

## GOVERNMENT STUDY COMMISSION

### MEETING MINUTES

August 13, 2007

7:00 p.m.

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

A motion was made by Woody VanSciver, seconded by Bill Macaleer and unanimously carried to approve the minutes of the meeting held on July 23, 2007.

An e-mail from Vince Pompo, answering questions asked at the last meeting, was distributed.

1. Can the Charter provide for minority party representation?

Yes. Sandra Kelley contacted the County and asked for language in their Code that requires minority party representation.

Following discussion, the Commission took a straw vote for including minority party representation in the Charter. The vote was as follows:

Yes – 1

No – 3

Abstention - 1

2. Can the Charter have term limits?

Yes. The Commission agreed to the following term limits for the Mayor and Council Member:

Mayor – two 4-year terms, off two years, then on again. No life limits

Council Members – two 4-year terms, off two years, then on again. No life limits

3. Can the Charter abolish the Civil Service Commission? If not, can the Charter modify the statutory procedure set forth in the Borough Code?

Yes and no. We can adopt hiring procedures for *new* Police Officers but we cannot affect the substantive or procedural rights of present employees. Certain hiring requirements, such as the Veterans Preference apply to all political subdivisions in the Commonwealth and a Home Rule municipality may not adopt a provision inconsistent with such provisions. Sandra Kelley will obtain some information from other township's hiring policies for the Commission to review.

This item will be discussed when the Chief of Police and the Mayor are present. We must establish procedures for appeal.

We want to find out if it is possible to maintain the Civil Service mechanism of appeal. Can we have a recruitment policy for Civil Service Commission members?

4. Can the Charter increase the Borough Code statutory caps for bidding?

Yes, but we must provide for competitive bidding.

The Commission agreed to the following:

Up to \$10,000 – discretionary

\$10,000-\$25,000 – telephone/fax bids  
Over \$25,000 – prevailing wage (contract bid)

Our Charter does not have to specify caps. The caps can be included in an Ordinance.

5. Can the Charter do away with or alter the statutory caps for prevailing wages?  
No. The Prevailing Wage Act apply to every contract for any public work to which any public body is a party.
6. Can the Charter do away with the position of elected tax collector?  
Yes. West Chester did away with this row office as they felt it was archaic.
7. Must a school district separately collect earned income taxes from the local municipality?  
It was felt this question was not answered as asked, so the question will be resubmitted to the attorney for a response.  
The questions that will be asked are as follows:
  - a) Can we require the School Board to collect it's own ½% earned income tax?
  - b) If we have to be part of the collector, can we itemize which dollars go where? (i.e. ½% to the School District and ½% to the Borough of Malvern).

Sandra Kelley suggested that we begin writing our Home Rule Charter very soon. There is a lot of boiler plate language that can be included, along with decisions already made. Vince Pompo stated that Tredyffrin Township has a very good charter because of its simplicity.

It was suggested that Sandra Kelley, the Chief and our lawyer go through the Borough Code and note what is good and what is bad and be prepared to discuss at the September 10<sup>th</sup> meeting.

Vince Pompo will be invited to the August 27<sup>th</sup> meeting. We will ask Vince the following:  
If a question arises that is not included in the Charter, would it revert back to the Borough Code?

The Commission members will be encouraged to attend the next two meetings as they will be very important. The Tax Structure will be discussed at the August 27<sup>th</sup> meeting and the Borough Code and a decision on whether to proceed with writing a new Charter will be discussed at the September 10<sup>th</sup> meeting. The pros and cons will be laid out regarding the Borough Code.

Vince Pompo will be invited to attend the August 27<sup>th</sup> meeting. He should be prepared to answer the following questions:

- 1) Can we require the School Board to collect it's own ½% earned income tax?
- 2) If we have to be part of the collector, can we itemize which dollars go where? (i.e. ½% to the School District and ½% to the Borough of Malvern).

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- 3) If a question arises that is not included in the Charter, would the answer to the question revert back to what is included in the Borough Code?
- 4) Can we have a recruitment policy for Civil Service Commission members? Can we require them to attend training classes?
- 5) Is there a down side to abolishing Civil Service vs. a litigator for appeals?

A motion was made by Jim Vike, seconded by Woody VanSciver and unanimously carried to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Dolores Magee