

**Minutes of the Regular Meeting of the  
Northwest Regional Lancaster County Police Commission  
Held on January 27, 2009**

1. Gerald G. Cole called the meeting to order at 6:30 P.M. in the West Donegal Township Municipal Building, One Municipal Drive, Elizabethtown, PA 17022. Gerald G. Cole led the pledge of allegiance.
2. Roll Call: Present – Charles A. Tupper, Steven J. Speers, Gerald G. Cole, Don L. Bosserman and Nancy Z. Garber.
3. Welcome new members to the Commission and organize for Year 2009.
  - a. A motion was made by Gerald G. Cole and seconded by Nancy Z. Garber to appoint Charles A. Tupper as Chairman. All members present voted in favor of the motion.

Mr. Gerald G. Cole turned the meeting over to the Chairman, Charles A. Tupper.

- b. A motion was made by Gerald G. Cole and seconded by Charles A. Tupper to appoint Don L. Bosserman as Vice-Chairman. All members present voted in favor of the motion.
- c. A motion was made by Charles A. Tupper and seconded by Gerald G. Cole to appoint Richard E. Forry as Secretary/Treasurer. All members present voted in favor of the motion.

4. Public Comment.

Dwayne Gretskey of A.S.A.P. Auto was in attendance to notify the Commission the 2001 Ford Crown Victoria (Car #4) is requiring an engine repair due to a major oil leak. Car #9 was retired and Mr. Gretskey was wondering when that would be coming up to bid. Mr. Gretskey asked if the Commission had looked into advertising on internet auctions since the local advertising is so costly. The Board indicated legally they are required to advertise in the local paper. Mr. Gretskey indicated York Springs has a public auto auction and would be willing to help the Commission in getting the car to the auction. Chief Sam Gatchell noted that 3 cars in the last couple of weeks have had transmission problems in addition to the repairs required for Car #4. Mr. Gretskey will obtain information and inform Richard Forry of his findings.

5. Consent Calendar:

- a. Approval and ratification of the minutes of the December 23, 2008 meeting.
- b. Accept and ratify the Treasurer's Report for the period of December 1, 2008 through December 31, 2008, subject to audit.
- c. Approve payment of all bills via Bill List #29-2008 in the amount of \$ 28,279.04; Bill List #1-2009 in the amount of \$ 16,684.13; Bill List #2-2009 in the amount of \$ 46,403.55; and Bill List #3-2009 in the amount of \$ 8,439.35; and ratify payment of all payrolls for the period of December 20, 2008 through January 16, 2009, inclusive, in the amount of \$ 78,246.97, which represents two pay periods.
- d. NRLCPC Police Pension Plan: Adopt Resolution No. 1-2009 whereby the NRLCPC Police Pension Plan is amended and restated in order to continue its compliance with the tax-exempt retirement plan requirements of the Internal Revenue Code of 1986 (as amended) Section 401(a).

A motion was made by Gerald G. Cole and seconded by Don L. Bosserman to approve the Consent Calendar as written. All members present voted in favor of the motion.

6. Policy – Dissemination of Protected Information:

Chief Gatchell reported the state is requiring that all police departments formally adopt this policy which is a sharing of intelligence between law enforcement departments through daily newsletters.

A motion was made by Nancy Z. Garber and seconded by Steven J. Speers to approve the policy as presented. All members present voted in favor of the motion.

7. Policy – End of Year Payroll:

Chief Gatchell noted that payroll at the end of the year paid officers using their regular pay rate for hours worked in that time frame and using the effective date of their pay increase to pay for hours worked in that time frame. Upon receipt of paychecks, an officer came forward and informed him an agreement was in place with the Police Commission that the end of the year payroll rate was determined by whichever period had the most work days in it. Chief Gatchell stated he checked with the former police chief, Casey Kraus, who confirmed that such an agreement was in place and that was past practice. Chief Gatchell recommended abiding by the past policy for 2008 into 2009 and requested authorization to approach the Officer's Association to adopt a policy where an officer is paid at the rate of the actual hours worked.

A motion was made by Gerald G. Cole and seconded by Steven J. Speers to adopt the Chief's recommendation relative to "end of year payroll". All members present voted in favor of the motion.

8. NRLCPC Police Pension Plan:

Mr. Richard Forry stated he met with two of the auditors for the PA Auditor General. The auditors observed that they did not like the separate billing of the non-uniformed pension plan to the municipalities. Mr. Forry recommended taking what would have been billed separately for the pension plan and include this charge in the monthly bill for the next 11 months and next year have the budget written to state the money will be included in the municipalities' monthly bill.

A motion was made by Gerald G. Cole and seconded by Steven J. Speers to adopt Richard E. Forry's recommendations relative to municipal contributions to the NRLCPC. All members present voted in favor of the motion.

9. Presentation of Commendations:

- a. To Officer Gregory S. Wahl – for his work in a complex Child Molestation Case. Chief Gatchell stated in January of 2008 the Northwest Regional Police Department received several complaints relating to indecent contact between children and Frederick Thomas Shambaugh, age 52. These acts occurred over an 8-year period and involved 8 children between the ages of 6 and 13. Sexual assault is among the most difficult crime to prove as it often comes down to one person's word against another. The entire process is very intimidating and stressful to the victims and the families involved. It takes an exceptional investigator to put victims at ease during these investigations. Officer Wahl spent countless hours conducting this complex and delicate investigation. Many of these hours were during his own personal time, for which he was not compensated. As a result of an intensive two month investigation, Officer Gregory Wahl charged Shambaugh with 2 counts of involuntary deviant sexual intercourse, 2 counts of aggravated indecent assault, 13 counts of indecent assault, 2 counts of indecent exposure and 9 counts of corrupting a minor. It is highly unusual for a victim or families to issue a news release after the conclusion of a criminal case. The families of these victims did just that. One parent wrote: "Officer Wahl's professional yet personal demeanor and understanding of the sensitive nature of this crime were a calming influence helping us through this difficult ordeal. Officer Wahl made us aware of what to expect and also helped us to understand what was being done through the whole investigative process as well as the criminal trial proceedings. His guidance helped make the ordeal less intimidating and stressful for all of us. From the initial contact with Officer Wahl until after the sentencing hearing, he remained a true advocate for us all." Shambaugh ultimately pled guilty to all charges. He was sentenced to prison for 12-1/2 to 25 years in a state correctional facility. When he is released he will be closely supervised by a state parole officer for another 10 years. He will also forever be designated as a sexual predator under the Megan's Law program. Officer Wahl's dedication and professionalism speaks well for our police department and our entire community. Through the victims' sacrifices and Officer Wahl's efforts, Frederick Shambaugh will spend a substantial part of his remaining years where he can no longer prey on the youth of the community. Our community is truly a safer place today. For this, I thank Officer Wahl for his dedication and hard work.
- b. To Officer Michael R. Bryant – for his work in solving a large Criminal Mischief to Property Case. Chief Gatchell stated in the evening hours of November 3, 2008 and into the early morning hours of November 4<sup>th</sup> numerous residents in Mount Joy Township, Mount Joy Borough, and Rapho Township were victimized by extensive acts of vandalism. At least 7 mailboxes and 31 windows in 24 vehicles were smashed. Officer Bryant, along with other officers, spent the better part of the morning on 4 November taking information from victims. While taking information from one of the victims they complained about the

neighbor's kids being loud and squealing tires. After obtaining information from this victim, Officer Bryant stopped at the residence where the neighbor's kids were being loud. A grandmother at the residence told Officer Bryant that her two grandchildren lived there. One grandchild was home and spoke to Officer Bryant. The grandmother told Officer Bryant the second grandchild was not home. Officer Bryant asked the grandmother if she would tell the second grandchild to call him when he gets home. The next night when Officer Bryant reported to work he noticed a note on another officer's desk. He recognized the name on the note as that of the second grandchild to whom he wanted to talk. There was also a telephone number on the note. Officer Bryant took the initiative to call the Mount Joy Township juvenile. Officer Bryant called the juvenile and asked him where he was the night before. The juvenile said he was home sleeping in bed. This contradicted what his grandmother told Officer Bryant the night before. Due to this conflicting information, Officer Bryant asked the juvenile to come into the police station; they would like to speak with him. A short time later the juvenile arrived at the police station and was interviewed by Officer Bryant. The juvenile continued to maintain he was home sleeping and did not know anything about the cars or mailboxes being damaged. During the interview, the juvenile gave the name of friends he was with earlier that evening before he went to bed. Officer Bryant, being a good police officer, continued to have doubts about what the juvenile was telling him. He also did not recall seeing the juvenile's car in the drive the night before when he was there. He decided to talk to the friends the juvenile said he was with earlier that evening. One of the friends Office Bryant was familiar with, a Gregory Schmitt. Upon his arrival, he was invited into the house by Mr. Schmitt and he found Gregory sitting in the living room. Officer Bryant immediately noticed what appeared to be fresh lacerations and scrapes on Gregory's arms. Officer Bryant was aware that blood had been found at one of the vandalism scenes earlier that morning. It appeared that one of the suspects had cut himself while breaking out one of the car windows. Officer Bryant then sat down in the living room and told Gregory he was investigating a series of vandalism incidents that occurred the night before. He mentioned that during one of the incidents the suspects had cut themselves on one of the windows. He then proceeded to inquire about the cuts on Gregory's arms. With a look of dejection, Gregory Schmitt admitted to being involved in the vandalisms. In addition, he implicated Corey Goldman, Robert West and a Mount Joy Township juvenile. The juvenile was the same one who told Officer Bryant he was home in bed sleeping. During the investigation, the three adults and one juvenile had stolen a bottle of Bacardi Rum and became intoxicated. After drinking, they jumped in the 17-year-old juvenile's car and began driving around neighborhoods breaking car windows, smashing mailboxes with baseball bats and numchuks. When it was all said and done, Officer Bryant was able to establish a rapport with the others involved. With their cooperation, Officer Bryant was able to identify 7 additional properties that had damage that were not reported to the police. As a result of the investigation, Officer Bryant charged Gregory Schmitt, Robert West, Corey Goldman, and the 17-year-old Mount Joy Township juvenile with 13 counts of Criminal Mischief, 1 count of Criminal Conspiracy to commit Criminal Mischief and 1 count of possessing instruments of crime. Mount Joy Borough Police and Pennsylvania State Police have also filed additional charges against the four defendants. Restitution is being sought for the thousands of dollars in property damage. Despite not having any substantial evidence or a single eye witness, Officer Bryant was able to build a case and solve these multiple crimes. In all probability, without Officer Bryant's persistence, these crimes would have gone unsolved. Chief Gatchell said "I ask that you join in commending Officer Bryant's persistence and excellent police work".

10. Correspondence:

- a. Police Activity Report – December 2008.
- b. Overtime Report – December 2008.
- d. Police Cruiser Mileage Chart – December 2008.

11. Other business:

Detective Position

Chief Gatchell stated that at the last meeting the Commission had tentatively adopted the Job Description for the Detective position on the condition that attorney Joseph Rudolph, Esq. review it and determine whether it makes a "permanent commitment" to fill the position. Mr. Rudolph was ill and Chief Gatchell spoke with Scott Blissman, Esq., an associate of Mr. Rudolph. Mr. Blissman feels there is no commitment to the Commission to fill the position. Mr. Blissman also recommended a test be done no matter how many or how few applied.

Chief Gatchell requested authorization to start exploring the testing processes and the cost. Mr. Tupper asked whether the Association had been checked with to see if they were agreeable. Chief Gatchell noted he had spoken to the President of the Association who has an upcoming meeting to discuss it with the rest of the body.

A motion was made by Nancy Z. Garber and seconded by Steven J. Speers authorizing Chief Gatchell to proceed exploring the testing processes and the cost therefore. All members present voted in favor of the motion.

Traffic Signal

Mr. Gerry Cole stated a grant application has been submitted that, if granted, would provide funding for the synchronization of the traffic lights from PA Route 743/PA Route 283 intersection, all the way through Elizabethtown Borough, to Cloverleaf Road. Each municipality currently synchronizes their own. PennDOT sets the time of the cycle.

12. Next regularly scheduled meeting of the Northwest Regional Lancaster County Police Commission **will be held on February 24, 2009, beginning at 6:30 P.M, at the Mount Joy Township Municipal Building, 159 Merts Drive, Elizabethtown, PA 17022.**
13. A motion was made by Gerald G. Cole and seconded by Nancy Z. Garber to adjourn the meeting at 7:10 P.M. All members voted in favor of the motion.

Respectfully submitted,

Richard E. Forry  
Secretary  
Northwest Regional Lancaster  
County Police Commission