

**BOROUGH OF BRENTWOOD
TUESDAY, SEPTEMBER 13, 2011
SPECIAL BUSINESS MEETING OF COUNCIL**

1. Call to Order. The Special Business Meeting of Council of the Borough of Brentwood was called to order by President Trexler at 7:04 P.M., on Tuesday, September 13, 2011 in Council Chambers.

2. Pledge of Allegiance. The Pledge of Allegiance was recited by all in attendance.

3. Roll Call. The following answered roll call: Mrs. Catherine Trexler, Mr. Mario Richards, Mr. Charlie Johnson, Mrs. Ann Schade, Mr. Clyde Zimmerman and Mr. David Wenzel.

Also present: Mayor Kenneth E. Lockhart, Borough Manager George Zboyovsky, Solicitor Thomas Ayooob III and Administrative Assistant Mary Lou Garase.

At this time, President Trexler requested we have a Moment of Silence for Janice Boyko who passed away on Monday, August 29, 2011.

President Trexler stated Ms Boyko was committed to the community and as a result she made a difference in Brentwood in the many organizations she belonged to and helped. She left a large void to fill and we will truly miss her.

4. Council Vacancy – 30 days to fill vacancy – September 27, 2011.

President Trexler said we will discuss the options to fill the Council vacant seat of Council woman Janice Boyko. There are several options to explore and I passed out some different scenarios on how to go about appointing someone to the position.

President Trexler requested Solicitor Ayooob to give a background as what we can do to fill the vacant seat.

Solicitor Ayooob stated you have 30 days from the date of the vacancy to appoint somebody. To appoint somebody you need to vote at a public meeting with four (4) votes out of seven (7) or a majority with less than seven to appoint a Council person, which will be only for the remainder of the term. The seat was up for the General Election in November and the new Council person who would win that election would be seated in January, the first Monday in January. You would be appointing somebody for the next three and a half months, through September, October, November and December. If you as a Council can't choose who's going to fill the vacancy within 30 days, then the Borough Code provides a process where there is a vacancy Board, which you appointed the Boards and Committees during the Reorganization meeting in January. I have never gone to that step. Let's hope you are going to appoint somebody in the 30 day period. I would assume a reasonable interpretation is the vacancy occurred on the day of her passing, based on that day Manager Zboyovsky has indicated September 27, 2011 as

the 30th day. You don't need to go through a format or process you can choose whoever you want.

President Trexler stated so it is up to Council on how to choose someone. Solicitor Ayoob said yes, that is correct. President Trexler stated we have several scenarios that we can go through. I have been hearing a lot from residents about a Letter of Interest, in order to request a Letter of Interest we would have to submit an ad in the newspaper; that is one option up for discussion. One is to appoint from the November ballot. We have three candidates: two from the Democratic ticket and one on Republican ticket.

Mr. Wenzel said, that is not true, I am on both. President Trexler said yes but we can't appoint you.

Mr. Wenzel questioned why attendance at the meetings wasn't included? You have all the scenarios a Letter of Interest, registered elector and resident of the Borough, etc. I think another should be attendance at the meetings. Mr. Wenzel said who has a better grip on what goes on up here is someone that attends meetings. This should be considered.

Mr. Wenzel said we just got this tonight. In my opinion someone that comes to these meeting religiously, come to these meetings should be considered.

President Trexler said we can add another scenario. I was trying to be helpful in putting scenarios together. President Trexler said we can add another scenario and come up with the pros and cons of each.

Mr. Wenzel said we get this stuff at the last minute and we are supposed to read over this and make a decision from them.

Mr. Richards said I question the Letters of Interest. The residents' concern? Where are they? It was advertised and you are concerned about the resident letters being sent out. If there are so many of them. Where are they? Don't you think the residents would be here? Where are they? Who are these people? I see two gentlemen, I know Mr. Flanigan, and I don't know the other person. Mr. Carnevale is here, I have been on Council for four (4) years and he shows up at every meeting. Two weeks ago, what did you tell me, "I'm going to appoint Mr. Carnevale." Mr. Richards said you called Mr. Carnevale. President Trexler stated I didn't say that. Mr. Richards stated he called Mr. Johnson and he approved Mr. Carnevale, Mr. Wenzel said he was in favor of it. You called me and spent 45 minutes, I'll bring the phone bill; you were on the phone with me. Low and behold, now we have a change of menu. Why? When did we change the menu?

Mr. Richards said there are two (2) things that I regret in my four (4) years here:

1. Not running for Council in November and as much as him and I disagree, Mr. Wenzel, when he stands for something, he stays for it. The same with me.

2. The second mistake was to appoint you President, to vote to appoint you President, he should have been here and I should never have gone against him. That is what I regret.

There is no reason why this man should not be appointed to this Council for the rest of these three months. President Trexler said that is why we are here. Mr. Richards said we shouldn't be here. You don't say something if don't have any backup. President Trexler said we have to listen to the residents. Mr. Richards said how did these two residents hear about this? President Trexler said I have had phone calls. Mr. Richards said where are they? President Trexler said I can't control what they do.

Mr. Wenzel said let me interject here. We are the Council, we were appointed to this office by the residents to do the business of the Borough. Why aren't we doing it? I can't stand when somebody on Council says I got phone calls and letters, meet them on the street, all this other stuff and nobody has a name, a letter, when they made a phone call. It's all malarkey.

President Trexler said we have to remember that we were elected to be the voice of the residents. Mr. Wenzel said right. President Trexler said it isn't fair to the resident, a Letter of Interest would go out and every body who is interested can turn in a Letter of Interest. It is fair to the public. Mr. Wenzel said no, I don't agree with that. For three (3) months left of Janice's term? No. I don't understand it.

Mr. Zimmerman said I would like to comment. I feel it would be an advantage for the person who is taking the seat that we would appoint from the (.inaudible) right now. He would have the advantage or she and it could also be he or she could use the word "incumbent" and that is not so. That is where my argument is coming in there. That is my personal opinion.

Mr. Johnson said he would like to comment. For me it's a no brainer. We have an individual that has showed up at meetings, more than Council people have showed up for meetings. We have a person that shows a definite interest at to what the Borough is going towards, where this Borough is going and where this Borough it is coming from. To say he is on the ballot, the reason he is on the ballot is because the people voted for him. During the primary people voted for him. So, to me it is a no brainer, it is actually stupid to put somebody else on there on Council, it is actually stupid to put somebody else on there other than Pat Carnevale, because he has been at every meeting; he shows an interest, and he got voted during the primary. To be honest with you, he has been a pain in the neck, honestly a pain in the neck. I think he is good for the Borough. I think he is good. If you put somebody on for three (3) months, all you are going to do is aggravate him to be more to a deterrent to this Council. I think if you put Pat on Council, right now, to show him the next three (3) months what we do as Council. He sits in the

audience. I sat in the audience and I complained to Council before when I sat in the audience. I got elected. I was lucky. I think for people not to vote for Pat, for us as Council not to appoint Pat Carnevale to Council for the next three (3) months, is literally stupid. Mr. Wenzel said I agree with that 100%. Mr. Richards said it's an insult.

President Trexler said what you say to residents who are interested in submitting a Letter of Interest and not giving them the opportunity (At this time several persons were speaking). Mr. Johnson said where were they the last 2-3 years that they were interested in Council? Where were they? Not one sat in this audience. I see this gentleman here at every meeting. I look over and say Oh my God he's here again; but he's here. He shows an interest of what we have done in the past, and he shows an interest in the future. I think he belongs on Council, the people voted during the primary, voted he should be on Council. It's a no brainer. Because he is going to be on Council for three (3) months, he has an unfair advantage because he's on Council for three months, the people voted him there. They voted him on the primary.

Mr. Wenzel said there are only three (3) people on the ballot. Mr. Wenzel said it is not going influence the outcome of the election in this Borough. Mr. Johnson said to be honest with you, that is why I dressed for the meeting as I did, I thought this was a no brainer, appoint him, in and out and on the way home. Evidently there must be some other people that think differently.

Mr. Wenzel said I have a legal question for the Solicitor. Does Council have the ability to appoint anybody they want without any process? Solicitor Ayoob said yes.

Mayor Lockhart said unfortunately Dave Schade passed away. Mayor Lockhart questioned Ann how she got on Council? Mrs. Schade stated she submitted a Letter of Interest to Council with a resume and met with Council to talk about her goals and plans. Everybody got interviewed.

Mayor Lockhart said Janice won on both tickets on primary ballot. Every other time we have had a vacancy we always had Letters of Intent. No matter what seat it was: Council, if it was Zoning Hearing Board or anything and we have residents here that get appointed to those, that were in the audience. With that, I am done. It is Council's decision.

Mr. Wenzel said I want to elaborate on that. What you were talking about on these appointments. I also appointed to Council through the interview process but there were multiple years on that term. That is why. We are talking about three (3) months, to go through the time and the expense to advertise, have people write in etc. Pat Carnevale is the best candidate right now. Who else is out there?

Mr. Richards said if you appoint someone for three (3) months months, they have no chance, zero chance of winning the election in November. Mr. Wenzel said they would have to be trained, by the time they come up to speed on what we do here, in three (3)

months. Not to pick on somebody like that, they won't have the opportunity to know what we do. Mr. Carnevale sits there, I'll say it too. He has been somewhat of an influence in our meetings, at times, with some of his comments and stuff. That is the way it is. It is his right to speak. But that doesn't make him a bad candidate. I don't know why we are having this conversation. We ought to just nominate Mr. Carnevale get this over with and move on.

Mrs. Schade said you have Mr. Flanigan sitting in the audience who was on Council with my husband. I think you were President of Council at one time. Mr. Flanigan said only when Mr. Haney was sick. Mrs. Schade said you have Mr. Owens in the audience who is on the Zoning Hearing Board. Are you interested or are you just here tonight as an observer? Mr. Owens said I'm interested. Mrs. Schade said is it fair to appoint someone else when those two (2) have some interest.

Mr. Johnson said when was the last time Mr. Flanigan was here at a Council meeting? Mrs. Schade said I don't know but he knows the process. Mr. Johnson said does he know what has been going on Council for the last 3-4 years? Mr. Richards said he has not been here for the last 3-4 years. Mr. Johnson said you have to look at somebody that is interested now. Because they have experience, he has experience 20 years ago, fine. But, what's happening now is what I am interested in. Mr. Wenzel said Mr. Owens said he has an interest in Council. He could have come to the Council meetings. There was an election process in May, he didn't run, he didn't put his name on the ballot. Mr. Owens said I have satisfied my contributions on the Zoning Hearing Board of Brentwood.

Mr. Wenzel said if by chance we appoint you to the Council vacancy, we would need to appoint somebody to the Zoning Hearing Board and I think you are doing a good job at that. Mr. Owens said the only reason I felt I have an interest in moving on to the Council because the current people on the Zoning Hearing Board, the people that recently came on Board, I feel very confident leaving it to them. I have been on the Zoning Hearing Board for a decade and I have been here through the Towne Center being built. I have had some involvement. You have the responsibility to seek to appoint somebody that can be productive for the next three (3) months. If the fact is you are running out of time, you should just formulate a motion to elect somebody tonight and fill the seat and move on. Get it off your plate.

Solicitor Ayoob said I am not sure you can appoint anybody tonight. I hear you are saying to appoint someone tonight. This meeting was advertised for the purpose to discuss the filling of the vacancy, not to vote on the filling of the vacancy tonight. You don't have the ability to appoint someone tonight. I want you to know that. Mr. Wenzel said I didn't really think we would, I think we were trying to figure out a process. I don't know what we are going to do. We get this thing at the last minute; I'm not going to look at it. To me it means nothing. There is someone's name on it that is inclined to run and to put her name on the ballot.

Mrs. Schade said I think this happened because all of a sudden Janice left us. Mrs. Schade said that is probably why we have people coming out and want to run. I have had people ask me and they are not here tonight. People did make phone calls. Mr. Johnson said where are they? They could have put their name on the ballot in May if they were interested, they didn't. If people aren't interested, all of a sudden there is an opening, let's go, let's do it. No, you can't do that. You have to have some background where they have been for the past 2-3-4-5 years. Have they come to Council meetings? Have they showed an interest in the way we run the business? That's what you look for. It's not there's an opening, I haven't been to a meeting in 10 years, let's go for it.

Mrs. Schade said there was another time that we submitted a Letter of Interest, resumes, and interviewed and I didn't make it. I wasn't disappointed. I was interviewed by Council, it was fair and just. Mr. Wenzel said I did too. One time I didn't make it and one time I did but there was multiple years left on the term. We are talking about three (3) months. What difference does it make to have someone to come off the street with all their paraphernalia and getting them situated and they won't know what they are doing and will they will leave before they grasp what is going on. I don't know.

President Trexler said I still think the public should have the right for the opportunity to express their interest if they are interested regardless of what their situation is. Someone that is a former Council member could fill the position and not be interested in being on the ballot and not influence the outcome of the General Election. We could have somebody that is experienced and not have to go through the training process. Mr. Johnson said for three (3) months that we are working on the budget. Mr. Wenzel said Mr. Carnevale probably knows (At this time several people were speaking.) President Trexler said we have to (.inaudible) to the public. Mr. Johnson and Mr. Wenzel said who is the public? Who is the public? President Trexler said people stopping her on the street. Mr. Wenzel and Mr. Johnson said I don't believe that. Mr. Johnson said don't treat us like first graders. Mr. Johnson said the idea is fact on fact that this gentleman shows up for the meetings, he show up for the last 3-4 years at all the meetings and shows an interest in what the community has done and shows an interest on where the community is going and is knowledgeable of what goes. He had contacted the Borough Manager for several years and he probably knows more about what is going on in the Borough that what the Council people do. I swear if you say that somebody shows an interest, where are they? Where have they been? Where are they that they show an interest?

President Trexler said to give the public the opportunity to submit a letter, like an equal opportunity employer. Mr. Wenzel said for three (3) months? Mr. Johnson said why do through the process of money? President Trexler said the public wants the opportunity, like an equal opportunity employer; take the personal issue out of it. It is a more fair way with a Letter of Interest. The public wants the opportunity. Mr. Johnson said wrong, you go for the more qualified person. If you know who is the most qualified person would you waste your time? President Trexler said how would know without a Letter of

Interest? Mr. Johnson said who is there? I would not select anybody that I have not seen in the last three (3) years. I wouldn't select anybody.

At this time, President Trexler asked for public comment.

a. Mrs. Sue Lockhart, Shadwell Ave., came before Council and stated last Monday, not this past Monday, when we got word of Janice Boyko, I told my husband that you like you said Charlie to train somebody for the last three (3) months, I wanted to put in my Letter of Interest, I am not running in the election in November. It would have been done if you chose me. But by Wednesday of last week, I was told it was all sewn up and decided. That didn't give me a chance to do that. Not only as a past Councilperson, I have the experience, I put in a letter and would have done it for the three (3) months and walked away from it. How many others out there that could have done it for the three (3) months? I am Not running for election. I think the election should proceed for the Borough; but, I also feel I did get people, I won't say their name, it is not up to me to say their name that wanted to know what goes on, I said a Letter of Interest usually goes out. When they all saw the ad in the paper it didn't state a Letter of Interest. To them they felt, by last Wednesday there were a lot of people. By Friday they were being told it had been decided. That is why they are not here tonight. As far as I am concerned.

b. Mr. Pat Carnevale, Shadewell Ave., came before Council and stated a lot of this is about me. I know Mr. Flanigan through the union. I didn't know this was going to happen. I didn't come to anybody and ask anybody for this job. The fact of the matter is, I use to write her letters and do a lot of things for Ms Boyko. I feel very sorry that she passed on. I didn't come to anybody and ask for this job. I was called by you and told by you the job was mine. Don't tell me you didn't say you'll see me on the 27th. It was your words. Not my words. In fact, I never said a word. I did say I would accept. All of a sudden, this is all blown out of proportion. Everybody wants the job. I don't know which is right and which is wrong; but I'll put my knowledge against yours any day, any day of the week. As far as being a public servant.

President Trexler said if I may clarify: I asked you if you would be willing to be considered and you said yes; you would be willing to be considered. Mr. Carnevale said no, you did not say that to me. You said you would see me on the 27th. That is what you said to me. I have never told anybody that I have the job. I have seen Mr. Wenzel and in the company of Mr. Johnson and Mr. Richards. I never told anybody the job was offered to me. Now all of a sudden I didn't even know there was a meeting going on today until somebody called me. I don't think it is very nice that this is going on this way. If this is what you want, this is what you can have. I'm always going to be here. You're never going to chase me away. I have time, I have all the time in the world and I would love to be on Council; but once I sit up there you're going to listen. Thank you.

c. Mr. George Owens, Spangler Ave., came before Council and stated I am sorry of the loss of Janice Boyko. I want to tell your personally I have the highest regard for each and everyone for taking an interest in the Borough and its direction. I know it is difficult at times like this it comes from no where. The simple solution is you have a legal obligation on how you are going to decide on this tonight and then follow through with it. You should vote tonight if you are going to vote Mr. Carnevale or how you are going to go about the appointing process and just go with it. Get it off your plate. It shouldn't be a lot of argument about it. You take a vote on whether you are going to take letters or not. At the official meeting, I'm sure you have to publicize it and just go with what you decide tonight. I think all of you do a great job. That is all I have to say. Thank you.

At this time, President Trexler was speaking to Manager Zboyovsky. Mr. Wenzel said I can't hear you. President Trexler said I am asking for a motion for either an appointment from the ballot or a Letter of Interest. Mr. Johnson said not appoint from the ballot. It is not an appointment from the ballot; it is an appointment from a concerned citizen who happens to be on the ballot. President Trexler said Mr. Wenzel said brought up about the highest vote getter from the primary. Mr. Wenzel said I didn't say that. (Several people were speaking at the same time.)

M-1 Motion by Mr. Johnson, seconded by Mr. Wenzel that at the next Council meeting Agenda or Regular meeting we appoint someone to Council for the next three (3) months without a Letter of Interest.

Mr. Zimmerman said no. Mr. Johnson said why does she have to sway your vote? Mr. Zimmerman said I was wondering if you were saying to do it at the next Council or are we going to do it tonight. Mr. Johnson said at the next Council meeting we will appoint someone on Council. That was my motion. President Trexler said with out a Letter of Interest. Mr. Johnson said right.

A ROLL CALL VOTE WAS TAKEN. Mrs. Trexler, NAY; Mr. Richards, AYE; Mr. Johnson, AYE; Mrs. Schade, NAY; Mr. Zimmerman, NAY; Mr. Wenzel, AYE.
3 AYES. 3 NAYS.

Mr. Wenzel questioned Mrs. Schade why she voted no? Mrs. Schade said she likes the Letter of Interest. We have done that process all along since before the time of Jim Joyce. Mr. Wenzel said we would have to advertise again. There is no time. (At this time, several people were speaking at the same time.)

Solicitor Ayoob said the Mayor will break the tie. Mayor Lockhart said Mr. Richards already knows the way I am going to vote if Mr. Richards want to say it. Mr. Richards said that is the only reason (.inaudible) you are here anyway. Mayor Lockhart said I've taken enough of your crap and you're moaning over here.

Mayor Lockhart said my vote is by appointment because it has been done in the past by Letter of Intent. Mrs. Schade had to do it and other people had to do it, it has nothing to do with Pat. We keep on saying that from day one this be a transparent government up here. Well what more way could be transparent when you ask for a Letter of Intent from residents and Pat put a letter in. If nobody else puts one in there then Pat is appointed. If nobody has the qualifications, and Pat here knows what is going on, then you appoint him. It doesn't hurt anything. A couple of more days won't hurt anything.

Mr. Johnson said there is some cost, money for advertising. Mr. Wenzel said we would have to have the ad in by Thursday, until we get the vote on this, we would be up against the deadline. If we don't do it then it goes to the Vacancy Board and we are then further embarrassed. Mayor Lockhart said you would have to do this before the next Council meeting because there is no Letter of Intent.

Mr. Wenzel said okay submit a Letter of Intent at the next Council meeting, we look at those, discuss them and then appoint.

Mr. Johnson said so my motion was shut down. So somebody has to make another motion.

President Trexler said we have to finish the vote. Mr. Wenzel said we did. Mayor Lockhart said my vote was no, 4-3. President Trexler said the motion is carried and you have to submit a Letter of Intent. Mr. Johnson said that was not my motion.

Mayor Lockhart said the motion was denied. So now somebody has to make another motion.

M-2 Motion by Mr. Wenzel at the next Council meeting we review the Letters of Intent from the residents and then we appoint from those applicants. No second

Mr. Johnson said is that at the Regular Council meeting? Mr. Wenzel said at the next Council meeting.

Solicitor Ayoob said I think we are making this more difficult, quite frankly on all sides. We don't need to go through the formalistic view of a vote. It is apparent the consensus is you need to receive Letters of Intent. Solicitor Ayoob said before you can appoint anybody they have to submit a Letter of Intent. Secondly, if you want to advertise for Letters of Intent, you can choose to do so or choose not to do so because an argument can be made that anyone who has an interest would have been at tonight's meeting and then be informed by the Letter of Intent by being here. It is apparent by the first vote that you need to have the Letters of Intent. I don't feel the need to revote to re-affirm that. I think the only question is do you want to spend the money then advertise to receive Letters of Intent. The Agenda meeting is next Tuesday, September 20, 2011. Solicitor Ayoob said it would be at that meeting, it is my understanding. Manager Zboyovsky said the next

Council meeting is September 20, 2011 and the Regular Council meeting is Tuesday, September 27, 2011. We are talking the next Council meeting, September 20, 2011. Mr. Wenzel said yes. Solicitor Ayoob said the Agenda meeting was advertised like all the other Agenda meetings with the right to vote. If somebody from Council makes a motion to vote and get a second with a majority vote, then that person would be the Councilperson. Quite frankly, whether or not you submit a Letter of Intent, you try to set a Policy and Procedure to follow and everyone chooses to ignore it later. You can't prevent that from happening. It is really simple. You need a majority to appoint somebody within 30 days at a public meeting. That is all you need to have happen. If you want to form a consensus how to do that, go ahead, if you can't form a consensus, then don't. Just vote at the next meeting. It sounds like what I've heard is an attempt by Mr. Johnson to just say we'll appoint anybody at the next meeting that we decide by a majority vote.. Do you want to make it clear, do you want to receive Letters of Intent then somebody could make that motion before you could be appointed you need a Letter of Intent. Like I said you could (.inaudible) it later. If you have a majority there is nothing you can do.

M-3 Motion by Mr. Wenzel appoint by Letters of Intent to those people submitting such at the next Council meeting. No second.

Solicitor Ayoob said do you want to ad to that with or without advertising? Mr. Wenzel said, yes, "without advertising."

Mr. Johnson said I think you want to make a motion saying that you want to make a letter but what if somebody doesn't want to submit a letter.

Mr. Wenzel said let me say it over.

M-4 Motion by Mr. Wenzel, seconded by Mr. Johnson duly carried that Council appoint somebody to fill Ms Boyko's position at the next Council meeting whether a Letter of Intent was submitted or not.

President Trexler said a motion was made and seconded. President Trexler said all in favor. Several Council members said AYE. President Trexler said she has questions. Those oppose? Mrs. Schade said I oppose because I want that letter.

Solicitor Ayoob said I think you need a roll call vote because nobody is voting verbally. Everybody is not voting verbally so you don't hear the vote. Solicitor Ayoob requested a roll call vote.

Mr. Wenzel said shall we clarify the motion I made. Mrs. Schade said yes, please. Solicitor Ayoob said he will clarify the motion.

The motion is to appoint at the next Council meeting with or without a Letter of Intent. You can appoint whoever you want whether or not they submit a Letter of Intent based upon that motion.

Mr. Wenzel said with no advertising.

Solicitor Ayoob said with no advertising. There was a second. President Trexler said so we are back to where we were. In other words, we are disregarding the Letter of Intent with that motion. Mr. Wenzel said no we are not. We are considering them. President Trexler said "with or without a Letter of Intent." Mr. Wenzel said yes. Mr. Johnson said with a Letter of Intent or without a Letter of Intent. Mr. Wenzel said so what chance is somebody is going to send a letter in to be on our Council? President Trexler said it seems to me, either we are having the letter or we are not and you said we are going to vote whether we have them or not for an appointment. Mr. Wenzel said do you want to say only consider only those with a Letter of Intent? President Trexler and Mrs. Schade said yes.

M-5 Motion by Mr. Wenzel, seconded by Mr. Johnson and duly carried that Council amends the motion to read that only will we consider applicants with Letters of Intent to fill the position of Ms Boyko without advertising.

Solicitor Ayoob said let me make it clear. The motion as proposed on the floor, at the next Council meeting you will appoint someone to fill the vacancy only if they submit a Letter of Intent and you are not required to advertise for Letters of Intent.

Mr. Zimmerman questioned if this is for September 27, 2011? Mr. Wenzel said it is the next Council meeting, the Agenda meeting on September 20, 2011. Solicitor Ayoob said September 27th is not too late; which is the 30th day. President Trexler asked how the word is going to get out to the public if we don't advertise. Can we post it? Is that considered advertising? Mr. Wenzel said we are not advertising it. What the Solicitor said was if anyone was interested in it like these two gentlemen are, they would have been here at this meeting. They would have come up here to see what we are doing and how they could be part of the process. President Trexler said we have to let them know. Mr. Wenzel said we put an advertisement in the newspaper and said we were to meet to discuss the appointment of a Council vacancy. Who shows up? George and Mr. Flanigan, nobody else. Even Herb Sill didn't come tonight, he's not interested. Tony DeGenes did not come up, not interested. People that come to the meetings are ones that say I am interested.

Mayor Lockhart said I want to throw a wringer into this. Pat, you said earlier, you wouldn't be here unless somebody called you. Is this correct? Pat said, "I was called. Yes." Mayor Lockhart said if he hadn't been called he wouldn't be here either. How can you go to say that people that are interested to be appointed that aren't here or didn't get a call. Mr. Wenzel said I am not getting into it. A motion is setting here to be voted on. It's

the fairest way to do it. President Trexler said the fairest way to do it is to have the public aware of it. Mr. Johnson said didn't we do that already? Mr. Wenzel said yes. Mr. Johnson said didn't we advertise that we were going to discuss on how we are going to appoint a Council person tonight? Did we not do that? President Trexler said it didn't say anything about a Letter of Interest. Mr. Johnson said but we were going to discuss what we were going to do. Mr. Johnson said if they were interested in the position they would come to the meeting, find out and what do I have to do to get the position. Am I right or am I wrong? Do we have to send out a letter to each individual home saying we are advertising we are looking for a Council person? Mr. Johnson said we put it in the newspaper saying that we are going to discuss how we are going to appoint or assign a member of Council. Come to the meeting and find out.

Mrs. Schade said we have our reporter Laura here from the South Hills Record maybe she could put in an article in the newspaper. Mr. Wenzel said you can put an article in the paper stating yes, they are looking for Letters of Intent and Council will vote on September 20, 2011.

President Trexler said if you are requesting Letters of Intent and you don't let the public know you are requesting Letters of Intent (At this time Mr. Wenzel interrupted and said we are through the newspaper.) Mr. Carnevale who adamantly comes to every meeting, didn't see the advertisement for this Special Meeting until somebody called him.

Mr. Richards said he wouldn't be here if Mr. Zboyovsky didn't call him. Mr. Wenzel said he had to call everybody because Mrs. Trexler called a Special Meeting. Mr. Richards said he called me when I was getting ready to leave the house. He called today at 6:00 P.M. Mr. Wenzel said so you are here, everybody is in place, what are we going to do?

President Trexler called for a roll call vote. Mr. Wenzel said does everybody know what we are going to vote on? Mrs. Schade said could please state the motion again.

Solicitor Ayoob said the motion on the floor is to vote at the next Council meeting to fill the vacancy on Council with individuals who submitted a Letter of Intent and you are not going to advertise seeking Letters of Intent.

A ROLL CALL VOTE WAS TAKEN; Mr. Richards, AYE; Mr. Johnson, AYE; Mrs. Schade, AYE; Mr. Zimmerman, AYE; Mrs. Trexler, NAY; Mr. Wenzel, AYE. 5 AYES. 1 NAY. President Trexler said, "Motion carried."

President Trexler said the reason I said no is I feel it should be advertised.

M-6. Motion by Mr. Wenzel, seconded by Mr. Johnson and duly carried that Council adjourn the meeting at 7:45 P.M.

5. Public comment. President Trexler called for public comment. None.

6. Adjournment. Solicitor Ayoob said you have a motion and a second to adjourn the meeting you need to take a vote.

President Trexler called for a vote. ALL AYES. The meeting adjourned at 7:45 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Lou Garase". The signature is written in black ink and is positioned above the typed name and title.

Mary Lou Garase.
Administrative Assistant