

# Borough of Northumberland

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## **Borough of Northumberland 175 Orange Street, Northumberland, PA 17857 Northumberland Borough Council Meeting June 5, 2018**

Borough Council President Paul Ruane called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited, and Mayor Dan Berard offered an Invocation.

### **Roll Call**

Council members present were Paul Boyer, Ralph Cianflone, Ellie Rees, Paul Ruane, Ty Sees, Orlando Toro, and James Troup. Others present were Mayor Berard; Ryan Tira, Borough Solicitor; C.L. Kriner, Police Chief; MaryKay Clark, Code Enforcement Officer; Brian Probst, Street Supervisor; and Janice Bowman, Borough Secretary,

### **Penn DOT Update**

Mr. Ted Deptula informed the council that they found some issues on Duke Street. They are having trouble with what was excavated today. Some of the pipes aren't going to be able to fit where they want them to, so they are hoping to have an answer tomorrow, so it shouldn't delay them. The contractor is still working. It seems like whenever they dig something up, they find something that is unexpected. They plan to work through this and continue.

On Front Street, paving will start on Wednesday evening, weather permitting. By next week, they should be able to switch from one side of the street to the other.

The detour for Duke Street has changed because Front Street isn't finished because of issues they ran into with drainage. The signal at Orange Street cannot be used because of the construction at Front and Orange and the signal at King Street cannot be used because the work zone on Front Street extends to King Street. The first day of the detour was tough on people getting to know it. The second day, they still had issues and tweaked it a little bit. Several stop signs were added which should help with some of the traffic concerns.

Mr. Drake Owen stated that people are going up the brick alleyway, Church Avenue. He is concerned that children riding their bikes could be hit. He noted that someone had put three cones in the alleyway. Mr. Deptula suggested that the alley could be closed to prevent people from going up that way, so no accidents happen. He said they will look at the alley and see what they can do unless the Borough has an issue with it. Mr. Ruane stated that they should speak to Mr. Young about his business. Mr. Deptula said that he will speak to Mr. Young.

Mr. Ruane asked if once they are done with the west side of Front Street, are they going to jump over to the east side? Mr. Deptula's response was yes. Mr. Ruane asked about a ramp on Front Street to King Street. Mr. Deptula stated that there won't be much of a ramp, just a little ramp. He said that they extended the limit so there is a smoother transition. Mr. Ruane commented that they will have to bring Orange Street up about fifty feet. Mr. Deptula replied that Orange Street won't be opened until both sides of Front Street are finished. Mr. Boyer questioned how far back they will come on Orange. Mr. Deptula stated that it would be approximately fifteen to twenty feet.

Mr. Troup asked why they tore up the new paving at the manholes. Mr. Deptula said that they replaced a few sewer manholes and after they did that, they had to test them. Two of the manholes failed. They did some repair work and tested them again. They failed again so they were dug up. Mr. Troup asked if they are going to pave over it. Mr. Deptula explained that the plan is to repave the whole area. Ms. Foresman noted that the wearing course that is there now will not be the final wearing course once they are done with Duke Street.

One of the Boy Scouts, David Fontana, asked when construction will be open. Mr. Deptula stated that the entire project will be completed in June of 2020. This year, the project will shut down around Thanksgiving. They will start up again in the Spring next year.

Ms. Weirick stated that she is concerned about closing the underpass when both Duke and Front Streets are under construction. She asked why they are doing the underpass now. Mr. Deptula stated that the underpass won't be closed until after Pineknotters' Days. Ms. Weirick stated that she thought the underpass was to be done next year. Mr. Deptula stated that there is a lot of work at the underpass and it will take two years to complete. He noted that this part of the project is critical to the success of the whole project. They are adding 300 feet for the left turning lane which will get a lot of the traffic going north through the intersection faster. This section is to be completed by 2019.

Mr. Deptula explained that the underpass was made its own project because PennDOT was not able to get all the approvals from the railroad to include it with the Northumberland Duke Street project.

The detour will take traffic south on Route 11. Northbound traffic will come through Sunbury. Mr. Deptula stated that next year, work will take place on King Street between Water Street and the bridge. The work will take place in 2019 after Pineknotters' Days. Mr. Deptula explained that they are improving the drainage as much as they can.

Mrs. Rees stated that when council voted about the plan for Pineknotters' Days, construction is to stop the week before and the week of Pineknotters' Days. She also stated that last year the council was told that the Halloween Parade would be feasible this year and construction wouldn't interfere with that. Mr. Deptula stated that he would make a note of that because the plans have changed so much since that time.

Mr. Deptula stated that when they excavated Duke Street today, they ran into a lot of issues. The goal is still to have Duke Street opened for Pineknotters' Days. He stated that they would not use King Street as a detour. He said that it is premature to let them know what will be happening then. He added that he is concern that there may be an impact on Pineknotters' Days. They are doing their best and hope to have traffic restored. It is too early to say. Once they excavate Front Street, if things go well... But there is a possibility that it may not be completed in time. Duke Street is closer. They will not have the detour on King Street. Mr. Troup stated that people aren't using King Street for the detour now; he does not think it will be a big issue.

Mr. Toro asked if they had coordinated with the state police because he has noted their presence in the detour. Mr. Deptula stated that no coordination was done. He noted that PennDOT has a good relationship with the state police and the district traffic unit gets together with them to discuss some of the major projects. This is a major project that impacts safety and traffic, so he is sure it has been discussed.

Mr. Deptula thanked the council and the public for their patience.

#### **Public Comment**

The 37 visitors present introduced themselves.

Mr. Joe Latora, 675 Duke Street, stated that tractor trailers are still traveling WestWay and running stop signs. Mr. Ruane stated that he knows a truck was pulled over behind CVS on WestWay.

Mr. Latora stated that a lot of people are upset and voicing their concerns on Facebook. He noted that it is the people driving through town, running stop signs. He added that there is no way the local police can watch everything. He asked what they can do as citizens. Mr. Ruane replied they can call and let the police know.

Mr. Dave McGinley and Mr. and Mrs. Terry Walker were present to discuss the pipe below Priestley Avenue. Mr. Tira reported that he has spoken to Mr. McGinley and the Walkers concerning the proposal that council asked him to provide to them concerning the sink holes that are appearing on the property south of Priestley Avenue. The agreement is for the property owners to maintain it long-term. He has provided a draft agreement to the property owners. Currently, the Borough does not have a defined scope of what the work is going to be. At some point, council will have to approve the scope, based on what the engineer recommends and what DEP will approve. The Borough is actively seeking funding to get the work done.

Mr. McGinley said that the original discussion was to create a swale with riprap rather than replacing the pipe. He feels that a swale would require a lot of work to maintain. He also felt that a swale could attract bicycles. He feels that the deteriorated pipe should be replaced with new pipe. Mr. McGinley said that one of Mr. Walker's neighbors said that used pipe was installed. He and Mr. Walker had discussed that Mr. Walker is willing to take care of the upper ground. He asked if the property owners would be responsible for

the pipe. Mr. Tira stated that if the pipe is a failure because the pipe was installed improperly, it would be the contractor's responsibility to repair it. He added that the property owner would be responsible for wear and tear.

Mr. Ruane stated that the engineer states that the pipe to be replaced is six feet in diameter. He said that they don't want to install a galvanized pipe because it only lasts 30 to 40 years.

The engineer has provided a quote of \$2,500 to prepare the plans and permitting. Mr. Boyer made a motion to hire LIVIC Civil per the quote of \$2,500. Mr. Ruane seconded the motion. Discussion ensued. Mr. Troup questioned if the Borough would be held liable in the future to make repairs to the pipe. Mr. Tira replied that the agreement with the property owners to maintain the property in the future would be recorded and would come up whenever anyone does a title search. Dr. Cianflone asked if this meant that the Borough would not be liable in the future. Mr. Tira responded that the recorded document would reflect that. The surveys of the property and deed description show that the property owners' lots extend across the pipe. Council voted unanimously to hire LIVIC Civil.

Dr. Cianflone made a motion that the Borough pay one half of the \$2,500 or \$1,250 of the engineers' fee and each of the property owners would pay one quarter or \$625. Mr. Toro seconded the motion. One of the property owners stated that he thought the Borough was responsible to take care of waterways. Mr. Tira responded that he thinks that was a general statement and he does not think, from legal standpoint, that the Borough would be responsible. Mr. Walker stated that no one takes care of the waterway about Priestley. Roll call vote was 6-1 to approve the motion with Mr. Ruane voting no.

Ms. Weirick asked if people could be deputized to stop people who are violating the detour and running stop signs and the police could do their jobs. Chief Kriner responded that it can't be done because the individuals would have to be Act 120 certified. Dr. Cianflone asked if cameras could be put up. Chief Kriner responded that they couldn't because you would have to identify the driver of the vehicle.

One of the Boy Scouts asked if the pool would be opened this year. Dr. Cianflone replied that it is not going to be opened this year and council does not know about next year.

Terry Ward informed council that the scouts are from Boy Scout Troup 325.

### **Officer Edward Cope Hearing**

Officer Cope said that he asked that this hearing be open in the public because he feels that if it went in Executive Session that his due process rights would be violated. He said that Josh (Driesbach) is going to present it as president of the union. Mr. Cope added for those of you that don't know, May 9, the Mayor came in and suspended him without pay alleging that he didn't qualify for his firearms. He said that they are going to present their case on that. Officer Joshua Dreisbach, president of the union, stated that has trained and he would like to see what the council has to say about it. He added that by the letter that was given to Officer Cope, they are here today to learn what the council has to say.

Mr. Tira said this is part of it that he has asked for the grievance part to be heard based on the prior notice that he received. Mr. Cope said he is here for the suspension; he added that council has never communicated with them whatsoever about the grievance. Officer Driesbach noted that if the suspension is taken care of; then that solves the grievance. Mr. Tira said that the suspension has not been decided yet. Officer Driesbach said that he doesn't think they can put the horse in front of the cart; the Borough has to make a decision before the union does. Mr. Tira asked, what their actions are going to be? Officer Driesbach said that once council decides they will go from there. Officer Cope said that they don't know what they're deciding. Officer Dreisbach said that is why they are there.

Officer Cope said that he had a question for the Mayor. He said that the Mayor signed the letter, but it was on police department letterhead. He asked why was that? He noted that he has been here for almost 27 years and the Mayor never, Bill Sabo was mayor when he started, and there have been four or five different mayors, and they've never signed on police department letterhead. Mr. Ruane stated that it has nothing to do with what's going on here; it is just a piece of paper. He sent you the letter. Officer Cope stated that he can have questions, and this is his time. Mr. Tira stated that he can present his information that he wants council to consider. Mr. Tira stated that yes, Officer Cope has a right to be heard. Mr. Tira stated that part of that is the Mayor is the head of the Police Department, as Officer Cope is aware. He is the supervisor of the Chief. Officer Cope stated that he wants answers from him; there are a lot of people that live in this town that want answers from the Mayor; not from the legal guy. Mr. Tira responded that, in all due respect, he is just trying to make sure that we are keeping on course; he is not trying to cut him off. Officer Cope stated that he has questions for him (Mayor) that he needs answers to. Mr. Tira responded that this is not really an opportunity for him to cross examine the Mayor.

Officer Cope read the first sentence of the letter from the Mayor: "As you are aware, all municipal police officers are required to qualify and be certified in firearms at least once a year between January 1<sup>st</sup> and December 31<sup>st</sup> of a given year in accordance with the Municipal Police Education Training Commission, MOPEC standards." Officer Cope added that we are still within that period; we aren't to December 31<sup>st</sup>, so he still has an opportunity until December 31<sup>st</sup> to qualify with his pistol.

Mayor Berard explained that on January 12<sup>th</sup>, the law was changed. The dates are January 1<sup>st</sup> to December 31<sup>st</sup> and he qualified on the last day of 2017. Officer Cope stated that that is not true. He said that the Rules and Regulations also state... Mr. Tira suggested that the Mayor bring up the Chief since he was involved in the process, and any of the training officers that are relevant to the matter. Mayor Berard said that he would do that. He informed Officer Cope that all of this could have been avoided had he gone out and qualified before the fifth of June. He chose not to. Officer Cope asked where that comes from; where is the fifth of June. Mr. Ruane replied, the council meeting. Mayor Berard replied that the fifth of June comes from the letter that he wrote to Mr. Cope on the ninth of May.

Officer Cope stated, "I did qualify, Dan. I hired an expert because the Borough wouldn't do it. Right here are his information and his report. I spent a lot of money out of my own

pocket to hire this guy. This guy is internationally known. He wrote the MOPEC courses, Dan. So, you know, I did, I am qualified; in fact, the score I got was good enough that I could be a MOPEC instructor as a shooter.”

Officer Cope provided council with the paperwork. Mr. Tira said this is the first time this information has been provided to the council and they are not aware of his qualification. Mr. Cope said that he received it on Friday when he was in California. He also stated that the other thing is this guy’s a Sig Armorer. Regulations state that the Chief is required to get their weapons approved or examined once a year. He said this is in their regulations. He has had his gun over ten years and it has never, ever, been examined by a Sig Armorer. He noted that “this guy” is a Sig Armorer and he shot his gun; he used both practice and duty rounds. Officer Cope stated that his gun is shooting seven inches low. He said that he wants to make sure council has his report. There are five pages for it. Officer Cope held up some papers, said he only printed one copy, and said here is his resume; 59 pages long. Officer Cope said that he (the expert) wrote the Use of Force for MOPEC, the Pennsylvania State Police; for everybody that goes to municipal training.

On the letterhead, you (Mayor Berard) said that if he (Officer Cope) qualifies before June 5<sup>th</sup>, he would let him come back to work. Officer Cope stated, “I qualified. Are you going to keep your word?” Mr. Ruane stated, “with our instructor”. Officer Cope asked where does it say that? He added that their Rules and Regulations say, “a certified instructor”. It doesn’t say Scott Kerstetter’s name or anybody like that. It says, “a certified instructor”. This guy is “a certified instructor”. Mayor Berard said, this letter says, “whenever you are ready to qualify, contact Firearms Instructor Kerstetter to coordinate a date to qualify.”

Mr. Tira noted that from an information standpoint, this information is being provided for the first time to council. They are just finding this out. They need to review this information before a determination can be made.

Officer Cope questioned Mayor Berard about what he said. Mayor Berard repeated that “anytime you are ready to qualify, contact Firearms Instructor Kerstetter to coordinate a date to qualify”. Officer Cope replied that when Mayor Berard suspended him on the 9<sup>th</sup>, Officer Cope told him that there were other people who weren’t qualified and Mayor Berard said that’s not what you’re being told, you worry about yourself. Mayor Berard stated that he never said that. Officer Cope argued that he did. He stated that when he came in the next Tuesday to get ammo to go shoot with the expert the next day, Kelly Roth was on station; she’s going out for her night shoot and she said that the Mayor sent her a message on Facebook. He said good luck, I hope you do all right on your night shoot. Officer Cope said that he was never invited to go on any night shoot to reshoot. He asked why is that? The chief supposedly asked Kelly if told Josh, president of the union, that she was there to do her night shoot. He asked why he wasn’t invited on the 15<sup>th</sup> to go do a night shoot? He said that the Mayor knew about it because he sent her a private message. Mayor Berard said that he couldn’t answer that. Officer Cope asked why he didn’t call him to say that they were going out to shoot that night. He added that the Mayor encouraged her but suspended him without pay.

Mr. Tira asked the Chief to come forward. Chief Kriner informed the council that this has been an ongoing problem since 2015. He added that no one is picking on Ed. Ed's been told constantly, get it done. Go do it. It is in his interest and "our" interest to get it done. No one is picking on anyone here. In 2015, it took him five times. 2016, six times; 2017, two times. In 2018, he scored a 72, a 58, a 52, and a 68. He has had remedial training. Officer Cope asked what is remedial training? He added that he's never had remedial training.

Chief Kriner replied that Scott Kerstetter will address what remedial training he had, and that Josh Driesbach took him out in 2016 for remedial training. Chief Kriner said that this is a neglect issue. He noted that in 2015, his gun was dirty. He was talked to by Scott Kerstetter and told how to clean it. In 2016, his gun was dirty. He was talked to by Scott and told how to clean it. He told Scott that he didn't know how to take his gun apart. In 2018, he went out in April and shot. When he went back out in May, the gun was still dirty from April. He had a class, remedial training online about cleaning his gun on April 4<sup>th</sup>. Chief Kriner stated that this is an issue that's been going on. Several people were talking at once. Chief Kriner said that his problem with Ed is "just get it done". He's capable of doing it.

Officer Cope asked Chief Kriner what gun he carries. Chief Kriner responded, my gun. Officer Cope stated that he carries his personal weapon because he can't qualify. Chief Kriner said okay, alright.

Chief Kriner said that no one is picking on Ed. He has encouraged him to go out. He doesn't do any training on his own. In 2015, Chief Kriner issued a memo. The ammo is there, take it, go out on the range. It's free. He's done none. Officer Cope said that he's gone out with this guy. Chief Kriner noted, this guy – now. Chief Kriner has purchased training aids, the officers were sent an email that the training aids are in the office and they may use them. Officer Cope stated that no one has showed him how to do it. If you get a copier for the officer, you're going to show the girls how to use it. You're not going to send out an email and say we got a new copier. Chief Kriner responded, you are an intelligent man.

Mr. Sees said that his question is, he failed five times one year, two times, whatever. Why was he suspended this year? Chief Kriner said because it's a systemic thing; it doesn't get better, it keeps going. Officer Cope stated that it's because he has a faulty gun. Mr. Sees asked what kind of training. Chief Kriner said that Officer Kerstetter would speak about the training he's offered him.

Mr. Sees asked Officer Driesbach what kind of training he has, regarding all his weapons? Annual, semi-annual, quarterly, monthly? Officer Driesbach stated that he's not going to speak to the handgun qualification because that is between Chief Kriner and Officer Kerstetter. When he came on board, Chief Kriner put him in charge of the patrol rifle. Last year he took some of the officers out and they started initial training. He trains the patrol officers with the patrol rifle. He has taken them out, trained them, and qualified the officers on that same date. Officer Cope stated that he is the only full-time officer certified with

the patrol rifle; no other full-time officer is certified with the patrol rifle. Officer Dreisbach stated that that is his limit, his capacity as a firearms instructor. Handguns and shotguns go through Officer Kerstetter. He added that he is a certified firearms instructor in handguns and shotguns. He said that he doesn't do the handgun training or shotgun training, that's given to Chief Kriner and Officer Kerstetter.

Mr. Sees asked what MOPEC standards are, minimum. Officer Dreisbach stated that MOPEC standards for handguns are 75%. MOPEC has set out sample courses which are on the MOPEC website. He said that he has one copy, if anyone would like to see it. Mr. Toro asked what MOPEC is, for those of us that do not know what that is. Officer Dreisbach said MOPEC is the agency that certifies police officers in the state of Pennsylvania to work as a police officer. When they talk about Act 120, it is the training for municipal police officers. They put out rules and regulations that officers must follow in order to continue to work as a police officer. MOPEC sends out sample courses for police departments to use. The Mopec standard and State Police standard when using a handgun is 75%. Officer Dreisbach stated that the Borough's police officer's qualification standard is 86%. When you go to a firearms instructor school, you need to score an 86%, you are qualified by the state to train other police officers how to shoot and to qualify them. The Borough's standard of 86% means that everybody in the department can be firearms instructors. Someone asked about Officer Cope's score. His score was 58%. Officer Dreisbach replied that it depends on what kind of score is used. He added that MOPEC uses a 5-3 score and the Borough department uses a 5-0 score. If you are not within the five limit, it's zero. Mr. Toro stated that he appreciates the explanation because council really doesn't know.

Officer Cope informed council of the U.S. Supreme Court Case of 1979, Popow vs. the City of Margate, where it is not just going out and qualifying. He said that this is essentially all they do. They go to the course, they give them a box of ammo, and they qualify. The U.S. Supreme Court, since 1979, has set out criteria. He said that according to the letter from the expert, the Borough's course doesn't even scratch the scab, let alone make it bleed. So, the Borough is wide open for a lawsuit. He stated that their Rules and Regulations say, MOPEC Standards, which is 75. He said that what is ironic is that the Chief went out and qualified, and the next day he wrote an email, which the council should have, where he says he was changing it to 86%.

Chief Kriner responded that when he hired Scott (Kerstetter), they talked that they would take the score from 84, every year, two points. He added that they have not done that since 2014 because Officer Cope can't make the 84. This year they did it. Several people were talking at once. Officer Cope questioned why Chief Kriner carries his own Colt. Chief Kriner noted that he absolutely has.

Officer Scott Kerstetter said that, for clarification, what he thinks council wants to hear from him is the information that was submitted to the Chief that was the basis for his administrative action. He introduced himself as a patrolman with the Northumberland Borough Police. He said that he would detail what has happened since 2015 in terms of

his work with Officer Cope on the range. He added that if council has questions about the drills that he explains, he would explain them to council now.

October 7, 2015, Officer Cope attempted daytime qualification. They practiced what is called the one-hole drill. Officer Kerstetter put Officer Cope about three yards from the target. He shoots the first round through and then continues to try to put the next rounds through that hole, theoretically as close as possible. This is to improve marksmanship and to help build shooter confidence. Prior to completing the qualification attempt, he said that they were summoned back to the department to assist with a suspected barricaded gunman, so they could not finish shooting that day.

October 8, 2015, they went out and Officer Cope failed the daytime course of fire. They did trigger reset drills. Trigger reset drills can be done with an empty weapon or on a range with a loaded weapon. Officer Kerstetter would stand next to Officer Cope and hold the weapon in front of him. Officer Kerstetter would work the action and Officer Cope would practice working the trigger to get a smooth trigger press, so when he goes live, he could shoot better. Officer Kerstetter said that they have done the drill also where, on the range with a loaded weapon, he will get a good site picture, Officer Kerstetter would operate the trigger, then he would operate Officer Cope's finger with the trigger, and then he would let Officer Cope operate it. He noted that this is building the shooter.

October 10, 2015, Officer Cope failed the daytime course of fire. They then practiced the trigger reset drill and the one-hole drill. Then they did the ball and dummy drill. Officer Kerstetter puts dummy rounds in the magazine. He said that he loads them in so Officer Cope doesn't know. So, when he shoots, and the gun doesn't go off, they can see things like if he's anticipated the gun and dipping the front of the gun. It forces the officer to correct that where you get a smooth trigger press.

December 7, 2015, Officer Cope again failed the daytime course of fire. 164 rounds of ammunition were used. He was permitted practice at all distances with additional practice at 15 yards and 25 yards.

December 28, 2015, Officer Cope again failed the daytime course of fire. He was given a target evaluation. Officer Kerstetter explained that he had given every officer in the department a Pennsylvania State Police target evaluation form. When they are shooting on their own, and doing drills on their own, they can look at where the groupings in a round are, so they can evaluate their own target and determine what they might be doing when they're shooting their gun that they might need to correct.

Officer Kerstetter stated that Officer Cope's duty weapon was malfunctioning that date and the cause of the malfunction was determined to be an unclean weapon. In the course of fire, the gun kept jamming. Officer Kerstetter looked at the ammunition thinking it might be an ammunition issue. Further inspection of the weapon showed that the weapon was not clean and that was the cause of the weapon malfunction.

December 30, 2015, Officer Cope completed the daytime course of fire using 62 rounds of ammunition. After the course of fire, his weapon was cleaned, lubricated, and a function check was completed.

On October 6, 2016, Officer Cope failed three attempts on the daytime course of fire. He was permitted to shoot additional practice rounds at 15 and 25 yards. He used 272 rounds of ammunition in practice and qualification attempts. Again, they practiced the ball and dummy drill. They reviewed trigger manipulation errors. Officer Kerstetter said that he purchased on his own a program, a tactical training drill. He explained that this is basically a grip device with a laser dot on it where you can work the trigger finger and practice, without having a weapon out or ammunition out, on your own, and you can see when you manipulate the trigger where the red dot goes to tell you what you might be doing that you need to correct. Officer Kerstetter recommended that Officer Cope take two boxes of practice ammunition and dummy rounds to practice the ball and dummy drill on his own, and Officer Cope indicated at that time that he would wait until the next attempt to qualification, so he wasn't going to practice.

October 11, 2016, Officer Cope failed the daytime course of fire. They practice the ball and dummy drill using 18 rounds of ammunition. They did trigger reset drills using 24 rounds of ammunition. They stopped the second attempt at qualification after shooting at 25 and 15 yards. They discussed mindset, marksmanship, sight picture, sight alignment, trigger press, follow-through breathing. They reviewed all that and Officer Cope reported to Officer Kerstetter that prior to the October 6, 2016 qualifications he did not fire his duty weapon since completing qualification in 2015.

November 20, 2016, Officer Cope again failed the daytime course of fire. Prior to this qualification date, he had been provided with 100 rounds of practice ammunition and dummy rounds for use in practice. There was a range safety issue on this date. It was reported in a separate memo to the Chief. The range safety issue was that Officer Cope pointed his loaded weapon at Officer Kerstetter on the firing line. Officer Kerstetter added that Officer Cope apologized to him multiple times for doing that when they got back to the station. Officer Kerstetter said that he explained to Officer Cope that he would help him become a better shooter, but he needed to focus when they are out there. On that day, when they were out... Officer Cope interrupted and stated that Officer Kerstetter stepped in front of him.

On November 20, 2016, when they got there, Officer Kerstetter set up the drill that he had suggested that Officer Cope practice prior to shooting. Officer Cope said that he had practiced. They put up a target. Officer Kerstetter said that when they did that, Officer Cope indicated to him that the purpose for this qualification attempt on that day was to secure information to file a federal lawsuit against the Police Department and the Borough. That is why Officer Cope was there. The focus was not qualification. It was after that that the incident happened with the gun.

On November 25, Officer Kerstetter went back out with Officer Cope to complete the daytime course of fire, using 96 rounds of ammunition in practice and qualification. They

reviewed trigger press, positive mind set, survival stress, shooting stance. And Officer Cope was permitted to use a Glock weapon that Officer Kerstetter had and he practiced with that as well. Mr. Toro questioned that Officer Cope did have an alternate weapon to use. Officer Kerstetter replied that he allowed him to use one that he had on the range that day.

On November 20, 2017, Officer Cope completed the dim light nighttime course of fire.

On November 22, 2017, Officer Cope completed the daytime course of fire using 86 rounds of ammunition. They reviewed proper grips, stance, trigger press.

April 17, 2018, Officer Cope failed two attempts at daytime qualification and one attempt at nighttime qualification.

May 2, 2018, Officer Cope failed two attempts at daytime qualification. They stopped the second attempt after shooting at 25 and 15 because at that point he could not qualify based on the rounds that had not scored. Officer Kerstetter stated that Officer Cope informed him that he had not fired his weapon in any capacity since attempting qualification in 2017.

In the past, Officer Kerstetter said that he had used his phone to videotape shooting so they could watch the video and breakdown the shooter's grip and trigger press, so they could see it in addition to the other drills that they had done. All these things have been documented in training memos as Borough policy that he has to document to the Chief.

Officer Cope also informed Officer Kerstetter, on more than one occasion, that if required to fire his weapon at 25 yards or in a lethal force encounter, that he would not shoot it because he did not feel confident with his weapon despite the stuff that they were doing.

Officer Kerstetter showed an example of a target evaluation that every officer is given to use. Officer Kerstetter stated that the issue was trigger manipulation in most cases with Officer Cope. Officer Kerstetter said that he showed Officer Cope something that he practices himself as a fire instructor, is a clicking a pen which is like the reset of a trigger. Officer Kerstetter suggested to Officer Cope that this was something that he could do on his own to practice to get that feel, to remember that feeling, so that when he felt it when he fired his gun, it would be familiar.

At the last qualification attempt, Officer Kerstetter said that he asked Officer Cope specifically if there was anything he could do for him as his instructor to help him more. Anything he could do from the standpoint of the way they are doing things, what we're doing. His response was no; there is nothing you can do.

During the night course of fire in May, everyone was instructed to bring flashlights and be prepared to train. During nighttime qualifications, Officer Cope's flashlight died and Officer Kerstetter gave him his flashlight to finish the course of fire.

Officer Kerstetter stated that he spent more time one on one with Officer Cope than any other officer in the department. Previously, everything would be documented in a training complaint in the system that they use when they document the days on the range. Because of his (Officer Cope's) struggles and his frustrations in respect to with shooting; rather than add undue stress to him by putting details of what went on, on the range, in that complaint for everyone to see, which would add additional stress, Officer Kerstetter attached a memo to the score sheet detailing what happened, any safety issues, remedial drills that they did, rounds used; everything that went on that day on the range.

In 2016, in the squad room, in Officer Kerstetter's presence, the Chief told Officer Cope that he believed in him, that he could do this, and that he could qualify; he believed that he could complete the course of fire. Officer Kerstetter noted that he also offered to help him at any point, on his own time, to go out and shoot, to work and practice these drills to help him. Officer Cope has never once sought him out to do that. Officer Kerstetter said that as the Chief said, there is unlimited ammo. Officer Kerstetter added that that is unique that you can come in and get ammo and go shoot when you want. Most places have a limit on what you can take because ammo is not cheap.

Officer Kerstetter said that they have black stickers that you can put on targets to get more life out of them. When Officer Kerstetter went to the academy, the instructor allowed them to get one black sticker and put it center mass on the target when you shot for a reference point because the TQ-21 target is a gray target with a lighter, what looks like a bowling pin that you shoot at. He said that they haven't done that initially. When he started, the Chief had indicated that he wanted to try to improve some of the things they were doing. Previously, the officers were allowed to come out and warm up before they shot. They shoot cold now. It is a better estimation of someone's shooting skills rather than letting them stand on the range for half an hour and shoot 100-150 rounds to get warmed out. Because the reality of it is, in your job you don't get warmed up. You have to be able to come out, pull it out of the holster, and deliver rounds. So, they stopped doing that, with the Chief's permission. Now when you go to qualify, you don't get to warm up. They do a function check; they check the weapon for cleanliness; they step up on the range and they call the course that they're shooting.

In an effort to help Officer Cope, Officer Kerstetter advocated with the Chief, their course of fire starts at 25 and you work your way up to three. Most gun fights occur much closer than 25 yards, if you look at the FBI statistics. Officer Kerstetter suggested to the Chief, that to build shooter confidence in our shooters, they would start at the three-yard line and work their way back. With the option that those folks who are used to starting at 25 would still be able to do that, if they so desired. The Chief agreed to do that. He said that if that is what they are comfortable with, we will allow them to do that.

The other benefit that has been extended to Officer Cope that has not been extended to anyone else, is that he has even been allowed to shoot the first two phases; count that score, and then repeatedly shoot the last two distances until he has a score that is passing. No other officer in the department has been permitted to do that.

Officer Kerstetter stated that when he spoke about the incident when he pointed the gun at him on the other range; what you (Officer Cope) said is a lie. He (Officer Cope) took a loaded weapon. At this time, Officer Kerstetter asked Dr. Cianflone to stand up. He demonstrated that they were standing "on the line". (He had Dr. Cianflone stand beside him.) He said that Officer Cope implied that Officer Kerstetter stood in front of him and that is how the gun was pointed. Officer Kerstetter stepped in front of Dr. Cianflone. He stated that that is not what happened. Officer Kerstetter explained that he had directed Officer Cope to go back to the 25-yard line where the bench is, to load three magazines each; not to load his weapon; not to charge his weapon. He explained that charging the weapon is when it's out and you walk around; loading it is putting the magazine into the magazine well. Officer Cope was not directed to do any of that. Officer Kerstetter put up a new target for him because they were going to continue to shoot. When they came up, Officer Kerstetter asked to see his weapon. (Officer Kerstetter had Dr. Cianflone trade him places. Dr. Cianflone was now taking Officer Kerstetter's part.) Officer Kerstetter demonstrated that Officer Cope took the weapon out of the holster, handed it sideways and went like this (pointed it at Dr. Cianflone). A live round fell out of the chamber of the gun, onto the ground in front of Officer Kerstetter. At that point, they stopped the shooting for the day because of safety violations. Officer Kerstetter said that Officer Cope apologized to him three times when they got back to the station for what he had done. In the car, on the way back, Officer Cope asked Officer Kerstetter if he was going to be fired for what he had done. Officer Kerstetter said that he explained that it was a safety violation that had to be reported to the Chief, that it was not in his (Officer Kerstetter's) purview; but it would be completely inappropriate for Officer Kerstetter not to report that.

Officer Kerstetter noted that he could have been killed on the range that day. He added that he still went out with him to get him through; he spoke with Officer Cope many times about the need to become a better shooter because he (Officer Kerstetter) doesn't want to be the guy, if he's (Officer Cope) involved in a gunfight 25 yards or more, who has to tell his family, "oh, I just gave him a pass, because he couldn't shoot 25 and he didn't want to practice. Or come in here to tell you that; I have an obligation to do that. And that's what I did."

Officer Kerstetter noted that he has never been critical with him on the range; he's never yelled at him on the range. He has sent him text messages of other things, and training aids that he can use on his own. That's what's been done since 2015. Officer Kerstetter noted that he believes what happened at the beginning of the month was a culmination of all of that, and a refusal to address it.

On the last qualification when they went out, Officer Cope's holster was not even secured to his duty belt. It was on there; it was not screwed tight. When he was moving the gun out of the holster, the holster would slide. Officer Kerstetter explained that part of shooting in getting your gun out of the holster is getting it out smoothly. If the holster moves when you go to remove the gun, it makes it a little more difficult to get it out and create problems. And then people are adjusting their grip to come out and when you shoot you are trying to readjust your grip. Officer Kerstetter noted that there are a whole lot of things, if your gear is set up the way it's supposed to be, that can make you a more effective shooter.

Officer Kerstetter noted that Officer Cope has qualified; so, it's not a matter of he can't do it; it's a matter of he would not practice, he would not clean his weapon, he would not take care of his gear, and he was unsafe on the range.

Officer Kerstetter stated that those reports are documented, and he stands by what he said here tonight.

Mr. Sees asked what MOPEC standards are for qualification. Officer Kerstetter stated 75 percent. Mr. Sees asked if it is a 5-3 score or 5-0. Officer Kerstetter said that it is 5-3 and the Borough's is 5-0. Mr. Sees asked if he is supposed to qualify at MOPEC standards with a 75% minimum, why does the Borough score at 5-0 as opposed to 5-3? Officer Kerstetter replied that it was the course that was here when he got here. He added that the MOPEC standard is the minimum standard to be certified to become a municipal police officer in Pennsylvania. Nothing prohibits the Chief of a department from setting a higher standard. No one is saying you can't be a police officer. Based on the Chief's policy on that, you just can't be one here if you can't meet the standard. Officer Cope stated that our rules say MOPEC.

Mr. Sees asked Officer Kerstetter if he is familiar with the rules and regulations from the police department. Officer Kerstetter responded that he couldn't recite them verbatim, but he has gone through the policy. Mr. Sees asked if Officer Kerstetter is aware that under the rules, the minimum standard is MOPEC standard. Officer Kerstetter replied that he believes it says, "prescribed course of fire". He added that he wants to see him (Officer Cope) become a better shooter.

Mr. Sees said that he heard the Mayor say that Officer Cope qualified at the end of last year. Officer Kerstetter said, November 22<sup>nd</sup>. Mr. Sees said that he (Officer Cope) currently holds MOPEC certification. Officer Kerstetter said that he believes so. Mr. Sees questioned why somebody would be removed from his duties when he's currently holding a card and he's certified. Chief Kriner said that MOPEC states that he cannot carry a firearm unless he's qualified with it.

Chief Kriner explained that qualifications run from January 1 to December 31. Officer Cope qualified last year. He went out this year and flunked. MOPEC is saying that you cannot carry a firearm unless you qualify. Officer Cope stated that other years they didn't schedule him until November. This year, because it's June, now all of a sudden, he can't hold a card. Chief Kriner explained that they are going out twice this year. Mr. Sees said, but he holds a card. Mr. Sees asked who made the determination that they are only going out twice this year. Chief Kriner replied that he made the determination that they are going out twice this year, more than last year. They are shooting more. Mr. Sees said, so after the second time he (Officer Cope) was out, he got suspended. Years previous to this, he failed to qualify even more times, and he didn't get suspended. Chief Kriner said at the end of the year. He added that his question to council would be, how far down the liability road do you want to go? Officer Cope stated that other officers were out in the snow. Several people were talking at once. Chief Kriner said that if he can't hit what he's

shooting at, if he's not making 75%, he hasn't qualified. Ask your solicitor, is that an issue should there be a shooting incident? Officer Cope questioned who is their Sig Armorer?

Mr. Sees asked Chief Kriner if at any time he told Officer Cope that he's suspended until he gets trained by a certified instructor and qualified by a certified instructor, whether it be Scott or any other certified instructor. Chief Kriner replied that he did not, the Mayor told him that. Mr. Sees asked, did you? Chief Kriner stated, no. Mr. Sees said that the only exception under the rule F is the police chief may restrict an officer from resuming further official duties with a weapon until proficiencies have been satisfactorily demonstrated. And the code of rule, he did qualify last year which under A, it says, demonstrated to certified instructor for that weapon unless, unless means certain qualifications have been previously trained and have shown proficiencies with that weapon and they are within the following calendar year, where annual provisions via demonstration is required and remedial training has been instituted consistent with provisions of this and other applicable general orders.

Chief Kriner replied that he'd say he's received remedial training. Mr. Sees said that remedial training would be going out on the course and leave him practice. Chief Kriner asked, how much practice does he get? Mr. Sees said, that is his question, how much training did anybody get? Chief Kriner replied that he has heard the training that he (Officer Cope) received. Mr. Sees asked Officer Kerstetter, for all the notes he read, how long did it take him to write them down today. Officer Kerstetter replied that he didn't write them down today. Mr. Sees said that those notes had to be written down today. Officer Kerstetter said that they were typed. Mr. Sees said that it was a lined notepad that he was reading from. Officer Kerstetter said that they were additional notes. Mr. Sees asked, so we will be able to see all that documentation, correct? Officer Kerstetter replied, absolutely. Mr. Sees asked, why, if he has all that documentation, why is it coming to a head now when this gentleman has been feeding you since 2015? Chief Kriner responded that the old mayor said let it go. Several people were talking at once.

Officer Kerstetter stated that he's not feeding him; there is no agenda here. If there was an agenda here... Mr. Sees said that he didn't say Officer Kerstetter was feeding him. Officer Kerstetter replied that Mr. Sees did say that he was feeding him; that that is exactly what he said. He added that if he was feeding him, that's not what happened. He said that he continued to work with him, continued to offer suggestions. Mr. Sees stated that he didn't say there was any agenda for him. He said that what he meant feeding, supply information; supply what your thoughts were. Officer Kerstetter said not what his thoughts were; he was reporting what he observed on the range and what all he had trained. Mr. Sees asked if anyone else was with him, on the range, besides the officer and himself. Officer Kerstetter said that there were other times, yes, there were other officers on the range. Mr. Sees asked, "so they'll be able to collaborate everything?" Officer Kerstetter replied, "what they witnessed, yes."

Officer Cope stated that most officers in their department under your standards of the 5-0 have failed. He added that Officer Vognetz failed five times and Officer Dreisbach took him out in the snow last year. He questioned isn't it true that most officers under your

program of 5-0 with 84 or 86 percent have had to reshoot the course numerous times? He said that he is not the only one that it takes numerous times. Officer Vognetz, last year, was about five times. Officer Kerstetter stated that he is not going to discuss other officers; it is a personnel issue. Chief Kriner said that there is not an officer in the agency that hasn't flunked...People were speaking at once. Mr. Tira told Officer Cope that he cannot continue to interject...

Officer Cope asked why he wasn't given an opportunity. Chief Kriner stated that this is an issue now because it is a concern for everyone. On the fifth of May, Officer Dreisbach asked him what he was going to do about Ed. He said that someone should have a "heart to heart" with him about retiring because he's a danger to himself, the agency, and the public. Chief Kriner said that his comment was that it is no one's business to tell him when to retire. So, it is a systemic problem and an issue within the department. Everyone is concerned. It is their lives.

Mr. Tira stated that he wanted to make it clear that if he is certified by the department, he passes the exam, he'll be returned to duty. Chief Kriner responded, absolutely; just qualify. Officer Cope stated that he did. Mr. Tira said the question he had, then are outside certifications done or are they always done with your officer? Chief Kriner stated when they didn't have Scott (Kerstetter) or Josh (Dreisbach) they went elsewhere. Mr. Tira asked if they are done under supervision of the department? Chief Kriner replied that they just have to be a certified instructor.

Officer Cope stated that he used his duty weapon, duty ammo, each time; the guy wrote the course. He trained the trainers. He told Officer Cope that the FBI in Quantico, Virginia, have the best instructors and equipment. If there is an FBI agent that has trouble that's in the academy, the FBI sends the person to that guy to train them. Officer Cope stated that he wrote the course for MOPEC.

Mr. Tira asked if there are results from the certification testing like a report that's issued. Chief Kriner responded yes. Officer Cope stated that he (the trainer) has his target. Mr. Tira said that he has not read the submission that Officer Cope has given; by looking at it, he doesn't see a report or a result of a test. Mr. Tira stated that it may be him, looking too fast. Officer Cope said that it is in there. Officer Cope added that he actually qualified well enough that he (the trainer) could sign a card that Officer Cope could go around the state and teach other police officers how to shoot their gun and be a firearms instructor. That's also with a gun that he's a Sig Armorer on, that he said is shooting seven inches low. That is in the report as well. Officer Cope asked Officer Kerstetter, when was his gun ever viewed by a Sig Armorer.

Officer Kerstetter said he wanted to address the issue about the sites on the gun. He explained that there was a time on the range when he asked if Officer Cope thought it was the sites and he said yes. Officer Kerstetter took the gun to 25 yards and put two rounds in it, and a target. He put two rounds, center mass, that you could cover with a half dollar. He stated that it wasn't the sites. Officer Kerstetter said that it is practice and repetition. It is a perishable skill. He said that if he doesn't practice during the year, when he goes

out, his score drops. It is a perishable skill; it is a matter of routine practice, you have unlimited ammunition, we are available to help.

Officer Cope stated that you have an expert that wrote a report saying the gun is off. He shot it himself; he shot five or six rounds of practice ammo, five or six rounds of duty ammo, and it was off seven inches on both of those. Officer Cope noted that this is in the report.

Mr. Tira said that the issue at hand is not whether the gun site is off; the certification is the issue. When you certify, you would be returned to duty. Officer Cope stated that he is certified. Mr. Tira said that there would not just be a written report by the instructor. But there would be test results that you would put on file. That is the information that Officer Cope would need to be able to be considered he is qualified.

Officer Cope stated that his gun does need to be seen by a Sig Armorer. The trainer is a Sig Armorer and he said it is off. Whatever Scott (Kerstetter) says... Mr. Tira stated that this may be a separate issue. Officer Cope said the Rules and Regulations say that it is supposed to be examined once a year prior to going to the range by a Sig Armorer. It's never been examined. Officer Cope asked Officer Kerstetter when he's ever taught them the Use of Force Policy because that's in the Rules and Regulations. Mr. Toro stated that the Use of Force this is not the issue.

Officer Dreisbach stated that the expert that Officer Cope went to can't submit the results because the Chief has the form that the results go on. The form is only kept by the Chief and Officer Kerstetter. Mr. Tira stated that he was told before, in Officer Dreisbach's presence, that forms are available. Officer Dreisbach stated that this is the reason why it is not on the test form. Officer Dreisbach said that if he could elaborate on this, the way it works, from the union standpoint, we're talking about an officer who's failed multiple times, '15, '16, '17. He said that as they sit here today they can walk down the road and see the problem. They can say "he's never done anything". What has the Chief, or the firearms instructors done to make sure that happens? Where is the continual training? There is a reason why. They talk about he pointed a weapon at me. Those are weapon handling skills, but if you only go to the range one time a year to qualify, what weapon handling skills are they really learning? Officer Dreisbach stated that on the fifth of May he addressed it, that they need to train the officers. Chief Kriner responded that he asked Officer Dreisbach, specifically, what's your remedy and you said that there is none; it's in his head. Mr. Tira asked if there is anything new. Officer Dreisbach said that there are issues and they've seen the issues. So where is the training taken on our part? Mr. Tira replied that Officer Kerstetter has addressed it.

Officer Kerstetter stated that they have done some training with moving targets and threat/no-threat targets on the range that Officer Cope participated in. Officer Cope asked when was that? Officer Kerstetter replied that was when he and Kelly were at the range, he had targets up that were threats and no threats. Officer Cope said that it wasn't this year. Officer Kerstetter noted that the round count, including the 600 rounds that Officer Cope picked up in early May. Since 2015 and there were three dates that Officer Kerstetter

doesn't have the round count in 2015. Excluding those dates, Officer Cope has used 2,211 rounds. Officer Cope noted that he shot 500 with the trainer and only has 100 to return. Officer Kerstetter said that this is the most of anyone in the department. Mr. Cope stated that something about another officer shooting five times.

Mr. Tira asked if there is anything additional to be added related to the certification and suspension. Chief Kriner said, "just qualify". Officer Cope said that he did. He added that he had to hire his own guy to give him remediation because the Borough wouldn't do it. Chief Kriner said that ammo is available to him all the time. He does nothing to help himself. People were talking at once.

Dr. Cianflone asked Mr. Tira if they could be given the form. Mr. Tira stated that the Chief has not seen the report. He doesn't think council can take action on this without having a chance read it.

Officer Cope asked who knew about the grievance that the union filed. It says, the Mayor's step 2 says "cc Borough Council". Mr. Troup stated that he didn't know about the suspension. He was asked if he first heard about it tonight. He replied that he heard it from another council person, but it disturbs him that things go on that they are not alerted to, or maybe just certain people are not left to know.

Officer Cope stated that this is because he brought up about one of their guys being wanted, at the March 5<sup>th</sup> meeting. This is retribution for that. Mr. Ruane responded that it isn't. Officer Cope said that there was a girl who wasn't qualified the same time he wasn't, and nothing happened to her. They scheduled her to go out real quick the next week and the Mayor encouraged her. Chief Kriner stated that he's received a lot of encouragement. He said, just qualify, go out. He added that he bought the training aids for him. Officer Cope said that he doesn't know how to use them. Chief Kriner said \$600 for him (Officer Cope) and they are still in the box. He had two emails on them. Officer Cope stated that he wasn't shown how to use them.

Mr. Tira responded to someone's question about grievance procedure, noting that the Mayor has the first line. The Mayor dealt with it through the chain of command. At this point, the issue is the certification that has been supplied and needs to be presented to the department for their determination as to whether he's met the qualifications to be certified and back on duty. That is the issue. Everyone was speaking at once.

Mr. Toro stated that he (Officer Kerstetter) is with the Borough. The Chief has a qualifying instructor. He asked Chief Kriner if anyone else is allowed from outside agencies to say he meets the Borough qualifications and standards. Chief Kriner replied that a certified instructor can take anyone out and certify them, as long as it's approved by the agency. Officer Cope stated that he is a certified instructor and that is what their policy says. Mr. Toro questioned if the instructor must be approved by the Chief or who approves the instructor. Chief Kriner said that if the council approves, and he is a certified instructor, then so be it.

Someone asked what was the score? Officer Cope said that it is on there. Mr. Tira said that it is in the 80's and 90's, based on whatever the method of scoring was.

Mr. Toro, asked, prior to doing so, going out and qualifying with this individual, did Officer Cope seek his supervisor's approval. Officer Cope said no, he had been suspended without pay.

Mr. Tira stated that it is now a matter of processing the certification. Officer Cope stated that he just wants to get the form from the Chief to have him sign it, or if Mr. Tira wants to talk to the guy who is a practicing attorney... Mr. Tira said that he thinks that is unnecessary; he thinks the Chief, it's his certification, his department. He thinks that the report that's been submitted, if the Chief is willing to reach out to him, he doesn't think he needs to be in the middle.

Mr. Toro said that he would be more comfortable, going with the Chief, back to the range, with the instructor, getting a witness there, and requalifying in front of your supervisor. Chief Kriner stated that when Officer Cope goes to the range, he doesn't go out with him because he doesn't want to get in his head. Mr. Toro said that he's put us in this situation. Officer Cope stated that he didn't; the mayor did. Mr. Tira said that the Chief's recommendation is, if Officer Cope can be certified, he will be returned to duty once the Chief can obtain the information from that gentleman. That was the Chief's position.

Officer Dreisbach stated that, as the union, they would like a Sig Armorer to inspect the weapon since he was told that it is shooting seven inches low, and verify that it is working. Mr. Troup questioned if that should be done every year. Chief Kriner responded that he doesn't have anyone to do it now. The Sig Armorer went to Point Township. Mr. Troup asked why there is not another one. Chief Kriner responded that it is because he doesn't have anyone to do it right now.

Mr. Toro stated that Officer Cope should have a personal responsibility to make sure his weapon is in top condition, regardless of anybody else. He is carrying that weapon. He is out there with the public trust. Mr. Toro expects the utmost of his weapon and if it is not there, he should turn it into his supervisor to do something with it. Officer Cope asked how he knows the gun is shooting seven inches low. Mr. Toro responded that he has been a professional for twenty years. Officer Cope replied that he is not an Armorer, he doesn't know if the gun is shooting low. Mr. Toro said that it is unacceptable in his eyes. Officer Cope argued that it is not; that the Rules and Regulations say that it should be looked at by a Sig Armorer. Mr. Tira said that they are off the issue. He thinks the council needs to get this dealt with tonight.

Mr. Ruane made a motion to keep Ed (Officer Cope) suspended until they get it checked out that he qualifies. Then he can come back to work if the Chief is satisfied with the results of the testing. Officer Cope stated that he is telling him that it is going to check out. Mr. Ruane made that motion. Mr. Toro asked if they could have a witness like our instructor, stand in the background, and witness the qualification. Someone stated that he

has already qualified. Mr. Tira advised that the mechanics should be left up to the Chief. Mr. Toro agreed. Mr. Ruane repeated his motion. Mr. Toro seconded the motion.

Mr. Sees stated that the F one and one, three, ten, F one. There are two key points here. He still holds a MOPEC card, right? Officer Cope stated that it ends on December 31<sup>st</sup>. By any standards of remedial training; Mr. Sees stated that he doesn't know what remedial training he (Officer Cope) received. Here's two things, go out and use it. What kind of remedial training is that? Mr. Kerstetter should have taken him out and at least been given an opportunity to go through the course, not qualify, training, not qualifying. He did three qualifications, it sounded like the same day he heard him read in his documentation. Officer Kerstetter replied that remedial is going back to the fundamentals. The drills that he described to council were remedial drills. They are drills that a firearms instructor will give to a shooter to correct issues. He added that you are looking for a magic bullet here. Mr. Sees asked if during the remedial training in the instructions and going back to the basics, has any officer been suspended without pay during the remedial training?

Mr. Sees asked when he came back, and he failed, did he work after that? Officer Kerstetter replied that he didn't know. Mr. Sees questioned Officer Cope if he worked after that. Officer Cope said that he thinks he was on vacation. He went to Boston and then he came back and had court that day, overtime. Mr. Sees said that he thinks if you are going to suspend, it would have been done at the time he failed, the second time around, if that holds true. Chief Kriner said that he was given another chance to go back out. Mr. Sees questioned that he failed more than twice. Once he failed, Officer Kerstetter tried to qualify him again on the same day. Officer Kerstetter stated that they take a break and discuss the things he should work on. Mr. Sees asked if it is normal to try to qualify three or four times in one day. Officer Kerstetter said that he can offer suggestions, ask what he can do to help him. He added that they work well together on range.

Mr. Sees asked Officer Kerstetter if Officer Cope has a current MOPEC card to carry a weapon. Officer Kerstetter stated that he didn't know. Officer Cope provided his card. Mr. Sees asked what the date says on the card; when does it expire? Someone read December 31, 2018. Mr. Sees said that he previously was trained and showed proficiency with the weapon and he's within the following calendar year, this year, where demonstrated proficiency is required so he's required to qualify this year for next year. Chief Kriner responded that he is required to qualify this year for this year. Mr. Sees responded that he has that through this year. Chief Kriner said, no. I mean now, with this gentleman. Prior to this, he did not. MOPEC says you can qualify January 1<sup>st</sup> through December 31<sup>st</sup>. It also says you may not carry a weapon that you are not qualified with. So, if he flunks, he is not qualified with it. And in speaking with MOPEC, it says that if he does not pass your course of fire, is not qualified; then it is up to the agency to take care of that and then at the end of the year his certification would not be renewed because he had failed to qualify.

Mr. Sees questioned if the card he has came from his instructor and not issued through his training last year when he qualified. Chief Kriner stated that the card came from MOPEC itself. Mr. Sees asked if it came because of his training last year or just this current training. Chief Kriner explained that every year they certify; they send out cards. It is for the current

year. What MOPEC is saying is if he does not qualify this year, on December 31<sup>st</sup>, his certification would be revoked. Mr. Troup questioned if he has up until December 31<sup>st</sup>, 2018 to qualify. Chief Kriner explained that you must qualify

Mr. Toro asked if MOPEC issues a card in hopes that they would qualify with the agency? Mr. Tira replied that the prior qualification is the state certification. It is not the department certification. They are two different things.

Officer Cope questioned when the mayor suspends somebody without pay, it has to be for cause. He added that he does not feel there is cause so he is asking to be put back on with pay and he will stay away and get the forms completed and all that with this fellow. But there was no cause for the Mayor to suspend him without pay. Officer Cope added that the Third Circuit has really clamped down on the reasons that you can get rid of, or suspend, a police officer without pay. You've got to sexually assault somebody, be in jail... Mr. Tira stated that's not true; it's broader than that. They have seen your request. The Chief and Mr. Kerstetter put forth why they believe there is just cause for this suspension. At this point there is a motion made to deny the grievance, to continue the suspension until the time that the certification of the qualifying that was done with the private person (Mr. Tira didn't have his name.)

The motion was made by Mr. Ruane, seconded by Mr. Toro. Mr. Cope questioned if he has to wait until next month. Mr. Tira replied that they made the motion that once it is certified by the department and is accepted, then you would be back on duty. It added that it could be fairly quick.

Mrs. Rees asked Chief Kriner and Officer Kerstetter to explain what was different about this year compared to other years. She added that it sounded like there's been some sort of change. Officer Kerstetter stated that there was no change other than it's not getting better; his scores aren't getting better. Officer Dreisbach stated that there was a change from the score of his grades from an 84 to an 86. Chief Kriner noted that it had no bearing since he didn't even get an 84. Officer Cope asked why it was changed.

Mr. Ruane called for a roll call vote. Council voted 4-2 to approve the motion. Mr. Sees and Mr. Troup voted no.

Mr. Troup made a motion to put Officer Cope back on duty, not able to carry his weapon until this gets certified. Mr. Tira advised that there was just a motion approved for his suspension until his qualification is certified. Officer Cope asked if they want the Chief to do that or do they want him to take the form down to the guy. Mr. Tira suggested that he coordinate it with the Chief.

### **Borough Council Meeting Minutes**

Mr. Boyer made a motion to approve the council meeting minutes of April 3 and May 1, 2018. Mr. Boyer seconded the motion. Council voted 4-2 to approve the minutes. Mr. Sees and Mr. Troup voted no.

## Northumberland Borough Sewer Department

Upon motion by Mr. Ruane, seconded by Mr. Boyer, council voted unanimously to approve Resolution A-2018. The resolution follows:

### **"BOROUGH OF NORTHUMBERLAND NORTHUMBERLAND COUNTY, PENNSYLVANIA RESOLUTION NO.: A-2018**

A RESOLUTION ESTABLISHING BILLING PRACTICES FOR THE NORTHUMBERLAND BOROUGH SEWER DEPARTMENT AND THE GUIDELINES BY WHICH THE NORTHUMBERLAND BOROUGH SEWER DEPARTMENT WILL UTILIZE WATER SHUT OFF PROCEDURES AGAINST DELINQUENT SEWER SERVICE CUSTOMERS.

#### RECITALS

A. Northumberland Borough Sewer Department ("NBSD") operates certain public sanitary sewer facilities (the "System") which provide sewer service to the residents of Northumberland Borough ("Borough") and bulk customers outside of the Borough.

B. From time to time, customers of the NBSD utilizing the System fail to pay sewer rentals or other charges due to the NBSD in a timely fashion.

C. The Water Services Act, 53 P.S. § 3102.101 et seq. (the "Act"), requires water service providers to shut off water service, upon request of a sewer service provider, for failure of customers to timely pay sewer rentals and charges.

D. The NBSD desires to set forth the guidelines by which water shut off procedures will be utilized against delinquent customers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Northumberland Borough Council, Northumberland County, this 5th day of June 2018, as follows:

1. The recitals are incorporated herein by reference as if set forth in full.
2. The NBSD will invoice customers in quarterly installments as follows: (i) January through March, with the accompanying invoice issued the first week of April; (ii) April through June, with the accompanying invoice issued the first week of August; (iii) July through September, with the accompanying invoice issued the first week of November; and (iv) October through December, with the accompanying invoice issued the first week of February.
3. Owners of improved properties that connect to the sewer in the middle of a quarter will be charged from the date of connection. With prior written permission from the NBSD, owners of improved properties may disconnect sewer service by plugging the lateral. If the lateral is plugged, NBSD will stop billing for sewer service as of the date that NBSD personnel inspect the disconnection. NBSD will continue to bill properties that are vacant but the sewer service lines have not been plugged by owner and inspected by NBSD.
4. Owners of improved properties that are sold/transferred during the middle of a quarter shall have their water meter read at the time of a successful home inspection and their usage shall be pro-rated on this reading by NBSD personnel. An invoice will be generated and sent along with home inspection certificate to the title company/realtor/attorney for settlement.
5. In the event payment for wastewater charges or other charges rendered by the NBSD are returned by a banking institution for any reason, a charge of \$35.00 for each instance shall be added on the account. In the event the banking institution levies a charge against the NBSD for processing a returned check, said charge will be levied against the account for which the service is being rendered. The NBSD may also demand payment of the account by certified check, bank draft, cashier's check bank/postal money order. The account, which was paid by the returned check, shall be considered delinquent until full payment is rendered.
6. If the owner or occupant of a premises connected to the System fails to pay their sewer rentals or charges within sixty (60) days of the due date, then the NBSD will undertake action with Pennsylvania American Water Company (the "Water Company") to shut off water service to the premises. NBSD will provide a certified letter to the owner or occupant requesting payment in full within ten (10) days. If the delinquent account is not brought current, then NBSD will instruct the Water Company to shut off

water. NBSD will also assess a Fifty Dollar (\$50.00) fee against the owner or occupant's account, in addition to all other costs, fees, and interest assessed thereon involved in the attempt to collect the outstanding balance.

7. Water service shall remain shut off until the customer's delinquent account has been paid in full and all charges incurred by the NBSD for commencing shut off procedures have been paid. Such charges shall include, but not be limited to, those costs charged by the water service provider to shut off and turn on the water to a property, delinquency fee, any loss of revenue charges charged by the water service provider to the NBSD, any other charges incurred by the NBSD from the water service provider, administrative and attorney's fees, and interest assessed thereon.

8. The NBSD shall mail a shut off notice to the customer liable for payment of the rentals and charges, as well as the owner or property manager of the premises, if different than the customer. Such mailing shall also provide at least ten (10) days' notice prior to water service being shut off. The notice shall include, at least:

- (a) The property location for which water service is being terminated.
- (b) The amount of past due charges and penalties.
- (c) Detail of any termination and reinstatement charges to have the water service terminated and reinstated.

9. When instituting water shut off procedures against a customer, the NBSD will comply with all applicable federal, state and local laws, including the Utility Service Tenants Rights Act, related to utility service termination.

10. In furtherance of the Utility Service Tenants Rights Act, the NBSD shall:

(a) Nonpayment of charges. -Except when required to prevent or alleviate an emergency as defined by the Public Utilities Commission or except in the case of danger to life or property, before any termination of service to a landlord ratepayer for nonpayment of charges, the NBSD shall:

- (1) Notify the landlord of the proposed termination in writing at least thirty-seven (37) days before the date of termination of service. At least thirty-seven (37) days before the termination of service, the NBSD shall request from the landlord the names and addresses of the affected tenants. The landlord must timely comply with all such requests in accordance with the Utility Service Tenants Rights Act.
- (2) Notify the county Department of Health, in writing, not less than ten (10) days before the proposed termination of service.
- (3) Notify each dwelling unit reasonably likely to be occupied by an affected tenant of the proposed termination in writing at least seven (7) days after notice to the landlord ratepayer pursuant to this section and at least thirty (30) days before the termination of service. If within seven days of delivery or mailing of the notice to the landlord issued pursuant to this section the landlord ratepayer files a complaint with the commission disputing the right of the utility to terminate service, the notice shall not be rendered until the complaint has been adjudicated by the commission, but the landlord ratepayer shall continue to pay the undisputed portion of current bills when due pending the final decision of the complaint.

(b) The notice required to be given to a landlord ratepayer pursuant to section 6(a)(1) of this resolution shall contain the following information:

- (1) The amount owed the NBSD by the landlord ratepayer for each affected account.
- (2) The date on or after which service will be terminated.
- (3) The date on or after which the company will notify tenants of the proposed termination of service and of their rights under the Utility Service Tenants Rights Act.

- (4) The obligation of the landlord to provide the NBSD with the names and addresses of every affected tenant or to pay the amount due the NBSD or make an arrangement with the NBSD to pay the balance including a statement:
    - (i) That the list must be provided, or payment or arrangement must be made within seven (7) days of receipt of the notice.
    - (ii) Of the penalties and liability which the landlord may incur by failure to comply.
  - (5) The right of the landlord to stay the notification of tenants by filing a complaint with the Public Utility Commission disputing the right of the NBSD to terminate service.
- (c) The notice required to be given to a tenant pursuant to section 6(a)(3) shall be sent by first class mail to each affected tenant by name at his or her individual dwelling unit, or by unit number or unit designation, and shall be posted in common areas. All notices shall contain the following information:
- (1) The date on which the notice is rendered.
  - (2) The date on or after which service will be discontinued.
  - (3) On each account, the bill for the billing period preceding the notice to the tenants shall detail the amount due.
  - (4) The following statement of the tenant's rights, the words and phrases of which appear all in capital letters to be printed in 12- point bold-faced type with the first letter printed in upper case and the letters that follow in lower case and the words and phrases which do not appear all in capital letters to be printed in ten-point type, with any letter in upper case to remain so and the rest in lower case:

IMPORTANT NOTICE TO TENANTS:

**WARNING: YOUR WATER SERVICE MAY BE SHUT OFF ON OR AFTER (date) BECAUSE OF THE FAILURE OF YOUR LANDLORD TO PAY FOR THE SANITARY SEWER SERVICE PROVIDED BY NORTHUMBERLAND BOROUGH SEWER DEPARTMENT. TO STOP THE SHUTOFF OF YOUR UTILITY SERVICE, YOU MUST DO ONE OF THE FOLLOWING THINGS:**

- 1. You can join with the other tenants to pay the sewer bill for the last thirty (30) days preceding this notice or you can pay the total bill yourself. Either way, you do not have to pay a deposit or get credit granted in your name. You will not have to pay your landlord's other debts or the debts of prior tenants, and the sewer service will remain in the name of the landlord.
- 2. You may deduct your payment to the Northumberland Borough Sewer Department from your rent due now or from future rent. The Northumberland Borough Sewer Department will notify your landlord how much you paid for the sewer service.

ADDITIONAL INFORMATION:

- 1. The bill which must be paid to continue service is \$\_\_\_\_\_ (state specific amount).
- 2. Your landlord cannot punish you if you pay the utility bill. Your landlord cannot raise your rent, cannot evict you and cannot take action against you in any other way for paying the utility bill and deducting it from rent. You have a right to recover money damages from the landlord for any damages or injury he causes you for exercising your rights as a result of this notice.
- 3. You have the right to dispute the accuracy of the bill and have certain other rights. If you would like further information regarding these rights, contact the Northumberland Borough Sewer Department.

**DO YOU HAVE ANY QUESTIONS?**

*If you have any questions about your water or sewer service, please contact the applicable utility company at Northumberland Borough Sewer Department, P.O. Box 325, Northumberland, PA 17857, 1-570-473-1992 or Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033, 1-800-565-7292. If, after talking about your problems with the Northumberland Borough Sewer Department or Pennsylvania American Water Company, you are not satisfied, then call the Pennsylvania Public Utility Commission at its toll-free number, which is 1-800-692-7380, or write to the Residential Termination Unit, Bureau of Consumer Services, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17120.*

**YOU SHOULD CALL OR WRITE BEFORE THE SHUTOFF. TO AVOID SHUTOFF, YOUR LETTER MUST BE RECEIVED BEFORE THE SHUTOFF DATE.**

11. *That the tenant or tenants must make payment to the NBSD on account of nonpayment of charges by the landlord by check or money order drawn by the tenant to the order of the utility or by cash and that the tenant must provide, upon request, reasonable identification to the utility. Reasonable identification shall include, but not be limited to, a driver's license, photo identification, medical assistance or food stamp identification or any similar document issued by any public agency which contains the name and address of the tenant.*
12. *All charges imposed by this Resolution shall be a lien on the improved property connect to and served by the NBSD. Any wastewater rates and other charges which are delinquent shall be filed as a lien against the improved property connect to and served by the wastewater collection system. Such liens shall be filed and collected in the manner by law for the filing and collection of the NBSD's claim.*
13. *The NBSD shall notify the Borough Code Enforcement Department of any properties whose water has been shut off. The Borough Code Enforcement Department will rescind the use and occupancy permit for any property whose water has been shut off.*
14. *The failure of the Borough to enforce any provision of this Resolution shall not constitute a waiver by the NBSD of its rights of enforcement hereunder.*
15. *This Resolution does not remove any other legal rights the NBSD has to collect delinquent accounts, including, but not limited to, the imposition of liens.*
16. *The NBSD may designate agents to carry out the provisions of this Resolution.*

**DULY ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**BOROUGH OF NORTHUMBERLAND**

By: \_\_\_\_\_

By: \_\_\_\_\_

*Secretary*

*President Council*

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: \_\_\_\_\_

*Mayor"*

**Mayor's Report**

Mayor Berard reported that the Police Department issued 55 traffic citations for the month; 51 parking tickets; 25 court cases; several people were arrested for DUI's, physical assault, and drugs. The Police Department had 337 calls for service for the month of May. There were 38 assists: twelve to Point Township, eight to Sunbury, and eighteen to other agencies. 1,310 miles were logged for the month. The Borough received a check for \$3,471.70 from the District Court for fines.

Mayor Berard noted that King Street Park has received a facelift around the pond. He thanked several people who have helped beautify the area. They are Brehon Odronic, Jo Mueller, Margaret Weirick, Barb Kistner, Sandy Krehel, Ann Roll, and Josh Kurtz. Mayor Berard added that Josh Kurtz spent time after working at the sewer plant to help plant the flowers.

### **Code Enforcement Officer's Report**

Ms. MaryKay Clark reported on activity of the code office for the month of May 2018. Three building permits and two zoning permits were issued with fees totaling \$267.50. There were thirteen complaints; thirteen code violations, seven citations were issued. There was one street cut permit with backfilling fee of \$350. Nineteen rental inspections and one reinspection were conducted with inspection fees totaling \$665. Car mileage for the month was 47 miles.

Mr. Troup asked if anything has been done about the Fisher property by the river. Ms. Clark replied that she has cited the property five times. She noted that the property on Hanover Street looks better and he has been maintaining the outside of the Queen Street property. Ms. Clark inspected one apartment at the Front Street property and found many violations.

### **Street Supervisor's Report**

Mr. Brian Probst reported that the Street Department has been replacing street signs that were struck by trucks; spraying weeds; running the street sweeper; mulched around the Borough Building and power washed the fence at the end of the Police Department. They've filled potholes, fixed the water problem in the concession stand at Pineknotters Park, and cleaned up trees that were downed by the storm.

### **Committee Reports**

#### **Community Development**

- Dr. Cianflone reported that representatives from the Sunbury City Band attended the meeting to ask if the Borough would pay for utilities if they purchase the property of Front Street that was a doctor's office. The Committee did not agree to pay the utilities. Dr. Cianflone suggested that they consider renting the gym instead. He stated that if they purchased the building on Front Street they would have to do a lot of renovations.
- The playground and lunch program are to start on June 11<sup>th</sup>. Mrs. Rees stated that she has two applications for supervisors.
- Dr. Cianflone stated that they found flooring for the gymnasium. The total price was less than \$400. Mr. Troup noted that the three-foot wide linoleum will require a lot of seams. The length of the rolls is 75 feet. Discussion ensued.
- The Soap Box Derby, PineMudder, and Pineknotters' Days are upcoming.
- Surveys were sent out to the local schools to obtain ideas for the Liberty Splashland area.
- Dr. Cianflone had a request from someone in Allentown to purchase the Bowl Slide for \$3,500.

- Dr. Cianflone talked to Greg Tweed about installing the heat in gym. Mr. Tweed said that the job is too large for him. Dr. Cianflone has contacted Jason Nichols and is waiting to hear from him.

#### Finance

- Mrs. Rees reported that the committee met last month and reviewed the paperwork. She added that there isn't anything in particular to report.
- Mr. Toro reported that the Code Enforcement Officer has done an outstanding job with inspections and brought in \$16,385 so far since accepting the position with the Borough.

#### Personnel

Mrs. Rees reported that the committee interviewed Kasidee Leeser for the playground supervisor. She will be a sophomore at Bloomsburg University and is majoring in Elementary Education with a minor in Special Education. She plays softball. The committee would like to hire her. She is eligible for the PHEAA grant.

In addition to Kasidee Leeser, the committee would like to hire another employee to cover for vacations, etc. The applicant is an adult who is not eligible for PHEAA. The committee is recommending that an application for a grant to fund the program be made to the Anselmo Trust. If the grant funding is not approved, the \$1,000 that is in the budget for Special Events could be used toward the additional position. The program would run weekdays from 10:00 to 12:30. The supervisors would work from 9:30 to 12:30

Mr. Toro noted that the applicants have the state clearances. Nicole Hernandez is certified in CPR and Kasidee Leeser is willing to become certified.

Mrs. Rees made a motion to hire Kasidee Leeser as a Playground Supervisor at the rate of \$9.25 per hour and Nicole Hernandez as Playground Supervisor at a rate of \$11.25. Kasidee's pay will be supplemented by PHEAA grant and Nicole's pay will come from the Special Events fund and possibly the Anselmo Trust. The program will run for eight weeks, Monday through Friday. Mr. Boyer seconded the motion. Council approved by a vote of 5-2. Mr. Troup and Mr. Sees voted no.

Mrs. Rees stated that since the Code Officer started working for the Borough in June of 2016, she has brought in \$15,305 and \$8,697.98 in permit fees. Her predecessor brought in \$3,167 for inspections and licensures in 2015. Mrs. Rees checked with Sunbury and Milton to learn what they pay their code officers. Sunbury pays \$17.26 an hour and Milton pays \$26.16 an hour. Mrs. Rees made a motion to give MaryKay Clark a \$1.00 an hour raise because she is doing a terrific job. Dr. Cianflone seconded the motion. Mr. Sees asked what raise MaryKay received this year. Mr. Ruane noted that she received a 3% increase in January. Mr. Sees asked what her raise equated to. Mrs. Rees

responded that her hourly rate was \$14.00 in 2017. It increased to \$14.50 when she passed her exam. In January her rate became \$14.94. Mrs. Rees noted that when Ted McCollum was Code Officer, he brought in about \$3,000. Mr. Sees stated that he was acting in a dual role, street supervisor and code officer. His hourly rate was \$20.01 whether he was working as street supervisor or code officer. Mr. Sees stated that he is not begrudging MaryKay something. But she had a \$.42 raise. Mr. Toro noted that the Borough had an individual who had two roles; but as code officer, didn't produce. Mr. Sees asked Mr. Ruane what he brought in when he was code officer. Mr. Ruane replied that he made \$16 per hour. He noted that he paid for his wage. Mr. Toro stated that MaryKay is doing a great job. Mr. Sees questioned why the Borough doesn't pay her by percentage. Roll call vote was 5-2 with Mr. Sees and Mr. Troup voting no.

Mrs. Rees stated that she has other business for Executive Session regarding Personnel.

Public Safety – no report

Rules – no report

Streets

Mr. Boyer stated that we are waiting for New Enterprise to pave the streets.

### **Old Business**

#### **1. EMC OnCall Nurse Hotline and Physician Panel**

EMC has a new program at no cost to the Borough. Mrs. Rees made a motion to authorize EMC to start the on-call nurse program for the Borough. Mr. Boyer seconded the motion. Mr. Sees asked a question about the providers on the Physician Panel. He was informed that the "multiple sites" listed for Physical Therapy include Carr's Physical Therapy in Northumberland. The closest site for Ophthalmology is the Progressive Vision Institute in Shamokin. A request has been submitted to change that listing to the Eye Center of Central PA because they have more convenient locations. It was noted that the Physicians' Panel and the OnCall Nurse Hotline are two separate things. Mr. Sees questioned when the panel comes into play. The OnCall Nurse completes the questionnaire and recommends a course of treatment. Mrs. Rees questioned if they could go to a doctor on their own. The response was that an injured employee may go to the Emergency Room if the injury is severe.

Chief Kriner returned to the meeting and informed council that he reviewed the report that council was given tonight. The report from the instructor states that the high daytime score was 80, not an 86. The nighttime qualification was an 86. Mr. Sees stated that it says 80 on a 5-0 scoring; 87.2 on a 5-3 scoring. He asked which is MOPEC standards. Officer Kriner said that we use 5-0. Mr. Sees said that the rules say MOPEC standards. Mr. Kriner repeated that we use a 5-0. He explained that it is to council's benefit to have that change.

Mr. Sees stated that there is no other agency that scores 5-0. He added that he has asked around locally. Chief Kriner said that if they shoot a 5-0, it's in the center mass. That's what we want. He noted that you can look it up on the internet – 13 shots fired, two in the leg; so they are shooting a 5-3. If they shoot a 5-0, it's in the center mass, it makes them better shooters. That's what this is about; making them better. MOPEC says that's great, keep it up. We set our standards, but this is what we want you to be doing. It's a liability; it's nothing else. Chief Kriner said that they want them to go home at the end of the day; we want them to protect your families and the other guys. It has nothing to do with anything else. They can talk about semantics, 5-3 and 5-0 all day long. There is a reason we do it.

Mr. Sees stated if the rules say MOPEC standards, and MOPEC standards are 5-3. Chief Kriner said "MOPEC minimum standards". So, in order to qualify, Mr. Sees stated, I have to shoot a 5-3 score and qualify a 75% minimum. Chief Kriner said that if you read on, it says and prescribed course of fire by the chief. So, you must pass a minimum score by MOPEC and a prescribed course of fire by the Chief. That's what it says. That's the course he's prescribed. It is nothing else other than making him better; making all of them better. Chief Kriner added that he fails to see the problem with that.

Mr. Sees stated that the problem with that is that there are police officers out there who have told him personally that that course is almost impossible to shoot. Chief Kriner said that they shoot it every year and they have been. It's not impossible; they've been doing it. Ed's done it. It's not impossible to shoot.

Someone asked if Mr. Sees would want an officer who's not qualified to protect his life and his families'. Mr. Sees stated that he would want an officer who's qualified under the MOPEC standards as we have it prescribed in our Rules and Regulations. Chief Kriner added that the Rules and Regulations say the prescribed course of fire by the Chief.

#### **Old Business (continued)**

1. Mr. Ruane stated that there is a motion on the floor. Roll call vote on the motion to authorize EMC to start the on-call nurse program for the Borough was 5-2 with Mr. Sees and Mr. Troup voting no.
2. Mr. Troup had questions about bills from Kelso Law. He said that they paid her to come in and do an investigation on personnel and write up a report. After the report was written we were still getting some bills and there are some things that he noted and wonders why she is involved in union matters. Mr. Tira stated that he is not familiar with the specific details. Mr. Tira advised that the topic should be discussed in Executive Session.

#### **New Business**

1. Upon motion by Mr. Boyer, seconded by Mrs. Rees, council voted 5-2 to approve payment of the bills. Mr. Sees and Mr. Troup voted no. Bills to be paid from the General Fund total \$52,182.58; Liberty Splashland bills total \$112.82; Park and

Recreation bills total \$1,940.01; Parking Meter bills total \$235.00; Donation Account bills total \$76.11; and Sewer Department bills total \$5,178.22.

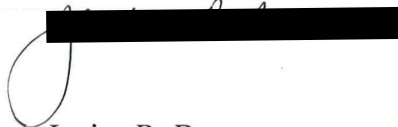
2. SAM Entity Registration

The Borough Secretary explained that this is a Federal registration process. To apply for certain Federal Grants, the Borough must have a SAM Entity number. The council must designate an individual as the entity administrator which allows her to sign for the applications. Because Ann August is the person writing the grant proposals, it is recommended that she be designated as the signer. Mr. Boyer made a motion to appoint Ann August. Mrs. Rees seconded the motion. Mr. Sees questioned if this is purely for administrative purposes. The Borough Secretary confirmed that it is and that the Borough Council would approve the applications for any grants. Council approved by a vote of 6-1 with Mr. Sees voting no.

**Executive Session**

Mr. Ruane stated that the council meeting would be adjourned for an Executive Session to discuss a personnel issue. The meeting was adjourned at 9:42 p.m. and was not reconvened.

Respectfully submitted,



Janice R. Bowman  
Borough Secretary