

Black Creek Township Elected Auditors Meeting
March 28, 2024
Pledge of Allegiance

Attendance (Roll Call) Bruno: Present, Davis: Present, Tombasco: Present

Public Comment on Agenda Items Only: None

Agenda Items: All agenda items introduced by Chairman Bruno.

1. Vote to rescind the Supervisor pay and the pension contribution plan set in the January 3rd Auditor meeting.

A motion by: Auditor Davis.

Seconded by Auditor Tombasco to rescind the Supervisor pay of \$18.25/hr.

Roll Call Vote: Bruno: Yes, Davis: Yes, Tombasco: Yes.

2. Supervisor pay for working as a Heavy Equipment Operator will be set at \$14.00per hour for the first 40 hours. All hours submitted must be supported by a work log and a time card. Chairman Auditor Bruno stated that Supervisor Cheesman is the heavy equipment operator as he appointed himself.

A motion by: Auditor Davis.

- *Seconded* by: Chairman Auditor Bruno to set the hourly wage at \$14.00 for Heavy Equipment Operator.
- **Roll Call Vote:** Bruno: Yes, Davis: Yes, Tombasco: No.

3. Supervisor pay for working as a Laborer will be set at \$14.00 per hour for the first 40 hours. All hours submitted must be supported by a work log and a time card. Chairman Auditor Bruno stated that Supervisor Randy Yacowatz is the laborer.

A motion by Auditor Davis.

- *Seconded* by: Chairman Auditor Bruno
- **Roll Call Vote:** Bruno: Yes, Davis: Yes, Tombasco: No.

4. Supervisor pay for working as Secretary will be set at \$12.00 per hour for the first 40 hours. All hours submitted must be supported by a work log and a time card.

A motion by Auditor Davis

- *Seconded* by: Chairman Auditor Bruno
- **Roll Call Vote:** Bruno: Yes, Davis: Yes, Tombasco: No.

5. Supervisors working as full-time employees are eligible for a pension contribution of 5%.
A *motion* by Auditor Davis
 - *Seconded* by: Auditor Tombasco
 - **Roll Call Vote:** Bruno: Yes, Davis: Yes, Tombasco: Yes.

6. **Public Comment:** Sean Logsdon from Solicitor Karpowich's office announced a comment stating that he knows that they did not consult with him nor Solicitor Karpowich regarding the Supervisor salaries. He asked the auditors if they had consulted with the PSATS salary information? The Board of Auditors replied saying that they had. Solicitor Logsdon proceeded to ask if they had done any investigation not just on the PSATS salary information, but what the salaries are for similar sized townships in the area. The Board of Auditors replied again that they had. Auditor Davis proceeded with the response by saying that they contacted 32 townships and boroughs within the 117th district along with Columbia County and Schuylkill County. They tried to contact class 2 townships that were compatible with Black Creek Township in size and with the annual income same as Black Creek Township and that is how they came up with their rates and that their rates were in between everything that they found. Solicitor Logsdon asked about the original rates and how they were established. If they were established per job or if they were established blanketly for the Supervisors? Auditor Bruno pointed out that at their reorganization meeting in January that it was for Roadmaster pay. That was the job. Auditor Davis added that was originally when there was only one Roadmaster in the township, and there was the Secretary/Treasurer in the township on the payroll too. Then somewhere it got changed to all Supervisors being Roadmasters. Auditor Bruno concluded by stating that it was the original Roadmaster pay. Auditor Davis pointed out to Solicitor Logsdon that in all the conversations with these townships, at 75% of the townships, the Supervisors do not punch the clock and collect wages and that a lot of them had to look it up to get back to them because they did not even know what they were. Auditor Davis continued by saying that the wages that they did were compatible with Black Creek Township. Auditor Bruno interjected, by confirming with Auditor Davis, asking was not one of them that was a long-time employee making \$12.00? Auditor Davis replied that it was at Nescopeck Township, they make \$12.00 per hour across the board. Auditor Bruno concluded by stating that is what they get, \$12.00. Auditor Davis followed that by reiterating that none of their supervisors punch the clock. Auditor Tombasco wanted to point out that our supervisors gave themselves those job titles, and that the Board of Auditors did not break it up by those job titles. They assigned them to themselves in one of the past meetings. Auditor Bruno stated that the original job titles in the first meeting, the reorganization meeting that Randy and Rolland were Roadmasters as Supervisors, and they were the only supervisors at the time. He continued by saying that the first regular meeting, they appointed Dennis Feerrar as Secretary/Treasurer Supervisor. Supervisor Feerrar responded to Auditor Bruno correcting him by saying that it was not at the first regular meeting, and that it was on the 11th because Supervisor Feerrar was out of the country at that time and he can prove it. Auditor Bruno said that he stands corrected, and that Supervisor Feerrar was appointed as Secretary/Treasurer, not Roadmaster. Auditor Bruno continued by saying that they approved Roadmaster pay

at their initial meeting in January for Supervisor Roadmaster pay. Auditor Bruno stated that they saw the payroll records and said that Dennis accepted pay as Supervisor and he is not a Roadmaster, and so he believes that Supervisor Feerrar should pay back the Township for pay accepted at that time. He pointed out that had he been a Roadmaster, he would have been entitled to that pay, but they approved pay for Roadmaster pay. Solicitor Logsdon commented about item #1 on the agenda asking if that was for all three supervisors. Auditor Bruno said no. It was for the only two supervisors at that time. Auditor Bruno then went on to state the items from the minutes on February 11th. He said new business, item #3: Appoint Township Supervisor. A motion by Supervisor Yacowatz, seconded by Supervisor Cheesman to appoint Dennis Feerrar as Township Supervisor, all in favor. Item #4: Appoint Secretary/Treasurer. A motion by Supervisor Yacowatz, seconded by Supervisor Cheesman to appoint Dennis Feerrar as Secretary/Treasurer, all in favor. He continued to state that it is all right there in the minutes, and that he was not appointed as Roadmaster. Solicitor Logsdon continued to ask if there were any other salaries set for any other positions. To which Auditor Bruno responded, no just one salary at \$18.25 per hour for Roadmaster pay. Auditor Bruno continued by pointing out that there was no Supervisor pay set and that they get their stipend. He stated that they come to meetings, but if they punched the clocks and had their work logs for being a Roadmaster then they would get their roadmaster pay that they were approved for in the last meeting. Solicitor Logsdon then asked if the pay for roadmaster still exists. To which the Board of Auditors responded, no and that they just rescinded it here at this meeting. Auditor Davis said that because of these three new job positions, that they rescinded the pay. Auditor Bruno then followed Auditor Davis by saying that there is now no Roadmaster pay at all. He continued by saying that the new positions are heavy equipment operator, laborer, and secretary not Secretary/Treasurer. Solicitor Logsdon then asked if the township supervised the minutes reflected that this is what the jobs are in that there is no more Roadmaster pay. Auditor Bruno replied yes and that they were not given job descriptions either. He made it clear that the Board of Auditors knew that the supervisors do not have to do that because they looked that up to and that they were going to give them job descriptions. Auditor Bruno continued by saying that they looked up a lot about these jobs and did a considerable amount of work, data collecting and work on this project and that they looked up job descriptions for them, however, they were told by PSATS that they could not tell them their job descriptions. They said that if the Supervisors wanted to set their own job descriptions they could and then relay that to the Auditors, but they were not going to do that, so they left it alone. He concluded in saying that their job as the Auditors is to set the pay. Solicitor Logsdon asked if those were the job titles that the Supervisors gave to the Auditors. They said yes. Auditor Bruno followed by saying that they could have made any title. Solicitor Logsdon asked if they knew the percentage they reduced the pay by. Auditor Bruno said that he does not know the percentage. Supervisor Feerrar had a comment telling Auditor Bruno that he contacted PSATS himself stating that he was told that after Supervisor Feerrar was appointed, their job as township Auditors is to have a meeting the very next day because he was appointed Secretary/Treasurer to set the reorganization meeting for Dennis Feerrar. Auditor Bruno immediately responded saying

that it could not happen and said he could tell why not. Supervisor Feerrar continued by saying that he does not care what the reason is because the law requires the Auditors to have a reorganization meeting the next day after a new Supervisor is appointed. He continued by saying that if they were going to get into semantics here, he stated that the Auditors never did their job either. Supervisor Feerrar commented more by asking what is all of this and said that Auditor Davis lied twice in their reorganization meeting minutes from January 3rd on page 2. He said he will not get into that now, it could be discussed later, and continued by saying that the fact that he was appointed and that his rate was \$18.25 an hour and it was never disputed by the Board of Auditors the next day. Auditor Bruno stated that they were unaware that he was collecting pay, and further explained that he was not allow to look at the books. Supervisor Feerrar asked Auditor Tombasco if she came in to look at the books. Auditor Tombasco said that she did, but followed by pointing out that later they were told that they were not allowed to see the books. Auditor Bruno interjected stating it was because the Supervisors already hired a CPA legally. Supervisor Feerrar made them aware that the auditors were not allowed to see them on their own, but that they were allowed to come in when Supervisor Feerrar is here. Auditor Tombasco informed Supervisor Feerrar there must have been a misunderstanding then. Supervisor Feerrar replied by telling them that they were making it seem more like a misunderstanding, to which Auditor Tombasco told him no because they were here, but were not allowed in the building. Auditor Bruno followed by saying that they had made an appointment to come and look at the payroll, & log sheets. Supervisor Feerrar said that they had not made an appointment. Auditor Bruno refuted by stating that he personally talked with the Secretary and said that if they wanted to bring Jennifer in there to see if she was lying or he was lying, and said that he made an appointment where they, the auditors, all agreed since it is not easy to get all three of them together at one time for the following week on a Tuesday afternoon and made it clear what he informed Jennifer of the items he wanted and said that she said no problem and then they get here and they were not allowed in the building. Supervisor Feerrar stated that that is because no one was here. Auditor Bruno continued by saying that they were informed to grab a Right to Know order off the wall if they wanted any information and then submit a Right to Know. Supervisor Feerrar responded by saying yes. Auditor Bruno continued in stating that at their January meeting, when they set these pays originally, he said he talked to the Supervisors, which was nice conversation, and he said that with the previous administration, occasionally they would come and check on things, just take a look and stick their nose in there and he said they told him that will not be an issue, no problem. He said because he saw they have a new CPA, not the old one he is used to dealing with and he said that he was locked out by this new same CPA previously, and Auditor Bruno concluded saying that the Supervisors told him that he will not be locked out this time and that you will be allowed to see anything you want. Supervisor Feerrar showed the Auditors a Right to Know Request he had filled out and said that he would like to know, that from the last 5 years. Auditor Bruno said he has not been here 5 years. Supervisor Feerrar then asked him that in the time that he has been here, how many times was he in to look at the books. Auditor Bruno told him he was here 3 times a year. Supervisor Feerrar found it funny that he has been here

because there is not one record saying that he has ever been here to audit the books. Nothing shows that there is any report from him of anything Auditor Bruno has looked at. Auditor Bruno told him that there is no report, and that he just looked. Supervisor Feerrar was about to tell Auditor Bruno what he was saying, to which Auditor Bruno informed him not to put words in his mouth. Supervisor Feerrar said he will not put words in his mouth, but he will give it to him straight and asked Auditor Bruno if he has come in and looked at anything since April of 2023. To which Auditor Bruno replied that it is not easy to get all three auditors here at the same time, and that he has tried as Chairman multiple times and it was not successful and that is why there are two new Auditors on the Board this time. Supervisor Feerrar said to Auditor Tombasco that she came here and looked at the finances and asked her if she told Auditors Bruno and Davis of how much they were off. Auditor Tombasco stated that she did at first, then she redacted that and did not think she did. Supervisor Feerrar told them they were off \$378,000 and he also found another \$39,000 off yesterday, and then asked if they looked at any of that. Supervisor Feerrar pointed out that there is something wrong here with the books. Auditor Bruno responded stating that they have a CPA that does the books and that they are not accountants and that they just check on certain things and that they do not do the accounting part of it for the Township, that is what Solomon does, and he said that he has their copy of the audit they do every year there with him and that they had a meeting with Solomon accounting. Auditor Tombasco asked if that was 2022 or 2023, to which Supervisor Feerrar said that it is not 2023. Auditor Tombasco pointed out that that is probably what the issue is because 2023 audit has not been completed yet. Supervisor Cheesman then asked the Auditors if they would prefer that the Supervisors rescind the appointment of an outside CPA so that the auditors can do the books. Auditor Bruno said no and that they will appoint Solomon themselves. Supervisor Feerrar informed them that they cannot do that. Auditor Bruno told them that they can keep Cable as their CPA because they do not have an issue with that. He further explained that the Auditors wanted to come in and look at the payroll and the time cards to help them base this pay that they just did today, but were told they could not do that after making an appointment and found it to be rude. Supervisor Feerrar said that he did not hear anything about an appointment and started to explain about when Auditor Tombasco came in to look at the books, he showed her everything she wanted to see and that he would have done the same thing for Auditor Bruno. However, Auditor Bruno said that he does not do things by himself, he wants to do things as a group, all three auditors. He further went on to answer Supervisor Feerrar's question from earlier as to why the Auditors did not have a meeting the next day after Supervisor Feerrar was appointed. His answer was that Auditor Davis would not have been able to do anything because he had an operation and he told Supervisor Yacowatz of that at the time. Supervisor Feerrar pointed out that there were still two more Auditors that could have done it, however, Auditor Bruno concluded by saying that Auditor Tombasco had gone away on vacation and said that when she comes back that they all can get together to look at everything and that is what they have been doing since then. Auditor Bruno then told Supervisor Feerrar that he does not have to answer to him about that stuff anyway and Supervisor Feerrar agreed. Auditor Bruno continued by apologizing to Solicitor

Logsdon for allowing things to go off topic away from his original question. Solicitor Logsdon then stated that the reason he wanted to ask these questions and be here today when he saw their agenda is because when it comes to setting a salary and then reducing a salary, whether it was done at the reorg. meeting or at this point; often there is a method by which any agreed party, the Supervisors, can petition the court to address the issue, and address the process that was taken and legal issues surrounding it. He further explained that what ends up happening in the end is that the Township is going to ultimately suffer because of it, whether there is a dispute over a job description or a personal issue, the Township loses in the end. Solicitor Logsdon went on to talk about a dispute he was involved with last year where the Board of Auditors drastically cut the Roadmaster's salary and benefits down to a lower amount. He said there was a petition filed, there was a court hearing on it and there could have been an appeal but it was good that there was not one. He concluded saying that at the end of the day with the legal fees, the lost time at work, the lost everything and it all fell back on the Township anyway. He pointed out that Supervisor Feerrar had a good point in saying that they all need to work together because the Township is the one who will get hurt now because of the process, especially if the Supervisors get together and see how much their pay as working supervisors has decreased in percentage, they can file a grievance and take it to court and then the Township will be the ones who will lose in the end. Auditor Tombasco stated that they will also have to get them a lawyer. Auditor Bruno agreed reiterating that the Township will have to pay for their attorney, to which Solicitor Logsdon confirmed and said that is why, even if the decision is tabled, or reconsidered. He told them that he realizes that they said they did their homework in terms of where they looked at numbers, but if it turns into a legal court case, the Township loses and he said what it costs in legal fees, appeals and everything the difference between the salaries is all eaten up in legal fees and that is one issue he wanted to bring to their attention before they were to go down this road. He said if it is a personal problem or issue, then those are things that they can work out, but before they take it down to a percentage, even if they believe they have the foundation for it at doing it at this hour at this percentage can become an issue with the court with saying that they have relied on this salary and said that he has seen it happen in other townships at the tax payer's expense. Auditor Bruno said that he understands his point and that it is a wash, but he said his point is the \$18.25 was never actually taken by any supervisors in the last six years and that it was just a number floating out there that nobody used. He continued saying with whole new supervisors, they do not know who they are, what their experience level is because pay comes with experience level. He said that when you say how much is someone worth, he said to prove to him what you are worth and then they can address it as far as pay goes. Auditor Bruno continued saying that that is something he said in their January meeting, he said he told the Supervisors that they are elected as Supervisors and to hire workers. He told them that is their job and that they are allowed to hire workers and tell them how much they are going to earn and they have done that already. He said that he guesses that they took some of his advice and hired workers and told them how much they are going to earn and, they took the secretary from \$14.00 an hour and was appalled by the \$4.00 an hour raise they gave her, stating that is

unheard of anywhere for someone working part-time. He continued that now she was promoted to full time, which makes more sense now with benefits, but unsure if she is getting benefits, but he asked generally how much percentage people usually get in a raise. He then asked what percent raise is \$14.00 to \$18.00 an hour, what percent raise is that and what was the reason to jump that high? Auditor Bruno continued saying that from what he was told about the secretary is that she is kind of new, does not know everything about the Township yet, needs some guidance, and said for someone who is still learning their job, how do you just give them a \$4.00 an hour raise and he found it irresponsible. Auditor Bruno pointed out that the job foreman who was here for 10 years was given a 4% raise of 0.83. He said that when they set these pays again in January of the new year at their reorganization meeting and they want to see just what experience the people with these job descriptions have and what they are capable of doing and do they deserve more money because he wants to see the proof. He went on to say that he was a boss all his life. He was elected as an Auditor, so he does not get paid for this. All his time spent here is absolutely free on his own time when he can be doing something else, his gas to get here multiple times, like the time where he was turned around and he could not look at payroll. He said it was a very simple request, it was to help them do this job and they were turned away and said what are they supposed to think. Auditor Bruno then said not only that, but they are not allowed to look at anything, and they cannot check the time cards. He gave an example of saying an hourly wage for someone and followed that saying they will not know if someone actually punched in because they are not the watchdog for the Township anymore and he thought he was. He said it is up to the CPA, and that CPA firm does not know if that person punched the clock and said anyone with a reasonable mind would agree with him. He said the CPA does not know who is working here when and that is money that this Township, as a 2nd class township, very poor township, people do not have that kind of money and if money is going to get wasted in the township where he thought he was able to keep an eye on things and told Solicitor Logsdon that he knows he is protecting his client and said they do not have protection with them because they do not feel the need for an attorney at this point and then said that they have to use their own judgement and that is why the people elected them. So, they can watch out for them and their tax dollars. He asked if someone can give him a written guarantee that someone will not ever raise their taxes, he said he will pay them \$50.00 an hour because he is a tax payer in this township too so it hits him in his heart and said when someone wastes his money and abuses their position, especially in the last six years no Supervisor took a pay and donated their stipend back to the township and they actually took no money. Auditor Bruno went on to say that he told the Supervisors at the Reorganization meeting that they are elected to be a supervisor, and to please just supervise because we do not need working Supervisors here, but said if they want to do that, that is fine and that he did not have a problem with it. He just thought it would be better if they would hire workers and let them work and tell them how much they were going to make, then there is not an issue. He then said that is not his job and that it is the Supervisors job, that is what they were elected to decide to do and that he was elected to set this pay and that is what he just did.

Solicitor Logsdon responded with understanding and said one thing that he wanted to point out was that what Auditor Bruno is kind of talking about is what they are seeing in a lot of Municipalities is a position of a Controller. He said we would not need one in our Township, to which Auditor Bruno agreed that we are too small. Solicitor Logsdon continued by saying the example of the Controller in Wilkes-Barre who is the person who would keep an eye on the time clock, and when you have elected Supervisors in a Township like this, they are the ones who would have discretion to hire the employees and ensure the employees time clocks are being punched into. Solicitor Logsdon went on to say that as far as the CPA, since we do not use the elected Auditors as the CPA for auditing the books. Auditor Bruno responded that they are not accountants and do not have a CPA license, to which Solicitor Logsdon replied yes and that their job right now is to just set the pay for the Supervisors and informed Auditor Bruno that in taking his position, which is a very important job, and letting any of his personal feelings getting involved like that in making this decision just because of the fact that if it does go to court or there is a challenge to it, he said again it is the tax payers that get hurt in all of this. He said whether it would be about the pay for the secretary or whether they want to go to the township manager forum where they would actually hire someone that is going to be really well paid and run it as one of the bigger townships, that is going to be up to the Supervisors to decide and figure out how to fund it and then that would be the person you go to for checking on someone punching their time card or not, the manager. He said we may not be there yet, but he said he does not want us to take a step back where if they think that a township supervisor is not doing their job then they would have to run against him and that would be how that gets handled. He said whereas we are talking about internal workings here, these people have been elected to make these decisions and Solicitor Logsdon said that he just does not want any personal feelings to get in the way of when the salary is set and how much it is being reduced and what that at the end of the day could cost the township in the long run, instead of us getting ahead we will be right back in the same spot and we are having the same conversation again in January. Auditor Bruno replied saying that he did not know anyone of these people before they were elected. He said there is no animosity, and that he is strictly a tax payer in the township. He said the only issue he had was from last week where he was not allowed in. Auditor Tombasco said that that was just a misunderstanding and Auditor Bruno finished saying that they came up with these pays before that happened. He said that he just wanted to be clear and make sure that they were at around the right amount based on their research that Auditor Davis did a lot of. Auditor Davis added in that based on the inexperience, compared to a lot of the other townships that he spoke with, the guys in those townships are career 25-year workers that are paid over \$18.00 an hour, but they know their municipality and roads inside and out and made it clear that they do not know what these people can do and that is why they settled on these wages to start out with. He continued saying that this is a starting wage and, in a year, they can come back and prove to the township what you can do. He said he does not know these guys and what they can or cannot do so they based themselves in the middle, did not go to the bottom end, just stayed in the middle of what they thought the worth is and said that they have a year to prove what they can do and said maybe next election they might not even want to run. Auditor Davis went on to say that he, himself, was a township Supervisor and so was Cathy and said so they are not looking at it from the Townships point of view and said he realizes this could be costly in legal fees, but it should not. He said with them being new this year, it is just their 3rd month into

this job. He said they were elected to be Supervisors and there is loads of trainings out there and mentioned a few like L-Tap training, and all other kinds of trainings to learn how to take care of these roads and concluded that they do not know if they have any of those experiences and that is the job of the Supervisors to hire those with the proper training and knowledge to work on the roads, to lay the piping, to clean or dig the ditches and know how to swale roads. He mentioned that when he was Supervisor, he took the dirt and gravel classes so he knew what the guys were doing, not so he can go do it, but just so he knew what they were doing and understand it. Auditor Bruno then asked Auditor Davis if a new Supervisor would have those certifications at this time yet, to which Auditor Davis replied no. Auditor Bruno then clarified that the Supervisors then do not have a total understanding yet of the positions. Solicitor Logsdon understood and then started to say something however, Auditor Bruno informed him that he will take some more questions, to which Solicitor Logsdon understood. Auditor Bruno clarified with Supervisor Cheesman that he was not ignoring him with his hand raised, but he wanted to let Solicitor Logsdon finish what he was saying since he was representing the Supervisors. Supervisor Cheesman understood and mentioned that that is why he put his hand down. Supervisor Cheesman was able to proceed with his statement and began saying that he thinks that what happened here at the meeting today hurt us as a township. He continued saying that what people do not see behind the scenes is that in the paper we have been trying to hire road crew workers and said that he goes back to his full-time job in a week and we now have a real problem because we cannot afford to pay people high enough for Class A CDL drivers. He said that we had an interview yesterday with someone and said that his expectation of wage is \$26 an hour with a Class C driver's license with good skills, but we are not going to land him at what we can afford. Supervisor Cheesman said that in the mean-time, Supervisor Yacowatz and himself have been working at a wage at \$18.00 as he informed everyone in January and said that it is laughable for a certified Class A driver and said that is not entry level pay for someone with his experience. He said that he has just been doing it anyway because he cannot find the help, so he has been working. He went on to say that he can assure that when that \$14.00 an hour kicks in, he will not put a shovel of dirt in a pot hole going forward and told the Auditors that they hurt the residents by not allowing him to work and fill the gap until we can hire certified people. He said he was doing it, but now he feels insulted at \$14.00 an hour and said he will not put his boots on for that because he was elected to run it and said he will continue to try and hire people to come in and do the job, but in the short term the Auditors hurt the residents of this township. Auditors Bruno and Davis replied by telling Supervisor Cheesman that he said himself at the beginning that the township cannot afford it. To which Supervisor Cheesman said that our Township is going to have to pay it if they want the roads fixed. Auditor Davis told Supervisor Cheesman that as elected Supervisors, you must do what you must do and they as Auditors must do what they must do. Auditor Bruno allowed Mr. Bob Stochel to make a comment thereafter. Mr. Stochel commented saying that we have Supervisors that are classified as Supervisors, who should be more aggressive in finding more qualified to do the work. Auditor Tombasco added in that there are no people. Auditor Bruno agreed in saying that that is happening all over the country. Mr. Stochel agreed saying that is a true statement to which Auditor Bruno said yes, it is a true statement. Auditor Tombasco also added that people do not show up for interviews. Some say they will come and then not show up or might get one or two that do and they are not qualified enough. Mr. Stochel then said he finds it hard to believe that

we have Supervisors who do not have workers and then asked if they are Supervisors or are they workers, and said if they are out there working on the roads then what kind of time are they spending trying to find qualified workers. Auditor Bruno agreed by saying that he gets his point and that you cannot do everything. You cannot be working and hiring. Mr. Stochel said that is the thing you get when you become a supervisor, to which Auditor Tombasco then stated that if they do not apply or they do not show then you cannot hire them, it does not matter whether he is doing it at night or the middle of the day. Supervisor Cheesman added that we can advertise and that we advertised two days in the paper last week, and had two applications, one interviewer was a no show, and the gentleman they interviewed the day before will pass up the job because we cannot pay him enough. Mr. Stochel replied asking that if the Auditors approve to pay you \$26.00 an hour, where is his motivation to find someone else to do that job. Supervisor Cheesman responded saying that his motivation is that he makes prevailing wage from John Sidari when he gets his dump truck and that is about \$60.00 an hour. He said he does not want to work on these roads and that he did not get elected to work on these roads, and that he is doing it because there is no one else, to make that very clear and he said that when John calls him, it is his duty to report back to work with him. Supervisor Cheesman concluded with saying that he trying to fill these seats, but stated that the Auditors are making the internal process a lot harder to get the work done. He assured, though, that they will get through it as they were elected for it and they will move forward, and said that if there are any legal actions that they feel are necessary to take, they will take them. He said, for now they do not know that and said they will take advisement from our solicitor's office and proceed as they advise us. Auditor Bruno then asked Supervisor Cheesman what he would consider a good wage, and told him that he said \$60. Anywhere down from there. Supervisor Cheesman replied saying he personally thinks that since he hired a gentleman at entry level for Class A CDL driver and equipment operator at \$25.00 an hour. He went on to say that he works right by his side, teaching him the job currently making \$18 while he is making \$25, and said now he will be making \$14 while he is making \$25.00 and said that he thinks that it should be at least equal to the employee that is working for me, that he is teaching to do the job. Auditor Bruno then asked how he came up with the \$25. Supervisor Cheesman explained that if you do the research for Class A CDL driver that is entry level with no experience, he said that he hired an experienced driver and still got him for \$25, so he is ahead of the game and said that is how he came up with that number. He said to ask anybody that hires drivers, at \$25 you probably cannot get an A certified driver. Auditor Bruno then asked how many workers we have now. Supervisor Cheesman told him that we have one full time worker, one part-time worker starting at the end of the month. Auditor Bruno asked if that part-time worker would be set at the same rate, to which Supervisor Cheesman told him that his pay is not yet set. Auditor Davis added that most townships with our size work with one full time township worker and one part-time township worker, and their offices work with part-time office workers. He added that Nescopeck has one full time and one part-time. Supervisor Cheesman stated that you cannot have only two guys working on the roads, it is a safety violation for traffic control. Supervisor Cheesman mentioned that there is a lot of things you can do with one guy if you cut corners and put them at risk, but that is not something he is not willing to do and that is why he is out there with our full-time worker. He continued in saying that even something as simple as cutting a tree down, which they have all done by themselves, you know that at any time a tree can kick and fall down and

pin them or hurt them and he concluded that there should always be two men on every job in this township as a safety measure, period; and to anyone that has run a township with only one guy, then they probably do not care about their people and they are probably violating some safety procedures. Mr. Stochel had a comment in response to Supervisor Cheesman in regards to him talking about safety measures. He proceeded to ask Supervisor Cheesman about the other month, when one of the Township trucks that was out plowing went off the road because of six bald tires and asked who was the one to do the pre-check of that vehicle before it left here and put the vehicle down with six bald tires on it. He added that instead it went out and went off the road and said that we cannot talk about safety if we have no one that is actually paying attention to what they are doing before they go out on the roads. Supervisor Cheesman replied that he is personally going through every vehicle, to which Mr. Stochel interjected telling him that the last meeting he heard that the reason the vehicle went off the road was due to six bald tires and then asked who the hell lets a vehicle go out on the road with six bald tires. He said that he used to be in the military and that you are supposed to do a pre-check on every vehicle before it leaves the yard. Auditor Bruno then asked if anyone else has a comment, to which Supervisor Feerrar said that he does, again. He was then interrupted by his phone ringing and a they let a resident make a comment who raised their hand. Mr. Donald Guthe, who lives in Eagle Rock had a comment asking the Board of Auditors if the Supervisors have a resume they can submit to show their experience, then maybe they do not have to put the pay so low. Supervisor Feerrar was able to make his comment and he started off by saying that he has 35 years as an accountant and he ran a business for \$330 million and this business is under a million and he has never seen books in worse shape than the townships are. He said that they are off \$477,000 at year end. He gave an example of what would have happened with regards to taxes if he did not find the error that was made last year. He said he spoke with the CPA and made the necessary corrections. Auditor Bruno stated that that will have to be for a different meeting and talked about at the next Supervisors meeting because he does not want to get too off topic. Supervisor Feerrar agreed, however, he brought up the statement that Auditor Davis made about all the Supervisors in saying that he does not know any of them and he said he basically said that Dennis does not have the experience to work on these books. Auditor Davis refuted that saying that he did not say that he does not know any of them, he said that he just does not know what they could do. Auditor Bruno then asked if there were any other comments. Solicitor Logsdon announced that he did and apologized for having so many comments. Auditor Bruno told him that is okay, and that he makes a lot of sense and he likes to hear what he has to say. Solicitor Logsdon continued with his comment saying if there is an option for him to table the pay for now in regards to what the court would think and look at it. He gave an example from a different township in what he experienced in a similar situation and wanted to make sure the Auditors were fully aware of everything, and to take it all into account before making a final decision. Auditor Tombasco then asked Solicitor Logsdon what would he recommend as a good time frame to table the pay, to which he responded 30 to 45 days. At that time, resident of Black Creek Township Sharon Rohrbach commented in regards to Solicitor Logsdon telling the Auditors that she has known him for a long time and she likes him, but wanted to say that he is being paid by the Supervisors and we are only getting one perspective. She concluded that we should not just take the advice from the Township solicitor. Auditor Davis agreed and stated that they should get their own representation now. Mr. Stochel stated that he thinks that Mr. Guthe

was right about the Supervisors needing to submit resume. Auditor Bruno then stated that they do not have to and confirmed with Solicitor Logsdon, to which he responded that he was correct that they do not have to submit a resume. Auditor Bruno pointed out that there is too much room for people not to have to do anything, and it is as if they can do what they want. He said it is very limited, there is no real descriptions for every little thing, it is interpretation from a Solicitor in which they can be very clever with, and that they are lament and they will need representation. He continued saying that this issue did not come up his entire 4 years being elected Auditor until today. He said because Supervisors just supervise and they want to be a working supervisor and now we are all butting heads because they want to come up with a salary like it is a job interview. He went on to say that this is not a job interview, they are the Auditors and they are saying what they believe the township could afford based on research they have done through other townships where most of those supervisors are not collecting a pay and unfortunately in this environment today where you cannot hire workers, he said somehow it has become their problem and he does not think it should be. He said they are not supervisors; they are the Auditors and they are not hiring workers because that is not their position. He went on saying what he has said before that they are supervisors and he thinks they should just be supervisors and hire workers and pay them what they think the workers would be worth. Auditor Bruno stated that he did not like how the finger came back at him thinking that he set the pay too low because he does not believe it is too low. He believes it is fair and if they want to work, that is what they are offering. He then gave an example of someone looking for extra work at Dunkin Donuts where they could only work one day a week and the offer is \$13.00 an hour and the person would expect \$22.00 an hour, which ended in him saying then they do not take the job and stated that everything is a choice. They just need to do the job and hire the worker. Auditor Tombasco then asked Solicitor Logsdon what would happen if they tabled the wage for the 30 or 45 days. Solicitor Logsdon explained that he would talk to the supervisors and provide them with some insight as to what a petition to the court to challenge what the auditors set the salary at would look like, possibly how long it would take, what it is going to review based on what the auditors did. Auditor Tombasco asked if he could guess as to whether or not it would stand up in court. Auditor Davis added that they would need counsel, to which Auditor Tombasco said yes, if it were to go to the courts they would qualify for counsel and if it does not qualify for court then she said she is unsure if they qualify for counsel. She said that she has no issue with letting it go for a month and seeing what happens. Auditor Bruno wanted to say one more thing that if they were to just leave the pay at \$18.25 an hour that they would not have a complaint, they would have no reason to refute that if they left it there and did not raise it. He said even though the supervisor wants \$26.00 an hour, if they left it at \$18.25 an hour then they would have to accept that, or not work. Solicitor Logsdon asked about the pay being set at \$18.25 an hour back in January, to which Auditor Bruno replied that the reason now is because of different job titles. Now the supervisors elected to make a resolution at their meeting to change the job titles to three separate job titles and put them in motion to assign a wage to three different job titles. Solicitor Logsdon asked them if the supervisors asked them to reset their wages at that point. Auditor Tombasco then stated that they said they would agree to reconvene after so many months when they saw that the township was doing okay financially and in the meantime the supervisors gave themselves these job titles and said that believed that they put who would make more. To which Auditor Bruno corrected her stating no,

it was just three job titles. She then said if they were to keep it at \$18.25 an hour, can they just set it at supervisor pay. Auditor Bruno said that they cannot give them job titles. She said then that she did not realize that when they originally set the wage, they set it for supervisor/roadmaster and followed by saying that they should just set it for supervisor pay instead and then Supervisor Feerrar would qualify for payment and they can call themselves whatever they want. Auditor Bruno did not see how they could do that because they are giving a pay for a job title and they do not give the job titles, the supervisors do. To which Auditor Tombasco said no, but we can give the pay for supervisor. Solicitor Logsdon then asked if the Supervisors came to them with a pay scale. The Auditors said no, just the job titles. Solicitor Logsdon then said that he assumes that when they gave this information they were not expecting to be reduced. Auditor Tombasco then said no they were not, but she does not see a problem in leaving it at \$18.25 an hour, but said she is probably the minority. She apologized, and said that somebody has to do the work and she does not care who, it just needs to get done. Auditor Bruno told her that originally, she was not the minority and she said she knows, but it was because she was worried about the finances. Supervisor Feerrar confirmed with her on that and she explained how when she came in and saw the financials on everything, he showed her, she felt better about it. Supervisor Feerrar reiterated it to them that they can come in and look at anything they want with him. Auditor Bruno then stated that he was told that he could not come in and that he had to fill out one of those forms. Supervisor Feerrar reminded him that that is what the 2nd Class Municipal Code book says and asked him if he wanted him to read it to him, and then reminded them that if they ever want to come in and see the books they can and informed them that right now they are in good financial shape and gave all the numbers to them. Auditor Tombasco stated that that is why we need people to do the work and we have to pay them to do the work. Supervisor Feerrar stated that he does not care what he would get paid, they can pay him the \$14.00 an hour, but said not to take it away from the other two supervisors. He said he is only here to get things straightened out. Auditor Bruno replied to him telling him that it is up to him to clock in or not because he does not have to. Solicitor Logsdon mentioned to the Auditors that if the supervisors were able to get numbers together for them to analyze, it may make their decision process a little easier. Auditor Bruno responded by saying that they have to be careful since they cannot dictate how many hours that they can work, he said they can work 40 hours a week and get time and a half after that. He gave an example of saying that if they give \$26.00 an hour it can up to \$2,000 a week quick. He said they have no ability to cap a salary, just to set a wage and confirmed that with Solicitor Logsdon. The Solicitor said he was correct and that it would be up to the supervisor to make the rules about overtime. Auditor Bruno followed with saying that based on that and the inability to check on anything and not knowing any intentions, they do not know anyone's intentions. Auditor Tombasco reminded him that they can look at the books, to which Auditor Bruno said that they told him back in January they can see the books and then he comes to the door and he was turned away. Supervisor Feerrar said that nobody was here. Auditor Bruno then asked if the secretary works for him, who does the secretary work for and Supervisor Feerrar said, "Me." Auditor Bruno then asked if she told him that he called and asked to see everything, to which Supervisor Feerrar responded no. Then Auditor Bruno said well then he needs to yell at his secretary, not at him. Supervisor Feerrar no, that he will yell at him. Mr. Stochel commented asking if he was turned away, then why is he yelling at Auditor Bruno. He said they were here to do a job for the

township and they got turned away, then why yell at him. Auditor Bruno stated that the secretary said that she was given orders not to let them in and that is why he was asking who does she work for. Auditor Davis reiterated that statement saying that she told them they were not allowed in and that they had to fill out a right to know request. Auditor Bruno said that back in January, Supervisors Rolland and Randy told them they can come in anytime. Auditor Davis said they were just going to come in, look things over and determine wages. Solicitor Logsdon stated that he does not believe that is the relationship that they want to have nor should have, to which Auditor Bruno said no he does not and that he did not even want to be here. Mr. Stochel then stated that he believes that the three Supervisors need to calm down and handle business of the township, and not put blame on everybody else. Solicitor Logsdon then asked if it would be possible to vote to keep things as status quo for right now. Auditor Bruno stated that they can make a motion to make everything at status quo for now. Solicitor Logsdon continued in saying if the supervisors could get together those numbers, the job titles and rational as to why they are asking for that pay. Auditor Bruno interjected by saying that it cannot be just because of not wanting to put boots on. He continued saying that he did not want to put his boots on today to come to this meeting, but he did and he is here. Auditor Davis added that if this were to go to court that they would need counsel of their own, and even now he believes they need counsel. Solicitor Logsdon agreed with that and said that the case he was involved in, he represented the auditors and the township paid him. Auditor Bruno stated that he understands his point and that the township is going to lose and he does not want that. Auditor Davis added that if it was a one-time deal if they got together and went and had counsel with a solicitor of their own to get their opinion on what they should do, he said it would not be necessary to use counsel to go to a whole court process, but they can get other advice on where they really stand. Auditor Tombasco said that it would need to get adversarial before they can get a solicitor. Auditor Bruno stated that he thinks it is adversarial when he is getting yelled at by one of the supervisors, and said he thinks it is on the tape recorder and that the solicitor heard it and he is a member of the court so would not be able to lie about that if it was questioned. Auditor Tombasco then asked him what he wants to do, if he wants to make the motion to keep it the same, and asked how would they have to make the motion and there are a few ways they can vote. Auditor Bruno then said that there are a few things it comes down to and he is not being stubborn, he just believes he is right, but he does not want the township to lose. So now he feels like he is stuck between a rock and a hard place and does not find it fair to him. He added that the other thing is, the supervisors can say "I'll just take the pay you are giving me because I got elected and was told a while ago, I am here to help the township, so I really don't care, but I would like to get that kind of money, but I got elected because I want to help my township." Auditor Bruno concluded in saying that that is why he is there and he does not get any money because he wants to help his township and he is not asking to get any money, he does not want any money. He then said if that was the real reason then this should not even be an issue to go to court if they really wanted to help the township. He added that they would just put the boots on and go out there and do what they have to do because they got elected to do so and they knew what they were getting into having now to run a township and they have got things to do and sometimes it gets ugly. Auditor Bruno allowed a resident to make a comment, so Steve Motil from Nuremburg commented stating that he does not think that the supervisors are looking for any kind of pay for themselves, but he is on their side. He stated that was in business for 38

years and he hired employees and he said that you would be lucky to hire someone for \$14.00 an hour. It is hard to get someone to sweep a broom for that amount. Auditor Bruno stated that his wife was hired for \$14.00 an hour, and said he is a school bus driver driving for \$13.00 an hour with about 70 kids he has to watch out for with a CDL license. Mr. Motil said that he does not want to see anything happen with the township in seeing taxes going up, but made the point of them going out working on the roads, working hard and in the heat all day and all winter, they need more than \$14.00 an hour. There seemed to have been confusion regarding the pay amount, so the Auditors corrected that and informed him that they were only setting the supervisor pay. Solicitor Logsdon then reiterated about leaving everything as is for now while the supervisors gather the information they need to and present it to them at a later date. Auditor Bruno said they will make the motion to keep it the same for now. Auditor Davis then asked about counsel. Solicitor Logsdon answered that he would have to see at what point they would have to make a request for counsel and he will get back to them on that. A question was asked as to what the 45 days is meant to do. Auditor Tombasco answered that the Solicitor is going to research the legalities of everything and the supervisors are going to give them resumes and numbers they would want for the three different positions. Auditor Tombasco then asked if they can break up the wages per job title or do they need a blanket wage. Solicitor Logsdon said they can certainly do that by job title, but then again that is why is will help for the supervisors to give them the information as to what numbers they are looking for.

A motion was then made by Auditor Tombasco to table agenda items for a minimum of 45 days and reconvene for discussion at a time convenient for all parties. Seconded by Auditor Davis.
All in favor: Yes.

Adjournment:

A motion by: Auditor Tombasco, seconded by Auditor Davis to
Approve adjourning the meeting at 2:25PM

All in favor: Yes.