

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held February 21, 2012

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:07 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Sam Robins, Public Works Director and Matt Miller, Public Works Technician; and Watson Fisher and Ted Robinson, SWAN.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Public Comment

No public comment was presented.

Discussion with Brian Hudson, Executive Director of PHFA,
Regarding first-time homebuyer/workforce housing

Mr. Hawk noted that Mr. Hudson was unable to attend the meeting and this item will be rescheduled for another workshop session.

Continued discussion regarding the issuance of debt for Capital projects

Mr. Wolfe displayed a list of projects that was used to determine the 2012 budget using Option "A" that includes the borrowing of \$2 million for capital projects: to include \$300,000 to be matched with \$200,000 in 2012 for storm sewer projects; \$100,000 for a financial management system; and \$500,000 for municipal HVAC and roof projects. He explained that the remainder of the bond funds have not been budgeted, but would be used for storm sewer projects into the future.

Mr. Wolfe noted that he spoke to Mike Bova from Boening and Scattergood, and Tom Smida, Bond Counsel from Mette Evans and Woodside, who have provided the issuance of debt service. He noted that the initial borrowing was based on the identified projects that Mr. Robbins has put together in items A and B from his list. He noted that those items include projects that have been designed, totally a little over \$1 million, with an estimate of projects that have not been designed at \$890,000. He noted any questions on the project list should be directed to Mr. Robbins. He explained that page two identifies additional projects to study and work that could be preformed by the Public Works Department is listed in section D.

Mr. Wolfe noted that page one alone lists over \$2 million worth of work and the Board is borrowing less than \$2 million. He noted that the borrowing won't address all of the Township's needs and he is not proposing to borrow more money. He explained that it is a phased project. He noted that the issuance of debt provides for borrowing \$2 million and refund or advance refund another \$1,535,000 making the total borrowing \$3,535,000. He explained that it will maintain level debt service as shown on page six in Mr. Bova's packet. He noted that the debt service annually through to 2025 is proposed to be \$886,660.00 on average from this year on out. He noted that it includes the borrowing and only increases the debt service by \$10,000 per year and extends the term of the debt 3.5 years. He noted that the Township's current debt service is \$876,000.00 and it will take it to \$886,000. He noted that it would maintain level debt service, not provide for a financial impact on the budget, and the proposal will fall within the debt service allocation for 2012. He explained if the Board chooses to proceed with this; it will have to conduct a special meeting on Monday, March 5th to approve the ordinance.

Mr. Blain suggested that the bond issue is pretty academic and suggested that the Board should discuss the sewer projects.

Mr. Wolfe questioned if everyone is on-board with the issuance of the debt. Mr. Hawk answered yes.

Mr. Crissman noted that the debt service would be extended for three more years. Mr. Wolfe noted that it was 3.5 years. Mr. Crissman questioned how much of an increase would it be per year. Mr. Wolfe answered that it would be \$10,000 or 1.5% of the budget.

Mr. Seeds questioned if the funds must be expended within three years. Mr. Wolfe answered that typically that is true, but it could be extended out to five with justification;

however, there will be no problem spending those funds in three years. Mr. Seeds noted that there are more projects than could be completed with the spending; however, there is a time limitation for spending the bond funds. Mr. Wolfe noted that the Board will be asked to act on a \$5 million contract for the Sewer Department during tonight's business meeting that will extend into next year. He noted, for storm water projects, it will depend on the level of work the Board wants to do and how much it wants to spend to do it. He noted that storm water is not of the same magnitude as sanitary sewer but there are needs.

Mr. Robbins explained that he is present to answer questions noting that he has discussed many of these projects with the Board, especially during the budget meetings. He noted that he outlined \$700,000 worth of projects that he would like to accomplish this year that are mini-basin and emergency related that were not completed the end of last year. He noted that Public Works will need \$135,000 to \$150,000 to do its own projects and that takes the total to \$850,000. He suggested that it would be good to study one or two of the projects that are listed in Section C.

Mr. Wolfe noted that those projects are listed 1 through 6 at the top of the second page under Item C. Mr. Robbins noted the first item on the list is the failing infrastructure on Devonshire Road, Care and Winfield Streets. He noted several items with that project needs to be done. He noted that the area should be studied as we would not want to follow or make recommendations for what we think will work only to find out that it won't. He noted that these are areas that are interconnected to drainage systems, and it may result in a significant recommendation for what to do to fix the problem. He noted that there are flooding issues on Winfield Street during peak storms and failing infrastructure, and the same for a couple locations on Care Street as well as street flooding on Devonshire Road between Care Street and Houcks Road. He noted that during a peak storm, water comes out of the inlets instead of flowing into them. He noted whatever the recommendation for that study is; it should be slated for improvements down the road. He noted that there are several areas in the Township where he needs to get a camera in the pipeline to determine the extent of the failure. He explained that he would have to hire a company to do this. He noted that many of the pipes may need to be clean before they can televise the line and he suggested that it would cost between \$20,000 to \$30,000 to do this work.

Mr. Hawk noted that the Board has received numerous public comments in regards to Top View, Harman and Creek Drives. He noted that he did not see this area on the list for sewer work other than repairing a sinkhole. Mr. Robbins explained that it is found in Section 5 and noted that he has a previous report that shows that the culvert is undersized. Mr. Wolfe noted that is in regards for a 100-year storm, but it does not mean that it was undersized by design. He noted that you can use a 2-year storm or a 25-year storm, but when this study was done 1996 by HRG, they determined that it was undersized for a 100-year storm. He noted that this past year, we had three storms that were in excess of ones that would occur on average, once every 100-year. He noted that it is an established floodplain, and there comes with a floodplain certain issues that property owners should be aware of. He suggested that using the current regulations some of those homes could not be built in that location, but 30 or 40 years ago it was a different story.

Mr. Robbins noted that the project on Creek View Drive would be moved to next year as it is not as critical as Earl Drive where we lost a culvert this past summer. Mr. Hawk questioned if that is a more critical area for flooding. Mr. Robbins answered that Earl Drive is a much larger project than the Topview and Harman Drives project.

Mr. Seeds noted that the Public Works Department could do \$200,000 worth of work, and the rest would go towards Sewer Authority Mini-basin work. He noted if the Township secures the bond, there will be \$500,000 for storm sewer separate from the Authority work. He questioned Mr. Robbins if he was prepared to contract out some of this work. He noted that Mr. Robbins mentioned that he needed \$100,000 for Township-related storm work. Mr. Robbins answered yes. Mr. Robbins explained that the Public Works Department would need \$150,000 in addition to the Township putting out a stormwater contract. Mr. Seeds questioned if that would be for the remaining \$350,000 worth of work. Mr. Robbins answered that he would need to have a contract if he was to accomplish the work that is in the budget. Mr. Wolfe noted if the Township borrows \$2 million and set aside \$1.5 million for storm water projects, it is not going to touch all the identified needs. Mr. Robbins explained when the Authority completes a mini-basin, such as PC4b/6C in the area of Earl and Curvin Drive, noting that Ronca is finishing the work now; those neighborhoods have been torn up for the better part of two years. He noted if those roads are not paved, there is a potential for an outcry from the public, and he stated that he

is concerned with streets not being paved especially if the Township does not have the funding to do the stormwater work. He noted that the direction he was given was to try **to** get the storm water work completed for as many of those streets and mini-basins as possible in order to pave them. He noted that Curvin and Carolyn Drives require extensive stormwater work. Mr. Seeds questioned if Earl Drive will be paved this spring. Mr. Wolfe noted that Curvin Drive east is temporary paving. Mr. Seeds noted that those people have been very patient through this project. He noted that he would not want to put them through more of this. Mr. Robins noted that Curvin Drive is part of the mini-basin work and Mountain View Road has failing infrastructure in the right-of-way and he has been filling sinkholes for two to three years in that location. He noted that an emergency repair had to be made on Molly Drive last year and the pipe between two properties needs to be replaced or lined to prevent further failure in that area.

Mr. Robbins noted that both projects slated for the Parkway are the result of extensive damage as a result of the weather. He noted that there is failing infrastructure in the location. He explained that he needs to make that area safe for the public, but every time it rains the same issues resurface. He noted that Old Farm Lane project is driven by PENNDOT's paving schedule for Nyes Road. He noted that the culvert is a hydraulic poor situation, and a new design and permits for the job have been completed; however, it was pulled from the 2010 project list and should be done this year before PENNDOT paves the road. He noted that Berwin Drive is tied to the work that is being done on Carolyn Street. He noted that there is a large culvert that failed outside Brightbill Park and it needs to be replaced and incorporated into the paving project.

Mr. Robbins noted that Marion View Drive has been an ongoing issue with the people who live in that area as there are drainage facilities in back yards that have reached their useful life. He explained that he needs to move those pipes back into the street to better maintain and replace them. He noted that the Authority is starting its work in PC2C/2D, and would be the bulk of large projects that he would like to undertake at this time, with the costs being roughly \$700,000.

Mr. Seeds noted that Mr. Robbins has a good handle on what needs to be done and we need to find the money to get it done.

Mr. Robbins noted that it would be nice to have knowledge of what money would be spent the coming year in order to properly plan the work. He explained that he would prefer replacing pipes to allow the ground to settle prior to paving the roadway.

Mr. Wolfe noted that staff is on track for the bond issue with the ordinance action slated for March 5th. He noted that it will necessitate advertising for a special meeting that day. He noted if the issue is approved on March 5th, the bond would be in place for debt service payment April 1, 2012. He explained, toward the end of this year, the Township would be in a position to do a major refunding of \$12 million of debt. He noted that Mr. Bova will be coming back to the Township at that time to determine if the Board is interested in doing this, and additional money could be added at that time.

Mr. Seeds noted that we don't have the extra money but he would like to find a means to fund an addition to the Public Works facility.

Mr. Crissman questioned when the first payment and debt service would begin. Mr. Wolfe answered that the debt service payments are in April and it would begin then. Mr. Crissman noted that it would be an extra \$10,000 that was not budgeted for this fiscal year. Mr. Wolfe noted upon looking at the paperwork, the total debt service for 2012 was to be \$876,000 and due to the advanced refunding, it will be reduced \$843,000. He stated that the Township would reduce the debt service by \$32,000 in 2012, and the \$10,000 would be added to the 2013 budget year.

Mr. Crissman thanked Mr. Robbins for prioritizing the projects. He noted that each resident thinks that their project should be the first to tackle. Mr. Wolfe noted that the Authority has approached the overall issue by doing the worst locations for sanitary sewer projects first.

Mr. Hornung noted that he would like to solve the problem in that he receives many complaints that the Public Works Department does not return phone calls. He noted, in many instances the Department is inundated with phone calls. He questioned if there is anything that the Board can do to help with this issue. He noted that the people he talks to complain that no one will return their phone calls. Mr. Miller noted when he calls people back they get confused as to when they first talked to staff, noting that they lose track of time, and if something is of extreme importance to the caller, it skews their perspective. Mr. Hornung noted that some people feel that their problem is the only one to deal with.

Mr. Robbins suggested that he could change the phone message when Mary Ellen is not at work. He noted that she is very good at taking information and funneling it to the proper person. He explained that there was a woman who talked to Mr. Hornung who claimed that she spoke to Public Works personnel but she didn't, she called in but never left a message. He noted we can't answer a call if they don't leave a message or a return phone number. He noted that the phone message could request the name, address, phone number, and what the specific concern is, asking the caller to talk slowly so that their message could be understood. He noted that there is not way to man the phone all the time.

Mr. Hornung questioned what the turn around time is for returning a phone call. Mr. Robbins noted that it is two to three days. Mr. Hornung noted that is good. Mr. Wolfe explained, during the August, September and October period that is all Sam and his staff did. He noted that they returned phone calls and visited people. Mr. Hornung noted that he knows that staff is trying to cover this work but the people's perception is that they are not receiving a phone call but it is only a handful of people. Mr. Robbins noted that one area of confusion is that people will call about traffic signals and in order to know what is going on, they need to provide information such as the direction of travel and the particular lane they are in. Mr. Hornung noted that changing the message and asking for more details from the caller is a good idea. Mr. Robbins noted that he does not want one particular member of staff getting all the calls as it can be very tiresome. He noted that Matt Miller is very busy working with the mini-basin contractors and doing MS4 work.

Mr. Crissman noted that changing the message is a very good idea. Mr. Robbins noted that staff communicates daily with each other and is aware of what is going on. He noted if one person has too much on their plate they will share it with each other.

Mr. Wolfe noted that many of the people who had stormwater complaints in 2011 have not received any bricks and motor in the field and point to that as inactivity. Mr. Robbins noted that many people realize that when he visits them he may not be able to do anything for their situation; however they are grateful for the visit. Mr. Crissman noted that it is important to deliver that message even if it is not the one they want to hear. Mr. Robbins noted that they appreciate the fact that staff stopped by to talk.

Mr. Hornung questioned if it would be good to direct people to the Township's website for a FAQ section for Public Works. Mr. Robbins noted that he has a section for FAQ on storm water, snow plowing, mailbox damage, and leaf waste.

Discussion regarding amendments proposed to
Administrative employee benefits

Mr. Wolfe noted, in the last round of negotiations with the American Federal, State, County, and Municipal Employees (AFSCME), concessions were part of the negotiations. He noted that there are 35 management employees and typically they follow a very similar benefit schedule as do the Township's three AFSCME bargaining units. He noted that the employees expect the Board to look at the same issues that were discussed with AFSCME employees and take similar action for their plans. He suggested that rather than delaying the process and surprising those management employees, he requested to discuss it tonight in order to provide ample notice to those who will be affected.

Mr. Wolfe noted that the 1/2 day holiday before Christmas has been eliminated if Christmas falls on a Saturday, Sunday or Monday.

Mr. Wolfe noted for health care, there are two proposals. He noted that the AFSCME accepted proposal was 1.5% of base wage contribution to the cost of health care in 2014, 2015, and 2016. He noted that the Board of Supervisors preferred its offer which was a scheduled payment based upon type of use. He noted that the 2013, 2014, and 2015 schedules are listed, based upon employee, employee and spouse, employee and child, employee and children, and family coverage. He noted that the dollar amount in the end probably works out very much the same. He questioned which way the Board wanted to go. Mr. Hornung questioned Mr. Wolfe if he preferred on option over another. Mr. Wolfe noted that he liked the scheduled approach and it is the fairer way to do it, and suggested if AFSCME sees it in action they will agree. He noted that there is a provision for employees to opt out if they can show critical coverage, the same language included in the AFSCME contract.

Mr. Wolfe noted for the pension plan, the age of normal retirement has increased for all employees hired after January 1, 2012 from 60 to 65. He noted that the employee contributions

will increase 1% of gross compensation for Non-Uniformed Employee Pension Plan beginning in 2014. He noted if the Board is okay with these options he will prepare a notice to administrative employees and put them in place for 2013.

Mr. Seeds noted that the percentage increases incrementally, but how would that be determined. Mr. Wolfe noted for 2013 and 2014 the rates are set but in 2015, the amount will increase with inflation.

Mr. Hornung noted if a single employee pays \$10 per pay and you divide it by .015 based upon gross pay it would come out to \$666 for a two-week pay period. He suggested that the average employee make more than that. He questioned if the \$10 is in line with the 1.5%. Mr. Wolfe noted that the rate could be increased and not provide the introductory year rate moving directly to the proposed 2014 rates. He noted that you could also start with a higher rate in 2013 instead of 2014. Mr. Wolfe noted that 2013 rate was meant to be a transition year. Mr. Hornung noted that he is fine with it. Mr. Crissman agreed. Mr. Wolfe noted that the AFSCME contributions start in 2013.

Mr. Blain questioned what would happen if the actuarial increase is 50%; would the rate increase 50%. Mr. Wolfe answered yes. He noted that the annual increase for the past year was 2.5%, but if the Township has to pay 50% more, then the employees should have to pay it. He noted that it would not be based on salary, rather on the employee's contribution rate. Mr. Blain noted if the employee was paying \$20, and there would be a 50% increase, they would pay \$30, however the cost for health care could go from \$100,000 to \$150,000. Mr. Wolfe noted that the recent experience for the Township in healthcare has been 7% or less of an increase per year for the past five years. He noted that these are not bargaining unit employees and the Board could change the plan as it sees fit. He explained that when this was discussed with AFSCME, it was suggested to use a schedule based upon use, noting that one employee with no dependents uses less than an employee with a family of five. He noted that employees should be paying based upon use and should understand their overall impact on the Township's costs for services. He noted that AFSCME choice to go with a flat percentage based upon gross income. Mr. Crissman suggested that it is fair and it has to do with the Township's experience rate.

“Otta Know” Presentation: PSATS legal briefs – Supervisors’ personal computers and e-mail, and penalties for contempt of a DEP order

Mr. Stine explained that the Mollick Case deals with the Right to Know Law. He noted that Mr. Mollick made a request for emails to the Township for the Supervisor's personal accounts. He noted that the Township denied the request as they believed that it did not fit the criteria for a public record. He noted that the Office of Open Records reversed the decision by the Township who found that they were public records. He noted that the County Court reversed that decision and determined that they are not public records if they are in the Supervisor's personal computers. He then explained that the Commonwealth Court reversed that decision and ruled that they were public records and if the Board members are using personal computers and email to do municipal business, they are public records. He noted that they outline a procedure for discovery to determine if they are public records. He noted that the Open Records Officer for the Township, George Wolfe, would have to examine the Township's computers and files first, and then he would have to ask the Supervisors to produce any emails that could be deemed public and conduct a good faith review of those to determine if they were exchanged to deliberate Township business with a quorum of Supervisors. He noted that that would qualify it to be considered Township business. He stated that he was not sure if this case has been appealed to the Pennsylvania Supreme Court.

Mr. Hawk questioned if that would cover any computer. Mr. Stine answered yes, for instance, it would cover your home computer. He explained that he informs people not to use email as a source for communication for Township business. He noted if there is litigation, emails can be subpoenaed.

Mr. Crissman questioned if he emailed George for information and he returns his email, would that be in the purview of the Right to Know. He explained he deletes the information when he no longer needs it, therefore, how could someone subpoena information that he deleted. Mr. Blain noted if it is in an email, it is there forever. He noted if you have Comcast as your Internet provider, Comcast still has the email since they back up their servers every night, and they could access that email. Mr. Stine noted that you are required to preserve your emails from a certain date and if you haven't, a technician could extract deleted emails from your computer. Mr. Stine noted even if you empty the trash file, they can't still extract it from your machine unless you destroy the hard drive. Mr. Hornung noted you can go on line and download a

program that will bring up everything you ever deleted. He noted that the best thing to do is to remove the hard drive and destroy it.

Mr. Stine noted, in another legal case, that Supervisors refused to honor the terms of a consent agreement with the Department of Environmental Protection (DEP). He noted that it resulted in a contempt hearing in Commonwealth Court and the Supervisors were sent to jail for contempt. He noted that the reason the case was reversed was because the proper procedures were not followed. He noted that there is a procedure for contempt proceedings and the first remedy is not to jail someone. He noted that they must be provided a period of time in order to correct the problem. He noted that they could be given 30-days to comply with the order and if that does not occur then there is an escalation in the process to include fines. He noted that ultimately a person could be put in jail for contempt. He noted that the court did not go through the proper procedures. He noted that the remedy is not unusual, but he has never seen it applied to the Board of Supervisors. Mr. Wolfe noted that two Board members resigned from office and the other Supervisor was put in jail. Mr. Wolfe noted that he did not know who was running the Township.

Mr. Seeds noted that you will have a hard time getting good people to run for office with all the rules and regulations. He noted that every little thing is scrutinized. Mr. Hawk noted that it is called transparency. Mr. Hornung noted if you are doing the right thing, then you don't have anything to worry about it

Mr. Wolfe noted that the Township has been issued consent orders; it has implemented the order, raised sanitary sewer rates, and issued contracts to do the work. He noted that is not to say that the Board agreed to everything DEP wants it to do as it was a negotiated effort.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion and the meeting adjourned at 7 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary