

February 13, 2019

6:30PM

South Pymatuning Township Regular Meeting

The Regular Meeting of South Pymatuning Township Board of Supervisors was held February 13, 2019 at 6:30PM in the Fire Dept. building with Chairperson Bill Klumph, and Supervisor's Rose Lyons, Chuck Vranich. Solicitor Charlie Steele, Investigators Keri Bozich and Howard Wiley were also present.

The meeting was opened with the pledge to the flag.

It was announced that any resident wanting to speak on any agenda item must fill out a Right to speak form and be specific about which item on the agenda. It was also announced if any resident wanted to speak on public comment they must also fill out a form.

Solicitor Steele announced to the public that the speakers will be informing the public of what we learned regarding the police department. He announced it was a major decision to suspend the operations of our police dept. while the supervisors reconstitute to put best practices in place. He said improvements need made within the department. Steele said the PSP will be covering the township. The public was informed that communication with the union has went well regarding the temporarily shut down. Steele said several concerns led to the shut down that involved shortage of officers that involved them having other fulltime jobs or being off on sick leave. Part timers were working 12hr shifts and the supervisors felt that was unsafe to continue to do so. There was a lot of township property missing such as radios and full automatic machine guns that weren't in compliance. Steele said the ATF was contacted. The guns were missing for some time and somehow magically reappeared. He said an individual can't own a machine gun. No Resolution or minutes could be found showing the approval of these guns. Steele said the police dept. needs to be repopulated.

Keri Bozich who is a licensed private investigator, and a formal special agent for the IRS. She now owns her own firm. She has covered criminal, civil, and internal investigations. She said she is 75% complete on her report. Keri informed the public regarding the 4 radios an officer took to a private vendor for modification for personal use. That would be used for hunting and long range target shooting. Numerous individuals were interviewed including law enforcement, past supervisors, and county officials. Bozich interviewed the vendor that had records dating back to 1996 were Bozich said she was able to conduct an audit and the audit revealed approximately 30 of 42 radios are missing from the township. The officer claims he was given the radios by 2 past supervisors and past supervisors gave two typed written statements that were very similar in writing stating there was a mandate to switch from analog to digital. Bozich said her investigation revealed there was no such mandate; they were worth money and could be used to communicate with other

jurisdictions and can be used by personnel. She advised police officers are not allowed to accept gifts. When the officer was approached about the radios he returned the radios and quickly telling the supervisors they could keep the upgrade of what he spent which was approx \$340.00 to modify them for his personal use. Bozich said a supervisor became aware the township owed 4 fully automatic by a 3rd party. The supervisor immediately began researching the records and found records indicating they were purchased in 2015. No current supervisors had any knowledge these weapons existed. In early December of 2018 while doing the radio audit Bozich said there were no machine guns present in the township at that time and a silencer that was purchased in 2012 was also unaccounted for. Immediately upon the supervisors becoming aware of the existence of the guns they relayed a message to the police dept. that the guns needed to be returned immediately. The request was also made by the ATF. They were advised to return the weapons to the supervisors, however they were returned without anyone's knowledge. Bozi said all weapons have been returned. She said there are different classifications for fully automatic machine guns. The machine guns in question the LAR 15 are completely prohibited from being owed by an individual. The officers that purchased the guns purchased them in the township name. One paid cash, while the others paid via payroll deductions. The guns are short barreled post 1986 manufacture machine guns. There are no minutes on file showing approval at a public meeting for the large purchase. From the time between 2015 until present there was at least one sale which she said she will use the term loosely because it's not a legal transfer. One formal officer who works for Pennsylvania State Police will not return Bozich's call, sold the weapon to another officer who is no longer employed with the South Pymatuning police dept. One officer who is not currently with the dept. when returning his equipment to the dept. did not disclose the existence of the LAR 15 and was later retrieved from his home. A second LAR 15 was retrieved from another officer's home. None of the weapons were on township property when Bozich did her visit on December 10, 2018. Two part time officers were never made aware of the township having the guns. Bozich said officers purchased these weapons and most of them treated them as their own weapons. She also said when they visited in December there was no investigation for the machine guns so no one was aware we would be looking for them. It was now turned over to speaker Howard Wiley.

Mr. Wiley advised he was approached by the solicitor that there were some issues within the dept. that required further investigation. He advised the public he holds a bachelor's degree in law enforcement, political science and police science and a master's degree in criminal justice. Wiley said when he walked into the department with the investigator and they were a bit shocked were readily open fire arms evidence that wasn't locked or secured, drugs that were locked but the keys were in an open key cut case so the drug cabinet was fully exposed. No locks were on lockers and an open locker with a Sam Brown belt with a fire arm in battery ready to shoot could have discharged a round if it had fallen. He said he was advised by the

dept. it was a common practice to do that. Standard Operating Procedures were outdated and do not fit modern policing. Mr. Toth interrupted the meeting and said that goes to the supervisors. Chairperson Bill Klumph hit the gavel and told Mr. Toth no. Toth said the police and procedures come from the supervisors. Wiley said there was a lack of knowledge and failure to train. He said the senior supervisor has held the position that supervisors could not even enter the dept. for the purpose of supervision. Wiley said in his professional opinion to the township his recommendation to the township supervisors. South Pymatuning Police Dept. is not functional or safe and should be temporarily assisted by PSP. The administrative and criminal investigation should move forward to their logical conclusion. Policy and procedures should be developed, hiring and background, collective bargaining agreement should be amended to be in line with the dept policies. A system for internal investigations and public complaints, hiring system, dept. records on officers and training should be maintained in the office of the township supervisor or secretary and should have standard forms and reporting. He said is 50% complete with his report. Steele said in response to a comment made to the supervisors they were assured in writing by an officer that the department was doing best practices and that the department was in tip top shape and to blame them for not having the right policies in place is misplaced. He said it was only through the vigilance of certain people that care about this township that the supervisors were advised and undertook what we're discussing tonight.

Supervisor Rose Lyons Announced that Pennsylvania State Police will be taking over February 17, 2019 and that she has contacted Frank Jannetti and also asked the Fire Dept. to attend this meeting. Lyons said they were notified that one of their part-time officers will be resigning on February 22, 2019 for employment elsewhere. PSP will notify county if any calls come in for road conditions. Lyons said she knows the biggest concern is response time. She said the PSP will take over pending cases. Lyons said the supervisors goal is to have South Pymatuning Police department fully staffed, trained and policies put in place and to be back in service by June 01, 2019. Lyons said for 3 months the two part-timers have been working 12hr days 7 days a week and we appreciate everything they have done. She advised the township has not been without 24hr. coverage and still remains with coverage. Lyons said she would like to thank all of our officers. Lyons said the department has some good officers and does not want the department to get a black eye over some things that are going on and the goal is ensure the department is back up and running. The supervisors want their own police dept. She said they have no interest in Sharpsville or PSP for future coverage. Steele excused the two investigators from the meeting and there was a round of applause for them.

Steve O'brien asked why the supervisors didn't ask their neighbors to help with police coverage before state police. Lyons said they did ask for coverage and the answer was no.

Laurel Alexander said two supervisors gave the radios to the officers and it was totally flossed over by the investigator. She said Wiley blamed the police department for training and said supervisors don't give them any training. Alexander blamed the supervisors. Lyons said a letter was written by an officer that he had policies and procedures in place to CYA the supervisors. Lyons said there has always been an open door communication between the police department and if training was needed they should have spoke with supervisors. Laurel said I guess when I was a supervisor she found they were not being responded to and said that's what she heard. Toth interrupted the meeting and chairman Klumph said he did not fill out a right to speak form. Chairperson Klumph told Toth he did not fill out a form to follow the rules so he could either fill out a fill form or leave the meeting. They called upon the officer to come into the meeting. Steele said it is legal for the supervisors to ask for people to fill out the Right to speak to regulate public comment. Steele said to answer Alexander's comment police officers are not allowed to accept gifts.

A motion was made by Bill Klumph and seconded by Rose Lyons to approve the minutes of the January 7th regular meeting and reorganization meeting Motion passed unanimously.

Public Comments:

Bob Rice said his questions were answered.

Laurel Alexander said the investigator said she found a lack of records and knows Rose gets rid of audio records. Lyons asked Alexander what records she was talking about and advised her that once the minutes are finished it is not required to keep the audio recordings. Laurel asked if they had a meeting earlier today and why it wasn't announced. Lyons said it will show on next month's agenda.

Chris Nagy spoke about the medical response time once PSP takes over and keeping their staff safe. Nagy advised they would notify the township if they change their run cards or anything else. Klumph thanked him and said we appreciate all that they do.

Fire Reports were read.

A motion was made by Bill Klumph and seconded by Chuck Vranich to approve the bills in the amount of \$95,446.39 and payroll total of \$37,809.34. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Rose Lyons to adopt a policy for computer, email and internet usage. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to Adopt Resolution 2, 2019 to participate in the 2019 joint seal coat bid program. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to appoint Bill Klumph as delegate and Chuck Vranich as alternate voting delegate for joint seal coat bid program. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to adopt Resolution 03, 2019 to accept state police services effective February 17, 2019. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to suspend police operations until June 01, 2019 or at an earlier date. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to engage the services of police internal investigation expert Howard Wiley for a retainer of \$2000.00 and hourly rate of \$75.00hr. To be charged against the retainer pursuant to a written agreement by the solicitor. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to engage in services of Private Investigator Keri Bozich to investigate loss of township property and acquisition of regulated firearms, Bozich's services to be billed to the solicitor at a rate of \$90.00hr. Effective December 01, 2018 in the amount of such billing to be disclosed to the public. Motion passed unanimously.

A motion was made by Rose Lyons and seconded by Chuck Vranich to table the Gerasimek subdivision. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to accept the resignation of Charles Snider effective February 13, 2019 from South Pymatuning police dept. as per agreement approved by the solicitor. Motion passed unanimously.

A motion was made by Bill Klumph and seconded by Chuck Vranich to adjourn the meeting. Motion passed unanimously.

The meeting ended at 7:25PM

Rose Lyons

Secretary