

MINUTES

LEGISLATIVE MEETING – MARCH 16, 2016

The March 16, 2016 Legislative Meeting of the Lower Swatara Township Board of Commissioners was called to order at 7:00 P.M. by President Thomas L. Mehaffie III. President Mehaffie called for the pledge of allegiance and a moment of silence.

Roll call was taken with the following officials in attendance:

- Thomas L. Mehaffie III, President
- Jon G. Wilt, Vice President
- Laddie J. Springer, Assistant Secretary
- Todd F. Truntz, Commissioner
- Anne Shambaugh, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Erin G. Letavic, HRG, Engineer
- Richard D. Brandt, Police Chief

Absent:

- Michael J. Davies, Commissioner

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

PUBLIC COMMENTS:

Jim Rodgers, 181 Highland Street, explained that he and his wife Patricia are the only Lower Swatara Township residents on Highland Street. Mr. Rodgers noted that he understands that the recent closure of the bridge on Highland Street will be a long-term one. He commended Alan Knoche and Dan Wagner for their interaction with him over the last few weeks, and stated that he has a lot of confidence in how the Township is handling this matter. Mr. Rodgers explained, however that he still has some concerns. The location is a somewhat remote one, and the Police Department will confirm that it has responded to calls here, including burglaries, illegal dumping, trespassing, etc. With the road closure, Mr. Rodgers is now at the end of a very long dead-end street. Also, he and his wife are now at the mercy of a township that they do not live in to provide many of the services required. He stated that he plans to be vocal as the bridge replacement project moves forward, and offered his assistance to the Township. President Mehaffie noted that the neighboring township, Swatara Township, is also a very good

municipality. He asked Chief Brandt if he had reached out to Swatara Township Police Chief Umberger about this situation as far as response to the top end of Highland Street. Chief Brandt explained that he had not yet spoken to Chief Umberger, but added that the Lower Swatara police officers are aware of the closure and will still respond to calls there, although it may take a few minutes longer. Mr. Rodgers stated that he would also like to commend the Lower Swatara Police Department, which has always been exemplary in every facet during his dealings with its officers. President Mehaffie requested that Chief Brandt contact Chief Umberger to discuss this response time concern, since there is mutual aid in effect. He also asked that Ms. Shambaugh reach out to the new Manager at Swatara Township, and asked that Mr. Wagner make contact with the Superintendent of Public Works at Swatara Township. Since this also impacts the residents of Swatara Township, it is very important that the two municipalities work together on this project. Mr. Rodgers stated that he is aware that the bridge cannot be replaced overnight. Commissioner Truntz asked the timetable for the bridge replacement. Ms. Letavic explained that it was just closed two weeks ago today, since the last inspection deemed it to be in unsafe condition. The project will take time since it involves design, permitting, contracts, etc. She anticipated that it will probably not be replaced until next year. Commissioner Truntz asked about the possibility of cutting in a temporary gravel access. President Mehaffie explained that while this is not possible, there are plans to do some widening for a turn-around.

APPROVAL OF MINUTES:

A motion was made by Commissioner Springer, seconded by Commissioner Truntz, to approve the Minutes of the February 17, 2016 Legislative Meeting. The motion was unanimously approved.

A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the Minutes of the March 2, 2016 Workshop Meeting. The motion was unanimously approved.

APPROVAL OF BILLS:

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to approve the payment of bills as presented on Warrant No. 2016-02. The motion was unanimously approved.

APPROVAL OF TREASURER’S REPORT:

A motion was made by Vice President Wilt, seconded by Commissioner Truntz, to approve the Treasurer’s Report for February 2016. The motion was unanimously approved.

ENGINEER’S REPORT:

Ms. Letavic updated the Board on the MS4 (Municipal Separate Storm Sewer System) water quality permit. HRG continues to work with staff to prepare for the PADEP inspection of the Township’s program, which is scheduled for March 22. The staff’s MS4 team is meeting tomorrow to talk about the program and the strategy to make this a successful inspection.

Ms. Letavic noted that the Shireman Farm Parcel – DCNR Grant was tabled by the Board two weeks ago. However, in the meantime there was a follow-up discussion with Ruth Shireman, the owner, who is now interested in being a partner in this project. Ms. Letavic asked authorization from the Board to proceed with completing the boundary survey and submitting the application in mid-April. She explained that if the Board provides authorization this evening to proceed, her goal is to have a final draft of the application and a complete budget together for the April workshop meeting. A motion was made by Commissioner Truntz, seconded by Vice President Wilt, to approve authorization to proceed with the boundary survey and DCNR grant application for the Shireman Farm Parcel. The motion was unanimously approved.

SOLICITOR’S REPORT:

Solicitor Henninger reported that he had just received the proposed contract documents for the Richardson Road project and is in the process of reviewing them prior to the project going out to bid. In addition, he also received comments today from the staff regarding the utility right of way ordinance from Dan Cohen’s office.

Solicitor Henninger referenced the zoning change request submitted by F. Lee Dickerson for properties located along North Union Street which would change the zoning from Residential Suburban (RS) to Commercial Highway (CH). The Board is required to schedule a Public Hearing on this request and, with the required notifications, would be looking at a May hearing date. He asked if the Board would be agreeable to scheduling the Public Hearing for May 5.

A motion was made by Commissioner Springer, seconded by Vice President Wilt, to set a May 5 Public Hearing on the Dickerson rezoning request. The motion was unanimously approved.

Solicitor Henninger announced that at 6:30 P.M. this evening, just prior to the meeting, the Board had met in executive session to discuss contract matters, specifically the Shireman Farm Parcel that was referenced under the Engineer's Report.

MANAGER'S REPORT:

Ms. Shambaugh reported that the first item under the Manager's Report is the hiring of a Police Officer as outlined in the 2016 budget. She turned the floor over to Vice President Wilt, who read aloud the following statement:

"The Board of Commissioners has recently become concerned about misinformation that is circulating throughout our community regarding our police department. We want to assure our citizens that the Board fully supports its police department and is concerned about the safety of our community. It is our goal to provide the most comprehensive police services possible within the budget constraints imposed upon our Township. An issue that has received attention is the hiring of a new police officer. While it is true that an additional patrolperson is budgeted for the 2016 fiscal year, it is important to note that this issue has its roots in the Township's collective bargaining agreement, and what may be certain dissatisfaction by some individuals with the final agreement. Further explanation is necessary. As is the case with countless municipalities, Lower Swatara Township is faced with ever-increasing healthcare costs. In trying to contain these costs, the Township was forced to eliminate post-retirement benefits for all newly hired employees. This involves payment of taxpayer dollars for health care benefits to individuals no longer employed by the Township. The cost for these benefits is extraordinarily high. The Township's decision to eliminate that benefit applies to all Township employees, not just the police department. If our Township had unlimited funds, this would not be an issue, but unfortunately cuts needed to be made. As part of the collective bargaining agreement, which was finally decided by fully independent arbitration panel as part of a litigation process initiated by our police department, newly hired patrol officers will not receive post-retirement healthcare benefits. It is important to note that this benefit change was agreed to by the Police Union's representative on the arbitration panel. Moreover, that award was made in recognition of the Township's commitment to save future expenditures of taxpayer dollars. Instead, under the

litigated award, newly hired officers will receive a \$3,500 base salary increase over the current junior patrol officers, who will continue to receive post-retirement healthcare benefits. The post-retirement healthcare benefits enjoyed by these officers has a value of at least \$ 200,000 per officer over the period between an officer's retirement and his or her Medicare eligibility. While the post-retirement health care benefit is substantially more valuable to those officers than the small salary differential received by new officers, information is circulating that these current officers perceive this difference as unfair. Unfortunately, this is an example of the tradeoff in salary and benefits that occur during an arbitration process. When parties litigate, results are not always predictable and, in this instance, the independent panel concluded—after hearing all the evidence—that this arrangement was fair and equitable to the Township and its police officers. Nonetheless, the Board is determined to attempt to resolve all matters involving its employees. Public safety is top priority to this Board. We are in constant contact with our Chief of Police and Township Manager, who have assured us that, despite what some are saying, there is no ongoing safety issue as a result of the delay in hiring an officer, and our officers are not “overworked.” In fact, the Township has operated at current staffing levels, and at even lower levels, in recent years where crime rates and population levels were similar to today. With these assurances regarding public safety in mind, your Board is actively engaged with the police department to try to resolve the collective bargaining issues and to both objectively and deliberately determine when it is appropriate to hire a new officer. Unfortunately these issues do take time to resolve in a manner that is best for our community. The misinformation and vitriol that has circulated regarding the process is not helpful to the process of attempting to forge a compromise necessary to resolve these matters. Concern has also been raised with regard to the condition of our police vehicles. Currently, the Township has nine (9) operational marked police vehicles, while there are typically no more than three (3) officers on the road during any given shift. A complete list of each police vehicle, including year and mileage, is available to the public. As with any vehicle fleet, there are units nearing the end of their useful life and will be replaced at the appropriate time. The Township employs a full-time automobile and equipment mechanic who services and inspects our police vehicles on a regular basis, and ensures their operational safety. Despite information that is circulating, our Township fleet is safe and reliable, and scheduled replacements will be made in a timely fashion under the advice of the Township mechanic. Finally, in response to information that our officers are underpaid,

*and in the interest of transparency, the Board is happy to provide public information to our taxpayers by way of a list of salary rates with overtime earnings paid to each of our officers (with individual names omitted) as duly negotiated and agreed per the collective bargaining agreement (*PLEASE SEE ATTACHMENT). Please be assured that our Township is safe and the Board is working with our police department to resolve the issues surrounding our collective agreement. We ask that you ignore rumors and misinformation, and instead to attend our meetings and contact the Township Manager with any questions or concerns you may have.”*

Ms. Shambaugh reported that the next item for discussion is approval of a Resolution supporting the Middletown Area School District’s pursuit of a Peer to Peer grant through DCNR to complete a feasibility study of field usage. The School District will be the applicant for this grant and the Township would be the “secondary” support. As the Board continues to search for field space within the Township, the feasibility study will determine the existing number of fields, their use, and the exact need for additional fields not only in the Township, but also in the other municipalities served by the School District. The grant, if awarded, will be for \$10,000 with no match. This will cover the cost of the study. The School District, at this time, is requesting \$500 toward the \$1,000 application fee. Ms. Shambaugh stated that her recommendation is that the Board approve the \$500 towards the application fee, and that it be paid out of line item account 400.470 which is covered under the Board’s administrative-miscellaneous line item. This is presented in Resolution No. 2016-R-2. Commissioner Truntz asked what type of field usage is being talked about. Ms. Shambaugh responded that all fields will be looked at to determine exactly what is needed. Commissioner Truntz asked if this will help facilitate shared usage between school teams and the Township’s athletic associations. Ms. Shambaugh confirmed that she believes that this is indeed the ultimate goal. A motion was made by Commissioner Truntz, seconded by Commissioner Springer, to approve Resolution No. 2016-R-2. The motion was unanimously approved.

Ms. Shambaugh reported that the next agenda item is to approve the purchase of a new police vehicle as outlined within the Township’s 2016 Budget, which had included a cost not to exceed \$43, 000. However, after talking to Chief Brandt today, plans are to add a second battery into the vehicles. She explained that when the vehicles are running, the computer equipment inside is also running. The vehicles must be left idling, because if they are shut down, the computer equipment also shuts down and the officers cannot remain in contact with the County.

Having the second battery will allow the vehicles to be shut down while allowing the computer equipment to remain running. While the budget line item is not to exceed \$43,000, Ms. Shambaugh noted that she is requesting approval not to exceed \$45,000 because the cost of the additional battery is not known at this time. There are other benefits of this second battery. It will allow a reduction in emissions overall and will save gas because the vehicle will not be idling for long periods of time. It will reduce the wear and tear on the vehicles from the idling, and increase their life span in the long run. Vice President Wilt noted that the battery will probably not cost \$2,000 but he understands estimating on the high side. He agreed that the second battery will be a good investment and worth the cost. President Mehaffie thanked Ms. Shambaugh and Chief Brandt for taking their time with this to ensure that the Township gets the proper vehicles that it needs. There is presently a fleet of nine, and plans over the next three years are to work to get the fleet down to six marked cars and three unmarked cars. President Mehaffie added the Township also has two CI vehicles and a Chief's vehicle. While the new system will put more mileage on the cars, the cars will be rotated more frequently. Ms. Shambaugh explained that with the addition of a second battery, staff believes the reduction in wear and tear will buy additional time for these six vehicles. Commissioner Truntz added that six vehicles will be ready at all times; the Board does not want to get the number down to only one vehicle for each officer on the road. If one vehicle suddenly breaks down, there will still be a vehicle immediately available. A motion was made by Vice President Wilt, seconded by Commissioner Springer, to approve the purchase and outfitting of a new police vehicle, at a cost not to exceed \$45, 0000. The motion was unanimously approved.

Ms. Shambaugh reported that she had previously provided the Board with a draft advertisement for a Construction Code Official, since Alan Knoche is retiring on May 1. A revised, more concise version of the ad is in front of the Board this evening. She requested approval to place it in the March 20 edition of the Patriot-News. Ms. Shambaugh explained that this position requires a number of PA licenses and certifications which are outlined within the advertisement. The ad will direct applicants to the Township website for a complete list of job duties. The ad will also be placed on the websites of the Council of Governments and PSATC, and in the Municipal League Job Junction. Mr. Greene will place it out on various engineering-type websites. A motion was made by Vice President Wilt, seconded by Commissioner Truntz, to approve advertisement for the Code Enforcement Officer position in the Sunday, March 20

edition of the Patriot News and in other appropriate resources. The motion was unanimously approved.

Ms. Shambaugh informed the Board that the Public Works Department started spring street sweeping, and is about half-way finished. The process is moving quicker this year since there is not as much product on the streets as last year, which was necessitated from the numerous ice storms.

Ms. Shambaugh stated that the Township is required, as a municipality, to file an Act 205 Actuarial Report to the Public Employee Retirement Commission. This is an actuarial assessment of the pension plans, and is completed by the Township's actuary, Conrad Siegel. The documents have been received and are ready for signature by the Board; the deadline for submission to the Commission is at the end of the month.

President Mehaffie reported that future meetings include the March 24 Planning Commission Meeting, the March 28 Municipal Authority Meeting, and the April 6 Workshop Meeting of the Board of Commissioners. He noted that the Township Office will be closed on Good Friday, March 25.

COMMITTEE REPORTS:

Police Committee – Vice President Wilt – reported that he and President Mehaffie had attended the American Legion's 60th anniversary celebration this past Sunday. During the ceremony, local police and firefighters were honored, including Lower Swatara "Police Officer of the Year" Patrick Ribec and Lower Swatara "Fireman of the Year" John Weikel. The Legion also made a donation to both departments. Vice President Wilt stated that it is nice to see an organization such as this support the community. President Mehaffie agreed, and added that the \$1,000 donation to both departments was extremely generous. He stated that both award recipients are very deserving, and expressed his congratulations to them. He again thanked the American Legion for its generosity and hospitality.

Public Safety Committee – Commissioner Springer – reported that a Homeland Security Conference will be held on March 22, 23, and 24. Deputy EMA Coordinator Tingle will be in attendance.

Budget & Finance – in the absence of Commissioner Davies, Ms. Shambaugh noted that the Township auditors were in-house the last week of February to perform an audit of the 2015

financial statements. The audit itself will probably not be finalized until May, but draft reports should be ready for Board review next month.

Public Works – Commissioner Truntz --- reported that the Department has been able to catch up on a number of projects. Street sweeping is being done with the sweeper which was recently refurbished by the Township mechanic, saving the Township considerable expense. The Department is also busy preparing the fields for the upcoming season.

Community and Economic Development – President Mehaffie – reported that Ms. Shambaugh had two meetings over the last month with large parcel owners to discuss future plans. He noted that he is glad to see the Township move forward with the Shireman parcel, and hopes this venture works out well for everyone. President Mehaffie also reported that staff will be meeting tomorrow to make sure everything is ready for Tuesday's MS4 audit by DEP.

UNFINISHED BUSINESS:

The Board tabled the Final Land Development Plan of Residential Retirement Community, Phase 1, File #2007-14, located along Fulling Mill Road at the intersection of Nissley Drive, prepared by Navarro & Wright, Inc. and submitted by Fulling Road LLC. The plan was recommended for approval by the Planning Commission on November 15, 2007 with stipulations. The plan was due to expire on February 20, 2008. 90-day time extensions were granted by the Board on February 20, 2008, May 21, 2008, August 20, 2008, November 19, 2008, February 18, 2009, May 20, 2009, August 19, 2009, November 18, 2009, February 17, 2010, May 19, 2010, August 18, 2010, November 17, 2010, February 16, 2011, May 18, 2011, August 17, 2011, October 19, 2011, January 18, 2012, April 18, 2012, July 18, 2012, October 17, 2012, January 16, 2013, April 17, 2013, July 17, 2013, October 16, 2013, December 18, 2013, March 19, 2014, June 18, 2014, October 1, 2014, December 17, 2014, March 18, 2015 and July 1, 2015. The Board, at its October 7, 2015 meeting, granted a time extension to January 20, 2016. The Board, at its January 20, 2016 meeting, granted a time extension to April 20, 2016.

The Board tabled the Final Land Development Plan for Middletown Home Access Driveway/Parking Revisions, prepared by Schlouch, Inc. and submitted by the Middletown Home. The initial plan submitted was due to expire on May 29, 2013. Time extensions were

granted by the Board of Commissioners on May 15, 2013, August 21, 2013, November 20, 2013, February 19, 2014, May 21, 2015, October 15, 2015, January 21, 2015, May 18, 2015, August 19, 2015, and November 18, 2015. The Board, on February 17, 2016, granted a time extension until May 18, 2016.

The Board tabled the Susquehanna Area Regional Airport Authority (SARAA) sewage planning module for the North 29 Area (land where Sheetz and other commercial properties are planned to be built) requesting that the sewage be sent to SARAA's treatment plant instead of Middletown Borough Authority as would be required according to their location within the sewage area. Lower Swatara Township Authority's agreement with the Middletown Borough Authority reads that sewage in the designated area shall be exclusively treated at Middletown Borough's treatment plan. The Planning Commission approved the planning module, conditioned upon SARAA getting Middletown Borough to agree that the exclusivity can be waived in this instance or upon proof that the exclusivity portion of the agreement does not apply to SARAA because of established Authority statues. The burden of proof is on SARAA at this point. The planning module was due to expire on January 23, 2014. The Board of Commissioners granted a 90-day time extension on January 15, 2014, April 16, 2014 and July 2, 2014. The Board granted a 120-day time extension on October 1, 2014. The Board granted a 93-day time extension on January 21, 2015 to May 20, 2015. The Board granted a 91-day time extension on May 20, 2015 and again on August 19, 2015. The Board granted a 99-day time extension on November 18, 2015 and granted an additional 83-day time extension on February 17, 2016. The plan is due to expire on May 18, 2016.

NEW BUSINESS:

President Mehaffie reported that everyone is aware that there is a huge heroin epidemic in the United States, including right here at home in Lower Swatara Township. The Middletown Area School District is looking into the use of Narcan, which is to be used if there is a heroin overdose. It can be administered up the nose or through an injection, although the injection route will probably not be taken. The School District will hold a committee meeting on April 12 to discuss this. President Mehaffie suggested that the Board also attend to obtain some background information. He added that Ms. Shambaugh had advised him that Cumberland County had a big initiative on this a few years ago, and now has Narcan in most of its police vehicles. In response

to a question from President Mehaffie, Chief Brandt confirmed that the Lower Swatara Police Department does not carry Narcan in its vehicles. He explained that there are pros and cons, and he would be happy to discuss this with the Board. President Mehaffie suggested that Chief Brandt also attend the April 12 meeting if possible. He explained that he feels that the Township needs to look into this. The EMS does carry it, although the Fire Department does not. School Board member Linda Mehaffie explained that the School Board hopes to set a policy on the use of Narcan, and added that she was informed that the police often arrive at a call before the EMS. President Mehaffie stated that he will attempt to obtain more information on this for the Board's April 6 workshop meeting. If it saves a life, it is well worth carrying Narcan in the vehicles. The Board concurred to obtain as much information as possible on this item.

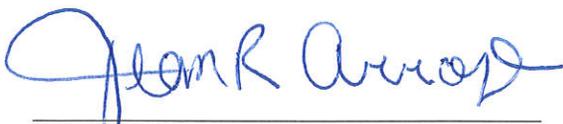
FINAL COMMENTS:

Ms. Shambaugh reported that the Comprehensive Plan Steering Committee met last night. There are plans to hold a Public Open House on Thursday, April 7 (6:30 P.M. – 8:00 P.M.) at the fire station. When final confirmation is received, information will be posted on the Township website and on its Facebook page.

ADJOURN:

Hearing no other business, a motion was made by Vice President Wilt, seconded by Commissioner Springer, to adjourn the meeting. The meeting adjourned at 7:45 P.M.

ATTEST:



Jean R. Arroyo, Township Secretary

Police Vehicle Summary - 2016

<u>Car #</u>	<u>Year</u>	<u>Mileage</u>	
1806	2004	98,847	
1809	2006	104,705 * out of service	
unmarked/detective	1845	2006	90,170
unmarked/chief	1801	2007	53,214
unmarked/detective	1841	2008	115,458
	1805	2009	108,890
	1808	2010	129,000
	1803	2011	58,087
	1804	2014	22,079
	1807	2014	27,884
	1802	2014	28,652
	1810	2014	34,302

*** this is the car slated to be replaced with a new vehicle in 2016*

	2013		2014		2015		2016	
	Base	W-2	Base	W-2	Base	W-2	1/1/2016	7/1/2016
Officer	\$52,000	\$61,856	\$56,000	\$64,797	\$59,140	\$73,842	\$61,192	\$63,028
Officer *	\$44,000	\$24,063	\$46,000	\$48,227	\$48,520	\$55,969	\$49,856	\$51,231
Sergeant	\$75,000	\$110,111	\$77,000	\$82,672	\$79,163	\$100,626	\$81,388	\$81,388
Detective	\$50,000	\$57,913	\$54,000	\$57,347	\$57,288	\$64,824	\$59,007	\$60,777
Officer *	\$44,000	\$26,399	\$46,000	\$51,934	\$48,520	\$62,126	\$49,856	\$51,231
SRO	\$40,000	\$21,926	\$42,000	\$44,260	\$44,520	\$49,954	\$45,856	\$47,231
Detective	\$66,000	\$72,298	\$68,000	\$67,998	\$72,141	\$76,425	\$74,035	\$76,534
Sergeant	\$73,000	\$78,096	\$75,000	\$74,382	\$77,101	\$84,897	\$79,264	\$79,264
Officer	\$50,000	\$59,610	\$54,000	\$61,052	\$57,288	\$72,238	\$59,007	\$60,777
Officer *	\$58,000	\$69,329	\$64,000	\$66,564	\$67,654	\$76,329	\$69,563	\$71,530
Officer **	\$76,000	\$97,610	\$78,000	\$79,620	\$80,000	\$41,652	\$0	\$0
Officer *	\$40,000	\$22,852	\$46,000	\$52,687	\$48,520	\$59,252	\$49,856	\$51,231
Sergeant	\$64,000	\$88,310	\$71,000	\$80,536	\$75,019	\$100,462	\$79,305	\$81,534
Chief	\$86,000	\$83,612	\$88,000	\$87,923	\$90,000	\$93,385	\$92,700	\$92,700
Officer **	\$40,000	\$22,290	\$42,000	\$43,429	\$44,520	\$36,595	\$0	\$0
Officer	\$72,000	\$85,521	\$74,000	\$74,707	\$76,220	\$86,240	\$78,506	\$78,506
Officer	\$52,000	\$3,892	\$0	\$0	\$0	\$0	\$0	\$0
Officer	\$50,000	\$10,325	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$1,032,000	\$996,013	\$981,000	\$1,038,135	\$1,025,614	\$1,134,816	\$929,391	\$946,962

* \$4,000 was added to base pay for the healthcare opt out

** Officers left mid-year