

North and South Shenango Joint Municipal Authority  
Special Meeting  
August 3, 2020  
6:00p.m.

The meeting was held using Zoom meetings due to the Coronavirus State of Emergency. Pledge of our Flag was waived under the circumstances.

**Members Present**

Mrs. Kean Staab, Chairman; Mr. Tucker, Vice Chairman; Mr. Meyer, Secretary; Mr. Frisina, Treasurer; Mr. Jewart, Asst. Treasurer, and Mr. Shellhammer, Asst. Secretary.

**Visitor Recognition**

Karen Hanna questioned the Board if they had to call back a laid-off employee before hiring someone else. Attorney Shaddinger stated no. Ms. Hanna asked if the emergency meeting was advertised and why motions were made at that meeting. Attorney Shaddinger said it was an emergency meeting because the manager had gone on vacation without notifying the Board or made arrangements to manage the Authority in his absence. Ms. Hanna asked why we are holding zoom meetings. Mrs. Kean Staab stated we are following the Governor's State of Emergency. Ms. Hanna asked why is Mrs. Kean Staab such a bitch. Mrs. Kean Staab said such language/abuse would not be tolerated; if Ms. Hanna couldn't contain herself, she would be required to leave the meeting.

Diane Mowery asked when she could get information on a property she was selling? Mrs. Kean Staab asked for the information on the property. Ms. Mowery stated she did not have the information on her. Ms. Mowery was directed to call the office and leave the information requested. Ms. Mowery asked if the Authority home inspections were still waived. Mrs. Kean Staab stated no, and that information was incorrect.

**New Business**

Mr. Tucker made a motion to adopt a Board Member Policy addressing bidding on work at the Authority, Mr. Meyer seconded the motion. Roll call vote Mr. Shellhammer-yes, Mr. Jewart -yes, Mr. Meyer-yes, Mr. Tucker-yes, Mr. Frisina-yes, Mrs. Kean Staab-yes. Motion carried

Mr. Tucker motioned to accept the bids as submitted by Shellhammer Brothers for two taps: Barlow Tap-\$1,575.00 and Joe Frisina-\$1,520.00; Mr. Meyer seconded the motion. Roll call vote Mr. Shellhammer-abstain because he is the bidder, Mr. Jewart -yes, Mr. Meyer-yes, Mr. Tucker-yes, Mr. Frisina- abstain because it is his sons tap, Mrs. Kean Staab-yes. Motion carried.

Mr. Tucker made a motion to hire Eric Smith CPA to perform the accounting system change over to Quick Books at the rate of his proposal, Mr. Meyer seconded the motion. Roll call vote Mr. Shellhammer-yes, Mr. Jewart-yes, Mr. Meyer-yes, Mr. Tucker-yes, Mr. Frisina-yes, Mrs. Kean Staab-yes. Motion carried.

Mrs. Kean Staab announced an Executive Board meeting would be held with the Authority Manager on August 11, 2020 @5: 00 PM

### **Visitor Participation**

Ms. Kean Staab asked if the other call participant Danean Jordon would like to speak. Ms. Jordon stated, no.

### **Adjournment**

Mr. Tucker motioned to adjourn the meeting at 6:25pm with a vote of yes from all members present.

**Respectfully Submitted,**

A handwritten signature in black ink that reads "Dieter Meyer". The signature is written in a cursive style with a large, sweeping initial "D" and a long, horizontal flourish at the end.

**Dieter Meyer  
Secretary**

## **North & South Shenango Joint Municipal Authority**

### **Policy for Authority Contracts**

#### **With Board Member(s) or Businesses With Which They are Associated**

#### **Under Pennsylvania Ethics Law**

Under the Pennsylvania Ethics Law, found at 65 Pa.C.S. Sections 1101 et. seq., Board Members are prohibited from engaging in official activities that result in private benefit to the official, his or her family and any business with which they or their families are associated. Specifically, Section 1103 prohibits the following conduct:

Section 1103(f) states: No public official . . . or any business in which the person . . . is associated shall enter into any contract valued at \$500 or more with the governmental body . . . unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official . . . shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

Section 1103(a) states: "No public official . . . shall engage in conduct that constitutes a "Conflict of interest", which is defined as follows: " Use by a public official. . . of the authority of his office . . . for the private pecuniary benefit of himself . . . or business with which he . . . is associated.

The penalties for violation of these sections of the Ethics Law are very serious.

Section 1109(g) of the Ethics Law says: " A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publically stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in subsections (a) and (b)."

Under current law, it is the Solicitor's opinion that a contract may be awarded to a business entity of which a Board Member has an ownership interest, without violating the Ethics Law if the following procedures are followed:

- a. The Authority must give public notice of and advertise for bids, quotes or proposals for the contract in the manner required for contracts which are subject to the bidding requirements under the applicable laws governing the Authority.
- b. Sufficient notice and time must be given so that reasonable opportunity is given to any interested person to respond with a bid, quote or proposal.
- c. The results of the request for bids, quotes, or proposals must be publicly disclosed and the contract(s) awarded at an open public meeting of the Board.
- d. A Board Member interested in submitting a Bid, quote or proposal on behalf of a business in which he has an ownership, official, or managerial interest, or with which he is associated, must provide the Board with an Affidavit or Certification that he or she shall have no supervisory or overall responsibility for the implementation or administration of the contract or the work to be performed under the contract.

A formal opinion may also be requested from the Ethics Commission regarding the circumstances of any individual case to protect everyone concerned.

Under Section 1102(j) of the Ethics Law, to avoid a conflict of interest, a Board Member interested in a contract must:

- a. abstain from engaging in discussions regarding the award of the contract, and from participating in the vote on the award of the contract;
- b. prior to any vote that would result in any conflict of interest, he must "publically" announce and disclose the nature of his interest, which must be included as a part of the public record; and
- c. prior to any vote, he must provide a written memorandum disclosing the nature of the conflict of interest to the Authority Secretary to be recorded with the Minutes of the meeting at which the vote is taken.

This Policy was adopted at a public meeting of the Board of the North & South Shenango Joint Municipal Authority held on August 3, 2020.



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Dieter Meyer

Secretary

North & South Shenango Joint Municipal Authority

## **Ethics Disclosure Memorandum**

**Instructions:** In the event any business should come before the Board for action that if voted upon by a Board Member would result in a conflict of interest as set forth in the Pennsylvania Ethics law, then no action should be taken by the Board until the affected Board Member has filled out this form and publically announced and disclosed the nature of the conflict of interest as a matter of public record. A conflict of interest includes use of the office of the Board Member, by vote or influencing a vote so that as a result (a) the Board Member or (b) a member of his immediate family or (c) a business with which he or a member of his immediate family is associated receives a monetary benefit. The Minutes must reflect the substance of the public disclosure and this Memorandum must be kept as a part of the public records of the Authority.

**Disclosure:** With respect to the matter which is currently before the Board of the Authority for consideration at a public meeting of the Board being held on the following date: \_\_\_\_\_, and which matter is described as follows:

Motion to:

I must abstain from voting on the matter because if I did vote, it would result in a conflict of interest for the following reason: It would or may result in a private pecuniary benefit to \_\_\_\_\_ me, \_\_\_\_\_ a member of my immediate family, or \_\_\_\_\_ a business with which I or a member of immediate family is associated.

For the following reasons (describe):

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**Disclosure:** With respect to the matter which is currently before the Board of the Authority for consideration at a public meeting of the Board being held on the following date: August 3, 2020, and which matter is described as follows:

Motion to: Award contract for installation of new Tap for residential connection

I, Walter Shellhammer, a member of the Board of the North & South Shenango Joint Municipal Authority must abstain from voting on the matter because if I did vote, it would result in a conflict of interest for the following reason: It would result in a private pecuniary benefit to me, and a business owned by me.

Walter Shellhammer

A handwritten signature in black ink that reads "Walter Shellhammer". The signature is written in a cursive style with a long, sweeping tail on the final letter.

## Ethics Disclosure Memorandum

**Instructions:** In the event any business should come before the Board for action that if voted upon by a Board Member would result in a conflict of interest as set forth in the Pennsylvania Ethics law, then no action should be taken by the Board until the affected Board Member has filled out this form and publically announced and disclosed the nature of the conflict of interest as a matter of public record. A conflict of interest includes use of the office of the Board Member, by vote or influencing a vote so that as a result (a) the Board Member or (b) a member of his immediate family or (c) a business with which he or a member of his immediate family is associated receives a monetary benefit. The Minutes must reflect the substance of the public disclosure and this Memorandum must be kept as a part of the public records of the Authority.

**Disclosure:** With respect to the matter which is currently before the Board of the Authority for consideration at a public meeting of the Board being held on the following date: 08/03/2020, and which matter is described as follows:

Motion to:

Ref # 07 2020 01  
07 2020 02

I must abstain from voting on the matter because if I did vote, it would result in a conflict of interest for the following reason: It would or may result in a private pecuniary benefit to \_\_\_\_\_ me, \_\_\_\_\_ a member of my immediate family, or ~~\_\_\_\_\_~~ a business with which I or a member of immediate family is associated.

For the following reasons (describe):

owner / President  
Shellhammer Bros  
Bob Suller