



November 1st, 2024 MINUTES for the
REGULAR MEETING OF
THE CITY OF ALLENTOWN CIVIL SERVICE BOARD
5TH FLOOR CONFERENCE ROOM

Board Members in Attendance:

Walter Felton, Secretary
John S. Stribula Chairman
Maria Brace Board Member
Daniel Blount, Alternate Board Member

Staff in Attendance:

Dave Layton, Sgt. APD
Christian Williams, Deputy Chief AFD
Matt Eharth, Deputy Chief AFD
Adam Rosenthal, Assistant City Solicitor
Christopher Mathews, APD

J. Wesneski, APD
Erik Landis, APD
Joshua Mazin, Board Solicitor
Sarah Rotz, Asst. Solicitor
Hiba Khouri, Human Resources

Absent: Alternate Board member Hailey.

Call to Order

The meeting was called to order at 9:02 a.m. by Chairman Stribula.

Roll Call

Secretary Felton called the Roll, and a quorum was present.

Minutes

Minutes of the previous regular meeting October 4th, 2024 were presented. **A motion was made by Brace, seconded by Felton to approve the minutes. Motion passed 4-0 (Blount alternate).**

Chairman Stribula asked for and received unanimous consent to dispense with the order of business.

Chairman Stribula asked of Rosenthal and Mazin whether they had a business relationship or know each other beyond their work as attorneys. Both answered in the negative.

Unfinished Business

Sergeant's List

The first order of business was the unresolved Sergeant's appeal of Wesneski and Klusaritz. There was a discussion regarding representation and the ability to satisfy the request of Wesneski to see scoring sheets. The lack of an appeal Hearing date was discussed. At 9:10 a.m. a phone call was made to Attorney Caputo to discuss representation and possible scheduling dates for the appeal hearing. The Caputo phone call went to voicemail and a message was left.

Archived Records

Hiba Khouri reported that the archived records search is ongoing and she expects it to be completed by next meeting.

There was a discussion regarding the procedure of hiring with AFD and APD as it relates to the rule of 3, and the banding of candidates.

Board Secretary

There was a continued discussion about the status of the Board's Secretary. Chairman Stribula explained that in his 27 years of municipal government experience in the City of Allentown, the Civil Service Board always had an employee of the City serve as a secretary to the Board. That employee was generally the central figure to which information flowed in and out. Responsibilities included attendance at meetings, promotional processes, entrance examinations, custodian of records, recorder of minutes and distribution of minutes. Stribula further explained that the Board's secretary was removed by Mayor Tuerk and that the Board has been operating without a secretary for the last year. The Third Class City Code has language which provides for the Board to hire a secretary. Board Secretary Felton stated in his 42 years of service to the City, he has not witnessed this kind dysfunction and that a solution needs to be achieved. Felton further stated that taking minutes of the Board is not by law and practice a function of the appointed members and that this meeting will be his last meeting doing so. **There was a motion by Brace, seconded by Felton to incorporate section 14409 of the Third Class City Code into the Board's Internal Operating Procedures providing for hiring a secretary and compensation for that position. Motion carried (3-0) with Blount also voting in the affirmative.**

Following the motion, the mechanics of the motion was discussed. Procedurally two members of City Council must introduce the Bill and subsequently be voted on by Council. Chairman Stribula charged Board Solicitor Mazin with the responsibility of drafting the Bill.

New Business

Police Department Report

Sergeant Dave Layton gave a Police Officer Candidate Report. The existing Police Candidate list has been exhausted and the APD is in the process of advertising for applications and formation of the new list. There was a brief discussion on the process of attracting candidates, and the written and physical agility portions of the test.

Human Resources presented an APD assistant Chief promotional list for approval. There were 3 candidates that were tested. There was a discussion referencing the prior problems with scoring calculations and that it was important that the board verify the scores. Board member Brace emphasized that “If we don’t check, it can come back to haunt the Board...”

HR Generalist produced the calculations prepared by Generalist Steve Salloum. The individual scoring was read aloud to Chairman Stribula by Hiba. The calculations were correct¹. **There was a motion made by Felton, seconded by Brace to approve the Assistant Chief List. Motion carried (3-0) with Blount also voting in the affirmative.**

Fire Department Report

Christian Williams presented 3 promotions to be approved by the board:

Matt Eharth, Deputy Chief	Effective October 26, 2024
Dustin Grow, Asst. Chief of Training	Effective October 26, 2024
Mark Kennedy Lieutenant	Effective October 26, 2024

There was a motion made by Felton, seconded by Brace to approve the Assistant Chief List. Motion carried (3-0) with Blount also voting in the affirmative.

The Board moved back to the issue of Wesneski reviewing oral examination scoring. An open discussion was held. It was confirmed there was no fee agreement between the parties. A handwritten representation letter was authored by Wesneski and sent by email to Caputo severing any engagement between the parties so that scoring sheets could be reviewed.

After the City was satisfied there was no impropriety, the City permitted Wesneski to review the oral examination scoring sheets. Khouri and Wesneski then moved to the Human Resources department for review. A handwritten representation letter was authored by Wesneski and sent by email to Caputo severing any engagement between the parties so that scoring sheets could be reviewed.

¹ AFD Deputy Chief Williams inquired/confirmed that this proof of calculation is expected by the Board in future entrance and promotional lists. Stribula stated that to save time for all present, the calculations should be provided in advance.

Dedicated Board Email addresses

There was once again a discussion regarding City assigned emails for the Board. The Board received an email from Rosenthal stating that none of the other board's commissions are assigned email accounts. There was a discussion regarding the hacking the City encountered and security concerns. Brace stated that personal emails could certainly be subject to Right to Know Law requests. **There was a motion made by Brace, seconded by Felton to write a letter to the Mayor regarding email accounts. Motion carried (3-0) with Blount also voting in the affirmative.**

There was a brief discussion on Brace's expiring term in January 2025. Stribula stated that in the past, the City has taken the position that service on the Board continues until a replacement is appointed by the Mayor.

With no other business before the board, the meeting was adjourned.

Respectfully submitted,

Walter Felton
Secretary.

Staggered Board Terms

Chairman Stribula presented a letter prepared by Board Solicitor Mazin, sent to the Mayor, regarding the 3rd Class City Code/Home Rule Charter issue of staggered terms for Board members.

Board Secretary

There was a report from Acting Human Resources Director John Ferry as it regarded the restoration of a dedicated Board secretary. Ferry reported that the City had a candidate ready to fill the position, but that individual has since resigned.

Past Meeting Minutes and Records

John Ferry also reported on the Board's request as it regarded Archived/Past Board meeting minutes actions, reports and documents. Ferry stated that the Human Resources Department is gathering the documents, and the next step in the process is to retrieve available hard copy records in the records vault.

Human Resources Director

Ferry also reported that his 90-day temporary appointment is set to expire October 12th? and he is uncertain if or when a successor will be temporarily appointed.

Dedicated Board Email addresses

There was a discussion regarding City assigned emails for the Board. Board member Brace reported that she is familiar with other Government boards or commissions that the issue of emails and right to know requests presents problems for members who use personal email addresses for Board business. Chairman Stribula reported that the Board has been trying since May 2024 to get assigned email addresses by the City to avoid using personal email addresses. Brace stated she unwilling to use personal email for Board related business. Stribula stated that in months prior he has set up multiple addresses through Gmail to address the same concerns. Stribula reported that he uses ACSboard1@gmail.com and believes he has also setup the unused ACSboard2@gmail.com email address. In addition Stribula has created the ACSboardarchive@gmail.com.

City Solicitor Rosenthal stated he would look into the possibility of the City providing email addresses.

Minutes and Meeting postings

Gerald, of Information Technology addressed the Board and the issue of meeting notices and minutes being posted on the website. Gerald stated that posting requests normally go through the City Clerk. Stribula thanked Gerald for providing this information and indicated will notify the City Clerk of upcoming events.

Secretary assignment

Board member Brace returned to the discussion of the Board having a secretary as it has had in the past. There was a motion made by Brace, seconded by Felton, that in the event that the City does not assign a secretary to the board by October 31st 2024, that the Board proceed with amending its internal operation procedure rules to provide that the Board can hire its own secretary. Motion passed (3-0) with alternate Board member also voting in the affirmative.

The following promotions were reported:

Jonathon Flissar promoted to Lieutenant August 17, 2024

Theodore Maguire was promoted to Captain effective August 17, 2024.

James Boyle was promoted to Battalion Chief effective August 3, 2024.

Service Credit Purchase

2024 Act 49 provides for purchase of Service credit for prior Police Department time.

Human Resources presented a question regarding the Police and Fire Civil service promotional rules, specifically Rule 1 as it relates to Mayor notifying the board of a vacancy and a list established. Solicitor Mazin stated that Rule I needs to be reviewed alongside Rule VI. In essence, the promotional list is established by Rule VI and the Rule I is in reference to that. There was a discussion that the City does not follow Rule VI section b in that the City does not ask the Board to certify the list of 3 eligible's. Board member Brace expressed dissatisfaction in that the City has not followed this provision that it could open the Board and the City to litigation. With the number of hiring and promotions there was a discussion on the application of this rule, and whether the Board could effect these lists by Zoom.

Brace stated that in the future the City should consult the Board within the provisions of the rule before making the promotion.

Subpoenas

President Stribula reported that at the September Board meeting the Board made 2 motions for 2 separate Subpoenas and another motion that in the event that the City did not satisfy the motion, that the Board proceed to the Court of Common Pleas.

There was a motion by Brace, seconded by Felton to affirm the September motion to proceed to the Court of Common Pleas in the event that the City did not satisfy the two underlying motions/subpoenas. Motion carried (3-0) with alternate Blount also voting in the affirmative.

The Board went into executive session to review oral questions for the Police and the Fire Departments. Upon returning from executive session, the following motions were made:

Fire: Captain of Suppression, Battalion Chief, Fire Marshal, and Lieutenant.

The board approved the questions by Motion made by Brace, seconded by Felton and passed (3-0) with alternate Board member Blount also voting in the affirmative.

Police: Assistant Chief Oral questions were also presented and approved by a motion made by Brace, seconded by Felton and passed (3-0) with alternate Board member Blount also voting in the affirmative.

The motions were made with the proviso that the Department creates a rubric for the questions.

A Motion was also made to approve the oral examiner for the APD Assistant Chief interview. Motion made by Brace, seconded by Felton and passed (3-0) with alternate Blount also voting in the affirmative.

Adjournment

Motion made to adjourn by Brace, seconded by Felton and passed (3-0) with alternate Blount also voting in the affirmative.

Meeting adjourned 12:00 P.M.

Next Meeting Details

The next meeting is scheduled for 9:00 A.M., Friday, November 1, 2024, in the 5th Floor Conference Room, City Hall, located at 435 Hamilton Street, Allentown, PA, 18101.

Submitted,

Walter Felton, Secretary