

The regular monthly meeting of the Southern Regional Police Commission (SRPC) was held on Tuesday, March 13, 2012 at 7:02 p.m., in the Conestoga Volunteer Fire Department building, 3290 Main Street, Conestoga, PA 17516.

Commission Roll:

Mr. Steve Charles, Supervisor, Conestoga Township, SRPC Treasurer
Mr. Robert Porterfield, Supervisor & Road Master, Pequea Township, Vice Chairperson
Mrs. Diane Schall, Civilian Representative, Pequea Township, Chairperson

Staff in Attendance:

Chief John A. Fiorill

Total attendance - 40.

Pledge of Allegiance

Approval of Minutes:

MOTION: Mr. Porterfield motioned to approve the minutes from the February 14, 2012, Regular Business Meeting. Mr. Charles seconded the motion. Motion carried.

Announcements:

The public is again requested to please print his/her name legibly on the attendance sheet. (Mrs. Schall)

Special counsel David Keller has reported on the 'circumstances surrounding the failure of Officer P.J. Ondeck to be recertified' by the Municipal Police Officers Education and Training Commission ("MPOETC") which resulted in the loss of certification by Officer Ondeck effective June 30, 2011. The imposition of discipline, termed 'quite severe' by Mr. Keller, was noted. Means by which the recurrence of this problem will be avoided were noted. As this is a noncriminal investigation involving personnel matters, there will be no further comment. (Mrs. Schall)

A letter dated February 24, 2012, from Mrs. Schall, as Chairman of the SRPC, to Mr. Craig Stedman, District Attorney of Lancaster County, regarding a February 14, 2012, motion by the SRPC, and a March 5, 2012, letter from the District Attorney in reply regarding any police wrong doing was read by Mr. Charles. There is no evidence suggesting any misconduct on the part of the chief or his officers.

Treasurer's Report:

Mr. Charles, Secretary/Treasurer, read the Treasurer's Report and Financial Statements.

Comments were welcomed from Chief Fiorill. Chief and Kelly Ream are working on the balance sheets to set up the \$16,104.29 from the Friends of the Force (FOF) General Contributions to separate this item as a separate account from the police department account. Mr. Harry Lehman reported the general donation fund has \$28,729.02, raised by the FOF, specifically for the new police car. Due to the two townships facing Act 32 and the reduction of revenue stream, FOF volunteered to raise \$30,000 for the police car. The police car is ordered and almost in. Another \$1,000 was received on March 14, 2012, for a new balance of \$29,729.02. Thanks to Cynthia T. Evans Herr, President of FOF, with recent sales of over 710 chicken pies. Thanks to the people from Conestoga and Pequea for helping. There is enough money to pay for a car, but now Chief

Fiorill needs to "tool" the car (bar light, cage, etc). Continue to support and help with fundraisers. Mrs. Evans Herr, Officer Cramer, and Officer Ondeck's mother need sponsors for exercising at a gym.

MOTION: Mrs. Schall motioned to accept the Treasurer's Report. Mr. Porterfield seconded the motion. Motion carried.

Executive Session:

It was noted an Executive Session was held on February 16, 2012, (6:00 pm until 7:20 pm) at the Pequea Township Municipal Building, to discuss a personnel matter.

An Executive Session was held on March 06, 2012, (5:30 pm until 7:41 pm) at the Pequea Township Municipal Building, to discuss a personnel matter.

An Executive Session was held on March 08, 2012, (5:30 pm until 6:43 pm) at the Pequea Township Municipal Building, to discuss a personnel matter.

The decisions made from these Executive Sessions were voiced under "Announcements."

Old Business:

Resolution #02-2011 Modification of Act 51: Chief Fiorill must supply additional information to Attorney William Campbell and hopefully within the next two months we'll have a draft that can be made permanent.

Outstanding Business:

MOTION: Mrs. Schall motioned to change the status of Officer Jesse James Blank *from* provisional employee *to* permanent employee, pending the successful completion of any contractually imposed probationary periods. Mr. Charles seconded the motion. Motion carried.

New Business:

No New Business.

Chief's Report:

Chief John Fiorill provided information on police statistics, incidents, training, and budget issues. Currently now 8 fulltime and 3 part-time officers. There are 9 applications at police headquarters; hoping to increase to 5 part-time officers to have substitutes to provide coverage for absences due to vacations, sickness, or in training. Need the officers to help with coverage for the 27 square miles of patrol. 4 officers are assigned for specialized duties in partnership with Lancaster County under the district attorney. Someone is on the major crimes team, the SERT team, need to replace someone on the forensics team, and 2 members on accident reconstruction team. Also have 4 people on the South Central Task Force, which involves police departments from 9 counties, being called out for major incidents (hazardous, disaster, ex. like Columbine) to do traffic, SERT maneuvers, on loan as needed.

Attended 120 hours of training, mainly mandatory in-service. MPOETC approved training of 1 day at the station via computer based training (CBT) so don't need manpower backfill during CBT training, but still 1 day of classroom training in City of Lancaster (closer proximity, less travel time).

For this month, there were 2 additional sex crimes, involving a 5 year old, a 2 year old, and a 6 year old. Currently there are 5 cases open involving sexual assault on children. A rape case was solved and is closed. These are very lengthy investigations, handled by Officer Diane Carter, who seems to relate well to children. There are leads on the sexual assault cases and charges on pending on every one. There are also 5 open

burglaries being worked on. Reporting suspicious activity pays off. Continue to have citizens be the eyes and the ears of the police. Having 2 officers to cover 27 square miles means they can't be everywhere all the time. The police need your help to keep our community safe.

Corporal Michener and Officer Blank responded to an intoxicated subject alleging suicide at Safe Harbor Park (suicide by cop). They successfully apprehended and subdued the person, with no deadly force. The subject was committed under Section 302 to a local psych unit, with potential charges pending.

Please see the attached report of Chief Fiorill for specific crime information.

Comments were welcomed from Cynthia T. Evans Herr asking about the overtime budget. The Chief responded that overtime is up, especially the last two months, following the PJ incident and personnel issues, than in the previous 9 years. Don't know yet what is the attorney bill from the investigation, estimated at multiple thousands. Cynthia asked at about what point in this fiscal year will there probably need to be an infusion into the budget? The Chief hopes to still keep this budget within the boundaries established by using money carried over from last year though that was already calculated into offsetting this year's budget, so Chief will be cutting back on other spending. Biggest concern is the rise in gas prices, as well as the vehicle fleet is getting older. Mr. Darren Martin, mechanic, is pro-active on maintenance of vehicles, which saves money in long run since we have less mechanical breakdowns. Chief is still hoping to come in within budget, and even have a carry over. Mrs. Evans Herr asked if there are any provisions in the articles of agreement if the budget busts? Chief Fiorill stated it is not in the articles of agreement but if the police department is over budget, they have to go back to the townships for money. Chief has never had that happen yet due to his being fiscally conservative. Barring any critical problem, hoping to stay within budget. Mrs. Evans Herr reported that with having a mild winter, and not having as much costs from snow removal (which is budgeted in the townships), would now be the time for the townships to sit down, look at their budgets, and earmark money just in case (the police department needs additional monies)? Chief Fiorill replied that question would need to be raised with the supervisors of Pequea and Conestoga Townships. Mr. Charles thought the townships can go up 10% of the line item in the budget without reopening it.

Bob ???? asked how is the new hire working out? The Chief reported Jesse is a positive influence, receptive to taking charge, volunteering for calls, and taking the burden off others who have other criminal cases in backlog. You know we don't have a detective, and when the study is completed, you may be shocked to find we are understaffed, don't even have a fulltime secretary. All the shortcuts over the years are beginning to catch up. SRPD per capita cost is \$97 per person per household, the lowest in the county, as well as lowest (salary). The study will probably recommend an increase in staffing.

Commission's Comments:

No Commission Comments.

Public Comments:

Harry Lehman stated the Chief's mainframe was downloaded this year to check if a document was backdated to last year on actions taken by the prior commission. Also, the prior commission was questioned as part of the investigation. Who asked to have David Keller download that computer and why? Did Commissioner Charles? "No." Did Commissioner Schall? Doesn't think that what went into writing the report should be discussed. Mr. Porterfield responded that it was already stated that it was part of the report and that at the advice of the attorney, it won't be discussed, and upon the advice of Will Campbell there will be no further comment. Mr. Lehman asked whether we would be told who ordered it. Mr. Porterfield answered that the commissioners won't comment on it. It may not be what you want to see. It's very important that the commission and the police move forward. Mr. Lehman stated he is not here to comment on the study, but is asking who ordered the

157 investigation into the Chief's computer. Mr. Porterfield, won't answer, based on report is considered
158 closed. Mr. Lehman stated that Attorney Keller indicates it was done at the request of Bob
159 Porterfield, supervisor from Pequea Township. Mr. Porterfield stated that Mr. Lehman disclosed
160 sensitive information from a closed report (second time).
161

162 Bruce Groff agrees with some of Harry Lehman's comments, but this epidemic started in
163 Pequea Township. Distrust, egotistical, whatever and is now affecting Conestoga Township.
164 Previously good cooperation between everyone and everyone worked together. Now it appears to
165 be a control issue Pequea Township, with the chair and vice-chair, even though Conestoga Township
166 pays 47.3% of total cost. There was \$99,000 given by the state for conception of SRPC. 5
167 applicants were interviewed for chief, all with excellent qualifications. In choosing Chief Fiorill,
168 who had everything as the others (education, experience), plus he knew how to get money for the
169 SRPD. He's obtained over \$500,000 himself, without staff. How can the SRPC investigate him?
170 Especially after the investigation that was done in selecting him as Chief. Without trust, this hurts
171 the public, the police, and him personally. Look at the commission members themselves. He
172 doesn't want the SRPC to become dysfunctional. If resignations are needed, please look at what is
173 best for your township, and who you represent.
174

175 Jackie Johns asked if the investigation in seizing the Chief's computer was paid by the public tax
176 dollar, will the report be made public? Mrs. Schall responded that the solicitor on record for the
177 commission has provided a statement. Since the report contains personnel issues, it is deemed that
178 it cannot be made public.
179

180 Jill Kelley asked Bob Porterfield to stop the numerous side conversations. Unable to hear the public
181 comments.
182

183 Dan Behmer stated the people are not happy with the accusations against the police department.
184 They don't want the police department changed--happy with the police. Don't want drug lords in the
185 community. Dan did not want the merger until he met Chief Fiorill, through Chief Race. We have
186 one of the finest around, why are we bickering and fighting. Dan understands that if something is
187 wrong, we need to look into it. But this has become a battlefield, of hatred, of cop hatred. Why?
188 This can't keep on. This causes the SRPC to be spending extra money. Why does it keep going on,
189 this cop hatred. We have one of the most efficient, kind, respectful police forces. They work at a
190 very low salary. We can't get any better protection. Dan stated he is speaking for the people.
191

192 Ken Adams asked if the letters to and from DA Craig Stedman are public information? Mrs. Schall
193 responded yes. Mr. Adams asked if he may ask questions about it, and Mrs. Schall responded it was
194 a public motion. He also asked if the rumor mill wants to be so vicious and handle things secretly,
195 by not asking direct questions (of specific people), then it should not be up to the citizens to pay for
196 the investigation. Why vote to investigate rumors (garbage)? If the commission had no knowledge
197 of wrongdoing, then why vote to investigate? Mr. Charles responded that the investigation should
198 squash the rumors, once and for all. Validity would only be possible if accuser(s) would be
199 forthcoming, specific, and identify themselves. Mr. Charles emphasized the DA letter states there
200 is no evidence suggesting any misconduct on the part of the Chief or his officers. Mr. Charles did
201 not feel there was any wrongdoing, but wanted the rumors resolved. Mrs. Schall supported Mr.
202 Charles and his intentions for the motion, which Mr. Charles has made clear. Mrs. Schall had no
203 accusation, which is why the letter is stated as it is. Mr. Porterfield said the initial recommendation
204 to investigate was from the Chief, so that we can move forward. It was requested to resolve issues.

205 The agenda lists 3 executive sessions. There is the right to hold these sessions, and the rules relating
206 to the confidentiality of personnel matters, but after the executive session, if they result in any
207 actions, must be done publically. Mrs. Schall reported the first executive session was held to
208 interview Jesse Blank and to offer him a permanent position (from provisional). The second session
209 was meeting to review Keller's report and the recommendation of Mr. Campbell (solicitor). The
210 third session was meeting with Chief Fiorill to discuss the report. Mr. Adams asked if the report is
211 officially accepted in the public meeting? Mrs. Schall indicated the motion from January to
212 investigate the decertification was separate and distinct from the February motion to investigate
213 Chief Fiorill. The report is accepted as personnel matters. Mr. Adams again asked has the SRPC
214 officially accepted the report. Mrs. Schall again stated the report is accepted as a personnel record.
215 Mr. Adams asked if the entire report is based on personnel matters. Mrs. Schall stated the report
216 will not be discussed. It is a personnel matter and has been placed in the appropriate file.
217

218 Jen Murphy remarked on the rumors/discussion. She believes everyone in the room would like to
219 end the rumors and move forward. Officer Fiorill has obviously done nothing wrong, and this is the
220 whole point. Stop beating a dead horse. We've just spent 45 minutes discussion these rumors.
221

222 Paul Thomas, as a Conestoga Fire Company officer (over 30 years), said there had never been a
223 working relationship with the police department. Extreme delays resulted while waiting for
224 coverage by state troopers. He has nothing but praise for the cooperation with the SRPD. Many of
225 our officers have gone over and above the training required for this job, and this comes from good
226 leadership. The Chief always communicates with the Fire Company--previously appalled by the
227 lack of communication and support by the police department for the fire company. Mr. Thomas
228 does not see the SRPC communicating with the police, and this is your job.
229

230 Ross Deck asked if Mr. Reynolds is on the board or on the commission? Answer of No.
231

232 Craig Eshleman stated he hasn't seen the January and February minutes. It is important to have
233 written minutes available for public comment prior to acceptance. They can't be approved if not
234 reviewed by the public. There are things in the meeting minutes that people have said at these
235 meetings. It is important that they be here and that everyone has access to them prior to being
236 approved. Mrs. Schall stated she has sent the minutes to be posted. Mr. Eshleman said there should
237 still be hard copies available. Mrs. Schall said that when they are approved, they will be distributed.
238 Mr. Eshleman asked how they can be approved without public comment on what is in them? What
239 if there is a comment in them that is not accurate? It is important that the SRPC accept public
240 comment on the minutes prior to accepting them. Mrs. Schall will take Mr. Eshleman's comment
241 under advisement. Mr. Eshleman asked if there will be hard copies of March's meeting available at
242 April?
243

244 Cynthia T Evans Herr said the FOF will volunteer to make ample hard copies for the public review
245 of minutes prior to approval (since the Chief is so frugal). Note corrections may be necessary, prior
246 to approval. A previous incident requiring corrections was cited. Mrs. Schall asked for the email
247 address of Mrs. Evans Herr.
248

249 Jim Mears says the Conestoga Fire Company would be involved in accidents and it used to take
250 hours for the police to show. Since the SRPD was established, there is fast response time, situations
251 have been handled well. Money is tight, don't spend unnecessary money on lawyers, etc.
252

Bruce Groff said the EMTs (Fred Warfel) would be out on calls at 1:00 or 2:00 am, now the EMTs have back up, and feel safer.

Jill Kelley stated she had contacted DA Craig Stedman's office on February 17, 2012, and was referred to Detective Dennis Arnold. Public record indicates Jay Reynolds filed a complaint in November 2011, against the SRPD and Chief Fiorill. The investigation found no criminal wrong doing. This report was concluded in December 2011 that there was no wrong doing, and no criminal actions in the SRPD. Jill had asked Detective Arnold who paid for David Keller. Detective Arnold indicated that solicitors for both townships (Morgan, Hall-Green, Crosswell, Kane for Pequea, and Blakinger, Byler, Thomas for Conestoga) would have approved paying David Keller. Ms. Kelley now asked, since it has been found that there is no criminal wrong doing twice, does there need to be a motion to put this to rest? Mr. Charles, Mrs. Schall, and Mr. Porterfield all said, Yes.

Donna Eshleman, in referring to Jim Mears, said that strings are being pulled of the SRPC members. As Paul Thomas said, need to be working together for the good of the community. Donna Eshleman stated she doesn't see teamwork for the residents by each member on the commission. This should be first and foremost. This should be your reason for being here, and the safety of the residents. She asked the SRPC to please do this. For the investigation by special counsel David Keller, is the cost being incurred by the SRPD? Chief Fiorill responded, yes. Is there a figure? We'll be billed for the attorney fees and for the forensic expert who came in and did the forensic analysis of his computer. Cost is unknown, but he indicated it could cost \$500 to \$1,000 for the forensic analysis alone, and there are still attorney fees. Ms. Eshleman doesn't think the forensic cost should be paid by the SRPD budget. Chief Fiorill can pursue that.

Adjournment:

With no further business before the Commission, the meeting was moved to adjourn at 8:01 p.m. by Mr. Porterfield. Mr. Charles seconded. Motion carried.

Next Meeting Date:

Tuesday, April 10, 7:00 p.m., at the Conestoga Volunteer Fire Company.

Attendance Sheet:

Will be attached to the official minutes and available to the public.

Respectfully Submitted,

Jill Kelley
SRPC Secretary