

Honesdale Borough Council Minutes – Approved Electronic Version Special Meeting: February 7, 2014

A special meeting of the Honesdale Borough Council was conducted on February 7, 2014, in Borough Hall, 958 Main Street, Honesdale, PA. Council President James L. Brennan, Jr., presided at the meeting, which was called to order at 4 PM.

Attending were Council President James Brennan, Jr., Vice-President Bill Canfield, Tiffany S. Kominski, MSP, Robert Jennings, Scott Smith, Carolyn Lorent, and Juanita Pisano. Other Borough officials attending included Borough Secretary Judith Poltanis, Solicitor Richard Henry, Mayor Ed Langendoerfer and Police Commissioner Rick Southerton.

The Pledge of Allegiance was recited.

President Brennan stated that he called the special meeting because the Police Commissioner was told by the previous Council to obtain his Act 120 certification as expeditiously as possible. Since the Police Commissioner is enrolled in class, he will not be able to attend Council meetings since a class is on Monday evenings. The Police Commissioner will designate someone to attend the meetings in his absence. President Brennan stated that the Police Commissioner wished to bring certain items to the Council's attention. President Brennan stated that most of the items pertain to procedure and therefore can be discussed at a public meeting.

President Brennan read aloud the definition of "personnel issues" to be discussed in an executive session according to the Sunshine Act. He stated that if something was determined to be discussed in executive session by the Solicitor then an executive session could be called.

Police Commissioner Southerton stated that he would like an executive session since he wished to discuss changing a patrolman to sergeant; changing a sergeant to patrolman; and terminating someone. After brief discussion between Commissioner Southerton, President Brennan and Solicitor Henry, President Brennan announced that an executive session would be conducted later in the meeting to discuss those issues.

Police Commissioner Southerton explained that Acting Lieutenant LeStrange was asked to represent him at the last meeting but was not sitting at the table and that Acting Lieutenant LeStrange will be representing the police department at the next meeting.

Wayne County Drug Task Force

Police Commissioner Southerton assured Councilors that the Honesdale Police Department has participated with the Drug Task Force each time that a request was made. He stated that one meeting was missed. He further stated that the current agreement is dated 2002 and he asked if anyone had reviewed it. He stated that there are some issues in the agreement.

Solicitor Henry stated that he had not reviewed it recently. He stated that the District Attorney emailed him today and asked for participation. In the feedback received from the last request, some of the Councilors wanted the District Attorney to attend a Council meeting. He suggested that perhaps some of the information disclosed by the District Attorney may be information that she may not wish to decimate to the public. He suggested that the Safety Committee Chair and Vice-Chair, as well as, the Mayor set up a meeting with the District Attorney to see what she wants to discuss with Council and/or police department and then ask her to come.

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Mayor Langendoerfer stated that he did not understand why the Drug Task Force should be an issue since it has been in place since 2002. He stated that it should be supported 100%.

Councilor Canfield stated that the Borough Secretary had gathered the meeting times from the Councilors and those Councilors should meet with the District Attorney in groups or one-on-one as she may wish to discuss privately some issues. He also stated that he was informed that someone told the District Attorney's office that the Honesdale Police Department was not allowed to participate in the Drug Task Force.

Police Commissioner Southerton stated that he spoke with the District Attorney yesterday. He would like to start a K-9 Unit. He stated that the District Attorney has monies available but she is looking for commitment from Honesdale Borough.

Councilor Canfield stated that the Borough Secretary had informed him that the agreement was annual. Police Commissioner Southerton stated that the agreement is signed and that it continues. Secretary Poltanis stated that annually the Council President had to sign what she thought was an agreement was going to be rewritten and that a specific request was going to be made to Council and then about a year later after check with the Attorney General, the District Attorney stated that the contract was still valid. Councilor Smith stated that the Borough sought a letter to that effect but has not received it.

President Brennan stated that he suggested that the District Attorney come to a meeting whether it public session or executive session because one group of Councilors could interpret what she was saying while another group could interpret it another way. Police Commissioner Southerton stated that the District Attorney explains the program very well. Councilor Jennings suggested that the District Attorney discuss the program in executive session.

Councilor Lorent stated that if the District Attorney wanted to meet in small groups then the Council should do just that. Councilor Canfield agreed. Police Commissioner Southerton stated that perhaps an executive session would be ok. Solicitor Henry stated that he did not believe that it qualified for an executive session. He stated that he received the meeting times from the Borough Secretary and that he did not follow up on it. He suggested that the Borough Secretary and District Attorney set up the dates and times. Councilor Canfield stated that the District Attorney will provide the dates. Solicitor Henry directed the Borough Secretary to request a variety of times from the District Attorney for the meetings.

Complaints Not Being Addressed to Commissioner

Police Commissioner Southerton stated that he has been told and has read about complaints in the newspaper to Councilors from officers involving the Police Department but that he personally has not been told of these complaints so that he can address them directly. Councilors have been to the police station.

Commissioner Seeking Direction on Councilors Visit to Police Station

President Brennan asked if the Police Commissioner Southerton thought Councilors needed to ask permission to go to the police station. The Commissioner stated that he was seeking input on that from Council now.

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Advertisement for Police Chief

Councilor Canfield stated that the previous Council advertised for a Police Chief position not a Police Commissioner. He further stated that the Police Commissioner's position is an at-will position because it was not advertised in any newspaper.

Police Commissioner Southerton stated that the statement did not answer his questions about the visits by Councilors to the police station. He stated that the Council received a letter from his attorney regarding his position and that he was not going to discuss it in open session. He further stated that Councilor Canfield was wrong and that the Councilor should take the appropriate action.

Solicitor Henry stated that Councilor Canfield's remarks were not anything that required an executive session.

President Brennan stated that the Borough Code uses the terms Police Chief and Police Commissioner as if they are interchangeable.

Mayor Langendoerfer asked what the Civil Service Commission said about Mr. Southerton.

Solicitor Henry stated that it was his belief that the Civil Service Commission thought he wasn't qualified because he did not have his Act 120 certification. He suggested that Council confine their discussion to the parameters of the advertisement for the special meeting. President Brennan read the advertisement aloud. Solicitor Henry stated that procedures like scheduling would be in open session and those personnel can be in executive session.

President Brennan stated that it is his belief that any Councilor has the right to go the police station any time they want to discuss anything with the police officers. Councilor Kominski stated that at the last meeting it was discussed about learning more about the police department so she went Sunday and even did a ride-along. She also stated that several times she stopped in, but Commissioner Southerton was not in and that the officers did not know where he was.

Commissioner Southerton stated that the issue is that complaints from officers are being heard but no one is telling him of the complaints so that he can address them. He stated that he works most mornings and has class in the afternoons. He stated that most Councilors call him on his cell phone. The officers call him on his cell phone. He can make an appointment with anyone if they call him. He stated that some of the turmoil is being done by people stirring up things.

President Brennan stated that he had not been past the front door when visiting the police station by the front door. He has been in the side door. Councilor Kominski stated that except for her ride-along she has not been past the front door either.

Solicitor Henry stated that you can't control people visiting the police station or people receiving complaints. Common courtesy should have the person receiving the complaint about an employee or official bring it to an executive session at the next meeting. He stated that he believed that every Councilor should have complete access to the police station. Police Commissioner Southerton stated that there are some things that access to certain things that would not be accessible.

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Schedules

Police Commissioner Southerton stated that a police officer complained about his schedule to Councilor Kominski and that Lt. LeStrange reported a conversation with the Mayor who said that the he would be taking over the scheduling for the police department due to concerns of this individual's schedule. Police Commissioner Southerton stated since this individual has another job, the schedule is worked around the person's other job schedule. Both he and Lt. LeStrange talked with the individual and were told that he was happy with the schedule. This individual is now an Acting Sergeant and now says that he did not realize that the shift assignment would be like it became. Police Commissioner Southerton requested an executive session to discuss in more detail this situation.

Solicitor Henry stated that he could not believe a special meeting was called for these items. Police Commissioner Southerton stated that he needs guidance since he was told this by Lt. LeStrange and he feels that Lt. LeStrange has been doing a good job at scheduling. Mayor Langendoerfer began to speak about the issue when Councilor Canfield interjected to ask the Solicitor if the conversation should be continued in executive session. Solicitor Henry stated that scheduling is not an executive session item. He further stated that Council can decide who does the scheduling. If an individual has a complaint they can request an executive session with Council to discuss it. Solicitor Henry stated that there are multiple grievances and litigation that will be sorted out over the next several months.

Mayor Langendoerfer stated that the Mayor oversees day to day operations of the police department. President Brennan stated that the Mayor is to oversee if each person is actually completing their duties but cannot change the duties from one position to another position. Mayor Langendoerfer stated that rearranging the time schedule is not rearranging their duties. Solicitor Henry suggested that before any action is done that Council for the police department or their negotiation committee comes here or a spokesperson come before there is anarchy.

Adjournment

Motion Adjournment

Bill Canfield moved to adjourn the meeting at 4:35 PM. Scott Smith seconded the motion.
MOTION CARRIED.

Roll call vote:

Juanita Pisano, Aye	Scott Smith, Aye	Carolyn Lorent, Aye
Tiffany Kominski, Aye	Robert Jennings, Nay	Bill Canfield, Aye
James L. Brennan Jr., Aye		

Judith Poltanis
Borough Secretary

Attachments: No Agenda