

BOROUGH OF EDDYSTONE  
BOROUGH COUNCIL SPECIAL MEETING MINUTES

March 18, 2024

6:00 P.M.

The Borough of Eddystone Borough Council held the February 12, 2024 Regular Council Meeting with the following members present: President Mike Bannon, Council Vice President William Stewart, Council members Bill Bolton, Mandy Hall, Ron Hughes, Randy Perry and Rachael Walker. Professional Services present Borough Solicitor Tim Possenti , Kelly Engineers.

President Bannon called the meeting to order followed by Roll Call.

**UPCOMING MEETINGS**

4/1/2024 Workshop Meeting 7pm

4/8/2024 Council Executive Session 6PM

4/8/2024 Council Regular Meeting 7pm

**Announcements:**

President Bannon announced upcoming Rec Board meeting on the 19<sup>th</sup> with a presentation from Omnes.

**Presentation:**

**PROFESSIONAL REPORTS:**

**RIGHT TO KNOW SUBMISSIONS:**

All satisfied as of now

**PUBLIC COMMENT:**

Ms. Ferebee Very disappointed, what is the basis for the termination leads her to believe it is because of what happened last week It's just not right. Dr Moler was put into this situation, trash was not picked up until 2 pm and last Thursday a pickup truck hit somebody's window. Because the position is vacant. It's not right to terminate her. Have a heart. God will expose every ounce of corruption.

**Action Items**

Vice President Stewart stated that before President Bannon acts on the action items he would like to pass down a paper (he didn't state what the paper was). He stated that as Ms Ferebee pointed out there is a right way to do things and wrong way to do things. The Borough is very specific in the procedures that need to be followed in order to remove the borough manager. While the Borough manager serves at the pleasure of all 7 members of council, to my knowledge has not tendered her resignation and the Borough code is very clear in how this board needs to act in order to remove our Borough manger. The first action item would be to adopt a preliminary resolution of removal by the majority of all members of council of the borough and resolution shall state a specific reason for the removal and may suspend the borough manager form duty. A copy of the resolution shall be delivered within 7 working days to the Borough Manager in any event the Borough manager shall be paid forthwith any unpaid balance of his or her salary for the period immediately following the adoption of the resolution by Borough council. So my first question to this board is that to my knowledge I don't believe Ms Jones has been given a preliminary resolution is that correct? Has Ms Jones been given a preliminary resolution stating this board's intent to discharge her from her position?

Councilwoman Hall: States if she declines to resign. She's not being asked to resign

Vice President Stewart: I'm asking that the procedure is that this court is to adopt a preliminary resolution basically stating to the Borough manager that we have the intent to discharge her and we have a responsibility to the Borough manager to list all of the charges for the reason for discharge, has that been done? Mr. Solicitor, has this board adopted a resolution giving Miss Jones our intent to discharge her from her position? Yes or no?

Mr Piossenti: So Mr Stewart you didn't read "A", the person who fills the position of Borough manager for the Borough of Eddystone shall be subject for removal by the Borough Council at any time by a vote ot the majority of members of the Borough Council.

Vice President Stewart: I'm not saying that we're not within our right that let the Borough Manager go, what I'm saying is there's a procedure that needs to be followed. That procedure starts with a resolution that this board passes, telling Miss Jones that we no longer like to have her services and we list those reasons why. Whether, its for cause or not for cause.

Councilwoman Hall: I disagree

Mr. Possenti: So I have to disagree with you. I think what you're reading is in the event a resignation is asked for and not tendered or if Ms Jones didn't leave the office at the request of the Borough. But the vote is the mechanism.

Vice President Stewart: So basically what you're saying Mr. Solicitor is that Miss Jones is not entitled to any due process. That Miss Jones does not have the opportunity to sit in front of this board in an executive session and state the reasons why she believes she should or should not be discharged?

Councilman Bolton: did you do that when the Possenti's were managers?

Vice President Stewart: The Possenti's were not an employee the Possenti's provided a service. PA is certainly an at will state and if Miss Jones did not wear the right color sweater we can certainly say that we do not want to have her provide the service anymore, however the Borough Code is very specific that when we entrust the day-to-day operations of the municipality that we have a certain procedure that needs to be followed. This is the first time in the 15 plus years that I've sat on Borough Council that we've had a situation where we were going to terminate a Borough manager and our Borough Code is very clear of the procedures that need to be followed and at this moment this board has not followed those procedures.

Councilwoman Hall: I disagree and so does our solicitor.

Councilman Bolton: I disagree too. Read eight, read it out loud Mr. Stewart.

Vice President Stewart: The person who fills the position of Borough Manager for the Borough of Eddystone shall be subject to removal by the Borough Council at any time by a vote of the majority of members of Borough Council. Yes She certainly serves at the pleasure of council that is not being disputed. What's being disputed is that she has elected not to resign her position so there is a procedure that this board needs to follow.

Councilman Bolton: We have a motion on the table

Vice President Stewart: We do not have a motion on the table I specifically wanted to bring this to the attention of the board before there was a motion on the table. So within seven days of of her receiving a copy of the resolution of our intent to terminate a hearing should be held in an executive session of council, this hearing shall be held not earlier than 20 days or more than 30 days after the request is filed. Borough Council may adopt the final resolution of removal which may be effective immediately by a majority of all members of the Borough Council at any time after 10 days from the time the preliminary resolution was delivered to the manager if he or she is not has not requested a hearing or at any time after the public meeting. Whenever the Borough manager declines to submit his or her resignation following for conviction of any felony or misdemeanor the Borough may remove the borough manager from office by a motion to remove adopted by a majority member of council

Councilman Bolton: That is under B we are choosing A

Councilwoman Hall: We are choosing A

President Bannon: The way that it is written in my opinion, is that section B has all sub-articles there and that is where that would fall under section B. Section A is the first one in this case.

Councilwoman Hall: With that said I would like to make a motion to terminate the Borough manager.

Talking over Councilwoman Hall - Vice President Stewart: I would respectfully disagree with the solicitor opinion.

President Bannon: We have a motion on the table to remove the Borough manager and a second by councilman Bolton

Vice President Stewart speaking over the President: Before a call of action I ask is this termination being made with or without cause

Councilwoman Hall: With cause

Vice President Stewart: So this termination is being with cause is that correct?

A lot of people speaking over each other – Room is called to order.

President Bannon We have a motion on table...

Vice President Stewart – Mr. Solicitor is it debated to where we we we say whether this this termination is with or without cause

Mr. Possenti: I thought I heard someone say with cause.

Vice President Stewart: So so we have a motion with cause

Councilwoman Walker: Did we do that for the highway

Vice President Stewart: We're in an entirely realm than what we were with part time highway person. This is entirely different.

Councilwoman Hall: We have a motion

Councilman Bolton: We made a motion we have a second are we going to vote on it or not?

President Bannon: All in favor – ayes and no

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – No

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 4-2

Councilwoman Hall: I would like to make a motion appoint interim Borough Manager Dr. Rich Moler

Councilman Bolton: Second

President Bannon: I have a motion on the table to appoint Dr Moler as the interim Borough Manager and a second...

Vice President Stewart speaking over President Bannon – Before you call for action can I ask a question in regards to Dr. Moler, is Dr Moler bonded as required to be a Borough Manager?

Councilman Bolton: He will be

Vice President Stewart: Is he bonded at this time?

Councilman Bolton: We'll just transfer it to his name

Vice President Stewart: So at this time he is not bonded correct?

Councilman Bolton: Correct you can still put him in as interim as the absence of a borough manager

President Bannon; I have a motion on the table and all in favor? Ayes and No

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – No

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 4-2

Motions carries 4 to 2

Councilwoman Hall: I would like to make a motion advertise for a part time Borough Manager.

Councilman Bolton: Second

President Bannon; I have a motion on the table to advertise for a part time borough manager all in favor? Ayes and No

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – No

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 4-2

Motions carries 4 to 2

Councilwoman Hall: I would like to make a motion amend and update the authorized bank signers to Kathy Krisac, Dr Moler, President Bannon, and Councilwoman Walker.

Councilman Bolton: Second

President Bannon; I have a motion on the table to motion amend and update the authorized bank signers to Kathy Krisac, Dr. Moler, President Bannon, Councilwoman Walker all in favor? Ayes and No

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – Yes

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 5-1

Motions carries 5 to 1

Councilwoman Hall: I would like to make a motion to appoint the Borough health inspector as John Lyman.

Councilman Bolton: Second

President Bannon; I have a motion on the table to motion to appoint the Borough health inspector as John Lyman. all in favor? Ayes and No

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – Abstain – as I have questions

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 4-1 abstain Councilman Perry

Councilman Stewart: Mr Solicitor I would call whether or not Mr. Perry's abstention for uh looking for additional questions are those questions could be answered this evening that would possibly give Mr. Perry um comfort of whether he should be voting yes or no to appoint the the health inspector?

Mr. Possenti: So I think the answer is moot because the best it could be is 4 to 2 so the motion is going to carry.

Vice President Stewart: So is that going to be an ongoing thing because you know it kind of goes against my grain to be honest to be personal with people abstaining from votes because they have questions or that they need additional information. This board was elected by the resident of Eddystone to vote yes or to vote no. The only abstention is is if you have a financial benefit based on the vote when last fall Councilman Bolton financially benefited by hiring his wife to a full time multi-position with CDL where he abstained

Councilwoman Hall: He didn't hire he abstained

Vice President Stewart: However I don't believe

Call to order

Vice President Stewart: I repeat, I repeat Counselor Bolton abstained from the vote to hire his wife because counselor Bolton would have financially benefited he did the right thing. He abstained

Call to order Many people speaking – lots of hammering.

Councilwoman Hall: I would like to make a motion to appoint the right to know officer as Dr. Rich Moler

Councilman Bolton: I'll Second

President Bannon; I have a motion on the table to motion to appoint the right to know officer as Dr. Rich Moler and a second, all in favor? Ayes and No

President Bannon: Roll call please

Councilman Bolton – Yes

Councilwoman Hall – Yes

Councilman Perry – Yes

Councilwoman Walker Yes

Vice President Stewart –No

President Bannon Yes

Passes 5-1

**ADJOURNMENT:** Motion made by Councilwoman Mandy Hall, 2<sup>nd</sup> by Councilman Bolton,

Vice President Stewart – Before we make a motion to adjourn I have in front of me an employment agreement that was dated the 3<sup>rd</sup> of January 2022 between the Borough of Eddystone and Miss Jones. In that employment agreement the severance package includes 3 months of severance pay as well as 12 months of health care. Is the borough's intent to honor the severance package in her agreement or is the Borough going to tell Miss Jones simply sorry about your luck.

President Bannon: We will honor the severance package

Vice President Stewart: Is that something that needs to go to a vote Mr. Solicitor or is that a unilateral decision that could be made by the president?

Councilwoman Hall: It's a contract we are honoring a contract there should be no vote.

Councilwoman Walker:: It's an agreement

President Bannon – trying to close the meeting cut off by Vice President Stewart

Before you close the meeting I again want to go on the record that I disagree with the solicitor's opinion, I believe this board took action without following the prescribed procedures on removal of the Borough Manager. I will be seeking outside legal counsel to determine whether or not the action of this board this evening would hold up in a court of law. Thank you

**ADJOURNMENT:** President Bannon I have a motion and second for adjournment all in favor? Aye



Meeting adjourned & 21 pm

Submitted by, Dr. Rich Moler Interim Borough Manager, Borough of Eddystone