

**SPRINGETTSBURY TOWNSHIP
WORK SESSION**

**JUNE 5, 2014
APPROVED**

The Board of Supervisors of Springettsbury Township held a Work Session on Thursday, June 5, 2014 at 7 p.m. at the Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: George Dvoryak, Chairman
Kathleen Phan
Bill Schenck
Mark Swomley

MEMBERS NOT

IN ATTENDANCE: Julie Landis, Vice Chairman

ALSO IN

ATTENDANCE: John Holman, Township Manager
Charles Rausch, Solicitor
Dori Bowders, Manager of Administrative Operations
Betty Speicher, Director of Human Resources
Jean Abreght, Stenographer

1. CALL TO ORDER

DVORYAK Chairman Dvoryak called the work session to order.

2. TOWNSHIP MANAGER TRANSITION

DVORYAK Chairman Dvoryak stated the purpose of the work session was to discuss the Township Manager's transition and hear information from the Colin Baenziger firm on the process for securing a new manager.

ANDREWS Mr. Tom Andrews, Senior Vice President with Colin Baenziger Associates introduced himself. He advised that he would be assisting Mr. Baenziger in the search for the Springettsbury Township Manager. He provided some of his personal background that included some county and local government, state of Maryland and the federal government as well. He noted that he would be doing the initial screening of resumes, initial phone interviews for prospective candidates and whittling down the number of resumes to a manageable list.

Additional lengthy discussion took place which is summarized:

- Recruitment brochure issued; word-of-mouth, networking, phone calls are excellent methods of recruiting.
- Board members can be involved with interviewing between six and twelve individuals during July for semi-finalists.
- All board interviews will be done face-to-face.

- Complete background, reference checks, credit checks, police records, etc. will be provided.
- Board will make a final determination of the one individual that is the best fit.
- Pennsylvania passed a new Statute with regard to managers; basic employment agreement with a two-year limit.
- No applications will be received at Springettsbury Township; all forwarded to Colin Baenziger. All applications and resumes are confidential.
- Communications should go through Betty Speicher in the Human Resources Department with a copy to Dori Bowders.
- Salary spread, median household income, per capita income is appropriate between \$117,000 and \$160,000; no benefits included.
- A document of questions for candidates will be provided to board members, including hints of what to avoid asking under Pennsylvania law.
- Residency in Springettsbury Township is a requirement.

3. OTHER BUSINESS

HOLMAN Mr. Holman announced that Ms. Dori Bowders had accepted the assignment of Interim Administrator.

MR. SCHENCK MOVED TO RATIFY THE APPOINTMENT OF MS. DORI BOWDERS AS INTERIM ADMINISTRATOR WITH A STIPEND OF \$10,000 DURING THE THREE MONTHS. MOTION UNANIMOUSLY CARRIED.

DVORYAK Chairman Dvoryak questioned how the announcement would be provided to the employees.

HOLMAN Mr. Holman indicated that on Friday morning, June 6, at 8:30 a.m. Chairman Dvoryak, Mr. Holman and Ms. Bowders will meet with the employees in order to communicate the interim position.

Consulting Agreement – John Holman

SCHENCK Mr. Schenck noted that Mr. Holman had or will be meeting with each of the Supervisors for a final summary. He noted an important matter for discussion surrounding a number of legal situations, multiple lawsuits, advisory information and suggested that Mr. Holman be placed under some type of interim contract so that he is still under Attorney/Client Privilege and accessible for information. He asked Solicitor Rausch for input.

RAUSCH Solicitor Rausch responded that it would be a short-term consulting agreement whereby the board could rely on Mr. Holman to provide information. He noted it

was not unusual. He added that there are some active lawsuits in which Mr. Holman is intimately familiar.

SCHENCK Mr. Schenck questioned what would happen if no agreement was in place and whether he would have to be subpoenaed.

HOLMAN Mr. Holman noted that an agreement had been provided for him when he left North Wildwood for a period of six months for \$6,000.

DVORYAK Chairman Dvoryak commented that it was being presented from a lawsuit standpoint.

SCHENCK Mr. Schenck responded that it was referred to him as Attorney/Privilege. He thought it sounded important.

RAUSCH Solicitor Rausch noted that it is an important matter, and the privilege holds until Mr. Holman leaves, but anything that needs to be discussed post his leaving would be covered in that six month time frame. It would cover any need to call him, and he would be covered legally.

MR. SWOMLEY MOVED TO DIRECT SOLICITOR RAUSCH TO DRAW UP AN AGREEMENT FOR MR. HOLMAN. MR. SCHENCK WAS SECOND.

DVORYAK Chairman Dvoryak noted that he did not see the value. He had never seen anything like that in the business world and did not understand the legal connection since lawsuits could drag out for years.

RAUSCH Solicitor Rausch responded that it would not be just for a lawsuit. He stated that it is not unusual for an individual to be retained for a period of time after they left, or to use their knowledge if it is important.

DVORYAK Chairman Dvoryak asked for specifics about what had the board members concerned.

SWOMLEY Mr. Swomley noted that he was concerned with the number of lawsuits that Mr. Holman had been handling and with an agreement in place the board can solicit his advice/opinion on positions for anything that takes place. Mr. Swomley noted that Mr. Holman has had 11 years of experience, and his opinion is valuable to him. He added that it seemed like fairly cheap insurance to get any support needed with some of the remaining difficult situations.

DVORYAK Chairman Dvoryak noted that most of the pending legal situations are already covered by an attorney representing the township.

RAUSCH Solicitor Rausch responded that would be the case.

- HOLMAN** Mr. Holman interjected that any information from him would have to be subpoenaed.
- PHAN** Ms. Phan noted that to have something in place would be a competent type of stable platform to protect everyone at hand and perhaps resolve an issue. It could come down to a simple decision that Mr. Holman could help resolve, and if the township has nothing in place, Mr. Holman would not comment.
- SCHENCK** Mr. Schenck noted that Mr. Holman would have liability giving the township advice. In addition, the township would take on liability essentially for acting on advice of someone who is just a citizen of Georgia.
- PHAN** Ms. Phan thought of it like insurance that is purchased whether it's needed or not. It's a safeguard, and she looked at it as protection for the township and for Mr. Holman.
- DVORYAK** Chairman Dvoryak asked if six months is the right length of time.
- HOLMAN** Mr. Holman responded it was normally what he had and the new Manager should be up to speed in that amount of time.
- PHAN** Ms. Phan asked about the \$6,000 cost.
- HOLMAN** Mr. Holman responded that it was the same as he had when he came from North Wildwood. His hourly consulting rate was \$150 an hour.
- DVORYAK** Chairman Dvoryak noted that using the consulting language it would be a 1099 situation.

MOTION UNANIMOUSLY CARRIED.

3. OTHER BUSINESS (cont.)

A. Job Description Updates

- 1) Director of Public Works/Wastewater Treatment
- 2) Events/Public Relations/Grants Administrative Assistant

HOLMAN Mr. Holman reported that several job descriptions had been reviewed and finished. The first one deals with the Director of Public Works/Wastewater Treatment. Mark Hodgkinson had been serving in that position on an interim basis for some time. Both positions had been combined, and he is doing a very good job. He had reviewed the job description with Mark, and he agrees with it. He is happy in that position. There is no change in remuneration.

The second job description involves the Events/Public Relations/Grants Administrative Assistant currently held by Abby Gibb. Ms. Gibb had been doing an exceptional job and is becoming involved with the MIS and IT, social media, and the position has moved from non-exempt to exempt. She is being recommended for advancement to “Coordinator.” In addition, she is serving as the Right-To-Know Officer, which requires a good bit of work.

Mr. Holman requested both job descriptions be approved by the board.

PHAN Ms. Phan asked about the statement, “May occasionally supervise office staff in special projects.” She questioned who in the office staff that would be.

HOLMAN Mr. Holman responded that would include Mary Fisher of the reception staff, as well as several other administrative employees (Saturday in the Park, Summer Concert Series, David Wendel’s staff, etc.)

MR. SCHENCK MOVED TO APPROVE THE TWO JOB DESCRIPTIONS SHOWN ON THE AGENDA. MR. SWOMLEY WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. I-83 interceptor property Easements - Resolution 2014-49

RAUSCH Solicitor Rausch provided some background information concerning the Nello Tire project. He brought forward the following points:

- Negotiations ongoing since the beginning of March, 2014.
- Springettsbury has an existing sewer line to the rear of their property.
- Due to the I-83 Interchange project, the township needed an easement for the new sewer lines to be relocated.
- In addition, an access easement was needed to cross over the parking lot to get to the sewer line.
- Appraisals were done, and the total amount they would receive was approximately \$57,000.
- In the interim they had been negotiating with PennDOT, which recently took their property.
- The property also encompassed where the township’s sewer line is located.
- PennDOT reserved an easement for the township.
- Nello no longer owns the land where the township sewer line is and all that is needed is an access easement.
- The agreement was changed multiple times. It is necessary to go out to bid on the project, and a Resolution is needed to condemn the access easement and provide authority to file a declaration of taking.

- Right-of-way agreement provided in indemnity language.

SCHENCK Mr. Schenck asked whether the cost of \$57,000 remains for simply to cross their parking lot.

RAUSCH Solicitor Rausch responded that the cost is about \$39,000. The easement for the sewer line was approximately \$15,000 and the access easement is larger. He noted that he had confirmed this with the appraiser, that even though PennDOT took the property, the number is still the same. They will get about \$39,000.

SCHENCK Mr. Schenck questioned whether there would be anything constructed for the easement or whether it was just to drive across the parking lot.

RAUSCH Solicitor Rausch responded that it is just for the right to be able to use 30 feet to drive a truck through.

DVORYAK Chairman Dvoryak noted that this action would be just for the right to cross their parking lot with a truck once or twice a year.

HOLMAN Mr. Holman noted that the township will be reimbursed for the costs from PennDOT.

MR. SCHENCK MOVED TO APPROVE RESOLUTION 2014-49. MOTION UNANIMOUSLY CARRIED.

HOLMAN Mr. Holman requested that the board authorize advertisement for bids for the I-83 Interceptor project.

CRABILL Mr. Crabill stated that this will give the township the ability to move forward as soon as the permits are received.

MR. SWOMLEY MOVED TO AUTHORIZE TO ADVERTISE AS SOON AS THE PERMITS ARE CLEARED. MOTION UNANIMOUSLY CARRIED.

RAUSCH Solicitor Rausch noted that he had been working with the York Water Company and was waiting for their response, for which there is a fast-approaching time deadline. Solicitor Rausch may have to do another Resolution regarding the York Water Company.

HOLMAN Mr. Holman requested the ability to sign the agreement.

Consensus was that Mr. Holman could sign the agreement upon its receipt.

MS4 Discussion

HOLMAN Mr. Holman noted that the board would be hearing from Mr. Luciani on the status of the general permit for the MS4 project, which the township had to accept. There will have to be a change to the MS4 budgeting from \$20,000 to about \$75,000 to complete the township work. This has nothing to do with the other municipalities. The county will be coming in with a presentation on the status. He emphasized that the budget adjustments in the future may be into \$100,000 and up to \$250,000 a year. He recommended the board consider a Storm Water Authority, which becomes a financing mechanism to cover the costs for what needs to be done in storm water management.

SWOMLEY Mr. Swomley questioned what would result with the township saying no.

HOLMAN Mr. Holman responded that they will hold the liquid fuel dollars.

SWOMLEY Mr. Swomley asked what the amount might be.

HOLMAN Mr. Holman responded that it could amount to \$700,000 or \$800,000 in future years per year.

RAUSCH Solicitor Rausch added that there may be fines.

HOLMAN Mr. Holman stated that this is the Chesapeake Bay program. The board could say no but may or may not be successful. MS4 is a major program, and the Chesapeake Bay Agreement between all the states will be a big number for every municipality.

PHAN Ms. Phan commented that if an area is upstream and/or downstream there should be discounts.

HOLMAN Mr. Holman noted that there is no choice in this; it was imposed.

DVORYAK Chairman Dvoryak asked which branch of government would receive complaints.

HOLMAN Mr. Holman responded that both DEP and EPA. Discussions could be directed to the state and the federal representatives. He noted that the federal government was sued by the Friends of the Chesapeake where much of this started. That lawsuit was settled, and all the states are involved in this.

Additional discussion ensued which is summarized:

- Storm water will be a major issue for the new manager.
- Documentation is increased by four times regarding maintaining streets, cleaning, sweeping, etc.

- Costs will escalate in admin of the sewer and public works, fixing storm water systems.
- Community Development will be impacted with additional documentation.
- Major polluters to the waters are considered with sediment from farms, salt on the roads, oil from cars, lawn fertilizers.
- Springettsbury already invested \$30 million on the sewer plant, just one piece of the whole program.
- Residents will be impacted but can be a huge public relations opportunity. Springettsbury can choose to be a leader and encourage the public to embrace it.
- Think outside the box for solutions.
- Recovering the costs rather than putting a tax burden on the residents will be important.
- Suggest interaction with the county and state governments.

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

DVORYAK Chairman Dvoryak adjourned the meeting at 8:15 p.m.

Respectfully submitted,

John Holman
Secretary

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