

BOROUGH OF VANDERGRIFT

MINUTES OF SPECIAL REORGANIZATIOAL MEETING

JANUARY 13, 2020

The Council of the Borough of Vandergrift met in the Council Chambers of the Municipal Building 7:00 pm, with Mayor Barbara Turiak presiding. The Pledge of Allegiance to the Flag was recided.

MEMBERS PRESEN:

Lenny Collini	Christine Wilson
Thomas Holmes	Karen McClarnon, via phone
John Uskuriatis	Casimer Maszgay
Kathy Chvala	

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen J. DelleDonne, Secretary
Larry Loperfито, Solicitor	Joseph M. Caporali, Police Chief

VISITORS:

Bill McClarnon, 520 Hancock Avenue, question whether Lucian Bove, Bove Engineering Co., is a certified structural engineer and not a civil engineer.

Lucian Bove, Bove Engineering Co. stated that he is a certified structural engineer and graduated 6th in his class. He also stated that he upset with the continual lying about this Matter by certain individuals.

Mr. McClarnon stated that he received correspondence that indicated Mr. Bove was only a Civil Engineer.

Solicitor Loperfито stated that this was a mistake and was cleared up during a magistrate hearing.

Jim Dunmire, 181 Sherman Avenue, questioned the notice for this meeting was advertised.

Solicitor Loperfито stated that the notice of this meeting was done on January 9, 2020.

Mr. Dunmire questioned why the Emergency Management Coordinator is not a resident of the Borough.

Mr. Uskuraitis questioned his concern of Mr. Potoka being the chief of the No. 2 Fire Department and performing his duties as EMA during an emergency.

Paul Levy, 420 Longfellow Street, questioned the legality of this meeting under Chapter 9 of the Borough Code associated with filling vacancies and the creation of vacancies in elected in an elected office.

Solicitor Loperfido addressed language in Section 9903 regarding the refusal or neglect to qualify within ten (10) days following the beginning of the individual's term of office with was on January 6, 2020. Solicitor Loperfido indicated that this Special Meeting was within the ten (10) day period and was curative.

Mr. Levy introduced a letter that he is submitting to the Mr. Shapiro, Attorney General and Mr. DePasquale, Auditor General. (See page 8-A)

Mrs. McClarnon questioned why the Affidavit of Residency were not filed by past elected officials since it became law in 2014.

Solicitor Loperfido stated that there is no case law on this matter.

At this time, Mrs. Chvala read a prepared statement. (See page 8-B)

Solicitor Loperfido stated that Council should act on what is an apparent error in this law.

Jody Sarno questioned if we can take tonight to fix this problem.

Darla Held commented on the facial expressions of Council when a visitor addresses Council and Council should be more respectful.

At 7:45, a motion was made by Mr. Lenny, second by Mrs. Chvala, to recess the meeting. Motion carried.

In order to make everything legal, Magistrate Jason Buczak, of Washington Twp, was called in to administer the oath of office to Mr. Holmes, Mr. Collini, Mrs. Chvala, Mr. Maszgay, Mrs. Wilson, Mr. Uskuraitis, and Ms. Turiak.

With Mayor Turiak presiding, she called for nominations for President of Council.

A motion was made by Mrs. Wilson, second by Mr. Collini, to nominate Mrs. Chvala to the position of President of Council.

A motion was made by Mrs. McClarnon, second by Mr. Uskuraitis, nominate Mr. Maszgay, to the position of President of Council.

Dear Mr. Shapiro, and Mr. DePasquale

On Monday, January 13, 2020, Vandergrift Borough in Westmoreland County is having a special meeting of Borough Council for the purpose of reorganization. I would like clarification to the legal ramifications of this meeting. I hope you will take the time to consider my concerns and respond as soon as possible. I know this is short notice, but I just found out about this meeting this afternoon.

Title 8, Section 8, subchapter A of the Pennsylvania Code states in 801.a.2:

“Before being sworn into office, each elected borough officer shall present a signed affidavit to the borough secretary that states that the officer resides in the borough, or within the ward in the case of a ward office, from which elected and has resided in the borough continuously for at least one year immediately prior to the officer's election.”

Three seats for Vandergrift Borough were decided in this past year's election. One member (Kathy Chavala) was re-elected to council, and two members were elected to their first term (Karen McClarnon and John J. Uskuraitis). Last month, Karen and John were sent Affidavits to attest they live in the Borough, which they did as required by law. Kathy Chavala, who has served as Council President for the past 2 years, was not required to sign an affidavit. This fact was confirmed at the first regular meeting of the Council last Monday (January 6) by both Kathy and Borough Solicitor Larry Loperfito. They Stated on record that they did not know about the law until they saw it in the "Municipal News" in December. This suggests that Ms. Chavala willfully declined to sign the very affidavit that she knew needed to be signed.

I was in attendance at this meeting, and have an audio recording of the meeting. A video recording of the meeting is also available on YouTube. The video can be found by searching "Vandergrift Council Meeting" on You Tube.

At this first meeting on January 6, the three elected Council Members were sworn in by the Vandergrift Mayor. According to section 901.b of Title 8:

“Bond.--The individual appointed shall give bond if required by law or ordinance. If the individual elected to the office fails to give any bond required, to provide the affidavit required under section 801 or to take the required oath, the council, before making the appointment, shall declare the office vacant.”

Herein lies the dilemma. Three elected council members, one of which did not sign the required affidavit, were sworn in by a Mayor who also did not sign the required affidavit. As well, the three members elected in 2016 and the one appointed by Council to fill a vacancy in 2019 also have not signed the required affidavit.

Mr. Loperfito has decided that to correct this issue, all of the elected officials who have not signed the affidavit have been given the opportunity to fill one out this week, and each are to be sworn into office again on Monday at the Special Council Meeting, effectively creating a "do-over." I am concerned that this is not a legal remedy to this issue. The law is very clear that the seat SHALL be vacated.

Am I clear in this interpretation? As a citizen of the Borough for 18 years, I am very concerned about the legal ramifications of this. Any business done by the Council could legally be challenged in court and overturned if the law is being broken. I appreciate your careful consideration and thank you in advance for any guidance you can provide.

As I stated on January 6, 2020, I saw the statement in the PSAB Borough news. Said to Steve that I want to make Karen and John are aware of this so no one has issues with technicalities. I have been on council for 28 years and was looking at this wrong. Thinking that I was okay because everyone knows I have lived in Vandergift my whole life except when I went to college. Sometimes you are looking at something but just not seeing it correct. The form consisted of signing one's name in front of a notary, quick 15 minute process. There was no reason for me to intentionally not do this. No games, no hiding anything. When Karen asked me if I signed one, was when I realized my misunderstanding. I went the next morning, Took the form to the notary, returned it along with the Certificate of Election provided to me by the County Election office. At this time, I asked the Mayor to swear me back in which was witnessed by the Borough Secretary. I apologize to everyone for any inconvenience and there is nothing more that I can say.

Running a borough involves a lot of work and time. All previous council people have made several sacrifices throughout the years. We have had such a great council, supporting and backing each other. Moving forward as one body. This was continually backed by our Solicitor, Engineer, Mayor, the chief, Officers, Code enforcement, Borough Crew, Steve and Teresa. On a normal year there is a lot to do. This year, more so. It is our special 125th anniversary. We received the grant to move ahead with Olmstead Commons to the rebuilding state, an exciting moment we have been working towards for years. We have negotiations for the new Police Contract and Borough Crew Contract. We received the grant for the new liner for the pool, and there is much going on up there.

There has not been a tax increase in several years. Have never been over budget. 24/7 Police coverage, full borough crew. Snow removed and streets cleaned in inclement weather.

You can choose to make me look as bad as you wish on social media and in the paper. I choose to use my energy more towards our growth. Again, do as you choose moving forward, I am done commenting on this. Thank you.

The following roll call was taken:

Mr. Collini cast a vote for Mrs. Chvala.
Mr. Holmes cast a vote for Mrs. Chvala.
Mr. Uskuraitis cast a vote for Mr. Maszgay.
Mr. Maszgay cast a vote for himself.
Mrs. McClarnon cast a vote for Mr. Maszgay.
Mrs. Wilson cast a vote for Mrs. Chvala
Mrs. Chvalal cast a vote for herself.

The Secretary stated that Mrs. Chvala is named President of Council by receiving 4 voted and Mr. Maszgay receiving 3 votes.

Mayor Turiak called for nominations of for Vice President of Council.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to nominate Mr. Collini to the position of Vice President.

A motion was made by Mrs. McClarnon to nominate Mr. Uskuriatis to the position of Vice President.

Mr. Uskuriatis declared the nomination.

With no other nominations received, Solicitor Loperfито sought a motion that nominations be closed.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to close nominations for Vice President and declare Mr. Collini as the Vice President of Council.

At this time, Mrs. Chvala presided over the meeting in calling for the following appointments:

A motion was made by Mr. Uskuraitis, second by Mr. Holmes, to nominate Mr. Maszgay to position of Present Pro Tem. Motion carried.

A motion was made by Mr. Uskuraitis, second by Mrs. Wilson, to appoint James William to Vacancy Board of Council. Motion carried.

A motion was made by Mr. Collini, second by Mr. Holmes, to appoint Bove Engineering Company as the Borough's Engineer. Motion carried with Mrs. McClarnon opposing and Mrs. Wilson abstaining.

A motion was made by Mr. Collini, second by Mr. Holmes, to appoint the First Commonwealth Bank as the Borough's depository. Motion carried.

A motion was made by Mrs. Wilson, second by Mr. Collini, to appoint the law firm of Geary, Loperfito & Generelli as the Borough's solicitor for the Vandergrift Borough Council. Motion carried with Mrs. McClarnon opposing.

A motion was made by Mrs. Wilson, second by Mr. Collini, to appoint James Favero as the Solicitor for the Vandergrift Zoning & Hearing Board. Motion carried.

A motion was made by Mr. Maszgay, second by Mr. Holmes, to appoint Emil Bove as the Borough's Sewage Enforcement Officer. Motion carried with Mrs. McClarnon opposing and Mrs. Wilson abstaining.

A motion was made by Mr. Uskuraitis, second by Mr. Collini, to appoint Vernon Sciullo as an alternate to the Vandergrift Civil Service Commission. Motion carried.

A motion was made by Mr. Holmes, second by Mr. Collini, to appoint Steve Potoka as the Borough's Emergency Management Coordinator. Motion carried.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to appoint Christopher Hannigan as the assistant Emergency Management Coordinator. Motion carried.

A motion was made by Mr. Holmes, second by Mr. Collini, to appoint Stephen DelleDonne as the Borough Secretary. Motion carried.

A motion was made by Mr. Collini, second by Mr. Uskuraitis, to return to the regular order of business. Motion carried.

NEW BUSINESS:

A motion was made by Mr. Collini, second by Mr. Maszgay, to adopt Robert Rules as the proposed rules and procedures. Motion carried.

ADJOURNMENT:

A motion was made by Mr. Collini, second by Mr. Holmes, to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:20 pm.

**REORGANIZATION SPECIAL MEETING AGENDA
VANDERGRIFT BOROUGH COUNCIL
JANUARY 13, 2019**

Call to Order (The Honorable Barb Turiak, Mayor)

Roll Call by Mayor:

**Christine Wilson
Casmier Maszgay
Tom Holmes
Lenny Collini
Karen McClarnon
John Uskuraitis
Kathleen Chvala**

Pledge of Allegiance by Mayor

Public Comment Period (3 minute time rule will apply)

Nomination and Election of Council President by Mayor (Upon completion, the Mayor turns the gavel over to the President of Council)

Nomination and Election of Vice President

Elect a President Pro Tem to preside in the absence of both the Council President and Vice President

Appointment of Vacancy Board Chair: Peter Basile

Other Board/Commission Appointments:

Secretary: Steven J. DelleDonne

Engineer: _____

**Solicitor: Larry D. Loperfito, Esq./ Alaine G. Generelli, Esq.
Geary, Loperfito & Generelli, LLC**

Zoning Solicitor: James Favero, Esq.

Zoning Seats to be Reappointed: Susan Shotts

Planning Commission Seats to be Reappointed: NONE

Civil Service Commission Seats to be appointed: Candidate: Vern Sciallo

Depository Bank: First Commonwealth Bank

Emergency Management Coordinator: Steven Potoka

New Business:

- a. **Adopt Roberts Rules as the proposed rules of procedure**
- b. **Remind all councilpersons that State of Financial Interest must be filed by May 1, 2020.**

Adjournment