

**Minutes of Special Assembly Meeting  
Held November 26, 2014**

Mayor David L. Jack called the special assembly meeting to order at 2:00 p.m., November 26, 2014, in the Assembly Chambers. Assembly Members Decker, McCloskey, and Prysunka were present. Assembly Members Rooney, Mitchell, and Blake were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

**CONFLICT OF INTEREST**

There were no conflicts of interest declared.

**PERSONS TO BE HEARD**

*David Rak, 7 Mile Zimovia Hwy.*, stated that no additional funds should be spent to intervene in the additional lawsuits.

**ITEM OF BUSINESS**

**5a** Approval to intervene in the two additional lawsuits for the Big Thorne Timber Sale Project

*M/S: Decker/McCloskey, Move that we intervene in the two additional lawsuits for the Big Thorne Timber sale project.*

Manager Jabusch provided information on what was involved in the proposal to intervene in the two additional lawsuits; no additional costs in filing with the two additional lawsuits. He further explained that the Borough Attorney had (at his request) provided the potential risks involved; City could potentially be on the hook for future attorney fees; at this time, it would be favorable to join in the two additional lawsuits.

Assembly Member Prysunka expressed disappointment in the lack of information provided when the Assembly was considering joining the intervention for the first lawsuit; City might be liable for additional funds in the future if this dragged on. He further stated that there were a lot of community members who contacted him about the City's initial involvement (more negative than positive).

Mayor Jack stated that if the Assembly proceeded with this today and there were additional funds requested in the future, we could opt out. He also stated that this was a strategy.

Assembly Member McCloskey questioned that process. She stated that there could be a larger risk since we were looking at being involved in three different lawsuits.

Jabusch stated that it was our attorney who stated the potential risk involved; our attorney had stated that in any lawsuit there is that risk.

Assembly Member Decker clarified that the City in fact did vote to intervene; three suits were filed with the same issues.

Prysunka stated that the Assembly needed to be cautious in proceeding since we were using public funds; these things can drag on. Prysunka questioned the overall benefit to our community.

McCloskey stated that she didn't see anything wrong with approving this but did not approve giving any more funds.

Prysunka stated that we would have insulation on being liable on paying attorney fees for the additional lawsuits if we were to only be involved in the first lawsuit.

Decker stated that they were trying to block the sale and using three different forms of attack to do this; this was already affecting our communities upcoming sale; small mills were connected to medium size mills which are both affected.

Prysunka said that the other lawsuits were failing to disclose important points. He also said that the one lawsuit appeared to address environmental issues and the others addressed administrative issues; didn't see that our community would be facing the same issues.

***Motion approved with Decker, McCloskey, and Jack voting yes; Prysunka voted no.***

Special meeting adjourned at 2:31 p.m.

ATTEST:

Kim Lane  
Kim Lane, CMC, Borough Clerk

David L. Jack  
David L. Jack, Mayor

