

A meeting of the Towanda Borough Police Civil Service Commission was held at 11:00 a.m. in the council room of the Towanda Municipal Building on May 6, 2011. Mayor Garrett Miller swore in member Alec Garden. Others present were members Roger Brown and Keith Long (for a period of time). Police Chief Mitch Osman and Borough Solicitor Leonard Frawley were also present.

Mr. Frawley noted the Borough Council requested this commission be reactivated and the rules and regulations, which are 20+ years old, be reviewed and revised as needed. That is the purpose of this meeting.

### Testing

The current rules regarding the written test state that on a 100 point scale that 70 is needed to pass. It was felt this should be raised to 75. Also, the Chief of Police Association has a standardized test. Should this be used and who would do the grading of them. These tests are not without cost. Should we charge \$25 for these tests? Mr. Garden asked how much of the written test goes toward the final determination? There are several steps toward the final determination; including the written, physical agility, oral, psychological and the background check. Also to be determined is the order of these tests, who would give them, who would advance to the next step and what each test would involve. With the river being in our community, Mr. Brown suggested a swimming test be made part of the physical agility testing. Mr. Garden agreed with this suggestion. A 30 second trigger pull was suggested, however because each applicant would have to be Act 120 certified, this was rejected.

### Recommendations

The order of testing was decided to be as follows: 1) **Written** with a 75% passing rate, the testing to be determined by the Chief of Police as to whether it will be from the Police Chief's Association or some other venue. 2) **Physical agility** to include the following: body drag; window climb; 300 meter run; bench press; 1 minute sit-ups; 200 meter swim; 1.5 mile run. Mr. Brown stated it may be possible to get Mike Loch to oversee the swimming part of the test. 3) **Oral** with the questions to be determined before the testing and a 70% passing grade. Because the oral testing is very subjective, a question was raised as to who would administer this testing. Mr. Long felt the members of the commission and the police chief along with possibly one other person, to be selected by the members of the commission, conduct the oral testing. Mr. Frawley did not feel the commission should actively participate in the oral part of the exam. Mr. Brown noted there is a legal recourse if an applicant felt he was being treated unfairly by a member of the commission. At the end of these three tests the scores would be added together. At that time the veteran's points would be added and the top five (5) would undergo the 4) **background check**. After the background check, the top three (3) would be on the **certified list**. If there is a veteran in the top three (3) the veteran would be placed at the top. The top one would then undergo a 5) **polygraph** test. It was also decided that the written and oral testing would be broken down 60/40 for the grades.

A fee, to be determined by the Chief of Police, will be set for the written testing. If an applicant is indigent, he/she could then file a form of indigency. The background check will be extensive including

family members, friends, former and present employers, neighbors, teachers etc. The cost of having a company qualified to do these checks will be investigated as well as the possibility of having the police department doing the checks. Mr. Brown asked if there is a question regarding a prior conviction of a criminal record on the application and the record has been expunged, can the applicant legally state they do not have a criminal record? Mr. Frawley stated he would look into this further; however if the applicant has been placed on an ARD program, those records cannot be used for anything other than DUI purposes. You cannot disqualify because an applicant has been on an ARD program. Parameters for who can/will do the psychological testing have yet to be determined.

#### Future meetings, office, etc.

For the sake of ease, it was suggested the Borough Secretary's office would be the pick-up and drop-off point for the applicants. The Borough Secretary is the "open records officer". The meetings will be held in the council room of the municipal building. The commission has, in the past, met once every two (2) years. The "certified list" is good for one (1) year; however it could be made good for two (2) years. An organizational meeting must be held every other year. Mr. Frawley will update the council on the progression of the commission and a draft will be made for review; and hopefully the rules and regulations would be in place by the first part of July.

#### Probation, furloughs, drug testing, etc.

The **probationary period** for officers will be six (6) months unless the police contract states differently. It was suggested advancement/promotion probationary period be one (1) year. **Furloughs**, under current law, state the person with the shortest amount of time would be furloughed first. Mr. Frawley will look into this further. Drug testing was discussed and it was felt that if an applicant has been a habitual drug user it would come out in the background check. However, a drug test would be required to the top qualifier before hire.

#### Request to Council

Mr. Frawley will request supplies be purchased for the commission. These would include letterhead, envelopes, file cabinet, tape recorder, paper and pens. It was suggested the letterhead consist of the borough emblem, commission name, address and phone number.

#### Terms of members

The statute states the terms of members should be staggered. One term two (2) years, one four (4) years and the third six (6) years. After the initial term each subsequent term would be six years. The terms of the present members to be determined.

#### Appreciation letter

Mr. Brown asked that a letter be sent to James Bowen thanking him for his many years of service to the Civil Service Commission with a copy to the Mayor.

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Next meeting

The next meeting of the commission has been scheduled for June 8<sup>th</sup> at 11:00 a.m. The meeting is to be advertised.

As there was nothing else the meeting was adjourned.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. in the council room of the Towanda Municipal Building on June 6, 2011. Present were members Keith Long and Alec Garden, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley. Member Roger Brown was present via telephone.

### Minutes

The minutes of the May 4, 2011 meeting were approved on a motion made by Mr. Long and seconded by Mr. Garden.

### Old Business

It was reported that Sgt. Strozyk has resigned his position and a part-time officer has also resigned. Copies of the draft of the rules and regulations as discussed last meeting have been distributed to members of council and the commission but have not been thoroughly looked through at this time.

Mr. Frawley stated he had sent a copy of the draft to Mr. William Gambal, who prepares rules for municipalities. He is okay with 95% percent of the draft but concerned about 5%. There is some language he feels needs to be changed and stated it is quite wordy. Normally the rules and regulations for civil service commissions are 26-27 pages with this one being 75. He will discuss the changes Mr. Gambal has suggested in a telephone conversation with him the next day. Once the commission is satisfied with the document it will be recommended to council. He is not clear if it needs to be approved by ordinance but will check into this before the next meeting.

At the last meeting an issue that was raised was who would conduct the oral examination. Members of the commission wanted to be part of this examination, against the wishes and professional opinion of Mr. Frawley. Chief Osman stated he had contacted Mr. Gambal regarding this topic and he was in agreement with Mr. Frawley that the commission should not be part of the oral examination. Mr. Long stated he did not feel that council would approve the commission as part of this examination as well.

Mr. Garden questioned why they were here if they were involved in the oral examination. *{At this time Mr. Brown was reached by telephone and all present recognized the voice as being Mr. Brown. Mr. Brown was made aware of the discussion to this point.}* Mr. Brown again reiterated his feeling that they should be part of the oral examination. Mr. Garden agrees on this matter. Mr. Long stated he is of the feeling that we should stay as close to the law as possible in order to avoid less conflict. Mr. Brown stated that if someone can show him that this is law in black and white then he will change his mind. Mr. Frawley stated he had spoken to two different experts and they agree that the commission should not be part of this examination. The reasoning for this is that if someone is found ineligible after an oral examination and it is appealed, the commission is the deciding party. They cannot review their own decision. Mr. Frawley will give Mr. Brown a contact number and he is welcome to contact PSAB as well. Mr. Long is in agreement with Mr. Frawley.

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It appears, according to Mr. Frawley and Mr. Long, that the oral examination is the only issue between the Council and the Commission. Again Mr. Garden asked why they are here? Mr. Frawley pointed out that the commission 1) establishes the rules, 2) makes sure the rules are applied, and 3) they are the judging body if there is an appeal. It is part of the administration process. If an applicant is not satisfied they go to the commission for judgment. The commission also decides who gives the exams, what the exams encompass, and to make sure the formula for each is followed.

Mr. Frawley will make the changes suggested by Mr. Gambal and distribute them before the next meeting.

#### New Business

There was no new business to be discussed.

#### Next meeting

The next meeting of the commission has been scheduled for June 15<sup>th</sup> at 12:00 p.m. The meeting is to be advertised.

#### Adjournment

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden at 12:45 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. in the council room of the Towanda Municipal Building on June 15, 2011. Present were members Keith Long and Alec Garden, and Borough Solicitor Leonard Frawley. Chief Mitch Osman was not available due to a police matter and member Roger Brown will be approximately one-half late.

### **Minutes**

The minutes for the May 6, 2011 meeting not available.

### **Old Business**

{Mr. Brown arrived at 12:30 p.m. and the meeting proceeded.} There was a question as to the terms of the commission members raised by Mr. Frawley. Mr. Brown noted that after Mr. Jim Bowen left the commission never reorganized. At that time Mr. Bowen was the chairman with Mr. Brown being vice-chairman and Mr. Long as secretary. Mr. Frawley stated it may be necessary for the council to rescind the Civil Service Commission by ordinance and then at the same meeting re-create the Commission appointing the present members to 2, 4 and 6 year terms. After each members term expires the new term will be for 6 years.

Mr. Brown asked about the promotions for Corporal and Sergeant if the positions were to be filled. Mr. Frawley explained there would be three groups; the first being the full time officers of the Police Department; group 2 being the part-time officers and the third group would be any other applicants. The positions would be advertised outside of the Department. The Commission would find an acceptable candidate after all the tests have been completed and scored and then submit the name to council for approval. As the draft is at the present, if one person applies then that person would be hired if all the requirements were met. Mr. Frawley will check further on this.

There is confusion with the hiring of the police officer timeline. On page -20- of the draft it states within 14 days of the date the commission receives notice of the need the commission must conduct the tests and examinations. This should be changed to no more than 21 days.

Discussion on the age of the applicant was discussed at length. The members did not want to possibly miss a good applicant. There are some 18 years olds who are very mature and others at 21 who are not mature. Also, if an applicant has been in the military possibly as an MP and at the time of the test is only 20 years and 10 months he would not be able to take the tests. It was the feeling that at age 18 the chances of an applicant passing the tests would be low. It was decided to change the draft to "at the time of application the applicant must be no less than 20 years of age."

Mr. Garden asked if someone was in the National Guard is it considered military service and would the applicant be eligible for preference points. Section 27-B asks for relevant documents in order to receive preference points. What are the "relevant documents"? The statute states a DD Form 214. What if the discharge is a general discharge? The relevant documents need to be defined explicitly.

The date, time and place of the examinations should be given to all the applicants at the same time in order to shorten the time line.

The polygraph test was discussed at length. Is this test given only to the applicant who has been conditionally offered the position or to all the applicants? By the time the tests are all given there should be a lot known about the applicant. Cost is to be considered as well. The polygraph is not admissible in court. The draft at this time gives an applicant who fails the polygraph once to be allowed to take it the second and even a third time. This would also be given by the same person. Mr. Garden feels the polygraph should be given before the background test. In the event there is a problem on the polygraph, the background check could investigate further that certain problem during the background check. Mr. Brown feels the background check should be done by the Chief of Police or someone else in the Department. Mr. Garden stated he used to do background checks when on the New Jersey Police department and it is a very involved process which involves a lot of traveling time. It would involve talking to teachers, friends, neighbors, family, and others who have known the applicant in the past as well as current contacts. There will be costs incurred in any event; whether the department itself does it or a professional is hired.

Mr. Long asked if other departments use the polygraph. Mr. Brown contacted the Sayre Police Department and they do not. Mr. Garden made a motion to have the final five applicants be given the polygraph test before the background check. Mr. Brown stated the cost for this would be about \$5,000 and Mr. Garden said he would rather pay that then have a criminal hired. Mr. Long stated, in looking at the economy, he preferred the polygraph done after the background check. He is sure the Council will not approve the cost required for this. Mr. Brown noted that as long as these tests are not admissible in court he does not feel it is worth spending the money for it. If all five applicants were to fail the test and requested another one done, it could possibly cost \$15,000 more or less. He would rather spend the money on another officer. Mr. Garden's motion died for lack of a second. Mr. Brown would like Chief Osman's opinion on the polygraph. He would like to send the rules and regulations to the council as something he fully believes in and the polygraph he is not sure of. Mr. Long said he did not feel council would go along with the testing. If the test is worth doing then go with it. If it is part of the rules and regulations council could refuse it if they do not agree.

Council does not approve the commission being directly involved in the Oral Examination. In this month's issue of the "Borough" magazine it states commission members should not be a direct part. The members should never participate in any exam. In 2010 the Borough Code enacted that any appeal of an applicant during the testing process would be taken to the Civil Service Commission and they would have the final decision. There is no further appeal to the local court system. Mr. Frawley noted in the draft it states that the persons involved would be the Police Chief, commission members and one other person. He said that the Police Chief could be part of the oral examination board as well as the background examination but the Council was adamant about the commission members not being part of the actual exam. They could however make up the questions that would be asked. Mr. Garden stated he does not want the Police Chief doing the oral examination if the commission is not part of it. He would like the persons designated to do this exam be set at five with the commission choosing who

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would be involved. That is not saying that Chief Osman could not be part of it, he does not want the "Police Chief" in the rules and regulations. Mr. Garden made a motion that was seconded by Mr. Long to have five (5) persons give the oral examination to be appointed by the commission members. The motion was passed. It was agreed that the Police Chief would do background checks and make a decision based on the score of the oral examination.

The Sergeant applicant would possibly only have to go through an oral examination according to Mr. Frawley.

It was noted that only full-time officers are civil service. Part-time officers do not fall under the civil service.

Mr. Frawley stated it may be necessary to have a special meeting of council to approve an ordinance to disband and re-create the commission. It could then be possible the council would reinstate the current members at their July meeting.

#### Next meeting

The next meeting of the commission has been scheduled for June 23rd at 12:00 p.m. At that time it is hoped to be decided what testing would be required for the Sergeant and/or Corporal position.

#### New Business

There was no new business to be discussed.

#### Adjournment

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden at 2:50 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. in the council room of the Towanda Municipal Building on June 23, 2011. Present were members Keith Long, Alec Garden Roger Brown, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley. Councilman Paul Sweitzer was also present.

### **Old Business**

Mr. Frawley noted there were some issues discussed last meeting that need to be settled. There was a question raised that if there is only one qualified name on the certification list, does that name have to be offered the position at issue and the answer is yes. It cannot be denied by Council.

Physical Agility Testing It was noted in the last draft there are a certain number of disciplines as part of the test. Mr. Brown asked if they all had to be passed or is there a specific number that would have to be passed in order to pass the testing. His reasoning was because there could be one applicant who is very sharp and intelligent and only passes 6 of 7 disciplines. Is he/she immediately failed? Mr. Sweitzer noted that if they don't meet the physical agility could they be putting the public at risk. Mr. Frawley stated his gut feeling is that they would have to pass all disciplines. Mr. Sweitzer asked Mr. Frawley if we were aware of a weakness in a specific area of physical agility and something was to happen as a result of this weakness, would we be liable? Mr. Frawley felt this would be the case. The physical agility testing will be a pass/fail and all disciplines would have to be passed.

Oral Examination This was discussed at length. It has been noted that the Commission members will not be any part of the administration of any testing; however they will decide the list of questions to be asked to each applicant. Chief Osman said he feels very strongly about being part of this examination. The Commission also feels he should be part as well. Does the Commission want the rules to be stated that the "Police Chief" meaning whomever is Police Chief in years to come or do they want to state that a panel of five would be chosen on a case-by-case basis? At this point all the commission members are in favor of having Chief Osman be part of this examination, but may not want the "Police Chief" in 5, 10 or 15 years to be part of it. If the wording "Police Chief" is included any changed to the rules would have to be changed on the request of Council. After further discussion, Mr. Brown made a motion, seconded by Mr. Long to have a panel of five people chosen on a case-by-case basis administers the oral examination. This allows flexibility in the panel. The motion was passed.

Time Line Chief Osman asked what the time-line for the completion of this process of approving the rules and regulations is. He has been working short and doing double shifts. He really would like to be able to get this going as soon as possible. Mr. Frawley explained that there has to be a special meeting of Borough Council to request and ordinance be adopted to disband the Civil Service Commission. This has to be advertised for a period of 7 days. The Council must adopt this ordinance at a meeting and then re-instate the commission and appoint members for terms of 2, 4 and 6 years. At the end of each term, the new appointment would be for a period of six (6) years.

Polygraph Test At the last meeting it was decided to hold off any decision on this testing until Chief Osman's opinion could be asked. Chief Osman stated that it is no allowed in the courts, it has not

traditionally been done and after the extensive testing and background check he feels that the character and quality of the applicant should be recognized. Mr. Garden felt the polygraph test should be done before the background check, that way if something "showed up" on the polygraph then the background check could be looked at more closely in one particular area. Mr. Frawley noted that they are unreliable and could be very time consuming and expensive. Mr. Garden suggested that possibly "we" could pay for the first polygraph but if an applicant failed and requested another test they would pay for it. After some further discussion, Mr. Garden made a motion, seconded by Mr. Brown to delete the polygraph testing from the rules and regulations. All voted in approval of this motion.

Background Check There was discussion on this topic regarding who would be doing the background check and can the Commission accept or reject an applicant. The commission cannot accept or reject for the same reason as the oral examination. It was felt at the last meeting that this should be done by the Police Chief and/or designee. A recommendation would then be given to the Commission. Chief Osman asked if there were any guidelines; is this background check a pass/fail decision and who makes the final decision. It was strongly felt by the commission that the Police Chief and/or a designee from within the Police Department do the background check. Chief Osman asked if it would be possible, if there are five applicants, can he do three (3) of the checks and his "designee" do the other two (2). Mr. Frawley felt this would be allowable. The recommendation would be submitted after the written, oral and physical testing and before the psychological testing. There would be a list of five applicants for the background check. It was suggested a panel be chosen to make the final determination after the results of the background check so that Chief Osman is not the "judge, jury and executioner". Mr. Frawley will look into see if this is allowed. It may be the intention of the legislature was for one person to make the decision because of the fact there is an appeal process. When asked if it would possible for Chief Osman and someone in his department to do the background checks or would it create a problem time-wise for the department he responded that they do background checks everyday. He did not see a problem. Mr. Brown made a motion seconded by Mr. Brown to have the Background Checks done by the Police Chief and/or a designee from within the Police Department. The background check will be a pass/fail decision and Mr. Frawley will look into seeing if there can be a panel to make a final recommendation to the Commission. The motion was passed unanimously.

Preference Points Mr. Brown stated he knows there is a booklet that talks specifically about preference points and what and how they are determined. He will contact Mr. Dan Reynolds at the Sayre Police Department and Mr. Frawley will contact Tina Pickett's office. Chief Osman said this is very important in the order of this process. It was noted that the preference points will be applied after the written and oral examinations. After the certification list is given to council and a condition offer of employment is made to an applicant the psychological and medical examinations will be done. If there is a veteran among the three on the list, the veteran must be taken. If there are two or more positions available, the #4 person would move up to the #3 position, etc. The process would not begin again unless all names that would be eligible have been exhausted.

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Corporal & Sergeant Positions

The Corporal and Sergeant applicants must meet the general requirements. If the applicant is a full time police officer in the department, the physical agility test is not required. The written and oral examinations would be required.

New Business

There was no new business to be discussed.

Next meeting

The next meeting is scheduled for June 28 at 12:00 noon.

Adjournment

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. in the council room of the Towanda Municipal Building on June 28, 2011. Present were members Keith Long, Alec Garden, Roger Brown, and Borough Solicitor Leonard Frawley.

### **Old Business**

Mr. Frawley noted there were some issues discussed at the last meeting that need to be settled. He reported he had met with a labor lawyer regarding these issues.

Oral Examination Mr. Frawley stated that the commission can help prepare the oral questions with a panel asking the questions. Mr. Garden asked if a member of the panel knew something specific about one applicant, would it be possible to ask about that specific matter. Mr. Frawley stated this is not acceptable. The same questions must be asked to each applicant.

Certified List Is council allowed to reject all the applicants on the certified list given to them by the Commission? Mr. Frawley stated this would have to be considered carefully because if there is a veteran or a female on the list, it may be possible for them to file a discrimination suit. Also if they are all rejected, does the procedure have to begin all over or is it possible to go to the numbers 4, 5 and 6 on the list.

Background Information The previous draft of these rules and regulations state that whoever does the background check would make a recommendation to the Commission. Mr. Frawley now states that a recommendation could be made to the Commission, however, the Commission would have access to the information in the background check and the recommendation to council would come from them. A question was asked if you have Act 120, is there a background check done in order to pass this. No one was sure of this.

Appeal All decisions can first be appealed to the Commission. If the party filing the appeal is not satisfied, they may appeal to the Court of Common Pleas.

Promotional Position Physical agility or psychological examinations are not needed if promotions are done within the department. Also, preference points are not considered during promotions.

Sergeant and Corporal positions These positions are open to all full time officers in the department and must have a written and oral examination. Results are based on 60/40 scoring. No veterans preference points are considered. A list of three will be given to council. If there are not three applicants within the full time officers, then part time officers will be considered. After that the applicants will be open to the public.

Mr. Brown made a motion seconded by Mr. Garden that the positions discussed at this meeting be implemented in the draft of the rules and regulations. The motion was passed.

Update of position of Police Civil Service Commission Mr. Frawley noted that the council will be meeting on Tuesday, July 5. He will ask the council at that meeting to direct him to prepare and

advertise an ordinance disbanding, recreating and appointing members to the Civil Service Commission. This must be advertised no sooner than seven (7) days before approval. There will have to be a special meeting of council to approve this ordinance. In the meantime he suggested that, in anticipation of the same members being named to the newly formed commission, you consider names for the panel for the oral examination. It was noted that all members at this point agree that Chief Osman will be one member of the five member panel. There was some discussion regarding the possibility that if the exam is given on different days and one member of the panel would not be available, could the exam continue. Mr. Frawley noted that all members must be present for each applicant. He also cautioned that the Americans with Disability Act relates to this selection process. You cannot ask about any addictions, illnesses, etc.

Drug Testing All present felt that drug testing should be made part of this process. There was discussion as to where this would fall in the testing process and which tests should be done. Mr. Brown would like to check with Chief Osman to get his opinion on when the drug test should be given and what tests considered. Mr. Frawley felt the logical place would be after the written, oral and physical agility examinations. After further discussion it was decided to use the same testing criteria the County Probation department uses.

### **Minutes**

Mr. Brown made a motion to approve the minutes of the June 6<sup>th</sup> and June 15<sup>th</sup> meetings. The motion was seconded by Mr. Long and passed.

### **New Business**

There was no new business to be discussed.

### **Next meeting**

The next meeting is scheduled for July 12<sup>th</sup> at 11:00 a.m.

### **Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 11:00 a.m. in the council room of the Towanda Municipal Building on July 12, 2011. Present were members Alec Garden, Roger Brown, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley. Member Keith Long was not present.

### **Minutes**

Mr. Brown made a motion to approve the minutes of the June 23rd and June 28<sup>th</sup> meetings. The motion was seconded by Mr. Garden and passed.

### **Old Business**

Mr. Frawley discussed issues from the last meeting. **Terms of Commissioners** shall read as follows: "The commission shall consist of three commissioners who shall be qualified electors of the Borough and shall be approved by the Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for a term of six years." **Failure to appoint an applicant from the certification list** shall read as follows: "If from the certified list of applicants the Council fails to appoint any of the applicants on the Certification List to the police position at issue, upon the request of the Council, to the degree that the eligibility list permits, the Commission shall submit to the Council another Certification List and to the extent possible said list shall be composed of the names of three applicants and they shall be the three remaining applicants obtaining the highest total accumulated scores by way of the testing progress." **Appeal from a Finding of applicant ineligibility** shall read as follows: "Any applicant found ineligible for a police officer position within the Department, within thirty (30) days of the date the applicant found ineligible is notified of the decision, may appeal the decision to the Bradford County Pennsylvania Court of Common Pleas." **Background Investigation** will add "and recommendations" after findings in Sections K and M and Section O shall be added and read as follows: "The Commission shall either accept or reject the recommendation of the Chief of Police or his designee." **Drug Screen Test** will have two sections as follows: "Section A: The applicant who is given a conditional offer of employment shall be required to submit to a drug screen test. Section B: The drug screen test shall be the same test administered by the Bradford County Pennsylvania Probation office at that time to persons under their probation and parole supervision." In reference to **Applicants for the position of Corporal or Sergeant** the following will apply "When seeking to fill the position of Corporal or Sergeant by way of first tier applicants those applicants shall only be required to submit to a written examination and oral examinations. Second and third tier applicants shall be required to undergo the same procedures as is required of applicants seeking to become patrol officers in the Department." It was discussed and noted that if an applicant from the 1<sup>st</sup> tier passes the written and oral examinations, it is not necessary to go to the 2<sup>nd</sup> and 3<sup>rd</sup> tier applicants. There are no military preference points applied for 1<sup>st</sup> tier applicants. The top three (3) names, if there are three applicants, will be sent to Council. They do not necessarily have to choose the highest person and can reject all names on the list. Mr. Frawley noted that Council must be very careful to not set themselves up for discrimination by refusing all names.

Chief Osman noted that he has been informed that the high school swimming pool will not be available until October. An option of using the Sayre or Athens High Schools swimming pools was noted but Chief Osman said it may be difficult to “haul everyone” to go to Sayre or Athens. He noted that another full time officer is leaving August 14<sup>th</sup> and wonders with the delays if the physical agility testing will be ready to be done before October. Mr. Brown suggested contacting the swim coaches at Sayre and Athens to see if the use of their pools would be an option if testing is ready to go before October.

Mr. Frawley stated he informed Borough Council at the last meeting it may be necessary to hold a couple special meetings if the ordinance dissolving and recreating the commission was ready for advertising. It was hoped to have a special meeting on July 25<sup>th</sup> to approve this ordinance but he is not sure the person preparing the ordinance will have it completed in time for advertising for that meeting. If it is not the 25<sup>th</sup> then it will be ready for passage at the August 1, 2011 regular meeting of Council. Mr. Frawley would like the current members of the commission at that meeting in the event they are offered a position on the newly formed commission at that time.

Mr. Frawley also suggested that thought be given to names who will be conducting the oral interviews, the number on the panel, as well as the questions to be asked. It was the feeling of the two members present that they would not want all “police” persons on this panel. A school teacher position was suggested. There was an agreement that Chief Osman and Lou Alteri would be two members of this panel. Mr. Brown however, would like Mr. Long’s opinion on whether he would like 3 or 5 members on this panel. Chief Osman noted that traditionally the panel is three (3) members.

Mr. Frawley noted the Rules and Regulations cannot be sent to council until after the dissolution and recreation of the commission. He suggests meeting soon after the council meeting to reorganize, and approve the rules and regulations and submit to council.

Chief Osman stated he had been in contact with Mr. Bill Gambal, who suggested he contact the Chiefs of Police Association. This is a standardized test and can be collected and sent to them for correcting or we could use someone local to give them and correct them. Chief Osman has spoken to Dennis Peachy, school superintendent and he has stated he would be available for this. It would be up to the Commission Secretary to order these tests. It was suggested that the Secretary write to Mr. Peachy and Eric Knolles to formally ask if they would give and correct these tests.

Mr. Garden brought up a concern regarding Mr. Long’s membership on the Council’s Police Committee, the Borough Council and this commission. Mr. Garden stated he had spoken to Mr. Long regarding his feelings. He felt that in the event there was a suspension or termination of a police officer Mr. Long may be placed in a “bad” situation. He would be one of the persons to make the decision to either suspend or terminate an officer as a member of the Police Committee. If the matter was brought to council he would have a voice on that board and then if it was further appealed to the Police Civil Service Commission he would have a voice there as well. Mr. Frawley stated that the statute clearly states Council may appoint someone to the Commission.

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Mr. Frawley would like the members to think of some names to do the oral examination; suggestions for the physical agility test such as the track coach, swim coach, etc. Chief Osman said he had spoken to some people at the school and they are available for anything we need.

**New Business**

There was no new business to be discussed.

**Next meeting**

The next meeting will be scheduled after the regular Council Meeting on August 1st.

**Adjournment**

As there was nothing else the meeting was adjourned.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 1:00 p.m. in the council room of the Towanda Municipal Building on August 11, 2011. Present were members Alec Garden, Roger Brown, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley. Member Keith Long was not present.

### **New Business**

The purpose of this meeting was to re-organize and elect officers of the commission. Mr. Brown stated that he had a concern nominating Mr. Long as Secretary because of the “amount he has on his plate”. He would like to talk to Mr. Long before nominating him to determine if he wants this position. There is a lot of work involved with the secretary’s position. Out of respect for Mr. Long he would like to wait until the next meeting to make any nominations. It was decided to at the next meeting nominations for officers would be made and the rules and regulations would be discussed with possible approval for the council members.

### **Next meeting**

The next meeting will be scheduled after talking to Mr. Long to determine his work schedule. Mr. Brown asked Mr. Frawley to make a list of tasks chronologically to hire a new officer and a time line.

### **Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Garden and seconded by Mr. Brown.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 7:30 p.m. in the council room of the Towanda Municipal Building on August 17, 2011. Present were members Alec Garden, Roger Brown, Keith Long, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley.

### **Election of Officers**

The purpose of this meeting was to re-organize and elect officers of the commission. Mr. Brown stated that he had spoken to Mr. Long about his concerns with him being nominated as Secretary and Mr. Long had no problem. Mr. Brown made a motion seconded by Mr. Long to nominate Mr. Alec Garden as Chairman. There were no other nominations and the motion passed. Mr. Garden then made a motion to nominate Mr. Roger Brown as Vice-Chairman. This was seconded by Mr. Long and as there were no further nominations, the motion was passed. Mr. Brown made a motion to nominate Mr. Long as Secretary. This was seconded by Mr. Garden with no further nominations. The motion passed.

### **Old Business**

#### **Rules & Regulations**

The most recent draft of the rules and regulations were reviewed. Under the "application for examination" Mr. Brown questioned the term *material omission or error*. This is a very broad term and common sense would have to prevail. There were also questions regarding the application. Mr. Frawley said he would get a standardized application and make changes. It would then be approved and adopted as part of the policy by the Commission.

Chief Osman was concerned about the amount of time that will pass between advertising for the position and advertising the dates of the various examinations, etc. Mr. Frawley said this could be done all in one advertisement. The date, time and place of the written examination could be added to the advertisement for applications with a deadline for acceptance of the applications. Chief Osman also questioned the Physical Agility testing and if it was a pass/fail or it was possible to fail one of the events and still pass the test. It was the feeling of the Commission, because of possible litigation in the future, that it should be a pass all or fail the test.

The written examination is also standardized test that could be tailored to our needs and we could either send them to be scored or have them done by the "proctor" chosen to give the test. The answers are sent with the booklet. It was the feeling of the Commission that the scoring should be done by the "proctor".

### **New Business**

Mr. Garden was concerned that if a police officer should be disciplined or suspended that Mr. Long, being a member of the Police Committee, Borough Council and this Commission that he may have more information given to him than the other members would have and there could be a conflict if the officer appealed the decision. Mr. Frawley noted that Mr. Long could abstain from voting on any of the

Towanda Borough Police Civil Service Commission  
August 17, 2011

matters being brought to Council. The civil service statute states that a member of the council may be a member of the Civil Service commission.

**Next meeting**

The next meeting is scheduled for August 23, 2011 at 5:00 p.m. in the council room.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Brown.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 5:00 p.m. in the council room of the Towanda Municipal Building on August 23, 2011. Present were members Alec Garden, Roger Brown, Keith Long and Borough Solicitor Leonard Frawley. It was noted that all members present received written notice of this meeting.

### **Old Business**

#### **Rules & Regulations**

Mr. Frawley noted that he has made up a number of forms to be used relative to the notification of testing dates, application process, etc. These were reviewed by the Commission and when all are completed they will be made part of the rules and regulations as an appendix. In the *Waiver and Release for the Background Investigation*, Mr. Garden noted he did not agree with the paragraph stating that if a former employer did not cooperate by failing to provide full disclosure, that the Borough could disqualify the applicant. It was decided to strike that paragraph from the release form.

Regarding the Corporal and Sergeant positions, a full time police officer will submit to an oral and written test. Part-time officers and other applicants will need to pass the physical agility test as well as the oral and written. Relating to the Chief of Police position, there will be a non-competitive oral test. At this point the Chief of Police does not fall under the Civil Service; therefore, the Council has the responsibility to approve and hire the Chief of Police.

The number of questions on the oral test was discussed. It was suggested we look at a standardized test and then choose the number and questions the commission feels appropriate.

Mr. Garden is concerned about the chain of custody for the testing. These are things, according to Mr. Frawley, that have to be decided and the members should meet to decide the rules for which all the testing will be done.

The last issue Mr. Frawley had was the "post-mark" date. When does the time start after a "post-mark". Is it the date of the post-mark or the date the applicant receives the information. Also relating to the applications, are they mailed and if so are then sent regular mail or certified mail. Mr. Brown suggested that with this age of technology, is it possible the application could be obtained from the web-site. It was decided to delete Section 17G which states that applications would be mailed to applicants requesting same by telephone or letter.

Regarding the Background Investigation, Mr. Frawley noted the Commission must accept the findings of the Police Chief or his designee; however, they may accept or reject the recommendation made to them by the Police Chief or his designee.

### **New Business**

There was no new business to discuss.

Towanda Borough Police Civil Service Commission  
August 23, 2011

**Next meeting**

The next meeting is scheduled for August 30, 2011 at 10:00 p.m. in the council room.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Long.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 10:00 a.m. in the council room of the Towanda Municipal Building on August 30, 2011. Present were members Alec Garden, Keith Long and Borough Solicitor Leonard Frawley. Roger Brown and Police Chief Mitch Osman were not able to attend this meeting.

### **Old Business**

Mr. Frawley noted the Borough Council has the option of placing the Police Chief under Civil Service. At this time the chief is not under Civil Service. He also noted the council can appoint a Sergeant or Corporal temporarily if it so chooses.

### **Corporal and Sergeant Positions**

Mr. Frawley clarified the Commission's wishes on whether they wanted an oral and written examination for Corporal and Sergeant positions. He noted that in speaking with a representative from PA State Association of Chiefs of Police both have to be done. He also noted that because of a mistake, it was made into law that these positions must also submit to a physical agility test and may have an internal investigation. As a result it needs to be decided what the internal investigation will consist of.

### **New Business**

There was no new business to discuss.

### **Minutes**

The minutes from July 12<sup>th</sup>, August 11<sup>th</sup>, 17<sup>th</sup> and 23<sup>rd</sup> were approved on a motion made by Mr. Long and seconded by Mr. Garden.

### **Next meeting**

The next meeting is scheduled for September 6, 2011 at 11:00 a.m. in the council room.

### **Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Garden at 11:30 a.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 10:00 a.m. on September 27, 2011. The meeting was called to order in the council room of the Towanda Municipal Building and relocated to the break room of the Towanda Municipal Building. Present were members Alec Garden, Keith Long, Borough Solicitor Leonard Frawley and Officer Randy Epler. Roger Brown was not able to attend this meeting.

### **Old Business**

Mr. Long asked about how applications were going to be available. After discussion, it was decided to have the applications available in the Secretary's office and on the internet at the Towanda Borough website. A paragraph was also added to state the Commission was in no way responsible if an application does not arrive by the date they are due as a result of the mail service.

Mr. Garden asked Officer Epler if he would agree to be part of the oral interview board along with Mr. Lou Alteri. Officer Epler agreed to this and said he would contact Mr. Alteri. Mr. Garden noted that it has been agreed to a 5 member panel. Officer Epler felt that Mr. Tom Carman, Bradford County Coroner or Mr. Jim Bowen would be good members of the panel as well. They have some working knowledge of the police investigations as well as being a lay-person. Officer Epler stated he would contact these gentlemen as well.

A discussion was held on the Corporal and Sergeant positions. Mr. Garden said that he is very much in favor of hiring from within the police department however; he didn't want to lose a good candidate if someone outside the department would be interested in applying for the position. Officer Epler noted that he feels the position should be someone within the department for the simple reason they are aware of the procedures relating to the Towanda Police Department and if there is a reason a member of the police department would not be qualified to become a corporal or sergeant than there is a problem with the leadership of the department. Mr. Garden asked about evaluations being done on the officers of the department and was told they are not done by Officer Epler. After further discussion, it was decided that the corporal and/or sergeant positions would be filled by a full-time officer of the Towanda Police Department with 2 to 3 years of service.

Mr. Frawley submitted some grammatical changes and all agreed to these changes. He also suggested that we could send for the written tests at any time in preparation for the application process. It was noted by Officer Epler that Chief Osman had spoken to Mr. Dennis Peachey from the Towanda School District and he has agreed to proctor and grade these tests. It was also agreed that the oral examinations should all be given on the same day so that the "mind set" of the examiners were the same for everyone involved. Mr. Garden again stated he would be at the written and oral examinations simply as a spectator. Mr. Frawley again noted the he would prefer no one from the commission be at these examinations.

**Next meeting**

It was decided that a meeting be held this Friday, September 30 at 1:00 p.m. in order to review the final draft of the Rules and Regulations and then submit the draft to the Council for their meeting scheduled October 3, 2011. There will also be another meeting on Tuesday, October 4, 2011 at 11:00 a.m. for the purpose of possibly submitting names to the different panels involved in the application process.

**New Business**

There was no new business to discuss.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Garden at 11:40 a.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 1:00 p.m. on September 30, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Keith Long, Roger Brown, Borough Solicitor Leonard Frawley and Officer Randy Epler.

### **Old Business**

Mr. Frawley noted the purpose of this meeting is to approve the draft of the Rules and Regulations of the Towanda Borough Civil Service Commission and send to Borough Council.

A discussion was held on when to apply Veteran's Preference Points. It was the consensus of those in attendance that they should be applied after the written examination, however the State Statute states they are applied after the written and oral examinations and physical agility test. Mr. Brown would like to see this in writing from an "expert" before he would accept this to be in effect. Officer Epler stated he felt if this was done and that only the top eight of those who passed after taking the written examinations are moved on to the next phase of the application process, it may be possible that a veteran does not pass and there is no chance for his/her veteran's preference points to be added to the scoring. After further discussion it was agreed to remove the statements that only the top eight (8) of those passing the written examination and top five (5) passing the oral examination would proceed and for the rules and regulations to include all who pass will move on to the next process. Officer Epler also felt the physical agility test should be done after the written as this could possible remove further applicants from continuing to the oral examination.

Mr. Long stated the purpose of working so extensively on these rules and regulations was to make sure they were in alignment with the state statutes.

Mr. Garden again brought up his disagreement with a member of the Civil Service Commission to be a member of the Police Committee and the Borough Council. Mr. Brown stated he was in agreement with Mr. Garden. It is nothing personal against Mr. Long as they both felt Mr. Long would be very fair with any decision however, as an elected official of the Borough Council that would be his first priority. Mr. Garden stated he felt that Mr. Long would have more information than would be allowed the Commission in an appeal of a police officer. Mr. Frawley stated he could also see the logic however again, the borough code states that the Borough Council could appoint a member of council to be on the Civil Service Commission. Mr. Frawley then agreed to remove the section of the proposed Rules and Regulations stating a member of the Borough Council could appoint a member of the Council to the Civil Service Commission. All were in agreement, however Mr. Brown stated that he still feels it is wrong and he would resign from the Civil Service Commission after the Rules and Regulations were approved.

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September 30, 2011

**Next meeting**

It was decided that a meeting be held on Monday, October 30 at 6:00 p.m. in order to review the final draft of the Rules and Regulations and then submit the draft to the Council for their meeting scheduled the same date at 7:00 p.m.

**New Business**

There was no new business to discuss at this time.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Garden at 2:20 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 1:00 p.m. in the council room of the Towanda Municipal Building on August 11, 2011. Present were members Alec Garden, Roger Brown, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley. Member Keith Long was not present.

### **New Business**

The purpose of this meeting was to re-organize and elect officers of the commission. Mr. Brown stated that he had a concern nominating Mr. Long as Secretary because of the “amount he has on his plate”. He would like to talk to Mr. Long before nominating him to determine if he wants this position. There is a lot of work involved with the secretary’s position. Out of respect for Mr. Long he would like to wait until the next meeting to make any nominations. It was decided to at the next meeting nominations for officers would be made and the rules and regulations would be discussed with possible approval for the council members.

### **Next meeting**

The next meeting will be scheduled after talking to Mr. Long to determine his work schedule. Mr. Brown asked Mr. Frawley to make a list of tasks chronologically to hire a new officer and a time line.

### **Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Garden and seconded by Mr. Brown.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 7:30 p.m. in the council room of the Towanda Municipal Building on August 17, 2011. Present were members Alec Garden, Roger Brown, Keith Long, Police Chief Mitch Osman and Borough Solicitor Leonard Frawley.

### **Election of Officers**

The purpose of this meeting was to re-organize and elect officers of the commission. Mr. Brown stated that he had spoken to Mr. Long about his concerns with him being nominated as Secretary and Mr. Long had no problem. Mr. Brown made a motion seconded by Mr. Long to nominate Mr. Alec Garden as Chairman. There were no other nominations and the motion passed. Mr. Garden then made a motion to nominate Mr. Roger Brown as Vice-Chairman. This was seconded by Mr. Long and as there were no further nominations, the motion was passed. Mr. Brown made a motion to nominate Mr. Long as Secretary. This was seconded by Mr. Garden with no further nominations. The motion passed.

### **Old Business**

#### **Rules & Regulations**

The most recent draft of the rules and regulations were reviewed. Under the "application for examination" Mr. Brown questioned the term *material omission or error*. This is a very broad term and common sense would have to prevail. There were also questions regarding the application. Mr. Frawley said he would get a standardized application and make changes. It would then be approved and adopted as part of the policy by the Commission.

Chief Osman was concerned about the amount of time that will pass between advertising for the position and advertising the dates of the various examinations, etc. Mr. Frawley said this could be done all in one advertisement. The date, time and place of the written examination could be added to the advertisement for applications with a deadline for acceptance of the applications. Chief Osman also questioned the Physical Agility testing and if it was a pass/fail or it was possible to fail one of the events and still pass the test. It was the feeling of the Commission, because of possible litigation in the future, that it should be a pass all or fail the test.

The written examination is also standardized test that could be tailored to our needs and we could either send them to be scored or have them done by the "proctor" chosen to give the test. The answers are sent with the booklet. It was the feeling of the Commission that the scoring should be done by the "proctor".

### **New Business**

Mr. Garden was concerned that if a police officer should be disciplined or suspended that Mr. Long, being a member of the Police Committee, Borough Council and this Commission that he may have more information given to him than the other members would have and there could be a conflict if the officer appealed the decision. Mr. Frawley noted that Mr. Long could abstain from voting on any of the

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matters being brought to Council. The civil service statute states that a member of the council may be a member of the Civil Service commission.

**Next meeting**

The next meeting is scheduled for August 23, 2011 at 5:00 p.m. in the council room.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Brown.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 5:00 p.m. in the council room of the Towanda Municipal Building on August 23, 2011. Present were members Alec Garden, Roger Brown, Keith Long and Borough Solicitor Leonard Frawley. It was noted that all members present received written notice of this meeting.

### **Old Business**

#### **Rules & Regulations**

Mr. Frawley noted that he has made up a number of forms to be used relative to the notification of testing dates, application process, etc. These were reviewed by the Commission and when all are completed they will be made part of the rules and regulations as an appendix. In the *Waiver and Release for the Background Investigation*, Mr. Garden noted he did not agree with the paragraph stating that if a former employer did not cooperate by failing to provide full disclosure, that the Borough could disqualify the applicant. It was decided to strike that paragraph from the release form.

Regarding the Corporal and Sergeant positions, a full time police officer will submit to an oral and written test. Part-time officers and other applicants will need to pass the physical agility test as well as the oral and written. Relating to the Chief of Police position, there will be a non-competitive oral test. At this point the Chief of Police does not fall under the Civil Service; therefore, the Council has the responsibility to approve and hire the Chief of Police.

The number of questions on the oral test was discussed. It was suggested we look at a standardized test and then choose the number and questions the commission feels appropriate.

Mr. Garden is concerned about the chain of custody for the testing. These are things, according to Mr. Frawley, that have to be decided and the members should meet to decide the rules for which all the testing will be done.

The last issue Mr. Frawley had was the "post-mark" date. When does the time start after a "post-mark". Is it the date of the post-mark or the date the applicant receives the information. Also relating to the applications, are they mailed and if so are then sent regular mail or certified mail. Mr. Brown suggested that with this age of technology, is it possible the application could be obtained from the web-site. It was decided to delete Section 17G which states that applications would be mailed to applicants requesting same by telephone or letter.

Regarding the Background Investigation, Mr. Frawley noted the Commission must accept the findings of the Police Chief or his designee; however, they may accept or reject the recommendation made to them by the Police Chief or his designee.

### **New Business**

There was no new business to discuss.

Towanda Borough Police Civil Service Commission  
August 23, 2011

**Next meeting**

The next meeting is scheduled for August 30, 2011 at 10:00 p.m. in the council room.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Long.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 10:00 a.m. in the council room of the Towanda Municipal Building on August 30, 2011. Present were members Alec Garden, Keith Long and Borough Solicitor Leonard Frawley. Roger Brown and Police Chief Mitch Osman were not able to attend this meeting.

### **Old Business**

Mr. Frawley noted the Borough Council has the option of placing the Police Chief under Civil Service. At this time the chief is not under Civil Service. He also noted the council can appoint a Sergeant or Corporal temporarily if it so chooses.

### **Corporal and Sergeant Positions**

Mr. Frawley clarified the Commission's wishes on whether they wanted an oral and written examination for Corporal and Sergeant positions. He noted that in speaking with a representative from PA State Association of Chiefs of Police both have to be done. He also noted that because of a mistake, it was made into law that these positions must also submit to a physical agility test and may have an internal investigation. As a result it needs to be decided what the internal investigation will consist of.

### **New Business**

There was no new business to discuss.

### **Minutes**

The minutes from July 12<sup>th</sup>, August 11<sup>th</sup>, 17<sup>th</sup> and 23<sup>rd</sup> were approved on a motion made by Mr. Long and seconded by Mr. Garden.

### **Next meeting**

The next meeting is scheduled for September 6, 2011 at 11:00 a.m. in the council room.

### **Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Garden at 11:30 a.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 6:00 p.m. on October 3, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Roger Brown, Keith Long, Borough Solicitor Leonard Frawley and Officer Randy Epler.

### **Old Business**

Mr. Frawley noted the purpose of this meeting is to approve the draft of the Rules and Regulations and submit to Borough Council for approval.

Mr. Brown asked that Mr. Frawley present to Council the issue he has with a member of the Borough Council also being a member of the Police Civil Service Commission. He noted that this a personal and moral dilemma with him. Mr. Brown asked Mr. Frawley if he had received something written from an "expert" stating this was allowed. Mr. Frawley stated it was a state statute. It has been taken from the draft of the Rules and Regulations; however Mr. Frawley it should remain. Mr. Long felt that as long as we were trying to make these Rules and Regulations as close to State Statute he sees nothing wrong with putting it in as it addresses the make-up of the members. Mr. Frawley asked if a vote could be taken regarding leaving this section in or taking it out so he could be sure of the Commission's wishes. Mr. Brown made a motion, seconded by Mr. Garden to leave the section out regarding the Council's choice to make a member of Council a member of the Commission if it so chooses. The motion was passed with all voting to leave it out.

Mr. Brown also asked Mr. Frawley if he had received something in writing from an "expert" regarding the timing of giving the veteran's preference points. Mr. Frawley stated he had received a "fax" from Michael Miller, an attorney with Eckert Seamans Cherin & Mellott LLC from Harrisburg. He is with the Pennsylvania State Association of Boroughs and he stated that these points are given after the written and oral examinations have been completed. Mr. Brown also questioned why the Commission could not give the oral interview. Mr. Frawley again stated this is a conflict because if an applicant would appeal the decision of the oral interview, the appeal would go to the Commission for review.

Mr. Brown made a motion, seconded by Mr. Garden to approve the last draft of the Rules and Regulations and present to Council. The Commission was polled with all members voting AYE.

Mr. Brown made a motion, seconded by Mr. Long to rescind the resignation of Mr. Garden submitted earlier. The motion was passed.

### **New Business**

There was no new business to discuss at this time.

Towanda Borough Police Civil Service Commission  
October 3, 2011

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Long and seconded by Mr. Garden at 7:00 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 2:00 p.m. on October 19, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Roger Brown, Keith Long, Borough Solicitor Leonard Frawley and Officer Randy Epler.

### **Minutes**

Mr. Brown made a motion, seconded by Mr. Long to approve the minutes of September 27, 2011, September 30, 2011 and October 3, 2011. The motion was passed.

### **Old Business**

It was noted that Towanda Borough Council has requested this commission to begin the process to develop a "Certification List" for patrol officers and a Sergeant for the Borough of Towanda. Mr. Brown feels we should have a "written request" from council instead of word of mouth or through the minutes of a meeting of council. Mr. Frawley stated this is not necessary, however Mr. Long feels that if Mr. Brown is adamant about this request it could be done easily enough. Mr. Frawley was concerned about advertising the request for applications for more than one officer as only one officer and a sergeant was advertised as the reason for the special meeting of council. The minutes of the meeting, per the Borough Secretary, state the council is requesting a "certification list" which would include more than one name. Mr. Brown and Mr. Garden do not like the idea of advertising for a "specific number" of applicants. After further discussion as to the legality issue of advertising for more than one officer, Mr. Long made a motion, seconded by Mr. Brown to have Mr. Frawley advertise the positions in the police department as permitted by law and consistent with the direction of council. The motion was passed.

The advertisement date will be Monday, October 24, 2011 with applications being taken at the office of the Secretary of the Commission until 5:00 p.m. on Monday, November 7, 2011. The written test will be held on Saturday, November 19<sup>th</sup> at the Towanda High School beginning at 9:00 a.m. and corrected by Mr. Dennis Peachy, Principal of the high school.

The physical agility test is tentatively scheduled for December 3, 2011 at the Towanda High School with the swim test to begin at 9:00 a.m. and the remainder of the test to begin at 1:00 p.m. Mr. Long will contact Mr. Mike Locke, the swim coach and Mr. Mark Vail, the track coach to discuss the testing.

Mr. Garden stated the persons contacted for the panel for the oral testing include Mr. Randy Epler, the acting police chief; Mr. Lou Alteri, Mr. Tom Carman, Mr. Ray Heath, and Mr. Rick Lewis who have all agreed to be on this panel. Mr. Epler said he would contact Mr. Jim Bowen as a 6<sup>th</sup> person.

Regarding advertising for the position of Sergeant for the police department, Mr. Epler stated the full-time officers in the department are more interested in getting enough staff before having a Sergeant position filled. He noted that the "rule of thumb" is to have a senior officer with the part-time officer. The Commission agreed to wait until after the first of the year to begin advertising for Sergeant.

Towanda Borough Police Civil Service Commission  
October 19, 2011

It was decided that the next meeting of the Commission will be held on Thursday, October 27, 2011 at 11:00 a.m. to begin looking at specific questions for the oral examination.

**New Business**

Mr. Brown noted that at the end of the year he is anticipating moving from the Borough so the council should begin considering a replacement member for him.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Long at 3:40 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 11:00 a.m. on October 27, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Roger Brown, Keith Long, Borough Solicitor Leonard Frawley and Officer Randy Epler.

### Old Business

Regarding Section 14C, the use of the word council as opposed to commission noted in the rules and regulations appointing the individuals to conduct the written and oral examinations and the physical agility test, Mr. Frawley noted that Section 11, "Conflicts between the Rules and the Commonwealth and Federal Law" would take care of that error. He also noted that Section 45, the Resolution to adopt the Rules and Regulations were superseded by the Ordinance that was passed by Borough Council.

Mr. Frawley also wanted in the minutes that the Commission approved the Rules and Regulations that were sent to Borough Council for approval. Mr. Brown made the following motion: **RESOLVED:** The members of the Towanda Borough Police Civil Service Commission approve the last revision of the Rules and Regulations of the civil Service commission that were sent to Towanda Borough Council for approval. This was seconded by Mr. Garden and all members approved the motion.

### Written Examination

It was noted by Randy Epler that Mr. Dennis Peachy will be proctoring and grading the written examinations for the applicants for the patrol officer position. This will be done on November 19, 2011 beginning at 9:00 a.m. in the Library of the Towanda Area High School. In the event Mr. Peachy is not available Mr. Gary Martel will take his place. Mr. Long made a motion, seconded by Mr. Brown that this date, personnel and place be approved. The motion was passed.

Mr. Epler gave the Commission a sample copy of a written examination he obtained from the internet. After reviewing this information, Mr. Brown made a motion, seconded by Mr. Garden that Mr. Long contact "Standard & Associates, Inc." and ask about getting the examiner's manual and determine the correction method of this test and at the close of the applications on November 7, 2011, Mr. Long order these tests at \$15 per test in the amount of the applications received with two extra. The motion was passed.

There was a lengthy discussion on the process used from the time the applications are received until they are returned to the Commission after testing and grading has been completed. Mr. Brown made a motion that the subsequent actions be followed to make certain that the examinations are secured: 1) the tests will be ordered on November 8<sup>th</sup> and delivered to Mr. Long at 724 Main Street; 2) Mr. Long or Mr. Garden will deliver to Mr. Peachy on the day of the examination in the same secured envelope with Mr. Garden remaining until the envelope is received by Mr. Peachy; 3) Mr. Epler will meet each applicant when they come to the Library and ask that all cell-phones and calculators be left with him; 4) after the testing is complete, each applicant will have an envelope in which to put their completed test, seal and sign; 5) each envelope will be given to Mr. Peachy for correction of the

examinations to be done immediately; 6) Mr. Peachy will put all graded applications into an envelope to be sealed and immediately delivered to either the secretary of the Commission or a member of the Commission; 7) a meeting of the commission will be held at 11:00 a.m. on November 22, 2011 at which time the examinations will be reviewed and letters to the applicants informing the successful applicants of their score and the date, time and place of the physical agility testing and notices sent to the unsuccessful applicants. The motion was seconded by Mr. Garden and passed.

#### Physical Agility Test

This test is tentatively scheduled for December 3 at the Towanda Area High School, however a meeting will be held on Tuesday, November 22, 2011 at 11:00 a.m. to determine if this is sufficient time to notify the applicants who passed the written test of their successful passage and date and time of physical test.

#### Oral Examination

Persons who have agreed to be on the oral examination panel include Jim Bowen, Tom Carman, Randy Epler, Lou Alteri, Raymond Heath and Rick Lewis. It was suggested that a female be considered for this panel as well. A decision on which persons to be on the panel may be decided at the next meeting. It was noted that the same person ask the same question each time to each applicant.

#### New Business

There was no new business to discuss.

#### Minutes

Mr. Brown made a motion, seconded by Mr. Long to approve the minutes of October 19, 2011. The motion was passed.

#### Next Meeting

The next meeting has been scheduled for November 7, 2011 at 11:00 a.m. in the council room.

#### Adjournment

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden at 12:30 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 11:00 a.m. on November 7, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, and Keith Long, Borough Solicitor Leonard Frawley and Acting Chief Randy Epler. Member Roger Brown was not present.

### **Old Business**

The creation of the Certification List for patrol officers is progressing. The deadline for applications for this position is this date at 5:00 p.m. At this time there have been 7 applications received.

### **Physical Agility Test**

Acting Chief Epler noted that he had spoken to Mr. Locke, the swim coach at the high school and he was concerned about all the physical agility disciplines being done in one day. He feels it is a safety issue. Mr. Epler said that Mr. Locke has agreed to do the swim, sit-ups and bench press disciplines as he has access to the weight room as well as the pool. Although Mr. Epler has not contacted Mr. Vail from the high school at this point, it is hoped he will do the outside activities of the sprint, 1.5 run, the body drag and the window climb disciplines. Because of Mr. Locke's concern regarding the safety of all being done in one day Mr. Long made a motion to hold the outside activities on Saturday, December 3<sup>rd</sup> beginning at 1:00 p.m. and the inside activities for Sunday, December 4<sup>th</sup> at 9:00 a.m. The order of the disciplines would be the sprint, 1.5 mile run, body drag and window climb for the outside and the inside disciplines would be in the order of swim, bench press and sit-ups. These disciplines would be timed by at least two stop watches with an average taken if there is a discrepancy. The length of time between each discipline would be determined by the person giving the tests. Because all the applicants cannot be timed at once, the order of the applicants would be determined by a number drawn. In the event there is a problem with weather, the person doing the outside disciplines would determine if they should be cancelled for that day. Mr. Epler would at that time notify the applicants. This motion was seconded by Mr. Garden and the motion passed.

### **Written Examination**

Mr. Long stated he had contacted Stanard & Associates regarding the written examinations. He explained that the manual for giving these tests is very easy to read and it is sent along with the examinations. Mr. Long then made a motion, seconded by Mr. Garden that as of 5:00 p.m. this date, he would contact Stanard & Associates and order two more examinations than applications received, once they arrive they will be locked up and delivered to Mr. Peachy by the Secretary the day of the examination. Once completed Mr. Epler will collect the tests which have been sealed in envelopes by the applicant and given to Mr. Peachy for testing. Once grading has been completed the Secretary or another member of the Commission will receive the results, which also have been placed in a sealed envelope by Mr. Peachy, and secured until the next scheduled meeting of the Commission on November 22, 2011 at 11:00 a.m. This motion was passed.

Towanda Borough Police Civil Service Commission  
November 7, 2011

Oral Examination

It was suggested that the oral examination would consist of ten (10) questions. These specific questions have yet to be determined.

Applications

Mr. Long noted he had reviewed the applications received at this time and did not notice any omissions or errors. Mr. Garden has also reviewed these applications.

New Business

There was no new business to discuss.

Minutes

Mr. Garden made a motion, seconded by Mr. Long to approve the minutes of October 27, 2011. The motion was passed.

Next Meeting

The next meeting has been scheduled for November 22, 2011 at 11:00 a.m. in the council room.

Adjournment

As there was nothing else the meeting was adjourned on a motion made by Mr. Garden and seconded by Mr. Long at 12:34 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. on November 30, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, and Roger Brown, Borough Solicitor Leonard Frawley and Acting Chief Randy Epler. Member Keith Long was not present.

### **Approval of Minutes**

Mr. Brown made a motion, seconded by Mr. Garden to pass the minutes of the November 15, 2011 and November 22, 2011 meetings. This was passed. (At a later point in the meeting Mr. Brown made a motion seconded by Mr. Garden to correct the November 22, 2011 meeting minutes to include the breakdown of scoring for Alexander Roberts as follows: Sec. 1 – 35% Sec. 2 – 84% Sec. 3 – 90% Sec. 4 – 98% passed with an average 77% and to state that Joshua Lake had passed the written examination. This motion was passed.) It was reiterated that all applicants had received letters to proceed to the physical agility testing.

### **Old Business**

#### **Non-Competitive Exam for Police Chief**

Regarding the non-competitive exam for the Police Chief, Mr. Frawley stated after speaking to an attorney who deals with civil service – there are no regulations or laws regarding what a non-competitive exam is. Mr. Brown stated he did not want to give Mr. Epler the questions without Mr. Long being present. It was decided another meeting will be held on Monday, December 5, 2011 at 12:00 p.m. to give this exam to Mr. Epler. It was agreed between Mr. Brown and Mr. Garden that if either of them is not able to attend the meeting the exam would still be given.

#### **Physical Agility Testing**

It was noted that the physical agility testing is scheduled for December 3 and 4, 2011 at the Towanda Area High School. Mr. Epler asked about the weight lifting part of this testing. Does the Commission want the lifting to be free weight or universal gym? After discussion it was decided this part of the testing would require 50% of the applicant's body weight to be lifted by free weight.

#### **Oral Examination**

The oral examination will be given on December 19, 2011 in the Municipal Building Council Room. A discussion was held on how it would be graded and whether the examiners would discuss their grading before an average was given or if no discussion would be held and each examiner would simply give a score. Mr. Epler said he had spoken to Mr. Alteri who has sat on many oral examination panels and he stated he had always discussed the grading before a final determination of grade was given. It was suggested the panel members meet before the beginning of the examinations in order to discuss how the exam would be given. The commission members will discuss this further at the meeting to be held on December 5<sup>th</sup>. Mr. Brown stated he would like a commission member to be present at the oral examination.

Towanda Borough Police Civil Service Commission  
November 30, 2011

**New Business**

Mr. Brown suggested that Mr. Long take a look at the applications to make sure that all the applicants meet the general requirements of the applicants.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden at 1:00 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 12:00 p.m. on December 5, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Keith Long and Roger Brown, Borough Solicitor Leonard Frawley and Acting Chief Randy Epler.

### **Approval of Minutes**

Mr. Brown made a motion, seconded by Mr. Garden to pass the minutes of the November 30, 2011 meetings. This was passed.

### **Old Business**

#### **Non-Competitive Exam for Police Chief**

Regarding the non-competitive exam for the Police Chief, Mr. Frawley stated after speaking to an attorney who deals with civil service – there are no regulations or laws regarding what a non-competitive exam is. Mr. Brown stated he did not want to give Mr. Epler the questions without Mr. Long being present. It was decided another meeting will be held on Monday, December 5, 2011 at 12:00 p.m. to give this exam to Mr. Epler. It was agreed between Mr. Brown and Mr. Garden that if either of them is not able to attend the meeting the exam would still be given.

#### **Physical Agility Testing**

Mr. Epler reported that of the seven (7) applicants who were eligible to take the physical agility testing, only one (1) successfully passed. One applicant failed the 300 meter run and two of the applicants were injured during the 1.5 mile run. Mr. Bryan Bellows and Mr. Alexander Roberts completed both runs in the allowed time, however, Mr. Roberts was not allowed to continue as it was noted that he did not meet the minimum requirements of the applicants. The applicants who failed will be sent notification.

Mr. Epler was asked if the runs were too strenuous? He originally thought that may be the case but after talking to two of the applicants who failed, their feeling was the cold weather was a factor. He also stated that in watching the applicants, it was apparent who wanted the job and who did not want the job by the effort put forth. Therefore, the testing will remain the same but they way they are given may be altered.

#### **Oral Examination**

As there is only one applicant eligible to proceed to the oral examination, Mr. Epler suggested the test be given on Saturday, December 17, 2011 at 10:00 a.m. in the council room of the Municipal Building. Mr. Brown made a motion, seconded by Mr. Garden to have members of the commission meet earlier that morning to discuss the evaluation of this discipline only. The motion was passed.

**New Business**

As there is only one applicant eligible to continue at this point, it is anticipated the council will request the Commission begin the application process again for a full time patrol officer. The Commission suggested that the written test this time be only one section of 200 – 300 questions with a total score of 75% for passing instead of tests comprised of different sections. Mr. Long will look into finding a test of this type. It was also suggested that advertising be confined to the local area. The last time an advertisement was placed it was put in newspapers located in Tunkhannock, Wilkes-Barre/Scranton area and Wellsboro as well as the local Daily Review and Morning Times and only application from those areas was received.

Mr. Long will also ask the Borough Council to begin to consider who will be their choice for the physician and psychologist to continue the application process.

**Next Meeting**

It was noted that the next meeting will be held on Monday, December 19, 2011 at 11:00 a.m. for the purpose of evaluating the oral examination.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Garden and seconded by Mr. Long at 1:40 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary

A meeting of the Towanda Borough Police Civil Service Commission was held at 3:00 p.m. on December 13, 2011. The meeting was called to order by Chairperson Alec Garden. Present were members Alec Garden, Keith Long and Roger Brown.

**Approval of Minutes**

Mr. Brown made a motion, seconded by Mr. Long to pass the minutes of the December 5, 2011 meetings. This was passed.

**Old Business**

**Oral Examination**

The oral examination of the only applicant left, Bryan Bellows, is to be held on Saturday, December 17, 2011 at 10:00 a.m. in the council room of the Municipal Building. As discussed in earlier meetings, it was reiterated that the scoring would be done with no discussion and then the scores placed in an envelope and sealed. Mr. Long will be at the examination and take possession of the envelope. A meeting will be held on Monday, December 19, 2011 at 11:00 a.m. Mr. Brown will not be available for this meeting and Mr. Garden and Mr. Long will review the scores and calculate a final score for Mr. Bellows.

According to Mr. Brown, Chief Epler will start the background check on Mr. Bellows and Mr. Long stated he would speak to Mr. Charles Cornwall from the Northern Tier Mental Health to determine if he would do the psychological examination. A physician will also be contacted as well.

**New Business**

According to Mr. Long, the borough council has stated they do wish to hire another full time patrol officer. Discussion was held as to where and when to advertise. Mr. Brown suggested Chief Epler could check into the FOP Association and the Chiefs of Police Association publications to advertise. Mr. Brown made a motion seconded by Mr. Garden to advertise in the local newspapers and possibly the magazines noted above, with a deadline of January 31<sup>st</sup>. The motion was passed.

**Next Meeting**

The next meeting as set earlier is Monday, December 19, 2011 at 11:00 a.m.

**Adjournment**

As there was nothing else the meeting was adjourned on a motion made by Mr. Brown and seconded by Mr. Garden at 4:05 p.m.

Respectfully,

Helen L. Wilcox  
Recording Secretary