



November 15, 2012

A regular meeting of the County Probation and Parole Officers' Firearm Education and Training Commission convened at 8:57 a.m. on November 15, 2012 at the Toftrees Golf Resort and Conference Center, One Country Club Lane, State College, PA 16803. The following Commissioners (*) and other individuals were present:

Chairman Keith Graybill*
Vice Chairman R. Scott Schlechter*
The Honorable Mark Hamilton*
The Honorable Russell Shurtleff*
Commissioner John Yarnell*
Mr. Todd Burns, Executive Director

Mr. Nicholas Klimowicz, Adm. Officer
Mr. John Manning, Legal Advisor (PBPP)
Mr. Thomas Dougherty, Advisor (PBPP)
Mr. Gregory Young, Advisor (PBPP)
Mr. Robert McCullough, Advisor

1. CALL to ORDER and PLEDGE of ALLEGIANCE:

- ✓ Chairman Graybill announced that Commissioner Potteiger has asked for Advisor Greg Young to act as his voting proxy. Mr. Young was approved as a proxy.

2. REVIEW and APPROVAL of the MINUTES of the PREVIOUS MEETING:

- ✓ Legal Advisor Manning asked that attorney/client privileged communication not be included in meeting minutes.

MOTION 1211.01: Motion was made by Commissioner Schlechter to strike (remove) the entries from the September meeting minutes referencing Attorney John Manning (under Policy Committee report). Advisor Young seconded the motion and it was passed by a unanimous voice vote.

- ✓ Chairman Graybill asked if it would be advisable to note who recorded the minutes. Executive Director Burns stated that the Commission Secretary records and transcribes the minutes and then the Executive Director reviews and submits them to the Commission.

MOTION 1211.02: Motion was made by Commissioner Shurtleff to approve the amended minutes from the September 19, 2012 meeting. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

3. ANNOUNCEMENTS:

- **Chairman Graybill**

- ✓ Chairman Graybill announced the appointment of Commissioner Erik Christensen to the Curriculum Committee effective January 1, 2013.

- ✓ Chairman Graybill announced the planned presentation of the plaque for Attorney Linda Laub will have to be rescheduled for the January meeting.
- **Executive Director Burns**
 - ✓ Executive Director Burns announced that Allegheny County juvenile probation officers now have the option to carry. Their department is expected to hold an in-house BTA in the spring for approximately 60 officers.
 - ✓ Executive Director Burns announced that Bedford County may arm; he spoke with the county's President Judge in October.
 - ✓ Executive Director Burns announced a proposal from the Palmyra Sportsmen's Association (PSA). The PSA wants to build a covered range and is asking for \$5,000 up front which will act as credit towards future BTA range costs (estimated five-year's worth). This will also lock the Commission in at the current range rates. Commissioner Shurtleff asked for a written proposal from the PSA. Chairman Graybill asked what other range options are available. Advisor Young indicated the PBPP Training Division uses the ranges at the DoC Academy and at SCI-Camp Hill. Executive Director Burns voiced a preference for PSA and reminded the Commission that the FETC shed is located at the PSA. Advisor Young noted that neither the DoC Academy nor the SCI-Camp Hill ranges have indoor ranges for adverse light shooting.
 - ✓ Executive Director Burns announced that the Commission logo has been updated and now has two colors as per Governor's Office guidance. Commission forms have been updated with the new logo.
 - ✓ Executive Director Burns announced that the locations for next year's Commission meetings are pending the release of the approved hotels list from the Governor's Office. Advisor Young indicated that he had received said list and would forward a copy to Executive Director Burns.
 - ✓ Executive Director Burns announced the receipt of a CFI application from a non-law enforcement applicant. After the background check is completed, the application will be brought to the Officer Safety Committee for review.

4. **REPORTS of OFFICERS and STANDING COMMITTEES:**

- **Chairman Graybill**
 - ✓ Nothing to Report.
- **Executive Director Burns**
 - ✓ Executive Director Burns reviewed the current financial update. Chairman Graybill requested the addition of a current budget column to the expenditures report from PBPP.
 - ✓ Executive Director Burns reported an update to the Commission regulations.

- ✓ Executive Director Burns reported that all in-service classes have been run; 50 classes total. He was still waiting for the invoices with rosters from HACC.
 - ✓ Executive Director Burns reported the completion of the 70th BTA; there was one failure and one student injury.
 - ✓ Executive Director Burns reported that 80 students were run through FETC BTA's in 2012. He is expecting to run three full BTAs in 2013.
 - ✓ Executive Director Burns reported that he and Administrative Officer Klimowicz have conducted interviews for the Commission's Clerk Typist 3 position. A selection has been made and he is waiting for PBPP Human Resources to process the selection. Chairman Graybill stated was not directly involved in the interviews or candidate selection.
- **POLICY COMMITTEE:**
 - ✓ Nothing to report; did not meet.
 - **CURRICULUM COMMITTEE:**
 - ✓ In the absence of committee chairman Eric Burkholder, Executive Director Burns reported that the Curriculum Committee met the previous day, November 14, 2012.
 - ✓ Executive Director Burns stated that the committee was making adjustments to the 2013 BTA.
 - ✓ Executive Director Burns voiced committee concern regarding counties running their own in-house BTA's and in-service courses year after year without any direct Commission supervision. It was suggested that Curriculum Committee members could conduct unannounced spot audits of courses conducted in-house.
 - ✓ Executive Director Burns reviewed the committee's discussion on back-up gun and long gun qualification and courses.
 - ✓ Executive Director Burns announced that Curriculum Committee member William Erickson was resigning from the committee and that yesterday's meeting was his last.
 - ✓ Executive Director Burns announced the committee's intent to begin work on a new Commission in-service course (Course 8); the course would be an all-range advanced shooting course.

MOTION 1211.03: Motion made by Commissioner Schlechter to order a plaque for William Erickson recognizing his years of service to the Curriculum Committee. Advisor Young seconded the motion and it was passed by a unanimous voice vote.

- ✓ Chairman Graybill stated that he would contact committee chairman Eric Burkholder regarding filling the vacant committee seat.

5. REPORTS of SPECIAL COMMITTEES:

- **SAFETY** - Will meet in December; date TBD.
- **FISCAL** – Nothing to report; did not meet.

6. UNFINISHED (OLD) BUSINESS:

- Although not on the agenda, Chairman Graybill asked for a discussion on difficulties administering approval of unbudgeted expenditures as set forth during the March Commission meeting (Motion 1203.02). Executive Director Burns stated that guidance would be helpful as to the definition of “unbudgeted expenditures” and financial criteria that would require the Chairman’s review and approval. Chairman Graybill asked that the issue be added to the agenda for the next Fiscal Committee meeting.

7. NEW BUSINESS:

- **Request for Initial CFI Status**
 - ✓ Ryan Altemier, Wayne County Adult Probation
 - ✓ Sean McGraw, Wayne County Adult Probation
 - ✓ Gary O’Neal, Columbia County Juvenile Probation
 - ✓ James Sweitzer, Berks County Adult Probation

MOTION 1211.04: Commissioner Schlechter made a motion to accept and approve the initial CFI status for Ryan Altemier, Sean McGraw, Gary O’Neal, and James Sweitzer. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- **Request for Renewal of CFI Status**
 - ✓ Jeffrey Aveni, Clearfield County Adult Probation
 - ✓ Timothy Ban, Allegheny County Adult Probation
 - ✓ Joseph Barry, Susquehanna County Probation
 - ✓ Michael Heisey, Dauphin County Juvenile Probation
 - ✓ Scott Patterson, Armstrong County Probation
 - ✓ David Zielinskie, Northumberland County Juvenile Probation

MOTION 1211.05: Commissioner Yarnell made a motion to accept and approve the renewal of CFI status for Jeffrey Aveni, Timothy Ban, Joseph Barry, Michael Heisey, Scott Patterson, and David Zielinskie. Commissioner Schlechter seconded the motion and it was passed by a unanimous voice vote.

- **Request for Initial MI Status**
 - ✓ Brian Rock, Lackawanna County Adult Probation

MOTION 1211.06: Commissioner Schlechter made a motion to approve the initial MI status for Brian Rock. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- **Petitions for Extension:**

- ✓ James Aston, Allegheny County Adult Probation

MOTION 1211.07: Commissioner Shurtleff made a motion to approve the extension for James Aston until April 30, 2013. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- ✓ Matthew Bryner, Lancaster County Adult Probation

MOTION 1211.08: Commissioner Yarnell made a motion to approve the extension for Matthew Bryner until August 31, 2013. Advisor Young seconded the motion and it was passed by a unanimous voice vote.

- ✓ Kimberly Corey, Warren County Adult Probation
- ✓ Kristine Demnovich, Westmoreland County Juvenile Probation
- ✓ Dana Epler, Allegheny County Adult Probation
- ✓ Kyle Jordan, Centre County Probation
- ✓ Manuel Nazario, Venango County Probation
- ✓ Lauren Pegher, Allegheny County Adult Probation
- ✓ William Starnes, Jr., Butler County Adult Probation
- ✓ Tammy Waters, Lawrence County Adult Probation

MOTION 1211.09: Commissioner Schlechter made a motion to approve the extensions for the remaining applicants with their requested extension dates [Kristine Demnovich until July 1, 2013, Dana Epler until April 30, 2013, Kyle Jordan until October 25, 2013, Manuel Nazario until November 1, 2013, Lauren Pegher until April 30, 2013, William Starnes until November 29, 2013, and Tammy Watters until April 30, 2013]. Commissioner Yarnell seconded the motion and it was passed by a unanimous voice vote.

- ✓ Molly McCarthy, Northumberland County Juvenile Probation

Executive Director Burns stated that while Ms. McCarthy submitted her medical documentaion in time, her Approving Authority missed the extension application submission deadline despite several reminders. Executive Director Burns inquired as to whether or not Regulation 79.24 can be waived; a review of the regulation determined that it could not be. No Commission action was taken on the application. It was recommended that that the Commission send a letter explaining why the Commission could not act on the application.

- **BTA Injury Policy (79.15)**

- ✓ Executive Director Burns reported an injury that occurred during the 70th BTA range. Because of said injury, the student was unable to qualify on the final day of the course. The student did, however, complete all drills during the previous days. Executive Director Burns requested procedural guidance as it related to Regulation 79.15(b). Executive Director Burns relayed the Curriculum Committee's recommendation that a non-department CFI run the student through the qualification course within 90 days.

MOTION 1211.10: Commissioner Yarnell made a motion to send Executive Director Todd Burns or Administrative Officer Nicholas Klimowicz to Adams County to qualify Stephanie Black. Commissioner Shurtleff seconded the motion and it was passed by a unanimous voice vote.

BREAK 10:17 a.m. – 10:36 a.m.

- **Purchase of Staff Vests**

- ✓ Chairman Graybill stated that he had the topic added to the agenda after receiving an inquiry concerning their purchase. Executive Director Burns stated that prior to their purchase over a year ago, the vests were discussed during both a Curriculum Committee and Commission meeting. Commissioner Schlechter inquired into the need to have the Commission Secretary present on the range during BTA live fire and whether or not her assistance on the range falls within the scope of her duties. Commissioner Shurtleff stated that the matter could be dealt with internally and that it was not necessary to discuss such administrative details at a Commission meeting.

- **Appointment of a Teller's Committee to Count the Ballots for the January Election**

- ✓ Chairman Graybill announced the creation of a Teller's Committee to count the ballots at the January election; the committee would then report the results back to the Commission. Chairman Graybill appointed Advisor Young, Advisor Dougherty, and Advisor McCullough to the Teller's Committee and named Advisor Young as its chairman.

- **Implementation of the September 19, 2012 Resolution**

- ✓ Chairman Graybill noted that Executive Director Burns was given the opportunity to make a written request that clarification on the implementation of the resolution be discussed during open session. Chairman Graybill stated that Executive Director Burns failed to submit such a written request and so waived the right to have the issue discussed in open session. Executive Director Burns noted that he chose not to waive his rights of confidentiality regarding personnel information. Chairman Graybill stated that he had communicated to Executive Director Burns, in writing, the terms of the reporting guidance and that no clarification was asked for by Executive Director Burns. Commissioner Yarnell asked if Chairman Graybill was happy with Executive Director Burns' reports and job performance; Chairman Graybill answered

that he was satisfied, although he would recommend deleting some things from the reports and changing the format of the reports.

- **2013 Meeting Dates**

- ✓ January 17, 2013
- ✓ March 21, 2013
- ✓ May 16, 2013
- ✓ July 18, 2013
- ✓ September 18, 2013
- ✓ November 21, 2013

8. LEGAL ISSUES and COMMENT:

- Legal Advisor Manning announced that he had made an inquiry with Administrative Officer Klimowicz to ensure publication of the Commission meeting announcement as mandated by the Sunshine Act.

9. PUBLIC COMMENT and QUESTIONS:

MOTION 1211.11: Commissioner Yarnell made a motion to adjourn at 11:07 a.m. Commissioner Hamilton seconded the motion and it was passed by a unanimous voice vote.

Respectfully Submitted,



Todd Burns
Executive Director