

Chief

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that he had just spoken with Fowler's physician, who told him it was up to Fowler to release the records.

"We've been vigilant at trying to get these records; this is our original request going back three months now. We've been fighting tooth and nail to get these tests and receive these reports," said Moskowitz.

Garvey and others have alleged that Fowler's health isn't the main reason for the leave.

Fowler's enforced sick leave comes after a year of intense antagonism between Mayor Timothy Carroll and Fowler that has included an arbitration brought by Fowler over his work schedule, a letter of reprimand against Fowler by Carroll for not turning over a key to the police department, a three-day suspension of Fowler and a Civil Service Commission appeal of that suspension.

Most recently at the January 15 council meeting, accusations were exchanged between council's vice president John Oliver

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Joe Moskowitz
Dallas Borough Manager

and Garvey about who should take responsibility for the mounting legal bills the issues are causing. Garvey accused the borough of spending the money to retaliate against and intimidate Fowler. Oliver said council is trying to protect the people of Dallas Borough.

Carroll said he couldn't speak freely about the subject because it was a personnel matter. He did say, however, that it was a "second letter from Fowler's doctor that was of concern (the first notified the borough of the need for sick leave time). We requested him to do the testing."

"I expect him (Fowler) to be back soon," said Carroll. According to Moskowitz, the

borough's actions in this matter are a direct response to the chief's request for sick leave. "We didn't just pull that out of the air," said Moskowitz. "He (Fowler) took the time off because he said he was stressed out. Until we prove he's fit for duty, we can't return him to duty."

In the meantime, the borough has been operating without a chief of police since November 4.

One Dallas Borough police officer who didn't want to be identified said it has been difficult on the department while Fowler has been away. He said usually there are two officers scheduled for the day shift, but now they are down to one. "It's a strain somewhat, but we're doing what we need to do," said the officer.

Moskowitz said James Martin has taken over as the officer in charge while Fowler is out.

"The department has been running smoothly in his absence," said Moskowitz.

Borough

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had been advertised in "last week's Dallas Post," for one week, as well as the Times Leader, Citizens Voice and Suburban News.

Matt Reinert, borough solicitor commented, "The borough has 30 days to fill the vacancy; we're dealing with a tight time line."

The motion to appoint Appel passed 5-01: Garvey abstained from voting. He later said that he "didn't want personal reasons to influence his vote."

Also at the meeting, it was announced that Bill Kupstas sent a letter declining an appointment to fill the Civil Service Commission position left vacant by Phil Zachary's resignation. William Peiffer nominated Barbara Barnes to fill the position.

Garvey made a motion to nominate Don Cooper for the position, but failed to gain a second for the motion.

The motion to appoint Barnes passed, 4-1, with one abstention. Garvey voted against the motion and Barnes abstained.

"Garvey said he voted against Barnes because he felt there were other, more qualified individuals."

Following the commission appointment, Kathy Kupstas, council president, responded to December article in the Citizens' Voice.

"In the article Mr. Garvey stated we might already have a hand-picked crony and went on to remark that the majority of the council is involved in harassment of the police chief."

"It was after all, Mr. Garvey, the chief's initiative that started all of this."

John Oliver
Council Vice President

These remarks are misleading and untrue," said Kupstas.

Kupstas "invited the public to investigate the council's record and evaluate their accomplishments." Kupstas cited road and storm water work, work on the recreation center, the visioning effort as well as the "outstanding work" of the borough manager.

Garvey responded to Kupstas's comments by accusing council of using thousands of borough dollars to, among other things, harass Fowler.

"I do feel that since Dallas, Borough, as of tonight's bills has spent \$14,183.26 on legal fees against chief Fowler to be, in my opinion, harassment, retribution, retaliation," said Garvey.

Garvey acknowledged the good works the borough has accomplished but said he would not stand for any intimidation by the council of anyone, including himself. "Our people have worked very hard but I will be vocal against any intimidation against our police department, our road crew or even a member of council," he said.

John Oliver, vice president of council, responded, placing the blame for the legal bills on Fowler.

"It was after all, Mr. Garvey, the chief's initiative that started all of this; that's why we're 15 grand in the hole because we keep defending ourselves legally against his grievances." Oliver pointed out that another grievance was recently filed.

"He has resisted any attempt at mediating or negotiating anything," said Oliver, "so it is nothing but demagoguery (for you) to sit there and make those kinds of comments."

Garvey said he would leave those decisions for the arbitrators to figure out.

In other business: Council announced that new federal storm water management regulations require the borough to apply for a National Pollutant Discharge Elimination System permit by March 10 of this year. The Department of Environmental Protection stated in a letter sent to the borough that the new regulations require the borough to develop and implement a storm water management program within the five-year permit period.

The borough received a letter from the executive director of Dallas Area Municipal Authority that announced the borough will receive a \$5,000 contribution toward its spring cleanup program.

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