

GOVERNMENT STUDY COMMISSION

MEETING MINUTES

April 10, 2007

7:00 p.m.

In Attendance: Woody VanSciver, Jim Vike, Henry Briggs, Bill Macaleer, Jerry McGlone, Sandra Kelley
Audience: Marita Kelley, Pa. Dept. of Community and Economic Development, Harrisburg, PA

Marita Kelley distributed a handout entitled "Home Rule in Pennsylvania" and explained the Home Rule Work Schedule process.

Even if the Borough is not considering changing their current form of government, the Commission should still probe deeply into procedures to identify strengths, weaknesses and/or defects.

Ms. Kelley explained that under a Home Rule Charter, we would still be required to abide by Act 511, Act 1 and Act 80 taxes. We would not be permitted to make changes to this taxing structure.

The following questions were asked of Ms. Kelley:

- 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 – Jim Vike felt this would come under free speech. What a candidate chooses to spend on a campaign would be his choice.
- b) Can a Recall provision be included in the Charter? Although Ms. Kelley felt very strongly that case law would not support a Recall provision, Sandra was asked to verify this information with the Borough Solicitor.
- c) Can we include state taxes in the Borough's tool box of taxes? Ms. Kelley will look into the answer to this question and contact Sandra.
- d) The Commission asked if, under a Home Rule Charter, prevailing wage could be eliminated. Ms. Kelley explained that prevailing wage is addressed under a Federal Statute and if any grant or pooled funds are used to pay for improvements, prevailing rates would apply.
- e) The Commission questioned whether a Charter could include a provision for Minority Party representation on Council. Ms. Kelley replied that this provision would not be valid in a Charter, but it could be included in an Administrative Code.
- f) The Commission questioned if term limits for members of Borough Council and the Mayor would be included in a Charter or an Administrative Code. Ms. Kelley responded that the term limits must be included in the Charter.

g) The Commission asked the difference between an Administrative Code and a Code of Ordinances. Ms. Kelley replied that an Administrative Code states policies and procedures and a Code of Ordinances is legislative.

h) There was a question as to whether or not we would be permitted to increase contract bid requirements. Ms. Kelley responded that we could not exceed state law but that we could reduce the contract bid requirements.

Once a Home Rule Charter has been adopted, the municipality cannot waiver outside of the parameters identified in the Charter. Any substantive changes would have to be by Referendum of the voters.

Following discussion of the number of GSC's who have recommended a Home Rule Charter, and the number of municipalities who defeated the recommendation, it was asked if information was available as to what the voters did not like in the proposed Charters. Ms. Kelley will ask if there are any studies available that address this question and will provide Sandra with an answer.

The Borough Code identifies millage rates for special purpose assessments; however, all monies collected for special purposes must be kept in a separate fund (i.e., a special assessment to purchase fire equipment would have to be kept in a fund identified as a "Fire Fund" and have it's own checks, etc.). When collected through real estate taxes, the monies would have to be broken out and placed into separate funds. Special purpose assessment rates can be increased under a Home Rule Charter.

The Commission recommended that Sean O'Neill, Borough Solicitor, be contacted regarding the Home Rule Charter. It was suggested that DCED be contacted to ask for a list of solicitors who have worked with neighboring municipalities to draft a Home Rule Charter. It was also suggested that we not limit our search to just our area but to look across the state.

Marita Kelley will provide answers to the following:

- A website address where we can view state laws.
- A study of Charters that failed and why they failed
- Clarification on local initiatives
- Parameters for taxation
- Can Civil Service be eliminated

The next meeting will be moved from April 24th to April 25, 2007, at 7:00 p.m.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Dolores Magee

