



SPECIAL BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

FRIDAY, JUNE 5, 2015

8:00 A.M

Present: Mayor Vanlandingham, Board member Dee Byerly, Board member Greg Metz and City Attorney Doug Lehman.

Department Heads/Employees present: Fire Chief Robert Mullett, Kevin Bussard, Mark Jacobs

Council members: Doug Konkle, Boo Salb, Scott Long and Bonnie Corn

AGENDA

1. Fire Department-Personnel issue concerning Scott Reese

Attorney Lehman stated: Back in December, 2014, the Fire Chief received a telephone call from Firefighter/Paramedic Scott Reese indicating that he had been arrested for Operating While Intoxicated. On January 5 (sic) (the 7th was the actual meeting date), 2015, at a Board of Works meeting, he was served with charges by the Chief, indicating that the Chief wanted to take disciplinary action in excess of what the Chief was authorized by statute, to do on his own, without Board action. Firefighter/Paramedic Reese requested to be placed on administrative leave at that time until the charges against him could be resolved, which is permitted by the statute and is somewhat typical of our past practices to do that which is administrative leave without pay. Those charges were resolved late last month and firefighter Reese informed the Chief it had been resolved. He pled guilty and was placed on probation. At that point, he (Reese) was entitled to a hearing before we (Board) took any kind of action. Before scheduling a hearing or taking any other action, he requested to speak with the Board and so we held an Executive Session two days ago where he came in and spoke with the Board. The Chief then, based on conversations with firefighter Reese and also with the Assistant Chiefs in the department proposed a course of action that, basically, would allow us to avoid having to go through the process of a hearing and I believe the firefighter has signed the agreement that is being recommended to this Board, by the Chief. The agreement provides that he would return to duty and would voluntarily take a 30-day forfeiture of pay. At the conclusion of working 30 days with a forfeiture of pay, he would be discharged but that the Board would suspend the discharge for a period of one year, on the condition that he not be arrested upon probable cause for violating any Federal or State laws and upon a second condition that the City not be informed by its insurance carrier that any of these actions would cause the insurance carrier to pull insurance coverage on firefighter Reese for driving a City vehicle. That agreement is now being submitted to you (Board). You (Board) were not a party to that agreement. You have to decide at this point whether you are going to accept that agreement. If you accept that agreement, that will be the punishment and the agreement between the Board and the firefighter. If you do not accept that agreement, then the firefighter has

the option of withdrawing his request for that agreement and asking for a full Board hearing like we've done in the past before any further punishment can be issued by the Board. So, that's where we are at this point. The Chief submitted the agreement to the Board.

Attorney Lehman reiterated that the Board is not a party to the agreement and you have the authority to accept or reject the agreement. If the agreement is rejected, then firefighter Reese still has the right to have a hearing before any punishment is meted out to him.

The Mayor asked if there would be a review of his driving record at any point in time? Attorney Lehman stated that his understanding in speaking with the insurance carrier is that the insurance carrier will, approximately once every quarter, pull his driver's license and review it and if they see anything on the driver's license suggesting any further activity, of any kind, then they will revoke their coverage of the City for him driving a City vehicle. They will inform us and at that point, under this agreement, if you accept it, he would be discharged.

The Mayor asked Scott if he had any comments to make to the Board. He thanked the Board for the time put into this; for being patient as you've been with everything. He is hoping to serve the citizens of Wabash, both City and County again.

Chief Mullett stated that Scott has taken responsibility for this from the very beginning. He has not tried to blame anybody else, taken the responsibility and it's a huge mistake but, he's done as well as he possibly could with the situation.

The Mayor asked the other Board members if they had any comments or concerns?

Dee Byerly moved to accept the agreement. Mayor Vanlandingham seconded the motion.

Dee Byerly acknowledged his (Reese's) prior experience and what he brings to the table and knowing this was his first offense and that the terms of the agreement, he's going to have to walk a pretty straight line. Any moving violation or anything is going to trigger that and as long as he's aware of that. Scott acknowledged he's well aware of that and he will do anything he has to do to return to duty.

The Mayor stated he did not want to belabor the point, however, he wanted to remind him (Scott) that he's a fireman, paramedic, a safety officer and I know when you're on duty and sometimes on the highway, you witness things are results of what you just did. I don't know of any better lesson you can learn than that. The Mayor also stated he agreed with Board member Byerly and, hopefully, we won't be doing this again because the Mayor almost guarantees he will not look favorable upon it a second time. He did not look favorably on it the first time. Firefighter Reese stated "very understandable".

There were no further comments. The vote was taken. The Mayor and Board Member Byerly voted "ay". Board Member Metz cast an opposing vote. Motion carried, 2-1.

Mr. Reese thanked the Board.

