

# **Black Creek Township Supervisors Regular Meeting Minutes May 1<sup>st</sup>, 2018 at 2:00p.m.**

The Regular Meeting of the Black Creek Township Supervisors- Tuesday, May 1<sup>st</sup>, at 2:00pm

Present: Joseph Lescowitch, Dr. Saura Rohrbach, Bonnie Adams

## **Pledge of Allegiance to the Flag**

### **Public Comment on Agenda Items:**

Donna Lupcho, Weston- asked why a vinyl fence was chosen to be put up at the park. It is expensive and could be easily damaged. Adams stated the fence is not going to be put up. Rohrbach does not know why that specific material was picked, it was before her time.

Lupcho stated it was never clarified who authorized the hard drive to be smashed. Adams explained that the IT people recommended it immediately be taken care of.

Rohrbach stated that Adams did not follow the municipal Records Act when destroying the hard drive: Declare its intent to follow the Municipal Records Schedule by municipal ordinance or resolution. The records custodian should identify the records he/she wants to destroy and have the governing body of the municipality concur with these requests for destruction by means of a resolution.

Denise Davis- asked why there is a new codes officer appointed. Lescowitch stated that at this time, they are not appointing a new codes enforcement officer, he is going make a motion to table the agenda item.

Rohrbach asked what the agenda item was about. Lescowitch stated she was not present at the last session that was held on Thursday. Rohrbach asked if he was referring to the executive session where the topic was completely changed. Rohrbach stated that Paul requested to have an open meeting. Adams stated that Paul did not make that request. Rohrbach stated Paul requested it in writing. Lescowitch said that they wanted to meet with Paul first, to decide if they were going to do anything. Rohrbach explained that she was not informed of that decision and they are required to tell her about the meetings and the topics, which is in the Sunshine Act.

### **Minutes:**

A motion was made by Rohrbach to approve the minutes of the April 10<sup>th</sup>, 2018 Regular Meeting, as presented. Lescowitch refused to second the motion. The minutes were tabled.

### **Financial Report:**

Supervisor Rohrbach gave the township's financial report from April 1<sup>st</sup>, 2018 through April 30<sup>st</sup>, 2018.

General Fund:	\$165,619.52 (\$22,799.70 of general fund money in escrow for fire)
State Fund:	\$108,179.70
Money Market Account:	\$80,390.79
<u>Total Available Funds:</u>	\$354,190.01
Alumni Account:	\$4,587.79

A motion by Adams, seconded by Lescowitch, to approve the financial report.  
Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

**Bills:**

Payment of the bills, as presented.

A motion by Lescowitch, seconded by Rohrbach, to approve the bills as presented and to pay any and all bills in all funds that become due before the next regular meeting.

Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

**Correspondence:**

e-mail from Tarah Toohill's Office: all dogs 3months and older must have licenses

**Township Reports:**

Zoning Report:

- Zoning Officer, Paul Kattner, read the zoning report for April, 2018

Fire Company:

- Fire Chief Joe Lescowitch reviewed the activity report for April, 2018.

Emergency Management:

- Steve Motil was not present.

Engineer: Joe Calabrese

- Township Engineer, Joe Calabrese, gave a report for April, 2018
- Rohrbach read portions of an additional engineering report from LTAP engineer Jason Snyder. Rohrbach asked Attorney Walsh if she could discuss the Hazle Street incident, he recommended not to, since it is a personnel matter.

Solicitor: Donald Karpowich, Esq.

- Attorney Walsh gave a report for April, 2018. Zoning hearing board appointment resolution was sent for signatures, which he understands is done. Solomon container Service- current contract is expiring in June.

Road Department:

- The road department report was reviewed by Chairwoman Adams for April, 2018

**Old Business:**

Sewer Authority replacement for George Currilla- no one found

Grant for park fence awarded October, 2017

- A motion by Rohrbach, seconded by Lescowitch, to deny the acceptance of the Luzerne County Council park fence grant. Roll Call: Lescowitch, yes; Rohrbach yes; Adams, yes

**New Business:**

Weston Athletic Association- Installing new bathrooms at their park

- Motion made by Lescowitch to waive all township fees, seconded by Rohrbach.

- Roll Call: Lescowitch- yes; Rohrbach- yes; Adams- yes

#### Illegal Dump Free PA Grant Program through Keep Pennsylvania Beautiful

- Motion made by Rohrbach to apply for the grant, seconded by Lescowitch.
- Roll Call: Lescowitch- yes; Rohrbach- yes; Adams- yes

#### Resolution to make Alumni Park a historical site

- Motion made by Lescowitch to pass the resolution, seconded by Adams
- Roll Call: Lescowitch- yes; Rohrbach- yes; Adams- yes

#### Camera in Garage

Lescowitch wants a camera inside the garage, in case someone tries to break in the back of the garage. Rohrbach states that if a camera is installed in the garage, then a camera should also be installed inside the municipal office.

Gary Rohrbach said that people wear hoodies and the cameras don't help, since you can't identify the perpetrator. Dr. Rohrbach liked the security alarm idea, because the police would be notified; with a camera, you would come in the next day, to find everything stolen.

#### Zoning Code/Enforcement Appointment

- Lescowitch made a motion to table to zoning officer appointment.

Dr. Rohrbach stated that she has been having an extremely difficult time getting township documents. She has to obtain them from the solicitor or township engineer, which is time consuming and costs the township money.

The next scheduled Regular Supervisors Meeting will be held on June 5<sup>th</sup>, 2018 at 2:00pm.

#### **Public Comment:**

Denise Davis - Announced that Ross is being brought in for disciplinary action and possible dismissal. Stated that Lescowitch, not John Ross, should be the one being disciplined, over the Hazle Street incident, in April. He threatened the road crew with dismissal and undermined Dr. Rohrbach's authority. He embarrassed the township in a public display. The only resolution is for Mr. Lescowitch to make a public apology to all involved and submit his resignation.

Mary Katherine Bachman- John Ross and the road crew are always busy working on the roads. Bachman reminded Adams how at a recent meeting, Adams was congratulating the road crew on how well they plow.

Joyce Kenise- Can't believe the township would even consider firing a man who is so conscientious and strives to be perfection.

Wayne Brugger- Just recently, there was a tar spill in front of his house from the road sweeping and John immediately took care of it. States all the supervisors have good intentions and something to give, but have to work together. He told Joe that he needs to learn to control his temper.

Bob Palushock, Weston- The township needs to be careful about how many good people they lose. He sees a lot of work done and would be careful about disciplining this individual to the point where he is gone. He also stated the zoning should be looked into carefully because Paul does a good job.

Gary Houseknecht- very happy about the historical site. Explained that John McGill attended the school, who was born in the township, attended school in the township, and was a veteran.

Rick Davis, Chicks Lane- Stated John Ross is a perfect gentleman and very professional. He is one of the best road crew leads the township has ever had. Joe Lescowitch is the one who went on the rant, screaming and yelling. He was an embarrassment to the community. Verbal harassment is not tolerated, especially from a supervisor. This type of behavior is not acceptable for a public official. Joe should consider giving up his position; he doesn't not have the temperament to do his job.

Carl Rittenhouse- Sees too many personal agendas, the township needs to work together. Wants to hear Joe's side of the story. Want the supervisors to start working together.

Paul Kattner- An executive session was called. He did not want to go to it because if it involved his employment, he wanted it to be discussed at a public meeting.

Donna Lupcho, elected auditor- Every question she asked when analyzing the books, after her election, she was told it was irreverent. She was eventually replaced by a CPA because she asked too many questions.

Sharon Rohrbach- Wanted to know what the personnel policy is to discipline an employee. You need to discipline verbally- and may write them up, but don't need to write them up. There is no written record with Ross, but Adams says she has proof. Adams reiterated that it is may write them up, it doesn't need to be a procedure followed.

#### **Adjournment:**

Lescowitch would not make a motion for adjournment and wanted to continue the meeting May 7<sup>th</sup> at 1:00pm. Adams made a motion to hold the meeting at that time. Rohrbach said that she does not know if she can make it. Joe didn't inform her ahead of time to see if she can come to the meeting. Rohrbach stated that they don't want to work together.

Meeting ended at 2:58pm and was continued to May 7<sup>th</sup> at 1:00pm.

### **Continuance of the Regular Meeting of the Black Creek Township Supervisors- held on Tuesday, May 7<sup>st</sup>, 2018, at 1:00p.m.**

Present: Lescowitch, Rohrbach, Adams

#### **Pledge of Allegiance to the Flag**

#### **Public Comment on Agenda Items:**

Denise Davis- Asked if John Ross' meeting was held on Saturday. Attorney Karpowich replied, no. Davis would like to know what the agenda item is about. Karpowich stated that it is for the supervisors to vote on suspending Ross with or without pay, pending a pre-disciplinary meeting. Davis cannot see suspending him without pay, when he was sick and when Lescowitch was the cause. Davis asks what the procedure is to discipline a supervisor. Karpowich answered that she would have to seek her own lawyer for advice.

**Minutes:**

Chairwoman Adams will ask if there are any additions or corrections to the Minutes of the Regular Meeting on April 10<sup>th</sup>, 2018. A motion by Rohrbach, seconded by Lescowitch, to approve the minutes of the Regular Meeting, as presented.

Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

**Old Business:** none

**New Business:**

Personnel matter- John Ross

- Rohrbach clarified an incorrect statement made at last Tuesday's meeting. For oral warnings, the township supervisors will make record and record the warning in the employees personnel file. This was read out of the employee handbook.
- A motion was made by Dr. Rohrbach to suspend John Ross with pay, pending his pre-disciplinary meeting. No second was made.
- Adams made a motion to suspend John Ross without pay, pending his pre-disciplinary meeting, seconded by Joe Lescowitch.
  - Roll Call: Lescowitch yes; Rohrbach no; Adams yes

Bid out recycling contract

- Transportation and hauling fee of \$175 a haul with rebate of \$5 per ton, single stream
- Transportation and hauling fee of \$175 a haul with rebate of \$10 per ton, but glass must be separated
- The solicitor recommended putting the contract out for bid, but an option must be selected in the meantime, since the new prices will go into effect June 1<sup>st</sup>.
- Another option would be to bid the hauling out separately.
- Foster Township's contract is coming due at the same time, so Karpowich suggested sharing advertising costs for the bid with them.
- Lescowitch recommends to use option 1, then bid the contract out for both options, as well as bidding the contract out with or without Foster Township to save advertising costs. Adams seconded the motion.
- Roll Call: Lescowitch yes; Rohrbach yes; Adams yes

The next scheduled Regular Supervisors Meeting will be held on June 5<sup>th</sup>, 2018 at 2:00pm.

**Public Comment:**

Denise Davis- Was sorry Lescowitch and Adams did not have it in their heart to spend a few extra dollars for John Ross to be paid, since he was sick. Especially since the township recently spent over \$100 on a coffee pot and Rohrbach donates all of her time.

Kim Marcelliano- Wants to know what happened with the sale of the Pumpkin House. Karpowich answers it was pulled from the sale and will be sold at the August sale. Marcelliano is concerned about the safety issues with the house. The township is still planning on trying to acquire the property at the sale.

Kim requested that the township meetings be set at a later time, possible alternating the time it is held. She sees mainly retired people attending the meeting. The majority of people cannot attend the meeting at the time it is held. Rohrbach said that she would love to change the meeting times or come to some form of compromise, but the other 2 supervisors have not been cooperative, at all.

Rick Davis, Chicks Lane- Agrees with Carl Rittenhouse that the supervisors should get along, but he cannot see how this can happen with it always being two against one.

Paul Kattner- logging company was logging along Tomhicken Road. Luzerne County issued them two references that they have to be in compliance within the next few days. Luzerne County's GIS site- typed how to access for the public's convenience.

Sharon Rohrbach- John Ross' notice said that it was a problem between Lescowitch and John Ross. Wants to know how Lescowitch has the right to vote on the matter. Maybe he should have recused himself, since he was the only supervisor with his name included in the pre-disciplinary letter.

Afternoon meeting times limit the amount of people who can run for supervisor. The meeting time is conveniently situated where 1<sup>st</sup> and 2<sup>nd</sup> shift residents are at work.

Donna Lupcho, Weston- Feels badly for John Ross, this is not fair to him. Wanted to know if the secretary/treasurer controls the bills being paid out. Lupcho wanted to know why Rohrbach does not sign the checks for the bills. Adams stated that the bills are initialed by everyone.

Denise Davis- said the supervisors should try to talk and get along and give Dr. Rohrbach a break. Karpowich stated they had a great meeting on Saturday.

Sharon Rohrbach- wanted to know why they met on Saturday; earlier it was stated that there was no Saturday meeting, since John couldn't attend. Sharon Rohrbach said that the public couldn't come to Saturday's meeting. Karpowich stated there was no deliberation; they spoke about recycling. She wanted to know how that was legal, since the public could not come. Adams stated it was a personnel meeting. Karpowich stated that the public was not told they could not attend; he had a confidential e-mail with Dr. Rohrbach and told her the public could not attend, which he accused Dr. Rohrbach of sharing with her mother. Dr. Rohrbach stated she did not share any information with her mother; the public knew they could not attend because the meeting was never advertised as a work session.

**Adjournment:**

A motion was made by Lescowitch, seconded by Rohrbach, to adjourn the meeting at 1:35p.m.