

**POCONO MOUNTAIN REGIONAL POLICE COMMISSION  
REGULAR BUSINESS MEETING  
9 MAY 2017**

PRESENT:

DAVID W MOYER	-TOBYHANNA TOWNSHIP	-CHAIRMAN
FRANCIS DePIANO	-TUNKHANNOCK TOWNSHIP	-VICE CHAIRMAN
FREDERICK COURTRIGHT	-BOROUGH OF MOUNT POCONO	-TREASURER
JUAN ADAMS	-COOLBAUGH TOWNSHIP	-SECRETARY
ANNE LAMBERTON	-TOBYHANNA TOWNSHIP	-MEMBER
BRANDON IGDALSKY	-TUNKHANNOCK TOWNSHIP	-MEMBER
RALPH MEGLIOLA	-BARRETT TOWNSHIP	-MEMBER
LYNN KELLY	-COOLBAUGH TOWNSHIP	-MEMBER
ALMA RUIZ-SMITH	-COOLBAUGH TOWNSHIP	-MEMBER
CHRIS WAGNER		-CHIEF OF POLICE

ABSENT:

JOHN JABLOWSKI	-TOBYHANNA TOWNSHIP	-MEMBER
MICHAEL OSER	-BOROUGH OF MOUNT POCONO	-MEMBER
HARRY COLEMAN		-SOLICITOR

**CALL TO ORDER:**

The Regular Business Meeting of the Pocono Mountain Regional Police Commission was held at the Pocono Mountain Regional Police Building and called to order at 7:25 p.m. by Chairman Moyer with the Pledge of Allegiance.

David Moyer stated there was an Executive Session from 6:40 p.m. to 7:16 p.m. on Personnel and Legal Issues.

**Motion:**

Francis DePiano made a motion that the Pocono Mountain Regional Police Commission abide by the Collective Bargaining Agreement and Policy specifically in reference to Internal Investigations. If a Commission Member has a specific complaint regarding officer conduct that it be brought before the entire Commission during Executive Session for a course of action or the Commission Member can follow the Pocono Mountain Regional Police Department Policy regarding Officer complaints individually, seconded by Anne Lamberton.

Alma Ruiz-Smith stated that she does not believe that anything was resolved during the Executive Session and would like to reconvene the Executive Session after this meeting.

David Moyer stated there is a motion on the floor and a second and asked for any other questions?

Lynn Kelly agreed with Alma Ruiz-Smith.

Mr. Moyer asked if there were any other questions from the commission? Any questions from the public?

With no additional comments or questions, the motion passed with Anne Lamberton, Brandon Igdalsky, Francis DePiano, David Moyer, Juan Adams, Fred Courtright and Ralph Megliola in favor. Lynn Kelly and Alma-Ruiz-Smith voted no.

## **APPROVE MINUTES:**

### **Motion:**

Anne Lamberton made a motion to adopt the minutes of 11 April 2017, seconded by Brandon Igdalsky.

Alma Ruiz-Smith stated that her objection and debate concerning Mr. Oser's request about the list of items was not included in the minutes and should be added:

"Alma Ruiz-Smith objected and debated the decision to not discuss Mr. Oser's subject list of requests and pointed out that these items would be of concern to the public as Mr. Oser referred to them in public. A discussion ensued between Ms. Ruiz-Smith and Mr. Coleman."

Lynn Kelly also indicated that there are places in the minutes that are lacking for actual content of what the meeting covered such as when it states a lengthy discussion continued or after John Lamberton's comments stating that there is additional conversation that was not referred to. Ms. Ruiz-Smith agreed.

With no additional comments or questions the motion passed with Ann Lamberton, Brandon Igdalsky, Francis DePiano, David Moyer, Juan Adams and Ralph Megliola in favor. Lynn Kelly opposed, Alma Ruiz-Smith stated "with the changes" and Fred Courtright abstaining.

Lynn Kelly requested the copy of the recording of the April meeting be preserved. Chief stated we do.

## **APPROVE BILLS:**

### **Motion:**

Juan Adams made a motion to approve the Bill-pack of 9 May 2017 in the amount of \$279,227.85, seconded by Anne Lamberton.

Alma Ruiz-Smith asked what the total amount left on the mortgage is, what the interest rate is and when it was last refinanced. Chief stated he would get her that information.

Juan Adams asked if the four Cardiac SCI G5 Defibrators, check #15078, are for the building. Chief stated that one is for the building and the other three will be on patrol and these will be reimbursed by the Foundation.

With no additional comments or questions, the motion passed unanimously.

## **APRIL POLICE REPORT:**

Total calls for the month of April were 1139 consisting of 1073 Complaints and 66 Accidents. There were a total of 99 Criminal Arrests, 367 Traffic Arrests, 263 Traffic Warnings and 21 Ordinance Arrests.

Chief Wagner went over the monthly and year to date activity numbers as well as the UCR Crime Stats.

### **Motion:**

Brandon Igdalsky made a motion to approve the April Police Report, seconded by Juan Adams. The motion passed unanimously.

## **APRIL VEHICLE REPORT:**

Chief reviewed the mileage and expense report for April. He also request a motion to bid out Cars 3 and 7 which are the next cars set for decommission.

### **Motion:**

Fred Courtright made a motion to advertise for bids for Car 3 and Car 7, seconded by Juan Adams.

Alma Ruiz-Smith asked: regarding the request last month, has the commission considered her request to donate any of these vehicles to the Valor Clinic Foundation. Chief indicated that these vehicles that we put out for bid are used for scrap, they may be able to get a few more miles out of them but very doubtful that they would pass inspection.

Fred Courtright asked if Car 7 was drivable because it had zero miles for the month. Chief indicated it was out of service.

Alma Ruiz-Smith asked for clarification of the service for Car 41. Chief stated Tom did an Inspection and the windshield was replaced by Arrow Glass.

With no additional comments or questions the motion passed unanimously.

### **NEW BUSINESS:**

- **Insurance** – Chief Wagner stated we were just recently certified through the Pennsylvania Department of Labor and Industry with our Safety Committee which will give us an additional discount on our Workers Comp Insurance. He then introduced Bob Knowles who presented the Commission with the renewal rates for 2017/2018 explaining how the rates were determined and answered general questions from the Commission. Mr. Knowles also gave the Commission a brief overview of the possible need for a Cyber Liability Policy indicating that estimated cost factors for \$1,000,000 of coverage is between \$2,800 and \$3,500.
- **Policy Revision** – Chief Wagner stated that we had our Mock Assessment for Accreditation and there are 3 policies for minor revisions.
  - 1) **Policy 6-3 Weapons Qualifications:** Chief Wagner indicated that Section 2 and Section 4 –decommission 2 weapons and 2 new weapons being commissioned.

#### **Motion:**

Francis DePiano made a motion to adopt the revisions to Policy 6-3 Weapons Qualifications, seconded by Brandon Igdalsky.

Alma Ruiz-Smith suggested tabling this item because she has only received the revisions and has not had the opportunity to review the entire policy stating she is a new member she cannot vote on something that she does not know the entirety of. Francis DePiano indicated that the only changes being made from the policy that was approved by this body are the ones that are highlighted, all that needs to be done is approve the changes from what has already been approved, the chief has given the explanation of the changes and why. Lynn Kelly asked the chief if there is a problem if these are passed at the next meeting. Chief stated yes because that would be after the on-site Accreditation so these need to be done prior to the next meeting. Chief went on to say that it has been the practice of the Pocono Mountain Regional Police when a new policy is issued it is reviewed in its entirety, when we issue a revision it is only that page or pages that have changes that are reviewed. A discussion continued about how to handle review of policies for the future.

The motion passed with Anne Lamberton, Brandon Igdalsky, Francis DePiano, David Moyer, Juan Adams, Fred Courtright, Lynn Kelly and Ralph Megliola in favor. Alma Ruiz-Smith voted no.

- 2) **Policy 7-1 Pursuit of Motor Vehicle Directive:** Chief Wagner explained the changes to the policy were needed for Accreditation and what changes were made.

#### **Motion:**

Juan Adams made a motion to adopt the revisions to Policy 7-1 Pursuit of Motor Vehicle Directive, seconded by Anne Lamberton.

Lynn Kelly asked the Chief how he would disseminate information to other agencies on our policy. Chief explained the general procedures.

Alma Ruiz-Smith again raised concern about not being able to review the policy in its entirety prior to approving the changes.

Fred Courtright stated that if it is not going to be by motion then he would like it to be the understanding of the Commission that individual Commission Members can come in and request, through the chief, to view any policy and have any questions answered, with the understanding that the confidentiality inherent in these documents is maintained by the individual commission members.

The motion passed with Anne Lamberton, Brandon Igdalsky, Francis DePiano, David Moyer, Juan Adams, Fred Courtright, Lynn Kelly and Ralph Megliola in favor. Alma Ruiz-Smith voted no.

- 3) Policy 13-4 Pennsylvania Crime Victims Act: Chief Wagner explained that the changes to the policy were needed for Accreditation and what changes were made.

**Motion:**

Anne Lamberton made a motion to adopt the revisions to Policy 13-4 Pennsylvania Crime Victims Act, seconded by Brandon Igdalsky.

The motion passed with Anne Lamberton, Brandon Igdalsky, Francis DePiano, David Moyer, Juan Adams, Fred Courtright, Lynn Kelly and Ralph Megliola in favor. Alma Ruiz-Smith voted no.

**Motion:**

Subject to legal counsel's review: Fred Courtright made a motion that individual Commissioner members may make an appointment with the Chief to look over any full policies that we have and have their questions answered with the understanding that any confidentiality will be maintained by the Commission member, seconded by Lynn Kelly.

David Moyer commented that two meetings ago it was moved and voted that it would go through the Chairman, and then the Commission would decide if it would be moved on to the Chief, that was already voted on and without having legal counsel here he is not sure if this is doubling up or not. Mr. Courtright stated that motion was pertaining to the logs which had not come up before. Mr. Moyer stated that it was on anything that came to the attention. Discussion continued.

Lynn Kelly asked what is the PA Chief of Police Association policy on the governing body reading the policies? Chief Wagner stated that generally they will not get into the general politics of a governing body. She continued questioning the footnotes and requirements.

Motion failed Fred Courtright, Lynn Kelly and Alma Ruiz-Smith voted yes. Anne Lamberton, Brandon Igdalsky, Francis DePiano (counsel not present), David Moyer, Juan Adams (lack of counsel) and Ralph Megliola voting no.

- **1st Quarter 2017 Budget vs Actual** – Chief Wagner went over the 1st Quarter Budget report.

Alma Ruiz-Smith questioned the line item for the Chief Salary stating that the budget amount is showing as \$96,992 but the contract that was approved was for approximately \$109,000. Short discussion followed indicating that that may be the third year of the contract.

- **1st Quarter 2017 Treasurer Report** – General Fund-\$2,468,189.07 – Prescription Fund-\$23,263.66 – Capital Projects Fund-\$15,036.59 – Asset Forfeiture Fund-\$360,058.98 – Capital Reserve Fund-\$147,136.82 – Police Pension Fund-\$19,448,519.79 – Non Uniform Pension Fund-\$148,345.52

**Motion:**

Francis DePiano made a motion to approve the 1st Quarter 2017 Treasurer Report approved as presented, second by Anne Lamberton. Motion passed unanimously.

- **Vehicle Escrow Agreement / Lessee Resolution 2017-003** – Chief Wagner stated that the vehicle lease was approved however Susquehanna Bank requires the Lessee Resolution be officially adopted at a meeting.

**Motion:**

Francis DePiano made a motion to adopt Lessee Resolution 2017-003, second by Brandon Igdalsky. Motion passed unanimously.

- **Computer Escrow Agreement / Lessee Resolution 2017-004** – Chief Wagner stated that this is the same but for the computer lease.

**Motion:**

Francis DePiano made a motion to adopt Lessee Resolution 2017-004, second by Juan Adams. Motion passed unanimously.

**UPDATE:**

- **Member Municipality Concerns**

Tobyhanna Township – None

Tunkhannock Township – None

Coolbaugh – Juan Adams stated that the lack of response to an Alarm was brought up at their meeting and asked if there is a policy in effect for Alarms. Chief stated it falls under the Coolbaugh Township Ordinance, Joint Ordinances. Chief asked if there is a specific incident he is referring to since he stated lack of response. Lynn Kelly stated it was brought up at a meeting but they don't have the information handy – she will get it and forward to the chief. Chief stated that when they get a police complaint they can just forward the individual directly to the department so they can get an answer right away.

Alma Ruiz-Smith mentioned that Coolbaugh Township passed Resolution 09-2017 at their last meeting regarding the right for appointing and removing commission members.

Mount Pocono – Fred Courtright deferred to Claudette Williams. She commended Cpl. Mertz for his handling of an incident with a homeless woman.

Mr. Courtright stated that there was discussion at the last Borough Council meeting regarding how the police can better justify the hours, what is being done and what they are doing with the time they are, also the possibility of modifying some of the reports where it can tie into the UCR Reports. Chief Wagner gave a synopsis of the way we came up with the information is presented over the past 24 years of operations and based on what information the municipalities have requested to see.

Barrett Township – None

- **2018 Hiring** – Chief Wagner stated the written test is scheduled for July 1, the physical training test is scheduled for August 5, first round of interviews tentatively August 21,22 and 24 then second round of interviews sometime in September and he will keep the Commission updated.
- **Flooring Project** – Chief stated that the flooring project is complete, it looks great and it came in under budget.
- **Re-Paving Project** – David Moyer reported that the site was looked at last week. He stated the sidewalk and curb have deteriorated and should be replaced before paving. Specs will be together within a week. Chief then mentioned that there is a conduit that has been leaking as was noted through the mold remediation project and posing a very dangerous situation with the water coming in by the electrical. He is recommending that it may be a good time to dig that up while doing the repaving to find the problem and fix it.

- **Pension** – Quarterly meeting scheduled for May 16.
- **Community Events/Letters of Support**

Thank you received for Ofc. Scarfo's handling of a domestic incident.

April 12 – Sgt. Posluszny and Cpl. Nero along with K9 Niko – Job Fair at Luzerne County Community College

April 18 – Sgt. Posluszny and Cpl. Nero along with K9 Niko – Job Fair at Northampton Community College

April 25 – Ofc. Burk – Met with children ages 3 – 4 at Head Start in Coolbaugh Township and spoke on Safety Issues

### **PUBLIC PARTICIPATION:**

Logan Evans stated, understanding the Commission is the Governing Body, asked if background checks are done on the members through State Police and FBI? Chief stated that background checks are the responsibility of the municipality. If they do not do them then we would.

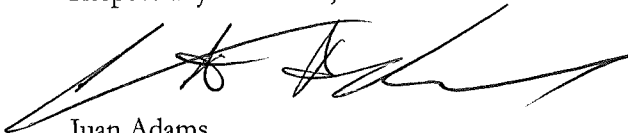
Andrew Scott stated at the last meeting there was an Executive Session at the end of the meeting and then the public meeting reconvened and asked if that happens often and is it normal. David Moyer stated that is probably the first time in quite a few years and no it's not normal. Mr. Scott then asked if the meeting that was reconvened if that was a violation of the Sunshine Act, would that count as a separate meeting. Mr. Moyer stated that question would have to be directed to our legal counsel. At the time legal counsel advised that it was not. It was also announced prior to going into Executive Session and reopening the meeting.

### **ADJOURNMENT:**

#### **Motion:**

Anne Lamberton made a motion to adjourn the meeting, seconded by Francis DePiano. The motion passed unanimously. The meeting adjourned approximately 9:03 p.m.

Respectfully submitted,



Juan Adams  
Pocono Mountain Regional Police  
Commission Secretary