

**Haines Borough
Borough Assembly Special Meeting
March 15, 2013**

MINUTES

Approved

THIS SPECIAL MEETING WAS HELD SOLELY FOR CONSIDERING THE ITEMS LISTED ON THE PUBLISHED AGENDA. NO ADDITIONAL ISSUES WERE CONSIDERED AT THIS MEETING.

1. CALL TO ORDER/PLEDGE TO THE FLAG

Mayor **SCOTT** called the meeting to order at 5:32pm in Assembly Chambers and led the pledge to the flag.

2. ROLL CALL

Present: Mayor **SCOTT** and Assembly Members Debra **SCHNABEL**, Jerry **LAPP**, Norm **SMITH**, Steve **VICK**, Joanne **WATERMAN** and Dave **BERRY**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Gary **LOWE**/Chief of Police, and Jane **CLARK**/Dispatcher, Rosalie **LOEWEN**/Dispatcher, Jila **STUART**/Finance Director, and Joe **PARNELL**/Assistant Harbormaster.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Dave **KAMMERER**, Mike **CASE**, Rebecca **MALONE**, Bob **DUIS**, Sue **WATERHOUSE**, Shelina **TURNER**, Jim **GREEN**, Bill **ROSTAD**, Linda **KERSTEAD**, Dan **HAUSER**, Teresa **DEROSA**, Victoria **MOORE**, John and Suzanne **NEWTON**, Jennifer **FORD**, Leo **SMITH**, Kelly **LOWE**, Dan and Katie **NORTHROP**, and others.

3. APPROVAL OF SPECIAL MEETING AGENDA

Motion: **LAPP** moved to "approve the special meeting agenda," and the motion carried unanimously.

4. PUBLIC COMMENTS

CASE supports good governance. He hasn't seen minutes, but if it's not about a threat, evil, damage, or injury, this is moot. The assembly should not consider taking action this evening.

MALONE does not read the newspaper, and she supports the chief. Professionally he is respectful and compassionate, including toward those in his custody. The chief and staff have non-aggressive behavior. Dynamics are not always understood by the public. Internal education and conversation should be done before going out to the public.

KAMMERER said there should be no room for tolerance when it comes to the public trust.

TURNER was a dispatcher from February 2010 to December 2011. She believes terminating the chief's employment would be a mistake. She never had any issues with working with him. She is currently a university student pursuing a degree in criminal justice and without him she does not believe she would be pursuing this career. He was supportive, and she 100-percent supports him.

GREEN has tried to keep up with this issue in the paper and doesn't know all of the details. Through the fog, he sees what happens to the town a lot, and believes this is politically motivated. He doesn't want to see a revolving door in a high-level position. From what he sees, the chief has done a good job for the community. People are concerned about this. Don't just sweep people out with political winds. Give him a chance to make it right.

CLARK, dispatcher since 2006, has worked under the both Chief Lowe and former Chief Goodman. She has never felt intimidated or threatened. She was approached by an assembly member after the last meeting and she felt that was very wrong. She is also offended that the newspaper reported that the whole department was upset.

ROSTAD lives on Lutak Road. All he knows is what has been in the newspaper. He would like to know what happened with the employee's complaint. He is concerned that this is an effort to railroad somebody out of town.

Mayor **SCOTT** reminded that tonight's meeting is solely about the March 5th comments by the chief.

KERSTEAD has tried to stay out of politics but feels it's important to give voice to her opinion when she feels strongly. Chief Lowe has always been ethical and honest. He meets those qualities to the highest bar. She finds that any perceptions or accusations of deliberate misleading are highly out of character for him. She would suspect that to be a misperception. She has experience with the police department and believes she knows the chief well, and he meets the highest standards of ethical behavior.

LOEWEN has been a dispatcher for the past 15 months. Chief Lowe is a great boss and has been nothing but fair. He is always accepting of comments and suggestions of which she has many. He's always receptive and accepting. The department is headed in the right direction, and she hopes for continued support.

HAUSER has known the chief for a few years, and he is an honest and charitable man. Most of what he knows has been hearsay. Being harshly spoken to is not necessarily unprofessional. If there is something to this, he would appreciate seeing actual facts.

KURZ said he met Chief Lowe 4-1/2 years ago and had a short discussion about this town's history with police chiefs. The assembly needs to be very careful, because it's not just the chief's credibility on the line. As far as harshness, sometimes things are misunderstood. A little understanding should be taken into account.

DEROSA has always known the chief to be an honest and good man, and she agrees with every good comment made this evening. She would love to know the facts from March 5th. From what's she's seen and heard he's being treated unfairly.

Mayor **SCOTT** said the assembly is concerned and the only way they can come to a conclusion is to come together and discuss this.

MOORE supports the chief. She appreciates what he has done for this community. His door is always open and he is very honest. He's always willing to educate in safety. All she knows is what the paper has said, and it concerns her that internal issues have been brought to the public with missed steps. Some procedures were missed. Individual assembly members should not be doing their own investigation. This is putting doubt and fear in the community.

S. NEWTON is not a political person. She was a borough employee when the chief was hired. Like everyone else, she has not been privy to meeting transcripts. A threat is the perception of the person receiving the threat, and Chief Lowe felt it was a threat. The paper said this was a meeting to terminate him. Whoa! She thought it was a conversation. There is a problem with an employee. The chief was told to make a plan and he hasn't had a chance to present or implement it. She agrees that it seems like an attempt to railroad him out of town. That's not cool. That's why she left the borough.

FORD, wife of Sergeant Ford, said if this meeting is in regard to what the chief said at the last meeting. If he really felt threatened by Tom Morphet and he was asked about it, doesn't he have a right to say that? What message does that give to the other employees? If you feel threatened and then have a comment be used as grounds for termination, then that's very troubling. She asked the assembly to consider the ramifications of terminating someone because they said they felt threatened.

A citizen named **Beverly** said the chief and his family help this town. The assembly needs to know more and termination efforts are moving too fast.

SMITH has seen a lot of police officers come and go---some good, some bad. Also, assembly members both good and bad. He supports the chief. It's not an easy job in this town.

K. LOWE thanked the supporters and said she cannot believe they are even in this situation. She's so proud of her husband's integrity. She's confused about why this is happening. If the individual assembly members are not allowed to conduct investigations then why was Assembly Member Schnabel allowed to go to the chief and encourage him to resign. How is that right?

STUART reminded that the Charter says the officers are under the direct supervision of the borough manager. **SCOTT** said correct. The assembly can only give direction to the manager regarding an officer as a collective body.

J. NEWTON said the mayor and assembly keep saying the chief works for the assembly, but they need to remember the mayor and assembly work for the public.

5. **BUSINESS**

A. **Matter Concerning the Chief of Police**

Note: this meeting was called at the request of three assembly members for the purpose of discussing the actions of Police Chief Gary Lowe during the March 5, 2013 borough assembly meeting.

Motion: **BERRY** moved to "suspend the rules to allow discussion of the issue prior to making a motion," and the motion carried unanimously.

SCOTT noted at any time during the discussion, a motion can be made.

SCHNABEL said at the March 5th meeting, the mayor asked the chief to give comments. As he spoke, she became concerned about his recollection of a meeting he had attended. He characterized it as a meeting where he felt threatened by Tom Morphet, but Mr. Morphet remembers it differently. That's why she asked the chief if he felt personally threatened and he said he did. Her confidence in the chief's appreciation of the importance of exchanges with the media was shaken. She called to question his motivation in telling the story he told. She has not had an opportunity to discuss with the other members of the assembly whether that characterization concerned them, as well.

WATERMAN said in reference to the statements the chief made, she felt he spoke about two things---his meeting with Mr. Morphet and a personnel matter. The personnel matter was more of a concern to her. It allowed easy identification of the employee and in some ways was a breach of confidentiality. This is the assembly's way to talk with the chief. She feels strongly that there is a responsibility to protect the employees and the borough through the personnel policies. That responsibility is very important to her. As one of the ones calling for this special meeting, she felt this conversation with the chief needed to happen quickly.

BERRY was not at the March 5th meeting. Perception is everything. Mr. Morphet and Chief Lowe each walked away with a different impression. Reading the transcript, he doesn't know how the employee can be identified from the words that were spoken, and that's his perception.

VICK responded that in small towns with small departments, it can be easy to identify who the employee is, and it's important to be aware of that. The assembly members and borough officers need to be very careful of public comments.

LAPP said he signed on for the special meeting to get everything out in the open. After reading the transcript, it was partly the assembly's and mayor's fault that evening. The officials should have called for an executive session. He does not see this as a job-threatening thing here.

SMITH was out of town during this. He has listened to the audio recording and has read the written transcript. This seems rather trite to him. He has a hard time supporting this without all players on deck. If he was in charge, he would be interviewing everyone in the police department. He doesn't see anything on the paper that's glaringly in error.

SCHNABEL said the heart of the matter for her is that we have a police department that calls for a high professional standard. It's inappropriate for a chief of police to say in public that stories in the newspaper are the first of a series of attacks on the police department. The community cannot afford to have its government accusing the media of having a vendetta against it for whatever reason. That's an important thing for her. That's the zinger. It's not appropriate to think that the reporting of what we do is a vendetta against us.

VICK said after that meeting, there was a level of discomfort. He agrees that the some of the talk was most likely inappropriate, and the chief should be aware of that. The standard of communication for a borough officer should be higher.

WATERMAN said she was uncomfortable. Her expectations of a public officer are very high. She was taken aback by the words that the chief used. She believes as a professional, especially in the police department, he should be able to be calm and strong and authoritative but come out of the situation clear. A borough officer's job is to protect the citizenry, employees, and the borough. She has a higher expectation of the chief's role as chief of police and as an officer of the borough.

BERRY asked where the Charter states the chief of police is an officer of the borough. **COZZI** explained the Charter does not say it. Several years ago, the assembly adopted an ordinance making the chief of police a borough officer.

SCHNABEL asked Chief **LOWE** if he can appreciate her concern about the statements regarding the media. Mayor **SCOTT** clarified that this question is from an individual member and not the collective group. **SCHNABEL** withdrew her question.

Chief **LOWE** appreciates the comments. He wants to be as open and honest, as possible. When asked to speak on March 5th, he wanted to take ownership of what he did and apologize for his actions. He felt it was important to try to give the entire story without identifying the people involved. His intention was never to have that happen, and if he did he's sorry. There is a course of corrective action and he is proceeding through it. The media issue is a matter of perception. He gave his honest opinion that he felt threatened by words, voice inflection, and body language. He offered his interpretation of that. Perhaps it should have been in a closed session.

Mayor **SCOTT** asked if the concerns have been allayed since this meeting was called out of concern. The matter will be on the March 26th agenda when the improvement plan will be brought to the assembly along with the performance evaluation. She expects that to be reviewed in executive session.

VICK asked if the chief understands the concerns of some assembly members about the words used. **WATERMAN** echoed that. Her expectations of that position are high. The chief needs to be able to come out of a contentious meeting and have a calm accounting of it.

SCHNABEL moved to direct the manager to administer the appropriate reprimand to the chief of police for his statements on March 5th about the media and personnel, but following some discussion that included concerns about the word *reprimand*, she withdrew the motion with no objection.

SCHNABEL said she has the faith that the manager can weigh the degree of harm that may have been done and that he can find an appropriate consequence. Verbal, something in the file, whatever the administration believes is appropriate to the charge. **WATERMAN** agreed. The manager is the chief's supervisor. The chief has heard what the assembly has to say. **VICK** said his concern is more that the chief be educated. **SMITH** said the idea of reprimanding anyone for feeling threatened is ridiculous. He doesn't like this. **WATERMAN** said she has strong feelings about what happened on the 5th and wants to correct the problem and create an environment of learning. That would be her goal.

Motion: **VICK** moved to "direct manager to apply corrective action to ensure that the concerns of the assembly in relation to the statements made by the chief of police made during the March 5th meeting are addressed," and it was amended to include appreciation for a respectful relationship between law enforcement and the media as well as appropriate public comments in dealing with personnel matters. The amended motion carried 4-2 with **BERRY** and **SMITH** opposed.

Final Amended Main Motion:

Direct the manager to apply corrective action to ensure that the following concerns of the assembly in relation to the statements made by the chief of police made during the March 5th meeting are addressed:

- appreciation for a respectful relationship between law enforcement and the media,
- as well as appropriate public comments in dealing with personnel matters.

LAPP asked the manager if this sounds alright to him. **EARNEST** said there is a sincere willingness to address these issues. He has confidence that this can be accomplished. He will be bringing the borough officer evaluations to the assembly and they will be able to comment on them. This is good. It respects the process.

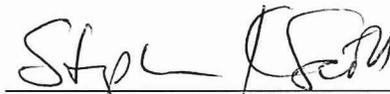
6. ADJOURNMENT – 7:02pm

Motion: **VICK** moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor