilmember. Councilwoman House stated that she had every right to listen to those minutes just like any other Councilmember. She also stated that before those minutes went out, as they were very crucial to the community, she wanted to know where Borough Manager Gellatly's raises came from. Councilwoman House stated that she did have an opportunity to listen to the December 14, 2014 tapes and from what she understands her raises were approved either in a finance committee meeting or in a Personnel meeting and then they were put into the sewer budget.

Councilwoman Marcinko asked to clarify some of the statements. She stated that she received information from an outside source that there was an accusation on social media that she signed a document that authorized a raise for Ms. Gellatly. Councilwoman Marcinko stated that that was absolutely not true. She further stated that she contacted the Borough labor solicitor and President Wright and told them that she did not want to transcribe the minutes for those particular meetings. She further stated that she believed that was only fair since there was an accusation out there about Ms. Gellatly's raise. She further stated that she has not heard those tapes even though she did put all of the minute tapes in order for this project. She just felt it fair that a third party does those minutes. In November of 2014, as Chair of the Finance Committee, the Borough does the budget and included in those budgets they build the administrative raises for the following year into those figures, which depending on the position, could be put into the three separate revenue sources. We also have to put in the contract pay increases. The budget is given to the Council in November and it lays open for 30 days for the public to see and the public can come and comment on that budget. We approved those raises in the last meeting of December of 2014. They are not hidden anywhere. Ms. Gellatly's salary was paid from all three revenue funds, sewer, water and general fund because she did work in all

three. She did get raises but not as reported in the media. Councilwoman Marcinko stated she could report exactly what percent of raises Ms. Gellatly received. She received a 5% increase in 2013, when Mr. Conjar retired and the Borough did not fill the position. Public Works employees and Sara received increases. She received a 2% increase like all department heads did in January 2014 and in January of 2015, she got an 8% increase because at that point in time we hired a new Director, of Public Works and she was the supervisor of that position and her salary was brought in line with those duties. Those raises for everyone were discussed at all the budget meetings by the Finance Committee, was given to Council, voted on to lay that budget open to the public in November of 2014 for 30 days and then Council approved the entire budget at the last meeting in December of 2014 and implement Ms. Gellatly's and everyone else in January of 2015.

Ms. Drayton-Bowers spoke about her comments previously at a Council meeting regarding social media. Councilwoman Marcinko stated she remembered her comments. Ms. Drayton-Bowers brought up a text message that was to have been sent accidentally by Councilwoman Marcinko to an unknown party. Councilwoman Marcinko said that she did not know what Ms. Drayton was speaking about. Ms. Drayton Bowers stated that it was a text message about Markis Milberry and Mark Hall from TV 27. Councilwoman Marcinko stated that she could assure Ms. Drayton-Bowers that she never sent a text message about Mark Hall and that she would have to show her that text message and prove it came from her phone.

3) Kristen Tate-Hamm, 704 North Front Street, Steelton, PA 17113

Ms. Tate-Hamm stated that her husband applied for the highway laborer position about a month ago and she said she believe that it was stated that it would be filled at the September 8, 2015 meeting. President Wright stated that the filling of positions has been put on hold.

Ms. Tate-Hamm stated that with everything going on with the Borough Manager and the fact that she received a 2%, 5%, and an 8% raise, if you are hired to do a job and you don't do your job there is always room to be terminated, so she was wondering how she was given the option to resign rather than you just getting rid of her because it seems that she made a lot of money for not doing her job. Councilman Albert stated that in discussion in Executive Session we took the advice from our Council. Councilwoman House stated that what she did not understand is what would she be suing us for? Councilwoman House stated that we should be suing her and we should be trying to get back the \$13,000 that she spent for a bathroom upstairs because that shower head is not necessary. She stated that she doesn't have one of those in her house. Councilwoman House said for that to be done and not to be put out for bid when it was well over \$10,000 who okayed her to do that to that bathroom up there. Councilwoman House kept asking...why are we paying her?

Councilwoman House asked Mr. Wion, why would Sara Gellatly sue us? He answered that this matter was handled in a Personnel Executive Session and it will remain there and confidential legal advice will remain confidential legal advice. President Wright told Ms. Tate-Hamm that that is her answer.

Ms. Tate-Hamm stated that she thinks its funny that they come here for answers and then you get mad at them like we don't have the right to ask when you don't give us a valid answer. She stated she doesn't understand it. To her it is logical and it doesn't take rocket science to figure it out or to break it down and give it to us what it is but she stated she just doesn't understand. She said anyone else in the room that doesn't do their job you get written up, somebody should have been writing her up, somebody should have been calling her in and she commented she

wasn't going to say this but in 2012 when she went into Sara's office with a valid question and she told me to get the "f" out of her office because you all sat there and allowed her to do that and I brought it to you and when I came out of the office, you had the police chief, 3 other officers and every other lady that works in this building and not one other person did anything and all I did was ask her a question about a sign. When you allowed her to act like that you gave her permission to act like that for the remaining three years. She believes she should have been fired.

4) Markis Millberry, stays at 349 Spruce Street, Apartment A, Steelton, PA 17113

Mr. Millberry stated he just wanted to recap on a previous conversation with the old Borough Manager. He stated there were plenty of times when I came to Borough Council and addressed Sara's performance with her not being here, her not answering her phone calls, even I went to her office and she had her dog in her office and she was no where to be found. He said I waited a half an hour and she still didn't show up.

President Wright stated Borough Manager Sara Gellatly is no longer employed with the Borough, she is no longer employed with this Borough, so he asked please, if you are coming to the microphone we ask that you no longer discuss her. Mr. Millberry stated as a taxpayer who is still paying her that he has the right to discuss her performance. President Wright stated that Mr. Wion just stated that the issues surrounding Ms. Gellatly were discussed at an Executive Session and legal advice is still legal advice, so Council will no longer entertain discussion on Ms. Gellatly.

Mr. Millberry asked how we handle the overtime with the overtime because their budget is a little high for the size of the Borough. President Wright referred this to Mayor Acri. Mr. Millberry stated that back in 2010 Officer Frye made \$25,000 in overtime. Mayor Acri responded that Officer Frye has been gone a long while. Councilwoman Marcinko stated that it is just like when you go to court as far as Ms. Gellatly goes. Our attorneys told us we are not allowed to talk about personnel issues, so I am not talking about it. She further stated that Mr. Millberry did not know all the facts, Council did not know all the facts, and it was investigated and it is done. As far as overtime goes, the police are under a collective bargaining agreement with the Teamsters. There are many different facets of overtime. If they are called out or have to stay on a call beyond a shift, they must be paid a minimum amount of hours they must be paid. If they are overlapping their shift, the Borough must pay them a minimum amount of overtime. If they work 11 p.m. to 7 p.m. and must appear in court for the day, the Borough has to pay them overtime for all the hours they are there. She further stated that it is not like we hand out overtime like candy, they work it. She also stated there are times when there are call outs, police officers get sick they go on vacation, that is assigned by seniority, they call each officer and ask if you would like to work a double, would you like to come in early and each officer can say no and they go all the way down until an officer says yes. She stated that she cannot speak to Officer Frye's overtime but it is highly possible that other Officers said no and Officer Frye said yes. Mr. Millberry asked if the overtime is calculated through electronic monitoring or do they just write it in. Officer Minium answered it is written on a time sheet. Mr. Millberry said then it is possible that Officers can just write in their own time and be overpaid, as far as their overtime. Officer Minium stated that all time is tracked by the county through radio communications. He stated that Officers could write inaccurate information on time sheet but everything can be verified through the county.

5) Donald Bowers, Sr., 587 Lincoln Street, Steelton, PA 17113

Mr. Bowers stated that there was a resolution appointing a Borough Manager this evening and there was also a resolution appointing the Borough Secretary/Treasurer and wanted to clarify for himself in case he missed something. He wanted to know if Council appointed the same individual and would have both jobs. Mr. Bowers wanted to thank Councilman Albert for the article that was in the paper, you tried to explain what occurred and residents can read between the lines as to what was going on.

6) Emmual Powell, Jr. 321 Lebanon Street, Steelton, PA 17113

Mr. Powells question was whose money is used to pay the Borough employees. Councilman Shaver responded that it depends where the employee actually works. Councilman Shaver explained how there are three revenue funds and depending on what the employee is doing it could be paid out of multiple funds. Mr. Powell asked if it was still taxpayer money. He wants to know who pays the staff. President Wright stated that the residents of the Borough of Steelton pay taxpayers. Mr. Powell wanted to know why everything has to go through the solicitor when the residents pay him. President Wright stated that the Council refers to our solicitor all the time and he always only gives us his opinion. President Wright stated that in all of the years he has been on Council, Mr. Wion has never stated this is what I want you to do, but he only gives his legal advice about the matter.

COUNCIL CONCERNS:

Councilwoman Szada - She stated she will hold her concerns until another meeting.

Councilwoman House - Councilwoman House said she can wait until the other speak. President Wright stated he was giving her the floor right now. Councilwoman House stated she believed Councilman Proctor was next. President Wright stated he did not know why she was being disrespectful because he has done this all the time.

Councilman Proctor - Councilman Proctor stated that Mr. Lawson stated some things about him tonight that are totally untrue and if anyone else has any questions, Council is not answering any questions regarding that situation.

Councilman Shaver - Councilman Shaver announced that Fire Company is going to be having a chicken BBQ on October 10, 2015. He announced that the do sell tickets beforehand.

Councilman Albert - Councilman Albert reported the death of Rodney Brookin, one of the best basketball player from Steel-High and asked that we keep his family in our prayers.

Mayor Acri - nothing

Mr. Wion - nothing

Rose Paul - nothing

Officer in Charge Minium - nothing

Chief Vance - nothing

Vice President Marcinko - Councilwoman Marcinko announced that on the website today the agendas for the meetings 2012 through the present are uploaded on the website. The plan is

that in January the year 2012 will come off and 2016 will come up. As the minutes are updated they will be added to the website. In 2016 there will be one tab for agendas and minutes. You will click on the tab and see the agenda for that meeting and the minutes will be right behind them. She also reported there are no meeting minutes missing as well as no tapes minutes.

President Wright called for a motion to go into Executive Session at 8:04 p.m. The motion was made by Councilman Albert and seconded by Councilman Proctor. The motion carried unanimously.

President Wright reconvened the meeting and called for a motion to adjourn at 8:21 p.m. The motion was made by Councilman Proctor and seconded by Councilman Albert. Motion carried unanimously.

Respectfully submitted,

Rose Marie Paul
Assistant Secretary/Treasurer

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