

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held October 22, 2007

An emergency business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 1:00 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; and Daniel Bair, Chief of Police.

**Pledge of Allegiance**

Mr. Blain led in the recitation of the Pledge of Allegiance.

**Public Comment**

None was presented

Mr. Wolfe explained that is a public meeting. Mr. Stine explained that a special meeting could be called by the Chairman if it is felt that there is a clear and present danger to life or property. Mr. Wolfe explained that if the Board members do not share this concern for the meeting, then there would be no legal right to meet in this format. Mr. Hornung noted that the newspaper stated that the concern presents a clear and present danger to life or property.

Mr. Wolfe noted that this is a public meeting and minutes will be taken, transcribed and available to the public.

## NEW BUSINESS

### Discussion of continued deployment of member of the Police Department to the Dauphin County Crisis Response Team for the remainder of the year

Mr. Hawk noted that he made a list of the concerns that he had as result of an article that appeared in The Patriot-News on Saturday, October 20, 2007. He noted that he was made aware of the situation roughly two weeks prior from a District Magistrate at a Rotary meeting they were attending. He explained that the District Magistrate told him that he needed to speak to Mr. Hawk about a serious matter. He noted that he was told that the members of the Police Department stated that they were prepared to give Chief Bair a vote of no confidence. He explained that he ended the conversation with the District Magistrate as he explained that his opinion was only one side of the story. He noted that the District Magistrate and the Police Chief have been at odds with one another. Chief Bair qualified the statement to say that he has not been at odds with Justice Lindsey.

Mr. Hawk noted that he received a call from the reporter on Friday and explained that he was rather curt with him since he did not have enough information to make a comment.

Mr. Hawk questioned who leaked the story, what is District Magistrate Lindsey's involvement, if any, what is Chief Bair's explanation with regards to District Attorneys' Marsico's understanding of the problem, how much overtime is involved, how the police officers reacting to the situation, and noting that he was upset by the comments made by Chief Martin. He explained that in a similar situation, he would have given a fellow member of the Board the benefit of the doubt and made no comments until he had spoken with them.

Mr. Blain requested Mr. Wolfe to provide an overview of what happened. Mr. Wolfe explained that one part of the situation involves personnel and would be discussed in Executive Session, while the other part involves the Crisis Response Team (CRT). He noted that two weeks ago, Chief Bair approach him to discuss budget items, one being the reduction in hours of the

CRT due to overtime issues. Chief Bair noted that he also wanted to limit more budget items, but Mr. Wolfe would only permit him to limit the overtime for the CRT. He explained that he has made a temporary change in the policy for court time, and explained that both issues have to deal with overtime expenses. He explained that for 2007, he budgeted \$93,000 for overtime, and at the end of September, only \$10,000 remains in the budget. He noted that he expects to be \$24,000 over the budget for this line item at the end of the year. He noted that the majority of the expenses are from court and detail overtime, which includes the CRT and other Dauphin County Task Forces. He noted that the Police Department has membership in roughly six other task forces. He explained that for each CRT callout, a minimum of five to six members respond for a guaranteed minimum amount of four hours overtime. He noted that many of the calls are generated by Harrisburg City Police Department attempting to serve arrest warrants on someone who is believed to have a gun. He noted that in many cases, no one is home, or the suspect surrenders without incident.

Director Bair explained that he first contacted Chief Martin to make him aware of what was going on, but Chief Martin wasn't at work. Director Bair noted that he call back and was told that Chief Martin was unavailable. He stated that he contacted District Attorney Marsico and explained to him what he was doing, and Mr. Marsico stated that he did not see that it would be much of a problem, and that it was Chief Bair's police department and his call. He noted that the next day he again called Chief Martin, and he was not at work or would not take his call. He noted that he left voice mail messages indicating what he was going to do, but no phone calls were returned to him prior to his leaving for a conference in New Orleans. He noted that the newspaper article was published before he returned from the conference, and he was unable to discuss the issue with Chief Marin.

Chief Bair explained that he reduced the Department's response to CRT Training which occurs twice a month, and the callouts, that average one a month. He noted that there are roughly 28 people on the CRT, and six members are from Lower Paxton. He noted that he could remove the Department's six members from the CRT and it would not operationally affect the CRT. He noted that it would leave the CRT with 22 members. He noted that he was a member of the CRT in the 1990's for six years, and at that time, they operated with only 19 members. He noted that his ban on manning the CRT would only be for two and a half months, until the end of the year. He noted that he explained to Mr. Marsico, that if there was a call of a serious nature, or an incident at a local school, the Lower Paxton Township CRT members would respond. He suggested that the Department's restriction would have no major impact, and not put anyone at risk. He suggested that he might be able to save \$10,000 for the year-end budget and that was the rationale for why he did what he did.

Mr. Seeds questioned what Chief Martin's position is with the CRT. Chief Bair explained that the District Attorney oversees the entire operation, whereas, Chief Martin is the Operational Manager. Mr. Seeds suggested that it was shameful the way Chief Martin made his comments to the newspaper reporter. Chief Bair noted that he was shocked, and stated that he thought he had a good relationship with Chief Martin..

Mr. Seeds questioned what District Attorney Marsico said when Chief Bair talked to him. Chief Bair stated that Mr. Marsico stated it was an internal decision made by the Police Department and he did not foresee any major problems. He noted that he contacted Mr. Marsico today and he seemed to back peddle on that statement.

Mr. Blain noted that he spoke with Mr. Marsico last Monday, and was informed that Mr. Marsico wanted to speak to him about it as he had some concerns regarding the CRT. Mr. Blain noted that he told Mr. Marsico that there was not enough funding for overtime to continue to

man the CRT. Mr. Marsico explained to Mr. Blain that Lower Paxton Township's membership was very important to the CRT and if he could help with additional funding he would look to find some Dauphin County funding to assist Lower Paxton Township. Mr. Seeds noted that he discussed this with Chief Bair on the phone and was told that Mr. Marsico was okay with the temporary arrangements. Chief Bair noted, at the time, Mr. Marsico was okay with the arrangements. Chief Bair suggested that from the time he spoke with Mr. Marsico and the time he returned from the conference, Chief Martin must have been in Mr. Marsico's office discussing the issue on several different occasions. He suggested that Chief Martin may have changed Mr. Marsico's mind on the issue.

Mr. Blain suggested that the Township should reinstitute the Police Department's membership with the CRT. He thanked Chief Bair for his diligent efforts to manage the budget, but he suggested that it would be in the best interest of the Township to reinstitute the CRT for the remainder of the year. Chief Bair noted that he would do what the Board is directing him to do, but, he suggested that it is not an issue of what affect the removal of the CRT would have on the health or the welfare of the community. He suggested that one or more persons have an agenda that they are pushing and he suggested that the Board would be following their agenda.

Mr. Seeds noted that if there was a crisis and it would have made a difference if the Lower Paxton Township members were present, the Township would be blamed since it did not have its people present. Chief Bair noted that he would send his people to a crisis situation.

Mr. Hornung noted that he did not care how it was perceived, and he would not be held hostage to perceptions. He noted that the reality of the decision is if it was the right decision before, it is still the right decision now. He suggested that this decision should have been discussed further before it was made to consider all the ramifications of what affect it would have due to the high visibility of the Department. He noted that many local Townships are

envious of what Lower Paxton Township can provide for its citizens. He noted that everything the Township does is perceived in a political light. He noted that the Township is a prime target for criticism and it should be sensitive to this in the future when decisions are made, and they should be discussed among the group. He noted that he would chose to evaluate the situation as to whether it was the right decision and not if the press is going to hold the Township hostage, and not based on what if's that could occur in the next two months. He noted that he would not want to be held hostage by a group of police officers so they can get their way. He noted that he would not cave in to this type of situation, and stated that he would be willing to reinstate three members, but he would not want to put all six members back on the CRT.

Mr. Wolfe noted that he would like to recess the meeting to go into Executive Session to discuss personnel issues related to this topic. Mr. Hawk recessed the meeting at 1:25 p.m. Mr. Hawk call the meeting to order at 1:32 p.m.

Mr. Wolfe noted that a decision needs to be made regarding the CRT participation. Chief Bair noted that he spoke with District Attorney Edward Marsico earlier today, who requested further thought on the decision to allow some participation for the callouts for the CRT. He noted that Chief Martin wants full participation, and Mr. Marsico is requesting some participation in the callouts, but not necessarily the training.

Mr. Blain questioned if there were any other areas that Chief Bair could pull some funds to solve the budget issue. Chief Bair explained that, over the past few years, he has cut all discretionary spending due to increasing personnel costs. He noted that this may be the first year that the entire budget may be over and he does not have any funds to move into the overtime budget. Mr. Wolfe noted that, dependant on the Board's decision; the Township could find a way to pay for the CRT overtime. Mr. Seeds suggested that it could be stated that, due to the tight

budget constraints, there was a misunderstanding by the Chief in his interpretation that the Board wanted to cut back on the high overtime budget expenses.

Mr. Blain stated that Mr. Hornung noted that he did not care about perceptions, but in the big picture, being over budget between \$11,000 to \$24,000 at the end of the year with an overall budget of \$20 million is not all that bad. He noted if it was a much larger amount, then it would be a concern, but that amount should be able to be worked out within the budget numbers. Mr. Wolfe noted that he agreed with this. He noted that, during the Executive Session, he explained some of the reasons why this issue has come about. He noted that he did not think that the CRT issue needs to be a big issue, as it is disruptive and distracting, and sets the Township in a bad light. He explained that the Township is spending a lot of time on this issue, doing damage control, instead of spending time on items that are more important.

Mr. Blain noted that it leaves an impression with the public that Lower Paxton Township has serious budget problems; however, the Board knows that there are constraints to future budgets that will need to be addressed. Mr. Blain noted that it is not as if the Township would shut down due to a \$24,000 overage in a budget line item. He noted that the Township could work around this issue, and he thanked Chief Bair for his diligent efforts to monitor the budget. He suggested that the Board should find a way to work its way through the situation by looking for funds in another budget-line item. Mr. Hornung noted that a week ago that would have been the way to go, but he noted that now the appearance is that the rank and file members can go outside the department to get what they want. He noted that he has a real problem with this scenario.

Mr. Blain questioned if there was any proof that this item was made public through improper internal communications. He noted that the Board does not know who said what to whom. Chief Bair explained that a handful of radicals in the Department have a plan, they went

to somebody else to have them disclose issues, since they knew that it would be in violation of the Police Policy to go directly to the newspaper. He noted that it is an intentional plan by a handful of individuals to leak the information to the press to show that they have more control in running the Police Department than they should. Mr. Hornung noted that he would agree to reinstating three officers without the training, however, it would appear that the Township has caved-in, but not a total cave-in. He noted that he would not like to reinstate the CRT completely since the next time there is a problem, then members from the Police Department would go to the press again to get what they want. Chief Bair noted that he is very naive when it comes to politics, but he suggested that the issue would go away in a few days. Mr. Hornung suggested that if the Township does not do anything, the issue would go away. Mr. Wolfe noted that he has a concern that this could be the beginning of additional items that could be handled in this format. Mr. Hornung noted that it is the purpose of newspapers to sell newspapers, and the day after a story breaks, it becomes history and people are no longer interested in it. Chief Bair noted that he would be willing to do whatever the Board tells him, such as reinstating the members or permitting them to attend training.

Mr. Seeds noted that he disagreed with Mr. Hornung, and felt that all the members should be reinstated, and the politics should be taken out of the situation. He noted that the Township would be criticized if it does not permit the training. Mr. Hornung suggested that by doing that, the Township would be allowing the media to run the Police Department. Mr. Seeds stated that he did not agree with that statement. He suggested that Mr. Marsico has changed his mind from when he first spoke with Chief Bair, and this brought the issue to light. Mr. Blain noted if the media had not come out with the story, Board members would not have had to call an emergency meeting, but would have discussed it at its next meeting. He noted that Mr. Marsico has called him twice and is greatly concerned about this issue. He noted that Mr.

Marsico requested Mr. Blain to restore the CRT and resolve the issue. He noted that he did not share Mr. Marsico's urgency of the situation.

Mr. Hornung noted if it is decided to put all six members back on the team, he hoped that it does not create a problem. Chief Bair questioned Mr. Blain if Mr. Marsico stated that in his initial conversation with him, that he had an issue with the decision. Mr. Blain answered that Mr. Marsico never referenced that conversation, but was attempting to come up with a solution to the issue. He noted that Mr. Marsico offered to find Dauphin County funding for the overtime issue. He noted that Mr. Marsico was very interested in resolving the issue. Mr. Seeds suggested that it would be a good idea for Mr. Marsico, Chief Martin and Chief Bair to meet to resolve the issue. Chief Bair noted that he would call Mr. Marsico, but he did not feel comfortable meeting with Chief Martin.

Mr. Hornung made a motion to reinstate the six officers to the CRT, but not permit them to attend the training sessions, since it is the largest cost factor for the CRT, until the end of the year. He noted that this would not jeopardize any lives. Chief Bair noted that most training is repetitious. Mr. Hornung noted that he would vote yes for his motion if it receives a second. He noted that he had to excuse himself from the meeting as he had a prior engagement to attend to.

Mr. Seeds suggested that the Township would be criticized if it does not participate 100%. He noted that with a \$20 million budget, it makes sense to find funding for this item for the remainder of the year.

Mr. Hawk noted that he is concerned with the waffling on D.A. Marsico's part. Mr. Wolfe suggested that Mr. Marsico is caught between two police chiefs, does not want the issue, and is trying to find a good way to resolve it. He noted that after Chief Bair chose to remove his officers from the CRT, the Township received a check from Dauphin County in the amount of \$3,000.

Mr. Seeds noted that he would like to see the entire program reinstated.

Mr. Hawk questioned how this whole issue got out of hand. Chief Bair explained that Chief Martin would not return his phone calls and he had no opportunity to discuss the issue with him.

Mr. Hawk suggested that people do care because noting the Christian Malesic issue involving guns on school property. He noted that people are so concern about school safety and terrorists. Chief Bair noted that he has heard from three police chiefs who were questioning what Chief Martin's problem was, noting that it was an internal issue that should have nothing to do with the media. Chief Bair suggested that it is a non-issue that has become a political issue.

Mr. Hawk agreed that it has become a political issue. Mr. Wolfe questioned what Chief Bair should do. Mr. Seeds stated that he would like to see the entire program reinstated. Mr. Hawk noted that he is not satisfied with that. Mr. Blain noted that the only issue for the moment is what to do with the CRT. He noted that whoever caused the issue is a secondary issue now. He questioned if the CRT should be reinstited and the Township should find the money to pay for it in the budget, or make no comment and let it ride. He suggested that it will come out over time who was behind the issue. He noted that the CRT could be reinstited and the funds could be found, and a group would have controlled the situation, or the Township could do nothing, and more newspapers articles would appear.

Mr. Wolfe noted that there is potential for this issue to grow legs. He noted that it could keep going. Mr. Seeds suggested that the press will be looking for more stuff because the Township couldn't afford the extra money for the task force.

Mr. Blain questioned what would the Township do if it didn't have the funds. He questioned how the Township would handle it. Mr. Wolfe noted that the option would be to get through the end of the year, do some short-term borrowing, or raise taxes, and then it becomes a

public issue, but in this situation, the Township would control the issue. He noted that at this point, the Township is being controlled by the media or a group with an agenda.

Mr. Hawk questioned if all the local municipalities contribute to the program. Mr. Wolfe answered that all municipalities have the ability to participate in the CRT, and the membership of 28 officers come from Lower Paxton, Susquehanna, Derry, Swatara Townships, and Harrisburg City. Chief Bair noted that some smaller municipalities may have one member on the CRT. Mr. Hawk questioned if Lower Paxton had the most members on the team. Chief Bair noted that the Township would be on par with Harrisburg City and Susquehanna Township.

Mr. Wolfe explained that the officers train for two days per month, eight hours a day, therefore, the Township loses the services of six officers for 16-hours a month in addition to any call outs. He noted that the officers normally are called out twice a month, and the Township pays for the overtime. He noted that most instances occur for an incident in the City of Harrisburg, and very frequently the purpose is to serve a warrant when they believe the suspect may be armed. He noted that when a call-out occurs, they call out all the members of the CRT, and they may have 15 to 18 members from the CRT show up to service a warrant for the City of Harrisburg. He noted that, in some instances no one is found at the address. He noted that there are many instances like this that occur, but the purpose of the CRT is good, and all you need is one barricaded gunman to prove that there is a need for the CRT. He noted that there is a lot of time spent by the CRT doing normal police work.

Mr. Blain questioned what would happen if the Township took the approach that it is over budgeted for overtime, and the members would only respond in a crisis situation, and not be permitted to attend training. Mr. Stine suggested that they should not be sent to serve warrants in Harrisburg. Mr. Blain noted that the Township has a responsibility to the public to ensure, if a crisis occurs, that as a community leading organization, that the CRT members would respond.

Chief Bair noted that the decision is up to the Board members and he would live with it and not create any waves. He suggested that a full 100% reversal would validate Chief Martin's accusation that this was a shameful decision on the Chief's part, and validate a couple radical police officers who are members of the Bargaining Unit who feel that anytime they don't agree with management, they could go to the press to create a firestorm to get what they want. Mr. Wolfe suggested that there is truth to this.

Chief Bair noted that he would take full responsibility for this dilemma. Mr. Wolfe noted that he shared the decision process with Chief Bair. Chief Bair noted that he approached Mr. Wolfe with the idea to suspend the members until the end of the year.

Mr. Hawk noted that he agreed with Mr. Hornung in that the officers should be reinstated and monitored, but he would like to see some dialogue between Chief Martin and Mr. Marsico. Mr. Blain suggested that the officers should be reinstated to the CRT, and fight the battle between Mr. Marsico and Chief Martin another day. He noted that the Township was unprepared for what occurred, but this would not happen again. He noted that this would take the issue out of the press, knowing that the Police Department has internal issues to deal with. He noted that the Township will, in the future, cover all its bases before anyone could push buttons to get what it wants. He noted that he does not like it when the members are not team players, and the Township should avoid anything like this from happening again.

Chief Bair questioned if it would be good to request Mr. Marsico to attend a Board meeting to ask for the return of the members for the CRT. Mr. Blain noted that Mr. Marsico volunteered to address this issue with the Board members. Chief Bair questioned if the Board members made their decision at that time, then it would look like the Board is addressing the D.A.'s request. Mr. Blain noted that the issue would still be unsettled for another week. Mr. Wolfe suggested that he could call Mr. Marsico, and ask him if he has an official request to the

Township for this matter and could he provide it to him immediately. He suggested that the Board could decide that it would implement whatever request the District Attorney makes. Mr. Hawk noted that he agreed with this means to resolve the issue. Mr. Blain suggested that this would be a good approach as it would put the ball back into the District Attorney's arena. He noted that Mr. Marsico is in charge of the CRT, and the Township does not want to jeopardize anyone, and it would abide by Mr. Marsico's request. Mr. Seeds noted that the Board would follow the request of the District Attorney's Office. Mr. Wolfe noted that he would make contact with Mr. Marsico as soon as the meeting adjourns. Mr. Blain suggested that it would address the issue.

Mr. Wolfe noted that if he finds that Mr. Marsico does not want to get involved in the situation, then he would contact the Board members.

Mr. Blain questioned what Chief Bair thought of the solution to the problem. Chief Bair noted that he could live with the decision; he noted that he was not happy with it. He noted that he understands the process and potential problems, however, he is big enough, concerning the remarks made by Chief Martin, that it will appear that Chief Martin is right. He noted that that is the message that will be portrayed to the public. Mr. Seeds noted that he is not happy with Chief Martin's conduct in this matter.

Mr. Blain noted if the Board wants to, it could just let everything the way it is and not respond to the situation, and let it ride until the end of the year. Mr. Blain noted that this is only a problem for the next 70 days. Chief Bair noted that he could live with any decision the Board members make. He noted that he could rise above the situation. He noted that he was involved in an interview with a news agency earlier in the day, and it involved conversations about the Police Department's budget in relation to overtime issues. He noted that Dennis Owens felt that

the newspaper article misinterpreted his statements, and he wanted to provide a second outlet to correct the information.

Mr. Blain explained that although the amount of overtime funds was minor in nature, as a citizen of the Township, he suggested that the article made the Chief look like he was very diligent in not overspending the taxpayer's funds. He noted that \$11,000 is not a huge amount of funds.

Mr. Seeds noted that Mr. Wolfe is to contact Mr. Marsico and try to resolve the issue with him.

### **Adjournment**

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 2:15 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary