

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 6, 2016

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William L. Hornung, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hornung were: William B. Hawk, William C. Seeds, Sr., and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Watson Fisher, SWAN.

Pledge of Allegiance

Ms. Lindsey led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Ms. Lindsey made a motion to approve the minutes from the October 18, 2016 and November 1, 2016 business meetings. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Public Comment

Mr. Steve Rosenfelt, 340 M Street wanted to comment on the great job the Public Works Department is doing as his area has a lot of trees and leaves and they did a great job using their equipment.

Mr. Tim Murphy 1524 Pine Hollow Road, noted that the Supervisors were not willing to speak publicly on this but you chose to publish in the Township Newsletter your sorry excuse, he had to call it, for why you purchase food for your own consumption with Township tax dollars. He wanted the Board to know that since you say that citizens may agree or disagree with this

practice, that is their right; he is exercising his right to let you know that he disagrees. He explained that the Board was not elected to have entitlements, its members were elected to do a job and he understands that it is a difficult job, a very complex job. He noted over the course of the last year he has witnessed the Board struggling with a lot of issues and he appreciates that, but he does not appreciate that it feels that it is entitled.

Board Members Comments

Ms. Lindsey noted that she, along with Mr. Crissman and Mr. Seeds, attended the Friendship Center Tree Lighting on Friday night. She noted that we had a great turnout for the residents and the kids definitely enjoyed Santa Claus. She thanked all the residents who came out

Mr. Seeds noted that he also attended the Linglestown Tree Light on Sunday evening as the tree is decorated with red and white lights. He invited everyone to drive into the Square to see the tree. He noted that after the tree lighting the participants moved to the firehouse for hot chocolate and cookies. He explained that there was a big turnout and he wanted to thank all who were involved. Mr. Hornung agreed that the tree is beautiful.

Mr. Hawk noted that he recently attended a seminar and one of the presenters said one of the future bright spots of all townships will be its Public Works Department as it touches so many people, especially in the maintenance of the parks.

Manager's Report

Mr. Wolfe noted that we are wrapping up municipal operations for the end of the year, noting that we have one workshop meeting on December 13th and a final business meeting on December 20th where the Board will act on the 2017 fiscal budget. He noted that the Board will reorganized on Tuesday, January 3, 2017 at 7:30 p.m.

OLD BUSINESS

Action on a collective bargaining agreement between Lower Paxton Township and its AFSCME Sewer Department employees

Mr. Wolfe noted that the AFSCME Sewer Department employees have come to an agreement for their proposed collective bargaining agreement with the Township. He noted that this is the third collective bargaining agreement that the Board has had presented to it. He noted that the Board approved the agreements with its Police Department and the AFSCME Public Works employees.

Mr. Wolfe noted that the terms and conditions for this agreement are very similar, especially to those of the AFSCME Public Works agreement. He noted that the wage increases contained within this agreement are the same as those for Police and Public Works employees; being 2.5% in 2017; 2.6% in 2018; and 2.7% for 2019. He noted that it is a three-year contract document as were the other two ones previously acted upon. He noted that there are some other minor changes throughout and staff has provided the Board with a summary of those changes.

Mr. Wolfe noted that he would be happy to address any questions and requests that the Board act affirmatively on the contract. He noted that it has been ratified by the Sewer Department employees and signed.

Ms. Lindsey made a motion to approve the collective bargaining agreement between Lower Paxton Township and its AFSCME Sewer Department employees with a wage increase of 2.5% in 2017; 2.6% in 2018; and 2.7% for 2019. Mr. Seeds seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Mr. Wolfe noted that the fourth agreement with the Clerks and Custodians is also due for renewal at the end of this year. He noted that staff and the bargaining team are meeting and he

expects to have an agreement for the Board by the business meeting on December 20th. Mr. Hornung questioned if they were waiting to see what everyone else received. Mr. Wolfe explained that this agreement covers part time employees and there are many language changes necessary to meet current practice to accommodate the part time work force.

NEW BUSINESS

Action on the Second License Agreement for paintball operations at the Wolfersberger Park

Mr. Wolfe explained that the Wolfersberger Tract is actually two tracts of land, the front portion that fronts on Wenrich Street which the Township has filled through sanitary sewer mini-basin construction waste material, and the back 39 acres which has been used by Linglestown Paintball. He noted that it is a private for-profit organization and the Board of Supervisors entered into a license agreement several years ago to permit the continued use of that land by the paintball organization until such time as the Board decides what it wants to do with the back 39 acres. He noted that Linglestown Paintball has changed ownership and as such it became necessary to redo the license agreement. He noted that this agreement before the Board is essentially the same as in the past, except that the entity has changed and the monthly payment has increase from \$850 a month to \$900 a month. He noted other than that the terms and conditions remain the same and staff recommends that the Board act upon it this evening.

Ms. Lindsey questioned if the facility is open as long as the weather is nice. Mr. Wolfe answered yes.

Mr. Hornung questioned if the owners are all entirely different. Mr. Wolfe answered that one owner bought out the other two owners.

Mr. Seeds made a motion for approval of the agreement between Linglestown Paintball with Sean Reed and Lower Paxton Township for the license agreement for the year 2017 in the

amount of \$900 per month. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Change Order Nos. 4 & 5 to the contract with eciConstruction, LLC
for construction to an addition to the Public Works building

Mr. Wolfe noted that Change Order No. 4 is a deduction of \$1,984.00 that will change the type of window within the building to a less expensive window. He noted that the new window meets the specifications as mandated by the project architect and is recommended for acceptance by the Board of Supervisors. He noted that Change Order No. 5 is the metal clad for the building, the paint process has been changed from the use of a two-ply versus a three-ply paint system on the siding for the garage addition. He noted that the architect has accepted this change as meeting the specifications necessary for the project resulting in a \$3,000 deduction in total project costs. He noted that the change orders are complete for Board action this evening and staff recommends that you act affirmatively on these change orders.

Ms. Lindsey questioned if the windows are in the bay area or for the office space. Mr. Wolfe answered that they are in the office space.

Mr. Hornung questioned if we have an estimated time for when they will cover over the windows in the bay addition. Mr. Wolfe answered that it will occur towards the end of the project, but it is an EciConstruction change order that has been approved. He noted that the material needs to be cut and has to go through the two ply paint process and then delivered. He noted that it is not fabricated on site and is custom made. He noted that we are now working in the garage portion of the building itself and the offices will probably be done in another six weeks.

Ms. Lindsey made a motion to approve Change Order No. 4 to the contract with eciConstruction, LLC with a deduction in the amount of \$1,984 and Change Order No. 5 with a deduction of \$3,000 for construction to an addition to the Public Works building. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Change Order No. 2 to the contract with Pennsy Supply, Inc for the 2016 paving project

Mr. Wolfe noted that the Change Order to the 2016 Paving Project with Pennsy Supply is a deduction of \$85,664.35. He noted that this is due to the final computation of quantities of materials that were used in the paving of streets. He noted, in many cases, the estimate of quantities tend to be over the engineer's estimate within the bid specifications. He noted this time it was underneath the engineer's estimate. He explained that is the reason for the deduction since we used that much less paving.

Mr. Seeds noted that a month ago we approved a change order to do two additional streets and he questioned if all those streets were completed. Mr. Wolfe answered yes as it was covered under Change Order No. 1 for \$92,741.04. He noted that we did all the streets we planned to do plus two extra.

Mr. Hawk made a motion to approve Change Order No. 2 to the contract with Pennsy Supply, Inc with a deduction in the amount of \$85,664.35 for the 2016 Paving Project. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on bids for Law Enforcement TASERS

Mr. Wolfe noted on December 1, 2016 the Township opened a bid it received for Law Enforcement TASERS. He noted that the lowest and only bid received was submitted by Taser International Inc. in the amount of \$65,203.36. He noted that the bid was reviewed by staff and it was determined to be complete. He explained that no other bids were received primarily

because this item is not manufactured by anyone else. He noted that you would expect that TASERS would be on a State or Federal intergovernmental contract for purchasing but they are not. He noted for the Township to purchase the TASERS we had to issue a bid. He explained that there are manufacturers of similar items but none of them chose to submit a bid. He noted that the bid is complete and ready for action.

Mr. Seeds questioned if TASER is the brand name. Mr. Wolfe answered yes. Mr. Seeds noted that there are other companies that make the same type of equipment that have the same performance. Mr. Wolfe answered that he did not know if they had the same performance but there are other companies that make similar type items; however in law enforcement, TASER holds 90% or more of the market share. Mr. Seeds suggested that it is similar as the product name for Thermos for vacuum bottles.

Mr. Seeds questioned if PSD Spotts thinks this is a reasonable amount for this. Mr. Wolfe answered yes as he reviewed the specifications and found the bid document to be acceptable.

Ms. Lindsey questioned once we received the TASERS will each officer go through training to use them. Mr. Wolfe answered yes. Ms. Lindsey questioned if they have to be certified. Mr. Wolfe answered that each officer will be trained for how to use them.

Mr. Seeds questioned if the company provides training. Mr. Wolfe answered that he does not know and he does not know who will do the training, but we already have officers who are trained to use TASERS. He noted that he can have PSD Spotts provide information for the training process.

Mr. Seeds noted that we have one or two TASERS now. Mr. Wolfe answered no, only officers who have been trained. He noted that he can have PSD Spotts come to a meeting to discuss this with the Board at a later time. Mr. Seeds questioned when you expect to get the

TASERS. Mr. Wolfe answered by the end of the year. Mr. Seeds noted that the training would occur in 2017.

Ms. Lindsey questioned if the officers will be required to carry the TASERS while working on the street. Mr. Wolfe answered yes. Ms. Lindsey noted that she did not know if they would be provided an option. Mr. Seeds noted with purchasing 30, he would imagine that all the patrol officers would have one. Mr. Wolfe agreed. He noted that he will have Director Spotts discuss training with the Board the next time he attends a meeting.

Mr. Hornung questioned if this is in the budget. Mr. Wolfe answered yes as it is part of amended budget for a new strategic plan that PSD Spotts presented to the Board about six weeks ago and was accepted by the Board.

Mr. Hornung questioned what his estimate was for the TASERS. Mr. Wolfe answered that it was about the amount of the bid received.

Ms. Lindsey noted that it was part of the strategic plan that PSD Spotts presented to the Board.

Mr. Hornung noted that it bothered him that we only received one bid. Mr. Wolfe explained that this should not be something that we have to bid as it creates a bureaucratic process that is not applicable to competitive purchasing. He noted that there is no competitive purchasing for TASERS as it is the only thing that police officers should be carrying and it is not available on a state or federal piggyback contract. He stated that he did not know why. He noted that some municipalities have taken the position that it is a sole source because there is no one else who makes them. He noted that he does not believe that is accurate as there are other devices and he felt that it was better to bid the process. He noted that those who make other devices would have had the opportunity to submit a bid but they did not.

Mr. Hornung questioned Mr. Wolfe if he knew why they would not have submitted a bid. Mr. Wolfe suggested that it would be because they could not meet the specifications.

Mr. Seeds made a motion for approval of acceptance of bids from TASERS International Corp for 30 law enforcement TASERS in the amount of \$65,203.36. Mr. Hawk seconded the motion. Mr. Hornung called for a roll call vote: Ms. Lindsey, aye; Mr. Hawk, aye; Mr. Seeds, aye; and Mr. Hornung, aye.

Action on a proposal from Constellation Energy, through the PLM Municipal Utility Alliance, to provide electricity to Township facilities

Mr. Wolfe noted in Pennsylvania you have the option of purchasing electricity from any number of suppliers. He noted that the Pennsylvania Municipal Alliance (PMA), of which Lower Paxton Township is a member, has bid the provision of electricity for many years and has a current bid with Constellation Energy that offers a significant reduced price for Lower Paxton Township with our current term for electricity ending this year. He explained that he provided the pricing from Constellation as of December 1st and it shows a fixed price of 0.05436 for a 12 month agreement the whole way up to 0.05523 for a 47 month agreement for the purchase of electricity. He noted that we are currently paying 0.69335, and this would provide for a significant reduction noting that it is a fluctuating reduction. He noted that until the Board approves the purchase, staff does not have the ability to lock in the number, although dealing with PMA their prices have all been around the 0.055 level. He noted if we would lock in at the current amount the savings would be roughly \$50,000 for a 12 month term and for 47 months it would be \$125,000.

Mr. Wolfe recommended that the Board lock in for the longest time possible. He stated that he did not think rates could get any lower. He suggested that a 47 month term at 0.05523 with the savings of approximately \$125,000 over 47 months is a good deal.

Mr. Seeds questioned why it says 47 months. Mr. Wolfe noted that they priced it at 47 months, as they will not go to 48 months. Mr. Seeds questioned if it would start January 1, 2017. Mr. Wolfe answered yes. Mr. Seeds noted that it will end at the end of November 2020.

Ms. Lindsey made a motion to accept the proposal from Constellation Energy through the PLM Municipal Utility Alliance to provide electricity to Lower Paxton Township facilities at 0.05523 starting January 2017 for 47 months. Mr. Seeds seconded the motion.

Mr. Tim Murphy, 1524 Pine Hollow Road noted that he would like to echo what Mr. Wolfe stated as he heard the same thing last week that utility prices for electric are about as low as they will go and the recommendation that he heard last week was to lock in at the rate. He noted that it is the right move. He questioned if it only applies to the Township or does it also apply to the Sewer Authority. Mr. Wolfe answered that it also applies to the Sewer Authority.

Mr. Wolfe noted that staff also has a relationship with a broker who does online options and he was asked to price the rate for electric and it came in higher than these results.

Ms. Lindsey questioned why the rate for 36 months was lower than the one for 47 months. Mr. Wolfe answered that the shorter the term the lower the rate as there is less volatility.

Mr. Hornung called for a voice vote and a unanimous vote followed.

Action on the 2017 Municipal Domestic Animal Protective Service Agreement

Mr. Wolfe noted that this is the renewal of the existing agreement with the Humane Society of Greater Harrisburg to provide Lower Paxton Township with domestic animal services, the collection of stray dogs in the Township, and some other animals. He noted that the agreement is the same other than the dates as the one we had this year. He noted that the onetime payment of \$2,653.80 remains the same. He noted that there are also additional amounts should the Humane Society have to deal with other types of animals such as a pit bull dog. He explained

that those numbers have not changed either. He noted that we are asking for the same services from the Humane Society and they will provide them at the same cost.

Mr. Hornung noted that the maximum number of pit bull dogs that they will take in a given year is 100; have we ever reach that number. Mr. Wolfe answered no.

Mr. Seeds questioned how we have done for this year. Mr. Wolfe noted that we had no major issues for the year. Mr. Seeds noted, in the past, we have gotten money back or had a credit. Mr. Wolfe explained that occurred in years where the annual deposit was significantly higher but we refused to pay the higher amount as we were not using it and they kept the funds on account and credited it to previous years. He noted that we have used that money up at this point.

Ms. Lindsey questioned how many dogs we take the Humane Society. Mr. Wolfe answered that he did not know but he would get an answer for the Board. Ms. Lindsey questioned if many of the dogs are claimed before they are taken to the Humane Society. Mr. Wolfe answered yes.

Mr. Hornung noted that it costs \$122 per dog; \$265.70 for a pit bull, and a cat costs \$135.70.

Mr. Seeds noted that the public needs to know that a citizen is not allowed to take a dog to the Humane Society as they must get paperwork from the Police Department first.

Ms. Virginia Alexandre, 5906 Pine Hollow Court questioned if the Township takes cats. Mr. Wolfe noted if the cat is a stray yes, but if it is a feral cat, no. Ms. Alexandre questioned how that is determined. Mr. Wolfe answered that he did not know. He noted that feral cats are considered wild animals and the Humane Society will not take them. He noted that there are various trap, neuter/spayed and release programs. Ms. Alexandre noted that she is familiar with

those programs. She noted that the Humane Society will not take those cats. Mr. Wolfe noted if it is a stray cat then it is covered by the agreement but proving that it is a stray cat is difficult.

Ms. Lindsey noted that it is important to have a license for a dog as it makes it easier to find the owner if the dog is lost.

Mr. Hornung noted, at one point there, was a lady who was taking in feral cats for the trap, neuter/spayed program. Mr. Wolfe noted that there are various trap, neuter/spayed and release programs in the Township and they have met with some success for short periods of time. He noted that he did not know if there is an effective one that is currently in service. He noted that the problem has always been a steady source of funding.

Mr. Hawk noted that he and his wife adopted a cat from the Humane Society for \$37.10 and it had its shots and was neutered, but they put in a chip in the cat in the event it would get out and lost. He noted that he had to sign a paper that the cat would not be allowed outside. He noted that the adoption of that cat was more intense than he ever realized. He noted that they do much more than catch and house them.

Ms. Alexandre noted that she wished we would take more of the cats to the Humane Society as some of the cats she found were already fixed and were strays. She noted that they are around the Township Public Works building all the time.

Mr. Hawk made a motion to approve the 2017 Municipal Domestic Animal Protective Service Agreement. Ms. Lindsey seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Agreements between the Township and its Firemen's Relief Association
regarding reimbursement of funds towards the purchase of fire trucks

Mr. Wolfe noted when the Board agreed to purchase three firefighting units for Linglestown, Colonial Park and Paxtonia fire companies, an expenditure that approached \$2.4

million. He noted that the fire companies through their Firemen's Relief Association agreed to contribute \$100,000 per unit for this purchase. He noted that before you this evening are the agreements for Colonial Park and Linglestown, each in the amount of \$100,000 to provide for their contributions towards their piece of firefighting apparatus. He noted that the Paxtonia contribution is in process and has not been prepared yet. He noted that it is nothing more than each of the two volunteer fire companies following through on the agreement that they reached with the Board previously as you moved forward with the purchase of the fire equipment.

Mr. Wolfe noted that they need to have these agreements in place as the State Auditors will come and audit their fund and they will need to see the specific agreement properly executed.

Mr. Hornung questioned if this is \$100,000 per unit. Mr. Wolfe answered yes. He noted that he would expect the third contribution with the maximum amount to be \$300,000.

Mr. Seeds noted if they are sold, they get a certain percentage of the funds for the sale. Mr. Wolfe answered yes.

Ms. Lindsey questioned if we are expecting the fire equipment in 2018. Mr. Wolfe answered that these two trucks should be delivered in 2017. Ms. Lindsey noted that the Paxtonia unit would not be delivered until 2018. Mr. Wolfe answered that it could extend that long.

Ms. Lindsey made a motion to approve the agreement between the Township and its Firemen's Relief Association regarding reimbursement of funds towards the purchase of fire trucks at \$100,000 for Colonial Park and \$100,000 for Linglestown. Mr. Seeds seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Improvement Guarantee

Mr. Hornung noted there were three Improvement Guarantees.

Stray Winds, Phase 3

Approved the amount of \$1,712,296.30 to be the basis for an improvement guarantee

Stormwater Management Plan for Weiss Markets

A change of Institution for a letter of credit from BB&T to Well Fargo Bank, NA in the amount of \$250,395.75 with an expiration date of September 6, 2017

Amber Fields, Phase V

A release of a letter of credit with Mid Penn Bank in the amount of \$7,366.29

Mr. Seeds made a motion to approve the three improvement guarantees. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, Lower Paxton Township Authority and the payroll checks. Mr. Hawk seconded the motion. Mr. Hornung called for a voice vote, and a unanimous vote followed.

Announcements

Mr. Hornung noted that prior to or following this meeting the Board will meet in Executive Session to receive information from the Township Manager in regards to employee personnel matters.

Adjournment

There being no further business, Mr. Hawk made a motion to adjourn the meeting. The meeting adjourned at 8:10 p. m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William B. Hawk
Township Secretary