

MINUTES

NON-LEGISLATIVE MEETING – OCTOBER 6, 2021

The October 6, 2021 Non-Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by Vice President Todd F. Truntz.

The following officials were in attendance:

- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Michael J. Davies, Commissioner
- Christopher DeHart, Commissioner (via Zoom)
- Betsy McBride, Township Manager
- Jean R. Arroyo, Township Secretary
- Michael McAuliffe Miller, Eckert Seamans, Solicitor
- Shawn Fabian, HRG
- Scott Washinger, Public Works Manager
- Don Fure, Director of Codes and Planning (via Zoom)
- Brian Davis, MS4 Coordinator (via Zoom)

Absent: President Jon G. Wilt

Residents and visitors in attendance (sign-in sheet attached)

Residents and visitors participating through Zoom:
Jay Wenger, Susquehanna Municipal Trust

Vice President Truntz welcomed everyone to the meeting and opened the floor for public comments.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the Minutes of the September 15, 2021 Combined Workshop/Legislative Meeting. The motion was unanimously approved.

RESIGNATION OF ADMINISTRATIVE ASSISTANT:

A motion was made by Commissioner Paul, seconded by Commissioner DeHart, to accept the resignation of Lisa Backus, Administrative Assistant, effective October 7, 2021. The motion was unanimously approved.

DEPARTMENT REPORTS:

Planning & Zoning/Codes Department

Mr. Fure presented the monthly report. There are three new submissions for the upcoming Planning Commission meeting. Two are new buildings and one is a simple subdivision of existing lots on a property. D&H received a certificate of occupancy; however, due to a delay in some of their conveyor equipment, they may not be operational for a few months. The UPS project is moving along. North Union Street, north of Fulling Mill Road, has no change in status: the road is open with temporary red lights in place. It is hoped that the work will be completed within two weeks. There is a possibility that North Union Street will not be paved this year. There were two commercial building permits issued, and two residential permits issued.

The Zoning Hearing Board will not meet this month, since there were no applications received for the October 27 meeting.

Termination of the Hartz/UPS landscape easement

Solicitor Miller asked to address the Hartz landscape agenda item at this time. Before the Board is a letter from the Hartz Family Common Pot Trust asking to eliminate the landscape easement for tree planting on the property abutting the UPS Northeast Regional Hub on North Union Street. They are also asking that the financial security agreement be reduced by \$15,000. This has been reviewed by staff, HRG, and Eckert Seamans and all are in concurrence. Mr. Fure added this was not part of the land development plan but rather a private agreement between the Hartz' and UPS. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to approve the termination of the Hartz/UPS landscape easement and related adjustment to the Financial Security Adjustment. The motion was unanimously approved. Mark Stanley, representing UPS, provided the Board with the appropriate documents for signature.

MS4/Stormwater

Mr. Davis reported that he had emailed the Board a copy of the annual MS4 Report which was submitted to DEP. After any comments are received, this will also be posted on-line.

Dale Messick referenced previous comments from Mr. Davis about a DEP audit of the MS4 program and plans to take this DEP official on site to analyze the Shopes Garden raingarden. He asked the status of this. Mr. Davis responded that the audit did not find any violations or red flags with the MS4 program itself. The auditor did look at the Shopes Garden raingarden and agreed that this raingarden is not really an infiltrating BMP of any kind. However, he feels that there is a certain amount of value to the raingarden itself as a wet pond, so some credit will be given towards the PRP (Pollutant Reduction Plan) requirements. Mr. Davis added that in the fall, after the cattails die, he may try to do some vegetative maintenance. With some new plantings in there, hopes are to reduce the amount of standing water. The auditor from DEP did not have any real suggestions other than to change some of the vegetation. Mr. Davis explained the ground is very heavily clayed, so there are limitations on what can be done.

Commissioner Paul asked if the fence will be put back up around the rain garden. Mr. Davies stated that if the Board would like to see the fence installed all the way around the raingarden again, he will coordinate this with Public Works. The commissioners agreed they would like to see this done to alleviate any safety concerns.

Public Works Department

Mr. Washinger reported all equipment is ready for the upcoming leaf season which is scheduled to begin October 18. The crew placed "do not enter" signs on the open sides of the Shopes Garden raingarden. The department is still very busy with mowing, especially now that the Toro Wing Mower is completely broken down. Parts were ordered for repair of the engine which needs rebuilt for next season. Those parts will probably not be available till next year. With that in mind, a new mower is desperately needed just to keep up with the current year. Mr. Washinger reported that he has located a mower at Messicks. Township mechanic Rodger Mason also looked at it and feels it will meet the Township's needs. Mr. Washinger provided the Board with a copy of the Costars' pricing, which is \$27,0965. Unfortunately, there is only one mower available. Mr. Washinger noted he feels this is an emergency situation, as the mowing is getting behind schedule. Commissioner Davies recalled that this is a 2021 budgeted item. Mr. Washinger agreed. Ms. McBride stated she also supports this purchase and would like to have it approved tonight.

Solicitor Miller explained that this purchase is not on the agenda. Under the new Sunshine Law requirements, if the Board deems this to be an emergency, a motion can be made to add the purchase to the agenda, and then take action on it. A motion was made by Commissioner Paul, seconded by Commissioner Davies, to amend the October 6, 2021 workshop meeting agenda to include consideration of the purchase of a Ferris model 1S6200 Zero Turn lawn mower. The motion was unanimously approved. A motion was then made by Commissioner Paul, seconded by Commissioner Davies, to approve the purchase of a Ferris model 1S6200 Zero Turn lawn mower at a price of \$27,995, with a note that this is a budgeted item. The motion was unanimously approved.

Mr. Washinger reported that all areas along the banks of the roads were cut back again with the tiger mower. There are potholes in many areas, including Bryn Gweled and Conway Drive. The tree at North Union and Longview was dropped and removed. Kinsley Construction will be removing the stump. The crew is currently replacing six storm tops and regrouting the interior walls around the pipes in the back of the garage area to help with drainage. There have been issues with water pooling and not draining in those areas, and the idea is to get this work accomplished prior to winter to help prevent freezing. Covid supplies are adequate.

Mr. Washinger reported that the Township mechanic did look over the Fire Department vehicles, as requested, and feels a new transmission will be needed in one in the very near future. Vice President Truntz explained that the Fire Department has two chief's vehicles which were replaced by a new pickup truck. The two old vehicles were offered to the Township for \$1.00. One was already taken. The Fire Department now desires to dispose of the second vehicle and offered it to the Township. The Board agreed that due to the expense of a transmission, it will decline the offer.

Commissioner Davies referenced a small pothole at the end of the pavement where Strites Road in the Township meets the Swatara Township line. Mr. Washinger agreed to take a look at it. Commissioner Davies also questioned the Bryn Gweled project scope, part of which is the intersection at the Lumber Street entrance into that neighborhood. He observed that the bad paving seems to end significantly uphill from where the culvert is that follows Lumber Street. The paving overtop the intersection is actually in decent condition compared to the rest of Bryn Gweled. He asked that this be looked at during the final scope of the project. Mr. Fabian explained that he is just now pulling the scope together and will take a look into this.

Mr. Washinger reported that he and Mr. Fabian will be having a conference call tomorrow with Suez to try to recover some of the funds for the Rosedale work. He added that PPL was again notified about the streetlights in the Rosedale development. They plan to get there by November 1 to fix all the lighting in that area. Commissioner Davies commented that many of the residents are expressing concern about this. Ms. McBride added that one resident did contact her to let her know he had filed a complaint with the PUC this week about the streetlight issue.

Commissioner Paul asked if there had been any response from PennDOT about the sinkhole on Fulling Mill Road. Mr. Washinger stated they have not yet responded. Commissioner Paul suggested the Township continue to pursue this with PennDOT.

Dale Messick asked if the Township has the responsibility for Industrial Lane, behind the Turnpike where the rest stop is located. He stated there is large dip in the road near the stop sign, and suggested it should be filled. Commissioner Paul explained this is a private lane, but suggested Mr. Washinger pass on this information.

MANAGER'S REPORT:

Possible bond refinance

Ms. McBride reported that Jay Wenger of Susquehanna Municipal Trust is participating through Zoom tonight to discuss a possible bond refinance. Mr. Wenger was recently here to discuss this possibility, and there was discussion about whether to refinance what was already financed or go out for more funding. Ms. McBride suggested it might be best to refinance what is already financed. The rule of thumb is a 2% savings to be worth it. She predicted that interest rates will probably not go down, but it might still be wise to proceed and get some savings. Mr. Wenger suggested the Board set a target, and then monitor the market. The only out of pocket expense the Township would incur if this cannot be accomplished is a percentage of the rating fee, around \$10,000. Ms. McBride stated her suggested target would be no less than 1.75% or a \$42,000 - \$45,000 savings. Mr. Wenger explained the process. They would come back to the next meeting with a parameter's ordinance, which does not obligate the Township but authorizes them to proceed. Again, the only out of pocket expense if this does not get done is the rating fee. Mr. Wenger stated he does feel something can get accomplished by the end of this year/early next year. The Board agreed to make the final call in the next two weeks at the legislative meeting. Ms. McBride asked

Mr. Wenger to proceed with the understanding that formal action will be taken at the October legislative meeting.

Statement from Ms. McBride

Ms. McBride stated there has been a lot going on here over the past two weeks and read aloud a statement. She noted this is her statement, as she had not spoken to the Board or Solicitor about it:

"I have some things to say regarding criticisms, accusations, misunderstandings, and falsehoods that are being tossed around regarding you, the Board of Commissioners, the township employees (both those in a union and those not in a union), as well as myself as Township Manager. As the world was becoming aware of the Covid threat, I made sure the Township had ample masks, hand sanitizers, sanitizing wipes, etc. for employee use. Early on, I also had the building sprayed on many occasions. As with the rest of the country, acknowledgment of Covid was mixed by employees. Some willingly wore masks, others needed constant reminders. When vaccines became available, employees were offered time during their work days to get vaccinated. I and other employees went to Osteopathic in February and March and received vaccinations. The majority of employees chose not to be vaccinated, which was their choice to make. The Board and I have recently been accused of doing nothing to protect the employees from Covid. Nothing could be further from the truth. Protective equipment was provided, as was time off for Covid testing, and time off for vaccinations. More importantly, the Township has the documentation in the form of minutes, receipts, and emails alerting employees to protection readily available.

The Police are very disappointed with the results of the arbitration. Although this is the first contract with Teamsters representing the Police, it is not the first contract that the Township has had with the Police. The results of this contract included bonuses paid on the base salary of 2019 and 2020, it included annual raises of 3% per year for 2021, 2022, and 2023, and to the dismay of the Police, it also included employee contributions toward healthcare. Only some officers, due to their hire date, received raises from the time the Teamsters were voted in, until the time the arbitration award was handed down. Other officers, as a result of the arbitration, received bonuses and retro pay. The amounts of the bonuses ranged from \$1,749 to \$2,907; the amounts of the retro pay ranged from \$1,336 to \$13,337. Of the 10 officers who received bonuses and retro pay, the average combined amount received was \$7,110. The average base salary in 2022 will be in the

mid-sixties and the highest will be in the high \$80s. This obviously does not include overtime. All of this is documented.

The Police contributions toward healthcare were retroactive to January 2021. The Non-Uniform Teamsters began contributing to their healthcare in January 2020, one full year prior to the Police. Thus, progress has been made toward having all employees contribute minimally toward healthcare. The nine with family coverage each owed \$520 for six months of retro health contributions. The one with single coverage owed \$180 in retro health contributions. Costs to the Township these for health benefits are in excess of \$11,000 per year for single coverage and in excess of \$24,000 per year for family coverage. Each employee will contribute just under 5% of the total premium for single coverage as well as for family coverage. For the rest of 2021, the contribution each pay toward family coverage will be \$40 and the contribution each pay toward single coverage will be \$20. Beginning 2022, the family coverage will increase to \$50 per pay and the single coverage will increase to \$25 per pay. Again, the average base salary in 2022 will be in the mid-sixties and the highest will be in the high \$80s. This obviously does not include overtime. As with my Covid statements, all of these bonus, retro pay, and health care statements are also documented.

Of great concern to me personally is an attack launched against me, in writing, by someone who implied they were speaking on behalf of a group. To that individual, I encourage you to cease and desist. To the group, assuming there is some knowledge of these accusations and tirade, let me explain that my job, as most jobs in local government, has many aspects. These include but are not limited to making sure audit results are clean, accounting and finance are done with precision and documentation, contracts are adhered to, safety measures are respected, and the directives of the elected officials are followed. It is these officials who answer to the residents and taxpayers whose tax dollars contribute greatly to all of our salaries and benefits. In the not too distant past, a police officer's time was submitted incorrectly to payroll. That error was that not enough hours were submitted. This error was not brought to the attention of Accounting until after the pay was issued. In a very short time, Accounting confirmed the inaccuracy of the submission, processed the additional monies earned and payment was issued to the officer who had been shorted. The person who submitted the incorrect hours was told of their error. In a separate example, an employee was issued a fairly new laptop to take home when needed due to snow and other infrequent needs. Over six months later, I was told by one of this employee's supervisors that this employee did not have a

laptop to use because the IT consultant never returned it. I contacted the IT consultant who had documentation that that laptop was in fact returned. Only after I pushed the problem was the laptop reportedly discovered in a home garage. This showed total disregard to Township property. Neither situation was acceptable and although I acknowledge that errors can occur by any one of us including myself, I needed to emphasize that accuracy is most necessary when submitting payroll information and that respect toward Township property is equally necessary. This aspect of management means I am doing my job. Not wanting to hear that an error has been made by an employee does not justify that employee to toss out such abhorrent words as toxic, hostile, vindictive, and unstable toward me. I am expected to manage all aspects of my position as Township Manager and similarly, I expect all department heads who report to me, to manage their areas regardless of whether the issue at hand is pleasant or not. This person was not fired or even suspended; this person was admonished by me and yet such accusations, which are obviously ripe for a lawsuit, are used against me. I am aware of the saying, the best defense is a good offense. I am also aware of what can be documented and what cannot. I believe in truth and although intentional misinformation is problematic, it can be combatted when necessary.

I mention all of this because there is little graciousness, let alone integrity, as old-fashioned as those terms are, being exhibited by this one who has made errors and who claims to speak on behalf of a group. Yet, that is no reason for management to cower and I will not do that. Every action I have taken and every expectation I have is reasonable and justified and fair and communicated to the employees. I may not always be popular, no manager, or at least, no 'real' manager is, but we can continue to be respectful of those we report to and to be fair to those who report to us. I will end with this by reiterating my thoughts to all employees at Lower Swatara Township, I will not allow one malcontent to tarnish the image of all; my door, as you may know, is always open for you to stop in and share suggestions and concerns; I will continue to ask the Board to provide for your safety as they so willingly have done in the past and present with the ongoing Covid issue and with other areas as they pop up. One individual's version of the truth does not make that version true; I will not be disparaged without comment, and I will not allow another to disparage employees without comment. I thank the employees that come to work every day and do a good job and I thank the Board for the support during these very unique times. You will notice that I'm not going into the cars that you purchased since I've been here, or the rifles, or the new uniforms, or the sights, because they can all be documented too. These false statements that are

being made cannot be documented. I may need your support in the future, and I hope you will give it to me. Thank you."

Ms. McBride asked if the Board had any questions about her statement. Vice President Truntz stated he did not. He thanked Ms. McBride for her candor.

Approval of job descriptions

As the Board is aware, consultant Kathy McCool was hired to compile job descriptions. With covid hitting, Ms. McCool did a lot of her contact with employees through Zoom and email. She had planned to make personal contact with employees, which did not happen. The job descriptions were on the agenda for approval last month, and several employees expressed concern that they had not met with Ms. McCool. About six employees who expressed interest in a personal meeting were given an opportunity to do so. Ms. McBride noted some changes were made and sent to the Board. She asked if the Board had reviewed them and was prepared to approve them tonight. Commissioner Paul stated he had not. He asked if this item could be moved to the October legislative meeting. Vice President Truntz asked if Solicitor Miller had a chance to review them. Solicitor Miller confirmed he had and is satisfied with them.

Lease or purchase discussion for vehicles

Ms. McBride reminded the Board that Rachel Cramer of Enterprise Fleet had recently provided a presentation on the possibility of leasing the Township's vehicles. Ideally for Enterprise, all the Township's vehicles would be part of this contract, including the snowplows. Ms. McBride stated she is not sure this is the best scenario. She asked the Board's thoughts. Commissioner Paul stated that depending on the longevity of the vehicles, which seems to be four to five years, leasing may not result in a savings. In addition, the Township has an excellent mechanic who is able to save money by fixing vehicles in-house. Ms. McBride added that at some time leasing may be the best option, but she is not sure this is the year. Vice President Truntz stated he would like Ms. McClain and Ms. McBride to provide a point-by-point comparison of lease versus ownership. He suggested it might also be good to look at other leasing companies. Ms. McBride noted that every township she talked to does use Enterprise. She agreed to put together a comparison for Board review.

ENGINEER'S REPORT:

Mr. Fabian referenced his written report and provided updates beginning with the Rosedale Manor Stormwater project. The Township is still awaiting the schedule from Doli for the final pavement and addressing of the final punch list items. Doli was made aware of the impending paving season end, unless warm weather extends the season. Notes were prepared from the July 15 DEP field meeting with the Township and Highspire Borough to review the outfalls from the project. Mr. Fabian stated he has submitted these to Mr. Washinger for his review prior to providing them to both boards for their consideration. A meeting was also held with Doli's management yesterday to talk through the remaining change orders and revisions to the contract terms prior to recommendation to the Board and to the Municipal Authority for approval.

Commissioner Paul expressed concern with the winter season approaching. He asked who will do winter maintenance in Rosedale if the final wearing course is not completed. Mr. Fabian agreed this is a concern. Commissioner Davies asked if Mr. Fabian feels the paving season timeline will not be met by Doli. Mr. Fabian stated he has definite concerns, but Doli feels confident that they will be able to wrap up the job in time. Commissioner Davies asked if there is a half measure that can be taken, as opposed to a full wearing course, that would allow the Township plows to have clearance if the wearing course is not completed. Mr. Fabian explained that he has seen some transitional strips and other options to alleviate damage to plows and structures, although that is definitely not the preference.

Work continues on creation of the 2022 Paving Plan Development and a summary of what is liquid fuels eligible and what is not. Mr. Washinger was able to talk to PennDOT about some of the Township projects.

A call was received today from Sunoco regarding the Sunoco Pipeline Bonded Roads Review and the Township's letter regarding road damage caused during construction of the pipeline project. They are continuing their review and will provide a proposal of what they feel is appropriate restitution. Mr. Fabian noted he is hopeful that a formal response will be received by the Board's November legislative meeting.

Vice President Truntz stated he had received a concern from a resident on Rosedale near the new D&H site about a site distance issue due to the retaining wall. Joe Galati explained that since the wall was put up, the line of site is very bad, and they cannot see when they get down to the bottom of the driveway. In addition, the driveway was made much steeper; it did not have that

incline before. Come winter, vehicles will end up sliding onto Rosedale. Mr. Galati stated everything has been completed, so he is unsure what can be done now. Mr. Fabian added he was alerted about this concern and has been in coordination with the design engineer and developer. He agreed that there is limited site distance at the base of the driveway. A meeting with the developer is set for tomorrow to discuss this issue since the plans do not show it where it currently sits. Some of the restrictions on where the wall and where the driveway grading was allowed to happen was in conflict with the UGI gas line that is going up there, so adjustments did have to be made. Mr. Galati added these concerns will be compounded by the increased traffic and speeding through this area. Ms. McBride agreed to keep Mr. Galati updated.

GOOD AND WELFARE:

Commissioner Davies referenced the proposed amended bidding documents for solid waste collection and asked if they can go out or must be approved first. Solicitor Miller suggested they be approved by the Board. Ms. McBride requested the agenda be amended to include this, since the bid documents need to go out this week. Solicitor Miller explained a few tweaks were made to provide for a more transparent and competitive process and hopefully a better pricing and a better service strategy from the winning bidder. It is always a good practice to approve bidding documents before they are sent out. If timing is an issue, the Board can amend the agenda to add consideration of the solid waste bidding documents and authorization for the Manager to send them out. Commissioner Davies asked if the document emailed to the Board is the final version. Ms. McBride confirmed that it is. A motion was made by Commissioner Davies, seconded by Commissioner Paul, to amend the agenda to include consideration of the revised bidding documents for specifications for the Contract for Collection and Disposal of Solid Waste and Collection, Processing and Sale of Recyclable Materials, and furthermore authorize the Manager to publish same. The motion was unanimously approved.

The floor was then opened for public comment. Dale Messick recalled that having one hauler for the entire Township was supposed to give a better rate for the residents. The last proposal was quite expensive. Hopefully, this new contract will result in lower prices collectively versus a resident contracting on his/her own. Commissioner Davies explained there were some features in the original bid document that led to only one bid being received. The proposed amended bid specifications were designed to solicit more interest from bidders. In

today's world, putting limitations on fuel costs and tipping fees seems to result in bids that are unusually high. Vice President Truntz added the initial bid was for a five-year contract, and haulers are hesitant to commit to five years with increasing labor costs, fuel costs, etc.

Commissioner Paul asked if Solicitor Miller could hit the bullet points of the revisions. Solicitor Miller explained that there are two fundamental significant changes. In the old contract, haulers still had to collect waste from households that stopped paying their bill. The specifications have been revised to indicate that with appropriate notice to the Township allowing it to address the situation, the hauler can remedy the situation. Solicitor Miller surmised that this past practice caused some inflation in the numbers. Secondly, as Commissioner Davies pointed out, there are revisions in the new document which allow the hauler to come back when there are significant market changes to ask for adjustments. This is seen with other vendor contracts, such as paving contracts. Both of these items should preclude the need for the vendors to adjust their bids upwards to allow for these uncertainties.

A motion was made by Commissioner Davies, seconded by Commissioner Paul, to approve the amended bidding documents for specifications for the Contract for Collection and Disposal of Solid Waste and Collection, Processing and Sale of Recyclable Materials, and furthermore authorize the Manager to publish same. The motion was unanimously approved.

Vice President Truntz added he believes these amended agendas must be published on the Township website within 24 hours of the meeting. Solicitor Miller confirmed that is correct.


Ms. McBride requested an executive session immediately upon conclusion of this evening's meeting for legal and personnel reasons.

Vice President Truntz thanked everyone for their input this evening.

ADJOURN AND CONVENE INTO EXECUTIVE SESSION:

Hearing no other comments, a motion was made by Commissioner Davies, seconded by Commissioner DeHart, to adjourn the meeting and convene into executive session. The motion was unanimously approved, and the meeting adjourned at 8:20 P.M.

ATTEST:


Jean R. Arroyo
Township Secretary

PLEASE PRINT NAME CLEARLY

Board of Commissioners Workshop Meeting

October 6, 2021, 7:00 P.M.

[illegible]