

IN RE: : IN THE COURT OF COMMON PLEAS OF
BOROUGH OF MONTOURSVILLE : LYCOMING COUNTY, PENNSYLVANIA
Petitioner/Appellee :
 :
 :
vs. : NO. 07-01529
 :
 :
MONTOURSVILLE POLICE :
BARGAINING UNIT :
Respondent/Appellants : 1925(a) OPINION

Date: November 28, 2007

**OPINION IN SUPPORT OF THE ORDER OF SEPTEMBER 26, 2007 IN COMPLIANCE
WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Appellant Borough of Montoursville, (hereafter “Borough”), has appealed this court’s September 26, 2007 opinion and order addressing the Borough’s Petition for Review of Grievance Arbitrator’s Award. The court determined that the Arbitrator did not exceed his authority in issuing the Award and that there were no irregularities in the Award procedures mandating the Award be vacated.

On October 16, 2007, the Borough filed a Notice of Appeal. On October 17, 2007, this court issued an order in compliance with Pa.R.A.P. 1925(b) directing the Borough to file a Concise Statement of Matters Complained of on Appeal within fourteen days of notice of the order. The Borough filed its Statement of Matters on October 31, 2007.

The court has reviewed the Statement of Matters. Of the 64 points raised by the Borough, only points 52, 53, 54, 63, and 64 are properly before the court on appeal. Points 52 through 54 claim this court erred by failing to find irregularities in the Award proceedings. The Borough raises the same arguments on appeal as it did before the court initially in regards to claimed irregularities in the Award proceedings. Specifically the Borough maintains that the

American Arbitration Association and the Arbitrator erred by issuing an award without first responding to the Borough's Motion to Reopen the Record and by failing to render a decision on said motion. The Borough also claims the Montoursville Police Bargaining Unit impermissibly submitted new evidence and testimony in its post hearing brief. Finally, in points 63 and 64, the Borough claims this court erred in failing to finding the Arbitrator exceeded his authority in rendering the Award. The court's opinion of September 27, 2007 in support of the order issued that date sufficiently addresses the issues raised in the Statement of Matters. Accordingly, the court's September 27, 2007 order should be affirmed and the appeal dismissed.

BY THE COURT,

William S. Kieser, Judge

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Judges
Gary L. Weber, Esquire (Lycoming Reporter)