

**Forty Fort Civil Service Commission Minutes, April 24, 2024 @ Forty Fort Borough Building**

Meeting called to order by Chairman Swaback at 530pm.

Roll Call. Chairman Rob Swaback, Vice Chair Sara Michaels, alternate member Rob Craig. Chair designated alternate member Craig to serve in lieu of Scott Serafin, who resigned at the previous meeting. Rob Craig is the only alternate member of the Commission. The Chair designated Rob Craig per Boro Code 1174(b) and Rules 2.3(2).

Today's meeting was advertised in the Citizen's Voice on 04/21/2024.

**OLD BUSINESS:**

Minutes from prior meeting (Aug, Jan, Apr) were reviewed; Clerk noted he was not present at the January meeting. Motion to approve by Chair Rob Swaback, second by Vice Chair Sara Michaels, unanimous consent.

Clerk reported that he sent a letter to Council about Scott Serafin's resignation due to being appointed to other positions, along with request to appoint Rob Craig to the position and request more alternate members.

After the last meeting on 04/10, Clerk sent a draft advertisement to Commission on 4/15 to open a new application period. Boro Manager sent a draft advertisement on 04/16. Commissioners all confirmed via email on 04/18 to use Clerk's draft. Ad ran in the Citizen's Voice on 04/21.

Clerk did not yet send letter to Council about application receipt issues (see below).

**NEW BUSINESS:**

The members discussed the admission by the Police Chief at a public council meeting that he received an application, vetted it, but did not turn it over to Commission. There was unanimous agreement to investigate the matter per Boro Code 1178 & 1179 and Rules 2.10 & 2.11. Chair will refer this to the Commission Solicitor for the proper steps to continue with the investigation.

There was discussion about the application receipt process itself, including updating the Rules (see below).

Borough Manager (who was present in the audience) stated that she only received one application before the initial application period expired (not including the one the Police Chief "discarded"). There was discussion about what to do with this application. Chair will refer this matter to the Commission Solicitor for further guidance. Boro Manager will keep the application for the time being.

Clerk noted that former member Scott Serafin has not yet provided the dates of his appointments to other boards, which led to his ineligibility to continue with the Civil Service Commission per Boro Code 1173 and Rules 2.2. Clerk reported that there was an article in the Citizens Voice newspaper June 2023 about Serafin being a member of the county airport board. The Clerk noted that Serafin was also appointed by Forty Fort Borough to be Alternate Hearing Officer for "Quality of Life" Ordinance violations, and that he has heard at least one hearing in that capacity. Since Serafin was serving on the Commission improperly for an extended period of time, including during the previous Civil Service testing and hiring of two police officers, there was discussion about what actions the Commission needs to take to re-validate prior Commission acts. There was unanimous agreement to investigate the matter per Boro Code 1178 & 1179 and Rules 2.10 & 2.11. Chair will refer this to the Commission Solicitor for the proper steps to continue with the investigation.

Clerk noted that statements were made at recent Council meetings, in particular by the Council Present and Vice President, that there has been no communication between the Commission and Council “for years”, including receiving no minutes or reports. The Clerk reported to the Commission that these are incorrect statements and provided a detailed list of recent communications between the Commission and Council:

- The Clerk noted that the Commission used to submit digital copies of the minutes to the Borough Manager through 2020 so they could be posted to the borough web site.
- In 2020, the Commission realized that the Borough had ceased posting digital copies to the borough web site in 2017.
- Since digital copies were no longer needed, the Commission Secretary (Scott Serafin) was to provide the hard copies distributed at Commission meetings to the Borough Secretary/Manager after each meeting.
- Communication with Council
  - Clerk noted that there have been no requests or inquiries from Council before the last few weeks.
  - The Clerk also noted that that Vice Chair, Sara Michaels, is a member of Council and that former Commission Secretary Serafin attends most Council meetings, and neither reported having ever received a request or inquiry from Council.

The Clerk advised the Commission that at a recent council meeting, the Council President (who was also present in the audience) said the hiring process needs to be “streamlined”. In rebuttal, the Clerk provided the following timeline for the current, ongoing hiring process. He also noted that the Commission has conducted over a half dozen or so hirings and promotions in the past 10 years, and they typically take several months. He also noted that the current hiring process was on-track but has been muddled due to the actions of others (the police chief, former secretary Serafin) and that Commission is continuing the process while also investigating the numerous issues and legal matters thrust on the Commission:

- 11/10/2023 Police Officer Norton notified the chief that he was resigning.
- 12/19/2023 Council requested a new eligibility list to replace Officer Norton. This request was not emailed, it was left in the Clerk’s mailbox at the borough building.
- 12/27/2023, Clerk received the written letter from Council and emailed to the Commission on the same day.
- 12/27/2023 Commission called for a meeting
- 12/27/2023 Clerk requested meeting be advertised with BM
- 12/28/2023 Boro Manager confirmed ad would run on 12/29
- 12/29/2023 ad run, per Boro Manager
- 1/2/2024 meeting could not happen due to lack of quorum, meeting was reschedule to 1/11
- 1/11/2024 rescheduled meeting held, approved 1 month application period, extend up to 2 months if less than 3 received (per Police Chief’s request)
- 1/19/2024 Boro Manager confirmed as would run.
- 2/16/2024 application deadline, none received by commission, 1 month extension applied
- 3/12/2024 Boro Manager requested application deadline extension to 4/15
- 3/12/2024 Clerk notified Commission of request and need to have a new meeting
- 3/16/2024 extended application deadline, still no applications received by the Commission
- 3/28/2024 meeting could not be held due to lack of quorum
- Multiple meeting dates were considered by Commission
- 4/2/2024 a suggested meeting for this day could not be held due to lack of advertising time
- 4/10/2024 meeting held
- 4/15/2024 Clerk sent draft ad to Commission
- 4/16/2024 Boro Manager sent a draft advertisement on 04/16.
- 4/18/2024 Commissioners all confirmed to use Clerk’s draft.
- 4/21/2024 Ad ran in the Citizen’s Voice for new application period through 06/14
- Clerk noted that at recent Council meetings, the Mayor and other members of Council have been pushing to “hurry” the hiring process, claiming that there is a staffing crisis and that officer and resident safety are at risk, The Clerk, who was a sergeant with the police department until 04/02/2024,

refuted that there is a staffing “crisis”, let alone one that requires the Civil Service process to be rushed or circumvented:

- There are currently 5 full-time officers working 40 hours per week and 1 part-time officer working 8 hours per week, plus an administrative chief of police. There are only 168 hours in a 7-day week, but the officers provide 208 hours of coverage during that same period, meaning there are 40 hours “extra” per week for time off, additional coverage, etc. The Clerk noted that in his eight years with the department, this is one of the best coverage rates and they have previously been worse off.
- The department has had a consistent turn-over rate of 1-2 officers leaving per year; the Commission can only create an eligibility list when requested by Council. The Clerk noted that neither Council nor the PD have ever implemented a plan to address these losses, and simply request a new eligibility list when someone leaves.
- Timeline of request for current, ongoing process was reported above
- Timeline of hiring process historically was noted to be several months.
- Clerk noted that any current “delay” has been caused by the mishandled application, even though the Chief knows the proper process and the Commission has previously held investigations and formal hearings to remove applicants from the process. If the prior application had been turned into the Commission, the testing process for that applicant would have already been completed and that person hired (assuming they passed the examination process).
- The Clerk noted that Civil Service requires Strict Compliance and that “streamlining” or “rushing” the process violates the spirit and letter of the law.
  - Clerk noted that only three people present on the Commission or in the audience have actually attended the PA Association of Boroughs Civil Service Training, the Clerk and Chairman Swaback and former Secretary Serafin, and that the information being presented to the Commission and the public audience is based on that training (note that the audience included former Secretary Serafin, Borough Manager Bonnie Arnone, Council President Tom Murray, and Council Vice President Cara Devine).

Clerk noted the need to appoint a new Solicitor as none have been appointed for several years. The Clerk also reviewed the questions (below) that need to be discussed with the Solicitor and action taken. Motion by Vice Chair Michaels to obtain a Solicitor and review these matters with him/her and take action on them while also continuing with the current process to establish an eligibility list so as not to delay the process, second by Rob Craig, unanimous consent.

- 1) Investigation into the mishandled application.
- 2) Should the Commission move forward with a “new” application period while there are such issues with the “expired” application period?
- 3) Legal liability for the borough, the Commission, etc due to the mishandled application. Applicant’s potential legal course of action against the borough for being excluded from testing by the police chief.
- 4) Commission received a Right to Know Request from the Borough Mayor. Solicitor advice on how to respond is needed, since most items appear to be non-records maintained by the Commission and the records created by the Commission (e.g., minutes, annual reports) do not appear to have been retained by the former Commission Secretary or turned over by him to the Borough Secretary. The Clerk and acting Secretary Craig may need to recreate these records.
- 5) Investigation into the service of former member Serafin and what actions are needed to correct issue, including prior hirings and missing documents.
- 6) Confirm status of voluntary clerk. The Council President at a recent meeting said he wanted to “replace” the Clerk with the borough secretary, but the Commission has repeatedly stated it chooses its own support staff and the clerk will continue in his voluntary capacity with the Commission
- 7) Confirm Craig’s continuation on the Commission as a voting member for all of these items and all matters before the Commission when he was designated, per Boro Code 1174 and 1172(d)(2) and Rules 2.3(3)(a) and 2.1(3)(a).

Discussion about the need to revise the civil service rules, including but not limited to the items noted below. Motion by Chairman to have the Clerk and acting Secretary Rob Craig complete a revision to be sent to Council, second by Vice Chair, unanimous consent:

Add part-time officers

Incorporate physical agility test

Add detective position (per request made of Council by the police chief)

Detail the application receipt and distribution process.

Public comment was accepted throughout the meeting. There was discussion between the audience and Commission members about how to properly handle incoming applications during the new application period. The Borough Manager was advised by the Chair to retain all applications in sealed envelopes and he will make arrangements to get them from her. There was discussion on revising the application criteria to encompass more applicants, including reducing the age limit to 18 and of sending applicants without police certification to the Academy. The clerk noted these items for possible inclusion in the revised Rules.

Next meeting to be determined after the Chairman has researched a new solicitor and once the new application deadline of 6/14 passes.

Motion to adjourn by Vice Chair Michaels, second by Chair Swaback, unanimous consent.

Meeting adjourned at 633pm.