Albion Borough
Council Meeting
July 19, 2018

PRESENT President Sam Steff, Vice President Scott Seaton, Jason Harayda, Rebecca Marshall, Greg Hemmis, Bill Altman, Chief Ries, Borough Manager Gary Wells and Angela Telega.
Absent: Rick Irvine, Mayor White

CALL TO ORDER 7pm

PLEDGE OF ALLEGIANCE

Approve Agenda **R. Marshall:** Motion to approve July 19, 2018 agenda
G. Hemmis: second motion
Vote: All in favor. Motion passed.

President Sam Steff: Before we open up to public comment, we are not here to discuss the police department. Because Council has never discussed it nor are we discussing it. We do not intend to discuss it. The Council here is very much in favor of keeping the police department. I don't know where the rumors started from and I don't care. I am making a statement right now that we are not doing anything but keeping that police department. Public comment will be limited to three (3) minutes.

Public Comment: **Pete Rotko, 31 Jackson Avenue:** I was wondering about the street resurfacing and liquid fuels. Where do we stand on that aspect? **G. Wells:** On the liquid fuels where we stand right now is you will see going out in the paper our bid request in the Erie Times News. We are looking to do West Pearl, Academy and the Park. We are hoping to get it done before the fair. We will open bids next week. **J. Harayda:** I have a question, on our June 21 minutes we did ask for the bids to be opened this meeting. Is there a reason we didn't do the bids? Why didn't we do the bids three (3) weeks earlier to be able to open them this meeting? **G. Wells:** Because PennDOT didn't get here in time. PennDOT must measure the roads, they put the bids out. We are going to open bids on August 2, 2018, we are going to have a special meeting just to open the bids at 4:30pm. **S. Steff:** Any other public comment? **Robert Burns, 27 Highland Avenue:** I have talked to Jason Harayda about this, I want to know what's going on with that. I know Gary has been up there and it is a problem. Something needs to be done. I understand that there are things going on that may be a little more important but so is my property. I can't even use my basement because of this. There is no drainage. **G. Wells:** I haven't been in your basement but I have been up to look at your property. I know some of the past circumstances and what has been talked about, but I think it would be good to have all the supervisors to go up and to take a look at your property and see if there is anything that we can do and to get some costs and pricings. **Karleen Burns, 100 Meadow Drive:** I was born and raised in that house and it has always been an issue! **Robert Burns:** I would like something done about it, even if it's just someone looking at it. I know

Jason said he was going to take a look something needs to be done. **G. Wells:** Yes, Ray and I was up there and we now have a new Public Works Supervisor, Kent, doing a lot of storm drains recently. **Robert Burns:** there is only one drainage ditch on my property and that's on Second Avenue actually. **Karleen Burns:** And it's covered with grass! **Robert Burns:** It just sits on the end of my driveway. **G. Wells:** We will get the Supervisors up there to take a look **Karleen Burns:** It has been like that for twenty (20) some years! **G. Wells:** and see, if possible, if there is anything we can do. It is not a dead issue, it will be looked at. All the Supervisors will come up and take a look at it. **Larry Bright, 296 East State Street:** I hear we have a new Supervisor, Superintendent so to speaks over the streets department. **G. Wells:** Kent Kibler **Larry Bright:** Was he hired by an official vote by Council? **G. Wells:** Yes. **Larry Bright:** On the record? **G. Wells:** They gave permission to hire. **Larry Bright:** They gave permission to hire, but there was no official vote? **G. Wells:** I was given permission to hire, by Council. **Larry Bright:** I am sorry but that is not right. It should have been voted by Council. Council hires and Council fires for every department, that is my comment. **G. Wells:** Council voted to give me permission. **Jeannie Bright, 296 East State Street:** I'm just confused why did we hire a Supervisor yet we laid off the police? I am just confused. **S. Steff:** One Supervisor retired and we replaced him and the garage is severely understaffed. We didn't hire anybody to a new position, we just replaced an employee who retired. **Laurie Vorse, 236 East Pearl Street:** I am bringing it up again, something has to be done about the four (4) wheelers. I called the State Police and they are not going to come to chase them. They will come out only if there is a wreck or if someone is killed. I want to see something happen before that happens, we went out 7:40am this morning and they were speeding down the road. They are going so fast that we can't record them. Enough is enough, something needs to change. **Jim Vorse, 236 East Pearl Street:** This is happening all times throughout the day. They are just flying, at least going 45mph. One of these times I am going to pull my truck out and just let them hit it. A mini bike went down the road at 2:00am. I don't appreciate being woke up at 2 in the morning by dirt bike, four (4) wheelers racing up and down Pearl Street. Enough is enough, something needs to change.

Police Report

Chief Ries: 61 calls in the month of June, which is about normal. We saw an uptake in summertime calls and we are continuing with that. We have a Fair Board meeting here at 7pm August 14, 2018 with first responders to give us a game plan on how we are going to work the Fair this year. Fireworks were awesome this year, thanks to everyone who helped out this year. A big thanks to the Albion VFW and the Albion Moose for their big donations. New county radio still being worked on, still being told August/September for the roll out date. For the August schedule requesting three hundred (300) hours for police services. The arson case coming up in August, need an additional forty (40) hours to cover that, I am hoping that will cover it. This is the seventh time it has been continued.
Stephanie Kramer, 158 South Main Street: Hey, I have a quick question here. I came to the Borough Office last week and asked to be put on the agenda, is there a reason I was blown off? **G. Wells:** You're in public

session, you do not have to be put on the agenda because you are allowed to speak in public session. You get three (3) minutes, the same as every Albion Borough citizen has to talk in a Council meeting. **Stephanie Kramer:** So now I have to come back to the next meeting, is that what you are telling me? **G. Wells:** You have three (3) minutes if you would like to talk in public session. You weren't here during public session, we are now into the normal meeting. **Stephanie Kramer:** In the past you always were put on the agenda to be able to talk. So, when did that change? Who changed that? **J. Harayda:** Stephanie when you called, who did you speak to in the office? **Stephanie Kramer:** I physically came into the office and spoke with Barb. **J. Harayda:** why wasn't she told she didn't need to be put on the agenda? She was waiting for her time, I think we should allow her to have her time. **G. Wells:** She can have her three (3) minutes if Sam allows her to have her three (3) minutes. **S. Steff:** I will allow it. **Stephanie Kramer:** Well I guess I have a couple questions, I was told the reason we started the petition to cover our community, and I know you guys don't want to touch base with this, is because the Borough Council President had told another Council member that they can't fire Ries **S. Steff:** That is a straight out lie! **J. Harayda:** No, it's not. You told me on the phone. **S. Steff:** No, I didn't. **J. Harayda:** You said if you can't Dan Ries fired you would shut the entire department down. 100% going **S. Steff:** No, I did not. **J. Harayda:** You did, I am not going to argue with you. **S. Steff:** I will argue with. You want to hear what you want to hear and read what you want to read. **Stephanie Kramer:** Well regardless if it was said or not the community has come together and we would like to keep the police department. **S. Steff:** Did you not hear what I said earlier? **Stephanie Kramer:** I did, I did. I don't think that Dan should have been reprimanded the way he was over one hundred fifty bucks ($150.00) when someone here was given five hundred bucks ($500.00) to get a water license they never got. So, what's fair for one employee should be fair for another employee. **S. Steff:** Steph if you rob a bank and take five hundred dollars ($500.00) and you then return it. Are you still going to be prosecuted? **Stephanie Kramer:** Is there a reason why it wasn't got? And then you hire someone else for the water? **S. Steff:** We haven't hired anybody. And we know you are talking about Scott. **Stephanie Kramer:** And I have no personal agenda's here against him. **S. Steff:** We are waiting for his final papers to come in. **S. Seaton:** I will address this briefly, something suddenly had happened and there was an agreement that we were asked to not talk about it. We had a previous employee and our solicitor handled it. Something came up very suddenly and the Borough had to act quickly to get someone in here with a license. I have been in the process of getting mine, I just got my paperwork done today and had it notarized here at the Borough. But the reason for that is that something suddenly happening in the past, so we are moving forward with that. Myself just got my paperwork in and the gentleman we have here is going through classes. We are also both working at the Waste Water Treatment Plant as well. **Stephanie Kramer:** So, if we are putting someone else through the classes and you're technically an electrician, so what do we need to pay you to do it for? **G. Wells:** We are cross training all employees so we don't ever run into a shortfall again and have to rely on a circuit rider. As we move forward any new hires we want

them to be able to get theses certifications and licenses so we can avoid these shortfalls. It takes time to get certified and to meet all the requirements required to get certified. And cross training in any organization is the smart thing. So that is the game plan which is a smart thing to do. If you don't think it is then I apologize, but that is what we do in this industry today. **Stephanie Kramer:** So, what exactly is your job? **G. Wells:** I am the Borough Manager **Stephanie Kramer:** What exactly do you do? Like you just got done explaining how everyone is going out and getting cross training and getting their hands dirty. So, what do you do? I am not going after your job or anything, I just information. **G. Wells:** I oversee everything. **Stephanie Kramer:** So you don't actually get your hands dirty and do physical work? **G. Wells:** I offer, it doesn't matter to me if I do or I don't. **Stephanie Kramer:** Angie does is oversees everything here **G. Wells:** What Angie does is accounts payable, she handles all the bank statements, payroll and does water and sewer. **Stephanie Kramer:** For seventy thousand dollars ($70,000.00) plus benefits we pay to oversee everything? **G. Wells:** Yes. **Stephanie Kramer:** Don't you think that is a waste of tax payer's money? **G. Wells:** Not at all. Council looked at what they were doing in the past **Stephanie Kramer:** When Becky was doing it, she wasn't being paid that much. **G. Wells:** she did the Secretary/Treasurer job and wasn't a Manager. **Stephanie Kramer:** inaudible **G. Wells:** I am not here to contest with you about **Stephanie Kramer:** Ok well then, I guess my other question for Council is why was Dan's check sat on for three (3) months and then suspended? **S. Steff:** we are not going to address that under the advice of our solicitor. We are not addressing that tonight. We are now going to turn it over to the Loudermill Grievance.

Loudermill Grievance

Nicholas Borsuk: Chief Ries, I am Nicholas Borsuk from Eckert Seamans, Cherin & Mellot, LLC. This is going to serve as your Loudermill grievance hearing in regard to the first Loudermill letter you had received on March 27, 2018. Are you represented by council today sir? **Chief Ries:** Yes. **Nicholas Borsuk:** Should I be speaking to your council or directly to you sir? **Chief Ries:** My council. **Nicholas Borsuk:** Hi sir, and your name please for the record? **Tim McNear Nicholas Borsuk:** Hi Mr. McNear, I am Nicholas Borsuk. As I stated this will serve as the Loudermill grievance hearing for Mr. Ries in regard to the first Loudermill letter he received in regard to the cell phone usage, specifically while he was off duty. This hearing is meant for your client to have the opportunity to share his grievances with the process, with the Council's determination as they had made in response to their investigation. This hearing is specifically just in regard to the first Loudermill letter, not the second Loudermill letter that was sent to your client or the Police Department in general or the Borough in general. So, at this time please feel free to communicate whatever grievances your client may or may not have, whatever information he may or may not have. Please be advised as part of the record we will be making part of the Loudermill letter that went out, the collective bargaining agreement and the responses that came from you and your client. So, at this time sir the floor is yours. **Tim McNear:** I would ask for the record to include the grievance. Just to lay this out, for the Council. And this is the Council's decision right here?

Nicholas Borsuk: Yes, this is the council's decision. Mr. McNear are you confused? **Tim McNear:** Are we wasting our time here? Has the decision already been made? **Nicholas Borsuk:** Mr. McNear, this is a grievance hearing. I ask that you pose what issues or grievances that your client has. **Tim McNear:** inaudible **Nicholas Borsuk:** Sir, if I may speak clearly. Pursuant to the collective bargaining agreement you have the opportunity today to explore the grievances that your client has in front of the Council. **Tim McNear:** I understand what we are here to do. **Nicholas Borsuk:** Ok, then please proceed accordingly sir. **Tim McNear:** March 27, 2018 a letter was issued to Chief Ries from Mayor Jason White raising questions about some excess data use on the Chief's cell phone. Specifically stating that the Chief used an additional 43.35 gigabytes costing six hundred fifty and twenty-five cents ($650.25). In accordance with the request of that letter, Chief Ries responded to the Loudermill notice through a letter from me to Mayor White dated April 16, 2018. The Chief explained that the excess data usage, which did occur over a compressed period of time and of course occurred when he was off duty because his cell phone inadvertently connected to his Amazon box at home and rather than the internet connection that he has at home and pays for out of his own pocket. Data was going through his phone unbeknownst to the Chief. As soon as the issue was brought to his attention it was corrected and there has been no more data usage. In a response we requested a copy of the bill, the documentation, supporting the claim for excess charges. That was never given. We also requested the copy of the cell phone policy of the Borough, which the Chief requested from the Borough Manager and was not provided to him. For some reason is strikes me as kind of odd that you would claiming somebody violated a policy and not make the policy available to them. But I guess that is the way it was handled. In any event the Chief submitted his response to the Mayor, he paid the amount requested despite the lack of documentation and that was the end of the matter. The Mayor did not refer it further to the Police Committee. The Police Committee do not refer it to the Council, as far as we know. Under section 10.6 of the collective bargaining agreement governing relations between Borough of Albion Police and Albion Borough, discipline of police officers originates with the Chief or in this case the Mayor under the chain of command that is clearly set forth in the collective bargaining agreement. So, the Mayor properly made the inquiry of the Chief to explain what had happened. The Chief explained it and his explanation was accepted. His check wan tenured to the Borough, for unknown reasons the Borough never cashed it until several months later. No bill was ever provided and that was the end of the matter until a letter dated June 21 was delivered to the Chief when he came to work on June 25 saying that he was suspended without pay for ten (10) days. And he, the issue that we have in terms of compliance with the labor contract, the collect bargaining agreement between the police department and the Borough, is that the without the referral from the Mayor to the Police Committee and the Police Committee to the Council the Council can't take action. However, the suspension came from Council without compliance with section 10.6 of the contract. So, it never should have happened, unless the Mayor wanted it to happen it shouldn't happen and the Mayor did not obviously or he would have made

the report. The Chief subsequently had to file right to know law requests with the Borough for the bill and for the cell phone policy of which to its credit the Borough complied with the state law requiring disclosure and disclosed these for secret reason these secret documents. So we had a chance to look at the bill, the bill does not substantiate the allegations in the March 27 letter. The bill shows that during the period time in question the Chief was 28.04 gigabytes over not 43.35 as stated in the Loudermill notice and the bill shows no extra charge for data, zero. The Chief's bill for that month to be thirty-five dollars ($35.00). Yet he paid six hundred fifty dollars ($650.00) to the Township in an effort to be compliant. We would like an explanation of that. In any event that calls into question the bases for it, however since the Mayor accepted the Chief's explanation and did not forward the matter as required under the contract this Council could not and should not have taken the action of suspending the Chief. The Council should recognize that it is a general supervisory body and legislative body but is not in charge of the day to day duties or day to day activities of the Township and has no business since the procedures were set forth in an agreed contract in just going around the contract and doing what it wants for whatever purpose. And I guess the final point is that doubt sincerely that the purpose of this grievance really had anything to do with any phone bill. We believe that the purpose of this grievance was a personal attack on the Chief for political reasons by members of the Council. And the Council obviously can't and obviously does exercise its powers in a political manner but we object to that being done in this case especially in violation of the contract. We would ask that the suspension be set aside and that the Chief be made whole for the pay that he missed while he was suspended and that the discipline be removed from his personnel file and if that does not happen here tonight I think I am authorized to tell you that certainly not going to begin to sort this out. And I understand we are not going to get any response to anything tonight. **Nicholas Borsuk:** Excuse me Mr. McNear but this is a grievance hearing, this is just a hearing. **Mr. McNear:** Well we have asked for information and we haven't gotten it and my question why the Council is being secretive why Council wouldn't provide the information that was requested. Perhaps it is because was properly requested from the Mayor and the Mayor did not forward anything to Council for action but we will like an explanation as to why Council acted without authority under the collective bargaining agreement. **Nicholas Borsuk:** Thank you for presenting your grievances today as you understand under the collective bargaining agreement that a decision will be rendered by the next Council meeting. So Council members have heard your issues that you raised here today as part of the record. They will deliberate up until the meeting where a decision will be made. Thank you, so you have nothing further sir? **Mr. McNear:** No, that is all. **Nicholas Borsuk:** At this time, I close the hearing.

Executive Session **7:36pm**

Reconvene **8:52pm**

Approve **S. Seaton:** motion to approve Council Meeting minutes June 21, 2018

of Minutes 06/21/18	**B. Altman:** second motion **Vote:** All in favor. Motion passed.
Approve Purchase Order	**S. Seaton:** motion to approve purchase order listing dated July 19, 2018 for a total of seventy-six thousand six hundred ninety-four dollars and fifty-two cents ($76,694.52). **R. Marshall:** second motion **Discussion: G. Hemmis,** Graden Septic invoice **R. Marshall:** Simpson invoice, have we received all monies for fireworks? **Vote:** All in Favor. Motion Passed
AVFD	**Doug Johnson:** We are glad you are bringing in the Circus and stuff in but why weren't we given proper notification of it? Per title 35; we were supposed to be notified of a mass gathering. I consider a circus a mass gathering. We were given no official notification, we should have a staffed EMS down there. For future references I would like to be notified, thank you.
Motion Ash Tree Bids	**S. Seaton:** motion to approve Fall Line Tree Removal bid to remove 17 ash trees at the Borough Park in the amount of five thousand three hundred dollars ($5300.00). **B. Altman:** second motion **Vote:** All in favor. Motion passed.
Motion for Police Hours	**R. Marshall:** motion to approve two hundred seventy (270) hours for the Police for the month of August scheduling and an addition forty (40) hours to be used just for court, no other place in the police department. **S. Seaton:** second motion **Vote:** All in favor. Motion passed
Motion Chief Of Police	**R. Marshall:** I move the Borough Council suspend Chief Ries without pay for twelve (12) normal scheduled working days at four (4) ten (10) hour work days per week. Suspension effective July 30, 2018 to August 20, 2018 the next normal scheduled working day after suspension. This is for insubordinate behavior while previously disciplinary action was being enforced. Chief Ries is not permitted on Albion Borough owned property except Albion Borough Office, Library and Park during normal operating hours.
Suspension	**S. Seaton:** second motion **Roll Call Vote: G. Hemmis** - Yes, **R. Marshall** - Yes, **J. Harayda** - No, **B. Altman** - Yes, **S. Seaton** - Yes, **S. Steff** - Yes. 5-1 motion passed.
Adjourn Meeting	Motion made by **R. Marshall**, seconded by **S. Seaton** to adjourn the meeting at 9:06pm. All in favor. Motion carried. Minutes submitted by Angela Telega

Signature

8-21-2018
Date