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From: Michele Pfundt <michelepfundt@gmail.com>
Sent: Sunday, November 6, 2022 11:23 PM
To: Assembly <assembly@petersburgak.gov>
Cc: Debra Thompson <dthompson@petersburgak.gov>
Subject: Additional Attorney Hire/ Time of Meetings

To the Petersburg Assembly,

First of all, it has come to my attention that according to state law, I should not have called out a single member of the Borough Assembly for his behavior regarding the declaration of a conflict of interest. I would like to apologize to that member of the Assembly for doing so during the Assembly meeting. While I am not the one to police such things in the Borough Assembly meetings, I did come across it when reading up on the duties regarding my recent election to the Parks and Rec. Advisory Board. The content of my suggestion is sound, however, that any member of the Borough Assembly whose income is related to how well the police function and/or how evidence is documented should declare a conflict of interest when the police budget or purchasing of police equipment is discussed.

That being said, my letter is also written to address the Assembly's upcoming discussion regarding the hiring of a legal firm in addition to the Borough Attorney that is already employed by the Borough of Petersburg and to urge the adoption of Resolution #2022-17.

As someone who has helped individual community members with several records requests recently, I am interested to know if all of the Assembly Members truly know WHY they are hiring an attorney. In lieu of that, and in forming your discussion points regarding Section C of New Business at the November 7th meeting, I would appreciate it if you address the following questions.

1. Does each Assembly Member understand exactly why this legal firm is being hired? Or are you being told that you need to hire them without a full explanation?
2. If Ms. Heideman is not able to handle this court case for the borough, then why is she advising the borough? Was she advising the assembly, or just the administration, on how to avoid a court case in the first place?
3. Do you know why this Records Request, that is the subject of the lawsuit, was made?
4. Do you know why this Records Request was refused? Or to what extent it was refused?
5. Have you read the actual court document that has been filed against the Borough?
6. Do you know how many Records Requests have been filed this year and how many persons making those requests were unsatisfied with the Borough's response? Do you know the reasons why any other Records Requests were refused?
7. Has the whole Assembly read the complaint filed by Chief Kerr and/or the document written by another independent attorney that supposedly adjudicated his complaint? And was it the Assembly members' thoughtful decision to refuse to release records such as those?

8. Do you really want to pursue a case simply to keep information private that has already been released to others outside of the Borough's attorney-client privilege?
9. If these questions haven't been answered completely for you, then do you believe that you have enough information to make this decision for hiring another attorney?
10. If these questions haven't been answered for you, then why not? Who is keeping this information from you? Why are our duly elected officials not getting this information?
11. Lastly, why not investigate this matter for yourself and upon finding that the community has a legitimate right to know how their elected officials operate, then make the decision to just give out the information and keep the Borough from going to court? This would be a much cheaper option and should be one within your purview.

Remember that the Borough Attorney is hired to look out for the interests of Petersburg as a whole and not just the interests of one or two Assembly Members. If the Borough attorney has been conferring with some of the members of this assembly and yet refusing to give information to others, then that is ethically a violation as she doesn't work for just a few members. If matters concerning the borough have been kept from the Assembly by the Administration, then why do we have elected officials? The borough to whom the borough attorney owes her allegiance is the community of Petersburg and not the position of an Assembly Member or two. We community members are the ones demanding transparency from our Borough Assembly, and we are the ones whose interests should be protected rather than the Assembly members themselves. That is what it means to be a civil servant.

I would encourage all Assembly Members to insist on being fully informed whenever Petersburg Borough's liability is at stake. Insist that the Assembly be informed completely before the matter goes to court. Please do not be put off from inquiring by statements that insinuate that you need to be blind to the problem just in case the problem gets bigger in the future. Plausible deniability is not truly achievable by those means and is something that no one in this community should allow from their elected representatives. Should an executive session be called on this matter, I would like to sincerely request that I be allowed to testify to the executive session as one who has pertinent information for the Assembly.

Sincerely,

Michele J.W. Pfundt

P.S. Because (1.) there is greater community accessibility to the Petersburg legislative process when meetings are held outside of the normal workday, and (2.) because persons in outlying areas have access to the evening Assembly Meetings through technology, but (3.) generally persons working within road access to meetings do not have the ability to skip work and attend noon meetings with technology or otherwise, I am in support of Resolution #2022-17 A Resolution Setting Regular Borough Assembly Meeting Start Times to 6:00 PM and to Recess Meetings by 8:00 PM, with a resumption of the meeting on the succeeding evening.