

Harrison Township Board of Commissioners  
Regular Public Meeting  
January 28, 2019

The Harrison Township Board of Commissioners Meeting was called to order at 7:00 p.m. by Chairman William Heasley.

The Pledge of Allegiance was recited.

Commissioners William Heasley, William Poston, Robin Bergstrom and Chuck Dizard were present. Gary Lilly was absent. Township Solicitor Emily Mueller and Township Engineer Raymond Antonelli, Jr. were also present.

Mr. Heasley stated that we've been attempting to reach Mr. Lilly who is out of town. He assured us that he would have his phone with him and answer. He has not answered. There may be items on the agenda that we will wait to act on, if he calls back.

Mr. Heasley said that the December 17 2018 Regular Meeting minutes have not been completed, due to the heavy workload in the office from the end of the year.

#### **Remarks from Visitors**

Karen Wantland said that her question was answered about the last months minutes, but that her records show that we're missing Agenda Meeting minutes for August, September and December and Regular Meeting minutes for October and December.

Susan Motosicky, Township Secretary said that I am not able to answer why the August minutes were not done. I'm going to get them done. Rich is new, there's a lot of learning, a lot of catching up, and with the end of the year, and starting the new year, it's been a lot. They will be done and they will be posted.

Mrs. Wantland said it's just interesting because November is on there. The Manager and Secretary, I'm a little bit confused about that because I know there was a little bit of back and forth. He was hired at an hourly rate and no benefits.

Mr. Heasley said health insurance was included.

Mrs. Wantland said originally?

Mr. Heasley said yes.

Mrs. Wantland asked what changed in November when it was voted on again? He was hired as an interim...

Attorney Mueller said are you talking about Ed Kirkwood?

Mrs. Wantland said no, I'm talking about Rich Hill.

Attorney Mueller said because Ed Kirkwood was and Interim Manager, hourly with no benefits. There is only one contract for him and that the one that's in existence.

Mrs. Wantland said that was in November?

Mr. Hill said it changed from an hourly rate to a salary. It's a salary, plus benefits.

Mrs. Wantland asked if it was originally an hourly rate? That happened in December and none of that was published? I believe the paper filed a Right to Know for those salaries.

Mr. Hill said they received that information. All the Right to Knows have been answered.

Mrs. Wantland said mine hasn't.

Mr. Hill said it's listed in the record as being answered. I've never received one from you since I've been here.

Mrs. Wantland said we spoke at the November meeting and I asked you to please follow up and you said that you would.

Mr. Hill said the records I saw, it was answered. Whatever you've requested was given to you. If you need more information, please file another one.

Mrs. Wantland asked if she had to file a Right to Know every single time? There was a discrepancy. I wanted to know how that money was booked. There's no record of salvage for 2015. None. 2016, off the top of my head, \$100 or something, and 2017 there was one deposit for 2016 and 2017 for \$1,700 or \$1,900 made by Randy Martinka. It's confusing to me why he would have had the money and why it had been out there for so long. Those were questions I've asked at the November meeting, that Mr. Poston said he didn't have in pocket, and that you would research it. I'm just asking for the answers to that.

Mr. Hill said I'll look into it.

Mr. Poston said still put it in writing so he has a record of it.

Mrs. Wantland said I thought the Secretary did the minutes but the minutes are being signed and submitted....

Mr. Heasley said for a while Jody Lamison did them. She said she didn't want to do them anymore.

Ms. Motosicky said it's been a very confusing and difficult past six months and we're all trying to get on track here. There's nothing that we have here that we don't want someone to see. We're trying to get caught up to speed. There's been a lot of changes in this Township.

Mrs. Wantland said all the increases in salaries and positions, it needs to be justified to the public. I want to be sure the job descriptions are being handled.

Mr. Hill said Faith left, there's been two interim managers. There wasn't a lot done by the interim managers. We're trying to pick up the pieces and get things rolling, and I think we're doing a pretty good job. If you have any questions, please feel free to call me and I'll sit down and talk to you.

Leonard Rueben, 70 Walnut Street, Natrona asked who has the development in the plaza. Does anyone have any interest in the plaza at all? Financially? Can't you become part owner of that property?

Attorney Mueller said it is private property, it's not owned by the Township.

Mr. Poston said you can buy it for 17 million dollars.

J. Rodney Duster said I'd like to speak about employment of the Chief. It's difficult to hear back here. I'm here to speak on behalf of Chief Klein. We have a Chief in Harrison Township, he's been here over 25 years and runs a scandal free police department. I'm on the Civil Service Commission so I've stayed out of it, but it's time for me to express my thoughts. We're not like McCandless Township, Leechburg Borough, or the Beaver Valley. Chief Klein runs the police department in a military manner. He plans, organizes and conducts in a military manner. Sometimes he ruffles feathers, and that's good. I don't know why he's being treated the way he is, I understand, over months and pennies. I've been asked, "how do we get so many applicants when we hire". It's because we have a first class Chief. I think it's time to treat this man fairly and with the respect that he deserves. I don't think he's getting that right now. The audience applauded.

Mr. Heasley said we tried to get this passed a couple of months ago, and it's a two to two vote. Mr. Lilly was supposed to be available on the phone tonight, and I haven't heard back from him, he will not answer his phone.

### **Committee Reports**

Fire and Property: Mrs. Bergstrom read the monthly reports from Hilltop Hose, Harrison Hills and Citizens Hose Fire Companies.

Grants: Mrs. Bergstrom said I'm submitting a Grant for \$100,000 for the biking and walking trail, I'd like to pass that Resolution tonight. Mrs. Bergstrom moved to adopt this Resolution. Seconded by Mr. Dizard. Motion carried.

Mrs. Bergstrom said the Natrona concession stand is almost done. The architect is going to do the final walk through this week.

## **Finance**

Mr. Dizard reported that the paid bills to be ratified for December 2018 amounted to \$114,891.21. Mr. Poston moved to approve/ratify these bills. Seconded by Mrs. Bergstrom. Motion carried.

Mr. Dizard reported that the bills payable for Janaury amount to \$35,347.92. Mr. Poston moved to approve these invoices for payment. Seconded by Mr. Dizard. Motion carried.

Mr. Dizard reported the Bond Account invoices amount to \$11,563.92. Mr. Poston moved to approve these invoices for payment. Seconded by Mrs. Bergstrom. Motion carried.

Mr. Dizard reported the Liquid Fuel invoices amount to \$14,941.75. Mrs. Bergstrom moved to approve these invoices for payment. Seconded by Mr. Poston. Motion carried.

## **Zoning and Ordinance**

Mr. Dizard read the monthly report submitted by the Zoning and Ordinance Department.

## **Public Safety**

Mr. Poston read the Police Report for December, 2018.

Mr. Poston also read a letter commending the Harrison Township Police Department.

## **Public Works**

Mr. Heasley read the Public Works Department report for December 2018.

Mr. Heasley noted that in 2011 we spent almost \$15,000 in cold patch for the alleys in the township. In 2018 it was under \$7,000, so the rehabilitation program

is working, and has cut down on cold patch. There were also a couple of phone calls commending the Public Works Department for salting the streets in a timely manner.

### **Engineers Report**

Mr. Antonelli read the report from NIRA Consulting Engineers, Inc. for January 2019.

Mr. Antonelli recommended payment for the Linden Street project. I have two partial payment applications signed by the contractor and approved by our office. Partial Payment No. 1 in amount of \$2,651.40 and Partial Payment No. 2 in the amount of \$23,154.40. He also advised that he met with the contractor regarding closeout of the Chestnut Street sewer project, and requested an executive session at the conclusion of tonights meeting.

Mr. Heasley said we're hoping that Mr. Lilly will call us back, I'll skip item 6.

Mr. Poston said try and call him again, call every five minutes if you have to.

Mr. Heasley called Mr. Lilly's cell phone again, and he did not answer.

Ordinance No. 2005 – Establishing reasonable costs of collection for Delinquent Local Service Tax and impose the cost of such collection upon the delinquent taxpayer, as authorized by the Local Tax Enabling Act. Mr. Dizard moved to adopt Ordinance No. 2005. Seconded by Mrs. Bergstrom. Motion carried.

Authorize advertisement of Ordinance No. 2006 – Amending the Harrison Township Zoning Ordinance and changing the Township Zoning Map by rezoning a portion of the R-1, Single-Family Residential District, in the vicinity of Kingston Drive, Parkway Avenue, Meadow Street and Overland Street, to R-2, Two-Family Residential District . Mrs. Bergstrom moved to advertise Ordinance No. 2006. Seconded by Mr. Dizard. Motion carried.

Mr. Heasley announced that we will skip Item 9.

Resolution No. 1826 – Authorizing a Treevitalize Application for the Fall of 2019 Award. Mr. Dizard moved to adopt Resolution No. 1826. Seconded by Mrs. Bergstrom. Motion carried.

Accept the resignation from Thomas E. Grant, from the Zoning and Ordinance Department, effective January 22, 2019. Mr. Poston moved to accept this resignation. Seconded by Mr. Dizard. Motion carried.

Authorize 1<sup>st</sup> Quarter 2019 Allocations in the amount of \$1,750.00 to all three Volunteer Fire Departments. Mrs. Bergstrom moved to approve. Seconded by Mr. Dizard. Motion carried.

Authorize Partial Payment Application No. 2 to Ron Gillette Inc., in amount of \$23,154.40 for work on the Linden Street Demolition, as recommended by NIRA Consulting Engineers, Inc. Mr. Dizard moved to approve this payment. Seconded by Mr. Poston. Motion carried.

Announce April 27, 2019 as Annual Earth Day in Harrison Township, from 1:00 p.m. to 3:00 p.m.

Mr. Dizard said we discussed participation with Grounded Strategies Group to apply for a grant on behalf of Harrison Township, to do GIS mapping of our abandoned properties. Mr. Dizard moved to approve this action. Seconded by Mrs. Bergstrom. Motion carried.

Mr. Dizard stated that there will be no cost to the Township for this Grant. They are a non-profit organization.

Act on Employment and Retirement Agreement of the Chief of Police. Mr. Poston moved to accept this Agreement. Seconded by Mr. Heasley. Mrs. Bergstrom opposed.

Mr. Dizard said I am entirely supportive and in favor of a retirement soft landing agreement for Chief Klein. I'm not satisfied that the material we received on email this morning has had sufficient review by the Board. I would like to suggest that we review this for next month.

A member in the audience shouted out, try to call the other guy!

Mr. Dizard said I make a motion that we table this for February, and if that is not acceptable to the four of us, then I have to vote no. Not because I'm opposed to a retirement agreement for Chief Klein. I am not prepared to act on what we received this morning.

Mr. Heasley said what we received this morning was very much explained at the meeting last Thursday by our Manager, who did an extensive study of this, and made a recommendation that we approve this. So your vote is no?

Mr. Dizard said if that's what the alternative is right now, I have to vote no.

The motion to act on Employment Agreement of the Chief of Police did not pass due to a tie vote. Mr. Heasley and Mr. Poston voted yes. Mrs. Bergstrom and Mr. Dizard voted no.

Mr. Poston said this contract costs the Township absolutely nothing. Zero dollars. This is coming out of his fund, and the rest of his salary.

Mr. Hill said I wasn't here back in May. I had Mochenhaupt review this, and they reported that it would not cost the Pension Plan any money. Nothing. The study was done for the Chief, exclusively. The Chief hasn't collected a pension for six years, which he's entitled to. He could have retired six years ago. The Pension Fund has kept that money in there, and collected interest. All he's doing is drawing his pension. It goes into an account for 3 ½ years until he retires, and then it's his money. Actually, over this next 3 ½ to 4 years, his total package is less money. He has taken concessions in this agreement. It would be saving the Township money if they would accept this DROP plan. This gives the Township time to look at a new Chief. If he works without a drop plan, his pension increases. My opinion is, you've been given this information, he has come back with concessions, and it's less money than if you let him continue to work without the DROP.

Mrs. Bergstrom said we discussed this last Thursday. Mike, you know I've been working with you for months. I spent 2 ½ hours with Mike one afternoon trying to understand the contract. We're talking about a million dollar contract over a



four year period. That's the value of it. I put a proposal together last July, I thought we were going to move forward.

Chief Klein said I never saw it, this is January.

Mrs. Bergstrom said I know I had eleven objectives I wanted to achieve with that agreement if anyone wants to look at it after the meeting. I think when we do an agreement of this magnitude, it sets a precedent, we've never had a contract with any salaried employee in this Township.

Chief Klein said I'm Civil Service, I'm not an at will employee.

Mr. Heasley said he has done an exceptional job and people are here to attest to that. For us to delay this any further is ludicrous.

Patty Marshall asked, what is the objection?

Mr. Dizard said I have no objection to a retirement proposal for the drop plan. The drop plan that is defined in the Ordinance is crystal clear. And that's different than a managerial employment agreement. I'm sorry, but what we were presented with here this morning was a managerial employment agreement where we have not had an employment agreement for administrative full time staff. Civil Service provides employment terms for police officers and chiefs. We do not need, what we call a managerial employment agreement to accomplish this retirement plan. This retirement plan is fully captured by the Ordinance we have a draft of. The benefits that Chief Klein has had for all these years have basically paralleled the same benefits that the union police officers have and that's perfectly appropriate, it's good and there's not intention that I've heard, ever, from any member of the Board, that we would ever do anything other than continue past practices. We don't need an agreement now to accomplish that. We need to entertain the Ordinance that will revise the Police Pension. I propose that we do that at the February meeting, when we have had a chance to consider some alternative ideas. When we left the executive session last Thursday, there was no clarity of what the next step would be. The next step appeared in our email this morning. It doesn't change anything that's in the agreement or the dates, effective dates of what we were presented with. If we do this next month

it doesn't change anything. The next month does not change one iota of the agreement we were presented with.

Mr. Heasley attempted to reach Mr. Lilly by phone again. He did not answer.

Mr. Dizard said the Chief has the same pension that the officers have. To make a change, an ordinance has to be advertised and voted on. It's a change in the Pension Plan.

Chief Klein said that's recognized Chuck. You have to have an agreement first, and the next month you pass the ordinance. Mr. Chairman, this agreement has been vetted, dissected and autopsied ten times over than any other agreement in the history of Harrison Township. I've been here over 35 years. I know how things were done and I see how things are done this time. There's a heck of a lot of misunderstanding of what you're reading and what it's about. You're drawing a line in the sand and saying he can't have it, he already gets what the police bargaining unit does, and no I don't. We're separate. They're the bargaining unit and I'm the Chief of Police. I'm represented by the Fraternal Order of Police Lodge 91 and the Western Chief's of Police Association. They're represented by another union. When you deal with them on agreements, it didn't include me. It's obvious from the last two contracts.

Mrs. Bergstrom called for a 15 minute executive session.

Mr. George Conroy said Mike has obviously done a great job. He's one of the best Chief's in the valley and he's made a difference in this department.

Mr. Gary Marshall said I was in the Police Department of 34 ½ years. Everything they've said about Mike is true. Mike was never included in our contract. He's management. In 1982 the Police Department voted the Chief out of the contract.

Mr. Dizard said I'm not suggesting that the Chief has anything to do with the union contract.

Chief Klein said if they agree that I carry it when I left the bargaining unit into the Chief of Police, that happened a long time ago that I would carry that. They agreed that I would carry that forward, that I already had. From there, I have

trimmed, and didn't get everything they got, but that's the way it goes. This is completely separate. This is about obstructions, delays and how can we not enable this, and how can we obstruct him further so that he doesn't get this, and we can get our way. That's what this is about.

Mrs. Bergstrom said I've been working on this. I think I'm the only one that takes notes, and she showed him how thick her folder is.

Chief Klein said you know what, mine is about this thick, going on four years.

Mr. Hill again, stated that his plan would be saving the taxpayers money over four years. It's coming out of the Pension Plan.

Mr. Conroy said Chief Klein drew up a Policy and Procedure Manual. Prior to him becoming Chief, we didn't have one. He's made a big difference in the Department.

Norbert Cieslinski said I've known Chief Klein for many years. I don't think anyone is questioning his integrity, his ability as a Police Chief, or his probably deserved reward for what he's negotiating. But what I hear for the first time is two people on the Board that have one idea and two others that have another idea. I'm confused as to what's causing that. In 3 ½ years the Chief gets a nice pension and gets his retirement. Can he collect a pension and continue to work?

Mr. Hill said yes. It's a State Legislature Plan that is offered to police.

Mr. Duster attempted to reach Mr. Lilly by phone, unsuccessfully.

Mr. Poston said on Thursday Gary Lilly gave his word that he was going to vote for this and that he would answer his phone.

Mr. Heasley announced that the Board will go to executive session to discuss this personnel matter.

Mr. Heasley called the Regular Meeting back to order.

Mr. Heasley said before we can vote on any agreement, we have to advertise an ordinance and we are going to proceed with that tonight.

Authorize advertisement of Ordinance No. 2007 – Amending the Harrison Township Code of Ordinances, Chapter 1, Section 641, The Harrison Township Police Pension Plan, by modifying Section 4.04 relating to Service Increment Benefits and Providing for a Deferred Retirement Option Plan for Police Management. Mr. Dizard moved to advertise this Ordinance, and said I personally support how that Ordinance is written. Seconded by Mr. Poston. Motion carried.

Mrs. Wantland said I think it was made pretty clear, the answer that was given, it's a no brainer to vote yes for that. Can you take a straw vote?

Mr. Heasley said Mr. Poston voted yes.

Mrs. Wantland asked the Commissioners that disagree, if they could tell us what your views are after it was clearly explained.

Mr. Dizard said there's still more discussion to occur among us.

Mr. Poston said I will not be here in February, but I'll be on the phone.

Jim Erb said the the Chief has been here for 35 years. One of the best departments with no controversy. I think this should be done fairly. Whatever you have to do, make it happen. He deserves it.

Mr. Poston said you've been here for 35 years, I can't find a sick day.

Mr. Heasley announced that the Board will go to executive session to discuss possible litigation.

Mr. Poston moved to adjourn. Seconded by Mrs. Bergstrom. Motion carried. Meeting adjourned.

ATTEST:

TOWNSHIP OF HARRISON

Susan K Motosicky  
Township Secretary

Mark A. Healey  
Chairman, Board of Commissioners