

MINUTES

A special meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on Monday, April 23, 2018 for the purpose of appointing the open seat for Mayor. All council members and Mayor Kroft were present. President Koch called the meeting to order at 7:00 pm followed by a moment of silent prayer and the pledge of allegiance.

President Koch announces there are three candidates for the open seat for Mayor. The candidates are Mr. Kroft, Mr. Carpenter and Mr. Hernley. She asked them to introduce themselves and to state their reasons for seeking the Office of Mayor.

Mr. Kroft states he is taking this opportunity to withdrawal his letter of interest.

Mr. Carpenter is seeking this office since he and Bob Dentler were very close as fire police and he respected him very much. He feels he would like to honor him and fill out his term as Mayor. In his letter he stated he would not perform any weddings and Ms. Snyder asked him to elaborate on that. Mr. Carpenter says he is an ordained minister and he does not need the Office of Mayor to marry anyone. His convictions are built on the word of God and he understands you cannot bring God into situations as Mayor and he needs to do that. Therefore he would not marry as a Mayor. Ms. Bishop asked if he is still a member of the fire police which he says yes and states he is a First Lieutenant. Mr. Ferry asked if being involved with the fire company would hinder his ability as being Mayor which he did not feel it would. President Koch states it is her impression under Title 35, Chapter 74 Subchapter D that members of fire police cannot hold the Office of Mayor and serve as a fire police officer. Mr. Herrold asked if that is under the fire police act which she says it is. Mr. Carpenter asked how Mr. Dentler was Mayor then. President Koch states she wasn't sure but that it was brought to our attention after his passing. Mr. Sabold asked Mr. Carpenter if he can't hold both positions if he would give up fire police which he states he would not. Mr. Herrold reviewed the document presented by President Koch. President Koch states this is the interpretation we were given by the Boroughs Association. Ms. Snyder asked if this was information that we sought or was it information that was volunteered to us as a council. President Koch states it was information that was brought to our attention and was clarified. Mr. Herrold says subchapter D refers to special fire police and asked for a clarification of fire police and special fire police. President Koch states we were informed that since the chief of police is in charge of the fire police and not the Mayor that the Mayor should not hold any role in the office of fire police. Mayor Kroft states the Mayors handbook says that the Mayor is in charge of the police coverage for the Borough and fire police and special police. Mr. Sabold says he is reading something completely different that says the Chief of police is in charge of the fire police and not the Mayor. Mr. Herrold says that section 74-37 provides that all special fire police when on duty shall display a badge of authority and be subject to the control of the chief of police in which they are serving. So, the fire police are under the control of the chief of police not the Mayor. The Mayor swears them in. Special fire police under this subchapter shall before they enter on their duties be confirmed by the Mayor. The fire chief appoints someone to be fire police and the Mayor swears them into that office. When confirmed by the Mayor, which is making sure they have the qualifications and training for the position, they are sworn in as fire police. Mr. Herrold states he does not see a prohibition in the statute that prohibits the Mayor as serving as a special fire police. The Mayor confirms them and under the Borough code the Mayor has the right to issue oaths with respect to Borough offices other than him. He can swear in council and fire police. He said if there is any other information that can help him he would look at it but it is not in the statue presented. President Koch states she will point out to the Boroughs association that they were interpreting the law incorrectly and shouldn't be sharing it with other municipalities. Mr. Herrold shared the scope of the subchapter says this subchapter applies to volunteer fire company. Any entity under section 74-31 may nominate any of its members as special fire police. There may be other statues that deal with it that we don't know about but he says he does not see it here. He states that if Mr. Carpenter is chosen he can search to make sure there isn't something else prohibiting it if council wishes. If something would be found the seat would go to the next candidate.

Mr. Hernley states he was not on the ballot last time because of other obligations but did a write-in in the fall against Bob Dentler. Mr. Dentler won the seat. He got to speak with him and knows that he loved Dover. He feels they have the same vision since they ran for the same office. From Mr. Hernley's involvement with a lot of soccer clubs he has a lot of great relationships with people and businesses of the Borough and also some of the cultural clubs that some residents belong to. He feels that Mayor is a midpoint between the people and the council. He feels he is also very approachable. These are the reasons he put his name in for Mayor of Dover Borough. Ms. Snyder asked what his vision is. He states he would like to see Dover back to a friendly place where everyone knows each other and gets along working in one direction. She also asked if he is affiliated in any way shape or form with the fire company since that seems to be an issue for some. He states he is not. She also wanted clarified from his letter that says he would circumvent or deal with some issues before coming to council. What would be some of these issues? Mr. Hernley states some things that come to council he feels are knit picky and that those could be vented to him and not have to come to council. Sometimes that's all that is needed to smooth out the water.

Mr. Herrold states since there are only two candidates it is not necessary to nominate anyone. They are both nominated. Mr. Carpenter added that he has read the whole mayors manual and understands the position. Mr. Herrold also checked the Borough code for any fire police issue there and could not find any. President Koch asked everyone to cast their vote which was taken by paper ballot. Mrs. Plowman counted the votes. Mr. Carpenter had two votes and Mr. Hernley four votes. President Koch announced by a vote of 4 to 2 Mr. Hernley is appointed Mayor of Dover Borough. She thanked them both for submitting their names and offered congratulations. Mrs. Plowman will provide him with the paperwork to be sworn in by the District Justice.

This appointment will be through 2019 and the remaining 2 years of the term will be on the 2019 ballot.

The approval of the DCED report which was reviewed at the April 2nd meeting needs a motion for Hamilton & Musser to submit it. Mr. Slusser made a motion to approve the 2017 DCED report to be submitted by Hamilton & Musser to DCED. Ms. Snyder seconded the motion and it carried.

Mr. Sabold asked if up until the time Mr. Hernley is sworn in if Mr. Kroft is still Mayor. Mr. Herrold confirmed that Mr. Hernley cannot perform any Mayor duties until he is sworn in and that Mr. Kroft is acting Mayor until that time. As soon as that happens Mr. Kroft automatically goes back to President of council.

Ms. Bishop made the motion to adjourn the meeting with a second by Mr. Sabold. The motion carried and the meeting adjourned at 7:43 pm.

Respectfully submitted,

Brenda J. Plowman
Secretary/Treasurer