

TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
SPECIAL MEETING, THURSDAY, APRIL 14, 2016, 7:00 P.M.
11279 Center Highway, North Huntingdon, PA 15642
Presiding Officer – Tony Martino, President, Board of Commissioners

CALL TO ORDER

Commissioner Martino called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioner Herold	Present	Also Present:
Commissioner Haigis	Present	John Shepherd
Commissioner Bertani	Present	Solicitor Bruce Dice
Commissioner Gray	Present	Michael Turley
Commissioner Faccenda	Present	Andy Blenko
Commissioner Kucera	Present	
Commissioner Martino	Present	

PLEDGE OF ALLEGIANCE

CITIZENS' INPUT

*there was no citizensøinput.

Work Sessions Discussion Topics

1) Strategic Planning – discussion.

Solicitor Dice announces this meeting will be recorded via video and audio.

Manager Shepherd states this is a discussion item for the Board. This was included in the approved budget for 2016. Mike Turley assisted in contacting firms to develop the strategic planning process and Manager Shepherd presented one of the firms to the Board for review. Manager Shepherd asks the Board if they have any questions moving forward and if they feel this is the right thing for North Huntingdon Township.

Commissioner Faccenda asks how many firms were looked at.

Manager Shepherd states 3 firms were discussed and received two proposals.

Commissioner Haigis asks if Manager Shepherd is looking for a motion or just a consensus from the Board.

Manager Shepherd states he is looking for more of a consensus from the Board and to familiarize the new Board members.

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Commissioner Haigis states he is ok with moving forward as is Commissioner Martino and Commissioner Bertani.

Commissioner Kucera asks if the seventy five hundred is the maximum cost.

Manager Shepherd states this is not going to be a high priced item and the Board is going to be involved in this strategic planning.

Commissioner Faccenda asks if there will be any time management studies.

Manager Shepherd states it will not get into that level of detail.

Planning/Engineering Topics.

*there are no items for discussion.

FURTHER BOARD COMMENTS

Commissioner Haigis states that at last month's meeting, there were residents present during the road millings investigation discussion. A report dated April 12, 2016 was delivered to the Board and he feels it's only right to make the report available to the public

Motion: Commissioner Haigis

Motion to make the investigation report available to the public.

Second: Commissioner Gray

Commissioner Bertani states he feels the report should be discussed in Executive Session before being released to the public because he has some issues with the presented report.

Commissioner Haigis states it has to be added to the agenda and hear public input.

Motion: Commissioner Haigis

Revised motion to add to the agenda the discussion and make the report public.

Second: Commissioner Gray

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Roll Call:

Commissioner Herold ó abstain
Commissioner Haigis ó YES
Commissioner Bertani ó NO
Commissioner Gray ó YES
Commissioner Faccenda ó NO
Commissioner Kucera ó YES
Commissioner Martino - NO

Motion fails: 3 ó 3 ó 0

Solicitor Dice states the Motion fails to put the report to the public.

Commissioner Gray clarifies that the vote was to add to the agenda making the report public.

Commissioner Gray states that since the report clearly shows, in his opinion, evidence of wrong doing of a criminal nature, perhaps the Board should rather than discuss the release to the public, simply take it out of the Board's hands and give it to the Attorney General's office in particular to an agent Bob Cerilli.

Motion: Commissioner Gray

Motion to add to the agenda to give the report to the Attorney General's office to Bob Cerilli.

Second: Commissioner Haigis

Commissioner Bertani asks since he is new to the Board, what does he need to do if he feels it should be discussed in Executive Session first.

Solicitor Dice states Commissioner Gray's Motion and subject matter is not Executive Session material. There are certain exceptions that apply to Executive Session. One of which is employees who may need disciplined or censorship of an employee or if it involved litigation, but Solicitor Dice feels that the Motion is not asking to discuss any of those topics because Mr. Herold is not an employee. The Township does not have a remedy to bring some sort of conclusion to the report. Mr. Herold is an elected official and the Board cannot disenfranchise him. Mr. Dice states the Board does not have standing to say the Attorney General should or should not review this from a criminal aspect.

Commissioner Bertani asks why is there a specific individual named to give the report to.

Commissioner Haigis states the Board voted on that at the public meeting to have the millings investigated

Commissioner Bertani asks why a specific person at the Attorney General's office was named.

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Commissioner Gray states because he feels there is an interest in it by this investigator. If the Board would prefer to turn the report over to the general Attorney General's office, he would be fine with that too.

Commissioner Martino states his concern is when a certain person is named.

Motion: Commissioner Gray

Modifies his motion to give it to the Attorney General's Office.

Commissioner Gray states he agrees with Mr. Dice that this is not Executive Session material because they are not talking about disciplining an employee or giving a suspension. They are talking about a criminal act and although this Board did grant immunity to an employee in exchange for truthful testimony, that immunity only applies to discipline within the policies of North Huntingdon Township and that employee. The Board does not have any standing in judging a criminal matter, so it needs to be turned over to a law enforcement agency outside of the Board's political realm and with which the Board has no political ties.

Commissioner Bertani asks why not the District Attorney's Office?

Commissioner Gray states because there are close political ties and friendships with the County and rather than put those people in a position of conflict, he feels it's best to stay clear of all the local agencies.

Commissioner Martino said his concern is still with a specific person being named.

Commissioner Gray states he withdrew the name from his motion.

Commissioner Haigis states he believes the Board wanted this to be investigated or they wouldn't have voted yes, but now some want to put the breaks on the investigation. Commissioner Haigis states he feels the Board has a right to let the public know what is going on and he is fine with sending it to the Attorney General's Office and they can review the report, but there is a large group of citizens that have been to the past few meetings wanting to know about the investigation. Since the Board has the report now but some saying they don't want to move forward, is wrong. The Board still has to answer to the residents as why they don't want to make the report public.

Commissioner Bertani states he read the report and the report is rubbish.

Commissioner Gray asks what part of the report was rubbish, the theft or official oppression.

Commissioner Bertani states all the inconsistencies in the report. He states he is fine with sending it to the District Attorney but not the Attorney General.

Commissioner Gray suggests putting the report out for the residents and let them decide.

Commissioner Faccenda states there were a lot of assumptions in the report.

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Commissioner Haigis asks Commissioner Faccenda if he thinks Ideal Investigation lied in the report.

Commissioner Faccenda responds yes, he feels on several occasions.

Commissioner Haigis states he feels the Attorney Generals Office should determine if Ideal Investigation lied in the report. Ideal Investigations would not be in business if they were in the habit lying when people hired them.

Commissioner Gray states he agrees to find out who the liars are and hold them accountable and nobody better to do that than the Attorney General's Office.

Commissioner Herold asks how Commissioner Gray found out the report was available because the Board hadn't received a copy of the report yet.

Commissioner Gray states he did not have the report until the same time everyone else received it.

Motion: Commissioner Gray

Motion to add to the agenda the report to be sent to the Attorney General's Office.

Second: Commissioner Haigis

Motion carried: 7 6 0 6 0

Motion: Commissioner Gray

Motion to send the report to the Attorney General's Office for investigation of the criminal matters.

Second: Commissioner Haigis

PUBLIC INPUT

Kelly Huss ó resident of the Township ó states she has some general questions regarding the report. She asks about Commissioner Gray's Facebook page and if the report was just made available on April 12, 2016, there was a posting made an impecation that Commissioner Herold was guilty on April 9, 2016, so it did imply he had early information on the report.

The individuals that Ideal Investigations questioned, were they able to sign off on their testimony.

Commissioner Martino states the report he has in front of him, there are no signatures or dates.

Kelly Huss states the assumption could be made that it's heresay or an opinion.

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Commissioner Gray states the report in front of the Board is not sworn testimony. That is why he feels the report needs followed up with sworn testimony and handed over to an objective authority for them to decide.

Kelly Huss states before the people of North Huntingdon take that step, that this is a very serious allegation and if the report is based on heresay, she feels before it goes into the direction of criminal investigation, they need to look into this further. Her husband was one of the people questioned and when they asked to review to be sure his testimony was accurate, she states they were denied. She states the basis of this investigation from Ideal is an opinion only.

Commissioner Faccenda states that's exactly why it shouldn't be released.

Kelly Huss asks how many years Commissioner Herold has been serving North Huntingdon.

Commissioner Herold states twenty years.

Kelly Huss asks if there has ever been an allegation of theft in the past and why the news media is reporting this happened allegedly four years ago, why it was just brought to the attention of the public in 2016.

Commissioner Gray states the Board did not bring it to the attention of the public.

Kelly Huss asks Commissioner Gray in the 2016 minutes, resident Rich Sanowski asked the Board who gave information to the Norwin Star. Her question is did Commissioner Gray communicate with any employee of the Norwin Star or media outlet regarding a millings issue before a motion was carried to start the investigation at the February 17, 2016 meeting.

Commissioner responds that he doesn't recall.

Kelly Huss asks if the Township has written policy regarding the distribution of items such as millings, stone or pipe and what they do with it. Is there a policy, rules or regulations.

Commissioner Gray states these are very good questions that should be asked under sworn oath during testimony of an investigation or a trial or a hearing, but that's not what we're here for. He suggests to proceed with a trial or a hearing or investigation where those questions would be asked.

Kelly Huss asks if her questions are being denied as a taxpayer.

Solicitor Dice states the problem is the Board is talking about placing something on the agenda, which is now on the agenda and a vote to be taken on whether or not to send it to the Attorney General's Office.

Kelly Huss states she has questions surrounding the investigation that she would like answered.

Solicitor Dice states ordinarily this is a public comment period and not a public debate where there are questions and answers. It is up to the Board to continue questions and answers.

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Commissioner Martino tells her to ask all her questions then they'll be answered.

Kelly Huss states her current question is does the Township have a policy regarding distribution of millings, stone, pipe, etc. Does Public Works provide those same materials to entities such as MAWC, NHTMA, PADot, etc. What is the value of the alleged missing millings versus the cost of the investigation and all costs incurred with this investigation since the taxpayers are the ones paying for it.

Paul Carrick ó 11650 Dennis Circle ó states he couldn't understand why there was an outside investigation. He took it upon himself to call the Sheriff's Office in Greensburg and he was referred to their investigator. He asks why they didn't go to Greensburg and the answer was it was appropriate to have an independent investigator that the Board voted on. Now, what he's hearing is it is not independent and also not going to be released to the public. You can't have it both ways. Mr. Carrick states he does not have any questions, but questions what is going on here.

Amanda Laskey ó 3050 Guffey Road ó states her husband is a Major in the Army National Guard and also in the Guard with several members of the North Huntingdon Police Department. It has been brought to her attention through conversation that there have been some discrepancies within the Township in discrimination towards members of the military. As a resident, she takes the rights of our men and women who fight for us very seriously and hopes as a Township that we support that as well.

RESPONSE TO CITIZENS INPUT

Manager Shepherd answers the first question regarding if there is a written policy on distributing pipe or other material. The answer is no.

Manager Shepherd answers the second question do other agencies such as MAWC, NHTMA, PADot, etc, able to get material from Public Works Department. The answer is yes. It is controlled but they are able to get materials to borrow and then return it.

Manager Shepherd answers the third question about the cost of the millings versus the cost of the investigation. The answer is he does not have the value of the alleged stolen millings or the cost of the investigation because the Township has not received the invoice.

Commissioner Haigis clarifies that the material is not given away to other government agencies, but just borrowed because it's closeby then returned.

Manager Shepherd states Mr. Albert can better explain.

Commissioner Herold asks who keeps track of the material and how much they take.

Mr. Albert states the loader operator keeps track of the material used by outside agencies. Any time an outside agency would request material, and it's only been very few times, the request comes through either Rich Albert or Assistant Director Tab Fyock. They have given material

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to NHTMA in case of emergency who has also have lended material to the Township. Also, MAWC has borrowed stone in case of emergency in order to get service back to the residents. They have always returned and have been quite generous with the return.

Commissioner Herold states that is not what he's been told. He said, according to Mike Dietz, there is no record of anyone keeping track of the material.

Mr. Albert states he disagrees with Commissioner Herold. He states in twenty years, it wasn't an outside agency but a contractor that they gave material to who was doing work for the Township which was part of the agreement to save money. Other than that, Mr. Albert cannot recall the State ever coming to borrow any type of material let alone millings. Even with NHTMA and MAWC, there were never millings provided just regular limestone aggregate.

Commissioner Herold asks Mr. Albert if there is paperwork showing how much material goes out and comes back.

Mr. Albert states there is no paperwork, but on an honor system with the employees.

Commissioner Herold asks Commissioner Gray when he was President of the Board, did he conduct his own investigation into the alleged stolen millings for his son.

Commissioner Gray states no he did not. When he became aware of the situation, he reported it to Manager Shepherd and Chief Lisiecki. That was the extent of it.

Commissioner Herold states Manager Shepherd and Mr. Albert told him that Commissioner Gray was conducting his own investigation without the Board approval.

Commissioner Gray states that after he turned it over to Manager Shepherd and Chief Lisiecki, he washed his hands of it. He identified the person who told him who said they would not go public. Commissioner Gray states that if Commissioner Herold wants to talk about investigations maybe they can talk about the one the he and Commissioner Faccenda attempted to do on the gasoline purchases at Marathon Oil. Commissioner Gray asks if he went through the Manager at that point.

Commissioner Herold states he has a tape pertaining to it but was on vacation and didn't have a chance to give it to Manager Shepherd but he has a receipt showing this employee never turned it in.

Commissioner Gray states this investigation occurred in January. He states that Manager Shepherd and Chief Lisiecki investigated this in October so clearly after Commissioner Herold took over, he was out to get retaliation against employees which is called official oppression. The alleged stolen millings is insignificant compared to the other allegations in the report. The stolen millings could be corrected by writing a check, however the official oppression when jobs are threatened, is the problem.

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Commissioner Haigis answers Mr. Carrick's question as to why the Board didn't go to Greensburg. He states that going with an outside agency that has no affiliation with the Township or Board was to get an unbiased report.

Commissioner Gray states this discussion could be ended by voting yes to hand the report over to someone else being the Attorney General.

Commissioner Faccenda states it is not an unbiased report when Rich Gray gets the results first and puts it on Facebook.

Commissioner Gray states he did not get the report first.

Commissioner Herold asks how Chief Lisiecki knew before anyone else did.

Commissioner Kucera states that there is no proof that the Chief knew about the report. He states that Commissioner Herold is again accusing the Chief when he's not here.

Commissioner Herold states he would tell him straight to his face.

Commissioner Gray states that Commissioner Herold told the Chief he was a liar at last meeting.

Commissioner Herold states he called him a professional liar.

Commissioner Haigis states as he said before that both Commissioner Herold and Commissioner Faccenda both stating that the Chief was lying but had no problem reading his statements he sent but once the Chief stated them in public, called him a liar. He states that if he was misquoted, he would have said something right then.

Commissioner Faccenda states he was misquoted and what the Chief said was not in the memo.

Commissioner Haigis states that is was word for word from the memo.

Commissioner Kucera states that this discussion is getting out of hand. He states the Board has a report that was paid for and had an independent company go out and talk to people but are not sworn statements. He feels it needs to go to an agency that can honestly investigate with people under oath whether it be a grand jury or the Attorney General's office. He agrees with not sending it to Greensburg because he feels it is too close to home.

Commissioner Gray states there is a Motion on the floor and everyone has had an opportunity to speak, now he calls for the Motion which ends discussion and let's vote on it.

Motion: Commissioner Gray

Motion to send the report to the Attorney General's office.

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Roll Call:

Commissioner Herold ó abstain
Commissioner Haigis ó YES
Commissioner Bertani ó NO
Commissioner Gray ó YES
Commissioner Faccenda ó NO
Commissioner Kucera ó YES
Commissioner Martino ó NO

Motion fails: 3 ó 3 ó 0

Commissioner Herold states he would like to have the military discrimination investigated.

Commissioner Gray states the Board should not discriminate against military and have spoken about it before. This issue has been addressed and the Board needs to follow the laws regarding veterans and if they have not, there needs to be some consequences. But he feels the Board itself is unaware of it. Is there an issue that was not addressed.

Commissioner Martino states he believes there is an issue out there that hasn't been addressed from a House Bill #88 back in 2013 regarding an individual getting military backpay. He is unsure if that has been addressed yet.

Commissioner Gray states then why hasn't it been addressed when there has been discussion with Manager Shepherd and Solicitor Dice to address this.

Manager Shepherd responds by saying he believes this person has been paid unless the Board wants to pay him for additional time that he didn't take.

Commissioner Herold asks what Act are they talking about. The State Law?

Commissioner Martino responds that it is House Bill #88.

Commissioner Herold asks if anyone knows what it says or refers to.

Commissioner Bertani states that House Bill #88 guarantees members of the military fifteen days of military leave. An additional fifteen days if they are deployed for over thirty days.

Manager Shepherd states he believes the additional fifteen days is only State agencies, not for local. Solicitor Alexander did a legal opinion.

Commissioner Gray states that if it makes everyone comfortable, let's have Manager Shepherd and Solicitor Dice look at it again, provide something in writing, and confirm it.

Commissioner Herold states to have the military people who are in question come and address it.

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Commissioner Bertani states that he feels the Township needs to be educated on the USERRA Law and what it intells.

Commissioner Haigis states he would be completely fine with that.

Commissioner Bertani states that he believes there was an incident were there was a Township director who tried to discipline an individual in the military for a violation that clearly violated the Federal Law, USERRA. That could've ended up costing the Township hundreds of thousands of dollars in lawsuits. When this individual was questioned about it, he stated he does not read the USERRA Law that way. Commissioner Bertani states the USERRA Law is pretty point blank in what it says.

Commissioner Kucera asks if that military made whole.

Commissioner Bertani states as far as he knows in that situation. He also reports he understands there have been multiple ESGR complaints filed against the Township but does not know all the outcomes. He states that tells him there is an issue with the military members if there is a violation of USERRA and ESGR complaints being filed.

Commissioner Herold states he feels the military members should be asked to come to the meeting.

Commissioner Bertani states he is biased and has a soft spot for military. He feels the Township should be educated on this and cannot have a department director saying he reads the Federal Law different than what it says. Commissioner Bertani states he spoke with the individual and knows exactly what happened.

Commissioner Gray states that if saying the staff needs better trained in a certain area, then he feels everyone is all for it. If there was an omission by error, then it needs to be corrected but airing this all in this format is not helpful to anyone. If it is found that someone is deficient in a certain skill, then we want to train them rather than hang them. We have paid professionals that are supposed to be guiding on these things rather than having individual Board members become the SME (Subject Matter Expert) on everything. The weaknesses should be brought to their attention and get the training.

Commissioner Bertani clarifies that USERRA stands for Uniform Service-Member Employment Reemployment Rights Act. It is a Federal Law and is spelled out to protect the rights of individuals in the garden reserve that are called up to active duty.

Commissioner Martino states he knows someone that does the training and can set him up with Manager Shepherd to do the training.

Commissioner Gray states the Commissioner Herold wanted to discuss in Executive Session but he was the one that documented the fact that they need to come to a public meeting.

Commissioner Gray asks so where do we go with the investigation and something needs to be determined. It will not be forgotten or swept under the rug.

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Manager Shepherd states the Board could discuss in Executive Session releasing the report. There are some reasons to release the report but also reasons to not. There could be some legal issues that should also be discussed.

Commissioner Haigis states the Board is split in votes to release the report and that will not change.

Commissioner Bertani states you don't know that. He feels it garners some discussion before releasing the report. The problem he has with the report is multiple misspellings, addresses are incorrect, peoples' names are spelled wrong, etc. He wants to make sure the report is accurate before putting out to the public.

Commissioner Gray states he understands where Commissioner Bertani is coming from and tends to agree with him, but they all know what's going to happen in Executive Session that it will turn into a three hour debate and not going anywhere.

Commissioner Haigis states he see that as the benefit of sending it to another agency.

Commissioner Bertani states he is fine in sending it to the District Attorney's office but not ok in sending it to the Attorney General's office because Commissioner Gray mentioned a specific name.

Commissioner Gray states he thinks it's an excuse to not go to an objective route. There is a very close political relationship between Mr. Herold and Mr. Peck as to why it shouldn't be sent to the District Attorney.

Commissioner Herold states that is untrue.

Commissioner Bertani states that when this was originally decided to do this, he sent an email to the Board stating he was not in favor of using Ideal Investigations.

Commissioner Haigis states Commissioner Bertani voted yes in the meeting and it was voted on to use Ideal Investigations.

Manager Shepherd states the motion was to use Ideal Investigations.

Commissioner Haigis suggests sending the report to both the Attorney General and District Attorney.

Solicitor Dice states the motion needs put on the agenda.

Motion: Commissioner Haigis

Second: Commissioner Gray

Motion to add to the agenda to send the report to the Attorney General and the District Attorney.

Motion carried 7 6 0 6 0

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There is no citizen's input.

Motion: Commissioner Haigis

Motion to send the report from Ideal Investigation about stolen road millings to the Attorney General's office and the District Attorney's office.

Second: Commissioner Gray

Commissioner Kucera asks about sending the report to the State Police also.

Motion: Commissioner Haigis

Modifies his Motion to send the report from Ideal Investigations to the State Police, Attorney General and District Attorney's offices.

Second: Commissioner Gray

Austin Gray ó 12229 Adams Drive - asks Solicitor Dice about his statement about any individual on the Board with the investigation could take it to an agency of their own.

Solicitor Dice states that is correct.

Andy Kushner ó 440 Kimlyn Avenue ó states he knows there are discrepancies and contradictions in the report, but watching the Board argue is not a good thing. On the other hand, if they are not satisfied with the report, then send it back to Ideal Investigations and have them clean it up then send it to the agencies.

Rich Sanowski ó 8064 Pennsylvania Avenue ó states that as he looks across the table, every one of the Board are to represent the Township. He states they have a right to the public to vote for them, not against. An outside agency is the best for the public and the Board to keep everyone out of it.

Commissioner Bertani clarifies the motion is to send the report the Attorney General, District Attorney and State Police. He states he has an issue with the State Police. Mr. Munshower is a former State Police Officer.

Commissioner Haigis asks if he is questioning the State Police are not going to do a honest job. He would hope that a State Police Officer would do an honest job.

Motion carried 7 ó 0 ó 0

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Commissioner Gray asks Manager Shepherd to give a timeframe on when this will be done.

Manager Shepherd responds it will be done within a few days. The question is should the redacted report be sent.

Commissioner Gray states the un-redacted report should be sent, not holding back information, and have the report sent by tomorrow.

Manager Shepherd states the report will be sent by tomorrow.

ADJOURNMENT

Motion: Commissioner Gray

Motion to adjourn. (8:15 P.M.)

Second: Commissioner Bertani

Motion Carried 7 ó 0 ó 0

- Special Meeting minutes of April 14, 2016 were approved by the Board of Commissioners on _____.

Tony Martino, President

John M. Shepherd, Township Secretary
/jjm

****Executive Session after meeting.**

Police Department Negotiations ó discussion.