

A **reorganization meeting** of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, January 04, 2010** in the Borough Council Chambers, 55 South Fifth Street. Present: Councilmembers Baker, Molesevich, Strosser and Morris, and Councilmembers-Elect Casimir, Cox, and Mahon. Also present: Mayor Wagner, Manager/Treasurer Smith, Solicitor Lyons, Chief Yost, and Secretary Garrison. Also present: Senior Judge Louise O. Knight, Amanda Alexander, Amanda O'Rourke, and Peter J. Bergonia, Jr.

CALL TO ORDER: Mayor Wagner called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

OATH OF OFFICE (MAYOR): Mayor Wagner introduced The Honorable Louise O. Knight, Senior Judge. Senior Judge Knight administered the Oath of Office to Judith T. Wagner, Mayor. Mayor Wagner will be serving a four (4) year term of office with the term to expire December 31, 2013.

OATH OF OFFICE (COUNCIL): Mayor Wagner administered the Oath of Office to: Susan P. Mahon, representing Ward I; Louis J. (Trey) Casimir, representing Ward II; and Albert E. (Ed) Cox, representing Ward IV. Councilmembers Mahon, Casimir, and Cox will each be serving a four (4) year term of office with the term to expire December 31, 2013.

Mayor Wagner congratulated the newly elected Councilmember and welcomed the returning Councilmembers. This is an excellent Council, and she looks forward to working with everyone. It is wonderful to be able to be part of your own community government, actually having a say in what goes on.

APPOINTMENT OF WARD III COUNCILMEMBER BASED UPON NOTIFICATION FROM COUNTY BOARD OF ELECTIONS THAT SUCH POSITION VACANT – APPOINTMENT SHALL BE MADE BY RESOLUTION: Mayor Wagner reported the Borough has been notified by the County Board of Elections that the position for Ward III Councilmember is vacant. An appointment can be made at this time by a resolution of Council. She asked if there is anyone that would like to apply. Peter J. Bergonia, Jr. stated he would like to apply for this position, as he feels he would do a very good job representing the residents of Ward III.

Councilmember Baker made a motion, seconded by Councilmember Mahon, to accept Mr. Bergonia's application to represent Ward III. **ON THE QUESTION:** Councilmember Molesevich asked for an explanation of what the County has done with regard to advertising this position, and has there been a public notice. Mayor Wagner indicated this has been in the papers, but it isn't the responsibility of Elections Board to advertise that position. It is Council's responsibility to decide how to fill it. Our Solicitor advised that we may fill the position this evening. Councilmember Molesevich said we could also advertise and postpone it for other interested persons, as that is an option. Mayor Wagner said she would assume that is correct. Solicitor Lyons said the Elections Board, when there is a write-in candidate, inquires of the successful write-in candidate if they are willing to accept the position to which they are elected or not. In this particular case the person declined. The Elections Board then notified the Borough, as with every municipality, that the Ward III Councilmember position was vacant. Council can then act to fill that vacancy. Council has 30 days in which to fill the vacancy, and if they fail to do so, then the Vacancy Board, which is Council plus one additional individual, would have another 15 days to fill the vacancy. Failing to do that would allow the Common Pleas Court to appoint someone. It is up to Council to decide whether to act now or not, and this appointment *must* be made by resolution. The appointed person would then serve until the next municipal election following this appointment, at which time they could opt to run for re-election to this position. Councilmember Molesevich asked when the clock for the 30 days begins. Councilmember Morris stressed we had no one within Ward III run in the primary, or except for Mr. Hoffman, even be a write-in in the regular election, with the exception of Mr. Bergonia. That speaks to the fact there was no one interested in pursuing the position. Mayor Wagner asked if the Manager has gotten any letters of interest or calls. Manager Smith said no, but it has not been advertised. **POINT OF ORDER:** Solicitor Lyons indicated this motion is somewhat out of order; again, should Council wish to appoint Mr. Bergonia, Council must do so by adopting the resolution that has been circulated. *Councilmember Baker withdrew his motion. Councilmember Mahon withdrew her second.* Councilmember Molesevich questioned how each Councilmember feels with regard to making this decision tonight or waiting. Councilmember Strosser stated he agrees with the statement that no other parties showed interest during the primary or the election, and we certainly have an interested and capable candidate. Councilmember Mahon, Cox and Baker agreed. Councilmember Morris stated that Mr. Bergonia's election count was very, very similar to her election count when elected two years ago, without students being registered. She stressed she is not suggesting we negate student votes or students, but the point is the taxpaying residents of Ward III certainly appear to support Mr. Bergonia in the same manner they supported her. Councilmember Casimir commented he sees no reason to delay.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to adopt Resolution No. 10-01, to fill the Ward III Council vacancy by appointing Peter J. Bergonia, Jr.

On roll call the vote was as follows:
YES – Baker, Casimir, Cox, Mahon, Molesevich, Morris, and Strosser
NO - None
Motion to adopt Resolution No. 10-01 was unanimously adopted.

OATH OF OFFICE: Mayor Wagner administered the Oath of Office to: Peter J. Bergonia, Jr., representing Ward III. Councilmember Bergonia will serve a two year term, at which time he will be able to run for re-election. His term of office to expire December 31, 2011. (Note: The actual term of this Ward III Seat is December 31, 2013.)

NOMINATIONS AND ELECTIONS FOR COUNCIL PRESIDENT AND COUNCIL VICE PRESIDENT: Mayor Wagner indicated she would now call for a roll call of Council, asking that they nominate their choice for the position of President of Council.

ATTENDANCE

CALL TO ORDER

OATH OF OFFICE – MAYOR

OATH OF OFFICE – COUNCIL (WARD I/WARD II/WARD IV)

MAYOR WELCOME

APPOINTMENT OF WARD III COUNCIL-MEMBER

RESOLUTION NO. 10-01 (APPOINTMENT OF PETER J. BERGONIA, JR.)

OATH OF OFFICE – COUNCIL (WARD III)

Tuesday, January 04, 2010

Roll Call - Nominations for President of Council:

| | |
|------------------------|------------------------|
| John Baker | Peter J. Bergonia, Jr. |
| Trey Casimir | Peter J. Bergonia, Jr. |
| Ed Cox | Peter J. Bergonia, Jr. |
| Sue Mahon | Peter J. Bergonia, Jr. |
| Mike Molesevich | Susan P. Mahon |
| Kathryn Morris | Peter J. Bergonia, Jr. |
| Ted Strosser | Peter J. Bergonia, Jr. |
| Peter J. Bergonia, Jr. | Peter J. Bergonia, Jr. |

Mayor Wagner stated we have a nomination for *Peter J. Bergonia, Jr.*

Councilmember Baker made a motion, seconded by Councilmember Mahon, to elect Peter J. Bergonia, Jr. as President of Council. Motion was unanimously approved.

Mayor Wagner indicated she would now call for a roll call of Council, asking that they nominate their choice for the position of Vice President of Council.

Roll Call – Nominations for Vice President of Council

| | |
|------------------------|----------------|
| John Baker | Susan P. Mahon |
| Trey Casimir | John J. Baker |
| Ed Cox | John J. Baker |
| Sue Mahon | John J. Baker |
| Mike Molesevich | Susan P. Mahon |
| Kathryn Morris | John J. Baker |
| Ted Strosser | John J. Baker |
| Peter J. Bergonia, Jr. | John J. Baker |

Mayor Wagner stated we have a nomination for *John J. Baker.*

Councilmember Mahon made a motion, seconded by Councilmember Casimir, to elect John J. Baker as Vice President of Council. Motion was unanimously approved.

Mayor Wagner relinquished the gavel to the President of Council, Peter J. Bergonia, Jr., to officiate the remainder of the reorganization meeting.

NOMINATIONS AND APPOINTMENTS OF BOROUGH MANAGER/TREASURER, BOROUGH SECRETARY, BOROUGH SOLICITOR, CHIEF OF POLICE: President Bergonia asked for nominations for the position of Manager/Treasurer. Councilmember Baker nominated Chad N. Smith. (No other nominations.)

Councilmember Morris made a motion, seconded by Councilmember Casimir, to appoint Chad N. Smith the Manager/Treasurer of the Borough of Lewisburg. Motion was unanimously approved.

President Bergonia asked for nominations for the position of Borough Secretary. Councilmember Casimir nominated Patricia M. Garrison. (No other nominations.)

Councilmember Morris made a motion, seconded by Councilmember Baker, to appoint Patricia M. Garrison the Secretary of the Borough of Lewisburg. Motion was unanimously approved.

President Bergonia asked for nominations for the position of Borough Solicitor. Councilmember Mahon nominated Andrew D. Lyons. (No other nominations.)

Councilmember Morris made a motion, seconded by Councilmember Baker, to appoint Andrew D. Lyons the Solicitor for the Borough of Lewisburg. Motion was unanimously approved.

President Bergonia asked for nominations for the Chief of Police. Councilmember Casimir nominated Paul Yost. (No other nominations.)

Councilmember Morris made a motion, seconded by Councilmember Baker, to appoint Paul Yost the Chief of Police of the Borough of Lewisburg.

SETTING SALARIES AND DATES OF TERMS OF OFFICE FOR AT-WILL EMPLOYEES: Council President Bergonia said next are the terms of employment for the Manager/Treasurer, Secretary, Chief of Police, and Solicitor.

Councilmember Casimir reported an executive session was held at the November meeting at which time discussions were held on contract issues. It was agreed that we would offer the Manager a 3% increase in 2010 and 2011. It was also agreed that we would raise his monthly mileage stipend from \$35 to \$50 per month. (Contract period 01/01/2010 through 12/31/2011.)

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve these terms of employment changes to the contract for Chad N. Smith, Manager. Motion was unanimously approved.

Councilmember Casimir reported also during the November executive session it was agreed that we would offer the Borough Secretary a 3% increase in 2010 and 2011. However, Council declined to give her 5 additional days of PTO. (Contract period 01/01/2010 through 12/31/2011.)

NOMINATIONS/
PRESIDENT OF
COUNCIL

ELECTION OF
COUNCIL
PRESIDENT
(PETER J.
BERGONIA, JR.)

NOMINATIONS/
VICE PRESIDENT
OF COUNCIL

ELECTION OF
COUNCIL VICE-
PRESIDENT
(JOHN J. BAKER)

NOMINATIONS/
MANAGER/
TREASURER

APPOINTMENT
(CHAD N. SMITH)

NOMINATIONS/
SECRETARY

APPOINTMENT/
(PATRICIA M.
GARRISON)

NOMINATIONS/
SOLICITOR

APPOINTMENT/
(ANDREW D.
LYONS)

NOMINATIONS/
CHIEF OF POLICE
APPOINTMENT
(PAUL YOST)

TERMS OF
EMPLOYMENT
FOR AT-WILL
EMPLOYEES

MANAGER
CONTRACT
APPROVED

Tuesday, January 04, 2010

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve these terms of employment changes to the contract for Patricia M. Garrison, Borough Secretary. Motion was unanimously approved.

Councilmember Casimir reported also during the November executive session it was agreed that we would offer the Chief of Police a 3% increase in 2010 and 2011. However, there was a request made for an additional day, which he was not aware of in November. This additional day would provide the Chief of Police with forty PTO days. This is the same number of PTO days the Manager has. He sees no problem with this additional day. (Contract period 01/01/2010 through 12/31/2011.)

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve these terms of employment changes to the contract for Paul Yost, Chief of Police. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the terms of the letter dated December 23, 2009 for the Borough Solicitor, effective 01/01/10 through 12/31/11. ON THE QUESTION: Councilmember Casimir commented Council just received this letter; are the fees the same? Councilmember Morris indicated the retainer fee has increased \$1,000 making the total amount \$16,000. Motion was unanimously approved.

PENSION AND LEGAL ADVISORS: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the use of the Rhoades Law Firm as legal consultant for pension/contract negotiations and/or issues for the Uniformed/Non-Uniformed employees. ON THE QUESTION: Councilmember Casimir questioned if there are monetary obligations as a result of this motion. Manager Smith said no. Councilmember Casimir questioned if this is the firm we have used in the past. Manager Smith said yes.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the use of Campbell, Durrant & Beatty for labor negotiations and/or labor issues. Motion was unanimously approved.

PAYING EXPENDITURES IN ADVANCE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve paying bills prior to Council approval for the period of 01/01/10 through 12/31/11 to receive discounts as applicable. Motion was unanimously approved.

COUNCIL APPOINTMENT OF CHAIRPERSON PRO TEM: Councilmember Casimir made a motion, seconded by Councilmember Morris, to appoint Susan P. Mahon as the Chairperson Pro Tem, noting that she will preside in the absence of the President and Vice President only if there is a quorum present. Motion was unanimously approved.

COUNCIL COMMITTEE APPOINTMENTS BY COUNCIL PRESIDENT: Council President Bergonia announced the Committee membership will remain as it has been, with Councilmember Cox filling the vacancy created by Nora Fluent. (Council concurred.)

Finance: Kathryn Morris, Chairperson; Ed Cox, Trey Casimir
Meets 1st Monday of each month at 3 PM.
Police: Susan Mahon, Chairperson; John Baker and Ed Cox
Meets 1st Tuesday of each month at 4:30 PM.
Planning: Trey Casimir, Chairperson; Susan Mahon and Ted Strosser
Meets 2nd Thursday of each month at 12 Noon.
Public Works: John Baker, Chairperson; Ted Strosser and Mike Molesevich
Meets 1st Monday of each month at 4:30 PM.

(Peter J. Bergonia, Jr., Ex-Officio on above committees.)

MISCELLANEOUS: Council President Bergonia questioned if there is still a need for a work session Tuesday the 12th. Manager Smith indicated a work session is not necessary this month.

Councilmember Morris questioned the need for a Finance Committee meeting this month. Manager Smith indicated the budget numbers were very, very good, so he doesn't believe a meeting is necessary.

There being no further business, Councilmember Baker made a motion, seconded by Councilmember Casimir, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 07:30 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**SECRETARY
CONTRACT
APPROVED**

**CHIEF OF POLICE
CONTRACT
APPROVED**

**SOLICITOR
CONTRACT
APPROVED**

**PENSION/
CONTRACT
LEGAL ADVISORS**

**LABOR
NEGOTIATION
LEGAL ADVISORS**

**PAYING
EXPENDITURES
IN ADVANCE**

**CHAIRPERSON
PRO TEM
(SUSAN P.
MAHON)**

**COMMITTEE
APPOINTMENTS**

MISCELLANEOUS

ADJOURNMENT