

# GOVERNMENT STUDY COMMISSION

## MEETING MINUTES

September 24, 2007

7:00 p.m.

In attendance: Chick Devine, Woody VanSciver, Bill Macaleer, Jim Vike, Sandra Kelley

The meeting was called to order at 7:10 p.m.

A motion was made by Chick Devine, seconded by Bill Macaleer and carried to approve the minutes of August 27, as submitted. Woody VanSciver abstained as he was not present at the meeting. A motion was made by Chick Devine to approve the minutes of September 10, 2007. Jim Vike stated that Paragraph 7, Page 1, should state that Vince Pompo, Esq., had offered an opinion in a prior e-mail on the ½% and felt that the school district cannot take it without a referendum of the voters. The motion was seconded by Bill Macaleer and the motion carried, as amended, with Woody VanSciver abstaining as he was not present at this meeting.

The Commission discussed the following committees that come under the purview of Borough Council:

Zoning Hearing Board – under the Municipal Planning Code, this Board must be independent of council. The members are appointed by Council.

Shade Tree Commission – everyone was in favor of changing this to a Shade Tree Committee.

Planning Commission – is a recommending body to Council

Park & Recreation Committee – is a Committee of Council

Historical Commission – is a recommending body to Council

Vacancy Board – has one appointed person plus all members of Council.

Following discussion, the Commission agreed that a Home Rule Charter should allow for Council to create and/or abolish advisory committees as deemed appropriate by Council.

Regarding the election of Council Members, everyone agreed to two four-year terms, then off for two years, then back on again, if elected, with no life limit. The question arose as to whether a Council member who was off for the two-year period could then fill a vacancy. The Commission agreed that if a Council Member was to be off for two years, he/she could not return to Council again before the completion of the two-year period.

The Commission then discussed whether or not standards should be established for Borough Council Members. The Commission felt that standards should be included but that we would have to review acceptable standards language. The Commission did agree that missing three successive meetings with unexcused absences should be included in a standard, as should an Ethics provision, Forfeiture standards, a Council Member not acting in his capacity, etc. The Commission also discussed if a Council Member does not meet these standards, should the matter be referred to Borough Council who will act on it based on their policy. The Commission discussed a residency requirement to be on the ballot for election to Council. The standard is currently one year, but one member of the Commission questioned whether it was legal to exceed the 30-day residency requirement. The Borough Council policy could be included in an Administrative Code vs a Home Rule Charter. These items must be discussed with the attorney.

We will ask Vince Pompo, Esq., to review West Chester's Forfeiture Policy against current Case Law to determine if it will hold up in a court of law.

Restrictions should also be included so that if you have certain status you can't run and should be removed if you meet those standards. If you can't vote, you should be removed.

The Commission discussed whether the Mayor should continue to have veto power for Ordinances under a Home Rule Charter. They agreed that he should.

Vince Pompo is working on the first draft of the charter for the next meeting. At that time, the Commission should determine how long it will take to review and discuss, then set a date for the first public hearing.

The question of whether to have taxes collected in-house vs. through a tax collecting agency was again discussed. It was felt that a Charter should give Council flexibility to re-look at this down the road. It may prove to be more cost effective to have collection out-sourced. It was suggested that we seek input from Betty Burke regarding the time spent on tax collection.

Our next steps should include:

- 1) any remaining questions that we asked the attorneys should be answered and wrapped-up.
- 2) review the draft charter

When discussing the tax rates, it was felt that Vince reported at a prior meeting that a recent Commonwealth Case ruled that tax rate caps could not be set. It was a case involving a County setting caps on a municipality. The Case was Mewswycz vs. Commonwealth We will ask Vince to check this Case Law regarding caps for tax rates.

Sandra Kelley will ask for copies of the police hiring policies and grievance procedures in Tredyffrin, Willistown and East Whiteland.

All business having been discussed, a motion was made by Bill Macaleer, seconded by Chick Devine and unanimously carried to adjourn the meeting at 8:14 p.m.

Respectfully Submitted,

Dolores Magee