

The stated Special Meeting of the Board of Commissioners of the Township of Abington was held on Wednesday, May 3, 2017 at the Township Administration Building, Abington, PA., with President Luker presiding.

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Present: Commissioners ZAPPONE, SPIEGELMAN, SANCHEZ, ROTHMAN, MYERS, MARKMAN, SCHREIBER, BOWMAN, DiPLACIDO, FARREN, GILLESPIE, HECKER, KALINOSKI, KLINE, LUKER

PLEDGE OF ALLEGIANCE

EMPLOYMENT AGREEMENT- RICHARD J. MANFREDI:

President Luker made a MOTION, seconded by Commissioner Spiegelman to approve the Employment Agreement between the Township of Abington and Richard J. Manfredi to serve as Township Manager beginning May 4, 2017.

President Luker asked for any comments from Commissioners.

Commissioner Myers referred to Section 5- Hours of Work, Part B that says, "Employee must devote a great deal of time outside of the normal office hours to business of employer," and she questioned whether "a great deal of time" should be more defined.

Solicitor Clarke replied that particular language was used because it is difficult to put a number on it as it will vary from time-to-time. History and practice shows in most municipalities that the manager is called upon to work a significant amount of hours outside of the 8:30 – 4:30 p.m. or 9-5 p.m. time period, so the language is used for the idea of expressing that there is an acknowledgement that "a great deal of time" is spent outside the normal eight hour working hours. It is impossible to put a specific percentage or specific number and that is why the general phrase was used.

Commissioner Myers agreed that there is an expectation, and if the Board is comfortable with it that is fine. It is a gray area and could be challenged at some point such as if a manager were to begin missing meetings because they felt they had already devoted "a great deal of time."

Referring to Section 7, Item A, permits the manager to carryover vacation time, but the employee policy states vacation time cannot be carried over and to use it or lose it. She questioned whether it should be consistent with the employee manual for salary, clerical employee handbook or is it a special case.

Solicitor Clarke replied this is what was negotiated between Mr. Manfredi, President Luker and Vice President Kline. The Chief Executive of the Township has a specific employment agreement such as this would supersede an employee handbook, and as long as it is negotiated and approved by the majority of the Board, this is what will be enforced and in affect. Specific agreements will always “trump” a general non-negotiated employee handbook.

Commissioner Myers said, but it should be understood that this differs from the employee handbook, and we can write a contract saying anything, but if we want to keep it consistent with all of the other employees of the Township, that is what should be done.

Solicitor Clarke said it is not a contract, it is an agreement. There is a difference of a legal impact by calling it a “contract” as opposed to an agreement and that is a negotiated term that can differ from employee handbook. A decision among the Board can be made that this agreement does not have to follow the employee handbook.

Vice President Kline said we discussed with Mr. Manfredi that his agreement would be slightly different than the employees and there was an effort to continue to have that because the manager is also responsible for negotiating contracts, so we thought it was better to have some separation. Also, the manager’s personal time is not permitted to be accrued whereas employees are permitted to accrue personal time.

Commissioner Schreiber clarified that the current manager accrues personal but not vacation time. Is that correct?

Vice President Kline replied yes.

Commissioner Zappone referring to the agreement with the current Township Manager that says “because of the duties of the manager often require more than 40 hours per week,” which is more specific and this new agreement says “devote a great deal of time,” so the language is different.

Vice President Kline said the language of the existing manager’s agreement says “because the duties of the manager often require more than 40 hours per week are not amenable to regular work hours to the extent compatible with the fulfillment of the duties of the manager, the manager may schedule his own work hours rather than work in a regular scheduled eight-hour block of time,” it is as detailed as the paragraph in the new manager’s agreement.

Commissioner Zappone said another reason why he voted “no” for this agreement was because we keep saying “it was negotiated,” but we did not get to see this agreement until a week after the new manager was hired, and he does not understand “how can you hire someone if you don’t know what is in the agreement.”

Solicitor Clarke clarified that the agreement was not negotiated until after the vote was taken to hire Mr. Manfredi on April 13th, so this document in front of the Board did not exist prior to April 13th when there was a vote to hire him. When the vote was taken that night, part of the motion was that the President, Vice President and Solicitor would then negotiate the agreement with Mr. Manfredi. Most of what is in the agreement was negotiated, but this document did not exist until after April 13, 2017.

Commissioner Gillespie commented that she has not had a chance to review this new version.

Commissioner Zappone questioned whether Mr. Manfredi had a copy of the job description during the interview.

Solicitor Clarke replied the job description of Township Manager is posted on Township website. He does not know whether the applicants were provided with a copy of the job description.

Commissioner Zappone said when interviewing for a job, applicants reviews the job description to see whether they have the qualifications. "This is troubling as we are a First Class Township, the second largest in the county and this gentleman does not have the credentials for that, and there is a question as to whether or not the job description was reviewed."

Commissioner Kline noted that Mr. Manfredi has seen this entire document.

Commissioner Zappone questioned whether all applicants were directed to go online and review the job description.

Commissioner Hecker clarified that the process was a bipartisan subcommittee of Commissioners who reviewed the qualifications of each applicant and then decided who to bring in for interviews and, at the end of the first interview process, there was unanimity.

Commissioner Spiegelman added that everyone who applied received a basic description of the job and all had a sense of the Township Manager position. The first task of the seven-member committee was to filter through the applications and then perform the interview process and questions were asked about their resume, qualifications, etc., and based on that, we unanimously decided on the three applicants to move forward to the full Board process.

Commissioner Myers referred to Section 11 – Professional Development – Item B – she suggested removing the amount of \$4,000 and replacing it with the term "budgeted amount," as we do not know from year-to-year what the budget will be. She does not think we should commit \$4,000 as it may be more or less, but should be part of the budget every year.

Commissioner Luker asked for any public comments.

Lora Lehmann, 1431 Bryant Lane, clarified that the “40 hours per week” was taken out and replaced with “lots and lots of time.”

Commissioner Hecker said that is incorrect. Section 5, Item A, specifically says that, “the manager will work no less than 40 hours a week.”

Ms. Lehmann asked is there an option to take comp time?

Vice President Kline replied there is no comp time provision in this agreement nor was there any comp time provision in the previous agreement.

Ms. Lehmann asked for the manager’s salary.

Vice President Kline replied \$173,000.

Commissioner Myers made a MOTION to AMEND the MOTION amending Section 11, Part B to remove the amount of \$4,000 and replace that with language of “budgeted amount,” seconded by Commissioner Kalinoski.

Commissioner Sanchez questioned whether the manager’s professional expenses are budgeted for.

Vice President Kline replied there is a line item in the budget under the Administrative Section for conference and training expenses.

Commissioner Spiegelman clarified that it is not specific to the manager. Is that correct?

Vice President Kline replied yes, it is not specific to the manager.

Commissioner Myers said each department has a budgeted amount.

Commissioner Sanchez agreed, but this provision is for the manager specifically.

Commissioner Myers said she is not saying it should be more, less or the same, but each year the budget would determine it. She is not trying to lower the amount, but she just wants it to be a little more fluid with the budget of that year.

Commissioner Rothman asked is this specific amount included in order to require the manager to attend a certain amount of training, and if there is no purpose, he would have no objection to being flexible and changing that language. At the same time, we as a Board, have the ability to provide more money if ever requested.

Commissioner Kalinoski said this is an agreement and not a contract, so it can be changed at any time. Is that correct?

Solicitor Clarke replied within the parameters of the term. This is different than the existing agreement in that now it complies with First Class Township Code. It needs to be reviewed every two years.

Vice President Kline said budgeted amount is \$3,000 for 2017 budget and there is also a line item for association, dues and seminars of \$5,150 for a total of \$8,150 in the budget for 2017. This agreement is limiting it to \$4,000 without having to come back to the Board.

Commissioner Myers clarified that the amendment is to replace the amount of \$4,000 in the agreement to a "budgeted amount."

Commissioner Farren questioned whether the two items as listed in the current agreement will remain separate in the new agreement.

Vice President Kline replied it is not broken out as the other one is.

MOTION to accept the amendment to the employment agreement – PASSED 9-5.

MOTION to approve the employment agreement as amended – PASSED 14-1. Commissioner Zappone opposed.

Commissioner Zappone said he does not feel this gentleman has the proper credentials. He was hired prior to all of the Commissioners receiving this agreement, "and to me that is not how to conduct government business and this is taxpayers' money we are talking about."

ADJOURNMENT: 7:35 p.m.

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Approved
June 8, 2017