

***New Stanton Borough Special Council Meeting
November 21, 2006***

Council President Scott Sistik called to order the Special Meeting of Council at 5:00 p.m. The meeting was held at the Municipal Building, 451 North Center Avenue, New Stanton, Pennsylvania. A prayer and the Pledge of Allegiance were recited.

Members present were Scott Sistik, Todd Bartlow, Wilbur Bussard, Robert Quinn, Jerry Ilgenfritz, Thomas Theis, and James Mack. Also present Mayor Joseph Kazan.

Council President said this meeting has been called by the Mayor on an issue that was voted on and tabled for this meeting. It was a decision on the Code Enforcement Officers position. We are going to begin with some discussion; any members of the audience wishing to speak must be signed in please. I would like this to be a clam, deliberate, and peaceful discussion for the courtesy of the Borough Secretary who has to listen to the tape and record the minutes of this meeting. I expect one person to speak at a time. I am limiting the discussion to that of the Code Enforcement Officer position.

Mr. Thomas Smith said I would like something clarified. This was voted on last meeting and it was a tie and the Mayor was to break the tie. Is this meeting for his information so you can revote on it? Council President said according to the Borough Code, if the Mayor decides to table the decision until a special meeting is held, then it is up for Councils reconsideration. Mr. Smith said I don't understand it was voted on; it is just mainly to break the tie. Council President said it is revoted at this point. Mr. Smith said is that by the book? Council President said yes and Mr. Smith said my personal opinion is that every body's time was wasted because we know what is going to happen here. Councilman Mack said actually the motion is to rescind a motion that was already voted unanimously three months ago. What the motion is for tonight is proposed that we rescind what we voted unanimously for and agreed upon back in September or October and that is what the decision was. Mr. Smith said excuse me it was not only Mr. Bartlow who wanted to rescind the vote it was everybody that was here; but apparently to you the taxpayers don't mean nothing. Councilman Bartlow said I was not at the meeting when this was voted on so all the members of Council were not present at that meeting and circumstances have changed since then. We have done budget and our budget is a lot tighter plus we've added \$5,000 to another employees wages to help with the zoning, so that is why I am saying now we do not need this extra zoning person.

Mr. James Evans said I would like to encourage Council to rescind the previous motion and retain Mel as the current Code Enforcement Officer and I think we need to have somebody who is available to our community during the work day on a relatively short notice for code enforcement purposes so I encourage the Council to keep Mel or to hire somebody who is in the Borough during most of the working hours so that person is available. I personally have worked with Mel and have found him to be satisfactory with my dealings with him so again I encourage you to continue using him and I understand from discussions last week that it is easier on the budget so I encourage Council not to spend extra money and to retain Mel.

Mrs. Christina Fox said I think it is a no brainier, if we are already over budget for the year, and we had a free for all from what I read over insurance benefits then why do

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we need to add another person and spend more money if it is not really there. We already have a maintenance team that can handle this and we already have Anita, if you give her a raise add to her responsibilities then if she can't handle those other things then maybe find another way but I don't think we need it if it is going to raise taxes. I don't think it is necessary in my opinion. Councilman Mack said we are not raising taxes and it is a job that Mel had dual duty of. We are not adding another person on top of it just the ten hours he was devoting to code enforcement is going to be ten hours that somebody else is going to do so that he can concentrate on the roads and it is not adding a penny to the tax structure. Mrs. Fox said I think everything is fine the way it is. Councilman Bartlow said you are wrong it is adding another person. Councilman Mack said Mel is not doing the job that he is doing it is code enforcement there is no money difference. Councilman Bartlow said as far as taxes go the budget is very tight, it is like squeaked through to the penny regardless it is wasting taxpayer's money. Councilman Mack said you guys admitted that you underestimated the EMS returns. You said that is a conservative estimate of what we are getting for EMS. Councilman Bartlow said that does not go for code enforcement; that has nothing to do with this. Councilman Mack said it has everything to do with it. We are getting more money next year than what you have in the budget. You kind of underplayed the numbers on the income and overplayed the numbers on the expenses. Councilman Bartlow said that money cannot be spent on the zoning officer. That money is for roads only so what bearing does that have of how much money we make with that new tax. It has no bearing on this what so ever. Councilman Mack said it is part of the budget. Councilman Bartlow said it has nothing to do with this part of the budget. Council President said first of all it does not have any bearing on this budget whether we have \$84,000 taken in or \$184,000 taken in. The money can only be allocated for certain criteria. It will not change any other factors in that budget. Any of the factors relating to code enforcement it does not apply, so therefore, we cannot get help in that area nor can we pull anything from any other account which we have already exhausted every possible way of pulling money we give to the Fire Department, our streets and roads budget, everything that could possibly be done we have pulled and put in the EMS tax and pulled it from the general budget. If we take an additional \$100,000 in, it is going to sit in those same expenditure categories. It cannot be used anywhere else. Right now there is \$10,090 in the budget for code enforcement which is unallocated at this point except that it is under administrative wages. The decision is going to be how that money is going to be spent, whether it is another person to total enough to that \$10,090 or using the person we have right now and have the taxpayer's money be spent another way.

Ms. Noreen Karnash said as far as I can see like the ten hours that are allocated for the job, if that person is in Penn Trafford or somewhere else, it seems to me that we do need a citizen from New Stanton. If I call Joe and say I need somebody down here right now, is he going to drop everything and come down to my house? The nice thing about having that title in with that job is that, that person is available right then and there. That person might not be in the area and that is why I am having a hard time with Dr. Mack with his thing with the ten hours. Ten hours, one hour, two hours how many hours, if you need a doctor, I'm going to call the EMS station down the road and they are going to come to my house but if I have to wait a day or two for that person to come and see what is going on up the road there, it doesn't make sense to me. Is this something personal that we know nothing about because we knew nothing about it until we read it in

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the newspaper? We do not want someone who is not from this area. Councilman Mack said since you directed it towards me, for example I don't want to bring out dirty laundry in public but if you want to go drive across the bridge and look at where the old Colonel Sanders location was the reason why the sign is painted black is there was a sign permit issued and I told him that it was Penn DOT illegal but they put it up anyway and the reason it is painted black is because Penn DOT said to not because we do. The sign was up already it had to be painted black because it is illegal with them. That is one of the issues. The other thing is Code Enforcement usually is not an emergency situation it is not a five minute there. Fire Departments if you are talking about that one fire, the Fire Chief is very willing to come. Code Enforcement is getting a permit to do a building, a deck whatever, going back to check to see if it was done right. It is basically dotting the I's and crossing the T's and there was some other mistakes like for 21 years automotive business has a special exception meeting before they got their business permit, well there is one that didn't, it fell through the cracks. I asked Tee Pee Tim the day he was putting up his BBQ sign if he had a permit for that and he said no I don't need a permit Mel said it was OK. There are things like this going on. Mel said he got his truck keyed, his birdbath knocked over because of zoning issues. Zoning does not need to be confrontational all it needs is to be done right. Everybody in or everybody out not special exceptions for this guy and dot the I's for this guy and not dot the I's for this guy. It should be equal. We try to avoid Zoning Hearing Board meetings because they cost money and we try an avoid calling lawyers because they book for every six minutes. There were other permits issued and then rescinded just a lot of going back and forth.

Mr. Steele said number one the issue with the Ageless Auto sign, the blacked out sign, he put that up over the weekend and he was told about it on Monday that it had to come down because it was an off premise sign. No body told me to do that Dr. Mack, I did that on my own, and I did my job. You want to talk about being fair and being up front, my brother was mad at me for two weeks because I made him get a permit for a pool so don't tell me that I do for one and not another, everybody got it. The other thing about Tee Pee Tim if I tell you the sky is blue because someone told me, it doesn't matter. He could tell you anything, I did not tell him it was OK and that he didn't need a permit. The B&J Auto yes it did slip through the crack but it didn't just slip through mine, but I will take it right on the chest, in five years I made one mistake go ahead and punish me gracefully for that. I am tired of being accused of things I am not doing and this has been personal.

Denise Campbell said as a resident, Recreation Board Member, and Planning Commission Member, zoning encompasses more than just Mel; we have Zoning Hearings that you just got done saying are expensive so we are going to pin it on one individual rather than the entire group of us. I would like to see that Council rescinds the original vote. I would like to see the \$10,000 used for something constructive in our community such as our Park and Recreation; we could spend more on our children which are the future of this community. Maybe four of you who sit here have ever attended any of our functions. I would like to see the money used in more constructive ways than hiring yet another individual because of personal conflict.

Mr. Smith said last meeting someone brought up about a file in case Mel screws up something is put in the file showing this. Is this stuff in the file? Council President

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said he has one item in the file that he has signed off on that he had been spoken to. Mr. Smith said obviously the rest of this stuff that Councilman Mack or anyone else brings up wasn't serious enough to put in the man's file. If the man is not doing his job he should have been fired. He hasn't been fired so obviously he is doing his job. Councilman Ilgenfritz said there has been many times that we have requested Mr. Sistik to do that and he just totally ignored it because Mel is his friend and he is Wilbur's tenant. It's not personal against Mel. Councilman Bussard said that has nothing to do with it and he is not my tenant. Councilman Ilgenfritz said he has been requested many times and when you ask him it is in his briefcase and he forgets to put it in his file. Mr. Smith said his file is clean, it is not in there then the rest of you Councilmen are not doing your jobs because you are not enforcing it. What's the difference between that and Councilman Mack really pushing for this guy and I don't know who he is but he even said he would work for \$12.50 an hour. One of them was checking on this guy that is running his own business which I brought up is getting copies of checks from Wal Mart and to me that sounds like a lawsuit in the end. Councilman Mack said the lady sitting behind you asked the question why don't you put the \$12.00 an hour guy in and I said you didn't want it so we are setting the budget for a certified building inspector, a guy who is certified to inspect commercial and residential buildings and is a Code Enforcement Officer by career and has all the credentials to prove it. The gentleman you are objecting to wasn't the person we were considering. I spoke to a guy who is a certified building inspector who would be willing to work for us. We have to put jobs up for bid. We can't appoint people for life so if Mel wants to apply for the job when it goes up for bid there is no law he can't. Mr. Smith said no there is no law he can't but Tom, you, and you Bob Quinn and you Jerry are going to vote against it and the way I look at it you're pushing for this \$12 an hour guy. Councilman Mack said I said no \$12 an hour guy. Mr. Smith said you mentioned \$12. Councilman Mack said one guy and the other guy wants \$19.00. Mr. Smith said you advertise it at \$12 an hour anybody that has any schooling is not going to take a \$12 an hour job which puts this guy in which you are trying to swing everything around to make it low enough, my personal opinion is this guy is going to be your puppet. Councilman Bartlow said exactly, thank you. Councilman Mack said I am talking about a certified building inspector whom I have talked to one time.

Councilman Bussard said my first question is we can't even send the fire truck out to answer calls because we are short handed how can we depend on our Fire Chief to go out and do these little public calls. He just can't do it. Youngwood probably answers 75% of our fire calls. Don't count on our Fire Chief to do it. He does a fine job but he works out of town and he does not have help. We probably have six or seven firemen that show up. So let's not even try and push a job on the Fire Department, they are volunteers.

Mrs. Mary Quinn said was the job posted in the paper to begin with? Council President said not yet. Mrs. Quinn said how did Mel get the job? Council President said he interviewed for it along with a number of other applicants. Mrs. Quinn said is there a job description for a Code Enforcement Officer in the Borough somewhere? Council President said by itself no it is not written up. The descriptions now in the current format are only listed as resolutions at the beginning of the year. They do not detail specific duties. Two meetings ago Mary Ann and Anita were given separate titles and job duties and these are all going to be put in the resolutions so it is clear as to whose duties

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everyone's is, along with any of the changes in the personnel. Mrs. Quinn said the Code Enforcement Officer's position is a very important job shouldn't it be a fulltime position? At Scottdale there is a fulltime Code Enforcement Officer there. Mel is doing a great job as Supervisor of the roads but he's admitted that he needs more education and \$5 more and hour. Council President said do you feel that our Borough is large enough to sustain a fulltime Code Enforcement Officer? That position could anywhere be up to \$25,000, \$30,000 or \$40,000 depending on the caliber of individual you are going to need for this position. Mrs. Quinn said how does Scottdale have a fulltime Code Enforcement Officer? Council President said they are much larger and their millage rate is higher than ours. Mrs. Quinn said feel that this job is very important and we can't afford to have things messed up. We are growing; everyone has admitted that at the last meeting. Mel admitted that he does not have the education to do the job. Council President said we went through this when we were discussing the Building Code Enforcement. There are a number of certifications, licensing that need to go along with these positions and one of the decisions that we made was to go out and hire on a service rather than try and spend the money to go through thirty different certifications that are required. It would cost the Borough an enormous amount of money. Code Enforcement again to go through all this again he has a number of years experience in it now and he is learning on the job and he could use more training. Anybody who says they have learned all they can is wrong. Everybody learns everyday.

Mrs. Lucille Ross said I have been a resident of New Stanton for almost thirty years. I like this town and I don't like reading in the paper that there is a circus going on but that is why I am here. First of all I know Mel through the dealings with Mel as Code Enforcement and he has always been there for us and has always done his job. I have not seen a complaint from the people that I know or from myself or my husband. He makes sure that it is all done right. Just recently when we had our street all torn up to replace a waterline, my backyard was flooding and somehow he got the message and he was there. If we get somebody that is not around or close he is not going to be at our beckoning call. We are the people who need him. I can't see why we have to replace him when we have someone who's doing the job. If he made one mistake, two mistakes, three mistakes, show me one person in this room that has never made a mistake and I'll show you the perfect person. We are all imperfect but I say Mel's the one I want and I hope other people here in New Stanton are representing what I say.

Mr. Mel Steele said I just want to clear one thing up. When we had the meeting where we went over about giving up the zoning and that was fine and I had no problem with that. The only problem I have is with the way things have been handled lately and I have been accused of not doing my job by a fellow employee and I know who that fellow employee is. That fellow employee and I will not mention any names gets those permits before I do and sometimes I don't see the permits, sometimes I'm just told to sign it and move on. Let's check where some of the mistakes are being made, let's not put the blame always on Mel. As far as the education goes, I've tried to get education, you know it Mr. President and the rest of Council knows it. I've come here and asked to be sent to classes and the argument was why do we need to send him to classes, he should know what he is doing by now. Classes were shot down because no one wanted to spend the money on getting me the education. I'm not just the only employee that was told no. I am just tired of being blamed for things that aren't my fault. This all started, the

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headaches, and torrential downpour of grief on my shoulders from a business across the bridge and the statement has been made, my buddy. I'm nobodies buddy when it comes to my job. I've been doing officiating in sports and this is no different. When I put a uniform on, I'm there to do a job and I don't give anybody favors and I don't do things for people because I know them. I didn't do anything for you Scott I've known you for years. Wilbur was made to get rid of his burn barrel and I've known that man longer than anybody here so don't anybody ever say that about me again because the next person that accuses me of that again is going to be sued. I'm telling you that right now. I'm tired of being accused of things I am not doing. I've had it up to here with it.

Mr. Mike Arthur's said if the Code Enforcement Officers job description is not specific in duty and responsibility, how can anybody say here that he is not doing his job? Councilman Ilgenfritz said actually it is specific but it is Public Works/Code Enforcement Officer, there is not a separate Code Enforcement job description. Mr. Arthur's said if it doesn't outline very specifically his duties, which I don't think it does, can you tell me how you know he is doing his job or not. Are all the things that he is being accused of that occurred tonight specifically say in writing what he was suppose to do and didn't do? Councilman Ilgenfritz said I will try and answer. There are certain things we have to be careful of saying because I don't want to condemn an employee publicly. A lot of stuff comes out of executive session and shouldn't come out of executive session and let me tell you I was one of the guys that hired him. If Mel would get fired I would hire him again for work for me, I don't have a problem with Mel personally but there are some issues and just to bring one up and Joe will recall this over at Robertshaw with having a permit to tear a building down with mercury or something and it was a mistake and I realize it was a mistake and the problem is a lot of things should be professionally done. Mr. Arthur's said all I'm asking is was that specific issue written in the code just that Mel should have been able to respond to it. Council President said just to clarify something that Jerry said here that he hired him, in a sense he hired him for that position, Mel had been working prior to that as a Public Works Supervisor and he acquired that job that he applied for. As I stated before the only two positions that we will have anything specifically written up for is Anita's and Mary Ann's which have the new duties attached to them and will be put in the resolution. Councilman Mack said are you suggesting that Council should write a formal job description for Code Enforcement Officer. Everyone said yes.

Mr. Steele said I don't know what the Robertshaw thing is all about because the DEP would be the one to release any of the mercury information or asbestos information, and if this office did not receive that information, we do not know that it is there so issuing a demolition permit is a standard demolition permit period. The mercury came up after they were done tearing the building down. Councilman Bartlow said you asked if we ever put our finger on anything specific no, what I've seen since I've been on Council, these guys come in every meeting, Mel did this like they are telling on him and then Mel comes in and explains it. They don't go to Mel and straighten anything out they want to come in and make him look bad. Anybody who comes to regular Council meetings will see that's what happens. Once again I can't tell you what goes on in executive session but say they come and discuss what Mel did wrong, usually Mel comes in and clears up whatever it is.

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Mr. Thomas Smith said I just have to say I realize a couple of you gentlemen have to leave and this could go on for hours so if anybody else has anything else to say let's say it and get the vote done.

Councilman Mack said did I not talk to you face to face after the last meeting and we had a cordial conversation yes or no? Mr. Steele said I don't remember what we talked about. Councilman Mack said we had a cordial conversation; they are making it out like I am trying to chop your head off. I said to you that I've never been against anybody making a living and I always want people to do well with their living. Mr. Steele said you've said that here also. Councilman Bartlow said but Mel is not your puppet. Councilman Mack said I don't want people thinking that he and I have some kind of hostility in general over things. Councilman Bartlow said Mel is not our puppet and Mel is not your puppet and that is what is upsetting you. Councilman Ilgenfritz said Mel do you have any hostility with me? Mr. Steele said it is building. I'm personally being attacked and I'm not supposed to be upset about it. You attack me personally. I take my job personally and when I hear about things and Todd said it no body comes to Mel to discuss something. I hear about after a meeting because I'm being reprimanded for nothing because no body bothered to talk to Mel and I do take that personally and I think there is something clandestine about it.

Mayor Kazan said when you issued those letters about the fences being to close to the road did we not talk about that and then I went and talked to all the other people? Mr. Steele said yes, I think we handled it nicely. Mayor Kazan said and then when the lady got the letter about the barking dog and the fence, didn't I come and talk to you about that? Mr. Steele said we have worked together on occasion very well. Mayor Kazan said I just wanted to say that anytime that I've seen something that should be corrected, I would go back and talk to Mel and it would work out. Mr. Steele said I don't lie, my integrity is very important to me. I consider myself to be a very honest person. I'm not going to do something that is going to harm people and I am not gaining anything financially. All this stuff that I hear about, that I'm doing I should be rich.

Councilman Theis said I was just wondering since we are going to put the Borough Engineer up for bid are we going to give him a chance to come here and let everybody represent him since we're putting that job up for bid? Do you all know about the Borough Engineer? Are they happy with the Borough Engineer? Mr. Smith said I'm a taxpayer and I think Mel does a good job and there are enough taxpayers here that think he does a good job and I'm trying to figure out why and how he is getting railroaded. I've sit here at meetings before when Mel was asked about something that he did and he would sit there and explain it and everyone on Council said fine. If it wasn't fine then it should have been put in his record. There is nothing in his record, the guy didn't do anything wrong forget it.

Councilman Theis said I just wanted to know if anybody is unhappy with the Borough Engineer. Councilman Bussard said my question is; I hear about all these lawsuits. How many lawsuits have we had against us for wrong doing? Councilman Mack said there was an Ethics Committee investigation of the Borough.

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Mr. Evans said I would like to summarize what I am hearing and one thing with the budget is we have an amount of money we could spend. I think we should look at it as how much can we keep in reserve for emergencies and where can we be prudent with taxpayer's money. I haven't heard that very frequently in the conversations and I encourage you to think that way. If we can spend less money and still be effective then do it. Again I encourage you to have someone who is available to us for our Planning Commission meetings that we have once a month and Mel has been available and has been proactive with the companies coming in with doing advisory's with them so things go smoothly.

Mrs. Fox said I just want to say about Councilman Theis' thing about the Engineer, we are the taxpayer's so if you are in the position that Council wants to change the Engineer well then we should be here again to defend the Engineer if we like him or not then that is our right to be here if you change personnel.

Councilman Ilgenfritz said there are things in executive session consequently that we can't tell you but I will be willing to discuss it with Mel after the meeting but there are things that we are not at liberty to tell you. Councilman Bartlow said this Council has been in more executive sessions this year than it has in the past thirty years.

A motion was made by Todd Bartlow second by Wilbur Bussard to rescind any prior votes to eliminate Mel as the Code Enforcement Officer and Mel will remain the Code Enforcement Officer in 2007. The motion carried with Robert Quinn, Thomas Theis, Jerry Ilgenfritz and James Mack voting no. Scott Sistek, Todd Bartlow, and Wilbur Bussard voted yes.

A motion was made by Todd Bartlow second by Wilbur Bussard to adjourn the meeting at 5:46 p.m.

Respectfully submitted

Mary Ann Roll
Secretary