

Council Agenda
Monday September 14, 2015

Call Meeting to Order: President Jeffery Wright

Pledge of Allegiance: President Jeffery Wright

Moment of Silence: President Jeffery Wright

Executive Sessions held between meetings: Mr. Wion

Approval of minutes of previous meetings as presented:

Public Comment on Agenda Items Only

Presentation:

Communication: None

Unfinished Business: None

New Business

President Jeffrey Wright

Separation Agreement and Release-Sara E. Gellatly
Separation Agreement and Release-John King

Mr. Wion

Resolution to Amend Open Records Policy.

Audience Participation

Council Concerns

Executive Session

Other Business

Adjournment

Steelton Borough Council Meeting
Special
September 14, 2015

Present:

Jeffrey L. Wright
Steven J. Shaver
Michael Albert
Brian Proctor
Dena House
Maria Romano Marcinko (by telephone)

Dave Wion, Solicitor
Anthony Minium, Officer-in-Charge, Steelton Police Department
Rose Paul, Assistant Secretary/Treasurer

Absent:

Mayor Thomas Acri
Maryjo Szada

CALL TO ORDER:

The September 14, 2015, Special Meeting of Council was called to order by Council President Jeffrey L. Wright, at 6:00 p.m., followed by the pledge of allegiance and a moment of silence.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS: None

APPROVAL OF MINUTES OF MINUTES OF PREVIOUS MEETINGS AS PRESENTED: None

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

1) Charles C. Lawson, 401 Columbira Street, Steelton, PA 17113 (Swatara Township)

Mr. Lawson wanted to speak about the separation agreement with the Borough Secretary and the replacement of such position. Mr. Lawson stated he would like to recommend Todd Lawson be considered for that position because he has over 20 years of management experience and salary resolution. Todd Lawson is thoroughly schooled in open door policies and also he is thoroughly schooled in employee (he didn't know the term) but when so many employees of one family hold key positions within a small Borough. He stated this would diversify the Borough because he has not seen a Black person on the Borough staff in any kind of position in the last 30 or 40 years. He stated that the Borough would have an excellent candidate that is willing to work for you and provide you with a wealth of knowledge and do that an equitable salary. Mr. Lawson would like for him to be considered for the position we have open.

2) Rose Conjar, 576 Pine Street, Steelton, PA 17113

Ms. Conjar asked if Ms. Gellatly's position was covered by Civil Service and will it be up for bid and/or if it will be advertised in the newspaper. She also asked what were the qualifications of the position. President Wright stated that Ms. Gellatly's Borough Manager position is not civil service it is an at will position and the position serves at the pleasure of Council. Ms. Conjar then asked if the position is under a union. President Wright stated it is not. She asked if it will be advertised in the newspaper or will it be filled from within. President Wright stated that he a decision will be made on that position tonight as well.

3) Markis Millberry, stays at 349 Spruce St., Apartment A, Steelton, PA 17113

Mr. Millberry asked if Council could elaborate on the separation agreements with the Borough Manager and Police Chief. President Wright stated that he would be reading the separation agreements on both employees.

At this time, President Wright stated he have a press release for the media if Council acts on the issues on tonight's agenda.

4) Kristen Tate, 704 North Front St., Steelton, PA 17113

Ms. Tate asked if after the resolutions are read, will the public be able to comment or do they have to comment right now. President Wright stated that she will have the opportunity to come back up and speak during the Audience Participation section.

5) Robert Cooper, 424 Ridge Street, Steelton, PA 17113

Ms. Cooper requested a copy of the Borough Manager's and the Police Chief's job descriptions so we know when the new people come in what they are supposed to be doing for one and what they are not supposed to be doing.

6) Markis Millberry, stays at 349 Spruce St., Apartment A, Steelton, PA 17113

He asked if Council voted on the raises for Ms. Gellatly and Chief King. President Wright stated that that issue was not part of the separation agreement. Mr. Millberry asked he he could ask this question during Audience Participation and President Wright stated yes.

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

Mr. Bowers referred to Mr. Millberry's question regarding the Borough Manager's and Police Chief's wages and President Wright's answer that it was not part of the separation agreement. He then stated that if in this separation agreement monies are being paid and they are being paid by her pay scale, wouldn't this question be relevant? President Wright stated that once he reads the separation agreements that will indicated how the situation was handled. President Wright stated he would have an opportunity to speak again during Audience Participation.

PRESENTATIONS: NONE

COMMUNICATIONS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

President Wright requested a motion to accept the Separation Agreement and Release for Sara E. Gellatly. The motion was made by Councilman Albert, seconded by Councilman Shaver. Motion carried unanimously.

At this time President Wright read from a prepared Press Release which follows:

Steelton, PA (September 14, 2015) – Following a properly advertised session of Borough Council, Steelton Borough voted to approve agreements with the former Manager, Sara E. Gellatly. Ms. Gellatly, whose voluntary resignation is effective retroactive to September 9, 2015 will receive a severance package equal to three months' salary.

President Wright requested a motion to accept the Separation Agreement and Release for John King. A motion was made by Councilman Albert, seconded by Councilman Proctor. Motion carried unanimously.

President Wright read the portion of the press release pertaining to John King's agreement as follows:

Chief King will resign and retire on September 17, 2015 and will receive payment for his accumulated, but unused, leave time which he previously earned during his 25 year career as a Steelton police officer. Officer Anthony Minium will continue as Officer in Charge.

President Wright asked for motion on the recommendation of the Personnel Committee to hire Doug Brown, as the new Borough Manager. A motion was made by Councilman Shaver, seconded by Councilman Albert. The motion carried unanimously.

President Wright asked Councilman Albert to read the portion of the Press Release pertaining to Mr. Brown as follows:

Borough Council also voted to hire Douglas E. Brown as Borough Manager and Secretary, effective on October 1, 2015. Mr. Brown previously served as Steelton's Borough Manager and Secretary from 2011- through 2012 before leaving to become the Associate Director of Government Relations for the Association of Pennsylvania State College and University Faculties. Borough Council is excited to have Doug back on board with Steelton. Because of his prior experience with the Borough, he will need no on-the-job training and he will be able to step in immediately to guide the Borough through the critical budget process which must be completed by the end of the year. In addition, because of his experience in constituent service and his experience and knowledge of the state's Right-to-Know-Law, Doug knows what it takes to be a responsive borough manager.

Resolution to Amend the Open Records Policy - Mr. Wion: The resolution that is before Council recognizes that back in 2008 Council adopted a resolution which implemented the Right to Know Act at that time and Council adopted a Right to Know Policy. Among the other provisions of that policy was a designation that the Borough Secretary would be the Open Records Officer for the Borough. The Council now desires to amend this policy authorizing the designation by Borough Council of its Open Records Officer by resolution from time to time as determined by Council. The Council therefore resolves that the Borough policy for implementing the amended Right to Know Law, is now amended to provide that the Borough Council shall designate by resolution as it deems necessary such Borough employee as it deems appropriate as the open records officer for the Borough responsible for assuring

compliance with the Right to Know law according to the guidelines set forth in that policy. Be it further resolved that Rosemarie Paul is designated as the Open Records Officer immediately until replaced by resolution of the Borough Council and be it further resolved that officers, officials and employees of the Borough are directed to take such actions that are necessary to implement the terms of his resolution. This is the resolution that would allow Council to immediately appoint Rosemarie Paul, Assistant Secretary/Treasurer, as Open Records Officer so that the Borough can continue the immediate response to a right to know request and do any other things that are necessary under the right to know law. Then, from time to time, if the Borough wishes to designate somebody else for whatever reason in that capacity, it can do so and the Borough would be removing the specific designation of the Borough Secretary as the open records officer on what had been a permanent basis and that is resolution 2015-R-26 for the Council's consideration.

Councilman Proctor made a motion that we approve 2015-R-26, seconded by Councilman Albert to approve Resolution 2015-R-26. Motion carried unanimously.

AUDIENCE PARTICIPATION:

1) Renee Drayton Bowers, 504 Lincoln St., Steelton

Ms. Drayton question what annual salary figure would be used to compute Ms. Gellatly's three month severance pay. President Wright stated that the computation would be based on Ms. Gellatly highest salary. She stated her concern about Ms. Gellatly's salary increase from 2012 to present. Councilman Albert explained Ms. Gellatly salary increases during her tenure with the Borough. He further stated that he believed that the Borough is probably has the lowest paid Manager in the area. Councilman Albert further stated that in order to have a competent employee in this position they have to be paid a competent salary.

Ms. Drayton also asked in relationship to Mr. Brown's hiring...why not post the position first. President Wright responded that it was a recommendation of the Personnel Committee to bring Mr. Doug Brown back and the Council just voted unanimously to bring Dough back based on the recommendation of the Personnel Committee. Councilwoman House stated that she just found out about Mr. Brown's return today. Ms. Drayton asked Councilwoman House was on the Personnel Committee to which she responded no. Councilwoman House stated that even though they discussed this in a previous meeting she felt that she should have been updated on this. Ms. House stated that Mr. Brown was a good employee while he was here. Councilwoman House stated that she believed the job should have been posted to give others a chance to apply. She stated that she was not saying that he would not have been the better candidate but she still thinks the position should have been posted.

Ms. Drayton asked why Councilwoman House was not notified until today regarding Mr. Brown's appointment. President Wright answered that he announces at every meeting that recommendations must come through Committees to the entire Council. She asked how many individuals sit on the Personnel Committee. President Wright stated, myself, Ms. Marcinko, and Mr. Proctor.

2) Donald Bowers, 578 Lincoln St., Steelton, PA 17113

Mr. Bowers commented on the pay issues. He asked when both individuals got pay raises in the last couple of years, is there a record of Council approving those raises. President Wright stated that everyone has the same question. President Wright stated that there are certain years of minutes that are not posted on the website. President Wright stated that previously he stated that he dropped the ball from being President of Council because the previous Borough Manager was not doing her job in that capacity. He stated that in the Borough Code of Pennsylvania the minutes are the responsibility of the Borough Secretary/Manager. He said that Council had to do its due diligence to find out legally what we could do to release Ms. Gellatly from the Borough. President Wright stated we are still researching the records in regard to this matter. President Wright stated that he can only state what her last salary was.

3) Trish May Abatello, 55 North Front St., Steelton, PA 17113

She wanted to address the separation agreement for Ms. Gellatly. Ms. Abatello stated that Council indicated that that she is receiving three months salary and questioned whether or not she would be receiving benefits. Councilman Albert stated that Ms. Gellatly is receiving 3 months of salary, 18 months of Cobra, the first 13 months the Borough will pay for and from 13 to 18 months, the Borough will pay for 50% and Ms. Gellatly will pay for 50%. If Ms. Gellatly gets another job in that time period, the COBRA stops.

Ms. Abatello asked why would Council go back and hire someone who trained the Borough manager who just left? She believes that Council is trying to gain credibility and transparency here and wanted clarification as to why we would hire someone who left the position. She asked who else voted on offering Mr. Brown the position. Councilman Albert stated that it was the recommendation of the Personnel Committee to hire Mr. Brown back and the Council could have voted no. He further stated that the Personnel Committee felt that Doug was an extremely competent person and for now with the budget season on us, Doug was the one for the job. Ms. Abatello asked if this was going to be temporary for Mr. Brown. Councilman Albert stated that it is a permanent full time position. He also stated that Mr. Brown's salary will be \$80,000 with no benefits. She then questioned why we decided to pay Ms. Gellatly a full year of medical benefits. Councilman Albert stated that it was on the recommendation of our lawyer and our solicitor. Councilman Albert stated we could have voted no on the agreements and have gone to court and it would have cost the taxpayers a much more greater amount.

Ms. Abatello asked when this agreement was reached and was it by all Council members. President Wright stated that it was recommended by the Personnel Committee to the entire Council and was presented in Executive session. President Wright stated that everyone then voted in open session on the agreement, but everyone had the opportunity to vote no and did not. Ms. Abatello stated that we did not post the position to give anyone the opportunity that would be fully qualified for the position. She believes we moved backwards instead of forward and if we wanted credibility and transparency back why not hire a new person to come in. President Wright stated that her comments were noted.

4) Charles Lawson, Columbia Street, Steelton, PA (Swatara Township)

Mr. Lawson asked about the education background of Mr. Brown. President Wright stated that Mr. Miller has a Bachelor's Degree in Government Relations and Political Science from Millersville University. Mr. Lawson asked if he had any finance in his background. President Wright stated again, the recommendation came to the Council and the Council could have voted yes or no on Mr. Brown.

5) Kristen Tate, 704 North Front Street, Steelton, PA 17113

Ms. Tate asked Councilman Albert about his statement that when Sara was initially hired she was hired as the Borough Secretary. Ms. Tate wanted to know her hire date. Councilman Albert stated that it was in April of 2012. Ms. Tate wanted to know when her position changed to Borough Manager, because she thought she was the Borough Manager all along. Mr. Wion stated that the position of Borough Manager did not exist in the Borough nor under the Borough Code until 2013 at which time the Borough adopted an ordinance that established the position of Borough Manager and at that time Ms. Gellatly became the Borough Manager. Ms. Tate stated that she was asking because in 2013 she was referred to talk to the Borough Manager and wanted to know at what point she actually became the Borough Manager.

6) Natasha Woods, 181 South Front St., Steelton, PA 17113

Ms. Woods referred to the hiring of Doug Brown. She was not questioning his experience or anything. She wanted the date of Sara's resignation. Councilman Albert stated it was September 9, 2015. She wanted to know the process to bring Mr. Brown back on and asked if the Personnel Committee went to him or did he come to the Borough. President Wright stated that Mr. Brown contacted him due to what he was hearing about the Borough. President Wright stated that to Mr. Brown initially that he could not discuss the issue when he was at this time. Ms. Woods asked when the position was finally discussed with Mr. Brown. President Wright stated that he would not discuss that because it was a Personnel Issue. Ms. Woods asked if he was interviewed. President Wright said he was not.

7) Roberta Cooper, 424 Ridge Street, Steelton, PA 17113

Ms. Cooper asked when was Mr. Brown in his position. President Wright said 2011-2012. Ms. Cooper stated since the minutes were backed up during Mr. Brown's tenure then no one was doing their job. Ms. Cooper wanted to know how many people are related who are running this Borough. Councilman Albert stated that he had no relatives that work for the Borough of Steelton.

8) Trish Abatello, 55 North Front Street, Steelton, PA 17113

Ms. Abatello made the statement that you hired someone who didn't go through an interview process because Pennsylvania is an at-will state.

COUNCIL CONCERNS:

Councilwoman House: She stated that when she first started on Council she worked with Doug Brown and he was an impeccable worker. She said today that was the only choice she had because they did not give her three candidates. Council only gave her 1. She said she knows Todd Lawson and knows his background and that he is definitely qualified and there is probably other candidates out there as well, but today she could only vote on Doug Brown. She said she was not going to vote no on Mr. Brown because she worked well with him. Councilwoman asked that there be someone designated to contact those Council persons missing at meeting to update them.

Councilwoman House asked Officer Minium how long he has been on the Steelton Police Department. He answered since 2004.

Councilwoman House stated that she believes some of the problems with the Borough Manager were caused by Council. She stated that all Council members are elected by the Borough and not one Council member runs the Borough.

Councilman Shaver: He stated that he received a call from Chief Vance who was asking the question about voting at the Firehouse during the General Election because of the firehouse improvement project. He said there were discussions with Ms. Gellatly and he wasn't sure were to go with this question. He suggested that someone reach out to the Bureau of Elections to see if there were discussions on moving this polling place.

Also in regard to the firehouse improvement project, he asked Councilman Proctor if he knew when the Hull and Associates brownfield clean up would start. Councilman Proctor stated that he believe it was turned over to the Steelton Economic Development Corporation to meet before the project could get started. Councilman Shaver said he would reach out to Hull and Associates to see what date they would be starting. The Firehouse wanted to do another Chicken BBQ.

Councilman Proctor: He requested of Mr. Wion a resolution to remove the special purpose parking permit sign at 309 Lincoln Street. Mr. Proctor said the resident passed away several years ago. The adjacent home is 319 Lincoln Street. Mr. Wion stated that he would have the Police do a study.

Councilman Albert: Nothing

Councilwoman Marcinko: Nothing

Mr. Wion: Nothing

Ms. Paul: Nothing

Councilman Proctor made a motion to adjourn at 7:20 p.m., seconded by Councilman Shaver. Motion carried unanimously.

Respectfully submitted:

Rose Paul
Assistant Secretary/Treasurer

