

GOVERNMENT STUDY COMMISSION

MEETING MINUTES

March 27, 2007

7:00 p.m.

In Attendance: Woody VanSciver, Jim Vike, Henry Briggs and Sandra Kelley
Audience: Liz Ball, Rep. Milne's District Office; John Buckley, 165 Church Street

A summary of a discussion with Ernie McNeely, Manager, West Chester Borough, was distributed to the Commission.

The Commission discussed the following items to be considered for Home Rule:

- Ward System – the Commission determined that this may not be a good system for the Borough because of our small population, candidates may not be available from a specific ward and we may not be able to get the best candidates if we are limited. It was agreed that our current at-large system works well for the Borough.
- Minority Party Representation – the Commission discussed the idea of minority party representation on Council. Language could be included in a Charter that would require minority party representation for at least one member of Council. It was pointed out that our current government works so well because our members of Council don't fight along party lines. The allegiance to the parties is left at the door. There are some municipalities that stipulate that at least one of the elected officials must be from a minority party. In an election, if there are seven names on the ballot and only three vacancies, and one of those vacancies is from the minority party, the top two candidates who receive the most votes from the majority party would be elected, and the one candidate who receives the most votes from the minority party who be elected. The Commission agreed that minority party representation should be considered further for the Borough.
- Term Limits for Members of Borough Council and the Mayor – the Commission discussed the options of two, four-year term limits for members of Council and the Mayor, term limits for officers of Council; i.e., President and Vice-President, and the option of two four-year term limits, then off for two years, then on again for two additional four-year terms. If term limits for officers was considered, Council members could continue to serve on Council but the officers would change. If term limits of Council were to be considered, concern was expressed over the loss of "institutional memory". Because of the staggering of the terms, you would always have someone who has been on Council for eight years. Regarding the term limit for the Mayor, the Commission felt a three-year term limit should be considered. The position of Mayor is much like the police officers, it is held to a higher standard. This item will warrant further discussion.
- Recall Provision – Chalfont Borough had a Recall Provision in their Charter that could work for the Borough, following some tailoring of the percentages. Jim Vike will research the following: a) the background of recall; b) the impact of recall; c) how

difficult it is to enforce; d) the question of the provision being included but not used. The question remains if it would be more advantageous to sit down with the Council member who is not attending the meetings or voting on the issues, and show them the provision in the Charter that permits further action. Perhaps they would resign at that time. If the member does not resign, Council has a mechanism for dealing with it.

- Contract Limits for Bidding Requirements – the Commission agreed that these limits should be increased. There was also a question of whether we could opt-out of prevailing wage. This question will be asked of the DCED representatives.

- Row Officers – the Commission considered abolishing the office of Elected Tax Collector and either contracting with an agency (i.e., our current earned income tax collector) or collecting the taxes in-house. This will be discussed further.

- Tax Structure – this item prompted an interesting discussion regarding raising the tax ceiling on earned income tax to two percent; however, the Commission stated that they didn't want to make the Charter provisional on the tax structure. One Commission member suggested that our tax structure include access to any taxes that the state has and that we would consider that to be our tool box. The Commission must be diligent in considering the tax structure and must consider what might be happening in thirty years. The unknowns are the Malvern Preparatory School and the Malvern Retreat properties. These are large parcels and we don't know what might happen with these parcels. If either Malvern Prep or the Retreat sold their properties, there is the potential for more services to be provided by the Borough and the question would be how the Borough would pay for those services. Future Councils should have the ability to choose from various sources of revenue and we must trust those Council's to make good decisions. The Commission discussed ceilings on the tax structure and a referendum by the voters to increase taxes beyond a certain percentage; i.e., the Commission could set a three percent (3%) ceiling on earned income tax; however, Council could only raise it to two percent (2%). If they wanted the additional one percent (1%), it would have to be by referendum on the ballot. It was decided that a mathematical model should be prepared to see the various scenarios of tax increases. Woody VanSciver volunteered to prepare a spreadsheet. The Commission discussed the idea of including something; i.e., referendum, that would allow an increase if the ceiling was no longer appropriate and that sufficient room be given to operate but that another wall be established that we can't go beyond. The item will require further discussion.

- Boards and Commissions – It was felt that all boards and commissions should fall under the aegis of the Borough Council, with the exception of the Civil Service Commission and the Zoning Hearing Board.

Representatives from the Department of Community and Economic Development will attend the April 10th meeting of the Commission to answer any questions about Home Rule that we may have. Items that will be presented include:

- a) Can a provision be included in a Home Rule Charter that would state no money could be spent on campaigning for the position of Borough Council member
- b) Recall provision
- c) Tax ceilings – can we include state monies in our tool box
- d) Prevailing wage
- e) Minority Party Representation
- f) Terms limits for Borough Council and/or Mayor

We will inquire whether these items should be included in a Home Rule Charter or as part of an Administrative Code.

PUBLIC COMMENT:

John Buckley, 165 Church Street, stated that every time there is something for public bid, the same people get the job. It was explained that the Borough is required, by law, to choose the lowest responsible bidder. There is no choice.

Mr. Buckley also stated that he felt the Tax Collector should work out of the Borough Hall. It was explained that the Tax Collector is elected and is not an employee of the Borough. Therefore, she is permitted to conduct her duties as she chooses. Mr. Buckley stated that he would prefer to have the tax collector work at the Borough Hall.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Sandra Kelley