

GOVERNMENT STUDY COMMISSION

MEETING MINUTES

December 10, 2007

7:00 p.m.

In attendance: Bill Macaleer, Jim Vike, Henry Briggs and Sandra Kelley

The meeting was called to order at 7:00 p.m.

A motion was made by Henry Briggs, seconded by Bill Macaleer and unanimously carried by a vote of 4-0, to approve the minutes of the meeting held on November 26, 2007.

The Commission reviewed comments from Vince Pompo, Esq., that had been submitted from the Commission's meeting held on November 12, 2007.

Mr. Pompo's comments are included as a part of the minutes. The Commission will request that the Charter be revised to include those individuals referred to in the November 12th minutes in the definition of "Immediate Family". The thought is to have relationships disclosed up-front before any action is taken. The recall provision in the Citizen Participation will be removed. Regarding the Filling of Vacancies, Section 201D will remain as written, but Section 201E should be revised to make it more clear. The Commission felt the language about the unexpired term should be dropped and that a standard be set-up that it be a replacement election at the next election no sooner than 120 days. We want to hold the replacement election at the next primary or general election that is to be held at least four months away. The language should reflect this change.

The Commission continued the review of the Charter and proposed the following:

Article V – Borough Manager:

Section 501 – The first sentence should be revised to state "The Council shall appoint the Manager and fix his or her compensation by a majority vote of the total members of Council, at the re-organization meeting of Council and upon a bi-annual review as defined in the Administrative Code". The last sentence should read "He or she need not be a resident of the Borough." The requirement to reside in the Borough should be eliminated.

Mr. Pompo will be asked to include language that "all officers must be re-appointed every two years at the re-organization meeting of Council.

Section 502 – The Commission questioned the language in "G" that states "In conjunction with the Mayor" and questioned to what extent is the language for the Mayor necessary. Malvern Borough has a "weak Mayor" form of government. Is this language necessary? Mr. Pompo will also be asked to what "General Laws" refers. Is this different than what is referred to in item B?

Section 503 – The Manager also serves as the Secretary. Does Section 503 allow the Manager to serve as the Secretary? Should it so state?

Section 504 – In the second sentence, change the word "City" to "Borough".

Article VI – Administration

Section 603 (A) – “Policy Chief” should be changed to “Police Chief”

Section 604 – The first sentence should conclude with the added word “officers”.

Section 605 – Item A. should be moved to Section 503 (Prohibitions); and Item B. should be moved to Section 406 (Prohibitions) or another place under the caption Mayor and Borough Manager that the attorney sees fit. The thought was to have everything that refers to the Mayor or Manager be found under that Article.

Section 605, Item A. – Would anything in this paragraph preclude a performance review of the Manager for bi-annual reappointment? If so, the language should be cleaned-up so that a performance review can be performed.

The Commission will next meet on January 14, 2008. At that meeting, it will be necessary to review the final comments in the Draft Charter. Mr. Pompo will be asked to provide an updated red-lined copy of the Draft Charter so that Commission members will have an opportunity to read and review prior to the January 14th meeting and be prepared to provide additional comments, if necessary. Mr. Vike pointed out that the Charter must be on the April 2008 ballot and two public hearings are required. At the next meeting, the Commission would have to approve a hearing draft so that a public hearing could be scheduled for the end of January. The Commission would then have one month to incorporate changes and suggestions from the public hearing.

Mr. Pompo will also be asked if things can be advertised on the website and notify the residents that it is available on the website for review. Does Mr. Pomp know of anything in the works that will change the “newspaper of general circulation” provisions for public notification?

The Commission agreed that the Shade Tree Commission should be an Advisory Board to Council, as is the Planning Commission.

Sandra Kelley will review the Paoli Battlefield Preservation Fund legal documents to determine their accountability and length of time to manage the battlefield.

All business having been discussed, a motion was made by Sandra Kelley, seconded by Henry Briggs and unanimously carried by a vote of 4-0, to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Sandra L. Kelley