

Council of the City of York, Pennsylvania

Henry Hay Nixon, President of Council
Sandie Walker, Vice President of Council
Judy A. Ritter-Dickson, Member of Council
Edquina Washington, Member of Council
Lou Rivera, Member of Council

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MINUTES

December 22, 2020

(Continued from 12/15/20)

6:00 p.m.

CALL TO ORDER: President Nixon called the December 22, 2020 continuation meeting to order at 6:00 p.m. with the following Council members teleconferencing in from remote locations: Lou Rivera, Edquina Washington, Sandie Walker, Vice President, and Henry Hay Nixon, President, with President Nixon presiding.

Members of the Administration in attendance included: Michael R. Helfrich, Mayor; Tom Ray, Business Administrator; Dan Hevner, Assistant Business Administrator; Cherie Alwine, Finance Officer; Kim Robertson, HR Director; Gere Levelle, Budget Team Member; and Jason Sabol, Assistant Solicitor, with all teleconferencing in from remote locations.

Members of York City Council staff in attendance included: Dianna L. Thompson-Mitchell, City Clerk, who also teleconferenced in from a remote location.

NOTICE: Council's meeting format has been altered due to the Declaration of Disaster Emergency issued by Governor Wolf amid the COVID-19 (coronavirus) pandemic and the recent breach to the city's information technology department. Public Comment will only be received on agenda items. General Public Comment is suspended until further notice. Below are ways citizens may watch and participate in the Council meeting:

1. For public view only link, click this link: <https://zoom.us/j/91462846649?pwd=bWR4R0lVM2Fpd3NoQVhUc3ZvSTRxZz09>
Passcode: 54321
2. For public call-in number: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 **or** +1 646 876 9923 **or** +1 301 715 8592 **or** +1 669 900 6833 **or** +1 253 215 8782 **or** +1 346 248 7799 **or** +1 408 638 0968
Webinar ID: 914 6284 6649
Passcode: 54321
To request to comment during the meeting, you must press *9 to "Raise your hand." When recognized, press *6 to unmute/mute your microphone. Zoom will also remind you to press *6 after you are recognized to speak. Also, those watching in Zoom may use the "Raise Hand" feature to indicate you request to comment.
3. Watch the meetings on Comcast Cable Channel 18.
4. Watch the meetings live on Facebook (Search for "City of York").
5. Watch the meetings online at www.wrct.tv
6. Email comments on agenda items to the City Clerk at dthomps@yorkcity.org no later than 3PM on the day of the scheduled meeting.
7. Mail comments on agenda items to: Office of City Clerk, Attn: Public Comment, 101 S. George St., York, PA 17401. Comments must be received the day prior to the scheduled meeting date by 4PM.
8. Persons with hearing impairments may call the Deaf Center at TDD (717) 848-6765 for assistance.

I. Reconvened Legislative Meeting (Continued from 12/15/20) at 6:00 p.m.

II. Roll Call

III. Meeting(s) Scheduled:

- **Next Council Legislative Meeting:** Scheduled for **Tuesday, January 5, 2021 at 6:00 p.m.** Agenda items are due by 10am on December 30th.

Mayor Helfrich discussed the proposed amendments to the 2021 budget. He said the budget amendments are based on the projected sale price of about \$190 million for the Wastewater Treatment Plant. He stated that we received bids higher than anticipated for the sale of the plant. He said the revenue from this sale is incorporated into this budget and for the first time in decades we will be in a position where the future is not as bleak as it has been. There is a light at the end of the tunnel as we have received an accepted an offer and those of us on the committee unanimously agreed that this is our best option.

Assistant Solicitor Sabol said this is a culmination of years of work over several administrations to find a way out of this fiscal hole. He announced that the high bidder is PA American Water and the committee composed of myself, the Mayor, Public Works Director Chaz Green, Business Administrator Tom Ray, Assistant Business Administrator Dan Hevner, Council Vice President Sandie Walker and Council President Henry Nixon have voted unanimously to accept their offer. He said we plan to present formal approval of the sale to Council its January 5, 2021 meeting.

Mayor Helfrich then highlighted some portions of the budget that will benefit from this additional revenue such as jobs saved, wastewater treatment upgrades, and no fee increases as proposed in November.

President Nixon said Council will have a watchful eye on how this money is spent. He stated that said Bill No. 17 and Bill No. 19 were pulled from the agenda as a result of this budget amendment and projected revenue.

Final Passage of Bills

NOTICE:

The following Bills were pulled from the agenda and will not be considered for adoption at this time:

- Bill No. 17—Increasing all fees charged by the City of York ten percent (10%) effective January 1, 2021.
- Bill No. 19— Increasing refuse fees effective January 1, 2021.

1. Final Passage of **Bill No. 18, Ordinance No. 17 (AMENDED)** - A Bill Increasing sewer rental fees effective January 1, 2021. (Article 933.03)([View](#))
Introduced by: Sandie Walker
Originator: Business Administration (Finance) | Mayor

Bill No. 18, Session 2020, A Bill increasing sewer rental fees effective January 1, 2021, which was introduced by Walker at the November 15th meeting of Council and read by short title, came up for final passage. On motion of Walker, seconded by Washington, Bill No. 18 came up for discussion.

Mayor Helfrich said we are required by a lending entity called Invest to increase our sewer fees by 3% in order to get a lower interest loan. He stated that we have to take out that loan because the WWTP has overflowed several times into the Codorus Creek which is against environmental standards. He said need to borrow money to upgrade the plant in order to get the loan to complete these upgrades.

A motion was made by Walker, seconded by Washington, to approve the amendment to change the sewer fees to \$9.37 for each 1,000 gallons per month. The motion passed by the following vote: Yeas – Rivera, Washington, Walker, Nixon – 4; Nays – 0.

There being no further discussion, Bill No. 18, Ordinance No. 17, as amended passed by the following vote: Yeas: Washington, Walker, Nixon – 3; Nays: Rivera- 1.

Assistant Solicitor Sabol said this bill passed even though there was on dissenting vote.

2. Final Passage of **Bill No. 20 (AMENDED)**(Deferred to the 12/29/20 mtg) - A Bill Adopting the 2021 York City Budget ([View](#))
Introduced by: Sandie Walker
Originator: Business Administration (Finance) | Mayor

Final Passage of Bill No. 20, Session 2020, A Bill adopting the 2021 York City Budget, which was introduced by Walker at the November 17, 2020 meeting of Council and amended by the administration, came up for final passage. On motion of Walker, seconded by Washington, Bill No. 20 came up for discussion.

Vice President Walker asked about the line item that will cover the re-write of Article 136 “[Small and Disadvantaged Business Enterprise Program](#).”

Mayor Helfrich said the money is not currently in the budget. However, once the WWTP sale revenue is incorporated into the budget, we can consider moving forward. He said he will keep his word to include funding for the re-write and that they are 100% committed to do that.

Vice President Walker then asked if the \$14,000 for the PML membership fee is included in Council’s budget.

Business Administrator Ray said, yes.

Vice President Walker said Council appreciates the work that has been done to get this budget done. She said this has been a tough year from COVID, to the security breach, and she wants people to know that even though Council may not have many questions during the Council meeting, we have met with state officials, financial consultants, the governor and many other officials to make sure we have an understanding about what’s going on with our finances and our options.

AliceAnne Frost, City Controller, asked if the request for a part-time auditor for the controller’s office remains in the budget.

Business Administrator Ray said, yes.

Erica Caldwell, non-resident, asked about the inter-municipal sewage treatment plant. She said there was a huge increase in the other professional services line item. She asked why that went from \$100,000 to \$658,000.

Mayor Helfrich said those are fees for the engineering work required for the EPA upgrades.

Joel Collier, resident, city employee, asked what is Article 136.

Mayor Helfrich said the intention of Article 136 was to help small and disadvantaged businesses, specifically minority businesses. He said this article hasn’t been implemented properly since it was created so we’re looking at re-writing it to get the intended results.

Joel Collier then asked if the city is able to keep any of the current WWTP workers after sale of the plant.

Mayor Helfrich said that is more of a Teamster issue. The city is not going to be creating positions that the city does not need. We’re not pretending that we just won a bunch of money and go out and spend it. He said the money from the WWTP sale is going to have to sustain us for several years. The Teamsters already have in their contract with certain bumping rights built in, he stated.

Business Administrator Ray said any position that is eliminated, a more senior employee may bump a less senior employee. So union employees at the WWTP will be afforded the opportunity to use their bumping rights.

Mayor Helfrich said no one is being put out of work from this deal.

Assistant Solicitor Sabol said the plant employees will have an opportunity to move on and work with the new owners or follow options under the union contract.

Vice President Walker said she thought communication was made with employees about their options.

Business Administrator Ray said a letter was sent to all WWTP employees – both union and non-union— as well as Spencer Derr, Union Steward of the Teamsters Union.

Matt Brose, city employee and Teamster 776 Union Steward, said the 11/12/20 memo sent out with our options was not received by all employees.

Ade Bakare, WWTP sale consultant, said all employees were sent a letter.

Councilwoman Washington asked if it was sent by postal mail or email.

Business Administrator Ray said by regular mail, email and was sent out to be posted by supervisors.

Ade Bakare, WWTP sale consultant, said they are working on a second letter that will go out to all WWTP employees. Given tonight's feedback, he said we need to make sure those issues are ironed out before we send out the second letters.

Mr. Brose, city employee/union steward, said he'd like to have a town hall meeting about the sale of the WWTP because we're all antsy about the sale of the plant and our future and pensions that we worked hard for. He said there are a lot of things up in the air and communications will go a long way.

Ade Bakare said there is quite a bit of work to be done and employee communications and outreach will be done.

Assistant Solicitor Sabol said this is new information for all of us. We just got the bids in last week and we plan to have our employees informed as to the next steps.

Mayor Helfrich said part of the request for proposal (RFP) process was to retain the employees and benefits for their protections.

Mr. Brose said if we would have gotten that 11/12/20 dated letter, we may feel different. He asked if the public will have any say in the sale of this plant because this is a regional plant.

Mayor Helfrich said he is deeply alarmed about this accusation of lack of communication. He said he didn't receive any calls or emails about plant employees not receiving their notification. He said he will issue an investigation into this.

Mr. Brose said he didn't know anything about this letter and saw it from another employee a few days ago.

Mayor Helfrich said if this is the case, he apologizes because this wasn't the intent. The letter was to be mailed, emailed, and posted. He said the fact that some employees didn't receive this letter is extremely troubling.

Councilwoman Washington said it is disheartening that we have two city staff sharing with us that they were not kept in the loop about this sale. She thanked Mayor Helfrich for looking into this.

Mayor Helfrich said he's looking at the email to the Teamster's rep that was sent on November 13, 2020.

Mr. Brose said their union rep gets thousands of emails everyday but the point is that each employee did not receive the notification letters.

President Nixon said Mr. Collier called him and they spoke at length, additionally, Council's contact information is on the city's website. He encouraged residents and employees to contact them if they have question, complaints or concerns.

Councilwoman Washington read the following statement:

“Although we were presented with a budget today, unfortunately, in good conscience, I am unable to vote in favor of it, because I am not in favor of the sale of, our WWTP.

The budget presented today, is predicated upon finances being received from the WWTP sale, that we have yet to vote on and that has yet to be approved by Council, the PUC, and more. If said sale, were to progress and move forward, those monies may not be available until later in 2021 or early 2022, thus clearly presenting that we are voting on a smoke screen budget, with monies that we do not have in hand, nor are we guaranteed, we will have in hand and WHEN.

Also, should the sale of the WWTP move forward, there has not been a clear and concise 5 year, 10 year or any year plan provided to us, that details specifically how these finances will be allocated to ensure the financial stability and longevity of our city, not just for today or tomorrow, for years to come. Yes, there has been conversation about a plan, but there has not been a plan put in place or shared with members of this council.

Lastly, but most certainly not least, I am concerned about where this will leave our dedicated and hardworking city staff of the WWTP, (and city residents) that have spent several decades diligently working for our city and providing a living for their families; and not to mention how this will affect our other Teamster employees and their positioning.

In no way, do I want to see a significant increase in our property taxes, but at the same time, I can't clearly vote on a budget, that includes the possibility of a sale the WWTP that I am not in favor of and that, in my opinion, is not real and has projected finances that are not actualized, or approved, or voted upon. There are way too many unknowns. Thank you.”

Vice President Walker made a motion to accept the amendments made to the 2021 York City Budget. The motion to amend was seconded by Rivera, the motion to approve the amendment FAILED by the following vote: Yeas – Rivera, Walker, Nixon – 3; Nays – Washington – 1.

As increases in line items within the budget requires four (4) votes to pass, the amendments proposed by the administration to increase various line items, specifically the sale of the Wastewater Treatment Plant (WWTP), failed.

Discussion and debate ensued on what to do next since the amendment to the 2021 proposed budget failed.

Mayor Helfrich and members of the administration opened the floor to Councilwoman Washington to ask whatever questions she had in an effort to move this budget forward.

Councilwoman Washington said there is no plan for the expenditure of these funds, and that she has basically been kept in the dark about this entire process.

Mayor Helfrich said this money is for the long term financial stability of the City of York. We are doing everything we can to ensure stability for our employees.

President Nixon said a budget must be passed by December 31st so he stated that Council will again recess to allow the administration to meet with Councilwoman Washington to try to address her concerns.

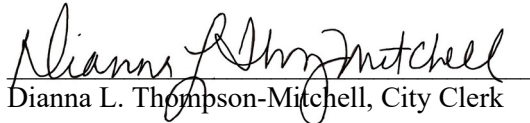
Dianna Thompson, resident, asked Councilwoman Washington if there was anything that could be done to reach a compromise so that a budget could be passed by 12/31/20 to avoid a 48% tax increase.

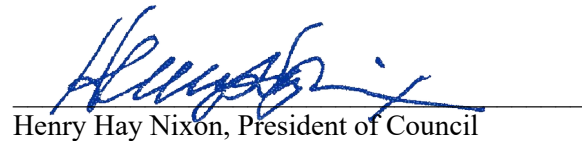
Councilwoman Washington said that she is agreeable to a recess so that she may discuss this further.

There being no further discussion, President Nixon said tonight's meeting is recessed and will continue one December 29th at 6pm.

3. Final Passage of **Bill No. 21 (AMENDED)**(Deferred to the 12/29/20 meeting) - A Bill Adopting the 2021 Tax Rate. ([View](#))
Introduced by: Sandie Walker
Originator: Mayor

IV. **RECESSED:** The December 22, 2020 continuation meeting (continued from 12/15/20) was recessed at 8:05 p.m. and continued to December 29, 2020 at 6:00 p.m.


Dianna L. Thompson-Mitchell, City Clerk


Henry Hay Nixon, President of Council