

01-121-CD  
IN RE: OSCEOLA MILLS BOROUGH

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

IN RE: APPOINTMENT OF A QUALIFIED \*  
PERSON TO FILL THE VACANCY \* No. 01-121-CD  
ON THE COUNCIL OF THE BOROUGH \*  
OF OSCEOLA MILLS LEFT BY THE \*  
END OF TERM OF A COUNCIL \*  
MEMBER \*

\* TYPE OF PLEADING:  
Petition to Fill Vacancy of  
Borough Council

\*  
\*  
\* FILED ON BEHALF OF:  
\* Osceola Mills Borough

\*  
\* COUNSEL OF RECORD FOR  
THIS PARTY:  
\* David R. Thompson, Esquire  
\* Attorney at Law  
\* Supreme Court ID #73053  
\* 308 Walton Street, Suite 4  
\* P.O. Box 587  
\* Philipsburg PA 16866  
\* (814) 342-4100

**FILED**

JAN 23 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

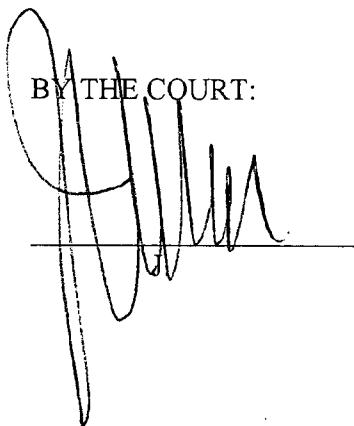
CIVIL DIVISION - LAW

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OF OSCEOLA MILLS LEFT BY THE \*  
END OF TERM OF A COUNCIL \*  
MEMBER \*  
\*  
\*

**ORDER**

*AND NOW*, this 25 day of January, 2001, upon consideration of the Petition to  
Fill Vacancy of Borough Council, it is hereby **ORDERED AND DECREED** that the Court hereby  
appoints Gary Sharpless to the council seat.

BY THE COURT:



**FILED**

JAN 25 2001

William A. Shaw  
Prothonotary

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William A. Stein  
Professor  
JAN 25 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

## CIVIL ACTION - LAW

In Re: APPOINTMENT OF A QUALIFIED \*  
PERSON TO FILL THE VACANCY \*  
ON THE COUNCIL OF THE \*  
BOROUGH OF OSCEOLA MILLS \*  
LEFT BY THE END OF TERM OF \*  
A COUNCIL MEMBER \*

## **PETITION TO FILL VACANCY OF BOROUGH COUNCIL**

AND NOW, comes the Vacancy Board of the Council of the Borough of Osceola Mills, Clearfield County, by and through the Borough solicitor David R. Thompson, Esquire, and files the following Petition to Fill Vacancy of Borough Council to which the following is averred:

1. Your Petitioner is the Vacancy Board of the Council of the Borough of Osceola Mills, a duly organized political subdivision in Clearfield County, with a business address of P. O. Box 85, Osceola Mills, Pennsylvania 16666.

2. Your Petitioner is comprised of the following individuals, all of which are adult individuals who reside within the Borough limits and are qualified electors registered to vote within said Borough, to wit: Raymond Reams, President; Patricia Helsel; Edward

Golembolski; George Timchak; Edward Vancas; and Eric Bezilla.

3. Rebecca Timchak is the Chairman of the said Vacancy Board.
4. In January of 2000, Councilwoman Rebecca Timchak's term of council ended.
5. Pursuant to Title 53 P.S. § 45901, if the vacancy of a borough council position is not filled by the Borough Council within thirty (30) days of the said vacancy, the vacancy shall be filled by the Vacancy Board of the Borough Council.
6. Pursuant to Title 53 P.S. § 45901, if the vacancy is not filled by the Vacancy Board of Borough Council within fifteen additional days, the Chairman of the Vacancy Board shall petition this Honorable Court to fill the vacancy, which is the purpose of this Petition.
7. The vacancy left on the Borough Council by the decision of Rebecca Timchak not to run again, remains unfilled.
8. The term remaining on the vacant council seat shall expire on December 31, 2001.
9. The Borough Council has received correspondence from Gary Sharpless, a registered elector residing in the Borough, who has expressed an interest in serving on the Borough Council. Gary Sharpless resides at 211 Sarah Street, Osceola Mills, PA 16666. ( A true and correct copy of the letter is attached hereto and marked as Exhibit "A").
10. On or about September 11, 2000, Charles Heath resigned his position as Chairman of the Vacancy Board.
11. On January 8, 2001, Council appointed Rebecca Timchak as Chairwoman of the Vacancy Board.
12. Council has requested the names of persons interested in serving on Council, and

Gary Sharpless was the only person on responded.

13. Rebecca Timchak, Chairwoman of the Vacancy Board of the Borough of Osceola Mills hereby nominates Gary Sharpless for said council position, as he is a qualified person for said position, and requests this Honorable Court to appoint Gary Sharpless for the vacant council seat.

WHEREFORE, Petitioner respectfully requests this Honorable Court to appoint Gary Sharpless to fill the vacant council seat for the Borough of Osceola Mills pursuant to Title 53 P.S. § 45901.

Respectfully submitted,



David R. Thompson, Esquire  
Attorney for Petitioners

**VERIFICATION**

**REBECCA TIMCHAK**, Chairperson of the Vacancy Board hereby verifies that the statements made in this **PETITION TO FILL VACANCY ON BOROUGH COUNCIL** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DATE:

Jan. 16, 2001



A handwritten signature in black ink, appearing to read "Rebecca Timchak". Below the signature, the name "Rebecca Timchak" is printed in a smaller, sans-serif font.

To Council:

Concerning the issue of the sewer bills. I read both copies of the Ordinance. They both state the bill is to be paid by September 30.

It does not say anything about a \$5.00 late charge. I also read nothing about when the bills are to be sent out. I do not think it was proper to send out the bills at different times. They should ~~have~~ have been sent out all together. I received my bill in September 26 only because my name is Slayton. If my name began with a A, B or H. I would have received it weeks sooner. I still believe my bill is not delinquent until December 26. I am not in financial straits. I do think all bills should be sent at the same time.

Also in the minutes of the March 13, 200 meeting, under old business, my name "was to be turned over to the solicitor and court of common pleas for appointment.

I never received an answer from council or the court. In order to get an answer do I contact the court or does the Borough.

Sincerely

Gary Sharpless 339-6238

~~1~~  
Sincerely

Gary Skarzless 339-6238

REC  
JAN 23 2001  
O 140 | Ruth Thompson  
William A. Stratton  
Picard, Inc.  
PC. \$80.00  
Ruth Thompson  
REC