

**Southern Police Commission
Monthly Meeting
April 4, 2018**

A public meeting of the Southern Police Commission was held on Wednesday, April 4, 2018 at the New Freedom Borough Council Chambers, 49 East High Street, New Freedom, PA 17349.

Commission Members Present: Robert Herzberger, Buck Buchanan, John Trout, Roy Burkins, Mike Sharkey, Larry O'Brien, Andrew Stewart

Solicitor: Peter Ruth

Police Department Staff: Chief James Boddington, Financial Administrator Gail Prego, Sgt. Teague, Officer Heffner, Officer Hanson

Alternate Members Present: John-Paul Whitmore

PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairman Trout at 19:00 with the pledge of allegiance to the flag and a moment of silence for fallen police officers, firefighters (particularly the LOD deaths in York City), and EMT's who lost their lives in the line of duty.

PUBLIC COMMENTS

Chairman Trout welcomed the numerous members of the public present to the meeting.

Charles Brown from New Freedom Borough asked that the Police Department patrol more often on Wethersfield Dr. Chief Boddington commented that the speed trailer had been placed there recently. Mr. Brown asked for more general patrol attention on that street.

Nate Kirschman, as a citizen of Shrewsbury Borough, commented on where we are as a Commission and how it affects our ability to deal with the issues in our schools, covering the worsening societal changes and the need for effective police services in our schools. In consideration for charging for services, he pointed out that those are our community's children. Instead of quarreling about what we're going to charge, we should be sending selected police officers to instructor's training to give them more tools to train the children to responded to the things that are happening with increasing frequency in our schools as well as providing greater interaction with the school students that should be part of community policing. He also mentioned the State House Transportation Committee hearing that addressed local police radar.

Richard Garvey addressed the Commission regarding the changes to the police department. He said that the community doesn't feel that the department is broken and that no change is needed. He complimented Chief Boddington on his effectiveness in leading the department and supporting the needs of the community.

Bob Warner of New Freedom addressed the school charging issue. He feels we're overcharging the schools and that tax dollars pay for all of it.

CHAIRMAN'S ANNOUNCEMENTS

Chairman Trout announced that financial statements remain due from some of the Commission members by next month.

Chairman Trout read a letter dated March 29, 2018 from New Freedom borough in reference to New Freedom contracting services, from their Solicitor, Steven Hovis. This letter is attached to and made a part of these minutes. The letter referred to a contract, a copy of which was not provided to the Chairman. Solicitor Peter

Ruth commented that he had seen the contact and that it was essentially the same wording as that contained in our current contract with Winterstown. The rate requested is \$88.00 per hour.

A second letter, in reference to Stewartstown Borough, from their Solicitor, Craig Sharnetzka, was read regarding the willingness of other members of the Commission remaining committed to SRPD, was read to the Commission. Due to the lack of commitment of some of the other member Boroughs, the Stewartstown Borough Council will no longer support a five year commitment to the Commission. It intends to continue with its withdrawal letter, which will be effective December 31.2018. A copy of this letter is attached to, and made a part of, these minutes.

REVIEW & APPROVAL OF MARCH 2018 REGULAR MEETING MINUTES

- Secretary Kirschman addressed change requests and corrections received from Commissioners Buchanan and Merrill and read to the Commission.
- A motion was made by Commissioner Buchanan, seconded by Commissioner Burkins, that the March minutes be approved with the changes. The motion was approved by an Aye vote of members who voted. Commissioner O'Brien abstained from voting due to not having attended the meeting.

REVIEW & APPROVAL OF MARCH 2017 EXPENDITURES

- Expenses for March 2017 were presented with Chief Boddington asking Finance Administrator Prego to lead the discussion.
- Salaries and overtime results were skewed by sick time
- Starting in March the salary and benefit budget items will be affected by Ofc. Bishop's departure. OT to cover his hours will be paid from budget that had been allocated for Bishop's salary.
- Vehicle expenses are close to budget expectations.
- Administrative expenses are driving the budget due to legal fees.

Chairman Trout asked if there were any questions regarding the expenditures. There were no questions. He asked for a motion to approve the expenditures. A motion was made by Commissioner Sharkey to approve expenses for March for check numbers 10723 through 10757 for \$159,306.12. The motion was seconded by Commissioner Herzberger. The motion passed with an Aye vote of the members who voted.

CHIEF'S REPORT

Chief Boddington discussed the report through the end of February that had been provided. The time reported was close to expected results.

Chief Boddington reported the following highlights:

- The Florida school shooting has sent "shock waves" through the schools community.
- Calls have been received from Southern School District to increase patrols
- Southern Schools have received some social media threats that they were concerned about and asked for extra coverage to deal with these concerns.
- Southeastern School District has also asked for more attention.
- Next month should see a higher amount of police hours attributable to the schools per the school district's request.
- Chief is working with the Schools to arrange for the SRO program that can work with the PPU payment methodology for the schools. YARP have examples of how they've made it work that we can use as examples.
- There was a heroin overdose call and a save with officer-administered Narcan in New Freedom. The heroin epidemic is really bad in our area. The referenced individual was aged 29 years.

Commissioner Sharkey asked what the impact on other police services would be to provide the addition hours to the school districts. The Chief answered that, for the short period between now and the end of the school year it should not be a significant effect. Next year, after things settle down and SRO agreements are in place, it will be reviewed to determine if a staffing increase is required.

Chairman Trout asked if we've received inquiry regarding and SRO for Southern School District. Chief answered no, they'll have a budget meeting in a week and a half and they'll have a more definitive answer. It does sound promising that they'll be favorable to the SRO.

COMMITTEE REPORTS

INSURANCE & PENSION

- No report.

FINANCE & BUDGET

Finance Administrator Prego asked that a motion be made to remove former Commissioner Schnabel from signature authority on all accounts and on-line banking. She also asked that the current Secretary/Treasurer be added as signature authority to the requisite accounts. Chairman Trout asked Secretary/Treasurer Buchanan if he would be willing to accept this task. He agreed. Chairman Trout asked for a motion to add Commissioner Buchanan to the account records with signature authority. That motion was made by Commissioner Sharkey, seconded by Commissioner Stewart. The vote was Aye by all members who voted. Chairman Trout then requested a motion to remove former Commissioner Schnabel's signature authority and on-line banking. A motion was made by Commissioner Herzberger, seconded by Commissioner Buchanan, to make it so. The vote was Aye by all members who voted.

PERSONNEL

- Commissioner Sharkey announced that there's a personnel matter to be discussed in Executive Session.

FACILITIES & EQUIPMENT

- Activities remain the same, pending other outcomes.

SOLICITOR'S REPORT

- Six municipalities, that have school buses transiting the area that are used for the schools that we have patrol agreements with, have signed agreements to allow SRPD to perform police activities that affect the schools and students.
- A draft agreement for SRO services has been sent to SESD. It's modeled off of what YARP is using for York Tech, Dallastown and Red Lion. This agreement consists of 1640 total hours of which 1560 for direct services, 60 hours of admin, and 20 hours of court time. The results will vary as to how the time is actually used. The total amount of the hypothetical offer is \$133,610.00 or about \$82.00 for the SRO using YARP's charging formula, not our numbers. The offer includes increases in charges at the same rate of increase as other customers and municipalities' rates are increased.
- There were questions about allocation of officer's time broken down. Finance Administrator Prego mentioned that all of the officer's time as an SRO is charged to that assignment. We must have a discussion with the SESD to determine the actual rate for our offer.
- Chief Boddington and Administrator Prego are consulting with their counterparts at YARP to create the process for us that they are using successfully without "re-inventing the wheel". This work is to be used as an example, not necessarily as something to copy.
- Commissioner Buchanan spoke about establishing a cap on increases in the 3 to 4 percent range in the school agreements as that's about what we've averaged historically.

- Commissioner Herzberger asked questions about the actual hours compared with admin costs relative to SRO cost calculations. A detailed discussion continued.
- Administrator Prego discussed that the full costs of the SRO would be covered by the charges to the school district for the year. When the schools are not in session, that officer is available to cover shifts during the summer vacation period and other duties as assigned. She is still gathering information used in calculating those costs including overhead for the SRO year.
- Solicitor Ruth was asked when our SRO proposal is due to SESD, and the answer is June.
- Commissioner Buchanan mentioned that our first non-member customer was the school district (referring to Southern) and that the students are our kids. We should give the school district numbers that are workable. At \$88.00 per hour we are the highest compared to other departments. Administrator Prego re-emphasized that all of the SRO's hours (travel, lunch, court, and administrative tasks) are charged to the school district account. Other officer's lunch time, for example, is charged to admin along with other tasks with charges attributable to admin, not to contact municipality.
- Chief Boddington mentioned that there is a correlation with what happens in the school that has a connection to what happens in our communities and vice versa. The police relationship at the school enhances our information exchange with the students at school and in the community.
- Officer Hanson mentioned that the contact he has with the students at school and in the community is priceless. The relationships developed and information changed really makes a difference. His comments were met with applause from the audience present.

EXECUTIVE SESSION

- Chairman Trout requested a motion to allow the alternate members to attend the Executive Session. Commissioner Sharkey made the motion, seconded by Commissioner Buchanan. There was an Aye vote to confirm the alternate members attending the executive session. The Commission members and alternates moved their executive session to another conference room.
- The executive session began at 19:54 and ended at 20:23. A personnel matter had been discussed.

OLD BUSINESS

- Chairman Trout asked if there was any action on the letter received from New Freedom Council on February 15. Commissioner O'Brien said that the letter read at the beginning of this meeting supersedes the previous letter.
- Commissioner Buchanan commented that there were comments during the New Freedom Council meeting about him having "cooked the books". He said that we have Financial Administrator Prego who does the financial administration and book-keeping, he doesn't have any interaction with that process, and doesn't and couldn't "cook the books".
- Commissioners O'Brien and Buchanan discussed the chart that had been prepared showing the comparison of hours various school districts by other police departments.

NEW BUSINESS

- Chairman Trout mentioned that there were two letters to discuss, one from Stewartstown and one from New Freedom.
- He asked if anyone wanted to start the discussion about New Freedom's proposal of \$88.00 per hour. Commissioner Herzberger mentioned that at that rate, assuming that New Freedom used the historic number of hours, the net results for the department would be \$1.5M. The department budget is \$2.1M and it would create a net income below our costs and shortfall in income, which would have to be absorbed by the other municipalities.
- Administrator Prego pointed out that the contract customers use a relatively small number of hours by comparison to the member municipalities who expect 24/7/365 coverage. She discussed that the balance of time charged to the member municipalities including the admin time was compared to the hourly rate for the contract municipalities.

- An audience member spoke regarding the discussion about hours and costs covered that had occurred at the New Freedom Council meeting, stating an opinion that his fellow citizens are very happy with the police services, and that he is concerned about the on-going discussion regarding someone getting something more than somebody else.
- Commissioner O'Brien replied that the reason New Freedom Council made the proposal they made is that Council was of the opinion that if SRPD could offer police services at that rate for others, why it couldn't be done for us (New Freedom). He acknowledged that the accounting for hours for school districts and non-members is different than the accounting for member communities. He recognizes that the Commission cannot sell hours to New Freedom at below costs, but that they shouldn't be able to sell services to others below costs. Commissioner O'Brien handed out a document to selected members of the audience that had not been seen by other Commission members present during the meeting or previously. It was a copy of the bar chart discussed previously and there was additional documentation attached to it that had not been seen. He stated that New Freedom Council supports having our officers in the schools but is concerned over the accounting and fairness. There was discussion regarding the bar graph.
- Commissioner Herzberger said that the finance committee had not met, and that the numbers being discussed were preliminary information sharing, produced by him to foster discussion. Solicitor Ruth pointed out that the referenced rate of \$88.00 per hour was to provide services to SESD until the end of this school year and not the SRO rate that seems to be discussed.
- Commissioner O'Brien said that the current rate for Winterstown is \$88.00 per hour. Solicitor Ruth pointed out that that was the rate assumed as part of Winterstown agreement with Stewartstown prior to their combining with SRPD. The intent is to switch other municipalities to the PPU system. The current contract with Winterstown, when assumed, had a continuation of 5 years. By contract law we cannot simply impose the PPU rate on it and that's why \$88.00 rate. The discussion continued.
- Paul Stadler [sic] from Shrewsbury commented that the New Freedom Council determined to withdraw from the police and numerous details.
- Ed Hughes, who owns a business in New Freedom, commented that he's been listening to this discussion for a considerable period of time. He states that we are getting good police protection and that he's never heard the citizens complaining about its cost and that there's been no discussion regarding lowering taxes as a result of the potential reduction in cost by getting rid of this police department.
- Chairman Trout said that the majority of comments are being focused on the wrong group of people. Some audience members voiced disagreement. Solicitor Ruth reminded the audience that New Freedom's Borough Council meeting is next Monday and that their comments are more appropriately addressed there.
- Commissioner O'Brien replied to Ed Hughes comments that the majority of the New Freedom Council is that the vote to leave the Southern Regional Police Department was a mistake. His explanation continued with detail.
- Commissioner Burkins commented that his observation is that it seems every time we come to a meeting to discuss these issues that New Freedom has changed their minds again and wants something different. The audience applauded. He commented that the changes (PPU's) have resulted in a saving to New Freedom that the other members have agreed to cover. He mentioned that Stewartstown is tired of the "bull" and may leave out of frustration. There were more comments from the audience.
- Commissioner O'Brien stated that New Freedom Council is prepared to move forward with the Southern Regional Police Department, but are deciding on staying as members or becoming contract customers. Commissioner Burkins commented that we'd changed to PPU's at New Freedom's urging and that we haven't been on the PPU system long enough for results to be analyzed sufficiently to determine if it's working, and that New Freedom just seems insistent on leaving. More applause. Commissioner O'Brien said they are not talking about leaving now.

- Commissioner Stewart stated that it appears that New Freedom Council is playing games and that it's got to stop, and that we (the Commission) will never accept the last proposal from New Freedom. Commissioner Burkins stated their offer would have to be PPU's.
- Doug Brent thanked the other communities for getting onto the PPU program, and that it resulted in New Freedom having a 10% reduction in cost at the expense of the other members. He pointed out that the combination of Winterstown and Railroad Boroughs \$67K out of a \$2M budget, and that appears to be the sticking point.
- Malinda Smith of New Freedom addressed the school situation. The school will not typically require calls for service at 2:00 in the morning. Her daughter works at Rutter's and if she calls for service a 2:00 in the morning the police are right there. The municipalities need police protection all of the time, the schools don't have those demands. Commissioner Herzberger replied that charges to the school are being considered comparing using straight hours and PPU's. No conclusions are available. He also referred to Malinda's comments about the police being more easily available in New Freedom. He pointed out that New Freedom also enjoys \$33K income annually in rent charged to the police department.
- Rollin Apgar from Glen Rock asked the Commission to evaluate the PPU results and how taking on New Freedom as an hourly customer at \$88.00 is unworkable.
- Commissioner Buchanan pointed out that the four members of the Commission are 93.1% of the overall budget. Railroad revenue is 2.1% of the budget. Southern School revenue is 2.41% of the budget. Taking all 3 of the current contract customers' revenue into account is 6.9%. Shrewsbury Borough's contribution has increased by greater than \$81K annually, not because it was thought to be fair or right, but that we want the Department and Commission to continue. The agreement to proceed at that rate was for 18 months, but New Freedom came in at the 6 month point, at the first of the year, and announced that they were getting out, and also that New Freedom had blamed Glen Rock in part for the potential shortfalls.
- Commissioner Buchanan made a motion to reject the offer from New Freedom wherein they wish to leave the Commission and purchase services at \$88.00 per hour. That motion was seconded by Commissioner Stewart. A roll call vote was requested and resulted as follows:
 - Commissioner Burkins: Yes
 - Commissioner Herzberger: Yes
 - Commissioner Stewart: Yes
 - Commissioner Chairman Trout: Yes
 - Commissioner Sharkey: Yes
 - Commissioner Buchanan: Aye
 - Commissioner O'Brien: Abstained
- Six voted in favor, one abstained, and the motion carries. Commissioner O'Brien explained his reason for abstaining.
- Chairman Trout questioned Commissioner O'Brien regarding the need to find new quarters for the Department per the January letter. The reply was that it's still a discussion to be had at New Freedom Council meeting. Chairman Trout replied we have work to do to get a new location prepared. Commissioner Sharkey comment that the work can continue regardless of New Freedom's decision.
- There was some discussion and confusion regarding when SRPD would be required to have new quarters. Some thought June, some thought December. Clarification was that the settlement documentation had to be available by June 30, 2018. (Secretary's Note: As further clarification, Commissioner Merrill had stated in the January meeting that the space currently occupied by SRPD would have to be made available for use by the Department New Freedom Borough subsequently adopts, the assumption being December 30, 2018 that SRPD would have to have moved out. See January 3, 2018 minutes, Old Business, second bullet.)
- Ken Butcher [sic] from New Freedom asked if the Commission could create a counter-offer to their \$88.00 per hour. Commissioner Burkins said that it would have to be expressed at the PPU rate.

Commissioner Buchanan backed that statement up, in that we'd all agreed to it for a year and a half. Chairman Trout additionally stated that an agreement to do that had been entered into in July (2017).

- Doug Brent asked if the calculations had been completed regarding the costs to leave. Solicitor Ruth replied that the separation agreement, charter, and other underlying organizational documents state that an appraisal has to be done on all of the assets with accounting and actuarial studies to be completed to determine what assets and liabilities are of the departing member. That evaluation will commence July 1 and be completed prior to the end of the year. There are many steps and alternatives within this process. Any speculation on what the results would be since this work has not been completed would be just guess work.
- A letter was received from Stewartstown Borough, reviewed by Commissioner Herzberger, indicating that their previous letter of five year commitment to SRPD was based on other members offering a similar commitment. The concern relates to the financial viability of the department with three members due to the current operational mandates of 24/7 coverage with 2 officers on duty at all times. That requires more officers than the remaining 3 municipalities need to have. Commissioners Burkins and Herzberger, representing Stewartstown Borough, say that they have to keep their options open until everything settles out so that they're not committed to sustain the unsustainable.
- Andy Bobby of New Freedom asked some questions and encouraged New Freedom Borough Commission members present to lead settlement of these issues.
- Another citizen inquired of Commissioner O'Brien clarification that the New Freedom Council representatives want to stay with SRPD. Commissioner O'Brien replied that it is his sense that it will be the case and that he'll be making a motion to that effect, but nothing will be known until the next Council meeting.
- There was a short discussion regarding officer contract negotiations.
- Commissioner Stewart said that Glen Rock is committed to the police department and commission but is only able to commit for three years at this time. That may change after the dust settles.
- Discussion continued regarding commitments, charging, etc. Commissioner Burkins point out that Stewartstown continues to provide space in their building to the Department at \$1.00 per year.

CONTINUATION: A motion was made by Commissioner Sharkey, seconded by Commissioner Stewart, to continue until the third Tuesday, April 17. There was considerable discussion regarding what municipal councils meet when. The motion passed with an Aye vote.