

WEST MANHEIM TOWNSHIP BOARD OF SUPERVISORS

WORK SESSION

Thursday, April 4, 2019 - 7:00 p.m.

Chairman Hartlaub called the Work Session to Order at 7:00 p.m., followed by the Pledge to the Flag and Invocation by Supervisor Ault.

ROLL CALL: Present were Supervisors Ault, Hartlaub, Ryneerson, Staaf, Township Engineer Chris Toms, Solicitor Walter Tilley, III, Township Manager, Marc Woerner and Township Secretary, Miriam Clapper. Supervisor Blettner was not present. A quorum was present.

ANNOUNCEMENT: Chairman Hartlaub announced that there was an executive session before the meeting to discuss personnel matters and possible litigation.

PUBLIC COMMENTS: Chairman Hartlaub asked all present if anyone wanted to address the Board and received no reply.

APPROVAL OF MINUTES: Supervisor Ault made a motion to approve the Minutes of the Regular Board of Supervisors Meeting of Tuesday, March 19, 2019, as corrected, seconded by Supervisor Ryneerson. **Motion carried.**

CORRESPONDENCE:

Chairman Hartlaub noted the Board received two correspondences, one from the SPCA and one from the ISO concerning the Pleasant Hill Fpsa.

APPROVAL OF DISBURSEMENTS:

The Disbursements from all Funds were approved, as listed, in a motion by Supervisor Ault seconded by Supervisor Staaf. **Motion carried.**

ACTION/DISCUSSION ITEMS:

ACTION ITEMS

- A. Motion to create an exception to the West Manheim Township Hiring Policy 2-2, Section II Procedures, Subsections (a) and (b), to allow the hiring of Jessie Rummel as an employee of the Public Works Department whose supervisor is his father, Jeffrey Rummel, although the hiring, (a) creates either a direct or indirect supervisor/subordinate relationship with a family member; and, (b) creates an actual conflict of interest or the appearance of a conflict of interest.

Supervisor Ault made a motion to make an exception to the West Manheim Township Hiring Policy 2-2, Section II Procedures, Subsections (a) and (b), to allow the hiring of Jessie Rummel as an employee of the Public Works Department whose supervisor is his father, Jeffrey Rummel, although the hiring, (a) creates either a direct or indirect supervisor/subordinate relationship with a family member; and, (b) creates an actual conflict of interest or the appearance of a conflict of interest.

Once the motion was made Chairman Hartlaub asked Supervisor Ault if he was making a motion to change the hiring policy, which Supervisor Ault explained that his motion was not to change it, but to make an exception to the hiring policy.

Chairman Hartlaub proceeded asked Supervisor Ault if Chairman Hartlaub's daughter wanted to work for the township would he agree to her hiring. Supervisor Ault said he would if she was the best-qualified applicant.

Supervisor Rynearson at this point, pointed out that before any discussion could take place they needed a second on the motion, at which point, Supervisor Staaf seconded the motion. Supervisor Rynearson then called for discussion on the motion.

Supervisor Rynearson, speaking on the motion, explained that he had no problem with the people involved in the matter. He felt the applicant appeared to be qualified; however, the policy is where Supervisor Rynearson brought his concerns. He pointed out that the policy states very clearly, that it would create either a direct or indirect supervisor/subordinate relationship with a family member; and that could create an actual conflict of interest or the appearance of a conflict of interest.

Supervisor Rynearson pointed out that the Township solicitor explained that it was not illegal to hire a family member. Supervisor Rynearson explained that the problem he had with the hiring of the family member is that in the State of Pennsylvania, many first and second-class code townships also have a policy of not hiring family members. He stated that the policy/resolution is there for a good reason. The idea of the appearance of a conflict of interest, even though one might not actually exist, gives the residents ideas, that when the Board wants to do something regardless of whether it is the policy or not, the Board just does it. He expressed that those types of actions make it look like the Board is not acting in the best interest of the residents.

Supervisor Rynearson again stated that the policy was there for a good reason. He explained that when you have a policy as the Township has in place, it does protect the person who is the supervisor over the person hired. He explained that if you put someone in that position that is a relative of the supervisor, whether it is innocent or not, there is always that situation where it can appear that there might be that conflict of interest or an act of favoritism. Supervisor Rynearson pointed out that it protects that relationship from happening. He also stated that other people that would be under the direct employment of that supervisor could misinterpret however innocent it may be, that there is some favoritism shown to that relative. Explaining, when you set the policy aside, the Board sets a precedent that it is easier to do the next time. He explained that the policy protects the Board of Supervisors, both as a board and individually. He reminded the Board members, there is a fiduciary responsibility that the Board has to the residents of the township to act as good stewards of the public's trust and funds to avoid situations that could lead to lawsuits. Supervisor Rynearson pointed out that the States Ethics Law can go back as far as five years. He explained that although it would be nice to help someone out, it is the policy itself. He explained that other municipalities have the same policy in place. He explained that he has wrestled with this situation and it bothers him, when there is a policy like this in place, as counsel has advised the Board that the policy is there for a purpose. He expressed that he simply cannot set the policy aside.

He then mentioned what Bill Goodling a Republican Congressman for the 19th District expressed about rules. “You know at the end of the day we are left with those pesky rules, that we created.” Those rules and policies are there for sound reason and that being they help hold ourselves accountable to the people we represent.

Supervisor Ault then expressed that he agreed with what Supervisor Rynearson said but in the five and half years he has been a supervisor the township has made exceptions for numerous things. Supervisor Ault also explained the he personally interviewed the applicant and that he reviewed all eight candidates’ resumes, and Supervisor Ault expressed that he did include board members at different time in the process. He explained that the supervisor would give direction to the applicant daily, but as far as reprimanding the applicant, the supervisor does not have the authority to reprimand. If another employee felt that favoritism was shown toward the applicant, the employee should go to the Township Manager, Marc Woerner to make him aware of the situation. The Whistle Blower Law would protect that employee. Supervisor Ault expressed that he knows numerous families and he himself works with other family members with success. He also expressed that working with family members puts more effort into what is expected of the family members.

Supervisor Ault also expressed that the previous hiring of a family member three months ago that there was nothing mentioned at that time about the hiring of a family member being against township policy. He then expressed that his motion still stood and that he saw no problem with the hiring of a qualified individual in his mid-twenties who has more qualifications then some of the other applicants in their later years. He did not see a problem with the hiring of the individual no matter who their relative is. Supervisor Ault did explain that if there would have been another qualified candidate he would have brought that candidate to the Board. Supervisor Ault explained that there were eight candidates, he narrowed it down to one, the specific individual and he saw no reason not to hire him. He again expressed that his motion is to create an exception to the policy.

Supervisor Staaf also expressed that the neighboring municipalities that had the same policy, also had family members working at those municipalities.

Supervisor Rynearson did explain that if something would happen out on a job site that it would be Jeff Rummel that would be expected to do the incident report.

Chairman Hartlaub then asked for a voice vote on the exception motion. Voting yes was Supervisor Ault and Supervisor Staaf. Voting no was Supervisor Hartlaub and Supervisor Rynearson. The Motion failed. Chairman Hartlaub announced that the policy remained in place.

Supervisor Ault asked if the motion was tabled until the next meeting and Chairman Hartlaub said no. Supervisor Ault then explained that it was a split vote and Chairman Hartlaub asked Township Solicitor Walt Tilley what happens with a split vote. The Solicitor said that the motion failed, it did not pass. There is nothing to table, but that the motion could be brought before the Board at another time.

- B. Motion to adopt RESOLUTION #2019-04 Planning Module Component 4A for David Wildasin – Wedding Barn – 291 Laurence Drive

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Supervisor Ault made a motion to adopt Resolution #2019-04 Planning Module Component 4A for David Wildasin – Wedding Barn – 291 Laurence Drive, seconded by Supervisor Rynearson. Motion carried.

DISCUSSION ITEMS

SUPERVISORS AND/OR PUBLIC COMMENTS: Chairman Hartlaub asked all present if anyone wanted to address the Board. Township Manager Marc Woerner wanted to know how to proceed with filling the road crew position. Supervisor Ault suggested advertising the position through April 12, 2019.

NEXT SCHEDULED MEETINGS: Supervisors Regular Meeting - Tuesday, April 16, 2019 at 7:00 p.m. with the Supervisors Caucus will at 6:00 p.m. Work Session Meeting – Thursday, May 2, 2019 at 7:00 p.m. with Supervisors Caucus at 6:00 p.m.

ADJOURNMENT: Chairman Hartlaub adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Miriam Clapper, Secretary

Chairman