

- It appears that one member of Council has been involved in selecting and working hand-in-hand with the Zoning Officer. In most of the correspondence and records that have been provided to us under the "Right to Know Law," Gary Dovey addressed just one member of Council.
- It is not in the best interests of Borough Council or the Borough of Barkeyville for there to be an autocratic government. That is the reason that Council is comprised of seven members -- so that there is a fair representation and a diversity of opinion.
- Further, it is not in the best interests of this Council or this Borough for the Zoning Officer to have no ties to the community. Hiring an employee of the ORA was a mistake -- a mistake that this Borough can ill-afford to perpetuate or compound by hiring yet another person from outside of this area.
- Doing so sets the stage for just what has happened here. Cut and run -- cut and run! By the recorded accounts of your meetings since May, 2005, your Zoning Officer had no accountability to you as the Borough Council who hired him - except maybe his "off-the-record" conversations -- and again those appeared to have occurred between individual members of Council and the Zoning Officer -- not in a public forum.
- The Borough Council minutes of May 3, 2005, state: **"President Leanne Stearns stated that she had received a business card from Mr. Ed Yard that he may be interested in becoming the zoning officer."** Then, the next paragraph states: **"Mr. Gary Dovey stated to Council that he would do it. Wallace Stearns made the motion to appoint Gary Dovey on a temporary basis for six months. Warren Whetzel seconded it. Vote unanimous."** **What a stroke of luck for Mr. Dovey and the ORA.**
- When I attempted to get a copy of a contract or some type of agreement between Council and Mr. Dovey, I was told "Council just hired him at a meeting - there was no agreement or anything." Did you know anything about Mr. Dovey before you put him in this position? Did you know that he had the ability to forever change the landscape of your community with one stroke of his pen? Now, you are faced with spending the Borough taxpayers' dollars to pay for a lawsuit to correct his misinterpretation of your Zoning Ordinance? The minutes of your meetings reflect that May 3, 2005, was the first time Gary Dovey attended a Council meeting. Do you think that was mere coincidence -- or was Mr. Dovey in contact with a member of Council? **I really cannot imagine that he drops by a meeting and you just hire him.**
- I would like to poll Council on two issues: 1) was any member of Council aware of the fuel type to be used by the Hawbaker plant prior to February 6, 2007? 2) Who knew at the January 2, 2007, Council meeting that Mr. Dovey had issued a zoning permit to Glenn O. Hawbaker Inc. -- **January 2 -- just 2 days after the permit was issued, he attended your meeting and never mentioned it and that he issued it on a Sunday -- and it was New Years' Eve** -- although he wrote a 2-page letter telling you that he (quote) "was not able to attend your meeting that night because he was in State College to negotiate with Hawbaker to have them use Evergreen Drive to Rte 208 as an egress for their plant; so, that future stress could be removed from Stevenson Road." In addition, he said, "I am negotiating with them on trying to assist the borough on fixing Stevenson Road too." He went on and wrote about other matters, and then said, "Again, I apologize; however, I felt

it more important to see if we could cure some ills at Stevenson Rd by asking Hawbaker to become more involved with the community.” He then finished by telling you to “keep your eye on the prize, for its coming your way, and there is no way to stop the economic development ball from rolling.” **Exactly what ills was Mr. Dovey curing on your behalf?**

- As I said, Mr. Dovey **was** in attendance at the January 2, 2007, meeting and even passed out a letter to Council on municipal comments on Team Hardinger. Wouldn't you think he might have mentioned that he just granted a permit to Hawbaker 2 days earlier -- a project pegged to cost more than 4 million dollars and cover 27 acres in the Borough of Barkeyville? Wouldn't you think he might have told you that Hawbaker's own newsletter boasted that it was a coal-burning hot asphalt plant and that his permit application to the DEP stated their intention to burn coal?
- On several occasions, the minutes reflect that Mr. Dovey was giving Council advice on far more than zoning matters. In fact, he assumed the role of advising “Wally” and your solicitor on how they should handle certain Council matters -- even after he was no longer an employee of the Borough. He went so far as to suggest who the Zoning Hearing Board might want to hire because of “George Thompson's conflict of interest in representing the ORA and Hawbaker and the Zoning Hearing Board.” This was written the day after he resigned as Zoning Officer.
- **He also reminded Wally that “Randy and John don't know state law, let alone any relevant case law.”**
- On another subject, I have learned that Mr. Dovey personally changed the locks on this building. Did Council authorize him to do so? There is nothing in the meeting minutes since May 3, 2005, that would indicate that you discussed it. **I STRONGLY URGE** you to have the locks changed immediately -- you now have a former employee with a key to this building and access to all of your records.