

**SPRINGETTSBURY TOWNSHIP
REGULAR MEETING**

**APRIL 26, 2018
APPROVED**

The Springettsbury Township Board of Supervisors held a Regular Meeting on Thursday, April 26, 2018 at 7:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak, Vice Chairman
Kathleen Phan, Assistant Secretary/Treasurer
Charles Wurster
Blanda Nace

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Shane Rohrbaugh, Solicitor
John Luciani, Civil Engineer
Dennis Crabill, Environmental Engineer
Jessica Fieldhouse, Director of Community Development
Mark Hodgkinson, Director of Wastewater Treatment Plant
Teresa Hummel, Finance Director
Dori Bowders, Manager of Administrative Operations
Nitza Sanchez-Bowser, Director of Human Resources
Dan Stump, Chief, Police Department
Dan Hoff, Chief, YAUFRR
Andy Hinkle, Manager, Information Systems
Jean Abreght, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SWOMLEY Chairman Swomley called the meeting to order and led the Pledge of Allegiance.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SWOMLEY Chairman Swomley announced that there had been no Executive Sessions since the last meeting.

3. COMMUNICATION FROM CITIZENS

HOCKE Mr. C. William Hocke, 2207 East Market Street, brought forward an item concerning his sewer billing. His property had previously been a commercial property with an insurance agency business. He had closed the business in 2004 but had not realized that the property continued to be billed as a commercial property.

HUMMEL Teresa Hummel, Finance Director, had reviewed the situation and the township had taken steps to resolve the matter which resulted in the township refunding two years or eight quarters of this billing in the amount of \$552. The total bill overpayment dating back to 2004 is over \$3,400.

Consensus of the board was to allow additional time for further review by the township, the board and the Solicitor.

KESSLER Brad and Tracy Kessler, 3684 Cheltenham Rd, came before the board to indicate their dissatisfaction with the work being done regarding their property in the area of the East York Interceptor Sewer Line Upgrade. They cited several areas of concern: contractor working outside the area of disruption, and communication between township contractors and property owners not occurring effectively; township had exceeded the 20-foot permanent easement for removing trees, brush, fences, etc.; police report was filed regarding trespassing and theft of timber; disrespectful communication by contractors; littering cigarettes, etc.

CRABILL Dennis Crabill indicated he had reported to the board that there was a relatively small area where the contractor had cleared some brush and removed one tree out of that area. They met with Mr. and Mrs. Kessler to find a satisfactory remedy, and he had not heard back from them. He met with the contractors and had visited the site to check the project, which is staked very tightly. They were within that area. There had been a recent meeting that he was unable to attend.

SWOMLEY Chairman Swomley questioned the insubordination to the owner of the property concerning the right-of-way including smoking and throwing trash.

MARCHANT Mr. Marchant noted that he had attended the meeting and he had stated that the township had the authority to work within its right-of-way under the permanent 20-foot right-of-way. He had indicated that the township is within its right to go in the right-of-way at any time to maintain the sewer.

SWOMLEY Chairman Swomley questioned the insubordination, which he stated is not acceptable behavior.

MARCHANT Mr. Marchant indicated that the contractor made several inappropriate comments during the meeting. Mr. Marchant made a point to take over the conversation and represent the township. The contractor was argumentative and combative with the residents. He had tried to put an end to that. Beyond that, Buchart-Horn is there as the project manager that is overseeing the project, and he would defer to Mr. Crabill to make sure that conversation happens.

SWOMLEY Chairman Swomley indicated that it must be very strongly conveyed, and the contractor must understand that they are in jeopardy of future contracts if they continue to so represent themselves.

4. ENGINEERING REPORTS

A. Environmental Engineer – Buchart Horn, Inc.

CRABILL Mr. Crabill had provided his written monthly report and offered to respond to questions.

SWOMLEY Chairman Swomley asked for an update on the East York Interceptor Project.

CRABILL Mr. Crabill responded that, aside from the earlier report, things are moving along quite well. He had walked the majority of the project area, and it appears to be on schedule.

B. Civil Engineer – First Capital Engineering, Inc.

LUCIANI Mr. Luciani had provided his written monthly report. He had several updates.

- Mr. Luciani reported that they had a conference call with the Master Traffic Consultant. Springettsbury's Public Works is using a system called Robotics, which scans every bit of the 100 plus miles of roads in the township. It will provide a roadway condition and identifies potholes and rough pavement and will be a great pavement management asset.
- Mr. Luciani reported that he had attended the PSATS convention and had given a presentation. He noted learning about warm mix asphalt, which will allow an extended construction season. With the warm mix asphalt, it can be used for longer periods with better densities. In addition, Kinsley and Stewart & Tate bought out Bituminous Paving Materials in York providing only one paving company. With warm mix asphalt it can be transported a longer distance, which will provide for bids from Lancaster and Harrisburg. It is a great material, which may be able to reduce the annual road maintenance and paving costs.
- Mr. Luciani reported on the MS4 discussion. Only 5% of all the MS4 communities in Pennsylvania did not make their submission. They will be reviewed and technical deficiency letters will be issued. There was discussion about the street sweeping and weighing the sediment in the bottom of inlets.

MANAGER'S REPORT (Moved forward on the Agenda)

C. Benecon Insurance/Benefits Presentation – Jonathan Ebersole

EBERSOLE Jonathan Ebersole provided a PowerPoint presentation concerning the Benecon Insurance Benefits used by the township, which is a health insurance cooperative. There are 56 other municipalities throughout Lancaster and York County that are

in the co-op. The goal is to achieve the lowest possible costs for the employee health benefits. Highmark is used for an excellent network throughout the state and the country. They administer low cost dental, vision, life disability and the COBRA at no charge. Springettsbury plan design is a PPO, a Preferred Provider Organization. He provided an in-depth analysis of the plan. There were several questions.

DVORYAK Mr. Dvoryak asked for any data that could be supplied that would show how the plan benchmarks against other second-class townships/municipalities.

EBERSOLE Mr. Ebersole responded that he could provide the data.

PHAN Ms. Phan questioned how long the COBRA is free.

EBERSOLE Mr. Ebersole responded that it is no charge to the township. The ex-employee must pay the full cost.

SWOMLEY Chairman Swomley thanked him very much for the presentation.

EBERSOLE Mr. Ebersole thanked the board for the opportunity.

5. CONSENT AGENDA

- A. Acknowledge Receipt of March 31, 2018 Treasurer's Report
- B. Acknowledge Receipt of February 20, 2018 York Area United Fire and Rescue Commission Meeting Minutes
- C. Board of Supervisors Regular Meeting Minutes – April 12, 2018
- D. Regular Payables as Detailed in Payable Listing of April 26, 2018
- E. Authorization to Approve Street Light Tax Refund Request for Tax Years 2001 – 2017 – Barry and Carole Swartz (Parcel #46-000-16-047) in the amount of \$83.30

DVORYAK Mr. Dvoryak requested that item E be removed for further discussion.

MS. PHAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS A THROUGH D. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

DVORYAK Mr. Dvoryak requested background on the streetlight request. There had been a number of requests but this one does not have any background in terms of why this was requested.

HUMMEL Ms. Hummel responded that the refund request came from the first billing where York County added fee frontage, the square footage of the length of the properties. This individual pulled his Deed and noted that there was a 10-foot difference in which he was being billed. This request is a reflection of that 2001 to 2017 billing. The property owner requested a refund.

MARCHANT Mr. Marchant added that the request had come before the board because the ordinance states that the staff only can refund anything under \$10.

DVORYAK Mr. Dvoryak commented that the tax collector would be notified for future billing.

HUMMEL Ms. Hummel responded that it already had been corrected.

MR. DVORYAK MOVED FOR THE APPROVAL OF ITEM E. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS, CONTRACTS AND AGREEMENTS

There were none for action.

7. SUBDIVISIONS AND LAND DEVELOPMENT

A. LD-17-07 – MOD Pizza – 2401 East Market Street (Action)

GEORGE Joshua George, Snyder Secary Associates presented the plan, which proposed demolition of the site's existing features and construction of a MOD Pizza, a 2,640 square foot restaurant and ancillary parking with storm water management facilities. The plan had been before the board for approval of the Conditional Use and Site Master Plan, and the township Planning Commission recommended conditional approval of the plan during their March 15, 2018 meeting.

MR. WURSTER MOVED WITH REGARD TO LD-17-07, TO RECOMMEND APPROVAL OF THE FOLLOWING WAIVERS AS LISTED ON THE BOARD OF SUPERVISORS' PLAN SUMMARY ON PAGE 3; ALSO RECOMMEND APPROVAL SUBJECT TO CONDITION THAT THE FIRST CAPITAL ENGINEERING REVIEW LETTER BE SATISFIED WITH THE EXCEPTION OF ITEMS 3, 4, AND 5 FOR BONDING, AND FOR CORRECTION OF THE SIGNAGE ON ENTRANCE TO THE SITE AS ILLUSTRATED BY SUPERVISOR NACE. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. LD-18-02 – Apple Nissan Building Expansion – 1510 Whiteford Road (Action)

CREEP Dan Creep, Project Manager with Warehaus, presented the proposed expansion plan for Apple Nissan. The proposed expansion includes a 3,000 square foot building over existing impervious coverage. The development will decrease the existing impervious by 1,200 square feet. There were a number of waivers requested as follows: 289-10 Preliminary Plan, .289-13.A Plan Scale, 289-35 Landscaping and Buffer Yards, 289-32 Installation of Sidewalks, 289-41.A Easements,

289-21 Traffic Impact Study, 289-26 – Property Corner Monuments, 289-36 Installation of Streetlights, 281 – Storm water Management.

Following a lengthy discussion surrounding the storm water management issues, consensus of the board was to move forward with approval of the waivers with the exception of Section 281 relating to the storm water. Further discussion and action will be taken later.

MR. WURSTER MOVED WITH REGARD TO LAND DEVELOPMENT PLAN 18-02 TO APPROVE THE FOLLOWING WAIVERS AS SECTION 289-10; SECTION 289-13.A; SECTION 289-21; SECTION 289-26; SECTION 289-35; SECTION 289-32; SECTION 289-36; SECTION 289-41A. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

MS. PHAN MOVED TO TABLE SECTION 281. MR. WURSTER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. LD-18-03 – Springettsbury Volunteer Fire Company Expansion – 2045 North Sherman Street (Action)

VANARSDALE Mr. Ed VanArsdale, Project Manager with Warehaus represented the Springettsbury Volunteer Fire Company Expansion project at 2045 North Sherman Street. He indicated that the Volunteer Fire Company was seeking a waiver from Chapter 289, Land Development requirement for the project, which would create an undue financial hardship for the VFC. He noted the plan proposes to add a 1,750 square foot building to be used for training purposes and equipment storage. There will be an overall net zero change in impervious surface for the expansion.

MR. WURSTER MOVED WITH REGARD TO LAND DEVELOPMENT PLAN 18-03 TO RECOMMEND GRANTING THE WAIVER OF THE LAND DEVELOPMENT PLAN. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

The board took a short break at 9:14 p.m. and returned to the table at 9:20 p.m.

8. COMMUNICATION FROM SUPERVISORS

WURSTER Mr. Wurster reported that he had attended the PSATS Convention and represented the township at the Grassroots Reception on Sunday. In addition, he had attended various seminars regarding the MS4 creating credibility and community engagement. He had attended an interesting one on renewable energy and received the land use and zoning law update. He had attended, with Mr. Marchant, a roundtable for townships over 10,000 in population on day one and went back to the same one in day two just to see if the flavor was a little different. He found the second one was more interesting. The same themes came forward with the overall conference: addressing the volunteer firefighter crisis in Pennsylvania. In the late 70's there were over 300,000 volunteer firefighters, which has dwindled down to just about 50,000 today. PSATS considered it a

significant crisis and added an additional resolution encouraging the Governor to address the crisis immediately. He stated he was happy to have represented the township at the conference.

NACE Mr. Nace commented that three of the supervisors attended a ribbon cutting for the Grand Opening of Marshall's.

MARCHANT Mr. Marchant noted that there were people there trying to get in at 7 a.m.

WURSTER Mr. Wurster noted he had never seen so many shoppers so hyper-excited, as well as the staff, with true tangible excitement.

SWOMLEY Chairman Swomley brought forward the Wallingford matter. He suggested having a negotiation with them to have the builder provide the money for the township to do the improvements to the MS4, which would benefit them. He wanted to see if the board would be willing to give Mr. Marchant an opportunity to negotiate a reasonable agreement with them.

WURSTER Mr. Wurster asked for the status in conversations with Wallingford.

FIELDHOUSE Ms. Fieldhouse reported she had a conversation with Keystone Custom Homes and they are not exactly thrilled. She had conversations with Solicitor Rausch concerning Chairman Swomley's idea. She thought that the township could go back and have that conversation; however, it is a conversation between Springettsbury Township and Keystone Custom Homes. The HOA really has no standing there.

SWOMLEY Chairman Swomley commented except for the fact that they have the vote.

FIELDHOUSE Ms. Fieldhouse stated that they have the vote for the land, but the issue is that the improvements are bonded in part of that approved subdivision plan. Therefore, the HOA is not really part of the conversation between whether or not the township says to Keystone Custom Homes we are willing to negotiate with you. It turns into a negotiation with Keystone Custom Homes and then whether the township wants to pay Wallingford.

SWOMLEY Chairman Swomley clarified that his intention is not to pay Wallingford but rather that the money is used to do the improvements on the area that Wallingford would provide and it would be improvements to their benefit. Wallingford will have to sign off on giving the township property, but the township enters into a negotiation with Keystone Custom Homes. It would be a three-way deal with all parties.

ROHRBAUGH Solicitor Rohrbaugh indicated agreement that all three parties should be involved.

MARCHANT Mr. Marchant questioned whether the HOA owns the land outright.

LUCIANI Mr. Luciani responded that he thought they did. As they got to a certain percentage of homes sold, the HOA took majority and the storm ponds, etc. became HOA property.

MARCHANT Mr. Marchant added that Keystone's hook is the bond. The resident's hook is not wanting paths and long-term maintenance. It seems that it could be a win-win-win if everyone could understand.

SWOMLEY Chairman Swomley asked for a head nod or a vote from the board.

NACE Mr. Nace indicated a head nod.

WURSTER Mr. Wurster stated he was in favor of increasing the dialogue. He didn't quite appreciate the likelihood that the HOA would work with the township at this point. He hoped he was wrong.

MARCHANT Mr. Marchant noted that the information is sufficient. He just needed to know the board's position.

9. COMMITTEE REPORTS

There were no Committee Reports.

10. SOLICITOR'S REPORT

ROHRBAUGH Solicitor Rohrbaugh noted that Solicitor Rausch had provided the board with a written update. He indicated he would be taking over as the Solicitor for the Planning Commission. Solicitor Rausch had updated the board on several legal matters including the Wallace Street property Sheriff Sale, Wallingford and the fire station property.

PHAN Ms. Phan indicated during the last board meeting that it was okay to move forward to the township.

LUCIANI Mr. Luciani noted that they are preparing a subdivision plan to combine the fire department and the pond together. They will submit that to the township so it is finalized.

PHAN Ms. Phan thanked him.

11. MANAGER'S REPORT

MARCHANT Mr. Marchant reported that he had enjoyed the PSATS Conference. He had focused on the Liquid Fuels with PennDOT and functions of tax collectors, MS4 and other things. He noted with regard to the radon levels at the Police Department they have received quotes back, and once they identify how to fund those they will get back to the board. It is about \$10,000 to do the remediation.

DVORYAK Mr. Dvoryak commented that if something had been done differently for the police station there would be no need for money spent on remediation.

MARCHANT Mr. Marchant indicated that that would be addressed during budget time. There are a number of items in terms of investments and facilities, technology, etc. that would behoove the township to act quickly this year. They are evaluating the merits of asking for more budget authority to do so. They must prepare the Five-Year Projection for where the township is going and doing, and develop a Five Year Capital Improvements Plan. Everything must be done in context.

SWOMLEY Chairman Swomley indicated that the whole discussion had been dropped since the presentation from Buchar-Horn.

MARCHANT Mr. Marchant stated that it had not been dropped but rather postponed until the Five-Year Financial Forecast is completed.

SWOMLEY Chairman Swomley stated that the matter needed to be revisited.

MARCHANT Mr. Marchant reported that the budget book had been published and had been submitted to the GFOA for review. With the conclusion of the audit, Ms. Hummel is ready to attend the GFOA Conference to get exposure to municipal finance across the country and come back with Best Practices.

SWOMLEY Chairman Swomley stated that Mr. Marchant has an opportunity to attend a Manager's Leadership Conference in Virginia. It is a two-week intensive leadership course.

MARCHANT Mr. Marchant stated it is held at the University of Virginia in Charlottesville. It is called The Senior Executive Institute for mid-to late career professionals; two weeks, 40 hours a week with evening studies with mostly other city, county, township managers or assistants. He had been invited to participate several years ago during his job change. It is the kind of thing to jump his performance and enthusiasm. The tuition is \$8,000 and with the cost savings in various departments he believed it is do-able.

SWOMLEY Chairman Swomley commented that a leadership course like that in the corporate world would cost about \$40,000. He was in favor of allowing him to do that.

MR. WURSTER MOVED TO APPROVE THE EXPENDITURES SO THAT MR. MARCHANT CAN ATTEND THE EXECUTIVE LEVEL MANAGEMENT TRAINING

AT THE UNIVERSITY OF VIRGINIA. MS. PHAN WAS SECOND. MOTION UNANIMOUSLY CARRIED.

WURSTER Mr. Wurster noted that \$7,900 had been raised in partnership for the Sounds of Summer Concert Series. He asked whether they are on track for the year.

MARCHANT Mr. Marchant responded that it seemed to be on track with everything going well; however, he offered to check with Mr. Lacey and get back to Mr. Wurster.

12. ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2018-06 – Establishing Right Turn Restriction on Certain Truck Traffic from Southbound North Northern Way onto Westbound East Market Street

MS. PHAN MOVED TO APPROVE ORDINANCE NUMBER 2018-06 RESTRICTING TRUCK TRAFFIC WITH NORTHERN WAY AND EAST MARKET STREET. MR. DVORYAK WAS SECOND.

WURSTER Mr. Wurster stated that he had some discussion. He supported the motion but questioned the unintended consequences of this. He asked where the trucks are going to go now.

Several suggestions came forward: Take the light at corner at Caesar's Pizza; Turn left to get to 30 to get to another way to go east, west, north or south; turn left down Industrial Highway; take a right and go toward the Sheetz.

HODGKINSON Mr. Hodgkinson stated that there would be warning signs ahead, such as at the light of Industrial by Sam's Club.

PHAN Ms. Phan noted that there will be a learning curve and it will work.

MOTION UNANIMOUSLY CARRIED.

13. OLD BUSINESS

A. Retail Recruitment

SWOMLEY Chairman Swomley stated that several months ago a consultant had addressed the board as to how to bring retail establishments to York. Mr. Marchant reached out to Rock Real Estate. The understanding this date is that Sears is going away, and Bon Ton is in a liquidation phase. The vacancy rate just shot up from 7% to 14%.

PHAN Ms. Phan commented that the township still will receive taxes on the property.

MARCHANT Mr. Marchant stated that one of the things that this is going to precipitate is the mall's redevelopment plans. He had some preliminary conversations, totally speculative, with the concept of breaking up the mall and creating more outparcels and making it more outdoor oriented lifestyle experience, creating more space in an outparcel for parking and interaction, or running roads right through the middle. There is a new manager of the mall and he is looking forward to working with her.

SWOMLEY Chairman Swomley commented that the Mall of America in Minneapolis looks as new and fresh as it would have been opened this past year. It opened in 1992. It is a destination mall and some of the draw is an appealing place to shop. He indicated he is very interested in seeing what the options are.

MARCHANT Mr. Marchant noted that businesses that want to locate are hiring real estate agents to do the due diligence and get the demographics. There are providers trying to sell the demographic solutions to municipalities to show perspective retailers that they know their business. On the one hand Mr. Marchant wants the township to be able to put its best foot forward, but he doesn't want to be duplicating expenses that are already being born by the private market. He doesn't want to do what has always been done and getting the same result. He believes there is some merit to trying something new. He questioned the value of marketing to fill the spaces in the mall if the mall is going a different direction, and before going forward with any marketing, it is important to learn what the plans are. The mall can do its own marketing, but if they want the township's supplemental help, it wouldn't hurt to revisit the conversation.

SWOMLEY Chairman Swomley indicated he would be open to being supplemental support to the mall management.

MARCHANT Mr. Marchant added that this would be not just for the mall because there are other sites such as Kmart.

SWOMLEY Chairman Swomley added the Lidle site, York Valley Inn site and the Market and Mt. Zion area is developable.

DVORYAK Mr. Dvoryak added that it is important to be realistic about what the impact will be in the grand scheme of things whether it is retail or commercial. He referred to the time when Post presented their plan for the Harley site. The consultant who helped them find the location indicated the site in Springettsbury Township met most of the requirements they needed. Where the township did not fit their plan was for an educated and trained workforce, and that is not something that the township can fix. He indicated the area with the biggest impact is in the zoning and the ordinances.

SWOMLEY Chairman Swomley noted that when Amazon was looking to locate, they had proposals from municipalities all over the United States. It wasn't them going out

and hiring somebody to look for their site. They had people actively courting them. So, it's a two-way street.

WURSTER Mr. Wurster indicated that it sounded like a go-to market economic development strategy is needed by township management staff. The board needs to create the policy parameters, the expectations and outcomes expected. It is a first step in order to provide some direction/targets. From the banking perspective, they look at retailers that are growing and taking up new space.

PHAN Ms. Phan indicated she was happy to hear fellow board members going that route and not hiring outside consultants.

NACE Mr. Nace noted that the ROI must be considered. What the township is seeking is resident happiness and more visitors who will spend money, which will raise Mercantile Tax. He liked the approach of a policy with incentives that can be offered especially from a welcoming standpoint.

PHAN Ms. Phan indicated a question to reach back out to ask why an entity did not come to Springettsbury, and what can be fixed.

NACE Mr. Nace noted that he would be thrilled with some kind of small work group. He and Mr. Marchant had discussed the subject several times and he is getting some maps and parcels together, but there is a lot to do.

WURSTER Mr. Wurster added that the board may need to execute a plan of what is envisioned, which may require added staff or some sort of contract consultant if a serious economic development initiative is needed with some of the assets within the township.

SWOMLEY Chairman Swomley indicated this could move along similar to the Comprehensive Plan with a committee that would take it on with some potential consultants.

WURSTER Mr. Wurster agreed and indicated he would be happy to serve on such a committee.

MARCHANT Mr. Marchant stated that his hope is to bring something of a proposal up in the near future. This would be a development proposal on a grand scale unlike anything anyone has seen in southern PA. That's the relative far-reaching impact that is to be addressed.

SWOMLEY Chairman Swomley noted he would look forward to seeing something maybe during strategic planning.

MARCHANT Mr. Marchant mentioned that he would like to plan to have the strategic planning meeting in August of this year.

WURSTER Mr. Wurster indicated that the sooner a committee is formed, the better.

NACE Mr. Nace indicated he did not disagree; however, he suggested that the committee does not have to be limited just to the board. There are other individuals that could add to the plan. He suggested that each board member submit four or five names.

WURSTER Mr. Wurster suggested to make that as an action item for the next meeting. Submit some names and get an idea of what the committee would look like.

SWOMLEY Chairman Swomley added that a draft notice could go out to the public that something like this is being done where they could provide input.

MARCHANT Mr. Marchant asked what to call the committee, the Economic Development Steering Committee.

NACE Mr. Nace stated that the name should be part of the homework.

SWOMLEY Chairman Swomley directed that the item be kept on the Agenda.

14. NEW BUSINESS

A. Approval of Safe Driving Policy for Inclusion in Employee Policy Manual

MR. WURSTER MOVED TO APPROVE THE SAFE DRIVING POLICY IN THE EMPLOYEE POLICY MANUAL. MR. NACE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Approval of Personal/Vacation Time Donation Policy for Inclusion in Employee Benefits Policy Manual

MR. WURSTER MOVED TO APPROVE THE PERSONAL/VACATION TIME DONATION POLICY INTO THE EMPLOYEE MANUAL. MR. NACE WAS SECOND.

DVORYAK Mr. Dvoryak first offered a comment with a question at the end. He noted that on the surface these policies seem like really good ideas. He asked whether this policy has been reviewed by the personnel attorney.

SANCHEZ-BOWSER Ms. Sanchez-Bowser responded that they had and there were no concerns as of this time.

MARCHANT Mr. Marchant added that he had implemented the same policies in previous jurisdictions without any problems.

DVORYAK Mr. Dvoryak asked if the bargaining unit was involved.

MARCHANT Mr. Marchant responded that because the bargaining unit is silent on these issues, the personnel policy manual has precedence and they fall under that.

DVORYAK Mr. Dvoryak noted that it doesn't have to be negotiated as part of the contract.

MARCHANT Mr. Marchant responded no, that this is a management right.

PHAN Ms. Phan questioned whether it would be for non-union township employees.

MARCHANT Mr. Marchant responded that it is for all employees regardless of the union. It does not extend a bargainable benefit to anyone and is not subject to the Collective Bargaining Act; therefore, it is a management right to determine the time, place, and manner of work.

SWOMLEY Chairman Swomley commented that if Pat Harvey, our labor attorney were okay with this, he would be okay with it.

SANCHEZ-BOWSER Ms. Sanchez-Bowser indicated that Pat Harvey had not communicated his approval in writing. However, she could ask for a communication if required. She noted that she had been part of a program like this before. The problem that was experienced is that it was a pool program instead of a case-by-case program, which is what the township has.

SWOMLEY Chairman Swomley noted it was the same at Hershey, which was a case-by-case plan.

PHAN Ms. Phan questioned how much vacation time could be accumulated.

SANCHEZ-BOWSER Ms. Sanchez-Bowser responded that vacation time goes by the longevity of the employee up to 20 days for non-union employees.

MARCHANT Mr. Marchant noted that an employee could not carry over more than 40 hours to the next year.

PHAN Ms. Phan noted that a request must be completed for a donation form. Therefore, it is voluntary.

MARCHANT Mr. Marchant commented that typically, these cases would involve employees that HR is already very familiar with their case who are running out of sick leave due to whatever circumstance that they are facing in life. In other organizations, a blanket statement was issued that someone is running out of sick leave. Then the question is asked whether anyone would be interested in donating to them. There is no HIPPA violation because the employer does not say anything.

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SANCHEZ-BOWSER Ms. Bowser noted that thankfully there is no current employee in need or in future need. They wanted to put it in place just in case.

DVORYAK Mr. Dvoryak asked if there is any danger of this with the Family and Medical Leave Act.

MARCHANT Mr. Marchant responded that FMLA provides for 12 weeks of excused leave before an employer can take action at terminating someone's employment for extended time off.

PHAN Ms. Phan noted that Wellspan has this in place. They previously had the pool and took it away. There are 14,000 employees, and this has been in place for 12 years. It is a very good thing being offered.

MOTION UNANIMOUSLY CARRIED.

15. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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